

recognized at the time of the cash outlay . . . as opposed to when those benefits were earned during the now-retired beneficiaries' employment." *Id.* Regardless of this fact, these "payments were attributed to products on the basis of all labor." *Id.* The Postal Service states that this was similar to how the Commission had historically treated attributing payments to the Civil Service Retirement and Disability Fund (CSRDF) deficit, where the Commission approved a methodology that attributed "the current-year first installment in the amortization schedule . . . using the composite labor approach." *Id.* at 6–7. Subsequent amortization schedule payments were similarly "attributed using the same current-year composite labor approach[]" despite stemming from prior years. *Id.* at 7.

Regarding the second aspect, the Postal Service states that top-up funds are one of several sources that make up the PSRHB, and the relevant sources also include: (1) a surplus from the CSRDF, which contained multiple funding sources, including "employer matching contributions, payments for unfunded liabilities associated with general pay increases, and payments for unfunded liabilities associated with annuitant [cost of living adjustments (COLAs)]" that were attributed as they accrued and, in the case of employer matching contributions were "included as employee benefit costs in the relevant Cost Segments[]" while the "unfunded liability payments associated with general pay raises and annuitant COLAs" were "partitioned into current- and prior-year expenses[]" that were "variable to the same degree and distributed in the same manner as all labor[;]" (2) an escrow account containing the "savings" that resulted "from changing the pension funding assumptions before and after the Postal Civil Service Retirement System Funding Reform Act of 2003[;]" the expenses of which were treated as institutional; and (3) "the prefunding payments required by the PAEA[;]" which "were attributed at the time of payment using the mixed approach" discussed above. *Id.* at 7–8.

Under this backdrop, the Postal Service proposes that top-up payments be treated similarly to "[n]early all funds" within the PSRHB. *Id.* at 9. According to the Postal Service, "it is sensible" to treat top-up payments as attributable to products, which the Postal Service states is "consistent with past contributions such as the unfunded liability payments and prefunding payments[]" as well as consistent with "the treatment of RHB expenses for current retirees under the 'pay-as-you-

go' system." *Id.* According to the Postal Service, "[t]reating the top-up payments as unrelated to products, or as institutional costs, would reverse nearly three decades of [precedents] pertaining to the treatment of RHB expenses for current retirees" and would be "inappropriate" because "[t]he payments for current retirees reflect benefits earned during their employment[]" and treating them as institutional would lead "to under-attribution of expenses associated with mail classes and services[]" which would negatively impact its ability to accurately cost and price its "products, services, and worksharing discounts." *Id.* at 9–10.

Thus, according to the Postal Service, its "preferred approach" for top-up payments is the composite labor methodology because it reflects prior Commission precedent "for attributing servicewide expenses with similar characteristics[]" is "consistent with past treatment and the treatment of other funds in the PSRHB[]" and because "attribution based on past volumes or labor usage is wholly inappropriate under the Postal Service's Commission-approved costing methodologies." *Id.* at 10. It proposes that the Commission "approve the attribution of the top-up payments under the composite labor approach." *Id.* at 13.

Rationale. The Postal Service proposes returning to "the composite labor approach for expenses associated with retiree health benefits for current retirees, thereby treating the top-up payment expenses as variable to the same degree and distributed in the same manner as all labor." *Id.* at 6. The Postal Service represents that this is "a return to the Commission-approved methodology used between FY 1988 and FY 2006," as well as "a continuation of the attribution of RHB expenses for current retirees generally employed between FY 1988 and FY 2016." *Id.*

Impact. Using a FY 2026 top-up payment of \$726 million, the Postal Service provided the impact of the proposal on FY 2025 unit costs. *See id.* at 11–12, Table 4. The Postal Service represents that overall, the proposal will result in a 0.8 percent increase in total costs and a 0.85 percent increase in total volume variable and product specific costs. *Id.*

III. Notice and Comment

The Commission establishes Docket No. RM2027–1 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at <https://www.prc.gov>. Interested

persons may submit comments on the Petition and Proposal no later than November 19, 2026. Pursuant to 39 U.S.C. 505, Cassie D'Souza is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2027–1 for consideration of the matters raised by the Petition of the United States Postal Service to Initiate a Proceeding to Change Analytical Principles, filed October 7, 2026.

2. Comments by interested persons in this proceeding are due no later than November 19, 2026.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Cassie D'Souza to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. This Order, or abstract thereof, shall be published in the **Federal Register**.

