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**Title 40 —Protection of Environment**  
**Chapter I —Environmental Protection Agency**  
**Subchapter R —Toxic Substances Control Act**

**Part 751** Regulation of Certain Chemical Substances and Mixtures Under Section 6  
of the Toxic Substances Control Act

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## PART 751—REGULATION OF CERTAIN CHEMICAL SUBSTANCES AND MIXTURES UNDER SECTION 6 OF THE TOXIC SUBSTANCES CONTROL ACT

**Authority:** 15 U.S.C. 2605, 15 U.S.C. 2625(l)(4).

**Source:** 84 FR 11435, Mar. 27, 2019, unless otherwise noted.

### Subpart A—General Provisions

#### § 751.1 Purpose.

This part sets forth requirements under section 6(a) of the Toxic Substances Control Act, 15 U.S.C. 2605(a), regulating the manufacture (including import), processing, distribution in commerce, use, or disposal of certain chemical substances and mixtures in order to address unreasonable risks to the extent necessary so that the chemical substance or mixture no longer presents such risk.

#### § 751.5 Definitions.

Link to an amendment published at 89 FR 103607, Dec. 18, 2024.

The definitions in section 3 of the Toxic Substances Control Act, 15 U.S.C. 2602, apply to this part except as otherwise established in any subpart under this part.

**Act or TSCA** means the Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.*

**Article** means a manufactured item:

- (1) Which is formed to a specific shape or design during manufacture;
- (2) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and

- (3) Which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article, and that result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles; except that fluids and particles are not considered articles regardless of shape or design.

**Authorized person** means any person specifically authorized by the owner or operator to enter, and whose duties require the person to enter, a regulated area.

**CASRN** means Chemical Abstracts Service Registry Number.

**EPA** means the U.S. Environmental Protection Agency.

**Owner or operator** means any person who owns, leases, operates, controls, or supervises a workplace covered by this part.

**Person** means any natural person, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity; any State or political subdivision thereof; any municipality; any interstate body; and any department, agency, or instrumentality of the Federal government.

**Potentially exposed person** means any person who may be exposed to a chemical substance or mixture in a workplace as a result of a condition of use of that chemical substance or mixture.

**Product** means the chemical substance, a mixture containing the chemical substance, or any object that contains the chemical substance or mixture containing the chemical substance that is not an article.

**Regulated area** means an area established by the regulated entity to demarcate areas where airborne concentrations of a specific chemical substance exceed, or there is a reasonable possibility they may exceed, the applicable Existing Chemical Exposure Limit (ECEL) or the EPA Short Term Exposure Limit (EPA STEL).

**Retailer** means a person who distributes in commerce or makes available a chemical substance or mixture to consumer end users, including e-commerce internet sales or distribution. Any distributor with at least one consumer end user customer is considered a retailer. A person who distributes in commerce or makes available a chemical substance or mixture solely to commercial or industrial end users or solely to commercial or industrial businesses is not considered a retailer.

[84 FR 11435, Mar. 27, 2019, as amended at 89 FR 39296, May 8, 2024]

## § 751.7 Exports and imports.

- (a) **Exports.** Persons who intend to export a chemical substance identified in any subpart under this part are subject to the export notification provisions of section 12(b) of the Act. The regulations that interpret section 12(b) appear at 40 CFR part 707, subpart D.
- (b) **Imports.** Persons who import a substance identified in any subpart under this part are subject to the import certification requirements under section 13 of the Act, which are codified at 19 CFR 12.118 through 12.127. See also 19 CFR 127.28.

## § 751.9 Enforcement and inspections.

- (a) **Enforcement.**

- (1) Failure to comply with any provision of this part is a violation of section 15 of the Act (15 U.S.C. 2614).

- (2) Failure or refusal to establish and maintain records or to permit access to or copying of records, as required by the Act, is a violation of section 15 of the Act (15 U.S.C. 2614).
  - (3) Failure or refusal to permit entry or inspection as required by section 11 of the Act (15 U.S.C. 2610) is a violation of section 15 of the Act (15 U.S.C. 2614).
  - (4) Violators may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation.
- (b) **Inspections.** EPA may conduct inspections under section 11 of the Act (15 U.S.C. 2610) to ensure compliance with this part.

## Subpart B—Methylene Chloride

### § 751.101 General.

- (a) **Applicability.** This subpart sets certain restrictions on the manufacture (including import), processing, distribution in commerce, use, and disposal of methylene chloride (CASRN 75-09-2) to prevent unreasonable risks of injury to health.
- (b) **De minimis threshold.** Unless otherwise specified in this subpart, the prohibitions and restrictions of this subpart do not apply to products containing methylene chloride at thresholds less than 0.1 percent by weight. This provision does not apply to § 751.105.

[89 FR 39296, May 8, 2024]

### § 751.103 Definitions.

The definitions in subpart A of this part apply to this subpart unless otherwise specified in this section. In addition, the following definitions apply:

**Consumer paint and coating removal** means paint and coating removal performed by any natural person who uses a paint and coating removal product for any personal use without receiving remuneration or other form of payment.

**Distribution in commerce** has the same meaning as in section 3 of the Act, except that the term does not include retailers for purposes of §§ 751.111 and 751.113.

**ECEL** is an Existing Chemical Exposure Limit, and means an airborne concentration calculated as an eight (8)-hour time-weighted average (TWA).

**ECEL action level** means a concentration of airborne methylene chloride of 1 part per million (1 ppm) calculated as an 8-hour time weighted average (TWA).

**EPA STEL** is a Short Term Exposure Limit, which is an EPA regulatory limit on workplace exposure to an airborne concentration of a chemical substance, based on an exposure of less than eight hours.

**Paint and coating removal** means application of a chemical or use of another method to remove, loosen, or deteriorate any paint, varnish, lacquer, graffiti, surface protectants, or other coating from a substrate, including objects, vehicles, architectural features, or structures.

**Retailer** means a person who distributes in commerce or makes available a chemical substance or mixture to consumer end users, including e-commerce internet sales or distribution. Any distributor with at least one consumer end user customer is considered a retailer. A person who distributes in commerce or makes available a chemical substance or mixture solely to commercial or industrial end users or solely to commercial or industrial businesses is not considered a retailer.

[84 FR 11435, Mar. 27, 2019, as amended at 89 FR 39296, May 8, 2024]

### **§ 751.105 Prohibition of manufacturing (including import), processing, and distribution in commerce related to consumer paint and coating removal.**

- (a) After November 22, 2019, all persons are prohibited from manufacturing, processing and distributing in commerce methylene chloride for consumer paint and coating removal.
- (b) After November 22, 2019, all persons are prohibited from distributing in commerce methylene chloride, including any methylene chloride containing products, for paint and coating removal to retailers.
- (c) After November 22, 2019, all retailers are prohibited from distributing in commerce methylene chloride, including any methylene chloride containing products, for paint and coating removal.

[84 FR 11435, Mar. 27, 2019, as amended at 89 FR 39296, May 8, 2024]

### **§ 751.107 Other prohibitions of manufacturing (including import), processing, distribution in commerce, and use.**

- (a) **Applicability.**
  - (1) This section applies to all manufacturing (including import), processing, and distribution in commerce of methylene chloride for consumer use other than for the paint and coating removal use addressed under § 751.105.
  - (2) This section applies to:
    - (i) All manufacturing (including import), processing, and distribution in commerce of methylene chloride for industrial or commercial use, other than for the conditions of use addressed under § 751.109(a); and
    - (ii) All commercial or industrial use of methylene chloride, other than the conditions of use addressed under § 751.109(a).
  - (3) This section does not apply to manufacturing, processing, or distribution in commerce of methylene chloride solely for export that meets the conditions described in TSCA section 12(a)(1)(A) and (B).
- (b) **Prohibitions.**
  - (1) After February 3, 2025, all persons are prohibited from distributing in commerce (including making available) methylene chloride, including any methylene chloride-containing products, to retailers for any use.
  - (2) After May 5, 2025, all retailers are prohibited from distributing in commerce (including making available) methylene chloride, including any methylene chloride-containing products, for any use.

- (3) After May 5, 2025, all persons are prohibited from manufacturing (including import) methylene chloride, for the uses listed in paragraphs (a)(1) and (2) of this section except for those uses specified in paragraphs (b)(7) through (9) of this section.
- (4) After August 1, 2025, all persons are prohibited from processing methylene chloride, including any methylene chloride-containing products, for the uses listed in paragraphs (a)(1) and (2) of this section except for those uses specified in paragraphs (b)(7) through (9) of this section.
- (5) After January 28, 2026, all persons are prohibited from distributing in commerce (including making available) methylene chloride, including any methylene chloride-containing products, for any use described in paragraphs (a)(1) and (2) of this section except for those uses specified in paragraphs (b)(7) through (9) of this section.
- (6) After April 28, 2026, all persons are prohibited from industrial or commercial use of methylene chloride, including any methylene chloride containing products, for the uses listed in paragraph (a)(2) of this section except for those uses specified in paragraphs (b)(7) through (9) of this section.
- (7) After May 8, 2034, all persons are prohibited from manufacturing (including import), processing, distribution in commerce, or use of methylene chloride, including any methylene chloride containing products, for industrial or commercial use in an emergency by the National Aeronautics and Space Administration or its contractors as described in § 751.115(b).
- (8) After May 8, 2029, all persons are prohibited from manufacturing (including import), processing, distribution in commerce, or use of methylene chloride, including any methylene chloride containing products, for industrial or commercial use for paint and coating removal for refinishing of wooden furniture, decorative pieces and architectural fixtures of artistic, cultural, or historic significance, with interim requirements as described in § 751.117.
- (9) After May 8, 2029, all persons are prohibited from manufacturing (including import), processing, distribution in commerce, or use of methylene chloride, including any methylene chloride-containing products, for industrial or commercial use for adhesives and sealants in aircraft, space vehicle, and turbine applications for structural and safety critical non-structural applications.

[89 FR 39296, May 8, 2024]

### § 751.109 Workplace Chemical Protection Program.

- (a) **Applicability.** The provisions of this section apply to the following conditions of use of methylene chloride, including manufacturing and processing for export, except to the extent the conditions of use are prohibited by §§ 751.105 and 751.107:
  - (1) Manufacturing (domestic manufacture);
  - (2) Manufacturing (import);
  - (3) Processing: as a reactant;
  - (4) Processing: incorporation into a formulation, mixture, or reaction product;
  - (5) Processing: repackaging;
  - (6) Processing: recycling;
  - (7) Industrial and commercial use as a laboratory chemical;

- (8) Industrial or commercial use for paint and coating removal from safety-critical, corrosion-sensitive components of aircraft and spacecraft;
- (9) Industrial or commercial use as a bonding agent for solvent welding;
- (10) Industrial and commercial use as a processing aid;
- (11) Industrial and commercial use for plastic and rubber products manufacturing;
- (12) Industrial and commercial use as a solvent that becomes part of a formulation or mixture, where that formulation or mixture will be used inside a manufacturing process, and the solvent (methylene chloride) will be reclaimed; and
- (13) Disposal.

