

Why the Methylene Chloride Ban Falls Short

Following years of delay, on March 27th the Environmental Protection Agency (EPA) [finalized a rule](#) that bans methylene chloride in paint strippers for consumer uses but still allows use of the deadly products in workplaces.

Instead of banning commercial uses, as the agency originally proposed to do more than two years ago, Trump's EPA published an [Advanced Notice of Proposed Rulemaking](#) that merely starts a process to gather input on what a possible future certification and training program might look like – delaying any real action for years.

Getting this far happened only because of the courageous efforts by families that have lost loved ones to these products, the leadership shown by major retailers that committed to pull these products from their shelves, and pressure from lawmakers on both sides of the aisle and advocacy organizations.

But EPA's actions fall well short of what is needed to protect all Americans.

Leaving workers behind

In a major giveaway to industry, workers are excluded from the ban – with weak rationale. EPA has excluded commercial paint stripping uses from the methylene chloride ban by:

- ❖ **Ignoring the facts:** EPA concludes in its final ban that there is “unreasonable risk to consumers” based on “acute lethality.” Yet – despite the facts that the agency's 2014 risk assessment identified excessive risks to workers AND that the vast majority of reported deaths have occurred in the workplace – EPA has now explicitly decided not to act to protect workers.
- ❖ **Shirking responsibility:** EPA essentially claims that the Occupational Health and Safety Administration “has it covered.” But this is simply not the case. The former Head of OSHA [submitted a letter](#) to EPA acknowledging that the risks to workers identified in the EPA's 2014 methylene chloride risk assessment could not be addressed via OSHA regulations. And the 2016 reforms to TSCA expressly require that EPA protect workers and not defer to OSHA.
- ❖ **Reviving bad ideas:** In its proposed rule, EPA considered but rejected a training and certification program for workers as too costly and burdensome on business. But the Trump Administration has revived this approach without even mentioning, let alone rebutting, the analysis the agency previously conducted.
- ❖ **Overlooking the real solution:** EPA acknowledges in the final rule that there are alternatives to methylene chloride paint strippers available, yet it is continuing to put workers at risk from a chemical known to kill.

Making it harder to prevent consumer use

While a ban on retail sales is welcome, by ignoring commercial uses EPA has left the door open for consumers to access products intended for workplace use and made it harder to enforce a retail ban.

EPA may have made the situation worse by removing a provision from the proposed rule that would have required all methylene chloride-based paint strippers intended for exempted commercial use to be distributed in 55-gallon drums. The removal of any size limit on containers used for distributions makes the retail prohibition harder to enforce and makes it more likely that consumers will be able to gain access to products intended for commercial use.

It's time to ensure all consumers and workers are protected

Methylene chloride is highly neurotoxic, and acutely lethal. There have been over 50 deaths from acute exposure over the last thirty-five years – though many more likely have gone unreported. The chemical is also associated with a host of other serious health effects, including neurotoxicity, cancer, and liver impairment.

The EPA must take immediate action to ensure all Americans are protected from this deadly chemical.