



August 27, 2025

VIA ELECTRONIC SUBMISSION

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
Washington, DC 20460

Re: Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA); Request for Comment; EPA-HQ-OPPT-2020-0720.

Dear Administrator Zeldin:

On July 30, 2025, the U.S. Environmental Protection Agency (EPA) published a request for comments on a reconsideration of the TSCA regulation for PCE.¹ This letter constitutes the Office of Advocacy's (Advocacy) public comments on EPA's request.

Advocacy has the following concerns about the 2024 PCE rule:

- The rule violates the Regulatory Flexibility Act (RFA) by not identifying duplicative existing federal regulatory requirements.
- The rule exceeds the EPA's authority under TSCA by banning most uses of PCE.

Advocacy recommends the EPA make the following modifications to the 2024 PCE rule:

- Increase the existing chemical exposure limit (ECEL) set in the 2024 PCE rule.
- Allow small businesses to meet ECEL through the use of a workplace chemical protection program (WCPP)
- Not place any tighter restrictions on the use of PCE in the dry-cleaning industry.

I. Background

A. The Office of Advocacy

Congress established the Office of Advocacy in 1976 under Pub. L. 94-305 to represent the views of small entities before federal agencies and Congress. Advocacy is an independent office within the U.S. Small Business Administration (SBA) that seeks to ensure small business

¹ 90 Fed. Reg. 35858 (July 30, 2025).

concerns are heard in the federal regulatory process. Advocacy also works to ensure that regulations do not unduly inhibit the ability of small entities to compete, innovate, or comply with federal laws. The views expressed by Advocacy do not necessarily reflect the views of the SBA or the Administration.

The RFA, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA),² gives small entities a voice in the rulemaking process. For all rules that are expected to have a significant economic impact on a substantial number of small entities, the RFA requires federal agencies to assess the impact of the proposed rule on small entities and to consider less burdensome alternatives.³ Additionally, section 609 of the RFA requires the Consumer Financial Protection Bureau, the Occupational Safety and Health Administration (OSHA), and the EPA to conduct special outreach efforts through a small business advocacy review (SBAR) panel.⁴ The panel must carefully consider the views of the impacted small entities, assess the impact of the proposed rule on small entities, and consider less burdensome alternatives for small entities.⁵ If a rule is not expected to have a significant economic impact on a substantial number of small entities, agencies may certify it as such and submit a statement of the factual basis for such a determination that adequately supports its certification.⁶

The Small Business Jobs Act of 2010 requires agencies to give every appropriate consideration to comments provided by Advocacy.⁷ The agency must include a response to these written comments in any explanation or discussion accompanying the final rule's publication in the Federal Register, unless the agency certifies that the public interest is not served by doing so.⁸

Advocacy's comments are consistent with Congressional intent underlying the RFA, that "[w]hen adopting regulations to protect the health, safety, and economic welfare of the nation, federal agencies should seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens on the public."⁹

B. TSCA Regulation of PCE and EPA's Reconsideration of the 2024 PCE Rule.

PCE is used in the production of fluorinated compounds, as a solvent for cleaning and degreasing, and in lubricants, adhesives, and sealants. A variety of consumer and commercial products use PCE, such as adhesives (arts and crafts, as well as light repairs), aerosol degreasers, brake cleaners, aerosol lubricants, sealants, stone polish, stainless steel polish, and wipe cleaners. PCE is also used in dry cleaning.

² Pub. L. No. 104-121, tit. II, 110 Stat. 857 (1996) (codified in scattered sections of 5 U.S.C. §§601-612).

³ 5 U.S.C. § 603.

⁴ *Id.* § 609.

⁵ *Id.*

⁶ *Id.* § 605(b).

⁷ Small Business Jobs Act of 2010, Pub. L. No. 111-240, §1601, 214 Stat. 2551 (codified at 5 U.S.C. § 604).

⁸ *Id.*

⁹ Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (1980) (codified at 5 U.S.C. §§ 601-612).

On December 18, 2024, the EPA released its final TSCA rule for PCE.¹⁰ The final rule set an ECEL for PCE of 0.14 parts per million (ppm).¹¹ Under TSCA, the ECEL is the level at which unreasonable risks presented by a chemical can be considered addressed. Additionally, the EPA prohibited “most industrial and commercial uses and the manufacture (including import), processing and distribution in commerce of PCE.”¹² For the dry-cleaning industry, the EPA prohibited the use of PCE with a 10-year phase-out period.¹³ EPA estimated the 2024 rule cost the public \$425.7 million over ten years¹⁴ and estimated that 154,683¹⁵ small entities would be affected.