(b) ***Relationship to other regulations.*** For purposes of this section:

- (1) Any provisions applying to “employee” in 29 CFR 1910.132, 1910.134, and 1910.1052 also apply equally to potentially exposed persons; and
- (2) Any provisions applying to “employer” in 29 CFR 1910.132, 1910.134, and 1910.1052 also apply equally to any owner or operator for the regulated area.

(c) ***Exposure limits*** —

- (1) ***ECEL.*** The owner or operator must ensure that no person is exposed to an airborne concentration of methylene chloride in excess of 2 parts of methylene chloride per million parts of air (2 ppm) as an 8-hour TWA after February 8, 2027 for Federal agencies and Federal contractors acting for or on behalf of the Federal Government, August 1, 2025 for other owners and operators, or beginning 4 months after introduction of methylene chloride into the workplace if methylene chloride use commences after May 5, 2025, consistent with paragraphs (d) through (f) of this section.
- (2) ***EPA STEL.*** The owner or operator must ensure that no person is exposed to an airborne concentration of methylene chloride in excess of 16 parts of methylene chloride per million parts of air (16 ppm) as determined over a sampling period of 15 minutes after February 8, 2027 for Federal agencies and Federal contractors acting for or on behalf of the Federal Government, August 1, 2025 for other owners and operators, or beginning 4 months after introduction of methylene chloride into the workplace if methylene chloride use commences after May 5, 2025, consistent with paragraphs (d) through (f) of this section.
- (3) ***Regulated areas.*** The owner or operator must:
  - (i) Establish and maintain regulated areas in accordance with 29 CFR 1910.1052(e)(2) and (4) through (7) by February 8, 2027 for Federal agencies and Federal contractors acting for or on behalf of the Federal Government, August 1, 2025 for other owners and operators, or within 3 months after receipt of the results of any monitoring data consistent with paragraph (d) of this section.
  - (ii) Establish a regulated area wherever a potentially exposed person's exposure to airborne concentrations of methylene chloride exceeds or can reasonably be expected to exceed either the ECEL or EPA STEL.
  - (iii) Demarcate regulated areas from the rest of the workplace in any manner that adequately establishes and alerts potentially exposed persons to the boundaries of the area and minimizes the number of authorized persons exposed to methylene chloride within the regulated area.

- (iv) Restrict access to the regulated area by any potentially exposed person who lacks proper training, personal protective equipment, or is otherwise unauthorized to enter.

(d) **Exposure monitoring** –

(1) **In general** –

- (i) **Characterization of exposures.** Owners or operators must determine each potentially exposed person's exposure, without regard to respiratory protection, by either:
    - (A) Taking a personal breathing zone air sample of each potentially exposed person's exposure; or
    - (B) Taking personal breathing zone air samples that are representative of each potentially exposed person's exposure.
  - (ii) **Representative samples.** Owners or operators are permitted to consider personal breathing zone air samples to be representative of each potentially exposed person's exposure, without regard to respiratory protection, when they are taken as follows:
    - (A) **ECEL.** The owner or operator has taken one or more personal breathing zone air samples for at least one potentially exposed person in each job classification in a work area during every work shift, and the person sampled is expected to have the highest methylene chloride exposure.
    - (B) **EPA STEL.** The owner or operator has taken one or more personal breathing zone air samples which indicate the highest likely 15-minute exposures during such operations for at least one potentially exposed person in each job classification in the work area during every work shift, and the person sampled is expected to have the highest methylene chloride exposure.
    - (C) **Exception.** Personal breathing zone air samples taken during one work shift may be used to represent potentially exposed person exposures on other work shifts where the owner or operator can document that the tasks performed and conditions in the workplace are similar across shifts.
  - (iii) **Accuracy of monitoring.** Owners or operators must ensure that the methods used to perform exposure monitoring produce results that are accurate to a confidence level of 95%, and are:
    - (A) Within plus or minus 25% for airborne concentrations of methylene chloride above the ECEL or the EPA STEL; or
    - (B) Within plus or minus 35% for airborne concentrations of methylene chloride at or above the ECEL action level but at or below the ECEL.
  - (iv) **Currency of monitoring data.** Owners or operators are not permitted to rely on monitoring data that is more than 5 years old to demonstrate compliance with initial or periodic monitoring requirements for either the ECEL or the EPA STEL.
- (2) **Initial monitoring.** By November 9, 2026 for Federal agencies and Federal contractors acting for or on behalf of the Federal Government, by May 5, 2025 for other owners and operators, or within 30 days of introduction of methylene chloride into the workplace, whichever is later, each owner or operator covered by this section must perform an initial exposure monitoring to determine each potentially exposed person's exposure, unless:



- (i) An owner or operator has objective data generated within the last 5 years prior to May 8, 2024 that demonstrates to EPA that methylene chloride cannot be released in the workplace in airborne concentrations at or above the ECEL action level (1-ppm 8-hour TWA) or above the EPA STEL (16 ppm 15-minute TWA) and that the data represents the highest methylene chloride exposures likely to occur under conditions of use described in paragraph (a) of this section; or
  - (ii) Where potentially exposed persons are exposed to methylene chloride for fewer than 30 days per year, and the owner or operator has measurements by direct-metering devices which give immediate results and which provide sufficient information regarding exposures to determine and implement the control measures that are necessary to reduce exposures to below the ECEL action level and EPA STEL.
- (3) **Periodic monitoring.** The owner or operator must establish an exposure monitoring program for periodic monitoring of exposure to methylene chloride in accordance with table 1.

**TABLE 1 TO PARAGRAPH (d)(3)—PERIODIC MONITORING REQUIREMENTS BASED ON INITIAL EXPOSURE MONITORING RESULTS**

Air concentration condition observed during initial exposure monitoring	Periodic monitoring requirement
If the initial exposure monitoring concentration is below the ECEL action level and at or below the EPA STEL	ECEL and EPA STEL periodic monitoring at least once in every 5 years.
If the initial exposure monitoring concentration is below the ECEL action level and above the EPA STEL	ECEL periodic required at least once every 5 years, and EPA STEL periodic monitoring required every 3 months.
If the initial exposure monitoring concentration is at or above the ECEL action level and at or below the ECEL; and at or below the EPA STEL	ECEL periodic monitoring every 6 months.
If the initial exposure monitoring concentration is at or above the ECEL action level and at or below the ECEL; and above the EPA STEL	ECEL periodic monitoring every 6 months and EPA STEL periodic monitoring every 3 months.
If the initial exposure monitoring concentration is above the ECEL and below, at, or above the EPA STEL	ECEL periodic monitoring every 3 months and EPA STEL periodic monitoring every 3 months.
If 2 consecutive monitoring events have taken place at least 7 days apart that indicate that potential exposure has decreased from above the ECEL to at or below the ECEL, but at or above the ECEL	Transition from ECEL periodic monitoring frequency from every 3 months to every 6 months.

Air concentration condition observed during initial exposure monitoring	Periodic monitoring requirement
<p>action level</p> <p>If 2 consecutive monitoring events have taken place at least 7 days apart that indicate that potential exposure has decreased to below the ECEL action level and at or below the EPA STEL</p> <p>If the owner or operator engages in any conditions of use described in paragraph (a) of this section and is required to monitor either the ECEL or EPA STEL in a 3-month interval, but does not engage in any of those uses for the entirety of the 3-month interval</p> <p>Owner or operator engages in any conditions of use described in paragraph (a) of this section and is required to monitor the ECEL in a 6-month interval, but does not engage in any of those uses for the entirety of the 6-month interval</p>	<p>Transition from ECEL periodic monitoring frequency from every 6 months to once every 5 years. The second consecutive monitoring event will delineate the new date from which the next 5-year periodic exposure monitoring must occur.</p> <p>The owner or operator may forgo the upcoming periodic monitoring event. However, documentation of cessation of use of methylene chloride must be maintained, and initial monitoring is required when the owner or operator resumes or starts any of the conditions of use described in paragraph (a) of this section.</p> <p>The owner or operator may forgo the upcoming periodic monitoring event. However, documentation of cessation of the condition(s) of use must be maintained until periodic monitoring resumes, and initial monitoring is required when the owner or operator resumes or starts any of the conditions of use described in paragraph (a) of this section.</p>

(4) **Additional monitoring.** The owner or operator must conduct the exposure monitoring required by paragraph (d)(2) of this section within 30 days after any change that may reasonably be expected to introduce additional sources of exposure to methylene chloride, or otherwise result in increased exposure to methylene chloride compared to the most recent monitoring event. Examples of situations that may require additional monitoring include changes in production, process, control equipment, or work practices, or a leak, rupture, or other breakdown.

(5) **Notification of monitoring results.**

- (i) The owner or operator must inform potentially exposed persons of monitoring results within 15 working days.
- (ii) This notification must include the following:
  - (A) Exposure monitoring results;
  - (B) Identification and explanation of the ECEL, ECEL Action Level, and EPA STEL;
  - (C) Whether the airborne concentration of methylene chloride exceeds the ECEL action level, ECEL or the EPA STEL;
  - (D) If the ECEL or EPA STEL is exceeded, descriptions of actions taken by the owner or operator to reduce exposure in accordance with paragraph (e)(1)(i) of this section;

- (E) Explanation of any required respiratory protection provided in accordance with as paragraphs (e)(1)(ii) and (f) of this section;
    - (F) Quantity of methylene chloride in use at the time of monitoring;
    - (G) Location of methylene chloride use at the time of monitoring;
    - (H) Manner of methylene chloride use at the time of monitoring; and
    - (I) Identified releases of methylene chloride.
  - (iii) Notice must be provided in plain language writing, in a language that the person understands, to each potentially exposed person or posted in an appropriate and accessible location outside the regulated area with an English-language version and a non-English language version representing the language of the largest group of workers who do not read English.
- (6) *Observation of monitoring.*
- (i) The owner or operator must provide affected potentially exposed persons an opportunity to observe exposure monitoring conducted in accordance with this paragraph (d) that is representative of the potentially exposed person's exposure.
  - (ii) The owner or operator must ensure that potentially exposed persons are provided with personal protective equipment appropriate for the observation of monitoring.
- (e) *ECEL control procedures and plan –*
- (1) *Methods of compliance.*
- (i) By May 10, 2027 for Federal agencies and Federal contractors acting for or on behalf of the Federal Government, or by October 30, 2025 for other owners and operators, the owner or operator must institute one or a combination of elimination, substitution, engineering controls, work practices, or administrative controls to reduce exposure to or below the ECEL and EPA STEL except to the extent that the owner or operator can demonstrate that such controls are not feasible.
  - (ii) If the feasible controls, required by paragraph (e)(1)(i) of this section that can be instituted do not reduce exposures for potentially exposed persons to or below the ECEL or EPA STEL, then the owner or operator must use such controls to reduce exposure to the lowest levels achievable by these controls and must supplement those controls with the use of respiratory protection that complies with the requirements of paragraph (f) of this section to reduce exposures to or below the ECEL or EPA STEL.
  - (iii) Where an owner or operator cannot demonstrate exposure below the ECEL, including through the use of all feasible engineering controls, work practices, or administrative controls as described in paragraph (e)(1)(i) of this section, and, has not demonstrated that it has appropriately supplemented with respiratory protection that complies with the requirements of paragraphs (e)(1)(ii) and (f) of this section, this will constitute a failure to comply with the ECEL.
  - (iv) For the Department of Defense and Federal contractors acting for or on behalf of the Department of Defense, in the event that ongoing or planned construction is necessary to implement the feasible controls required by paragraph (e)(1)(i) of this section such that no one is exposed above the ECEL or EPA STEL, the deadlines in paragraph (e)(1)(i) of this section are

extended to May 7, 2029. Ongoing or planned construction efforts to address exposures above the ECEL and EPA STEL must be documented in the exposure control plan required by paragraph (e)(2) of this section.

