

November 21, 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 Andrew Wheeler:

The [Environmental Protection Network](https://www.epn.org/) (EPN) is an organization comprised of over 450 U.S. Environmental Protection Agency (EPA) alumni volunteering their time to protect the integrity of the EPA, human health and the environment. We harness the expertise of former EPA career staff and confirmation-level appointees to provide an informed and rigorous defense against current Administration efforts to undermine public health and environmental protections.

We are writing to you to express our concern about the serious health risks demonstrated in EPA's draft risk evaluation for methylene chloride (MC) under the Toxic Substances Control Act (TSCA). The draft MC risk evaluation's conclusions that MC presents unreasonable risks are extremely alarming for the following reasons.

1. MC is acutely lethal, a neurotoxicant, and a likely human carcinogen. The primary target organ of MC acute toxicity is the brain, with neurological effects resulting either from direct narcosis or the formation of carbon monoxide. Carbon monoxide is toxic because it binds more effectively than oxygen to hemoglobin, the protein that carries oxygen to all of the tissues of the body. The accumulation of carboxyhemoglobin in the blood can lead to sensory impairment, dizziness, incapacitation, coma, heart failure, and death. We understand that over 80 deaths have been linked to MC exposure.
2. The neurotoxic and cardiovascular effects may be exacerbated in fetuses and infants with higher residual levels of fetal hemoglobin when exposed to high concentrations of MC. People with lung and heart disease are also at higher risk of these health effects.
3. Exposure of all workers to the high concentrations of MC without protective equipment exceeded the acceptable margin of exposure (MOE) for non-cancer acute effects, and exposure of workers in use categories such as open-top vapor degreasing, cold cleaning, adhesives and sealants, and paint and coating removal exceeded the acceptable MOE even with the best personal protective equipment.
4. The MOEs for all but one of 15 consumer products also exceeded the acceptable MOEs for acute effects.
5. In addition to acute neurotoxicity, MC has been linked to chronic effects, including cancer and liver effects.
6. EPA identified the adverse effects and unreasonable risks posed by MC to workers and consumers in its peer-reviewed 2014 risk evaluation of MC. In March 2019, EPA followed the 2014 risk

assessment with a rule prohibiting MC in consumer paint removal products but did nothing to address the risks posed to workers.

7. Since the usual timeline for completion of a risk evaluation and regulatory action under TSCA is several years, consumers and workers will continue to be exposed to MC and at risk of these serious effects for an additional, inordinate period of time if the agency follows a “business as usual” scenario. This will likely lead to additional deaths.

Under TSCA section 6(a) (15 U.S.C. 2605(a)), if EPA determines after a risk evaluation that a chemical substance “presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation, under the conditions of use,” EPA by rule must “apply one or more requirements to the extent necessary so that the chemical substance or mixture no longer presents such risk.” TSCA Section 6(d) gives EPA authority to declare a proposed rule under section 6(a) immediately effective when it is “likely to result in an unreasonable risk of serious or widespread injury to health” before completion of the rulemaking process.

Although this risk evaluation is only a draft, EPA has already determined that MC poses an unreasonable risk in its 2014 risk evaluation and 2019 ban on paint removers for consumer use. Therefore, it is irresponsible for EPA to further delay taking action to protect workers. We urge EPA to take action now. To ensure that the acute effects are addressed as soon as possible, the agency should regulate the hazards of MC in two separate stages. The first stage should begin now and should focus on the risks posed by acute neurotoxicity. The first stage should:

- Use an immediately effective final rule under section 6(d) to ban MC from all consumer products in addition to the paint removers banned earlier this year.
- Ban MC from commercial applications where the MOE exceeds safe levels, such as vapor degreasing, cold cleaning, adhesives and sealants, paint and coating removal, and dry-cleaning solvent applications.
- Require downstream notification of this prohibition throughout the supply chain.
- Require strong warnings of the risks of death and brain damage on labels and safety data sheets for the remaining MC-containing products in commerce.
- Place MC on the “risk list” authorized by section 5(b)(4) as a chemical that “present[s] or may present an unreasonable risk to human health and the environment.”

The second stage of regulation should focus on the chronic exposures and cancer endpoints and any remaining uses of MC that present an unreasonable risk that are not restricted in the first stage. These uses should be regulated to the extent necessary to eliminate unreasonable risks. These restrictions should be imposed through the normal TSCA section 6(a) rulemaking process.

Respectfully submitted,

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