

**Alaska Community Action on Toxics – BlueGreen Alliance  
Breast Cancer Prevention Partners – Clean Water Action – Defend Our Health  
Earthjustice – Environmental Working Group  
Natural Resources Defense Council – Public Citizen  
Safer Chemicals Healthy Families – Toxic-Free Future**

February 5, 2021

Jane Nishida  
Acting Administrator  
US Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Re: [Call for Immediate Action on Methylene Chloride under TSCA](#)

Dear Acting Administrator Nishida:

The undersigned groups are public health and environmental organizations who have long advocated strong action to address the serious risks to public health from methylene chloride (MC). For four years, the Trump Administration delayed finalizing a proposal to ban dangerous uses of this chemical under the Toxic Substances Control Act (TSCA). This has left workers at risk of death, incapacitation, cancer, and other serious effects that timely EPA action could have prevented.

In early 2017, the Obama EPA proposed to ban MC-based paint removers under TSCA for both consumer and commercial use.<sup>1</sup> However, the Trump EPA dragged its feet on finalizing this proposal, and four more people died – deaths that were preventable - from inhalation of MC fumes during paint remover use. After a public outcry and pleas by the families of the decedents, the Trump EPA belatedly finalized its consumer use ban in March of 2019. However, even though the majority of MC-related deaths occur during commercial use of these products, it refused to take action to protect workers using MC paint strippers.

In [2014](#) and again in its June 24, 2020 [final MC risk evaluation](#), EPA concluded that acute exposure to MC causes central nervous system depression and a decrease in peripheral vision, each of which can lead to workplace accidents and which are precursors to more severe central nervous system effects such as incapacitation, loss of consciousness, and death. According to comments and [analysis](#) submitted to EPA by scientists at the University of California San Francisco, 85 unique fatalities have been linked to acute exposure to MC since 1980 – at least one of which was a bystander that entered a room where MC had been used. EPA has also

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<sup>1</sup> 82 Fed. Reg. 7464 (January 19, 2017).

concluded that MC is a carcinogen, producing tumors at multiple sites, in males and females, in rats and mice, by oral and inhalation exposure, as confirmed in multiple studies.

Four days before President Biden's inauguration, the Trump EPA formally withdrew the long-pending MC ban proposal and similar ban proposals on two other chemicals on the ground that the Agency "is proceeding to initiate regulatory action to address the unreasonable risks identified in the final risk evaluations" and "it is more efficient to take risk management action on multiple [conditions of use] at once."<sup>2</sup> This approach is inconsistent with EPA's own recognition that it has discretion to accelerate risk management action for conditions of use that present high risks, as it did in banning consumer MC paint removers in 2019.

TSCA section 6(c)(1) requires promulgation of risk management rules within two years of completion of a risk evaluation and provides for extensions of up to two years in certain circumstances. Within this timeframe, EPA must now determine how to regulate the nearly 50 uses of MC presenting unreasonable risks, while making similar determinations for the other 9 chemicals with completed risk evaluations. Delaying bans on the unsafe MC uses targeted by the 2017 proposed ban while this process plays out will simply mean more preventable harm to workers. Postponing protection yet again is not a viable option. After four years of delay, EPA should act immediately to eliminate threats to workers that the Agency and its scientists have long deemed unacceptable.

The President's January 20 [Executive Order](#) *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* underscores the new Administration's commitment --

*"to listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; [and] to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities . . . "*

The Order directs EPA and other agencies "to immediately review and, as appropriate and consistent with applicable law, take action to address the promulgation of Federal regulations and other actions during the last 4 years that conflict with these important national objectives."

A White House [Fact Sheet](#) accompanying the Executive Order lists several EPA regulations as priorities for immediate review, including the March 2019 limited and incomplete [ban](#) on MC paint strippers. Building on the Executive Order and Fact Sheet, we urge the new EPA to move quickly to put the long-delayed MC ban in place.

We look forward to discussing the path forward for MC with your staff. Please direct any questions or concerns to Safer Chemicals Healthy Families counsel [bobsusman1@comcast.net](mailto:bobsusman1@comcast.net).

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<sup>2</sup> 86 Federal Register 3932 (January 15, 2021).

Respectfully submitted,

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