

# United States Senate

September 05, 2023

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20004

RE: Docket No. EPA-HQ-OPPT-2020-0465

Dear Administrator Regan:

We write to express our concerns with the Environmental Protection Agency's (EPA) proposal under the Toxic Substances Control Act (TSCA) to prohibit the use of methylene chloride for a variety of commercial and industrial uses. Methylene chloride, also known as dichloromethane (DCM), is an essential compound in chemical processing and metal cleaning, and is used to produce a wide range of products and goods, such as pharmaceuticals, automobile parts, polycarbonates, adhesives, and a variety of aerosol products. While we wholeheartedly endorse commonsense regulation on applications of methylene chloride that are deemed to pose an unreasonable risk to human health, we are apprehensive with EPA's seemingly arbitrary evaluation that deems no level of risk acceptable for manufacturers. This zero-tolerance policy would result in all industrial and commercial applications of methylene chloride—including its use as a heat transfer fluid or processing aid, and the majority of solvent uses—being subject to an outright ban, with limited exceptions for just a handful of industries.

As proposed, this rule could potentially end polycarbonate manufacturing in the United States—the third largest producer globally—which uses nearly 450,000 metric tons of polycarbonate resins each year. Polycarbonate is used in applications across a wide range of industries, including the automotive and transportation sectors, consumer goods, construction, packaging, and medical devices. In recent years, manufacturers of polycarbonate have experienced substantial demand from car manufacturers due to regulations promoting vehicle weight reduction, as well as the use of polycarbonate in various automotive components, such as battery pack housing in electric vehicles and automotive headlight lenses. The proposed rule could cause disruptions in other domestic industries, as methylene chloride is used as a processing solvent in pharmaceutical applications, utilized in pesticide manufacturing, used as a lubricant in the energy industry, acts as a heat transfer fluid, and is utilized in certain military products where no alternative is available.

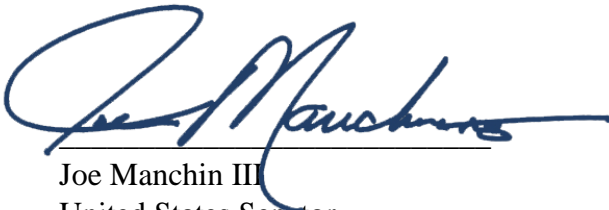
Furthermore, the proposed ban is unlikely to eliminate the substance's use and would almost certainly shift production to China, the world's top exporter, which shares few of our values and has far weaker workplace safety standards. Regrettably, China has emerged as the largest global chemical producer, growing from 8.7% of total chemical sales in 2003, to 43% in 2021. If the United States forces its domestic specialty chemical manufacturing sector to move overseas, this

shift would further intensify global dependence on China, conflicting with President Biden's goal of onshoring critical manufacturing and domestically producing these critical end products.

Finally, EPA's proposal to ban most commercial and industrial uses of methylene chloride overlooks the fact that industrial users of methylene chloride have already adopted strong workplace safety standards and repeatedly demonstrated their capability to handle the substance safely. Rather than enforcing a blanket prohibition, it would be more appropriate to permit manufacturers to comply with the EPA's proposed Workplace Chemical Protection Program, which would enable them to continue using methylene chloride responsibly without posing an unreasonable risk to their workforce.

We look forward to receiving your response to these concerns.

Sincerely,



Joe Manchin III  
United States Senator



Shelley Moore Capito  
United States Senator



JD Vance  
United States Senator