



675 North Washington Street
Suite 275
Alexandria, VA 22314
703.684.5574
www.ilma.org
ilma@ilma.org

December 24, 2025

Submitted via www.regulations.gov

Ms. Jennifer Barre
Regulation Implementation
Division of the Office of Emergency Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

Re: Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements to Conform to the 2024 OSHA Hazard Communication Standard [EPA-HQ-OLEM-2025-0299]

Dear Ms. Barre:

The Independent Lubricant Manufacturers Association (“ILMA” or “Association”) submits these adverse comments on the above-referenced direct final rule. ILMA respectfully requests that the Environmental Protection Agency (“EPA” or “Agency”) withdraw its direct final rule (the “Conforming Rule”) and instead proceed with a notice-and-comment rulemaking to align the Conforming Rule with the compliance schedule under the Occupational Safety and Health Administration’s (“OSHA”) Hazard Communication Standard (“HCS”).

ILMA represents hundreds of lubricant manufacturers, suppliers, and distributors across North America. Collectively, ILMA Manufacturing Members produce and sell more than 25% of automotive lubricants, 40% of industrial lubricants, and 75% of metalworking fluids used in North America. According to OSHA’s analysis, ILMA members generate approximately 40 percent of the Safety Data Sheets (“SDS”) subject to the HCS.

The Association has two concerns with the Conforming Rule. First, it does not appropriately align compliance timelines under the Emergency Planning and Community Right-to-Know Act (“EPCRA”) with OSHA’s HCS, as amended in 2024, creating unavoidable compliance risks for lubricant manufacturers, particularly for mixtures. Second, and more broadly, the Conforming Rule has substantive regulatory implications that warrant full notice-and-comment, rather than adoption through a direct final rule. Please find below our detailed adverse comments.

President: **James Carroll**, Schaeffer Manufacturing Co.
Immediate Past President: **Richard Camper**, Pacific Precision
Treasurer: **Michael Skuratovich**, Eastern Oil Company
General Counsel: **Jeffrey L. Leiter**

Vice President: **David Richards**, RichardsApex, Inc.
Secretary: **Dean Fronney**, Master Fluid Solutions
Chief Executive Officer: **Holly Alfano**
Regulatory Counsel: **Jorge Roman**

I. The Conforming Rule Must be Subject to Notice-and-Comment Procedures Given Its Regulatory Implications.

As a procedural matter, ILMA urges EPA to proceed through a notice-and-comment rulemaking, rather than relying on a direct final rule. Although the Association supports EPA's overarching goal of regulatory harmonization, the Conforming Rule carries substantive legal implications for a wide range of stakeholders, including lubricant manufacturers responsible for hazard classification, SDS preparation, and EPCRA reporting.

Notice-and-comment rulemaking would allow stakeholders, including ILMA, to comprehensively evaluate the rule and provide critical input on compliance deadlines, transition periods, and other implementation challenges. This process could help ensure alignment across regulatory regimes, support further inter-agency coordination, reduce confusion, and mitigate compliance risks (as those described in Section II below). A more deliberate rulemaking process would better advance EPA's right-to-know policy by protecting the accuracy, completeness, and integrity of reported information.

The Administrative Procedure Act always bends towards fostering public participation, particularly for agency actions with substantive regulatory effects. Agencies are permitted to forgo notice-and-comment procedures solely when such actions would neither conflict with the public interest nor prove impracticable. That narrow exemption is not applicable here. To the contrary, providing stakeholders an opportunity to comment is both practicable and in the public interest, particularly where compliance timelines and data dependencies are central to the effectiveness of the Conforming Rule.

For these reasons, ILMA respectfully requests that EPA withdraw the direct final rule and initiate a notice-and-comment rulemaking to allow for meaningful stakeholder engagement and a more workable, coordinated regulatory outcome.

II. The Conforming Rule Does Not Align with OSHA's Hazard Communication Standard Compliance Schedule.

ILMA supports EPA's objective to conform hazard communication programs under EPCRA and OSHA. However, ILMA would like more time to provide public input on aspects of concern. For instance, the Association observes that the Conforming Rule is not fully aligned with OSHA's standard—particularly with respect to compliance deadlines. At a minimum, EPA's rule should mirror OSHA's tiered compliance schedule for substances and mixtures to reduce confusion and boost compliance.

As EPA itself recognizes, EPCRA obligations are intertwined with OSHA's HCS requirements. These programs are complementary: compliance with OSHA's HCS directly informs and enables compliance with EPCRA. OSHA's 2024 HCS amendments introduced significant changes to hazard classifications and imposed new due-diligence requirements for

Ms. Jennifer Barre
December 24, 2025
Page 3

SDS, including the evaluation of “reasonably anticipated” downstream hazards. These changes may reveal new hazard information for existing chemicals, thereby altering reporting obligations under EPCRA Sections 311 and 312. Given this interdependence, EPCRA transition timelines should align with OSHA’s 2024 HCS compliance schedule.

In addition, EPA should recognize that even existing HCS timelines present challenges in various circumstances for which EPCRA timelines should be carefully tailored. For example, the compressed deadlines for mixtures create substantial compliance difficulties for hazard classification and SDS development in the lubricants industry. Lubricant manufacturers frequently receive additive packages or blends (mixtures) from upstream suppliers and then use them to formulate finished lubricant products (which are themselves mixtures). As a result, lubricant manufacturers depend heavily on upstream hazard information to properly classify products and prepare compliant SDS.

Because OSHA’s 2024 HCS compliance deadlines for mixtures apply simultaneously to both upstream suppliers and downstream manufacturers, lubricant formulators may receive critical hazard information at—or very near—the same time they are legally required to incorporate that information into their own classifications, SDS, and downstream reporting. Even though ILMA’s Manufacturing Members are proactively engaging with suppliers to obtain necessary data, these structural timing constraints create unavoidable compliance risks that are unrelated to good-faith efforts and due diligence.

ILMA has urged OSHA to exercise enforcement discretion to account for the realities of information flow and upstream data dependencies within the lubricants supply chain. EPA should do the same. A coordinated approach between EPA and OSHA is necessary to avoid compliance challenges that stem from regulatory design rather than from any failure by regulated entities.

ILMA appreciates this opportunity to comment on the Conforming Rule. If you have any questions about our comments, please contact the Association’s Regulatory Counsel, Jorge Roman (jroman@bmalaw.net).

Sincerely,

Holly Alfano
CEO