By the Commission.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–21000 Filed 10–13–26; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 751

[EPA–HQ–OPPT–2026–7327; FRL–13574–01–OCSPP]

RIN 2070–AL45

Trichloroethylene (TCE); Regulation Under the Toxic Substances Control Act (TSCA); Compliance Date Extensions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is proposing to extend certain compliance dates applicable to certain entities subject to the regulation of trichloroethylene (TCE) under the Toxic Substances Control Act (TSCA) until December 31, 2027, including for certain chemical processors in meeting the prohibition compliance deadline for the processing of TCE, industrial and commercial use of TCE as a processing aid, and associated wastewater disposal; and for refrigerant manufacturers in meeting the compliance deadline for phasing down

TCE feedstock in the production of HFC-134a. This proposed compliance extension would allow for necessary and reasonable transition periods for regulated entities under TSCA section 6(d).

DATES: Comments must be received on or before November 13, 2026.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2026-7327, using the Federal eRulemaking Portal at <https://www.regulations.gov>. As required by the Administrative Procedure Act at 5 U.S.C. 553(b)(4), a plain language summary of the rule is available at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets/>.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Simon Regenold, Existing Chemicals Risk Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-1537; email address: TCE.TSCA@epa.gov.

For general information contact: The TSCA Assistance Information Service Hotline, Goodwill Vision Enterprises, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (800) 471-7127 or (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this rule if you manufacture, process, distribute in commerce, use, or dispose of TCE, or products containing TCE. TSCA section 3(9) defines the term “manufacture” to mean “to import into customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States), produce, or manufacture.” Therefore, unless expressly stated otherwise, importers of TCE are subject to provisions regulating manufacture of TCE once the chemical enters the customs territory of the United States. Potentially affected entities may be included in the following lists of North American

Industrial Classification System (NAICS) codes:

- Wood Window and Door Manufacturing (NAICS code 321911);
- Other Basic Inorganic Chemical Manufacturing (NAICS code 325180);
- Medicinal and Botanical Manufacturing (NAICS code 325411);
- All Other Miscellaneous Chemical Product and Preparation Manufacturing (NAICS code 325998);
- Rubber and Plastics Hoses and Belting Manufacturing (NAICS code 326220);
- Rubber Product Manufacturing for Mechanical Use (NAICS code 326291); and
- Storage Battery Manufacturing (NAICS code 335911).

B. What is the agency's authority for taking this action?

Under TSCA section 6(a) (15 U.S.C. 2605(a)), if EPA determines through a TSCA section 6(b) risk evaluation that a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use, EPA must by rule apply one or more requirements listed in TSCA section 6(a) to the extent necessary so that the chemical substance or mixture no longer presents such risk under the conditions of use. EPA must specify compliance dates under TSCA section 6(d) (15 U.S.C. 2605(d)) for any TSCA section 6(a) rule. For TCE, EPA promulgated a final risk management rule under TSCA section 6(a) in 2024 (“2024 TCE Final Rule”) (Ref. 1) and an interim final rule extending compliance dates for two specific TCE conditions of use in 2025 (“2025 TCE Interim Final Rule”) (Ref. 2). Each of these TSCA section 6(a) actions include compliance dates pursuant to TSCA section 6(d). This action proposes to alter some of the compliance dates finalized in 2024 or finalized in subsequent amended rulemakings. Unless provided otherwise by law, agencies may change existing positions (e.g., reconsider, revise, or rescind prior rules) provided that they acknowledge the change in position, offer a reasoned explanation for the change, and take any serious reliance interests into account. *See, e.g., FDA v. Wages & White Lion Invs., L.L.C.*, 145 S. Ct. 898, 917 (2025); *Encino Motorcars v. Navarro*, 579 U.S. 211, 221 (2016); *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009); *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983). For the reasons set out in Units II and III of this preamble, EPA is proposing to revise select compliance dates. EPA is not aware of any serious reliance interests regarding this proposal.

C. What action is the agency taking?

EPA is proposing to amend 40 CFR 751.305 and 40 CFR 751.313 to extend the prohibition compliance dates for processing TCE as a reactant/intermediate, processing for and industrial and commercial use of TCE as a processing aid in: process solvent used in battery manufacture, process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture, extraction solvent used in caprolactam manufacture, precipitant used in beta-cyclodextrin manufacture (hereinafter referred to as “industrial and commercial use of TCE as a processing aid”), and the disposal of TCE from such processing or uses to industrial pre-treatment, industrial treatment, or publicly owned treatment works from December 18, 2026, to December 31, 2027.

EPA is also proposing to amend 40 CFR 751.307 to extend the compliance timeframe for a step in the phase-out of processing TCE as an intermediate to manufacture HFC-134a. Specifically, EPA is proposing to extend the compliance deadline from June 7, 2027, to December 31, 2027, for each manufacturer of HFC-134a via processing TCE as an intermediate to process TCE at an annual volume no greater than 75 percent of the baseline.

