To: Kramek, Niva[kramek.niva@epa.gov]
From: Gerald Altnau - EASCR
Sent: Thur 4/28/2016 12:21:55 PM
Subject: AW: Questions from US EPA about DCM in paint removal
2007.04 EU_DCM_RPA final_report_en.pdf
2007.04 RPA Report DCM j549_dcm_annex_en.pdf

Dear Niva,

welcome in the wrestling arena of paint strippers. Of course I will try help and assist you as I did with Mel. In fact I developed the opinion that government authorities intentionally move their personal every other year or use temporary contracts to make sure that experience and knowledge is regularly disturbed when industry lobbyists stay on the job until it's done and a regulation change has been stopped or delayed.

This is not a complain! It is my experience from more than 15 years work on DCM paint strippers in Europe.

But sometimes even this doesn't stop a change.

Let's address the first2 of your subjects.

1. Not effective alternative paint strippers

That there doesn't exist effective alternative paint stripper versus DCM one of the main general arguments of the chlorinated solvents industry and the producers of DCM paint strippers, what s logical.

A DCM paint stripper restriction will make a large DCM market volume disappear for the producers of chlorinated solvents. The output of their processes is a mixture of chloromethane, dichloromethane, chloroform and carbon tetrachloride and those are separated by distillation.

https://en.wikipedia.org/wiki/Dichloromethane

So this means that one can only be profitable when one sells all of them (the complete balance). Shrinking the demand for one of the 4 gives a real cost issue and this is why the producers will fight hard to prevent this from happening.

DCM paint strippers are typically produced by a small number of (often large) formulators, which over decades control the market with a very old technology. They offer the product cheap to keep alternative paint strippers out. DCM paint stripper producers have a certain control and it is the paint stripper type that has the highest market share. Of course can a DCM paint stripper producer also formulate and offer alternative paint strippers (some may even do this already) but it is their interest to keep a situation that

ensure their market share and profits remains healthy and attractive. A DCM restriction would force them to compete with alternative paint strippers in a market that would then be open fall all (Ups – isn't this the desire of a free market believer like your own country with the aim to get the best for the customer?). So the market shares would be distributed new. So it has to be in their interest to keep the status quo as long as possible because this secures their historical market share and profits. Nobody makes them responsible for the incidents and they don't need to carry the "external cost" that has to be carried by the society, who have to take care of the incidents.

But interestingly decorator associations fight strongly for DCM as well. At official meetings at ministries or authorities in the EU we saw decorator association representatives always sitting next to each other with DCM paint stripper producers or the chlorine industry, because also they use since decades DCM paint strippers. One also has to understand that decorators typically are regional very small companies which are normally not well educated about the work with chemicals, safety procedures and in general don't even know what the exposure limit of a certain substance is at a given working place. And if so they wouldn't know how to measure and survey it. This was found and reported by RPA (consultants for the EU Commission) in their final report.

That means tens of thousands (or much more if we look at the USA) often self-employed decorators prefer a deadly chemical like DCM simply because this is what is used since many decades.

DCM is versatile and attacks many coating types. One can only treat small areas but one sees soon, how one coating layer lifts off, giving the impression of effectiveness. So this is a very dangerous situation with many many unsafe work places whole over the place without any control.

Alternative paint strippers require a different working approach and management and we all know that everyone tends to be resistant to change. And even more important a can of a DCM paint stripper is cheaper the a can of a paint stripper without DCM. Because no decorators wears the regulated protection equipment for DCM, the price per square meter stripped is then of course cheaper than any alternative.

So the easiest argument and defense for above situation is when the present owners of the market explain (as the experts) to the authorities that the competitive product doesn't work. And this worked in Europe for decades successfully.

When I was business director for DBE for DuPont and was attacked by the DCM lobby I initiated an in-house comparison test – presentation with results on our homepage
http://www.eascr.org/documents/2005.11.1401-EASCRBrussels.pdf

This showed us that alternative paint strippers can even perform better than DCM and we got awareness and attention by the other parties that fought already for decades against DCM. So I was invited to become member of the DCM paint stripper working group of the German authorities "Substitutes for paint strippers containing dichloromethane".

This group included DCM paint stripper producers, alternative paint stripper producers, the statutory insurance of the construction industry, decorator's associations, ministry and authority body representatives.

And there we agreed to do a broader comparison test under the lead of statutory insurance for the construction industry – GISBAU (a part of BG BAU) because they are responsible for work place safety.

The result showed that "Every coating, that can be removed with a DCM paint stripper, can also be removed, using a DCM free paint stripper!"
http://www.eascr.org/documents/2005.11.14BauBG_EUForum.Ruehl.pdf

With this we then started to walk to Brussels.

