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Via Certified Mail/caffey.norman@squirepb.com

Caffey Norman
Squire Patton Boggs (US) LLP
2550 M Street, NW
Washington, DC 20037

Re: Cautionary Labeling of Methylene Chloride-Containing Paint Stripper Products

Dear Mr. Norman:

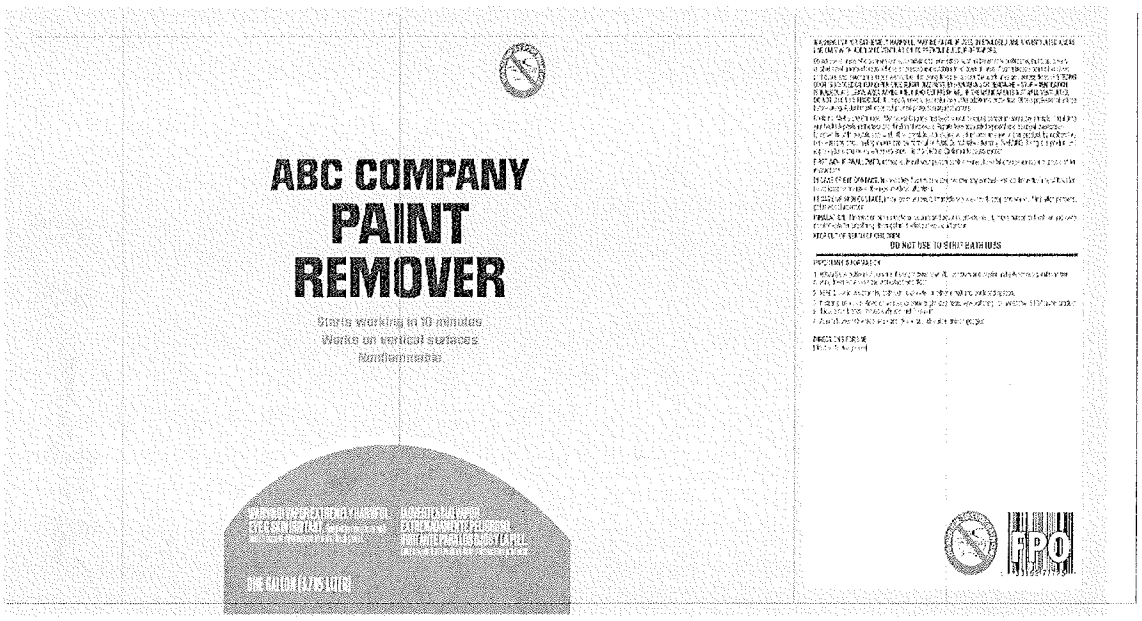
This letter responds to a request by the Halogenated Solvents Industry Alliance (HSIA) that U.S. Consumer Product Safety Commission (CPSC) staff comment on its proposed modified label for methylene chloride-containing paint stripper products under 16 C.F.R. § 1500.128. The proposed label includes enhanced cautionary statements, warning of acute hazards posed with reasonably foreseeable use of methylene chloride-containing paint stripper products in an enclosed space.

On September 14, 1987, the CPSC published a Notice of Interpretation and Enforcement Policy for Labeling of Certain Household Products Containing Methylene Chloride, including paint strippers, which can expose consumers to significant amounts of methylene chloride vapor. *Vol. 52 Federal Register No. 177 Pg. 34698.* The document provided CPSC's recommendations for cautionary labeling to warn consumers of the chronic hazard of carcinogenicity.

The minimum cautionary labeling required under the Federal Hazardous Substances Act (FHSA) is determined by the quantitative formulation of a product and addresses the risk of substantial personal injury or substantial illness during, or as a proximate result of, any customary and reasonably foreseeable use of the product. 15 U.S.C. § 1261(p). The FHSA requires cautionary statements to warn consumers of acute and chronic hazards, to enable consumers to safely use and store the products in and around the household. The recommended cautionary labeling statements for the acute hazards presented in this letter provide CPSC staff's guidance on the specific statements to be used to meet the minimum cautionary labeling requirements of the FHSA.

HSIA submitted the draft label and requested that CPSC staff review CPSC's current labeling guidance for methylene chloride-containing stripper products to address the acute risk of overexposure and to include specific statements indicating that the products are not intended to be used as bathtub strippers. HSIA requested that CPSC staff review HSIA's draft label in response to incidents of accidental death after the products were used to strip bathtubs in bathrooms without adequate ventilation. The deaths occurred from using products that are available to consumers.

Below is the draft cautionary label submitted by HSIA for staff review and comments under 16 C.F.R. § 1500.128:



The cautionary statements on the principal display panel read:

WARNING: VAPOR EXTREMELY HARMFUL
EYE AND SKIN IRRITANT
Read other cautions and health hazard information on back/side panel.