EPA is also proposing to amend 40 CFR 751.321 to amend the compliance deadline for downstream notification, and the text required to be present in the SDS, to accurately reflect the new prohibition compliance deadline for processing TCE as a reactant/intermediate, processing for and industrial and commercial use of TCE as a processing aid, and the disposal of TCE from such processing or uses to industrial pre-treatment, industrial treatment, or publicly owned treatment works. The new text would be required to be updated 30 days after the publication of the final rule.

D. Why is the Agency taking this action?

EPA is proposing to address ongoing difficulties associated with compliance dates for the 2024 TCE Final Rule and 2025 Interim Final Rule for certain chemical processors and refrigerant manufacturers due to challenges with the implementation of the respective prohibition and phaseout, in order to provide a reasonable transition period to no longer process TCE. As detailed further in Unit III.A.1, soon after publication of the 2024 TCE Final Rule, chemical processors and chemical manufacturers explained to EPA that the prohibition on processing TCE as a

reactant/intermediate, and associated wastewater disposal, would cause significant hardships to the chemical manufacturing sector because byproduct TCE at levels above the regulatory threshold is regularly transferred between sites during the manufacture of other chemicals (Refs. 3, 4 and 5).

EPA is also concerned about the prohibition on the processing for and industrial and commercial use of TCE as a processing aid with the same compliance date, as EPA believes it may also warrant a more reasonable compliance timeframe for chemical processing. Due to the regular transfer of byproduct TCE between sites during the manufacture of other chlorinated solvents, a prohibition on processing TCE on December 18, 2026, could have significant negative impacts on the production of other chlorinated solvents in the United States (Ref. 3).

Separately, after publication of the 2024 TCE Final Rule, EPA received information from processors of TCE who manufacture HFC-134a about the continued need for high production of the refrigerant past the 2024 Final Rule's phaseout compliance dates (Ref. 6). As discussed further in Unit III.A.2, HFC-134a manufacturers now need a longer transition period so they can continue using a higher volume of TCE feedstock in order to meet demand for national security and critical infrastructure (Ref. 6). EPA's proposed amendment to the compliance deadline for downstream notification, and the text required to be present in SDSs, is being modified to accurately reflect the new prohibition compliance deadlines for processing being proposed in this action.

E. What are the incremental economic impacts?

EPA evaluated the potential incremental economic impacts and determined that these changes would have minimal impacts on the estimated costs and benefits of the existing actions and would primarily result in a delay when those costs and benefits begin accruing. Quantified costs are expected to be the same as estimated in the 2024 TCE Final Rule but will not be incurred until the proposed compliance date extensions expire. Relying on the cost estimates in section 7 of the economic analysis of the TCE Final Rule (Ref. 7), EPA estimates that the proposed extension of compliance dates would result in present value cost savings of \$0.62–0.65 million (2024\$ in 2026), forgone health benefits of \$3,795 to \$7,844 (2025\$), and annualized cost savings of \$ 0.04–0.06 million (2024\$ in 2026, 3%–7% discount rate respectively, 20-year time horizon). EPA

notes that, in the event that alternative compliance timeframes are finalized in response to comments received on this proposal, these impacts would be modified accordingly (e.g., cost savings likely increase as the duration of the compliance timeframe extension increases).

II. Background

On December 17, 2024, EPA published the 2024 TCE Final Rule under TSCA section 6(a) to address unreasonable risk to human health (89 FR 102568) (FRL–8317–02–OCSP). The 2024 TCE final rule prohibits the manufacture (including import), processing, and distribution in commerce of TCE for all uses (industrial, commercial, and consumer), while including longer compliance timeframes with reasonable worker protections for some processing and industrial and commercial uses until the prohibitions come into effect, so that TCE no longer presents an unreasonable risk to workers, occupational non-users, consumers, and bystanders.

After publication of the 2024 TCE Final Rule, EPA was made aware of a previously unidentified use of TCE as a processing aid in the manufacture of nuclear fuel and promulgated an interim final rule in September of 2025 to amend the prohibition compliance deadlines until September 15, 2028, to provide a reasonable transition period for that use (Ref. 2). EPA additionally extended the deadlines for disposal of TCE to wastewater for processors of TCE as a reactant/intermediate and certain processors and industrial and commercial users of TCE as a processing aid to December 18, 2026, to match the prohibition compliance date for these processing conditions of use.