- (2) **Exposure control plan.** By May 10, 2027 for Federal agencies and Federal contractors acting for or on behalf of the Federal Government, or by October 30, 2025 for other owners and operators, the owner or operator must develop and implement an exposure control plan.
  - (i) **Exposure control plan contents.** The exposure control plan must include documentation of the following:
    - (A) Identification of exposure controls that were considered, including those that were used or not used to meet the requirements of paragraph (e)(1)(i) of this section, in the following sequence—elimination, substitution, engineering controls, and work practices and administrative controls;
    - (B) For each exposure control considered, a rationale for why the exposure control was selected or not selected based on feasibility, effectiveness, and other relevant considerations;
    - (C) A description of actions the owner or operator must take to implement the exposure controls selected, including proper installation, regular inspections, maintenance, training, or other actions;
    - (D) A description of regulated areas, how they are demarcated, and persons authorized to enter the regulated areas;
    - (E) A description of activities conducted by the owner or operator to review and update the exposure control plan to ensure effectiveness of the exposure controls, identify any necessary updates to the exposure controls, and confirm that all persons are properly implementing the exposure controls; and
    - (F) An explanation of the procedures for responding to any change that may reasonably be expected to introduce additional sources of exposure to methylene chloride, or otherwise result in increased exposure to methylene chloride, including procedures for implementing corrective actions to mitigate exposure to methylene chloride.
  - (ii) **Exposure control plan requirements.**
    - (A) The owner or operator must not implement a schedule of personnel rotation as a means of compliance with the ECEL.
    - (B) The owner or operator must maintain the effectiveness of any controls, instituted under paragraph (e) of this section.
    - (C) The exposure control plan must be reviewed and updated as necessary, but at least every 5 years, to reflect any significant changes in the status of the owner or operator's approach to compliance with paragraphs (c) through (e) of this section.
  - (iii) **Availability of exposure control plan.**

- (A) Owners or operators must make the exposure control plan and associated records, including exposure monitoring, respiratory protection program implementation, and dermal protection program implementation records, available to potentially exposed persons.
  - (B) Owners or operators must notify potentially exposed persons of the availability of the plan and associated records within 30 days of the date that the exposure control plan is completed and at least annually thereafter. The notification must be provided in accordance with the requirements of paragraph (d)(5)(iii) of this section.
  - (C) Upon request by the potentially exposed person, the owner or operator must provide the specified records at a reasonable time, place, and manner. If the owner or operator is unable to provide the requested records within 15 days, the owner or operator must, within those 15 days, inform the potentially exposed person requesting the record(s) of the reason for the delay and the earliest date when the record can be made available.
- (3) **Respirator requirements.** The owner or operator must supply a respirator, selected in accordance with paragraph (f) of this section, to each potentially exposed person who enters a regulated area and must ensure each potentially exposed person uses that respirator whenever methylene chloride exposures may exceed the ECEL or EPA STEL.

(f) **Respiratory protection –**

- (1) **Respirator conditions.** After February 8, 2027 for Federal agencies and Federal contractors acting for or on behalf of the Federal Government, after August 1, 2025 for other owners and operators, or within 3 months after receipt of the results of any exposure monitoring as described in paragraph (d) of this section, owners or operators must provide respiratory protection to all potentially exposed persons in the regulated area as outlined in paragraph (c)(3) of this section, and according to the provisions outlined in 29 CFR 1910.134(a) through (l) (except 29 CFR 1910.134(d)(1)(iii)) and as specified in this paragraph (f) for potentially exposed persons exposed to methylene chloride in concentrations above the ECEL or the EPA STEL. For the purpose of this paragraph (f), the maximum use concentration (MUC) as used in 29 CFR 1910.134 must be calculated by multiplying the assigned protection factor (APF) specified for a respirator by the ECEL or EPA STEL.
- (2) **Respirator selection criteria.** The type of respiratory protection that regulated entities must select and provide to potentially exposed persons in accordance with 29 CFR 1910.1052(g)(3)(i), is directly related to the monitoring results, as follows:
- (i) If the measured exposure concentration is at or below the ECEL or EPA STEL: no respiratory protection is required.
  - (ii) If the measured exposure concentration is above 2 ppm and less than or equal to 50 ppm: the respirator protection required is any NIOSH Approved® supplied-air respirator (SAR) or airline respirator in a continuous-flow mode equipped with a loose-fitting facepiece or helmet/hood (APF 25).
  - (iii) If the measured exposure concentration is above 50 ppm and less than or equal to 100 ppm the respirator protection required is:
    - (A) Any NIOSH Approved® Supplied-Air Respirator (SAR) or airline respirator in a demand mode equipped with a full facepiece (APF 50); or

- (B) Any NIOSH Approved® Self-Contained Breathing Apparatus (SCBA) in demand-mode equipped with a full facepiece or helmet/hood (APF 50).
- (iv) If the measured exposure concentration is unknown or at any value above 100 ppm and up to 2,000 ppm the respirator protection required is:
  - (A) Any NIOSH Approved® Supplied-Air Respirator (SAR) or airline respirator in a continuous-flow mode equipped with a full facepiece or certified helmet/hood that has been tested to demonstrate performance at a level of a protection of APF 1,000 or greater. (APF 1,000); or
  - (B) Any NIOSH Approved® Supplied-Air Respirator (SAR) or airline respirator in pressure-demand or other positive-pressure mode equipped with a full facepiece and an auxiliary self-contained air supply (APF 1,000); or
  - (C) Any NIOSH Approved® Self-Contained Breathing Apparatus (SCBA) in a pressure-demand or other positive-pressure mode equipped with a full facepiece or certified helmet/hood (APF 10,000).
- (3) **Minimal respiratory protection.** Requirements outlined in paragraph (e)(2) of this section represent the minimum respiratory protection requirements, such that any respirator affording a higher degree of protection than the required respirator may be used.

(g) **Dermal protection.**

- (1) After February 8, 2027 for Federal agencies and Federal contractors acting for or on behalf of the Federal Government, or after August 1, 2025 for other owners and operators, owners or operators must require the donning of gloves that are chemically resistant to methylene chloride with activity-specific training where dermal contact with methylene chloride is possible, after application of the requirements in paragraph (e) of this section, in accordance with the NIOSH hierarchy of controls.
- (2) Owners or operators must minimize and protect potentially exposed persons from dermal exposure in accordance with 29 CFR 1910.1052(h) and (i).
- (h) **Training.** Owners or operators must provide training in accordance with 29 CFR 1910.1052(l)(1) through (6) to potentially exposed persons prior to or at the time of initial assignment to a job involving potential exposure to methylene chloride. In addition, if respiratory protection or PPE must be worn within a regulated area, owners or operators must provide training in accordance with 29 CFR 1910.132(f) to potentially exposed persons within that regulated area.

[89 FR 39297, May 8, 2024]

## § 751.111 Downstream notification.

- (a) After August 26, 2019, and before October 7, 2024, each person who manufactures (including imports), and before December 4, 2024 processes or distributes in commerce methylene chloride for any use must, prior to or concurrent with the shipment, notify companies to whom methylene chloride is shipped, in writing, of the restrictions described in § 751.105. Notification must occur by inserting the following text in section 1(c) and section 15 of the SDS provided with the methylene chloride or with any methylene chloride-containing product:

This chemical/product is not and cannot be distributed in commerce (as defined in TSCA section 3(5)) or processed (as defined in TSCA section 3(13)) for consumer paint or coating removal.

- (b) Beginning on October 7, 2024, each person who manufactures (including import) methylene chloride for any use must, prior to or concurrent with the shipment, notify companies to whom methylene chloride is shipped, in writing, of the restrictions described in this subpart in accordance with paragraph (d) of this section.
- (c) Beginning on December 4, 2024, each person who processes or distributes in commerce methylene chloride or methylene chloride-containing products for any use must, prior to or concurrent with the shipment, notify companies to whom methylene chloride is shipped, in writing, of the restrictions described in this subpart in accordance with paragraph (d) of this section.
- (d) The notification required under paragraphs (b) and (c) of this section must occur by inserting the following text in section 1(c) and section 15 of the SDS provided with the methylene chloride or with any methylene chloride-containing product:

After February 3, 2025, this chemical substance (as defined in TSCA section 3(2))/product cannot be distributed in commerce to retailers. After January 28, 2026, this chemical substance (as defined in TSCA section 3(2))/product is and can only be distributed in commerce or processed with a concentration of methylene chloride equal to or greater than 0.1% by weight for the following purposes: (1) Processing as a reactant; (2) Processing for incorporation into a formulation, mixture, or reaction product; (3) Processing for repackaging; (4) Processing for recycling; (5) Industrial or commercial use as a laboratory chemical; (6) Industrial or commercial use as a bonding agent for solvent welding; (7) Industrial and commercial use as a paint and coating remover from safety critical, corrosion-sensitive components of aircraft and spacecraft; (8) Industrial and commercial use as a processing aid; (9) Industrial and commercial use for plastic and rubber products manufacturing; (10) Industrial and commercial use as a solvent that becomes part of a formulation or mixture, where that formulation or mixture will be used inside a manufacturing process, and the solvent (methylene chloride) will be reclaimed; (11) Industrial and commercial use in the refinishing for wooden furniture, decorative pieces, and architectural fixtures of artistic, cultural or historic value until May 8, 2029; (12) Industrial and commercial use in adhesives and sealants in aircraft, space vehicle, and turbine applications for structural and safety critical non-structural applications until May 8, 2029; (13) Disposal; and (14) Export.