On July 30, 2025, the EPA announced it was reconsidering the final PCE rule.¹⁶ The agency has requested comments on all aspects of the rule, but is specifically seeking input on:

- The ECEL of 0.14 ppm.
- Conditions of use for PCE where the EPA could require a WCPP as opposed to a ban. A WCPP details how a workplace will mitigate the unreasonable risk presented by a chemical, including meeting the ECEL and the use of personal protective equipment (PPE).
- Information on the use of PCE in the dry-cleaning industry and the performance of PCE alternatives in the dry-cleaning process.¹⁷

The EPA intends to use the information gained through the comment process as part of the development of any future proposed rule to amend the existing PCE regulation.¹⁸

II. Advocacy’s Small Business Concerns with the 2024 PCE Rule

Advocacy filed comments on the EPA’s proposed PCE rule on August 15, 2023.¹⁹ Advocacy expressed concern that the proposed PCE rule exceeded the EPA’s statutory authority, did not provide adequate flexibility for small entities, and created duplicative regulatory requirements.²⁰ Advocacy recommended the EPA reconsider its 2024 PCE rule.²¹

Prior to the 2024 PCE rule, Advocacy held a small business roundtable to discuss the EPA’s risk evaluation for PCE on January 15, 2021. Additionally, a 12-member SBAR panel on the PCE

¹⁰ 89 Fed. Reg. 103560 (Dec. 18, 2024).

¹¹ *Id.* at 103,583.

¹² *Id.* at 103,562.

¹³ *Id.*

¹⁴ U.S. ENV’T PROT. AGENCY, ECONOMIC ANALYSIS OF THE FINAL REGULATION OF PERCHLOROETHYLENE UNDER TSCA SECTION 6(A) 9-2 (Oct. 2024), <https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0720-0347>.

¹⁵ *Id.* at 10-6, 10-7.

¹⁶ 90 Fed. Reg. 35858 (July 30, 2025).

¹⁷ *Id.* at 35,859.

¹⁸ *Id.*

¹⁹ U.S. Small Bus. Admin, Off. of Advocacy, Comment Letter on EPA’s Proposed Rule on Perchloroethylene Regulation under the Toxic Substances Control Act (Aug. 15, 2023), <https://www.regulations.gov/comment/EPA-HQ-OPPT-2020-0720-0272>.

²⁰ *Id.* at 1.

²¹ *Id.* at 12.

rule was convened on October 27, 2022, and completed on February 1, 2023.²² The panel members included small entity representatives (SERs) from the cleaning, manufacturing, dry cleaning, and chemical industries.

In order to gain information for the EPA's current reconsideration of the 2024 PCE rule, Advocacy reached back out to all of the members of the 2024 SBAR panel. These panel members are in a uniquely qualified position to discuss the EPA's reconsideration because of their involvement with the development of the 2024 PCE rule and its application to their businesses.

A. The EPA Should Increase the Exposure Limit for PCE Set in 2024.

The 2024 PCE rule set the ECEL at 0.14 ppm.²³ The EPA has asked "whether the use of a different exposure limit would be more appropriate to inform risk management."²⁴ The OSHA regulates worker exposure to PCE under a permissible exposure limit (PEL) of 100 ppm, which is slightly more than 714 times the level set by the EPA in 2024.²⁵ The American Conference of Governmental Industrial Hygienists as well as the California Occupational Safety and Health Administration (CAL-OSHA) set a more restrictive standard of 25 ppm.²⁶ Both levels are far above the 0.14ppm limit set by the 2024 PCE rule.

Under the RFA, EPA is required to identify any duplicative, overlapping, and conflicting federal rules.²⁷ Rules are considered duplicative or overlapping if they are based on the same or similar reasons for the regulation, the same or similar regulatory goals, and if they regulate the same classes of industry. Conflicting rules impose two conflicting regulatory requirements on the same classes of industry. Similarly, TSCA section 9 requires the EPA to consult and coordinate with other federal agencies "for the purpose of achieving the maximum enforcement of this Act while imposing the least burdens of duplicative requirements on those subject to the Act and for other purposes."²⁸

The EPA's proposal is duplicative of OSHA's regulations for PCE because they both aim to protect workers from unsafe exposure to PCE, and they apply to the same classes of industry. The proposal also conflicts with OSHA's regulations as it imposes different regulatory requirements (0.14 ppm vs. 100 ppm) on the same classes of industry. For small businesses, duplicative and conflicting rules add unnecessary regulatory burden and increase expenses

²² U.S. ENV'T PROT. AGENCY, SMALL BUSINESS ADVOCACY REVIEW PANEL: REPORT ON EPA'S PLANNED PROPOSED RULE "TOXIC SUBSTANCES CONTROL ACT SECTION 6(A) FOR PERCHLOROETHYLENE (PCE)" (Feb. 1, 2023), <https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0720-0066>.