EPA received three TSCA section 21 petitions concerning the 2024 TCE Final Rule: from American Chemistry Council (ACC) on May 29, 2025 (withdrawn September 19, 2025) (Refs. 3 and 8); from PPG Industries, Inc. on March 24, 2025 (withdrawn June 11, 2025) (Refs. 4 and 9); and from the Alliance for a Strong U.S. Battery Sector and Microporous on April 30, 2025 (withdrawn July 25, 2025) (Refs. 5 and 10). While these petitions were withdrawn, EPA recognizes the potential merits of certain requests contained in these petitions and is planning to address them in amendments to the rule through a future notice-and-comment rulemaking.

After issuing the TCE Final Rule, EPA received petitions for review that were consolidated in the U.S. Court of Appeals for the Third Circuit. EPA has

since announced its intention to reconsider the TCE Final Rule.

III. Provisions of This Proposed Rule

For any TSCA section 6(a) rule, EPA must specify mandatory compliance dates that are “as soon as practicable,” while allowing for “a reasonable transition period.” 15 U.S.C. 2605(d)(1)(B) and (E). EPA acknowledges that it is proposing a change in position from the 2024 TCE Final Rule and the 2025 TCE Interim Final Rule. EPA intended that the compliance timeframes in these rules would be as soon as practicable while allowing for a reasonable transition period (see Unit I.E of the 2024 TCE Final Rule, and Unit III of the 2025 TCE Interim Final Rule). However, the Agency did not fully anticipate the challenges that certain entities are now experiencing: for chemical processors in meeting the prohibition compliance deadline for the processing of TCE, industrial and commercial use of TCE as a processing aid, and associated wastewater disposal (Unit III.A); and for refrigerant manufacturers in meeting the compliance deadline for phasing down TCE feedstock in the production of HFC-134a (Unit III.B). Accordingly, EPA proposes that the compliance dates detailed in this Unit would be more feasible and workable, and compliant with EPA's obligations under TSCA section 6(d) for TCE, than those finalized in 2024 or amended in 2025.

A. Processing TCE as a Reactant/ Intermediate, Industrial and Commercial Use of TCE as a Processing Aid, and Their Associated Wastewater Disposal

EPA is proposing to amend the compliance deadline for the prohibition on processing TCE as a reactant/intermediate and the industrial and commercial use of TCE as a processing aid in certain chemical manufacturing to December 31, 2027. EPA is also proposing to amend the compliance deadline for the prohibition on the associated disposal of TCE to wastewater by processors of TCE and processors and industrial and commercial users of TCE as a processing aid to December 31, 2027.

In the 2024 TCE Final Rule, EPA finalized a prohibition on processing and distributing in commerce (including making available) of TCE as of June 16, 2025 (40 CFR 751.305(b)(2)). EPA also finalized extended phaseouts for processing of TCE as a reactant/intermediate and processing for and the industrial and commercial use of TCE as a processing aid to continue until December 2026 (40 CFR

751.305(b)(9)(i)), and an exclusion from all prohibitions and restrictions for processing (including reuse) of TCE as a byproduct when that TCE byproduct is processed within a site-limited, physically enclosed system that is part of the same overall manufacturing process from which the byproduct TCE was generated (40 CFR 751.301(c)).

After the publication of the 2024 TCE Final Rule, EPA received a Section 21 petition from the ACC regarding the exclusion on byproduct reprocessing and the wastewater disposal associated with processing TCE (Ref. 3). In response, in the 2025 TCE Interim Final Rule EPA amended the compliance deadline from September 15, 2025, to December 18, 2026, for the prohibition on disposal of TCE to wastewater for processors of TCE as a reactant/intermediate and processors for and industrial and commercial users of TCE as a processing aid for certain industrial sectors. This action aligned the disposal prohibition with the December 18, 2026, prohibition on such uses in the 2024 TCE Final Rule. This change responded to the concerns raised to EPA that processing conditions of use also involve disposal of TCE to wastewater that inadvertently was not similarly subject to the same compliance deadline (Ref. 2).

Through the Section 21 Petition and subsequent engagement, EPA was made aware after the 2024 final rule that byproduct TCE that is present in feedstock streams is sent by railcar between facilities to be further processed. This usually occurs between facilities of the same company, where one site has chemical manufacturing capabilities that another does not (Refs. 3, 8, 11 and 13). If the prohibition on processing TCE goes into effect on December 18, 2026, then the processing of byproduct TCE that travels between sites will be prohibited, along with disposal of this byproduct TCE to wastewater. Disposal of this byproduct TCE would therefore require incineration; if all byproduct TCE that is currently reused in a different facility must be incinerated, it would cause significant implementation concerns, including exceeded permit limitations and potential facility closures. Petitioners have indicated that the inability to send unpurified chlorinated solvent product streams with byproduct TCE between facilities would significantly disrupt the national supply chain by disproportionately impacting operations in the manufacture of other chlorinated solvents which unintentionally produce TCE as a byproduct (importantly perchloroethylene, carbon tetrachloride,

methylene chloride, and 1,2-dichloroethane) in the United States (Refs. 3, 8, 11 and 13). In the 2024 TCE Final Rule and 2025 TCE Interim Final Rule EPA did not anticipate these implications.