[89 FR 39300, May 8, 2024]

### § 751.113 Recordkeeping requirements.

- (a) **General records.** Each person who manufactures (including imports), processes, or distributes in commerce any methylene chloride after August 26, 2019, must retain in one location at the headquarters of the company, or at the facility for which the records were generated beginning July 8, 2024, documentation showing:
  - (1) The name, address, contact, and telephone number of companies to whom methylene chloride was shipped;
  - (2) A copy of the notification provided under § 751.111; and
  - (3) The amount of methylene chloride shipped.
- (b) **Exposure control records.** Owners or operators must retain records of:
  - (1) The exposure control plan as described in § 751.109(e)(2);
  - (2) Implementation of the exposure control plan described in § 751.109(e)(2), including:

- (i) Any regular inspections, evaluations, and updating of the exposure controls to maintain effectiveness; and
    - (ii) Confirmation that all persons are properly implementing the exposure controls.
  - (3) Personal protective equipment (PPE) and respiratory protection used by potentially exposed persons and program implementation, including fit-testing, pursuant to § 751.109(f) and (g);
  - (4) Information and training provided pursuant to § 751.109(h); and
  - (5) Occurrence and duration of any start-up, shutdown, or malfunction of exposure controls or of facility equipment that causes air concentrations to be above the ECEL or EPA STEL and subsequent corrective actions taken during start-up, shutdown, or malfunctions to mitigate exposures to methylene chloride.
- (c) **Objective data.** Objective data generated during the previous 5 years, when used to forgo the initial exposure monitoring, must include:
- (1) The use of methylene chloride being evaluated;
  - (2) The source of objective data;
  - (3) The measurement methods, measurement results, and measurement analysis of the use of methylene chloride; and
  - (4) Any other relevant data to the operations, processes, or person's exposure.
- (d) **Exposure monitoring records.**
- (1) Owners or operators are required to retain monitoring records that include, at minimum, the information described at 29 CFR 1910.1052(m)(2)(ii)(A) through (F). For the purposes of this paragraph (d)(1), cross-referenced provisions in 29 CFR 1910.1052(m)(2)(ii) applying to an "employee" apply equally to potentially exposed persons and cross-referenced provisions applying to an "employer" also apply equally to owners or operators.
  - (2) For each monitoring event of methylene chloride required under this subpart, owners or operators must also document the following:
    - (i) All measurements that may be necessary to determine the conditions that may affect the monitoring results;
    - (ii) The identity of all other potentially exposed persons whose exposure was not measured and whose exposure is intended to be represented by the area or representative sampling monitoring;
    - (iii) Use of established analytical methods;
    - (iv) Compliance with the Good Laboratory Practice Standards in accordance with 40 CFR part 792 or use of a laboratory accredited by the AIHA or another industry-recognized program; and
    - (v) Information regarding air monitoring equipment including: Type, maintenance, calibrations, performance tests, limits of detection, and any malfunctions.
  - (3) Owners or operators must maintain copies of exposure monitoring notifications provided pursuant to § 751.109(d)(5).



- (e) **Availability of exposure control plans.** Owners or operators must document the notice to and ability of any potentially exposed persons to access the exposure control plan and other associated records in accordance with § 751.109(e)(2)(iii).
- (f) **Records related to exemptions.** To maintain eligibility for an exemption described in § 751.115, the records maintained by the owners or operators must demonstrate compliance with the specific conditions of the exemption.
- (g) **Records related to the refinishing of wooden furniture, decorative pieces, and architectural fixtures.**
  - (1) Owners and operators of workplaces engaged in the industrial or commercial use of methylene chloride for the refinishing of wooden furniture, decorative pieces, and architectural fixtures of artistic, cultural, or historic value must document each instance of refinishing such pieces.
  - (2) The documentation required by paragraph (g)(1) of this section must include:
    - (i) The date of the refinishing activity;
    - (ii) A description of the wooden piece that was refinished and an explanation of its artistic, cultural, or historic value;
    - (iii) The name of the owner of the refinished wooden piece;
    - (iv) The name of the individual(s) that refinished the wooden piece;
    - (v) A description of the methylene chloride product used and the quantity of the product used to perform the refinishing; and
    - (vi) Records demonstrating compliance with the requirements of § 751.117.
- (h) **Minimum record retention period.** The records required under this section must be retained for at least 5 years from the date that such records were generated.

[89 FR 39301, May 8, 2024]

## § 751.115 Exemptions.

- (a) **In general.**
  - (1) Time-limited exemptions described in this section are established in accordance with 15 U.S.C. 2605(g)(1).
  - (2) To be eligible for the exemptions established in this section, regulated parties must comply with all conditions promulgated in this section for such exemptions in accordance with 15 U.S.C. 2605(g)(4).
- (b) **Exemption for emergency use by the National Aeronautics and Space Administration.** Under 15 U.S.C. 2605(g)(1)(A), the use of methylene chloride or methylene chloride-containing products in an emergency by the National Aeronautics and Space Administration and its contractors operating within the scope of their contracted work for the conditions of use identified in paragraph (b)(1) of this section is exempt from the requirements of § 751.107(b)(3) through (6) until May 8, 2034.
  - (1) **Applicability.** This exemption shall apply to the following specific conditions of use:
    - (i) Industrial and commercial use as solvent for cold cleaning;
    - (ii) Industrial and commercial use as a solvent for aerosol spray degreaser/cleaner;

- (iii) Industrial and commercial use in adhesives, sealants, and caulks;
- (iv) Industrial and commercial use in adhesive and caulk removers;
- (v) Industrial and commercial use in metal non-aerosol degreasers;
- (vi) Industrial and commercial use in non-aerosol degreasers and cleaners; and
- (vii) Industrial and commercial use as solvent that becomes part of a formulation or mixture.

(2) **Emergency use.**

- (i) **In general.** An emergency is a serious and sudden situation requiring immediate action, within 15 days or less, necessary to protect:
  - (A) Safety of the National Aeronautics and Space Administration's or their contractors' personnel;
  - (B) The National Aeronautics and Space Administration's missions;
  - (C) Human health, safety, or property, including that of adjacent communities; or
  - (D) The environment.
- (ii) **Duration.** Each emergency is a separate situation; if use of methylene chloride exceeds 15 days, then justification must be documented.

(3) **Eligibility.** To be eligible for the exemption, the National Aeronautics and Space Administration and its contractors must:

- (i) Select methylene chloride because there are no technically and economically feasible safer alternatives available during the emergency.
- (ii) Perform the emergency use of methylene chloride at locations controlled by the National Aeronautics and Space Administration or its contractors.
- (iii) Comply with the following conditions:
  - (A) **Notification.** Within 15 working days of the emergency use by the National Aeronautics and Space Administration or its contractors, the National Aeronautics and Space Administration and its contractors must provide notice to the EPA Assistant Administrators of both the Office of Enforcement and Compliance Assurance and the Office of Chemical Safety and Pollution Prevention that includes the following:
    - (1) Identification of the condition of use detailed in paragraph (b)(1) of this section to which the emergency use applies;
    - (2) An explanation for why the emergency use met the definition of emergency in paragraph (b)(2)(i) of this section; and
    - (3) An explanation of why methylene chloride was selected, including why there were no technically and economically feasible safer alternatives available in the particular emergency.
  - (B) **Exposure.** The owner or operator must comply with and document such compliance efforts under the Workplace Chemical Protection Program provisions in § 751.109, to the extent technically feasible in light of the particular emergency.

- (C) **Recordkeeping.** The owner or operator of the location where the use takes place must comply with the recordkeeping requirements in § 751.113.

[89 FR 39301, May 8, 2024]

### **§ 751.117 Interim requirements for paint and coating removal for the refinishing of wooden furniture, decorative pieces, and architectural fixtures of artistic, cultural, or historic value.**

Beginning July 8, 2024, and notwithstanding the timeframes identified in § 751.109, all persons using methylene chloride, including any methylene chloride containing products, for industrial and commercial use for the refinishing of wooden furniture, decorative pieces and architectural fixtures of artistic, cultural, or historic value must:

- (a) Establish a regulated area in accordance with § 751.109(c)(3);
- (b) Use local exhaust ventilation, both bringing air in from outside and pulling methylene chloride vapors away from the potentially exposed person; and
- (c) Provide minimum respiratory protection:
  - (1) Use any NIOSH Approved® Supplied-Air Respirator (SAR) or airline respirator in a demand mode equipped with a full facepiece (APF 50) or any NIOSH Approved® Self-Contained Breathing Apparatus (SCBA) in demand-mode equipped with a full facepiece or helmet/hood (APF 50); or
  - (2) Use the appropriate respirator based on initial monitoring as identified in § 751.109(f)(2).
- (d) Comply with the recordkeeping requirements in § 751.113(g).

[89 FR 39302, May 8, 2024]

### **Subpart C [Reserved]**

### **Subpart D—XXX**

Link to an amendment published at 89 FR 102623, Dec. 17, 2024.

### **Subpart E—Persistent, Bioaccumulative, and Toxic Chemicals**

**Source:** 86 FR 879, Jan. 6, 2021, unless otherwise noted.

### **§ 751.401 General.**

Link to an amendment published at 89 FR 91514, Nov. 19, 2024.

- (a) This subpart establishes prohibitions and restrictions on the manufacturing, processing, and distribution in commerce of persistent, bioaccumulative, and toxic chemicals in accordance with TSCA section 6(h), 15 U.S.C 2605(h).
- (b) Unless otherwise specified in this subpart, prohibitions and restrictions of this subpart do not apply to the following activities:

- (1) Distribution in commerce of any chemical substance, or any product or article that contains the chemical substance, that has previously been sold or supplied to an end user, *i.e.*, any person that purchased or acquired the finished good for purposes other than resale. An example of an end user is a consumer who resells a product they no longer intend to use or who donates an article to charity.
- (2) Disposal of any chemical substance, or any product or article that contains the chemical substance, as well as importation, processing and distribution in commerce of any chemical substance or any product or article that contains the chemical substance for purposes of disposal.
- (3) Manufacturing, processing, distribution in commerce, and use of any chemical substance, or any product or article that contains the chemical substance, for research and development, as defined in § 751.403.

### § 751.403 Definitions.

Link to an amendment published at 89 FR 91514, Nov. 19, 2024.

The definitions in subpart A of this part apply to this subpart unless otherwise specified in this section.

**2,4,6-TTBP** means the chemical substance 2,4,6-tris(tert-butyl)phenol (CASRN 732-26-3).

**2,4,6-TTBP oil and lubricant additives** means any 2,4,6-TTBP-containing additive to a product of any viscosity intended to reduce friction between moving parts, whether mineral oil or synthetic base, including engine crankcase and gear oils and bearing greases. 2,4,6-TTBP oil and lubricant additive does not include hydraulic fluid and other oils whose primary purpose is not friction reduction.

