

October 1, 2018

Via: CalSAFER Portal

Meredith Williams, Deputy Director  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

**Re: Product-Chemical Profile for Paint and Varnish Strippers and Graffiti Removers Containing 1-Methyl-2-pyrrolidone (NMP)**

Dear Ms. Williams:

The Household & Commercial Products Association (HCPA)<sup>1</sup> appreciates the opportunity to provide comments on the Product-Chemical Profile for Paint and Varnish Strippers and Graffiti Removers Containing 1-Methyl-2-pyrrolidone (NMP). HCPA and our member companies have participated throughout the years-long regulatory development process through submission of written comments and participation in public hearings and workshops/seminars.

HCPA members are committed to manufacturing and marketing safe products that are protective of human health and the environment while providing essential benefits to consumers. We continue to support the broad goals of the Safer Consumer Products regulation and will continue to work with the Department and other stakeholders to help spur innovation and continue to ensure that products are safe.

The draft Product-Chemical Profile provides an overview of the market and uses of NMP but there are numerous points within the document that the information is significantly out of date or non-reflective of the current market. In many respects it appears the document was written concurrently with the methylene chloride Product-Chemical Profile and remained unchanged. It certainly is not reflective of the numerous manufacturers and retailers that have removed NMP-paint stripper from the marketplace in the past year.

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<sup>1</sup> HCPA is the premier trade association representing companies that make and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting in homes and commercial environments. HCPA members employ 200,000 people in the U.S. whose work helps consumers and workers create a cleaner, healthier and more productive life. Our mission is to protect, promote and enhance the household and commercial industry and the consumers and workers who use our members' products. For more information, please visit [www.hcpassociation.org](http://www.hcpassociation.org).

We offer the following comments on the draft Product-Chemical Profile for Paint and Varnish Strippers and Graffiti Removers Containing 1-Methyl-2-pyrrolidone (NMP):

HCPA appreciates that DTSC refers to Product Categories as defined by the CARB regulations for graffiti removers and paint strippers there is no corresponding discussion of VOC limits for these product categories. Currently the VOC limits are 50% for aerosol graffiti remover, 30% for non-aerosol graffiti remover and 50% for paint remover/stripper. While this may or may not impact the overall assessment, it would provide a more robust summary of the existing market.

HCPA appreciates that DTSC provides a brief overview of the differing use patterns for paint remover/strippers but strongly recommends a more robust discussion tied to the discussion in Section 3.1.2 (Intended use of the product) and 3.1.3 (Household and workplace presence of this and other products containing the Candidate Chemical, and aggregate effects). The description in these sections as presented is not reflective of existing uses.

The Product Profile refers to "U.S. EPA (2015b) United States Environmental Protection Agency. TSCA Workplan Chemical Risk Assessment, N-Methylpyrrolidone: Paint Stripping Use." and "U.S. EPA (1998) United States Environmental Protection Agency. Environmental Profile for N-Methylpyrrolidone." HCPA recommends that this reference and any underlying information be updated to the 2017 EPA problem formulation on NMP throughout the document. This includes NMP production volume and that NMP was produced or imported by 12 facilities in the U.S. as of 2006; this information is significantly out of date.

HCPA asks for the basis for statement that "Approximately 9 percent of the NMP made in, or imported into, the U.S. is used in paint and varnish stripper and graffiti remover formulations." No support for statement is included within the Product Profile.

HCPA is concerned that information in the National Institutes of Health Household Products Database is often out of date and may not reflect the current market in California. A spot check of a few products in the Household Products Database yielded discrepancies between the values listed there and on the manufacturer's website. The Household Products Database also reflects products that could not be sold in the state of California due to VOC regulations. HCPA recommends that DTSC carefully review any information from the Household Products Database and remove any inaccuracies.

HCPA notes that "The DFG German Research Foundation has stated that aerosol formation may be more likely with increasing NMP concentrations, temperature, and humidity" does not appear to be supported by underlying reference which does not clearly indicate the source (there are numerous similar documents) and may be out of date. HCPA recommends that the reference be corrected and clearly indicated.

HCPA is concerned that the justification of product market presence is woefully inadequate, especially for graffiti removers. Using methylene chloride paint strippers as a proxy for NMP-based paint strippers is a reasonable proxy but does not adequately describe graffiti removers. Under

regulations promulgated by CARB, the use of methylene chloride has been banned in graffiti removers that were manufactured on or after December 21, 2006. See 17 CCR § 94509(m)(1). Therefore, HCPA recommends that DTSC revisit this section and more adequately develop the market presence analysis. For example, DTSC could work with CARB to utilize the agency's summary of the Consumer & Commercial Products Survey for years 2013, 2014 and 2015 once CARB releases the final reports to obtain a better appraisal of the marketplace. It would also be helpful to use the CARB survey data summaries to determine the relative portion of the market of the various paint stripper formulations in the marketplace.

