

Methylene Chloride Regulatory Update and Next Michigan Tech Steps

September 2026

Summary

The federal methylene chloride (DCM) rule issued by the U.S. Environmental Protection Agency (EPA) in 2024 has been vacated by the Fifth Circuit Court of Appeals. Although the rule is no longer in effect, methylene chloride remains a high-hazard solvent, and Michigan Tech will continue to maintain the protective controls and procedures already implemented as part of our Workplace Chemical Protection Program (WCPP).

Our campus will **not** roll back the safety measures we have been implementing over the past year.

Instead, we are updating our policy language to reflect the court decision while keeping the same risk-based protections in place.

So, What Happened?

In August 2026, the Fifth Circuit Court of Appeals vacated EPA's 2024 Toxic Substances Control Act (TSCA) rule on methylene chloride. The court found that EPA's approach did not meet statutory requirements and directed the agency to redo its risk determination.

What this means:

- The 2024 TSCA rule is no longer legally binding.
- EPA's extremely low exposure limits and mandatory WCPP requirements are not currently enforceable.
- Previous OSHA/MIOSHA standards remain fully in effect.

What Does Not Change at Michigan Tech

Even without the federal rule, methylene chloride continues to pose significant acute and chronic health hazards. Our campus has already taken proactive steps to reduce risk, and those measures will remain in place.

Michigan Tech EHS will continue to:

- Minimize methylene chloride use and prioritize safer substitutes.

- Require written Exposure Control Plans for any laboratory or shop that continues to use methylene chloride.
- Maintain engineering controls, PPE requirements, and ventilation standards consistent with best practices.
- Conduct exposure monitoring for operations where methylene chloride is used.
- Restrict non-laboratory uses and prohibit consumer-type applications on campus.

These measures reflect our commitment to protecting the Husky campus community and maintaining a safe research and learning environment.

Why We Are Maintaining These Protections

Although the TSCA rule was vacated, the underlying hazard profile of methylene chloride has not changed.

Documented risks include:

- Rapid central nervous system depression
- Formation of carbon monoxide in the body
- Acute toxicity leading to loss of consciousness or death
- Long-term carcinogenic potential

Our existing WCPP was designed to address these hazards comprehensively. Maintaining these controls ensures:

- Regulatory compliance with OSHA/MIOSHA
- Consistency across laboratories and shops
- Protection for students, employees, and visitors
- Preparedness for any future EPA rulemaking

What You Need to Do

If your laboratory, shop, or workspace uses methylene chloride:

1. Continue following your existing Exposure Control Plan.
2. Ensure all methylene chloride containing materials remain inventoried in SDS Online.
3. Consult EHS before beginning any new work involving methylene chloride.
4. Continue using established engineering controls and PPE.
5. Report any changes in procedures or equipment that may affect exposure potential.

If you have already eliminated or substituted methylene chloride, **no further action is required.**

Policy Updates

Over the coming weeks, EHS will update the written Methylene Chloride Workplace Chemical Protection Program to:

- Remove references to mandatory federal WCPP requirements
- Clarify that Michigan Tech's program is a **campus required safety standard**
- Align Michigan tech policy with OSHA/MIOSHA standards.
- Retain protective exposure limits and monitoring practices as internal policy
- Add a regulatory status note summarizing the court decision

These updates will not change day to day expectations for laboratories or shops.

Questions or Assistance

If you have questions about methylene chloride use, substitution options, or exposure monitoring, please contact EHS-Support for assistance.

Thank you for your continued commitment to maintaining a safe and healthy campus environment.