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METHYLENE CHLORIDE PAINT REMOVERS BANNED BY EPA

On March 15, the EPA issued a final rule to prohibit the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use. EPA is required to take this action under the Frank R. Lautenberg Chemical Safety for the 21St Century Act because of the acute fatalities that have resulted from exposure to the chemical.

"After analyzing the health impacts and listening to affected families, EPA is taking action to stop the use of this chemical in paint removers intended for consumers," said EPA Administrator Andrew Wheeler. "Today's decision reflects EPA's commitment to ensure that chemicals in the retail marketplace are safe for the American public."

"This rule answers calls from many affected families to effectively remove these products from retail shelves and retail distribution channels, providing protection for the American public," said Assistant Administrator for Chemical Safety Alexandra Dunn.

In the final rule, EPA found risks to consumers to be unreasonable. Acute (short-term) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. People have died after being incapacitated during paint and coating removal with methylene chloride. A variety of effective, less harmful substitutes are readily available for paint removal.

Paint removal products containing methylene chloride will not be able to be sold at any retail or distribution establishments that have consumer sales, including e-commerce sales. Those prohibitions start 180 days after the effective date of the final rule, which provides time for establishments selling this chemical to consumers to come into compliance with EPA's ban. EPA expects that many suppliers will implement the rule much sooner. To the extent that consumers want to avoid the unreasonable health risks, consumers should not use methylene chloride for paint and coating removal.

EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. Once published, the final rule and supporting documents will be available in the Federal Register docket at: https://www.regulations.gov/ and by searching for EPA-HQ-OPPT-2016-0231.

EPA is soliciting public input for a future rulemaking that could establish a training, certification, and limited access program for methylene chloride for commercial uses. EPA is asking for input on the key elements required for such a program. Upon publication in the Federal Register of the Advance Notice of Proposed Rulemaking (ANPR), EPA will accept public comments for 60 days in docket EPA-HQ-OPPT-2018-0844 on www.regulations.gov.

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DIRECTORY

Corporate Headquarters 215 West Church Road King of Prussia, PA 19406 Phone: (610) 265-1510 / FAX: (610) 265-0687

New Jersey Pureland Complex, Suite 306 510 Heron Drive, P.O. Box 521 Bridgeport, NJ 08014 Phone: (856) 467-2276 / FAX: (856) 467-3476

Southwest Pennsylvania 2001 Waterdam Plaza Drive, Suite 205 Cannonsburg, PA 15317 Phone: (724) 206-0348 / FAX: (724) 206-0380

E-mail: RTENV@AOL.COM World Wide Web: HTTP://RTENV.COM 24 HOUR URGENT LINE SERVICE 800-725-0593



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New Jersey 510 Heron Drive P.O. Box 521 Suite 306, Pureland Complex Bridgeport, NJ 08014 Phone: (856) 467-2276 FAX: (856) 467-3476 Southwest Pennsylvania 2001 Waterdam Plaza Drive Suite 205 Cannonsburg, PA 15317 Phone: (724) 206-0348 FAX: (724) 206-0380

E-mail: RTENV@AOL.COM / World Wide Web: HTTP://RTENV.COM 24 HOUR URGENT LINE SERVICE: 800-725-0593