

June 23, 2025

Submitted Electronically: <https://www.regulations.gov>

Environmental Protection Agency

Existing Chemicals Risk Mgmt. Div., Office of Pollution Prevention & Toxics

RE: Methylene Chloride; Regulation Under the Toxic Substances Control Act (TSCA); Compliance Date Extensions (Docket Identification No. EPA-HQ-OPPT-2020-0465; RIN 2070-AL28)

To Whom It May Concern:

We write to offer comments in response to the Environmental Protection Agency's (EPA) proposed rule entitled "Methylene Chloride; Regulation Under the Toxic Substances Control Act (TSCA); Compliance Date Extensions" published in the Federal Register on May 27, 2025 ("Date Extension Notice"). [\[90 F.R. 22214\]](#).

COGR is the national authority on federal policies and regulations affecting U.S. research institutions. We provide a unified voice for over 230 research universities and affiliated academic medical centers and research institutes. Our work strengthens the research partnership between the federal government and research institutions and furthers the frontiers of science, technology, and knowledge. We advocate for effective and efficient research policies and regulations that maximize and safeguard research investments and minimize administrative and cost burdens.

Although we support the compliance date extensions set forth in the Date Extension Notice, we question the current legal basis for proceeding with the implementation of the underlying 2024 methylene chloride regulations,¹ ("MC Regulations") and, in particular, the necessity for implementing the MC Regulations in academic research laboratory settings (ARLS) given the non-industrial scale of use and the presence of other standards to ensure workplace safety. Below, we discuss each of these points.

- **Compliance Date Extensions:** The MC Regulations place significant additional compliance burden on academic institutions that use methylene chloride (a common laboratory solvent) in ARLS. Accordingly, COGR supports the proposed 18-month Compliance Date Extensions because it will provide institutions with additional time to meet the MC Regulations' new requirements.
- **Legal Basis for the Proposed Rule:** As EPA noted in its October 2022 *Unreasonable Risk Determination for Methylene Chloride*,² the agency reviewed the risk evaluation for methylene chloride pursuant to [Executive Order 13990 – Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis](#).³ In January 2025, the current presidential administration revoked Executive

¹ 89 F.R. 39254 (May 8, 2024).

² EPA, Final Revised Unreasonable Risk Determination for Methylene Chloride, November 2022 at p. 3, https://www.epa.gov/system/files/documents/2022-11/MC_Final%20Revised%20RD_10.26.22-final%20%281%29.pdf.

³ 86 F.R. 7037 (Jan. 21, 2021).

Order 13990⁴ undercutting legal support for this re-review and the resulting unreasonable risk determination for methylene chloride.

- **MC Regulations Duplicate and Conflict with Existing Occupational Health and Safety Administration (OSHA) Regulations:** Methylene chloride is currently regulated under the Occupational Safety and Health Administration (OSHA) regulations at 29 C.F.R. §1919.112 (“OSHA Standards”). Thus, the MC Regulations unnecessarily duplicate the OSHA Standards. Of even more concern, however, is the fact that the MC Regulations create new Existing Chemical Exposure Limits that **conflict** with Permissible Exposure Limits under the OSHA standards.

Executive Order 14219 – [*Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative*](#),⁵ requires agency heads to review existing regulations and identify those that are based on “anything other than the best reading of the underlying statutory authority or prohibition” and make necessary regulatory modifications and/or rescissions. Through the Occupational Health and Safety Act of 1970,⁶ Congress endowed OSHA with primary responsibility for establishing work-related health and safety standards. Accordingly, we believe that per Executive Order 14219, EPA should rescind the MC Regulations and defer to the OSHA Standards as establishing the sole criteria for safe workplace use of methylene chloride in all cases, and especially, in ARLS.

No Increased Benefit to Implementing the Proposed Rule in ARL Setting: Methylene chloride is not used on an industrial scale in ARLS.⁷ Further, ARLS are equipped with sophisticated fume hoods and other ventilation systems that are regularly inspected and maintained. Additionally, academic research institutions train employees and students in chemical safety and the proper use of personal protective equipment (PPE), as well as enforcing PPE standards. In short, the scale of use and protections currently in place in ARLS sufficiently reduce possible exposure to methylene chloride in a manner that mitigates associated risks “such that they are no longer unreasonable,”⁸ and make the application of the MC Regulations excessive.

Along these same lines, Executive Order 14219⁹ also directs federal agencies to review and consider rescinding/modifying regulations “that impose significant costs upon private parties that are not outweighed by public benefits” and regulations “that harm the national interest by significantly and unjustifiably impeding technological innovation, . . . [and] research and development . . .” In accordance with this Order’s directive, we urge EPA, at a minimum, to exempt

⁴ See, [*Executive Order 14148 – Initial Rescissions of Harmful Executive Orders and Actions*](#) (Jan. 20, 2025) [90 F.R. 8237] and [*Executive Order 14154 – Unleashing American Energy*](#) (Jan. 20, 2025) [90 F.R. 8353].

⁵ 90 F.R. 10583 (Feb. 19, 2025).

⁶ Pub. L. No. 91-596, 29 U.S.C. §§ 651-678.

⁷ Nor is methylene chloride used on an industrial scale in in other academic campus settings where it is sometimes employed (e.g., museum conservation, machine shops).

⁸ 90 F.R. at p. 22215.

⁹ 90 F.R. 10583 (Feb. 19, 2025).

research laboratories in academic settings from the scope of the Proposed Rule, or alternatively (as previously suggested), to rescind the MC Regulations as being redundant of the OSHA Standards.

Thank you for the opportunity to comment on the Proposed Rule. Should you have any questions regarding these comments, please contact me or Kristin West, COGR's Director of Research Ethics & Compliance at kwest@cogr.edu.

Sincerely,

A handwritten signature in blue ink that reads "M.M. Owens". The signature is fluid and cursive, with the first name "M.M." and the last name "Owens" clearly distinguishable.

Matt Owens
President