



Lynn Kornfeld

Partner
303.295.8415
Denver
lmkornfeld@hollandhart.com

EPA Proposes Widespread Ban on Methylene Chloride Under TSCA: Will Your Operations Be Impacted?

Insight — May 12, 2023

EPA has issued a proposed rule under the Toxic Substances Control Act (TSCA) to ban most uses of methylene chloride, also known as dichloromethane or DCM. Methylene chloride is a chemical with a wide range of industrial and commercial applications. It is a solvent used across a variety of industries. It is also used to make other chemicals including certain refrigerants. Impacted industries include:

- Oil and gas drilling, extraction, and support activities
- Building and construction materials
- Adhesives, sealants, and caulks
- Paints, coatings, and coating removers
- Printed circuit boards
- Lubricants and greases
- Plastics and rubber
- Textiles

Pursuant to its authority under TSCA Section 6(a), EPA determined that methylene chloride presents an unreasonable risk of injury to health or the environment. In response, on May 3, 2023, EPA issued a proposed rule to: (1) prohibit the manufacture, processing, and distribution of methylene chloride for consumer use; and (2) prohibit most industrial uses of methylene chloride. EPA's proposed rule would allow the continued use of methylene chloride by the Federal Aviation Administration, the National Aeronautics and Space Administration, and the Department of Defense, as well as manufacturers of certain refrigerants. For these remaining uses, the proposed rule would create strict workplace controls to limit worker exposure.

EPA estimates that this rule will affect over half of the annual use of methylene chloride in the United States. The phase-out of the manufacture, processing, distribution, and use of methylene chloride is proposed to occur over a phased 15-month timeframe. Like EPA's recent phase-out of certain persistent, bioaccumulative, and toxic chemicals (PBTs), the short phase-out timeframe for methylene chloride may not be adequate for some industries, and as a result, may create some compliance concerns. At a minimum, the proposed rule may cause widespread impacts to production and supply chain issues as companies

evaluate their use of methylene chloride and seek out suitable alternatives.

EPA is receiving comments on the proposed rule through July 3, 2023. Impacted industries should consider providing comments on the feasibility for compliance, including potential supply chain and other disruptions.