

# EPA Bans Most Uses of Industrial Solvent Methylene Chloride

July 10, 2024 Jeff Civins, Mini Kapoor, Andrew Van Osselaer

**PRACTICES** Labor and Employment, OSHA, Environmental, Chemical

Methylene chloride finds itself on the wrong side of the law – now banned from all consumer and most commercial uses – as a result of recent [EPA action](#). The EPA finalized a rule banning the use of methylene chloride (with limited exceptions) in a wide range of applications, relying on the authority granted by Section 6 of the Toxic Substances Control Act. The rule is effective July 8, 2024. This action follows recent hazard designations for PFAS compounds, which we discussed [here](#), [here](#) and [here](#).

Methylene chloride is used as a paint stripper, degreaser and solvent, and is an ingredient in adhesives and sealants. It is also used in the manufacture of pharmaceuticals and refrigerants. The EPA ban covers the manufacture, use, distribution, importation and disposal of methylene chloride. Exempted uses are those important to national security and the economy, including the production of hydrofluorocarbon-32 refrigerant, and lithium-ion battery separators for electric vehicles.<sup>1</sup> There is a 10-year limited exemption for emergency use by NASA--if no technically or economically feasible alternative is available. Similarly, there is a 10-year limited exemption for civilian aviation.

The ban stems from the EPA's 2020 analysis and risk evaluation of the adverse human health effects from methylene chloride exposure. Chronic exposure risks--EPA determined--can include neurotoxicity, liver disease, liver cancer, and lung cancer. Acute methylene chloride exposure can result in an irreversible coma or death.

The EPA's final rule:

- Prohibits manufacturing, processing, importation, distribution and use of methylene chloride for all consumer uses and most commercial uses;
- Requires a workplace chemical protection program to safeguard workers handling methylene chloride; and
- Requires notification of shipping and the maintenance of records pertaining to methylene chloride manufacturers, importers, processors, and distributors.

Under the final rule, methylene chloride distribution to retailers must be phased out by February 3, 2025. Manufacturers and importers have until May 5, 2025 to cease production and importation. Non-retail distributors have until January 28, 2026 to cease distribution. If methylene chloride is used in a process, processors have 15 months, until August 1, 2025, to cease use. Industrial and commercial (as opposed to retail) users have until April 28, 2026, to cease use. Last, manufacturers, processors and distributors have an extended period, until May 8, 2029, to cease methylene chloride use for two specific cases: commercial paint and coating removers used in furniture refinishing; and commercial adhesives and sealants used in aircraft.<sup>2</sup>

Under the workplace chemical protection program, exposure limits are lower than those required by OSHA. The new EPA limits are 2 ppm time weighted average over an 8-hour exposure (OSHA limit is 25 ppm), and a short-term exposure limit of 16 ppm over 15 minutes (OSHA limit is 125 ppm). As a

result, relevant businesses may need to revisit their existing processes and safety equipment to ensure that the lower EPA thresholds are met by the compliance deadlines. Initial monitoring must be in place by May 5, 2025, and an exposure control plan must be implemented by no later than October 30, 2025.<sup>3</sup> Federal agencies and contractors have a longer period for initial monitoring (November 9, 2026) and implementation of an exposure control plan (May 10, 2027).<sup>4</sup>

Businesses impacted by this new rule should begin investigating approaches for compliance with the new requirements. Businesses involved in the methylene chloride supply chain should review exposure controls and equipment to ensure the new 2 ppm and 16 ppm thresholds are met by the applicable deadlines. Businesses may also need to assess the sufficiency of engineering and administrative safety controls in the workplace. For businesses whose specific use of methylene chloride is subject to an exception, given that the manufacture and importation of methylene chloride for most uses will cease by May 5, 2025, it would be prudent to consider the impact of that ban on the needed continued supply of that chemical. Where feasible, alternatives to methylene chloride may need to be considered.

While the final rule on methylene chloride is the most recent EPA rule focused on solvents, the EPA is undertaking ongoing risk evaluations of other solvents, like 1-bromopropane, carbon tetrachloride, dichloroethane, trichloroethane, trichloroethylene (TCE), perchloroethylene, and n-methylpyrrolidone (NMP).<sup>5</sup>

If you need help complying with the new rule or wish to learn more about these topics, please contact the authors or other members of the Haynes Boone team.

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2024-05-08/pdf/2024-09606.pdf>, page 39256, 39262; <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride>

<sup>2</sup> <https://www.govinfo.gov/content/pkg/FR-2024-05-08/pdf/2024-09606.pdf>, page 39270; <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/materials-june-2024-webinar-final-regulation-methylene>, page 18

<sup>3</sup> <https://www.govinfo.gov/content/pkg/FR-2024-05-08/pdf/2024-09606.pdf>, page 39269

<sup>4</sup> <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/materials-june-2024-webinar-final-regulation-methylene>, page 23

<sup>5</sup> <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/ongoing-and-completed-chemical-risk-evaluations-under>