**Article** means a manufactured item:

- (1) Which is formed to a specific shape or design during manufacture,
- (2) Which has end use function(s) dependent in whole or in part upon its shape or design during end use, and
- (3) Which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article, and that result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles; except that fluids and particles are not considered articles regardless of shape or design.

**DecaBDE** means the chemical substance decabromodiphenyl ether (CASRN 1163-19-5).

**HCBD** means the chemical substance hexachlorobutadiene (CASRN 87-68-3).

**Lubricants and grease** mean any product used to reduce friction, heat, or wear between moving or adjacent solid surfaces, or that enhance the lubricity of other substances.

**PCTP** means the chemical substance pentachlorothiophenol (CASRN 133-49-3).

**PIP (3:1)** means the chemical substance phenol, isopropylated phosphate (3:1) (CASRN 68937-41-7).

**Product** means the chemical substance, a mixture containing the chemical substance, or any object that contains the chemical substance or mixture containing the chemical substance that is not an article.

*Research and Development* means laboratory and research use only for purposes of scientific experimentation or analysis, or chemical research on, or analysis of, the chemical substance, including methods for disposal, but not for research or analysis for the development of a new product, or refinement of an existing product that contains the chemical substance.

[86 FR 879, Jan. 6, 2021, as amended at 86 FR 894, 909, 922, 932, Jan. 6, 2021]

## § 751.405 DecaBDE.

Link to an amendment published at 89 FR 91514, Nov. 19, 2024.

### (a) *Prohibition* —

- (1) **General.** Except as provided in paragraphs (a)(2) and (b) of this section, all persons are prohibited from all manufacturing and processing of decaBDE or decaBDE-containing products or articles after March 8, 2021, and all persons are prohibited from all distribution in commerce of decaBDE or decaBDE-containing products or articles after January 6, 2022.
- (2) **Phase-in of Prohibitions for Specific Uses of decaBDE and decaBDE-containing Products or Articles.**
  - (i) After July 6, 2022, all persons are prohibited from all manufacturing, processing, and distribution in commerce decaBDE for use in curtains in the hospitality industry, and the curtains to which decaBDE has been added.
  - (ii) After January 6, 2023, all persons are prohibited from all processing and distribution in commerce of decaBDE for use in wire and cable insulation in nuclear power generation facilities, and decaBDE-containing wire and cable insulation.
  - (iii) After January 8, 2024, all persons are prohibited from all manufacturing, processing, and distribution in commerce of decaBDE for use in parts installed in and distributed as part of new aerospace vehicles, and the parts to which decaBDE has been added for such vehicles. After the end of the aerospace vehicles service lives, all persons are prohibited from all importing, processing, and distribution in commerce of aerospace vehicles manufactured before January 8, 2024 that contain decaBDE in any part. After the end of the aerospace vehicles service lives, all persons are prohibited from all manufacture, processing and distribution in commerce of decaBDE for use in replacement parts for aerospace vehicles, and the replacement parts to which decaBDE has been added for such vehicles.
  - (iv) After the end of the vehicles service lives or 2036, whichever is earlier, all persons are prohibited from all manufacture, processing and distribution in commerce of decaBDE for use in replacement parts for motor vehicles, and the replacement parts to which decaBDE has been added for such vehicles.
  - (v) After the end of the pallets' service life, all persons are prohibited from all distribution in commerce of plastic shipping pallets that contain decaBDE and were manufactured prior March 8, 2021.
- (b) **Exclusions to the Prohibition.** Processing and distribution in commerce for recycling of decaBDE-containing plastic from products or articles and decaBDE-containing products or articles made from such recycled plastic, where no new decaBDE is added during the recycling or production processes is not subject to the prohibition in paragraph (a) of this section.

(c) **Recordkeeping.**

- (1) After March 8, 2021, all persons who manufacture, process, or distribute in commerce decaBDE or decaBDE-containing products or articles must maintain ordinary business records, such as invoices and bills-of-lading related to compliance with the prohibitions, restrictions, and other provisions of this section.
  - (i) These records must be maintained for a period of three years from the date the record is generated.
  - (ii) These records must include a statement that the decaBDE or the decaBDE-containing products or articles are in compliance with 40 CFR 751.405(a).
  - (iii) These records must be made available to EPA within 30 calendar days upon request.
- (2) The recordkeeping requirements in paragraph (c)(1) do not apply to the activities described in paragraphs (a)(2)(v) and (b) of this section.

[86 FR 894, Jan. 6, 2021]

**§ 751.407 PIP (3:1).**

Link to an amendment published at 89 FR 91516, Nov. 19, 2024.

(a) **Prohibitions —**

- (1) **General.** Except as provided in paragraphs (a)(2) and (b) of this section, all persons are prohibited from all processing and distributing in commerce of PIP (3:1), including in PIP (3:1)-containing products or articles after March 8, 2021.
- (2) **Phase-in Prohibitions for Specific uses of PIP (3:1) and PIP (3:1)-containing products and articles.**
  - (i) After January 6, 2025, all persons are prohibited from all processing and distributing in commerce of PIP (3:1) for use in adhesives and sealants, PIP (3:1)-containing products for use in adhesives and sealants, and PIP (3:1)-containing adhesives and sealants.
  - (ii) After January 1, 2022, all persons are prohibited from all processing and distributing in commerce of PIP (3:1) for use in photographic printing articles and PIP (3:1)-containing photographic printing articles.
  - (iii) After October 31, 2024, except as provided in paragraphs (a)(2)(ii) and (b) of this section, all persons are prohibited from all processing and distribution in commerce of PIP (3:1) for use in articles and PIP (3:1)-containing articles.

(b) **Exclusions.** The following activities are not subject to the prohibitions in paragraph (a) of this section.

- (1) Processing and distribution in commerce of:
  - (i) PIP (3:1) for use in hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements, PIP (3:1)-containing products for use in

such hydraulic fluids, and PIP (3:1)-containing hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements.

- (ii) PIP (3:1) for use in lubricants and greases, PIP (3:1) containing products for use in lubricants and greases, and PIP (3:1)-containing lubricants and greases.
- (iii) PIP (3:1) and PIP (3:1)-containing products for use in new and replacement parts for motor and aerospace vehicles, the new and replacement parts to which PIP (3:1) has been added for such vehicles, and the motor and aerospace vehicles that contain new and replacement parts to which PIP (3:1) has been added;
- (iv) PIP (3:1) and PIP (3:1)-containing products for use as an intermediate in a closed system to produce cyanoacrylate adhesives;
- (v) PIP (3:1) for use in specialized engine air filters for locomotive and marine applications, PIP (3:1) containing products for use in specialized engine air filters for locomotive and marine applications, and PIP (3:1)-containing specialized engine air filters for locomotive and marine applications;
- (vi) Plastic for recycling from products or articles containing PIP (3:1), where no new PIP (3:1) is added during the recycling process; and
- (vii) Finished products or articles made of plastic recycled from products or articles containing PIP (3:1), where no new PIP (3:1) was added during the production of the products or articles made of recycled plastic.

(2) [Reserved]

(c) **Prohibition on releases to water.** After March 8, 2021, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing and distribution in commerce of PIP (3:1) and PIP (3:1) containing products, and all persons are required to follow all applicable regulations and best management practices for preventing the release of PIP (3:1) and PIP (3:1)-containing products to water during commercial use.

(d) **Recordkeeping.**

- (1) After March 8, 2021, persons who manufacture, process, or distribute in commerce PIP (3:1) or PIP (3:1)-containing products or articles must maintain ordinary business records, such as invoices and bills-of-lading, related to compliance with the prohibitions, restrictions, and other provisions of this section. These records must be maintained for a period of three years from the date the record is generated.
- (2) These records must include a statement that the PIP (3:1), or the PIP (3:1)-containing products or articles, are in compliance with 40 CFR 751.407(a).
- (3) These records must be made available to EPA within 30 calendar days upon request.
- (4) The recordkeeping requirements in paragraph (d) of this section do not apply to the activities described in paragraphs (b)(1)(vi) and (vii) of this section. The recordkeeping requirements in paragraph (d) of this section also do not apply to PIP (3:1)-containing articles until October 31, 2024.

(e) **Downstream notification.**

- (1) Each person who manufactures PIP (3:1) for any use after March 8, 2021 must, prior to or concurrent with the shipment, notify persons to whom PIP (3:1) is shipped, in writing, of the restrictions described in this subpart.
- (2) Each person who processes or distributes in commerce PIP (3:1) or PIP (3:1)-containing products for any use after July 6, 2021 must, prior to or concurrent with the shipment, notify persons to whom PIP (3:1) is shipped, in writing, of the restrictions described in this subpart.
- (3) Notification must occur by inserting the text in paragraphs (e)(3)(i) and (e)(3)(ii) in the Safety Data Sheet (SDS) or by including on the label of any PIP (3:1) or PIP (3:1)-containing product the label language in paragraph (e)(3)(iii):
  - (i) **SDS Section 1(c).** "The Environmental Protection Agency prohibits processing and distribution of this chemical/product for any use other than: (1) In hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements, (2) lubricants and greases, (3) New or replacement parts for motor and aerospace vehicles, (4) as an intermediate in the manufacture of cyanoacrylate glue, (5) In specialized engine air filters for locomotive and marine applications, (6) In adhesives and sealants before January 6, 2025, after which use in adhesives and sealants is prohibited, and (7) in other articles before October 31, 2024, after which use in articles other than new or replacement parts for motor and aerospace vehicles or specialized engine air filters for locomotive and marine applications is prohibited. In addition, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing, and distribution in commerce, and must follow all existing regulations and best practices to prevent the release of PIP (3:1) to water during the commercial use of PIP (3:1)."; and
  - (ii) **SDS Section 15.** "The Environmental Protection Agency prohibits processing and distribution of this chemical/product for any use other than: (1) In hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements, (2) lubricants and greases, (3) new or replacement parts for motor and aerospace vehicles, (4) as an intermediate in the manufacture of cyanoacrylate glue, (5) In specialized engine air filters for locomotive and marine applications, (6) in adhesives and sealants before January 6, 2025, after which use in adhesives and sealants is prohibited, and (7) in other articles before October 31, 2024, after which use in articles other than new or replacement parts for motor and aerospace vehicles or specialized engine air filters for locomotive and marine applications is prohibited. In addition, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing, and distribution in commerce, and must follow all existing regulations and best practices to prevent the release of PIP (3:1) to water during the commercial use of PIP (3:1)."; or
  - (iii) **Labeling.** "The Environmental Protection Agency prohibits processing and distribution of this chemical/product for any use other than: (1) In hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements, (2) lubricants and greases, (3) new or replacement parts for motor and aerospace vehicles, (4) as an intermediate in the manufacture of cyanoacrylate glue, (5) In specialized engine air filters for locomotive and marine applications, (6) In adhesives and sealants before January 6, 2025, after which use in adhesives and sealants is prohibited, and (7) in other articles before October 31, 2024, after which use in articles other than new or replacement parts for motor and aerospace vehicles or



specialized engine air filters for locomotive and marine applications is prohibited. In addition, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing, and distribution in commerce, and must follow all existing regulations and best practices to prevent the release of PIP (3:1) to water during the commercial use of PIP (3:1)."

