April 27, 2026

Amanda Laihow
Principal Deputy Assistant Secretary of Labor
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Formaldehyde Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements; OSHA Docket No. OSHA-2009-0041; February 26, 2026

Dear Ms. Laihow:

The American Chemistry Council's Formaldehyde Panel (Panel) appreciates the opportunity to comment on the Occupational Safety and Health Administration's (OSHA) request for public input regarding the proposed extension of the Office of Management and Budget (OMB) approval of the information collection request (ICR) associated with the Formaldehyde Standard (29 CFR 1910.1048).

The Panel represents producers, suppliers, and users of formaldehyde and formaldehyde-based products across a broad range of industrial and commercial applications. Our members have extensive experience conducting process and employee hazard evaluations and implementing feasible controls and procedures to minimize personnel exposures. In addition, they have historically conducted exposure monitoring, medical surveillance, and recordkeeping requirements established under OSHA's formaldehyde standard.

The Panel would like to highlight that the Environmental Protection Agency (EPA) currently has an ongoing regulatory process under the Toxic Substances Control Act (TSCA) addressing formaldehyde risks. EPA recently finalized its TSCA risk evaluation and stated that "when characterizing the risk to human health from occupational exposures during risk evaluation under TSCA, EPA conducts baseline assessments of risk and makes its determination of unreasonable risk from a baseline scenario that does not assume use of respiratory protection or other personal protective equipment (PPE)."[1]

By relying on a baseline scenario that does not assume the use of these protections, EPA effectively evaluates worker risk assuming non-compliance with applicable OSHA standards. Using this approach, EPA concluded that formaldehyde presents an unreasonable risk to workers for a majority of conditions of use (COU), with worker exposures identified as the primary driver of risk. Over the past three years, EPA's workplace regulatory approach under TSCA has generally resulted in the development of another set of worker protection requirements for chemicals, even where OSHA standards already exist, creating

[1] U.S. Environmental Protection Agency. Risk Evaluation for Formaldehyde under the Toxic Substances Control Act (TSCA). Final. Office of Pollution Prevention and Toxics, January 2025. Available at: Risk Evaluation for Formaldehyde | US EPA.

a dual compliance scenario, leading to the collection of duplicative and sometimes conflicting information and practices.

The Panel supports OSHA's longstanding role as the federal agency responsible for regulating workplace exposure to chemicals and believes the existing formaldehyde standard provides an effective and well-established framework for protecting workers. We believe this ICR could be affected by a separate set of regulations issued by another federal agency governing the same chemical substance, applying to the same workers and workplaces. As a result, the ICR may underestimate the additional time and resources required for employers to reconcile and implement different, but overlapping, regulatory requirements and to communicate and train their workforce on the differences and similarities between the two regulatory frameworks.

Summary of Recommendations

The Panel respectfully recommends that OSHA and EPA work together to reduce duplicative requirements relating to TSCA existing chemical regulation:

- OSHA's existing formaldehyde standard already provides a comprehensive framework for workplace exposure monitoring and worker protection, and EPA regulatory actions should recognize and rely upon this framework.
- EPA risk management rules under TSCA should avoid establishing duplicative workplace monitoring and documentation requirements.
- The OSHA–EPA Memorandum of Understanding (MOU) should be strengthened to clarify that OSHA remains the lead agency for establishing and enforcing workplace exposure limits.
- EPA should defer to OSHA standards where OSHA has already established comprehensive workplace protections for chemical exposures.
- EPA and OSHA should abide by statutory language which requires collaboration between federal agencies when issuing standards and requirements.

Potential Duplication of Federal Information Collection Requirements

OSHA requested comment on whether the information collection requirements are necessary, whether OSHA's burden estimates are accurate, and ways to minimize employer burden. The exposure monitoring, medical surveillance, and recordkeeping provisions of the Formaldehyde Standard play an important role in protecting workers and ensuring compliance with OSHA's occupational exposure limits. However, when evaluating the burden associated with these information collection requirements, it is also important to consider emerging federal regulatory activities that could introduce duplicative, or even inconsistent, workplace monitoring and documentation obligations.

