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Nancy B. Beck
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
Environmental Protection Agency

Recommendations from AIHA on EPA's Proposed Risk Management Rule on Perchloroethylene Under the Toxic Substances Control Act (TSCA)

Agency/Docket Numbers: EPA-HQ-OPPT-2020-0720; FRL-8329-03- OCSPP

Dear Principal Deputy Assistant Administrator Beck:

AIHA, the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety, appreciates the opportunity to provide feedback on EPA's draft risk management rule for perchloroethylene. We hope you find our feedback useful and are happy to answer any questions you may have.

AIHA urges EPA to Prioritize Effective Chemical Risk Management and Workplace Exposure Controls:

EPA requests input on "conditions of use the Agency could contemplate subjecting to a WCPP *as opposed to imposing a prohibition*. Information such as workplace controls currently in place or other information demonstrating how regulated parties could mitigate the unreasonable risk of PCE for the condition of use would be most helpful to the Agency" (EPA 2025: p. 35859). EPA's TSCA perchloroethylene risk management rule bans consumer and many commercial uses of the chemical, while permitting some workplace uses under strict prescriptive controls. While this approach might be suitable for entities that currently do not have occupational safety and health programs, chemical risk management plans, or workplace exposure controls to limit exposure; it ignores those entities that do have such exposure controls in place, particularly those that are required to comply with and do comply with OSHA and those that follow industrial hygiene best practices recommended by NIOSH, ANSI, ASHRAE, AIHA, etc.

The EPA TSCA perchloroethylene Risk Management rule also "allows certain continued uses of PCE provided that sufficient worker protections are in place to address the unreasonable risk for certain occupational conditions of use" (EPA 2024: p. 103563). EPA acknowledges that perchloroethylene can be safely used so that there is not an unreasonable risk to workers. In contemplating the management of risks to chemical exposures, AIHA encourages EPA to consider current industrial hygiene standard and best practices that are currently being used in workplaces. The AIHA Guideline Foundation has developed Principles of Good Practice (AIHA Website) that are practical, proven, and provide robust and reliable means to effectively protect workers and communities from unacceptable risks. Industrial

hygiene controls (as opposed to chemical bans) and performance based regulatory actions allow flexibility, tailored implementation, and continuous improvement, while still protecting worker and community health. With this approach, companies can innovate in ventilation, closed-loop systems, monitoring, training, PPE use, etc., to ensure risk is minimized without halting operations, imposing undue costs, disrupting critical sectors or compromising operational safety and efficiency.

EPA is also encouraged to strengthen the WCPP framework by aligning with relevant regulations, guidelines and standards from entities such as OSHA, NIOSH, ACGIH, and ANSI to provide clarity, consistency, and flexibility. AIHA is eager to partner with EPA, regarding the prescribed risk management actions in this and other TSCA risk evaluation and management rules, so that these actions are consistent with current industrial hygiene practices and existing regulations, guidance and standards to create clear, consistent and easy to implement actions to protect worker and community health. Finally, AIHA urges EPA to perform detailed risk assessments on workplace hazards potentially created during substitution/elimination of perchloroethylene.

Existing Chemical Exposure Limits (ECELs) for Perchloroethylene and Other High Priority Chemicals

EPA further specifically requests comment on the ECEL of 0.14 parts per million (ppm) as an 8-hour time weighted average (8-hr TWA) *“including whether the use of a different exposure limit would be more appropriate to inform risk management”* (EPA 2025: p. 35859). In their request for comments, EPA also discussed two additional 8-hr TWA exposure limits of 0.5 ppm and 0.47 ppm (EPA 2025). As a point of comparison, the current ACGIH Threshold Limit Value (TLV) for perchloroethylene is 25 ppm.

AIHA has been engaged in the development and maintenance of high-quality occupational exposure limits (OELs) for worker health protection for over 45 years, and can serve as a partner to EPA to share critical knowledge, experience and expertise regarding the setting of health protective OELs. The AIHA OEL Committee was formed to establish and publish health-based OELs, and has the overall mission of protecting workers and communities from occupational and environmental hazards through the application of scientific knowledge. The AIHA OEL Committee is an independent organization that is composed of health science experts that are experienced in setting OELs, using a rigorous science-based approach. Committee members cover a span of public health sciences including occupational hygiene, toxicology, epidemiology, medicine, and risk assessment science. The committee uses the same rigorous scientific approaches used by other health-based exposure limit groups. The committee methodologies, technical approaches, and administrative procedures are available for review, and the latest occupational risk assessment methods are applied to ensure the use of the best available science in committee deliberations. The committee also provides an opportunity for engagement with interested stakeholders and is committed to transparency and open access to the science behind its work products. Thus, AIHA is well positioned to engage with and assist EPA regarding best practices in OEL setting for perchloroethylene and other high priority chemicals.

Conclusion

If you have any questions about AIHA's comments on this proposed rulemaking or other matters, please contact me at mtwilley@aiha.org or (703) 846-0745. Thank you for your time and consideration.

Sincerely,

AIHA



Michele Twilley, DrPH, CIH
AIHA, Chief Science Officer

About AIHA

AIHA is the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety in the workplace and community. Founded in 1939, we support our members with our expertise, networks, comprehensive education programs, and other products and services that help them maintain the highest professional and competency standards. More than half of AIHA's nearly 8,500 members are Certified Industrial Hygienists, and many hold other professional designations. AIHA serves as a resource for those employed across the public and private sectors as well as to the communities in which they work. For more information, please visit www.aiha.org.

References

AIHA Principles of Good Practice Website. <https://www.aiha.org/get-involved/volunteer-groups/advisory-groups-and-other-project-teams/advancing-the-science-and-practice/principles-of-good-practice>

EPA 2024. Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA). 40 CFR Part 751. Vol. 89, No. 243. Wednesday, December 18, 2024. EPA-HQ-OPPT-2020-0720; FRL-8329-01-OCSP. Environmental Protection Agency (EPA); Washington, DC.

EPA 2025. Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA); Request for Comment. CFR Vol. 90, No. 144. Wednesday, July 30, 2025. EPA-HQ-OPPT-2020-0720; FRL-8329-03-OCSP. Environmental Protection Agency (EPA); Washington, DC.