- (4) The downstream notification requirements in this paragraph (e) do not apply to the activities described in paragraphs (b)(1)(vi) and (vii) of this section.

[86 FR 909, Jan. 6, 2021, as amended at 86 FR 51832, Sept. 17, 2021; 87 FR 12886, Mar. 8, 2022]

## § 751.409 2,4,6-TTBP.

(a) **Prohibitions.**

- (1) After January 6, 2026, all persons are prohibited from all distribution in commerce of 2,4,6-TTBP, at any concentration above 0.3 percent by weight, in containers with a volume less than 35 gallons.
- (2) After January 6, 2026, all persons are prohibited from all processing and distribution in commerce of 2,4,6-TTBP oil and lubricant additives at any concentration above 0.3 percent by weight.

- (b) **Recordkeeping.** After January 6, 2026, distributors of 2,4,6-TTBP must maintain ordinary business records, such as invoices and bills-of-lading, related to compliance with the prohibitions, restrictions, and other provisions of this section. These records must be maintained for a period of three years from the date the record is generated.

## § 751.411 PCTP.

- (a) **Prohibition.** After March 8, 2021, all persons are prohibited from all manufacturing and processing of PCTP or PCTP-containing products or articles, unless PCTP concentrations are at or below 1% by weight. After January 6, 2022, all persons are prohibited from all distribution in commerce of PCTP or PCTP-containing products or articles, unless PCTP concentrations are at or below 1% by weight.
- (b) **Recordkeeping.** After March 8, 2021, manufacturers, processors and distributors of PCTP or PCTP-containing products or articles must maintain ordinary business records related to compliance with the prohibitions, restrictions and other provisions of this section, such as invoices and bills-of-lading. These records must be maintained for a period of three years from the date the record is generated.

[86 FR 922, Jan. 6, 2021]

## § 751.413 HCBd.

- (a) **Prohibition.** After March 8, 2021, all persons are prohibited from all manufacturing, processing and distribution in commerce of HCBd and HCBd-containing products or articles, except for the following:
- (1) Unintentional production of HCBd as a byproduct in the production of chlorinated solvents; and
  - (2) Processing and distribution in commerce of HCBd for burning as a waste fuel.
- (b) **Recordkeeping.** After March 8, 2021, manufacturers, processors and distributors of HCBd or HCBd-containing products or articles must maintain ordinary business records related to compliance with the prohibitions, restrictions and other provisions of this section, such as invoices and bills-of-lading. These records must be maintained for a period of three years from the date the record is generated.

[86 FR 932, Jan. 6, 2021]

## Subpart F—Chrysotile Asbestos

**Source:** 89 FR 22005, Mar. 28, 2024, unless otherwise noted.

### § 751.501 General.

This subpart sets certain restrictions on the manufacture (including import), processing, distribution in commerce, and commercial use and disposal of chrysotile asbestos (CASRN 132207-32-0) to prevent unreasonable risk of injury to health in accordance with TSCA section 6(a), 15 U.S.C. 2605(a).

### § 751.503 Definitions.

The definitions in subpart A of this part apply to this subpart unless otherwise specified in this section. In addition, the following definitions apply to this subpart:

**Aftermarket automotive brakes and linings** means any automotive friction brake articles sold in the secondary market as replacement parts (e.g., brake pads, linings and shoes) used in disc and drum brake systems on automobiles and trucks.

**Article** means a manufactured item:

- (1) Which is formed to a specific shape or design during manufacture;
- (2) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and
- (3) Which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article, and that result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles; except that fluids and particles are not considered articles regardless of shape or design.

**Authorized person** means any person specifically authorized by the owner or operator to enter, and whose duties require the person to enter, a regulated area.

**Chrysotile asbestos** is the asbestiform variety of a hydrated magnesium silicate mineral, with relatively long and flexible crystalline fibers that are capable of being woven.

**Disposal** means to discard, throw away, or otherwise complete or terminate the useful life of chrysotile asbestos, including any chrysotile asbestos-containing products or articles.

**Distribution in commerce** has the same meaning as in section 3 of the Act, but the term does not include distribution of chrysotile asbestos waste solely for purposes of disposal in accordance with this Subpart.

**Diaphragms** means semipermeable diaphragms, which separate the anode from the cathode chemicals in the production of chlorine and sodium hydroxide (caustic soda).

**Gasket** means an article used to form a leakproof seal between fixed components.

**Membrane technology** means a chlor-alkali production technology that uses chlorine production cells in which the anode and the cathode are separated by an ion-exchange membrane that is designed to allow only sodium ions and some water to pass through it.

**Nuclear material** means any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954, as amended, and regulations issued under such Act).

**Oilfield brake blocks** means the friction brake blocks component in drawworks used in the hoisting mechanism for oil well drilling rigs.

**Other gaskets** means gaskets other than *sheet gaskets in chemical production*, to include gaskets used in the exhaust systems of utility vehicles.

**Other vehicle friction products** means friction articles such as brakes and clutches, other than *aftermarket automotive brakes and linings*, installed on any vehicle, including on off-road vehicles, trains, planes, etc. *Other vehicle friction products* does not include articles used in the NASA Super Guppy Turbine aircraft, a specialty cargo plane used for the transportation of oversized equipment that is owned and operated by the National Aeronautics and Space Administration (NASA).

**Owner or operator** means any person who owns, leases, operates, controls, or supervises a workplace covered by this subpart.

**Potentially exposed person** means any person who may be occupationally exposed to a chemical substance or mixture in a workplace as a result of a condition of use of that chemical substance or mixture.

**Processing** has the same meaning as in section 3 of the Act, but the term does not include processing of chrysotile asbestos waste solely for purposes of disposal in accordance with this subpart.

**Regulated area** means an area established by the regulated entity to demarcate where airborne concentrations of a specific chemical substance exceed, or there is a reasonable possibility they may exceed, the ECEL.

**Savannah River Site** means the Department of Energy's nuclear waste management and related national defense operations at its Savannah River Site in Aiken, Barnwell and Allendale counties in South Carolina, including operations at H-Canyon, F and H Tank Farms, Defense Waste Processing Facility, Savannah River National Laboratory and any on-site facility managed by Savannah River Nuclear Solutions.

**Sheet gaskets in chemical production** means gaskets cut from sheeting, including asbestos-containing rubberized sheeting, that are used in facilities for extreme condition applications such as titanium dioxide manufacturing, or processing nuclear material.

### **§ 751.505 Manufacturing, processing, distribution in commerce and commercial use of chrysotile asbestos diaphragms in the chlor-alkali industry.**

- (a) After May 28, 2024, all persons are prohibited from manufacture (including import) of chrysotile asbestos, including any chrysotile asbestos-containing products or articles, for diaphragms in the chlor-alkali industry.
- (b) After May 28, 2029, all persons are prohibited from processing, distribution in commerce and commercial use of chrysotile asbestos, including any chrysotile asbestos-containing products or articles, for diaphragms in the chlor-alkali industry, except as provided in paragraphs (c) through (d) of this section.
- (c) Any person who meets all of the criteria of this paragraph (c) may process, distribute in commerce and commercially use chrysotile asbestos, including any chrysotile asbestos-containing products or articles, for diaphragms in the chlor-alkali industry at no more than two facilities until May 25, 2032:
  - (1) On May 28, 2024, the person owns or operates more than one facility that uses chrysotile asbestos in chlor-alkali production;

- (2) The person is converting more than one facility that the person owns or operates that as of May 28, 2024 uses chrysotile asbestos in chlor-alkali production from the use of chrysotile asbestos diaphragms to non-chrysotile asbestos membrane technology, and by May 28, 2029, the person has ceased all processing, distribution in commerce and commercial use of chrysotile asbestos at one (or more) facility undergoing or that has undergone conversion to non-chrysotile asbestos membrane technology; and
- (3) The person certifies to EPA compliance with the provisions of this paragraph, in accordance with § 751.507.
- (d) Any person who meets all of the criteria of this paragraph (d) may process, distribute in commerce and commercially use chrysotile asbestos, including any chrysotile asbestos-containing products or articles, for diaphragms in the chlor-alkali industry at not more than one facility until May 26, 2036:
  - (1) On May 28, 2024, the person owns or operates more than two facilities that use chrysotile asbestos in chlor-alkali production; and
  - (2) The person is converting more than two facilities that the person owns or operates that as of May 28, 2024 use chrysotile asbestos in chlor-alkali production from the use of chrysotile asbestos diaphragms to non-chrysotile asbestos membrane technology:
    - (i) By May 28, 2029, the person has ceased all processing, distribution in commerce and commercial use of chrysotile asbestos at one (or more) facility undergoing or that has undergone such conversion; and
    - (ii) By May 25, 2032 the person has ceased all processing, distribution in commerce and commercial use of chrysotile asbestos at two (or more) facilities undergoing or that have undergone conversion to non-chrysotile asbestos membrane technology; and
  - (3) The person certifies to EPA compliance with the provisions of this paragraph, in accordance with § 751.507.

### **§ 751.507 Certification of compliance for the chlor-alkali industry.**

- (a) In addition to meeting the requirements of §§ 751.505(c), any person who processes, distributes in commerce or commercially uses chrysotile asbestos for diaphragms in the chlor-alkali industry between May 28, 2029 and May 25, 2032 must:
  - (1) Certify to EPA their compliance with all requirements of § 751.505(c); and
  - (2) Provide the following information to EPA to support their compliance with the requirements of § 751.505(c):
    - (i) Identification of the facility for which, by May 28, 2029, the person has ceased all processing, distribution in commerce and commercial use of chrysotile asbestos, pursuant to § 751.505(c)(2), including:
      - (A) facility name, location, and mailing address;
      - (B) name of facility manager or other contact, title, phone number and email address; and
      - (C) date the person ceased all processing, distribution in commerce and commercial use of chrysotile asbestos at the facility.