As such, EPA is proposing to amend the compliance deadline for the prohibition on processing TCE as a reactant/intermediate and the wastewater disposal associated with such processing TCE until December 31, 2027, so that regulated entities would not be held in non-compliance with the relevant requirements in the 2024 TCE Final Rule and the 2025 TCE Interim Final Rule. EPA is also proposing to amend the compliance deadline for the prohibition on industrial and commercial use of TCE as a processing aid because EPA believes, based on ACC's comments, that this condition of use also needs a longer transition period. These ongoing difficulties (see Unit I.D.2) in complying with the prohibitions and restrictions of the TCE final rule, particularly the need to transfer byproduct chemicals off site, warrant a longer reasonable transition period for this group of uses than EPA expected in 2024 or 2025. Given the two years provided for this compliance date in the 2024 TCE rule, EPA considers this extension of no more than one year to be appropriate because it is "as soon as practicable," while allowing for "a reasonable transition period" (15 U.S.C. 2605(d)(1)(B) and (E)). Separately, EPA has initiated a rulemaking under RIN 2070-AL41 through which the Agency is reconsidering various elements of the 2024 TCE Final Rule, including various workplace exposure controls and prohibitions on certain industrial and commercial uses.

B. Processing TCE as an Intermediate for the Manufacture of HFC-134a

EPA is proposing to amend the compliance deadline for the first phaseout reduction of the processing of TCE as an intermediate for the manufacture of HFC-134a (1,1,1,2-tetrafluoroethane; CASRN 811-97-2). Under the 2024 TCE Final Rule, stakeholders processing TCE to manufacture HFC-134a would have to cut the amount of TCE feedstock they use to 75% of their baseline by June 7, 2027. EPA is proposing to amend the compliance deadline so that this reduction in TCE feedstock would instead occur by December 31, 2027.

At the time of publication of the 2024 TCE Final Rule, the public comments EPA had received from the regulated community supported this phaseout schedule. After the publication of the 2024 TCE Final Rule, EPA received new

information from Orbia Fluor & Energy Materials (Orbia) regarding the continued need for HFC-134a for military, industrial, and medical applications at rates higher than the 2024 TCE final rule phaseout accounted for (Refs. 6 and 12). Since the publication of the 2024 TCE Final Rule, the 2024 TCE final rule phaseout is no longer in alignment with the AIM Act phasedown because Orbia has received more allowances and anticipates receiving further allowances under the AIM Act to manufacture HFC-134a than initially anticipated (Ref. 6). The demand for HFC-134a from users in critical infrastructure and national security applications is now expected to remain significant through the early 2030s (Ref. 12).

By proposing to amend the compliance deadline for the first phasedown reduction in TCE feedstock volume to be in December instead of June 2027, EPA intends to allow time for a reasonable transition period given the changes in AIM Act allowances received for HFC-134a manufacture. This new compliance deadline will allow manufacturers of HFC-134a to meet needs from critical infrastructure and national security users while allowing for a transition that has a reasonable timeframe and will not produce unintended negative consequences. It is important to amend this compliance date because if the June 2027 date is not changed, HFC-134a manufacturers must otherwise begin curtailing their production of the refrigerant before the demand abates, negatively impacting critical infrastructure and national security application needs. Given the two and a half years provided for this compliance date in the 2024 TCE rule, EPA considers this extension of no more than 6 and a half months to be appropriate because it is "as soon as practicable," while allowing for "a reasonable transition period" (15 U.S.C. 2605(d)(1)(B) and (E)).

Separately, EPA has initiated a rulemaking under RIN 2070-AL41 through which the Agency is reconsidering various elements of the 2024 TCE final rule, including stakeholders' larger issues with the use of TCE for HFC-134a manufacturing.

C. Downstream Notification

In keeping with the proposed new prohibition compliance deadline for processing TCE as a reactant/intermediate in chemical manufacturing, processing for and industrial and commercial use of TCE as a processing aid in certain chemical manufacturing, and the disposal of TCE

from such processing or uses to industrial pre-treatment, industrial treatment, or publicly owned treatment works, EPA also proposes to amend the downstream notification requirements of the 2024 TCE Final Rule to accurately reflect the restrictions on TCE. Accurate downstream notification is necessary to spread awareness throughout the supply chain of the restrictions on use of TCE under TSCA, as well as provide information to commercial end users about allowable uses of TCE until the prohibition compliance dates. EPA recognizes that the 2024 TCE Final Rule and 2025 Interim Final Rule compliance deadlines for updating the SDS of June 16, 2025, and December 16, 2025, respectively, have already passed and as such, manufacturers, processors, and distributors in commerce of TCE would need to update or amend their SDS shortly after doing so already. EPA proposes that 30 days from the publication of the final rule is a practicable time to update the SDS for manufacturers, processors, and distributors in commerce of TCE.

