

United States Senate

WASHINGTON, DC 20510

April 26, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

The Honorable Alexandra Dapolito Dunn
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Administrator Wheeler, Assistant Administrator Dunn,

We write with deep concerns regarding the EPA's final rule banning methylene chloride, a likely human carcinogen and acutely lethal chemical used in paint and coating removal products sold for both consumer and commercial uses. While EPA's decision to ban consumer uses of this chemical¹ is a welcome and overdue step, the decision to exclude commercial uses of the chemical from the ban leaves workers (more than 50 of whom have already been killed due to exposures to this chemical) without the protection they need and the law requires. We urge you to immediately move to finalize a ban that will eliminate the unreasonable risks posed by commercial uses of methylene chloride paint strippers.

In the Frank R. Lautenberg Chemical Safety for the 21st Century Act, Congress directed EPA to consider risks encountered by "potentially exposed or susceptible subpopulations" due to exposures to chemical substances. These subpopulations were further defined as "a group of individuals within the general population identified by the Administrator who, due to either great susceptibility or greater exposure, may be at greater risk than the general population of adverse health effects from exposure to a chemical substance or mixture, such as infants, children, pregnant women, workers, or the elderly."²

More than two years ago, EPA determined that methylene chloride presents unreasonable risks to workers, consumers, and bystanders when used in paint and coating removal products, and that a ban on consumer and commercial uses of methylene chloride paint strippers was necessary to address those risks. On January 19, 2017, EPA proposed a prohibition on methylene chloride for consumer and most types of commercial paint and coating removal uses,³ and found in its

¹ https://www.epa.gov/sites/production/files/2019-03/documents/ocspp-19-000-3427_fm.pdf

² 15 U.S.C. 2602

³ <https://www.federalregister.gov/documents/2017/01/19/2017-01222/methylene-chloride-and-n-methylpyrrolidone-regulation-of-certain-uses-under-tsca-section-6a>

proposed rule that methylene chloride posed an unreasonable risk to workers. In fact, the Occupational Safety and Hazard Administration (OSHA) told EPA that the OSHA worker protection standard for methylene chloride exposure is more than 20 years old,⁴ and that OSHA does not believe that standard is protective enough given the risks to workers that were identified by EPA. In its proposed rule, EPA even assessed whether a worker training program for the proper use of respirators for methylene chloride paint strippers could be effective, and concluded it would be too costly and would likely result in companies voluntarily using alternatives to methylene chloride. Yet despite all of these considerations, EPA finalized a ban that exempts workers and at the same time, requested comments on a potential future rule to provide more worker training measures.

We do not have to look far to learn about the deadly impacts of methylene chloride on commercial users of the chemical. Among the dozens of documented deaths, the chemical robbed Kevin Hartley and Drew Wynne of their futures when they succumbed to methylene chloride while stripping paint. Kevin was only 21 years old and Drew was 31 years old. Moreover, EPA estimated that every year, tens of thousands of workers across the country conduct paint and coating removal activities with methylene chloride.⁵ In particular, the agency identified workers in the building trades as a population that faces a disproportionate risk of adverse health effects from exposure to this chemical. Among them, the agency noted that Latino, foreign-born, and limited-English proficiency workers are particularly vulnerable to exposure.⁶

Given the dozens of deaths of workers, among even those who had been properly equipped and trained to protect themselves against methylene chloride exposure, EPA's failure to protect commercial users of methylene chloride in its ban is likely to lead to more illnesses and deaths that are entirely preventable. Accordingly, we urge you to quickly withdraw the agency's Advanced Notice of Proposed Rulemaking for a Commercial Paint and Coating Removal Training, Certification and Limited Access Program for methylene chloride,⁷ and finalize a ban to ensure that both consumer and commercial users of this deadly chemical are protected.

Sincerely yours,

⁴ <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2016-0231-0153>

⁵ <https://www.federalregister.gov/d/2017-01222/p-157>

⁶ <https://www.federalregister.gov/d/2017-01222/p-162>

⁷ https://www.epa.gov/sites/production/files/2019-03/documents/ocspp-19-000-3427_anprm.pdf



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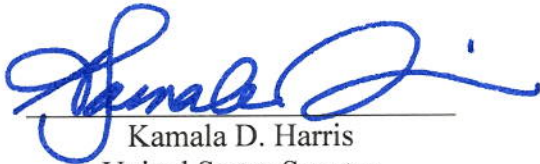
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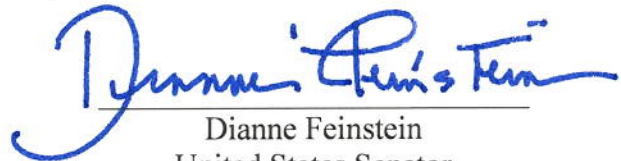
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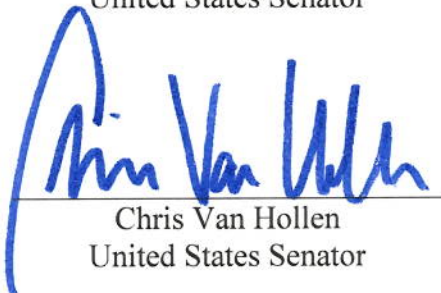
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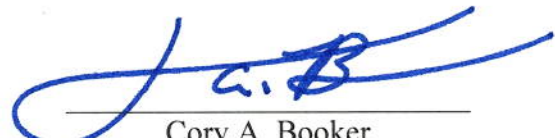


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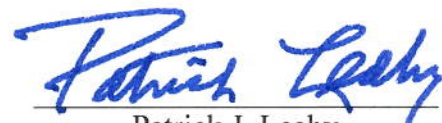

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