- (ii) Identification of the facility or facilities (no more than two facilities) for which the person will after May 28, 2029, continue to process, distribute in commerce and commercially use chrysotile asbestos diaphragms while the facility or facilities are being converted to non-chrysotile asbestos membrane technology, pursuant to § 751.505(c), including for each facility:
    - (A) facility name, location, and mailing address; and
    - (B) name of facility manager or other contact, title, phone number and email address.
- (b) In addition to meeting the requirements of paragraph (a) of this section and §§ 751.505(d), any person who processes, distributes in commerce or commercially uses chrysotile asbestos for diaphragms in the chlor-alkali industry between May 25, 2032 and May 26, 2036 must:
  - (1) Certify to EPA their compliance with all requirements of § 751.505(d); and
  - (2) Provide the following information to EPA to support their compliance with the requirements of § 751.505(d):
    - (i) Identification of the facility identified in § 751.505(d)(2)(ii) at which as of May 25, 2032, the person has ceased all processing, distribution in commerce and commercial use of chrysotile asbestos, including:
      - (A) facility name, location, and mailing address;
      - (B) name of facility manager or other contact, title, phone number and email address; and
      - (C) date the person has ceased all processing, distribution in commerce and commercial use of chrysotile asbestos at the facility.
    - (ii) Identification of the facility at which the person will between May 25, 2032 and no later than May 26, 2036, continue to process, distribute in commerce and commercially use chrysotile asbestos diaphragms while the facility is being converted to non-chrysotile asbestos membrane technology pursuant to § 751.505(d), including:
      - (A) facility name, location, and mailing address; and
      - (B) name of facility manager or other contact, title, phone number and email address.
- (c) The certification required by paragraphs (a) and (b) of this section must be signed and dated by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of chlor-alkali operations, or any other person who performs similar policy or decision-making functions for the corporation.
- (d) Any person signing a document under paragraph (c) of this section shall also make the following certification:

"I certify under penalty of law that this document was prepared under my direction or supervision, and the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware it is unlawful to knowingly submit incomplete, false and/or misleading information and there are criminal penalties for such conduct."
- (e) This certification must be submitted to the Director, Office of Pollution Prevention and Toxics (OPPT), using the address specified at 40 CFR 700.17(a).

- (1) The certification under paragraph (a) of this section must be submitted no later than 10 business days after May 28, 2029; and
- (2) The certification under paragraph (b) of this section must be submitted no later than 10 business days after May 25, 2032.

**§ 751.509 Other prohibitions and restrictions on the manufacturing, processing, distribution in commerce and commercial use of chrysotile asbestos.**

- (a) After May 27, 2026, all persons are prohibited from manufacturing (including importing), processing, distributing in commerce, and commercial use of chrysotile asbestos, including any chrysotile asbestos-containing products or articles, for use in sheet gaskets for chemical production, except as provided in paragraphs (b) and (c) of this section. Any sheet gaskets for chemical production which are already installed for use on May 27, 2026 are not subject to the distribution in commerce and commercial use prohibitions.
- (b) Any person may commercially use chrysotile asbestos sheet gaskets for titanium dioxide production until May 28, 2029.
- (c)
  - (1)
    - (i) Any person may commercially use chrysotile asbestos sheet gaskets for processing nuclear material until May 28, 2029.
    - (ii) Any person may commercially use chrysotile asbestos sheet gaskets for processing nuclear material at the Savannah River Site until December 31, 2037.
  - (2) After November 25, 2024, any person commercially using chrysotile asbestos sheet gaskets for processing nuclear material pursuant to (c)(1)(i) and (ii) must have in place exposure controls expected to reduce exposure of potentially exposed persons to asbestos, and provide potentially exposed persons in the regulated area where chrysotile asbestos sheet gasket replacement is being performed a full-face air purifying respirator with a P-100 (HEPA) cartridge (providing an assigned protection factor of 50), or other respirator that provides a similar or higher level of protection to the wearer.
- (3)
  - (i) Any sheet gaskets for processing nuclear material which are already installed for use on May 28, 2029 are not subject to the distribution in commerce and commercial use prohibitions in paragraphs (a) of this section.
  - (ii) Any sheet gaskets for processing nuclear material at the Savannah River Site which are already installed for use on December 31, 2037, are not subject to the distribution in commerce and commercial use prohibitions in paragraphs (a) of this section.
- (d) After November 25, 2024, all persons are prohibited from manufacturing (including importing), processing, distribution in commerce and commercial use of chrysotile asbestos, including any chrysotile asbestos-containing products or articles, for commercial use of:
  - (1) Oilfield brake blocks;
  - (2) Aftermarket automotive brakes and linings;

- (3) Other vehicle friction products; and
- (4) Other gaskets.
- (e) After November 25, 2024, all persons are prohibited from the manufacturing (including importing), processing, and distribution in commerce of chrysotile asbestos, including any chrysotile asbestos-containing products or articles, for consumer use of:
  - (1) Aftermarket automotive brakes and linings; and
  - (2) Other gaskets.
- (f) On November 25, 2024:
  - (1) Any aftermarket automotive brakes and linings, other vehicle friction products, and other gaskets which are already installed for commercial use are not subject to the prohibitions on distribution in commerce and commercial use under paragraph (d) of this section.
  - (2) Any aftermarket automotive brakes and linings, and other gaskets which are already installed for consumer use are not subject to the distribution in commerce prohibition under paragraph (e) of this section.

#### § 751.511 Interim workplace controls of chrysotile asbestos exposures.

- (a) **Applicability.** This section applies to processing and commercial use of chrysotile asbestos, including any chrysotile asbestos-containing products or articles, for chrysotile asbestos diaphragms in the chlor-alkali industry; and to the commercial use of chrysotile asbestos sheet gaskets for titanium dioxide production.
- (b) **Interim Existing Chemical Exposure Limit (ECEL).** Beginning November 25, 2024, the owner or operator must ensure that no person is exposed to an airborne concentration of chrysotile asbestos in excess of the interim ECEL for chrysotile asbestos of 0.005 fibers (f)/cubic centimeter (cc) as an eight (8)-hour time-weighted average (TWA). Where an owner or operator cannot demonstrate exposure at or below the ECEL, including through the use of all technically feasible engineering controls or work practices as described in paragraph (e)(1) of this section, and has not demonstrated that it has appropriately supplemented with respiratory protection that complies with the requirements of paragraph (f) of this section, this will constitute a failure to comply with the ECEL.
- (c) **Exposure monitoring –**
  - (1) **In general.**
    - (i) Owners or operators must determine each potentially exposed person's exposure from personal breathing zone air samples that are representative of the 8-hour TWA exposure of each potentially exposed person.
    - (ii) Representative 8-hour TWA of a potentially exposed person's exposure must be determined on the basis of one or more samples representing full-shift exposures for each shift for each potentially exposed person in each job classification in each work area.
  - (2) **Initial exposure monitoring.** No later than November 25, 2024 each owner or operator covered by paragraph (a) of this section as of May 28, 2024, must perform initial exposure monitoring of all potentially exposed persons.

- (3) **Periodic exposure monitoring.** The owner or operator must establish an exposure monitoring program for periodic monitoring of exposure to chrysotile asbestos. If one or more samples representing full-shift exposures from the most recent exposure monitoring exceeds the ECEL ( $>0.005$  f/cc 8-hour TWA), periodic exposure monitoring is required within three months of the most recent exposure monitoring. Otherwise, periodic exposure monitoring is required within six months of the most recent exposure monitoring.
- (4) **Additional exposure monitoring.** The owner or operator must conduct additional exposure monitoring within a reasonable timeframe after there has been a change in the production, process, control equipment, personnel or work practices that may result in new or additional exposures above the ECEL or the owner or operator has any reason to suspect that a change may result in new or additional exposures above the ECEL.
- (5) **Method of monitoring.**
  - (i) Exposure monitoring samples must be personal breathing zone samples collected and analyzed using methods and quality control procedures described in Appendix A to 29 CFR 1910.1001, or as referenced in Appendix A to 29 CFR 1910.1001 (Appendix B to 29 CFR 1910.1001, OSHA method ID-160, or the NIOSH 7400 method).
  - (ii) Owners or operators must use exposure monitoring methods that conform with the OSHA Reference Method specified in Appendix A of 29 CFR 1910.1001 or an equivalent method. If an equivalent method is used, the owner or operator must ensure that the method meets the following criteria:
    - (A) Replicate exposure data used to establish equivalency are collected in side-by-side field and laboratory comparisons; and
    - (B) The comparison indicates that 90% of the samples collected in the range 0.5 to 2.0 times the ECEL or the lowest concentration possible have an accuracy range of plus or minus 25 percent of the OSHA Reference Method specified in Appendix A of 29 CFR 1910.1001 at a 95 percent confidence level as demonstrated by a statistically valid protocol. The NIOSH 7402 analytical method may be applied to adjust the analytical result to include only chrysotile asbestos.
- (6) **Notification of exposure monitoring results.**
  - (i) The owner or operator must, within 15 business days of receipt of monitoring results, notify each potentially exposed person of these results either individually in writing or by posting the results in an appropriate location that is accessible to all potentially exposed persons. The notice must be in plain language and understandable to all potentially exposed persons.
  - (ii) The written notification required by paragraph (c)(6)(i) of this section must include the corrective action being taken by the owner or operator to reduce exposure to or below the ECEL, wherever monitoring results indicated that the ECEL had been exceeded.
- (d) **Regulated areas —**
  - (1) **Establishment.** Beginning November 25, 2024 the owner or operator must establish regulated areas wherever airborne concentrations of chrysotile asbestos exceed, or there is a reasonable possibility that they may exceed, the ECEL.



- (2) **Demarcation.** The owner or operator must demarcate regulated areas from the rest of the workplace in a manner that minimizes the number of persons who will be exposed to chrysotile asbestos.
- (3) **Access.** The owner or operator must limit access to regulated areas to authorized persons or other persons required by work duties to be present in regulated areas.
- (4) **Provision of respirators.** The owner or operator must supply a respirator selected in accordance with paragraph (f) of this section to each person entering a regulated area and must require the use of such respirator.
- (5) **Prohibited activities.** The owner or operator must ensure that persons do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated area.

(e) **Exposure Control Procedures and Plan** —(1) *Exposure Controls.* (A) The owner or operator must institute engineering controls and work practices to reduce and maintain airborne chrysotile asbestos concentrations to or below the ECEL, except to the extent that the owner or operator can demonstrate that such controls are not feasible.

(B) Wherever the feasible engineering controls and work practices that can be instituted are not sufficient to reduce airborne chrysotile asbestos concentrations to or below the ECEL, the owner or operator must use them to reduce exposures to the lowest levels achievable by these controls. If the feasible engineering controls and work practices cannot reduce exposures to or below the ECEL, the owner or operator must supplement the controls by providing and requiring the use of respiratory protection that complies with the requirements of paragraph (f) of this section.