IV. Requests for Comment

EPA is requesting public comment on all aspects of this proposal. EPA notes that the proposed compliance dates may be subject to change depending on the timing of the final rulemaking and public comment.

1. EPA requests comment on the changes proposed in this action, including whether stakeholders have any serious reliance interests that may be impacted and, if so, how such interests should be accounted for in any final action.

2. EPA requests comment on a stakeholder requested alternative compliance deadline of December 18, 2028, for the TCE uses that this rule proposes to extend, and whether there is a basis that this longer deadline, compared to the proposed date of December 31, 2027, would be “as soon as practicable,” while allowing for “a reasonable transition period.” (15 U.S.C. 2605(d)(1)(B) and (E)) (Ref. 13).

3. EPA requests comment on an expedited (e.g., 14 day) or immediate effective date of this extension rule because the December 18, 2026, compliance deadline is fast approaching.

V. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included

in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Trichloroethylene; Regulation under the Toxic Substances Control Act; Final Rule. RIN 2070-AK83. **Federal Register** (89 FR 102568, December 17, 2024) (FRL-8317-02-OCSP). <https://www.govinfo.gov/content/pkg/FR-2024-12-17/pdf/2024-29274.pdf>.
2. EPA. Trichloroethylene; Regulation Under the Toxic Substances Control Act (TSCA); Compliance Date Extension. RIN 2070-AL32. **Federal Register** (90 FR 44772, September 17, 2025) (FRL-8317.2-01-OCSP). <https://www.govinfo.gov/content/pkg/FR-2025-09-17/pdf/2025-17948.pdf>.
3. Robert Simon. American Chemistry Council's Petition for Rulemaking to Reconsider Provisions of the Trichloroethylene TSCA Risk Management Rule. (89 FR 102568, December 17, 2024). May 27, 2025. <https://www.epa.gov/system/files/documents/2025-06/sec.-21-petition-acc-reconsider-tce-rm-rule-25-04529-ao-ex-1.pdf>.
4. Steven F. Faeth. TSCA Section 21 Petition to Initiate a Proceeding for the Amendment of EPA's Final Rule for Trichloroethylene (TCE) Regarding PPG's Section 6(g) Exemption. March 24, 2025. <https://www.epa.gov/system/files/documents/2025-05/tsc-section-21-petition-to-initiate-a-proceeding-for-the-amendment-of-epas-final-rule-for-trichloroethylene-tce-regarding-ppgs-section-6g-exemption.pdf>.
5. Daniel J. Feith. Alliance for a Strong U.S. Battery Sector and Microporous, LLC's Petition for Reconsideration of Exemption Conditions in the Final Trichloroethylene Ban. April 30, 2025. https://www.epa.gov/system/files/documents/2025-05/alliance-for-a-strong-u.s.-battery-sector-and-microporous-petition-for-reconsideration-of-exemption-conditions-in-the-final-trichloroethylene-ban_1.pdf.
6. Orbia. Letter RE: Request for TSCA Section 6(g) Exemption Rulemaking for TCE Processing as a Raw Material in HFC-134a Production at the Orbia St. Gabriel, Louisiana Facility. June 8, 2026.
7. EPA. Economic Analysis of the Final Regulation of Trichloroethylene Under TSCA Section 6(a). November 2024. <https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0642-0728>.
8. Robert Simon. American Chemistry Council's Withdrawal Letter for Petition for Rulemaking to Reconsider Provisions of the Trichloroethylene TSCA Risk Management Rule, 89 FR 102568. September 19, 2025. https://www.epa.gov/system/files/documents/2025-11/section-21_tce-rm-rule_closeout-letter-acc_10.16.2025_od-signature_er_0.pdf.
9. EPA. Letter for PPG withdrawal for Petition to Initiate a Proceeding for the

Amendment of EPA's Final Rule for Trichloroethylene (TCE) Regarding PPG's Section 6(g) Exemption. June 12, 2025. https://www.epa.gov/system/files/documents/2025-06/section-21_tce-rm-rule_closeout-letter-ppg_06.11.2025_od-signature_er.pdf.

