

STATEMENT OF BOB SUSSMAN ON RISK MANAGEMENT FOR METHYLENE CHLORIDE ON BEHALF OF SAFER CHEMICALS HEALTHY FAMILIES AND THE ENVIRONMENTAL PROTECTION NETWORK

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Good afternoon. I'm Bob Sussman of Sussman and Associates and am speaking today on behalf of Safer Chemicals Healthy Families (SCHF) and the Environmental Protection Network (EPN).

Both organizations have previously expressed to EPA their deep concern about the health effects of methylene chloride and the importance of protecting workers and consumers from unsafe exposure. We have been disappointed by EPA's rejection of our requests for immediate measures to address the imminent and life-threatening acute effects of methylene chloride identified in EPA's risk evaluation. The latest evidence shows that at least 85 people have died from CNS effects due to methylene chloride fumes. Others have experienced coma and incapacitation. We again call upon EPA to take prompt action to prevent additional deaths and serious harm without waiting for the completion of risk management rulemaking under section 6.

Turning to this rulemaking, EPA should be guided by the comprehensive framework for implementing section 6(a) of TSCA that the Agency set out in its January 19, 2016, proposed rule to ban paint remover uses of methylene chloride. As EPA explained, these rules must impose restrictions sufficient to eliminate the unreasonable risk identified in EPA's risk evaluation. Costs and other non-risk considerations play no role in selecting these restrictions. In addition, even among options that may eliminate the unreasonable risk, EPA must choose those restrictions that eliminate the risk reliably and effectively.

Under the criteria in TSCA, we believe EPA must ban all consumer uses of methylene chloride. The risk evaluation shows that these uses present acute risks of death and incapacitation comparable 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 evaluated, 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. We know from EPA's work on paint removers that label warnings are unlikely to protect consumers and EPA assumes that consumers will not use personal protective equipment (PPE). In short, only a ban will effectively and reliably eliminate the unreasonable risk to consumers.

Turning to non-consumer uses, EPA's proposed 2017 commercial paint remover ban found that label warnings and PPE would likewise not be reliable and effective in protecting workers. While EPA may have erroneously assumed that workers use PPE in its risk evaluation, it also estimated risks to workers without PPE use. We believe the non-PPE risk estimates should guide risk management given the recognition of EPA and many other authorities of the limits of PPE.

Finally, now that EPA has again found that commercial uses of methylene chloride paint removers present an unreasonable risk, it should immediately finalize the 2017 proposed ban on these uses and avoid another redundant and time-consuming rulemaking.