²³ 89 Fed. Reg. 103560, 103583 (Dec. 18, 2024).

²⁴ 90 Fed. Reg. 35858, 35859 (July 30, 2025).

²⁵ See Occupational Safety & Health Admin., *OSHA Occupational Chemical Database, Perchloroethylene*, <https://www.osha.gov/chemicaldata/190> (last updated June 6, 2022).

²⁶ *Id.*

²⁷ 5 U.S.C. §603(b)(5).

²⁸ 15 U.S.C. §2608(d).

related to compliance. The EPA should not attempt to supplant existing regulatory frameworks. If there are classes of workers the EPA believes are not covered by OSHA's existing standards, the EPA should seek to align the PCE rule with OSHA's existing regulatory requirements.

During the SBAR panel on the 2024 rule, multiple SERs suggested an ECEL of 0.50ppm was the lowest practicable threshold that could be set.²⁹ In follow-up conversations about the EPA's current reconsideration of the PCE rule, multiple small entities maintained a preference for an ECEL no lower than 0.50 ppm.

A primary reason for this preference was that the 0.14 level set by the EPA is too low for current PCE testing methods. During the SBAR panel, one SER commented that a level of 0.14 ppm makes it "difficult to verify our employee exposure levels using the current standard testing method because the bottom range is 0.15 ppm, *higher* than 0.14 ppm. A new test regiment would have to be established."³⁰ The SER also notes that testing at such a low level would raise the per-test price from \$30 per test to \$285 per test in addition to higher lab fees and longer wait times for test results.³¹ Other small businesses have told Advocacy that testing at this level can reach up to \$900 per sampling session.³²

Advocacy recommends the EPA revise the 2024 rule and set the ECEL for PCE at no lower than 0.5 ppm

B. The EPA Should Allow the Use of Workplace Protections Instead of Prohibiting Specific Uses of PCE.

The 2024 PCE rule banned many of the industrial and commercial uses of PCE instead of allowing the regulated entities to determine compliance feasibility or demonstrate their ability to comply with the ECEL. This exceeds the EPA's statutory authority under TSCA. It also increases safety risks and adds unnecessary costs for small businesses.

The EPA is now asking for information about conditions of use for PCE where the EPA could require a WCPP as opposed to a ban. A WCPP can include facilitation of ongoing training and education for workers regarding the safe handling of PCE, PPE, safe handling practices, and emergency response procedures.

Prohibiting the use of PCE will force small businesses to seek out alternatives that are less safe. During the SBAR panel on the 2024 PCE rule³³ and in subsequent discussions, small

²⁹ U.S. ENV'T PROT. AGENCY, *supra* note 22, at 36.

³⁰ *Id.* at 4 app.B-2.

³¹ *Id.*

³² U.S. Small Bus. Admin, Off. of Advocacy, *supra* note 19, at 11.

³³ U.S. ENV'T PROT. AGENCY, *supra* note 22, at 33.

manufacturers explained to Advocacy that PCE is safer than other solvents used to clean equipment because it is not flammable and does not have upper or lower explosive limit. Banning PCE would put small entities in the position of having to use cleaning solvents which are more flammable and less safe. Additionally, one of the alternatives suggested, trichloroethylene, has subsequently had its own TSCA rule issued.³⁴

Prohibiting the use of PCE will also result in significantly increased costs for small businesses. In EPA's economic analysis of the 2024 PCE rule, the per-firm cost of the rule for multiple use categories was as low as \$8.³⁵ However, in speaking with multiple small businesses, Advocacy was informed of significantly greater costs. One small business informed Advocacy that switching to a more flammable cleaning solvent would result in increased insurance rates. They would also need to upgrade their fire suppression system at a cost of \$473,000. Additionally, the cost of purchasing a machine able to use a PCE alternative has been quoted at \$499,990.³⁶ Advocacy has also been informed by small businesses that the wait time for such a machine can be up to two years. Further, the alternatives to PCE can raise the cleaning cost per part from \$1 to \$10.³⁷

If a small business does not want to use a more flammable cleaning solvent in place of PCE, another option is to switch to a water-based cleaning system. Again, however, Advocacy has been informed that this is both expensive and impracticable. A small business explained to Advocacy that a water-based cleaning system costs \$500,000 and can take up to eight times the space of a PCE system. Many small businesses do not have this much excess space in their workplaces and would have to expand (assuming such an expansion is possible). The small business Advocacy spoke with estimated the total cost of switching over would be \$3 million. Similar costs were cited in the 2023 SBAR Panel (\$400,000 for a water-based cleaning system and \$2 million to switch over).³⁸

According to TSCA, once the EPA determines that a chemical substance presents an unreasonable risk of injury to health or the environment, it must regulate "*to the extent necessary* so that the chemical substance or mixture no longer presents such risk."³⁹ The aforementioned ECEL, whatever the level it is set at, represents the level at which the risk presented by PCE is addressed. If a workplace can demonstrate through a WCPP that the ECEL can be met, then no further regulation, including the banning of PCE for a specific use, is required under TSCA. Once an ECEL has been established, the EPA has fulfilled its obligation under TSCA.