HCPA is concerned with the use of the Anundi paper to support graffiti remover formulation information. The information in the study is based upon nearly twenty-year-old research conducted in Sweden and is likely out of date and non-reflective of graffiti removal products in California. In addition, while the most recent CARB survey data indicates that NMP is the second-most prevalent ingredient for aerosol graffiti removers, it is not in the top 10 most common ingredients used in non-aerosol graffiti removers. HCPA recommends that DTSC carefully review and update the Product Profile accordingly.

HCPA is concerned that a limited scope survey completed in 2013 does not reflect the recent significant removal of methylene chloride and NMP-based paint strippers in the marketplace by manufacturers and retailers. Within the past 6 months, the following retailers have announced that they are taking action.

- Wal-Mart <https://news.walmart.com/2018/08/20/walmart-phasing-out-paint-removal-products-with-methylene-chloride-and-nmp>
- Home Depot <https://corporate.homedepot.com/methylene-chloride>
- Lowes <https://newsroom.lowes.com/inside-lowes/lowes-commitment-methylene-chloride-nmp/>
- Sherwin Williams [https://saferchemicals.org/wp-content/uploads/2018/06/s-w\\_statement\\_6\\_15\\_18.pdf](https://saferchemicals.org/wp-content/uploads/2018/06/s-w_statement_6_15_18.pdf)

HCPA also reminds DTSC that it should be noted that it is highly unlikely that manufacturers would switch to NMP because of specific preclusion noted in proposed methylene chloride priority product rule making.

HCPA is concerned about the relevance of 1993 NIOSH study that appears to cite a single home. (the HHE does not appear to be available on the NIOSH website) "In 1993 the National Institute for Occupational Safety and Health (NIOSH) conducted a health hazard evaluation during the renovation of a home in Atlanta, Georgia (NIOSH 1994)." In the intervening 25 years, significant improvements to the labeling and proper use of the paint removers have occurred. HCPA recommends that DTSC carefully review and update the Product Profile accordingly.

HCPA is concerned with the recommendation of using DMSO as alternative due to its well-known skin permeability concerns, especially in the light that this was a potential exposure highlighted

for NMP. For example, Notman, Rebecca et al. "The Permeability Enhancing Mechanism of DMSO in Ceramide Bilayers Simulated by Molecular Dynamics." *Biophysical Journal* 93.6 (2007): 2056–2068. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1959535/>.

HCPA notes that Section 8.1 should reference the CARB VOC regulations for graffiti removers and paint removers. This is a significant oversight and DTSC should carefully consider whether regulatory duplication concerns are brought to bear.

HCPA notes reference "Chemspider (2014) Royal Society of Chemistry Chemspider. in. <http://www.chemspider.com/> Accessed August 14, 2014". The reference should be reassessed to ensure values remain accurate and would also suggest incorporating underlying references.

HCPA notes reference "Deutsche Forschungsgemeinschaft (2006) The Senate Commission of the Deutsche Forschungsgemeinschaft on the Investigation of Health Hazards of Chemical Compounds in the Work Area. Maximum Allowable Concentrations (MAK)." appears out of date the MAK list was updated in 2015 and 2017. The reference also may refer to "Deutsche Forschungsgemeinschaft (DFG). (2006). Greim, H., Ed. 2006. Occupational Toxicants, Critical Data Evaluation for MAK Values and Classification of Carcinogens (including 41st supplement), N-Methyl-2-Pyrrolidone (vapour). Wiley-VCH, Weinheim, Germany." HCPA recommends that DTSC carefully review and update the Product Profile accordingly.

HCPA notes that reference "NIOSH (1994) National Institute for Occupational Safety and Health. Health Hazard Evaluation Report: NMP. NIH" does not appear to exist. HCPA recommends that DTSC carefully review and update the Product Profile accordingly.

HCPA notes reference "U.S. EPA (2015a)" United States Environmental Protection Agency. The link is broken and should be updated.

We appreciate the opportunity to comment on draft Product-Chemical Profile for Paint and Varnish Strippers and Graffiti Removers Containing 1-Methyl-2-pyrrolidone (NMP). We continue our commitment to working with DTSC and other stakeholders in the implementation of the regulation and offer our continued assistance to assist the regulated community with compliance.

Respectfully submitted,



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