10. EPA. Letter for Alliance for a Strong U.S. Battery Sector and Microporous, LLC's Withdrawal for Petition for Reconsideration of Exemption Conditions in the Final Trichloroethylene Ban. July 29, 2025. https://www.epa.gov/system/files/documents/2025-07/epa-letter-closing-out-april-30-2025-tsc-section-21-petition_0.pdf.
11. EPA. American Chemistry Council Meeting Memo. July 23, 2025. <https://www.regulations.gov/document/EPA-HQ-OPPT-2020-0642-0738>.
12. Orbia. Meeting with Orbia Fluor & Energy Materials on Risk Management under TSCA Section 6 for Trichloroethylene (TCE). May 12, 2026.
13. Sarah K. Soliman. Request for an extension of the December 18, 2026, prohibition compliance date for (1) off-site processing of feedstock streams containing trichloroethylene (TCE) and (2) disposal of wastewater containing trace levels of TCE by chemical processors under the December 2024 Toxic Substances Control Act (TSCA) risk management rule for TCE. August 24, 2026.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). Any changes made in response to Executive Order 12866 review have been documented in the docket.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is expected to be an Executive Order 14192 deregulatory action because the action is expected to result in cost savings, as discussed in Unit I.E.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection activities or burden subject to OMB review and approval under the PRA, 44 U.S.C. 3501 *et seq.* However, this action defers the costs associated with paperwork and

recordkeeping burden for an existing information collection because the delayed compliance dates alter the time horizon of the collection's analysis. Burden is defined in 5 CFR 1320.3(b). OMB has previously approved the information collection activities contained in the existing regulations and associated burden under OMB Control No. 2070–0232 (EPA ICR No. 2775.02). An agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, EPA concludes that the impact of concern for this action is any significant adverse economic impact on small entities, and the Agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule relieves regulatory burden on the small entities subject to the rule. This action would extend the compliance date for the prohibition on processing TCE as a reactant/intermediate and the industrial and commercial use of TCE as a processing aid and their associated disposal until 2028, the compliance date for the first phase of the phaseout of TCE processing in the manufacture of HFC–134a until 2028, and the compliance deadline for downstream notification and the text required to be present in SDSs for TCE starting 30 days after publication of the final rule. We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The costs involved in this action are estimated not to exceed \$187 million in 2024\$ (\$100 million in 1995\$, adjusted for inflation using the GDP implicit price deflator) or more in any one year. EPA estimates the annualized cost savings of extending

compliance dates in this action to be \$0.04–0.06 million.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000) because it does not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) directs federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

Nevertheless, as in the 2024 TCE final rule, EPA's Policy on Children's Health applies to this action. The environmental health or safety risks addressed by the 2024 TCE final rule present a disproportionate risk to children due to TCE's developmental toxicity, as described in Unit VIII.G of that rule. However, this action would not alter the requirements of the final rule promulgated in 2024 that addresses the unreasonable risks presented by TCE under its conditions of use. Rather, this action would delay when entities must comply with certain provisions in order to provide a reasonable transition period for compliance as required under TSCA section 6(d)(1)(E). Information on how

the Policy was applied in the 2024 TCE final rule and on that action's health and risk assessments is available under Units II.C., II.D. and IV.A of the final rule as well as in the 2020 Risk Evaluation, and the Economic Analysis for the final rule.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a “significant energy action” as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards under NTTAA section 12(d), 15 U.S.C. 272. EPA determined that the 2024 TCE final rule involves environmental monitoring or measurement for occupational inhalation exposures and, consistent with the Agency's Performance Based Measurement System, decided not to require the use of specific, prescribed analytic methods. However, this action would simply extend compliance dates as described in Unit III.

List of Subjects in 40 CFR Part 751

Environmental protection, Chemicals, Export notification, Hazardous substances, Import certification, Reporting and recordkeeping.

Lee Zeldin,
Administrator.

For the reasons set forth in the preamble, the EPA proposes to amend 40 CFR part 751 as follows:

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

■ 1. The authority citation for part 751 continues to read as follows:

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

■ 2. Amend § 751.305 by revising (b)(9) introductory text to read as follows:

§ 751.305 Prohibitions of manufacturing, processing, distribution in commerce, use and disposal.

* * * * *

(b) * * *
* * * * *

(9) After December 31, 2027, except for those uses specified in paragraphs

(b)(14), (23), (24), and (27) of this section, all persons are prohibited from:

* * * * *

■ 3. Amend § 751.307 by revising paragraph (b)(1) to read as follows:

§ 751.307 Phase-out of processing trichloroethylene to manufacture of HFC–134a.

* * * * *

(b) * * *

(1) Beginning December 31, 2027, each manufacturer of HFC–134a who processes TCE as an intermediate is not permitted to process TCE as an intermediate at an annual volume greater than 75 percent of the baseline.

