

**Alaska Community Action on Toxics * Asbestos Disease Awareness Organization (ADAO)
Breast Cancer Action * Breast Cancer Prevention Partners * Clean Water Action * Earthjustice
Ecology Center * Environmental Health Strategy Center * Healthy Building Network
League of Conservation Voters * Maryland PIRG * Natural Resources Defense Council *
Oregon Environmental Council * Safer Chemicals Healthy Families *
Science and Environmental Health Network * Toxic-Free Future * Vermont Conservation Voters *
Vermont Public Interest Research Group * Women's Voices for the Earth**

November 8, 2019

Andrew Wheeler, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Re: Imminent and Serious Health Risks from Acute Consumer and Worker Exposure to Methylene Chloride

Dear Administrator Wheeler:

The undersigned organizations are national and grassroots groups committed to assuring the safety of chemicals used in our homes, workplaces and the many products to which our families and children are exposed each day. We are deeply alarmed by EPA's recently released draft [risk evaluation](#) for methylene chloride (MC) under the Toxic Substances Control Act (TSCA). This evaluation demonstrates that consumers and workers face serious and imminent risks of death and incapacitating neurotoxic effects from short-term exposure to MC.

For both consumers and workers, the dangers of acute exposure to MC are too great to delay action for several years while EPA finalizes the risk evaluation and completes rulemaking under section 6(a) of TSCA. Thus, EPA needs to immediately warn the public of these risks and require manufacturers to protect workers and consumers from harm. It also must immediately finalize its proposed ban on commercial use of MC-containing paint removers since the draft evaluation once again reaffirms EPA's previous determinations that this use presents unreasonable risks of injury.

The draft risk evaluation concludes that "[r]isks from acute exposures include central nervous system risks such as central nervous system depression and a decrease in peripheral vision, each of which can lead to workplace accidents and which are precursors to more severe central nervous system effects such as incapacitation, loss of consciousness, and death" (p. 30). These effects occur because MC fumes act as a CNS depressant and also metabolize in the body into carbon monoxide, cutting off the supply of oxygen and killing users in as few as ten minutes. According to a recent analysis (attached) by scientists at the University of California San Francisco, 83 deaths have been linked to acute exposure to MC. This likely understates the actual number; EPA indicated in its 2017 [proposed rule](#) that numerous additional deaths were probably either unreported or erroneously attributed to other causes. 82 FR 7482. Moreover, as EPA's evaluation indicates, several vulnerable subpopulations are at higher risk for MC's acute effects, including pregnant women, the elderly, fetuses, children, people engaged in vigorous physical activity, users of alcohol and Individuals suffering from lung and heart disease (pp. 274-275).

In March of this year, based on the risk of death and serious incapacitation from acute exposure, EPA [banned](#) the sale of MC-containing paint strippers for use by consumers under section 6 of TSCA. The draft evaluation identifies 15 additional consumer products that contain MC. According to EPA's analysis, the acute risks presented by these products are similar in nature and magnitude to the paint remover risks on which EPA based its consumer use ban. *Specifically, for all but one of the 15 products, projected acute exposures in one or more of EPA's use scenarios were above or alarmingly close to MC levels causing neurotoxic effects in human studies.* As a result, for inhalation or dermal exposure or both, margins of exposure (MOE) were well below the "benchmark MOE" that EPA used to define unreasonable risk. For several of the products, the MOEs were unprotective not only for product users but for consumer bystanders as well. EPA's risk evaluation actually understates these risks because it failed to combine dermal and inhalation exposure, which occur concurrently for many consumer uses.

The acute risks to workers identified in the draft evaluation were also deeply alarming. According to [EPA](#), over 8 million workers are estimated to be exposed to MC, including several subpopulations with higher susceptibility to MC's acute effects. *EPA's draft evaluation found inhalation and/or dermal MOEs below the benchmark MOE for all 31 of the industrial and commercial conditions of use it analyzed.* While it concluded that respirator and glove use might reduce exposure to acceptable levels for some of these operations, it did not document actual respirator use at any MC-using facility and acknowledged that "EPA does not know the actual frequency, type, and effectiveness of glove use in specific workplaces" (p. 375).

