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The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Comments to Reconsider Existing Perchloroethylene (PCE) Regulation

Dear EPA Administrator Zeldin and Principal Deputy Assistant Administrator Beck:

The National Asphalt Pavement Association (NAPA) appreciates the opportunity to comment on EPA's Reconsideration of its Perchloroethylene (PCE) rulemaking, finalized in December 2024 through its Risk Management Rule. Because our industry's use of this solvent, and its similar use of trichloroethylene (TCE), is instrumental in ensuring asphalt pavement quality, and is actually required by some state Departments of Transportation (DOTs), we have a unique perspective on meeting some of EPA's Risk Management Rule requirements, given PCE and TCE were exempted from EPA's outright ban for 10 years.

Introduction to the asphalt pavement industry
NAPA represents over 1,000 companies and approximately 3,500 asphalt mix plants across the nation associated with the production and application of asphalt pavement mixtures which surface more than 94 percent of America's roadways. The production process is simple: sized and previously washed aggregates are mixed at elevated temperatures with petroleum asphalt cement (sometimes called asphalt binder) and often other additives or materials like recycled pavement specified by DOT and municipalities, resulting in the asphalt pavement mixture. As part of that process, and especially when reincorporating recycled roadway material back into the mix (saving the U.S. billions of dollars annually – see www.asphaltpavement.org/uploads/documents/Sustainability/SUST-001_RAP_Benefits_for_Pavement_Owners_NAPA_6-2025.pdf), the industry must be assured of the exact asphalt binder content and quality.

Over the decades, halogenated solvents, especially PCE, TCE, and methylene chloride, have been utilized for their exceptional ability to fully extract the petroleum components from asphalt binder, ensuring our roads have the proper chemical makeup to last long and perform well. DOTs recognized the effectiveness of chlorinated solvents decades ago and, in certain states, require the extraction of recycled asphalt pavement with such chlorinated solvents to ensure binder quality. While our industry transitions to the use of closed-loop 'auto-extractors' that minimize

occupational exposures and reduce disposal amounts of these chlorinated solvents, there are still DOT procedures that require use of bowl extraction and/or reflux. Regardless, our industry understands that such chlorinated solvents are allowed as laboratory reagents for extraction purposes over the next 10 years, as long as such laboratories follow EPA's Workplace Chemical Protection Program including meeting the Rule's December 2024 Existing Chemical Exposure Limits (ECELs).

Our concerns with the current Risk Management Rules' ECLs

Our industry has expended considerable effort and resources to understand and reduce occupational exposures associated with chlorinated solvent extraction, and to meet EPA's chlorinated solvents' ECELs. Initial investigations, including in partnership with DOTs, demonstrate that it's prohibitively expensive and practically infeasible to effectively control exposure below EPA's ECELs without the use of respiratory protection. Our industry has a strong track record of working with OSHA, NIOSH, and other occupational expert agencies to develop innovative controls that ensure worker exposure is below appropriate criteria, without requiring the donning of respiratory protection. Unfortunately, due to the current disparity between OSHA's current Permissible Exposure Limits (PELs) (and NIOSH's Recommended Exposure Limits (RELs)), and EPA's ECELs, it will be infeasible to physically control chlorinated solvent exposure, to meet EPA's current ECELs – without the use of personal respiratory protection, even when utilizing auto-extractors. Currently, auto-extractor manufacturers are working to identify and then certify an equally efficient but less hazardous solvent – unfortunately, this will also take time.

Recommendations

Our recommendations are straight-forward and simple:

- Review the underlying science associated with EPA's current ECELs for chlorinated solvents and revise as appropriate.
- Extend any compliance date for meeting such ECELs to at least be consistent with that afforded governmental labs - noting that our DOT partners have some two years extra time to come into compliance with the current ECELs that industry is not afforded.
- Similarly, extend any compliance date for meeting such ECELs until a suitable solvent, acceptable by DOTs, is identified and made available.

We appreciate your review of our concerns and stand ready to assist in more feasible rulemaking.

Regards,

Howard Marks
Vice President - Environment, Health & Safety