EPA may develop risk management requirements addressing workplace exposures. If EPA establishes separate occupational exposure limits or workplace programs under TSCA, employers could face two sets of federal requirements governing exposure monitoring, documentation, and compliance for the same chemical hazard. Such duplication would increase employer burden beyond the burden estimates associated with OSHA's information collection requirements.

The Paperwork Reduction Act requires agencies to minimize unnecessary duplication in information collection and ensure that reporting burdens are justified. As such, OSHA and EPA should coordinate closely to ensure that workplace exposure monitoring and documentation requirements developed under TSCA do not overlap or conflict with OSHA's existing information collection requirements or impose cumulative burdens beyond those evaluated in this ICR. This issue is particularly relevant as EPA continues its TSCA risk evaluation for formaldehyde and considers occupational exposure limits (OEL) and potential risk management approaches that may require additional workplace exposure controls and/or require modification of existing controls that have been effective minimizing and/or eliminating personnel exposure to OSHA's limits.

This approach is also consistent with current Executive Branch policy to reduce unnecessary regulatory burden and improve coordination across federal agencies. See, e.g. Executive Order 14192, *Unleashing Prosperity Through Deregulation*, and Executive Order 14215, *Ensuring Accountability for All Agencies*, which emphasize reducing unnecessary regulatory burdens and strengthening centralized review of agency regulatory actions.

OSHA's Formaldehyde Standard Provides the Appropriate Workplace Framework

OSHA's formaldehyde standard already provides a comprehensive industrial hygiene framework for managing workplace exposures. The standard requires employers to conduct exposure monitoring, notify workers of exposure results, provide medical surveillance when exposures exceed the action level or short term exposure limit (STEL), maintain exposure and medical records, and provide employees access to those records.

These requirements form an integrated occupational health program incorporating exposure monitoring, engineering and work practice controls, respiratory protection, hazard communication, training, and recordkeeping. OSHA substance-specific standards are widely recognized as effective mechanisms for controlling workplace exposures.

The OSHA framework also reflects established industrial hygiene practices, including application of the hierarchy of controls and site-specific hazard assessments, which are routinely used by occupational health professionals to manage workplace risks. Given OSHA's statutory authority, technical expertise, and enforcement infrastructure, OSHA should remain the lead federal authority responsible for establishing and implementing workplace exposure limits for formaldehyde.

Where OSHA has already established a comprehensive workplace standard, EPA should defer to OSHA's regulatory framework rather than creating separate occupational exposure limits or workplace compliance programs under TSCA.

TSCA Workplace Programs Demonstrate the Risk of Duplication

Recent TSCA risk management rules illustrate how overlapping workplace regulatory programs can emerge. For example, the TSCA risk management rule for methylene chloride (40 CFR § Part 751.109) established a Workplace Chemical Protection Program (WCPP) that includes exposure monitoring,

documentation, and exposure limits separate from OSHA's methylene chloride standard (29 CFR § 1910.1052).

Although the OSHA and EPA programs address similar workplace hazards, they contain different exposure limits, monitoring requirements, and recordkeeping provisions, creating potential confusion regarding compliance expectations.

Examples of these differences include:

- OSHA requires exposure monitoring and medical surveillance records to be retained for 30 years, while EPA requires five-year retention;
- OSHA includes medical surveillance and hazard communication requirements not included in the EPA rule;
- OSHA and EPA provide different access for "designated representatives;"
- OSHA and EPA have different periodic monitoring schedules;
- EPA requirement of a WCPP which includes elements of more comprehensive OSHA plans that are already implemented at sites, such as Respiratory Protection, Formaldehyde Monitoring Plans, Hazard Communication, among others;
- EPA established substantially lower exposure limits and additional monitoring requirements not present in OSHA's standard.

If duplicative workplace programs were applied to formaldehyde, employers could face two federal regulatory systems governing exposure monitoring and recordkeeping for the same chemical hazard, significantly increasing administrative burden.

Strengthening OSHA-EPA Coordination

In December 2024, EPA and OSHA signed a Memorandum of Understanding (MOU) intended to formalize coordination between the agencies regarding EPA's TSCA Section 6 activities. [2] The MOU sets forth principles for information sharing between the agencies related to chemical prioritization, risk evaluation, rulemaking activities, stakeholder outreach, and enforcement coordination where both agencies have interests in regulating the same workplace chemical hazards.