CPSC staff reviewed HSIA's draft label with the minimum cautionary labeling requirements of the FHSA in mind. Based on a product's formulation, a product may require additional principal display panel (PDP) cautionary statements. Due to the reported incidents of death that have occurred over the last 10 years, CPSC staff recommends strengthening the statement of principal hazard to warn consumers that use of the product without adequate ventilation can be fatal. We recommend the following statements:

WARNING: INHALATION OF VAPOR MAY CAUSE DEATH
EYE AND SKIN IRRITANT
Read all cautions on back/side panel.

Below are the remaining back panel precautionary statements and instructions for use:

WARNING! VAPOR EXTREMELY HARMFUL. MAY BE FATAL IF USED IN ENCLOSED AND UNVENTILATED AREAS. USE WITH ADEQUATE VENTILATION TO PREVENT BUILDUP OF VAPORS.

Do not use in areas where vapors can accumulate and concentrate, such as basements, bathrooms, bathtubs, closets, or other small enclosed areas. Whenever possible, use outdoors in an open air area. If using indoors, open all windows and doors, and cross ventilate by moving fresh air across the work area and across the floor. **IF STRONG ODOR IS NOTICED, OR YOU EXPERIENCE SLIGHT DIZZINESS, EYE-WATERING, OR HEADACHE – STOP! VENTILATION IS INADEQUATE. LEAVE AREA IMMEDIATELEY, AND GET FRESH AIR. IF THE WORK AREA IS NOT WELL-VENTILATED, DO NOT USE THIS PRODUCT.** If used properly, a respirator may offer additional protection. Obtain professional advice before using. A dust mask does not provide protection against vapors.

Contains: Methylene Chloride. Methylene Chloride has been shown to cause cancer in laboratory animals. The risk to your health depends on the level and duration of exposure. Reports have associated neurological and other physiological damage to repeated and prolonged overexposure to solvents. Intentional misuse of this product, by deliberately concentrating and inhaling vapors, can be harmful or fatal. Do not take internally. WARNING: Using this product will expose you to chemicals that are known to the State of California to cause cancer.

FIRST AID – IF SWALLOWED, immediately call your poison control center, hospital emergency room or physician for instructions.
IN CASE OF EYE CONTACT, immediately flush with water, remove any contact lenses, continue flushing with water for at least 15 minutes, then get medical attention.
IN CASE OF SKIN CONTACT, irritation may result. Immediately wash with soap and water. If irritation persists, get medical attention.
INHALATION: If inhalation of this material occurs, and adverse effects result, move person to fresh air and keep comfortable for breathing, then get medical attention.
KEEP OUT OF THE REACH OF CHILDREN

DO NOT USE TO STRIP BATHTUBS

IMPORTANT INFORMATION

1. ALWAYS use outdoors, if possible. If using indoors, open ALL windows and interior and exterior doors, and maintain moving fresh air across the workplace and floor.
2. NEVER use in basements, bathrooms, closets, or other small and enclosed spaces.
3. If strong odor is noticed, or you experience slight dizziness, eye watering, or headache, STOP using product and leave work area immediately, and get fresh air.
4. ALWAYS wear chemical-resistant gloves and chemical-splash goggles.

CPSC staff made very few revisions to the HSIA-proposed back panel labeling for methylene chloride-containing paint strippers, and we noted the revisions in the text above. CPSC staff does not have any additional statements to recommend. In addition, the HSIA label proposed the use of a pictogram depicting a bathtub with the prohibition mark through the bathtub. Although the FHSA does not require using pictograms, other than the skull and crossbones, and the special pictogram for charcoal briquette labeling, the FHSA does not prohibit using pictograms. CPSC staff believes that graphics may draw the user's attention to the danger of using the product to strip bathtubs.

Currently, staff does not have plans to recommend that the Commission make changes to the September 14, 1987 Notice of Interpretation and Enforcement Policy or establish mandatory requirements through rulemaking. Under the FHSA, manufacturers must review their product's formulation over time, and adjust the cautionary labeling to best address risks of injury or illness that become known to the manufacturer from using their product. CPSC staff encourages manufacturers to review the cautionary labeling of their methylene chloride-containing paint stripper products, and ensure that adequate labeling is present to address the acute hazards associated with the use of methylene chloride-containing paint strippers and the risk to consumers. Providing a copy of this letter to your members would be helpful to ensure that all manufacturers of methylene chloride paint strippers warn of the hazard of using the paint strippers in enclosed areas.

This letter contains an interpretation by CPSC staff, and has not been reviewed by the Commission. Additional or new information could change our position, and the views could be changed by the Commission.

Please contact me if you have questions about this letter.

Sincerely,

Mary F. Toro for

Carol A. Afflerbach