



July 2, 2018

Doug McMillon, CEO
Wal-Mart Stores
702 S.W. 8th Street
Bentonville, AR 72716

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

Dear Mr. McMillon:

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 Wal-Mart Stores 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 your health and safety policies and help to prevent additional fatalities and serious adverse health effects to consumers and workers caused by these toxic products.

The presence of methylene chloride and NMP in your retail inventory, especially in light of the recent commitment by Lowe's, Sherwin-Williams and The Home Depot to remove these products from its shelves globally by the end of the year, undercuts your 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 a large-scale retailer of this product, we ask that Wal-Mart Stores act to protect your 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 of these harmful chemicals.

Linked to more than 60 known deaths in the United States since 1980, use of methylene chloride in paint strippers 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 Wal-Mart Stores 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 Wal-Mart Stores.

Reputational Risk: The leadership of other major retailers such as The Home Depot, Lowe's, and Sherwin-Williams in protecting public health by removing methylene chloride and NMP-containing paint removers could impact Wal-Mart Stores'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 the Wal-Mart Stores brand.

Regulatory Risk: 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. The tide has decisively turned against use of these chemicals in paint strippers, and Wal-Mart Stores could be at a disadvantage if it fails to get ahead of the regulatory curve.

Now is the time for Wal-Mart Stores to evaluate its sale of paint strippers containing methylene chloride and NMP and challenge itself to phase them out in favor of safer alternatives.

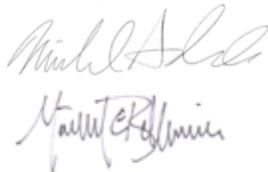
Due to your market leadership position and growing concern about methylene chloride and NMP-based paint strippers, we respectfully request that you:

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 mikeschade@saferchemicals.org or Sujatha Bergen at sbergen@nrdc.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: Zach Freeze, Senior Director, Strategic Initiatives - 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*).