* * * * *

■ 4. Amend § 751.313 by revising paragraph (h) introductory text to read as follows:

§ 751.313 Phase-out of disposal of TCE to industrial pre-treatment, treatment, or publicly owned treatment works.

* * * * *

(h) Except for those uses specified in paragraphs (b), (c), and (d) of this section, all persons engaged in the uses specified in paragraphs (h)(i) or (ii) of this section are prohibited from disposal of TCE to industrial pre-treatment, industrial treatment, or publicly owned treatment works after December 31, 2027:

* * * * *

■ 5. Amend § 751.321 by:

■ a. Revising paragraph (d).

■ b. Adding paragraphs (f) and (g).

The revisions and additions read as follows:

§ 751.321 Downstream notification.

* * * * *

(d) Beginning on December 16, 2025, and before [DATE 30 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**], each person who manufactures (including imports), processes, or distributes in commerce TCE or any TCE-containing products must, prior to or concurrent with the shipment, notify companies to whom TCE is shipped, in writing, of the restrictions described in this subpart in accordance with paragraph (e) of this section.

* * * * *

(f) Beginning [DATE 30 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**], each person who manufactures (including imports), processes, or distributes in commerce TCE or any TCE-containing products must, prior to or concurrent with the shipment, notify companies to whom TCE is shipped, in writing, of the restrictions described in this subpart in

accordance with paragraph (g) of this section.

(g) The notification required under paragraph (f) of this section must occur by inserting the following text in section 1(c) and 15 of the Safety Data Sheet (SDS) provided with the TCE or with any TCE-containing product:

“After June 16, 2025, this chemical/product is and can only be domestically manufactured, imported, processed, or distributed in commerce for the following purposes until the following prohibitions take effect: (1) Processing as an intermediate (a) for the manufacture of HFC–134a until June 18, 2033, and (b) for all other processing as a reactant/intermediate until December 31, 2027; (2) Industrial and commercial use as a solvent for open-top batch vapor degreasing until December 18, 2025; (3) Industrial and commercial use as a solvent for closed-loop batch vapor degreasing until December 18, 2025, except for industrial and commercial use in batch vapor degreasing for land-based DOD defense systems by Federal agencies and their contractors until December 18, 2029, and except for industrial and commercial use as a solvent for closed-loop batch vapor degreasing necessary for rocket engine cleaning by Federal agencies and their contractors until December 18, 2031, and except for industrial and commercial use of TCE in closed-loop and open-top batch vapor degreasing for essential aerospace parts and components and narrow tubing used in medical devices until December 18, 2031, and except for industrial and commercial use as a solvent for closed-loop batch vapor degreasing for rayon fabric scouring for end use in rocket booster nozzle production by Federal agencies and their contractors until December 18, 2034; (4) Industrial and commercial use in processing aid (a) for lithium battery separator manufacturing until December 18, 2029, and (b) for lead-acid battery separator manufacturing until December 18, 2044, and (c) for specialty polymeric microporous sheet material manufacturing until December 18, 2039, and (d) in process solvent used in battery manufacture; in process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture; in extraction solvent used in caprolactam manufacture; and in precipitant used in beta-cyclodextrin manufacture until December 31, 2027; (5) Industrial and commercial uses for vessels of the Armed Forces and their systems, and in the maintenance, fabrication, and sustainment for and of such vessels and systems until December 18, 2034; (6)

Industrial and commercial use for laboratory use (a) for essential laboratory activities until December 18, 2074 and (b) for asphalt testing and recovery using manual centrifuge processes until December 18, 2029 and for asphalt testing and recovery until December 18, 2034; and (7) Industrial and commercial use as a processing aid in the manufacture of nuclear fuel until September 15, 2028.

* * * * *

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1336

RIN 0970–AD50

Further Reducing Bureaucracy and Burden From the Administration for Native Americans

AGENCY: Administration for Native Americans (ANA), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Health and Human Services, Administration for Children and Families proposes to further amend the Native American Programs Act regulations to streamline the part.

DATES: In order to be considered, written comments on this proposed rule must be received on or before November 13, 2026.

ADDRESSES: You may submit written comments, identified by docket number ACF–2026–0826 and/or RIN number 0970–AD50, by one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* Deregulation@acf.hhs.gov. Include the docket number ACF–2026–0826 and/or RIN number 0970–AD50 in the subject line of the message.

Instructions: All submissions received must include the agency name and docket number or RIN number for this rulemaking. All comments received are a part of the public record and will be posted for public viewing on www.regulations.gov, without change. Please be advised that the substance of the comments and the identity of individuals or entities submitting the