



June 15, 2018

John G. Morikis, Chairman, President, and CEO
The Sherwin-Williams Company
101 W. Prospect Avenue
Cleveland, OH 44115

RE: The Need to End the Sale of Paint Strippers Containing Methylene Chloride and NMP

Dear Mr. Morikis:

On behalf of Safer Chemicals, Healthy Families, the Natural Resources Defense Council, and our more than 3 million members and online supporters, we are writing to request that The Sherwin-Williams Company take immediate action to phase out the sale of paint removers that contain the chemicals methylene chloride and N-methylpyrrolidone (NMP). This action will close a significant gap in Sherwin-Williams' Global Environmental, Health, and Safety Policy and help to prevent additional fatalities and serious adverse health effects to consumers and workers caused by these toxic products.

The company's Global Environmental, Health and Safety Policy states that, "We develop, manufacture, distribute and sell our products in a way that preserves resources and minimizes environmental impact." The company has shown leadership by researching and developing safer alternatives to BPA-based canned food liners through Valspar's Safety by Design process.

The presence of methylene chloride and NMP in your retail inventory, especially in light of the recent commitment by Lowe's to remove these products from its shelves globally by the end of the year, undercuts your stated commitment to environment, health and safety. Given the acute dangers and chronic hazards posed by methylene chloride and NMP-containing paint removers and your market stature as the largest specialty retailer of paint and paint supplies in America, we ask that Sherwin-Williams act to protect its customers by committing to remove these products from your stores globally by December 31st, 2018. This is critically important now at a time when the U.S. Environmental Protection Agency (EPA) may not meaningfully follow through on its proposed ban on these harmful chemicals.

Linked to more than 60 known deaths in the United States since 1980, methylene chloride was the subject of a proposed ban by the EPA in 2017.^{i,ii} The agency proposed this action after a review under the Toxic Substances Control Act found that the use of methylene chloride and NMP in paint and coating removal products presents "an unreasonable risk of injury to health or the environment."ⁱⁱⁱ

The review also noted that methylene chloride poses a special risk for workers who may spend significant time indoors exposed to the chemical, such as those refinishing bathtubs. Because it is heavier than air, methylene chloride can settle in a tub or other indoor space and expose such workers to high concentrations of the chemical in a short period of time. Furthermore, the

Occupational Safety and Health Administration and U.S. EPA have found that air-purifying respirators (cartridge respirators) are inadequate for protection against methylene chloride exposure, because methylene chloride can penetrate most respirator cartridges.^{iv}

As a result, many reported deaths associated with the chemical have occurred among professional contractors who were using the chemical to strip paint from a bathtub or floor when they collapsed and died shortly thereafter.^{v,vi} In 2017 alone, at least two professional contractors died from working with paint strippers containing methylene chloride.

Use of these deadly paint removers has also proven fatal to do-it-yourself consumers. In February of this year, after purchasing a methylene chloride-containing paint-stripper available at auto parts and hardware stores, 31-year old Joshua Atkins died after inhaling fumes while refinishing his BMX bicycle. At least four people have already died using these products since EPA's ban was proposed. Further delay in removing these products from store shelves will inevitably lead to more deaths and is simply unacceptable.

NMP impacts fetal development and can cause miscarriage and stillbirth. According to estimates by EPA, each year 11,300 pregnant consumers and 160 pregnant workers face an increased risk of fetal death from exposure to NMP.^{vii} It has also been linked to neurotoxicity, decreased fetal weight, kidney, and liver toxicity.

In addition to the obligation of Sherwin-Williams to protect its customers from a safety hazard, the company has an interest in minimizing potential risk to its business. The continued sale of these products may pose significant reputational, regulatory, and legal risks to the company. We would like to draw your attention to several business risks that could be exacerbated by the continued sale of paint strippers that contain methylene chloride and NMP at Sherwin-Williams.

Reputational Risk: The leadership of other major retailers such as Lowe's in protecting public health by removing methylene chloride and NMP-containing paint removers could impact Sherwin-Williams's public image. According to the EPA, more than 60,000 U.S. workers and 2 million consumers are exposed to methylene chloride and NMP annually. Subsequent injuries and deaths that could be caused by these products could generate adverse coverage, thus impacting the reputation of Sherwin-Williams' brand. This is of concern given J.D. Power's recognition of Sherwin-Williams as "Highest in Customer Satisfaction among Interior Paints."