While improved coordination is welcome, the current MOU provides limited clarity regarding how overlapping regulatory authorities should be reconciled when both agencies regulate workplace exposures. In particular, the MOU does not clearly address how the agencies will:

- determine which agency should lead in establishing workplace exposure controls;
- avoid duplicative workplace monitoring and documentation requirements; or
- ensure that EPA risk management rules do not conflict with OSHA standards governing hazard communication, exposure monitoring, and worker protection.

[2] Memorandum of Understanding Between EPA and OSHA for Implementation of TSCA Section 6, Dec 2024, available at: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/memorandum-understanding-between-epa-and-osha.

Since OSHA already administers more comprehensive substance-specific standards for formaldehyde, EPA should defer to OSHA's expertise and workplace regulatory framework when addressing occupational exposures under TSCA.

The agencies should therefore strengthen implementation of the OSHA–EPA MOU to clarify that:

- OSHA remains the primary authority for workplace exposure standards;
- EPA risk management rules should rely on OSHA standards where they exist; and
- duplicative and conflicting workplace monitoring and documentation requirements should be avoided.

Statutory Coordination Under TSCA Section 9

EPA's coordination with OSHA is also supported by TSCA's statutory framework. Section 9 of TSCA directs EPA to consult and coordinate with other federal agencies to achieve effective implementation of the statute "while imposing the least burdens of duplicative requirements" on regulated entities. TSCA further directs EPA to consider the extent to which chemical risks are already subject to regulation under other federal programs when selecting risk management measures. These provisions reflect Congress's intent that regulatory actions under TSCA do not replace existing federal regulatory programs.

Workplace chemical exposures fall within OSHA's core statutory mandate under the Occupational Safety and Health Act. OSHA's formaldehyde standard already establishes enforceable exposure limits and a comprehensive workplace protection program that includes exposure monitoring, medical surveillance, hazard communication, and recordkeeping requirements.

Where OSHA has already promulgated substance-specific standards governing occupational exposure, EPA should recognize and rely upon those existing programs rather than creating another workplace regulatory system under TSCA.

Importance of Preserving OSHA's Workplace Regulatory Authority

It is also important that federal regulatory programs maintain clear and consistent lines of responsibility for protecting workers from chemical exposures. OSHA has decades of experience establishing occupational exposure limits and control requirements often in collaboration with other federal scientific experts such as the National Institute for Occupational Safety and Health (NIOSH) and/or aligned with consensus standards issued by recognized bodies such as the American National Standards Institute (ANSI) to administer the comprehensive workplace protection programs necessary to ensure those limits are achieved. Preserving OSHA's leadership role in regulating workplace chemical exposures helps ensure that worker protection policies remain scientifically grounded, enforceable, and administratively efficient. Stakeholders are committed to protection of their workers and have long relied on OSHA's substance-specific standards as the primary framework for managing occupational chemical exposures, and maintaining this clear regulatory structure benefits both worker protection and regulatory certainty.

As EPA continues implementing its authorities under TSCA, regulatory approaches that rely on and reinforce OSHA's existing workplace standards, rather than creating additional and inconsistent regulatory systems, will provide greater regulatory certainty while continuing to protect worker health and safety.

Conclusion

The Panel supports OSHA's continued administration of the information collection requirements associated with the Formaldehyde Standard. However, OSHA's statutory obligation to minimize unnecessary duplication of information collection highlights the importance of strong coordination with EPA as TSCA activities addressing formaldehyde proceed.

EPA should defer to OSHA's established workplace regulatory framework, and the agencies should strengthen their MOU to ensure that federal regulatory programs remain aligned and do not create duplicative, or inconsistent, exposure monitoring or recordkeeping requirements. Close coordination between OSHA and EPA will be particularly important as EPA completes its TSCA risk evaluation and considers any future risk management actions for formaldehyde.

Absent clear coordination, the cumulative paperwork burden associated with separate but overlapping OSHA and EPA workplace exposure programs may significantly exceed the burden estimates presented in this Information Collection Request.

The Panel appreciates OSHA's consideration of these comments. Please feel free to contact me with any questions at sahar_osman-sypher@americanchemistry.com or 202-249-6721.

Sincerely,

Sahar-Osman Sypher
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American Chemistry Council
On Behalf of the ACC Formaldehyde Panel