



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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**Edmund G. Brown Jr.**  
Governor

### MEMORANDUM

**TO:** Thanh Huynh  
Office of Administrative Law

**VIA:** Nancy Ostrom  
Safer Consumer Products  
Department of Toxic Substances Control

**FROM:** Karl Palmer  
Safer Consumer Products, Chief  
Department of Toxic Substances Control

**DATE:** December 3, 2018

**SUBJECT:** STATEMENT OF GOOD CAUSE FOR JANUARY 1, 2019, EFFECTIVE DATE FOR 2018-1018-05 (LISTING PAINT OR VARNISH STRIPPERS CONTAINING METHYLENE CHLORIDE AS A PRIORITY PRODUCT)

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The Department of Toxic Substances Control (DTSC) has determined that there is potential for significant adverse health effects, including cancer and death, resulting from exposure to paint or varnish strippers containing methylene chloride. Recent fatalities show that current precautions do not protect workers and consumers and DTSC is anxious to enact the proposed regulations as soon as possible to better protect workers and consumers. Although U.S. EPA has indicated it intends to adopt its proposed rule establishing a ban for certain uses of methylene chloride paint strippers, it is not clear if, or when, the federal rule will be adopted or what form it will take.

Stakeholders have indicated to DTSC that certainty and clarity about methylene chloride requirements are essential as they plan to achieve compliance with these regulations. DTSC has announced to stakeholders that the effective date for the proposed regulation will be January 1, 2019, and DTSC has prepared to implement its communication and compliance assistance activities on that date. DTSC did submit its regulation package to OAL two days later than it intended, due to a clerical error, but feels that the adverse health effects associated with the Priority Product and the need for clear requirements for regulating this Priority Product provide a good cause for instituting the January 1, 2019, effective date.