NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **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) [2039]  **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](mailto:usatbtep@nist.gov) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****X],** **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):** Perchloroethylene (PCE); Quality (ICS code(s): 03.120); Environmental protection (ICS code(s): 13.020); Occupational safety. Industrial hygiene (ICS code(s): 13.100); Domestic safety (ICS code(s): 13.120); 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:** Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA); (72 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 [perchloroethylene (PCE)](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-perchloroethylene-pce) under its conditions of use as documented in EPA's [December 2020 Risk Evaluation for PCE](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/final-risk-evaluation-perchloroethylene-pce#docs) and [December 2022 revised risk determination for PCE](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/final-risk-evaluation-perchloroethylene-pce) prepared under the [Toxic Substances Control Act (TSCA)](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca). PCE is a widely used solvent in a variety of occupational and consumer applications including fluorinated compound production, petroleum manufacturing, dry cleaning, and aerosol degreasing. EPA determined that PCE presents an unreasonable risk of injury to health due to the significant adverse health effects associated with exposure to PCE, including neurotoxicity effects from acute and chronic inhalation exposures and dermal exposures, and cancer from chronic inhalation exposures to PCE. 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 the chemical no longer presents unreasonable risk. PCE, also known as perc and tetrachloroethylene, is a neurotoxicant and a likely human carcinogen. Neurotoxicity, in particular impaired visual and cognitive function and diminished color discrimination, are the most sensitive adverse effects driving the unreasonable risk of PCE, and other adverse effects associated with exposure include central nervous system depression, kidney and liver effects, immune system toxicity, developmental toxicity, and cancer. To address the identified unreasonable risk, EPA is proposing to prohibit most industrial and commercial uses of PCE; the manufacture (including import), processing, and distribution in commerce of PCE for the prohibited industrial and commercial uses; the manufacture (including import), processing, and distribution in commerce of PCE for all consumer use; and, the manufacture (including import), processing, distribution in commerce, and use of PCE in dry cleaning and related spot cleaning through a 10-year phaseout. For certain conditions of use that would not be subject to a prohibition, EPA is also proposing to require a PCE workplace chemical protection program that includes requirements to meet an inhalation exposure concentration limit and prevent direct dermal contact. EPA is also proposing to require prescriptive workplace controls for laboratory use, and to establish recordkeeping and downstream notification requirements. Additionally, EPA proposes to provide certain time-limited exemptions from requirements for certain critical or essential emergency uses of PCE for which no technically and economically feasible safer alternative is available. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety; Quality requirements |
| **8.** | **Relevant documents:**  88 Federal Register (FR) 39652, 16 June 2023; Title 40 Code of Federal Regulations (CFR) Part 751:  <https://www.govinfo.gov/content/pkg/FR-2023-06-16/html/2023-12495.htm>  <https://www.govinfo.gov/content/pkg/FR-2023-06-16/pdf/2023-12495.pdf>  This proposed rule is identified by Docket Number EPA-HQ-OPPT-2020-0720. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OPPT-2020-0720/document> and provides access to primary and supporting 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](mailto:usatbtep@nist.gov) by or before [4pm](https://time.is/EST) [Eastern Time](https://www.timeanddate.com/worldclock/) on 15 August 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-2020-0720/document) on Regulations.gov if received within the comment period.  [G/TBT/N/USA/1890 and G/TBT/N/USA/1890/Add.1](https://eping.wto.org/en/Search?domainIds=1&documentSymbol=usa%2F1890) identified by Docket Number [EPA-HQ-OPPT-2016-0732](https://www.regulations.gov/docket/EPA-HQ-OPPT-2016-0732/document). |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 15 August 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_10392_00_e.pdf> |