All these test were taken over into the RPA report and became the base to support the decision for a restriction.

So the above statement is not correct. And I can ensure you that all former DCM paint stripper producers had already their alternative formulations in their drawers and sell today alternative strippers to their clients. I am not aware that one disappeared from the market (this excludes the exit of large paint producer of their own paint stripper activities (They buy today and re-label to complete their product portfolio). The chlorinated solvent industry lost of course a large market volume of DCM in the EU, but they are still very alive and still produce their mix.

I am also not aware that decorator's lost their job because the unavailability of DCM paint strippers. I am even aware of a survey in one of the largest German decorators association where the majority of the members voted that they don't need DCM paint strippers any longer.

Of course tried the chlorine lobby to motivate the decorator's associations leaders to request DCM paint stripping under derogation as possible in our restriction (the lobbies are strong!!!) as it happened in the UK. But in Germany and France (formerly 2/3 of the DCM paint stripper volume in the EU) and some other member states they have not been successful and in those countries paint is still being stripped off.

Reinhold Rühl is still in his job at the statutory insurance for the construction industry BG BAU (2 year extension) and if needed I am sure that he could work with CPRW to make a similar test on US paint strippers, if needed.

But if I remember right, also Bob Harrison from the California Health Department (co-producer of the CPRW video below) was connected to comparison tests on US paint strippers.

If you want me to connect you, just let me know.

Impacts of requiring respirators or ventilation would be too costly for small firms

This is another nonsense defensive statement. It is exactly the other way around. This was also proven by Gisbau, it is mentioned and referred to in my old presentation from above and it is also shown in the recent CPRW video (also linked on our page)

http://www.cpwr.com/research/resources-protect-workers-methylene-chloride-paint-strippers

So I will now close here and leave the rest for later and you can already imagine how the answers will be. May be you will find already by yourself some answers in the presentations I mentioned above.

My wife is calling for lunch and as retiree I better follow the voice of my master, who feeds me ☺

Regards and good luck for your task.

Gerald.

PS …and if you don't succeed with a DCM paint stripper restriction and our politicians bite into the sweet TTIP apple (what I expect them to do), we will all be poisoned by DCM imports and our safety standards will become as good as yours and vice versa.

Von: Kramek, Niva [mailto:kramek.niva@epa.gov]
Gesendet: Mittwoch, 27. April 2016 19:02
An: Ex. 6 - Personal Privacy
Betreff: Questions from US EPA about DCM in paint removal

Dear Dr. Altnau:

I am in the Chemical Control Division of the US Environmental Protection Agency. In 2014, you spoke with my colleague, Mel Pfeffers, about our work at EPA to reduce risks from DCM in paint strippers. Since 2014, we have been working on a regulation to address these risks through regulatory action under the Toxic Substances Control Act.

As we get closer to publishing our proposed rule, we are hoping to use information from the EU experience to inform our analysis. Mel is now at our Office of Research and Development, but I am using her notes and she has updated me extensively on the helpful information you and others in EASCR provided. I've also been looking through the updated information on your website, particularly the list of injuries and fatalities. This has been very helpful as we try to demonstrate the DCM in paint and coating removal presents an unreasonable risk to human health, and thus requires that regulatory action should be taken.

I am hoping that you, or others in EASCR, can help to provide a little more additional information. Similar to the situation in the EU, we have encountered claims that some industries do not have effective alternatives to DCM, and thus a prohibition or restriction would destroy their businesses. We have also heard that the financial impacts of requiring respirators or ventilation would be too costly for small firms. Since the prohibition has been in place in the EU for some time now, I would appreciate any information or guidance you have on the following issues:

- Furniture refinishers in the US claim that DCM is the only chemical that is effective (and will not harm wooden furniture). Do you know of any furniture refinishers or furniture strip-shops that use substitute chemicals or other methods (sanding, blasting, etc)?

- Industrial installations using DCM in paint strippers did not seem to be heavily impacted by the restriction, and – from the information I have been able to gather – are only required to meet their country's existing exposure level and provide adequate worker hygiene protections. Have there been any financial impacts on these industrial installations? For example, did they need to update any equipment, or provide additional respirators? Or have there been difficulties in enforcing the worker protections?

We are continuing to work quickly on our regulation and are hoping to use the information from the EU prohibition to anticipate what the likely consequences of our regulation would be. We are still developing a regulatory approach, and this information would be very useful. (We also continue to include NMP in our regulation, since we feel that it presents unreasonable risks as well).

Thank you again, and I look forward to your response!

Sincerely,

Niva

Niva Kramek

Existing Chemicals Branch, Chemical Control Division

Office of Chemical Safety and Pollution Prevention

US Environmental Protection Agency

202-564-2897

Kramek.niva@epa.gov