TSCA SECTION 6 PAINT REMOVERS PROPOSED RULE

ISSUE/TOPIC: In January 2017, the EPA proposed to prohibit or restrict the use of methylene chloride (MC) and N-methylpyrrolidone (NMP) for use in commercial and consumer paint and coating removal, due to unreasonable risks from these uses. Members of Congress and stakeholders requested extensions for the comment period and further consideration of impacts to small businesses. MC and NMP were selected among the initial 10 chemicals for Risk Evaluation under the amended Toxic Substances Control Act (TSCA). Stakeholders have suggested that the EPA include paint and coating removal in the Risk Review rather than addressing the risks from these uses separately.

BACKGROUND:

- The EPA completed risk assessments on these chemicals in 2014 and 2015, following public comments and peer review. The assessments indicated methylene chloride is a volatile probable carcinogen that has caused the deaths of at least 15 workers during bathtub refinishing since 2000 and NMP presents risks of fetal death or low birth weight following maternal exposure.

- The Lautenberg amendment to TSCA gave the EPA authority to take regulatory action based on these risk assessments. (Section 26(l)(4) of TSCA)

- The EPA found that effective and safer products are available for virtually all paint and coating removal applications of these two chemicals (methylene chloride and NMP).

- *Accomplishments.* The EPA proposed prohibition for paint removal uses on January 19, 2017, following two years of stakeholder consultations, including several in-person meetings with small businesses and a Small Business Advocacy Review Panel. All panel recommendations and small business comments are highlighted in the proposed rule and the initial regulatory flexibility analysis. The EPA extended the comment period for this rule to May 19, 2017.

- *Congressional Inquiries.* The EPA has received three congressional inquiries (total of 7 members) regarding this proposed rule. Congressional interest has included small business concerns and extent of coordination with other agencies.

Ex. 5 - Deliberative Process

Jeff Morris, Director, OPPT - Ex. 6 - Personal Privacy
Louise Wise, DAA, OCSPP –

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