

Methylene Chloride: Significance of EPA's Statutory Exclusions from its Risk Evaluation

Annual Releases to Air, Land, and Water:¹ 4,359,600 pounds

The Trump EPA has ignored all general population exposures to methylene chloride from air, land, and water based on the assumption that other statutory authorities have adequately addressed them. By excluding known exposures via these pathways, EPA assumes the risks resulting from those exposures are zero (i.e., non-existent), despite the fact that available evidence irrefutably establishes that releases and exposures at levels well above zero are occurring.

The Trump EPA's approach is not based on any assessment of the extent to which EPA's other authorities and actions taken under them are sufficient to meet TSCA's requirements, that is, whether, even if fully applied, they would eliminate unreasonable risks as defined under TSCA.

Here are some of the limitations of the other authorities EPA relies on:

Clean Water Act (CWA):

- Even though EPA has developed a *recommended* water quality criterion for methylene chloride, it is not binding on the states, and some states have adopted standards less protective than EPA's recommended criteria.

Safe Drinking Water Act (SDWA):

- Although EPA has adopted a Maximum Contaminant Level (MCL) for methylene chloride, this enforceable level is set based on consideration of cost and other non-risk factors, contrary to TSCA's mandate that EPA determine risk without consideration of such factors. The Maximum Contaminant Level Goal (MCLG), which is not enforceable but represents the fully health-protective value for methylene chloride in drinking water, is set at *zero*.
- Regulation under the SDWA does not even extend to all sources of drinking water. For example, water from private wells, which serve approximately 13 million households in the United States, is not covered by the SDWA.

Clean Air Act (CAA):

- Methylene chloride is regulated as a hazardous air pollutant (HAP) under section 112 of the CAA, but the standards for HAPs are set based on cost and other non-risk factors, contrary to TSCA's mandate that EPA determine risk without consideration of such factors.
- Also, the standards under the CAA are set for individual source categories, meaning that the exposures to methylene chloride from all sources in combination were not considered, contrary to what is required by TSCA.

Resource Conservation and Recovery Act (RCRA):

- EPA relied on a number of provisions in RCRA, each with different standards, to ignore all general population exposures related to disposal of methylene chloride even though some of those provisions are not set based solely on consideration of risk.

¹ 2017 National Emissions Inventory data for air; 2018 Toxics Release Inventory data for land and water.