Litigation Risk: Poisonings caused by these products sold from Sherwin-Williams' shelves could create legal exposure. According to your Annual Report: "In the course of its business, the Company is subject to a variety of claims and lawsuits, including, but not limited to, litigation relating to product liability and warranty, personal injury, environmental, intellectual property, commercial, contractual and antitrust claims...The Company, along with other companies, is and has been a defendant in a number of legal proceedings, including individual personal injury actions, purported class actions, and actions brought by various counties, cities, school districts and other government-related entities, arising from the manufacture and sale of lead pigments and lead-based paints." Thus, continued sales of methylene chloride and NMP paint strippers could exacerbate this risk.

Regulatory Risk: According to your Annual Report: "Management expects environmental laws and regulations to impose increasingly stringent requirements upon the Company and the industry in the future." Methylene chloride and NMP have both been targeted for bans in the U.S. and globally. Both methylene chloride and NMP are essentially banned in paint strippers in the European Union under Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).^{viii} In January

2017 the U.S. EPA proposed banning both chemicals under the newly reformed Toxic Substances Control Act (TSCA). The state of California proposed listing methylene chloride-based paint strippers as a “priority product” under the state’s Safer Consumer Products program in November 2017, which could lead to a statewide ban. More recently, legislation was introduced in the State of Maryland mirroring the EPA’s proposed ban. Unless you move quickly ahead of the regulatory curve, your continued reliance on these chemicals will leave you at a competitive disadvantage.

The company’s most recent sustainability report states that: “We evaluate what we do and challenge ourselves to create new and even better solutions, while still delivering solid business results.” Now is the time for Sherwin-Williams to evaluate its sale of paint strippers containing methylene chloride and NMP and challenge itself to phase them out in favor of safer alternatives.

Due to your market leadership position and growing concern about methylene chloride and NMP-based paint strippers, we respectfully request that you:

- 1. Cease sale of all paint stripping products containing methylene chloride or NMP from your shelves and website globally by no later than the end of 2018; and**
- 2. Work with us to encourage the rest of the retail and paint industry to do the same.**

We look forward to receiving a written response to our letter. We would also welcome the opportunity to meet with you to discuss our recommendations. Please contact Mike Schade at (646) 783-3477 or mikeschade@saferchemicals.org to schedule a meeting.

Thank you for your consideration.

Sincerely,



Mike Schade, Mind the Store Campaign Director
Mike Belliveau, Senior Advisor
Safer Chemicals, Healthy Families



Sujatha Bergen, Policy Specialist
Healthy People and
Thriving Communities Program
Natural Resources Defense Council

CC: Bob Israel, Global Director, Product Stewardship & Sustainability

i <https://www.publicintegrity.org/2015/09/21/17980/three-decades-death>

ii <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2016-0231-0001>>

iii 82 Fed. Reg. 7465 (Jan. 19, 2017).

iv B. Goodman, Stores Urged to Pull Products With Deadly Chemical, <https://www.webmd.com/lung/news/20180329/stores-urged-to-pull-products-with-deadly-chemical>

v <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/OHB/HESIS/CDPH%20Document%20Library/MethyleneChlorideAlert.pdf>

vi Agency for Toxic Substances and Disease Registry (ATSDR). Toxicological Profiles, Methylene Chloride, September 2000

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

viii Paint strippers containing methylene chloride (greater than 0.1% by weight) for both consumer and professional use [have been banned in the EU](#) since 2012. The European Union has added NMP to its restricted substance list. NMP was previously restricted in consumer products including paint strippers several years ago with a concentration limit of 0.3% due to the chemical’s classification as toxic to reproduction. To address workplace exposures, in 2018, the European Chemicals Agency [issued a regulation](#) restricting the manufacture, use, and sale of all products, including paint strippers, containing NMP in concentrations greater than 0.3% unless certain conditions are met. The restriction goes into play May 9, 2020. [The European Chemicals Agency classifies NMP as a “Substance of Very High Concern”](#) because of its toxicity to reproduction based on developmental toxicity. This chemical is also on REACH’s candidate list for authorization, meaning that it could be banned or companies would be required to submit an application to continue using, begin using, or sell this chemical (*note this doesn’t apply to imported products*).