(2) **Exposure Control Plan Requirements.**

- (i) Beginning March 28, 2025, when the airborne chrysotile asbestos concentrations exceed the ECEL, or are reasonably expected to exceed the ECEL, owners and operators must establish and implement an exposure control plan to reduce exposures to all potentially exposed persons to or below the ECEL by means of engineering controls and work practices, and by the use of respiratory protection where required under paragraph (e)(1)(B) of this section. The exposure control plan must be available to persons exposed to chrysotile asbestos.
- (ii) The exposure control plan must be reviewed and updated as necessary, but at least annually, to reflect any significant changes in the status of the owner or operator's compliance with the requirements of this section.
- (iii) The owner or operator must not implement a schedule of personnel rotation as a means of compliance with the ECEL.
- (iv) The exposure control plan must include:
  - (A) An explanation of the exposure controls considered, a rationale for why exposure controls were selected or not selected, based on feasibility, effectiveness, and other relevant considerations;
  - (B) Descriptions of actions the owner or operator must take to implement the exposure controls selected, including proper installation, maintenance, training, or other actions, and the estimated timeline for implementing such controls;

- (C) Description of activities conducted by the owner or operator to review and update the exposure control plan to ensure effectiveness of the exposure controls, identify any necessary updates to the exposure controls, and confirm that all persons are properly implementing the exposure controls; and
- (D) An explanation of the procedures for responding to any change that may reasonably be expected to introduce additional sources of exposure to chrysotile asbestos, or otherwise result in increased exposure to chrysotile asbestos, including procedures for implementing corrective actions to mitigate exposure to chrysotile asbestos.

(f) **Respiratory protection** —

- (1) **Method of Compliance.** Beginning November 25, 2024, if an owner or operator is required to provide respiratory protection pursuant to paragraphs (d)(4) or (e)(1)(B) of this section, the owner or operator must provide each potentially exposed person with a respirator according to the requirements of this section.
- (2) **Respirator program.** For purposes of this paragraph (f)(2), the cross-referenced provisions in 29 CFR 1910.134 applying to an “employee” also apply equally to potentially exposed persons, and provisions applying to an “employer” also apply equally to owners or operators.
  - (i) Owners and operators must select respiratory protection that properly fits each affected person and communicate respirator selections to each affected person consistent with the requirements of 29 CFR 1910.134(f) and 1910.134 App. A.
  - (ii) Owners and operators must provide, ensure use of, and maintain (in a sanitary, reliable, and undamaged condition) respiratory protection that is of safe design and construction for the applicable condition of use consistent with the requirements of 29 CFR 1910.134(g) through (j) and 1910.134 App. B-1 to B-2.
  - (iii) Prior to or at the time of initial assignment to a job involving potential exposure to chrysotile asbestos, owners and operators must provide training and retraining to all persons required to use respiratory protection consistent with 29 CFR 1910.134(k).
- (3) **Respirator selection.** Owners or operators must select and provide appropriate respirators based on the most recent exposure monitoring. The minimum respiratory protection that must be provided is as follows:
  - (i) If the most recent exposure monitoring indicates that the exposure concentration is at or below the 0.005 f/cc (ECEL): no respiratory protection is required.
  - (ii) If the most recent exposure monitoring indicates that the exposure concentration is above 0.005 f/cc (ECEL) and less than or equal to 0.05 f/cc (10 times the ECEL):
    - (A) A half-mask supplied-air respirator (SAR) or airline respirator operated in demand mode; or
    - (B) A half-mask self-contained breathing apparatus (SCBA) respirator operated in demand mode (Assigned Protection Factor 10).
  - (iii) If the most recent exposure monitoring indicates that the exposure concentration is above 0.05 f/cc (10 times the ECEL) and less than or equal to 0.125 f/cc (25 times the ECEL): A loose fitting facepiece supplied-air respirator (SAR) or airline respirator operated in continuous flow mode (Assigned Protection Factor 25).

- (iv) If the most recent exposure monitoring indicates that the exposure concentration is above 0.125 f/cc (25 times the ECEL) and less than or equal to 0.25 f/cc (50 times the ECEL):
  - (A) A full facepiece supplied-air respirator (SAR) or airline respirator operated in demand mode; or
  - (B) A half-mask supplied-air respirator (SAR) or airline respirator operated in continuous flow mode; or
  - (C) A half-mask supplied-air respirator (SAR) or airline respirator operated in pressure-demand or other positive-pressure mode; or
  - (D) A full facepiece self-contained breathing apparatus (SCBA) respirator operated in demand mode; or
  - (E) A helmet/hood self-contained breathing apparatus (SCBA) respirator operated in demand mode (Assigned Protection Factor 50).
- (v) If the most recent exposure monitoring indicates that the exposure concentration is above 0.25 f/cc (50 times the ECEL) and less than or equal to 5 f/cc (1,000 times the ECEL): A full-facepiece supplied-air respirator (SAR) or airline respirator operated in pressure-demand or other positive-pressure mode (Assigned Protection Factor 1,000).
- (vi) If the most recent exposure monitoring indicates that the exposure concentration is above 5 f/cc (1,000 times the ECEL) and less than or equal to 50 f/cc (10,000 times the ECEL):
  - (A) A full-facepiece self-contained breathing apparatus (SCBA) respirator operated in pressure-demand or other positive-pressure mode; or
  - (B) A helmet/hood self-contained breathing apparatus (SCBA) respirator operated in pressure-demand or other positive-pressure mode (Assigned Protection Factor 10,000).
- (vii) The respiratory protection requirements in paragraph (f)(3) of this section represent the minimum respiratory protection requirements, such that any respirator affording a higher degree of protection than the required respirator may be used.

**(g) *Workplace information and training.***

- (1) By November 25, 2024, the owner or operator must institute a training program and ensure that persons potentially exposed to chrysotile asbestos participate in the program according to the requirements of this paragraph (g).
- (2) The owner or operator must train each potentially exposed person prior or at the time of a potential exposure to chrysotile asbestos and at least annually thereafter.
- (3) The owner or operator must ensure that information and training is presented in a manner that is understandable to each person required to be trained.
- (4) The following information and training must be provided to all persons potentially exposed to chrysotile asbestos:
  - (i) The health effects associated with exposure to chrysotile asbestos, based on the most recent publication by EPA, OSHA, NIOSH, and/or CDC;

- (ii) The quantity, location, manner of use, release, and storage of chrysotile asbestos and the specific operations in the workplace that could result in exposure to chrysotile asbestos, noting where each regulated area is located;
  - (iii) The specific procedures implemented to control exposures and manage occupational risks to persons potentially exposed to chrysotile asbestos, such as engineering controls, work practices and personal protective equipment to be used; and
  - (iv) The requirements of this section, as well as how to access or obtain a copy of these regulations.
- (5) Whenever there are workplace changes, such as modifications of tasks or procedures or the institution of new tasks or procedures, or when the airborne concentration of chrysotile asbestos increases, or when the exposure control plan is updated according to paragraph (e)(2)(ii) of this section, the owner or operator must update the training and re-train each potentially exposed person.

### § 751.513 Disposal.

- (a) After November 25, 2024, all persons disposing of chrysotile asbestos and any chrysotile asbestos-containing products or articles subject to § 751.505, must dispose of chrysotile asbestos and any chrysotile asbestos-containing products or articles, as applicable:
  - (1) In accordance with the Asbestos General Industry Standard—(29 CFR 1910.1001(k)).
  - (2) In conformance with the asbestos waste disposal requirements at 40 CFR 61.150.
- (b) After November 25, 2024, all persons disposing of chrysotile asbestos and any chrysotile asbestos-containing products or articles subject to paragraphs (a) through (c) of § 751.509 must dispose of chrysotile asbestos and any chrysotile asbestos-containing products or articles, as applicable:
  - (1) In accordance with the Asbestos Safety and Health Regulations for Construction—(29 CFR 1926.1101)
  - (2) [Reserved]
- (c) After November 25, 2024, all persons disposing of chrysotile asbestos and any chrysotile asbestos-containing products or articles subject to § 751.509(d) must dispose of chrysotile asbestos and any chrysotile asbestos-containing products or articles, as applicable:
  - (1) In accordance with the Asbestos General Industry Standard—(29 CFR 1910.1001).
  - (2) In conformance with the asbestos waste disposal requirements at 40 CFR 61.150.
- (d) After November 25, 2024, each manufacturer (including importer), processor, and distributor of chrysotile asbestos, including any chrysotile asbestos-containing products or articles, for consumer use, disposing of chrysotile asbestos and any chrysotile asbestos-containing products or articles subject to § 751.509(e), must dispose of chrysotile asbestos and any chrysotile asbestos-containing products or articles, as applicable:
  - (1) In accordance with the Asbestos General Industry Standard at 29 CFR 1910.1001(k).
  - (2) In conformance with the asbestos waste disposal requirements at 40 CFR 61.150.

## § 751.515 Recordkeeping.

- (a) **General records.** After November 25, 2024, all persons who manufacture (including import), process, or distribute in commerce or engage in commercial use of chrysotile asbestos must maintain ordinary business records, such as invoices and bills-of-lading related to compliance with the prohibitions, restrictions, and other provisions of this subpart.
- (b) **Certification of compliance for chlor-alkali industry records.** Persons required pursuant to § 751.507 to certify compliance with § 751.505 must:
  - (1) Retain records of certifications prepared to comply with § 751.507 and records to substantiate such certifications; and
  - (2) Make the records retained pursuant to paragraph (b)(1) of this section available to EPA for inspection.
- (c) **Interim workplace controls of chrysotile asbestos exposures records —**
  - (1) **Exposure monitoring.** For each monitoring event, owners or operators subject to the exposure monitoring required by § 751.511(c) must document, retain records of the following and make them available to EPA for inspection:
    - (i) Dates, duration, and results of each sample taken;
    - (ii) The quantity, location(s) and manner of chrysotile asbestos use at the time of each monitoring event;
    - (iii) All measurements that may be necessary to determine sampling conditions that may have affected the monitoring results;
    - (iv) Name, address, work shift, job classification, work area, and type of respiratory protection (if any) of each monitored person;
    - (v) Sampling and analytical methods used and documentation of compliance with the quality control procedures described in § 751.511(c)(5)(i) and (ii); and
    - (vi) Notification of exposure monitoring results in accordance with § 751.511(c)(6).
  - (2) **Other requirements.** Owners or operators subject to the interim workplace controls described in § 751.511 must retain records and make them available to EPA for inspection of:
    - (i) The exposure control plan and its implementation as required by § 751.511(e).
    - (ii) Respiratory protection used and program implementation as described in § 751.511(f); and
    - (iii) Information and training provided by the owner or operator as required by § 751.511(g).
- (d) **Disposal records.** Each person, except a consumer, who disposes of any chrysotile asbestos and any chrysotile asbestos-containing products or articles subject to § 751.513, after November 25, 2024 must retain in one location at the headquarters of the company, or at the facility for which the records were generated, documentation showing any records related to any disposal of chrysotile asbestos and any chrysotile asbestos-containing products or articles generated pursuant to, or otherwise documenting compliance with, regulations specified in § 751.513.
- (e) **Retention.** The documentation in this section must be retained for 5 years from the date of generation.

[89 FR 22005, Mar. 28, 2024; 89 FR 31655, Apr. 25, 2024]

### **Subpart G—XXX**

Link to an amendment published at 89 FR 103607, Dec. 18, 2024.

### **Subpart H—XXX**

Link to an amendment published at 89 FR 103551, Dec. 18, 2024.