NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** UNITED STATES OF AMERICA**If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** Environmental Protection Agency (EPA) [2019]**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 |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Methylene chloride (Dichloromethane); Environmental protection (ICS code(s): 13.020); Protection against dangerous goods (ICS code(s): 13.300); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Methylene Chloride; Regulation Under the Toxic Substances Control Act (TSCA); (63 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - The Environmental Protection Agency (EPA) is proposing to address the unreasonable risk of injury to human health presented by methylene chloride under its conditions of use as documented in EPA's June 2020 Risk Evaluation for Methylene Chloride and November 2022 revised risk determination for methylene chloride prepared under the [Toxic Substances Control Act (TSCA)](https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act). TSCA requires that EPA address by rule any unreasonable risk of injury to health or the environment identified in a TSCA risk evaluation and apply requirements to the extent necessary so that the chemical no longer presents unreasonable risk. Methylene chloride, also known as dichloromethane, is acutely lethal, a neurotoxicant, a likely human carcinogen, and presents cancer and non-cancer risks following chronic exposures as well as acute risks. Central nervous system depressant effects can result in loss of consciousness and respiratory depression, resulting in irreversible coma, hypoxia, and eventual death, including 85 documented fatalities from 1980 to 2018, a majority of which were occupational fatalities (see Unit II.A.). Nevertheless, methylene chloride is still a widely used solvent in a variety of consumer and commercial applications including adhesives and sealants, automotive products, and paint and coating removers. To address the identified unreasonable risk, EPA is proposing to: prohibit the manufacture, processing, and distribution in commerce of methylene chloride for consumer use; prohibit most industrial and commercial uses of methylene chloride; require a workplace chemical protection program (WCPP), which would include a requirement to meet inhalation exposure concentration limits and exposure monitoring for certain continued conditions of use of methylene chloride; require recordkeeping and downstream notification requirements for several conditions of use of methylene chloride; and provide certain time-limited exemptions from requirements for uses of methylene chloride that would otherwise significantly disrupt national security and critical infrastructure. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety; Protection of the environment |
| **8.** | **Relevant documents:** 88 Federal Register (FR) 28284, 3 May 2023; Title 40 Code of Federal Regulations (CFR) Part 751: <https://www.govinfo.gov/content/pkg/FR-2023-05-03/html/2023-09184.htm><https://www.govinfo.gov/content/pkg/FR-2023-05-03/pdf/2023-09184.pdf>This proposed rule is identified by Docket Number EPA-HQ-OPPT-2020-0465. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OPPT-2020-0465/document> and provides access to primary documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point by or before [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 3 July 2023. Comments 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](https://www.regulations.gov/docket/EPA-HQ-OPPT-2020-0465/document) on Regulations.gov if received within the comment period.[G/TBT/N/USA/1891](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/t/g/tbtn22/usa1891.docx) - Methylene Chloride; Draft Revision to Toxic Substances Control Act (TSCA) Risk Determination; Notice of Availability and Request for Comment identified by Docket Number [EPA-HQ-OPPT-2016-0742](https://www.regulations.gov/docket/EPA-HQ-OPPT-2016-0742/document). |
| **9.** | **Proposed date of adoption:** To be determined**Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 3 July 2023 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** <https://members.wto.org/crnattachments/2023/TBT/USA/23_09440_00_e.pdf> |