

SAFER CONSUMER PRODUCTS, GREEN CHEMISTRY, DTSC

Commenters Have Sharply Different Views of DTSC's Proposed Designation of Methylene Chloride Paint Strippers as a SCP Priority Product

By ROGER PEARSON, February 14, 2018

In November the Department of Toxic Substances Control announced it was proposing to designate "paint or varnish strippers containing methylene chloride" as a priority product pursuant to the Department's Safer Consumer Products (SCP) program. The initial comment period for that proposal closed on January 18 [see **DTSC Proposes to Designate Paint or Varnish Strippers Containing Methylene Chloride as Priority Product**¹ , December 5, 2017].

DTSC received 30 comments² with business groups and environmental/health groups having sharply different views as to the validity of the proposed designation.

The proposal to designate methylene chloride containing strippers is the third such effort by DTSC in what is still a slow-moving rollout of the SCP. The agency has finalized one such proposal, children's foam-padded sleeping products containing the flame retardants TDCPP or TCEP [see **DTSC Designates First Priority Product: Children's Foam-Padded Sleeping Products**³ , June 29, 2017]. A second proposed designation of spray polyurethane foam with unreacted MDI, is awaiting final DTSC action [see **DTSC Formally Proposes to Designate Second Priority Product**⁴ , April 1, 2017]. Once a particular chemical-product combination is designated as a Priority Product manufacturers of that product in California must identify themselves and undertake an "alternatives analysis" (AA) to determine whether a safer alternative is available and feasible.

Of the 30 comments received by DTSC the more substantive ones are roughly equally split between business groups and environmental/health groups. There are also a number of comments favoring the proposal from friends of a young South Carolina businessman, Drew Wynne, who died last year from exposure to MeCl₂ strippers.

Among the concerns raised by the business groups are the following:

- The **American Coatings Association**⁵ (ACA) and other groups complain that the risk of overexposure to the strippers has been overstated by DTSC. The ACA notes that DTSC's technical support document, supporting its proposal, bases its risk assessment on a U.S. EPA document using the 1997 OSHA Permissible Exposure Level (PEL). That reference, notes ACA, ignores that the PEL was revised in 2012 and suggests that DTSC reevaluate its assessment

using the updated PEL.

- The groups point out that the MeCl₂ strippers are already heavily regulated. In addition to the OSHA PEL, the groups cite U.S. EPA's January 2017 proposal regulating the use of the strippers. Also, in California the Air Resources Board limits the volatile solvent content of paint strippers to 50% by weight; a limitation that prohibits the sale in California of strippers that have caused some of the acute exposure deaths nationally.
- The groups also point out that existing chemical management programs at both the Federal and state level have labeling requirements that are designed to ensure the safe use of the solvents.
- Finally, the business groups argue that feasible alternatives to the use of MeCl₂ in paint strippers do not exist. In its technical document supporting the proposal DTSC does not discuss alternatives leaving that process to the AAs that will presumably be prepared by manufacturers. However, notes ACA, the mere designation as a Priority Product will cause some users of paint strippers to replace their existing MeCl₂ products. To the extent such alternatives exist, the business groups argue that they are often more flammable, pose a greater ozone formation risk, and make paint strippers less effective.

The environmental and health groups who filed comments support the proposal. They cite the problems associated with use of the paint strippers pointed out in the DTSC Technical Document, including the number of deaths nationally from exposure. In response to the business group claims, they cite findings by both EPA and DTSC about the lack of effectiveness of labeling since many consumers of the products ignore the labels. They point out that the EPA TSCA proposal is currently on the back burner with no indication of when it will be finalized under the current EPA administration.

The environmental and health groups also dispute the contention that there are no feasible alternatives to MeCl₂. In support of this argument, the organization, BizNGO, has actually prepared a Phase I AA, similar to what would have to be prepared by manufacturers. BizNGO describes itself as a coalition of business and environmental groups aimed at transforming chemical usage in specific industry sectors. The Phase I, which is essentially a screening document, looked at eleven chemicals often cited as possible alternatives. It eliminated only two of those (methanol and toluene) due to concerns over their reproductive toxicity. That leaves nine chemicals that the organization believes might be relatively safer alternatives to MeCl₂. BizNGO actually intends to go ahead with a more detailed Phase II assessment to determine whether these alternatives are really feasible.

Resources for this article

1. DTSC Proposes to Designate Paint or Varnish Strippers Containing Methylene Chloride as Priority Product

<https://ceitoday.com/articles/13264>

2. DTSC received 30 comments

<http://www.dtsc.ca.gov/SCP/Comments.cfm>

3. DTSC Designates First Priority Product: Children's Foam-Padded Sleeping Products

<https://ceitoday.com/articles/13110>

4. DTSC Formally Proposes to Designate Second Priority Product

<https://ceitoday.com/articles/12804>

5. American Coatings Association

<https://calsafer.dtsc.ca.gov/workflows/comment/11397/>