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STATEMENT ON THE PRIORITY PRODUCT LISTING FOR PAINT AND VARNISH REMOVERS CONTAINING METHYLENE CHLORIDE AND THE U.S. EPA RULE ON CONSUMER USE OF PAINT REMOVAL PRODUCTS CONTAINING METHYLENE CHLORIDE

To Whom It May Concern:

On January 1, 2019, the Department of Toxic Substances Control (DTSC) rule listing paint and varnish removers containing methylene chloride as a Priority Product subject to the requirements of the Safer Consumer Products regulations took effect. This listing triggers a number of requirements for manufacturers of the Priority Product who placed any product subject to the rule into the stream of commerce in California as of the effective date of the regulation, including the submittal of a Priority Product Notification which was due on March 4, 2019.

On March 27, 2019, U.S. EPA published notice of a final rule on the regulation of paint and coating removal products containing methylene chloride manufactured for consumer use. The U.S. EPA rule will prohibit the manufacturing, processing, and distributing in commerce of methylene chloride for consumer paint and coating removal, and the prohibition will take effect on November 23, 2019. The prohibition restricts the distribution in commerce of methylene chloride in paint and coating removal products to and by retailers, who are defined as any person or business that distributes or makes available these products to at least one consumer end-user. The prohibition does not apply to distributors, who are defined as any person who distributes or makes available these products solely to commercial or industrial end users or businesses.

As a result of the U.S. EPA rule, manufacturers who are also subject to DTSC's rule may be removing some or all of their products from the stream of commerce by November 22, 2019. All manufacturers who have placed paint or varnish removers containing methylene chloride into the stream of commerce in California as of January 1, 2019, should have already submitted a Priority Product Notification to DTSC. If a manufacturer will be removing its product(s) from the stream of commerce, it should submit a Product Removal Notification to DTSC. There are two options for this submittal:

1. **Product Removal Intent Notifications** may be submitted if a manufacturer plans to, but has not yet, removed its product(s) from commerce. This notification must include a statement certifying that the manufacturer intends to do both of the following within ninety (90) days of the date the notification is submitted to DTSC:
 - (A) Cease fulfilling orders for the Priority Product from persons selling or distributing the Priority Product in California; and
 - (B) Submit a Product Removal Confirmation Notification to DTSC for the product.
2. **Product Removal Confirmation Notifications** may be submitted if a manufacturer has already removed its product(s) from commerce. This notification must include a statement certifying that the manufacturer has ceased, and will not resume, fulfilling orders for the Priority Product from persons selling or distributing the Priority Product in California.

These notifications should be submitted to DTSC through the CalSAFER web portal by July 1, 2019, where manufacturers should have already registered and submitted Priority Product Notifications. If a manufacturer will continue to place paint or varnish removers into the stream of commerce in California because it will be selling its products to distributors, as defined in the U.S. EPA rule, it should continue to comply with all requirements of the Safer Consumer Products regulations, including the submittal of a Preliminary Alternatives Analysis Report, or Abridged Alternatives Analysis, by July 1, 2019.

DTSC staff are available to assist manufacturers and answer any questions that remain. Please email calsafer@dtsc.ca.gov if additional clarification is needed to determine the appropriate next steps. If you are a manufacturer who has failed to submit a Priority Product Notification due to confusion about the effective date, or impact of the U.S. EPA rule, DTSC is still accepting those notifications at this time. To reiterate, any manufacturer who placed any product subject to the rule into the stream of commerce in California as of January 1, 2019, is required to submit a Priority Product Notification and comply with the Safer Consumer Products regulations.

Sincerely,

Karl Palmer
Acting Deputy Director
Safer Products and Workplaces Program