



NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<p>1. Notifying Member: UNITED STATES OF AMERICA If applicable, name of local government involved (Article 3.2 and 7.2):</p>
<p>2. Agency responsible: Environmental Protection Agency (EPA) [1920] Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov</p>
<p>3. Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other [X]: Announcement of availability, seeking public comment on a draft revision to the risk determination for the methylene chloride risk evaluation issued under the Toxic Substances Control Act (TSCA); comments due 4 August 2022.</p>
<p>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Methylene Chloride; Environmental protection (ICS code(s): 13.020); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100)</p>
<p>5. Title, number of pages and language(s) of the notified document: Methylene Chloride; Draft Revision to Toxic Substances Control Act (TSCA) Risk Determination; Notice of Availability and Request for Comment; (7 page(s), in English)</p>
<p>6. Description of content: Notice - The Environmental Protection Agency (EPA) is announcing the availability of and seeking public comment on a draft revision to the risk determination for the methylene chloride risk evaluation issued under TSCA. The draft revision to the methylene chloride risk determination reflects the announced policy changes to ensure the public is protected from unreasonable risks from chemicals in a way that is supported by science and the law. In this draft revision to the risk determination EPA finds that methylene chloride, as a whole chemical substance, presents an unreasonable risk of injury to health when evaluated under its conditions of use. In addition, this revised risk determination does not reflect an assumption that all workers always appropriately wear personal protective equipment (PPE). EPA understands that there could be occupational safety protections in place at workplace locations; however, not assuming use of PPE reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by OSHA standards, or their employers are out of compliance with the Department of Labor Occupational Safety and Health Administration (OSHA) standards, or because many of OSHA's chemical-specific permissible exposure limits largely adopted in the 1970's are described by OSHA as being "outdated and inadequate for ensuring protection of worker health," or because the OSHA permissible exposure limit (PEL) alone may be inadequate for ensuring protection of worker health. This revision, when final, would supersede the condition of use-specific no unreasonable risk determinations in the June 2020 methylene</p>

	chloride risk evaluation (and withdraw the associated order) and would make a revised determination of unreasonable risk for methylene chloride as a whole chemical substance.
7.	Objective and rationale, including the nature of urgent problems where applicable: Protection of human health or safety; Protection of the environment
8.	<p>Relevant documents:</p> <p>87 Federal Register (FR) 39824, 5 July 2022: https://www.govinfo.gov/content/pkg/FR-2022-07-05/html/2022-14163.htm https://www.govinfo.gov/content/pkg/FR-2022-07-05/pdf/2022-14163.pdf</p> <p>This notice is identified by Docket Number EPA-HQ-OPPT-2016-0742. The Docket Folder is available from Regulations.gov at https://www.regulations.gov/docket/EPA-HQ-OPPT-2016-0742/document and provides access to primary and supporting documents as well as comments received. Documents are also accessible from Regulations.gov by searching the Docket Number. WTO Members and their stakeholders are asked to submit petitions for reconsideration to the USA TBT Enquiry Point by or before 4pm Eastern Time on 15 August 2022. Petitions for reconsideration received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the Docket on Regulations.gov if received within the comment period.</p> <p>G/TBT/N/USA/1270 and subsequent addenda - Trichloroethylene (TCE); Regulation of Certain Uses Under Toxic Substances Control Act identified by Docket Number EPA-HQ-OPPT-2016-0387.</p> <p>G/TBT/N/USA/1271 and subsequent addenda - Methylene Chloride and N-Methylpyrrolidone; Regulation of Certain Uses Under TSCA Section 6(a) identified by Docket Number EPA-HQ-OPPT-2016-0231.</p> <p>G/TBT/N/USA/1357 and Corrigendum - Labeling of Certain Household Products Containing Methylene Chloride; Supplemental Guidance identified by Docket Number CPSC-2016-2019.</p>
9.	<p>Proposed date of adoption: To be determined</p> <p>Proposed date of entry into force: To be determined</p>
10.	Final date for comments: 4 August 2022
11.	<p>Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>https://members.wto.org/crnattachments/2022/TBT/USA/22_4536_00_e.pdf</p>