The alarming findings of the draft risk evaluation require EPA to take the following immediate steps to protect consumers and workers from acute MC exposure:

- EPA should issue and broadly disseminate a health advisory that warns the public of the danger of acute MC exposure and urges consumers and workers to avoid exposure to MC to the extent possible.
- EPA should list MC under section 5(b)(4) of TSCA as a chemical that "present[s] or may present an unreasonable risk to human health and the environment." This listing will further enhance awareness of the harmful effects of acute exposure to this chemical.
- The Agency should send letters to all MC manufacturers, industrial users, and producers and sellers of MC-containing consumer products that:
 - (1) Urge manufacturers, retailers and distributors to stop sales of all consumer products containing MC;
 - (2) Urge manufacturers, processors, and commercial users to take immediate steps to reduce workplace concentrations of MC to an 8-hour limit of 2 parts per million (ppm),¹ placing principal reliance on engineering controls, and implement comprehensive safety and health

¹ EPA based its Point of Departure (POD) for acute toxicity on a study by Putz finding CNS effects in human subjects at concentrations of 195 ppm after an exposure of 1.5 hours (p. 266). EPA converted the POD to an 8-hour average concentration of 80 ppm and then applied an Uncertainty Factor (UF) of 30, resulting in a "safe" level of 2 ppm (pp. 273-275). This level is well below the OSHA PEL of 25 ppm and even more substantially below the measured and estimated workplace exposure levels presented in the draft risk evaluation, many of which greatly exceed the OSHA standard.

programs that include worker education and training, hazard communication, and exposure monitoring;

(3) Call on manufacturers and distributors of MC and all products containing the chemical to immediately revise product labels and Safety Data Sheets (SDSs) to prominently warn workers of MC's acute hazards and recommend immediate reductions in exposure, backed up by worker training, education and monitoring; and

(4) Encourage firms using MC to investigate and adopt safer substitutes.

- EPA should quickly follow up to make the elimination of consumer use and reductions in workplace exposure mandatory through an immediately effective rule under TSCA section 6(d) and/or a declaration under section 7 that MC is an "imminently hazardous chemical substance."

Among the MC conditions of use that EPA determines to present an unreasonable risk is the commercial use of MC-containing paint removers (pp. 685-725). The risk evaluation incorporates verbatim large portions of EPA'S 2014 [Workplan risk assessment](#), which formed the basis for its 2017 proposed ban on commercial use of these products. Thus, it further underscores the lack of any justification for EPA'S failure to include commercial use in its March 2019 final rule. To now delay these essential worker protections yet again while EPA spins its wheels on a redundant risk evaluation and rulemaking is inexcusable and may well result in more avoidable worker deaths. EPA should thus finalize its ban on commercial paint stripper use as soon as possible.

EPA'S [website](#) advises members of the public concerned about MC to "carefully follow all instructions on the product's label to ensure proper use, eliminating undue risk for harmful exposure." Yet EPA offers no evidence that the labels of MC-containing consumer products contain any warnings or instructions for use, let alone instructions that would prevent harmful exposure. Moreover, EPA acknowledges that, even if recommended on the label, "consumers or bystanders would not use [Personal Protective Equipment]" to reduce exposure (p. 31) and bystanders would not see labels in any event. Indeed, in its 2017 proposed rule, EPA concluded that "it is unlikely that label language changes for this use of methylene chloride will result in widespread, consistent, and successful adoption of risk reduction measures by users." 82 FR 7474. To nonetheless urge consumers to follow labels is hollow advice. The only step that will effectively protect product users and bystanders is to immediately remove all consumer products containing MC from commerce. If manufacturers do not take this step voluntarily, EPA should use its authority under TSCA section 7 to compel it.

Finally, the draft EPA evaluation also provides compelling evidence that chronic exposure to MC presents serious and unreasonable health risks, including risks of cancer and liver effects. While we are not asking EPA to take action to address these risks at this time, our position is that most industrial uses of MC should be banned under section 6(a) of TSCA. We plan to advocate strongly for this ban once the risk evaluation is complete.

We look forward to meeting soon with your staff to discuss EPA'S response to this letter.

Please contact SCHF counsel Bob Sussman at bobsussman1@comcast.net with any follow-up questions.

Respectfully submitted,

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