³⁴ 89 Fed. Reg. 102568 (Dec. 17, 2024).

³⁵ U.S. ENV'T PROT. AGENCY, *supra* note 14, at 10-8.

³⁶ U.S. ENV'T PROT. AGENCY, *supra* note 22, at 36.

³⁷ *Id.*

³⁸ *Id.* at 37.

³⁹ 15 U.S.C. §2605(a) (emphasis added).

Advocacy recommends the EPA allow small businesses to meet the ECEL for PCE through the use of a WCPP as opposed to issuing a ban on the chemical for specific uses.

C. EPA Should Not Issue any New Requirements for PCE Use on the Dry-Cleaning Industry.

The EPA has also asked for information on the use of PCE in the dry-cleaning industry and the performance of PCE alternatives in the dry-cleaning process.⁴⁰ One of the recommendations from the SBAR panel was a 10-year phase out period on the use of PCE in the dry-cleaning industry.⁴¹ The 2024 final rule included this recommendation.⁴²

The number of firms in the drycleaning industry has been declining each year. Prior to the pandemic, in 2019, the U.S. had 17,061 drycleaning and laundry services firms (excluding coin-operated).⁴³ In the latest year of data, in 2022, there were 14,248 firms in the industry, a drop of nearly 20 percent.⁴⁴

Advocacy has spoken with a small dry cleaner who said there is no cleaning alternative that works as effectively as PCE. They also noted that the alternatives which do exist have issues with both flammability and being considered hazardous waste. At the same time, Advocacy has also been informed by representatives of the dry-cleaning industry that the industry as a whole is phasing out PCE, in part because of existing state bans and regulatory uncertainty at the federal level, and no new PCE machines are being purchased or sold in the United States.

Advocacy also notes that representatives of the dry-cleaning industry have already submitted comments on this request for information and they remain supportive of the 10-year phaseout period. The comments highlight the fragile state of the dry-cleaning industry, noting “[d]uring the COVID-19 pandemic, nearly one-third of all dry-cleaners permanently closed. The industry remains weakened, with demand further reduced by remote and hybrid work arrangements, as well as the growing trend toward casual attire.”⁴⁵ Any tightening of the 2024 PCE rule would “impose unsustainable financial burdens on small businesses already operating on the edge of viability.”⁴⁶ This is supported by the U.S. Census Bureau’s Business Dynamics Statistics which

⁴⁰ 90 Fed. Reg. 35858, 35859 (July 30, 2025).

⁴¹ U.S. ENV’T PROT. AGENCY, *supra* note 22, at 39.

⁴² 89 Fed. Reg. 103560, 103562 (Dec. 18, 2024).

⁴³ U.S. Census Bureau, *2022 Statistics of U.S. Businesses (SUSB) Annual Data Tables by Establishment Industry* (Apr. 2025), <https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html>.

⁴⁴ *Id.*

⁴⁵ Dry Cleaning & Laundry Inst. Int’l, Comment Letter on EPA’s Rule on Perchloroethylene Regulation under the Toxic Substances Control Act, 1 (Aug. 1, 2025), <https://www.regulations.gov/comment/EPA-HQ-OPPT-2020-0720-0356>.

⁴⁶ *Id.* at 2.

shows that 7,021 dry-cleaners ceased operations between 2020 and 2022, representing 27% of the industry.⁴⁷

Advocacy recommends that the EPA either maintain or extend the 10-year phase out period for PCE in the dry-cleaning industry and not issue any stricter regulatory requirements.

III. Conclusion

Advocacy thanks the EPA for reconsidering the 2024 PCE rule and inviting the regulated industry to comment. We recommend the EPA raise the 2024 ECEL and allow small businesses to meet that requirement rather than ban specific uses of PCE. Additionally, Advocacy remains supportive of at least a 10-year phase out provision for the dry-cleaning industry.

If you have any questions or require additional information, please contact me or Assistant Chief Counsel Nick Goldstein at (202) 772-6948 or nick.goldstein@sba.gov.

Sincerely,

/s/

Dr. Casey B. Mulligan
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/s/

Nick Goldstein
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Copy to: Mr. Jeffrey B. Clark, Sr. Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

⁴⁷ U.S. Census Bureau, *Business Dynamics Statistics (BDS) Data*, <https://www.census.gov/programs-surveys/bds/data/Datasets.html#list-tab-1518962401> (last updated May 29, 2025).