

From: Daguillard, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BBE9682B940C4F2C90732E4D37355DD4-DAGUIILLARD,]
Sent: 6/28/2018 6:13:38 PM
To: Patty Ducey-Brooks [Ex. 6]
CC: Lynn, Tricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d8747ba49cde485ea4ac58dbf09c3dcd-TRICIA SLUSSER]; Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: RE: Methylene Chloride and NMP status

Good afternoon (morning to you) Patty,

How does the EPA hope to regain consumer confidence if there is an impression that dangerous products are being sold knowing they are capable of causing bodily harm and even death?

EPA is committed to carrying out the requirements of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which significantly strengthened the Toxic Substances Control Act. The law requires EPA to prioritize and evaluate risks associated with existing chemicals. The law provides deadlines by which EPA must complete assessments and, where appropriate, take regulatory action to address unreasonable risks. Consumers can be confident that EPA is implementing this law which aims to protect human health and the environment. – **EPA Spokesperson**

BACKGROUND:

1) Previously, there was a statement that no additional evaluations were needed for the methylene chloride and that the EPA is relying on its previous risk assessments to make a final decision on this chemical. What has transpired that the tests and procedures that were previously initiated are no longer considered effective or reliable?

EPA is relying on its 2014 risk assessment because we believe it is an accurate basis for rulemaking to address the unreasonable risks of injury to health from acute adverse effects. This risk assessment relied on accepted hazard and risk assessment methodologies documented in EPA guidance and was peer reviewed.

2) Who or what organization(s) previously initiated the tests and who will be responsible for future testing?

The studies used in the risk assessment come from a wide variety of sources. The full list starts on page 121 of the risk assessment, available here: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-work-plan-chemical-risk-assessment-methylene>.

3) What type of tests are used to evaluate and determine the safety of Methylene Chloride?

Please see the previous response.

4) There are known deaths associated with Methylene Chloride, and lawsuits that have shown the manufacturers to be at fault. And there is precedence that the courts have ruled against the manufacturers, and possibly against the retailers that sell these products. Has the EPA taken any of this into consideration and doesn't this mean the EPA assumes some responsibility for future lawsuits and deaths?

As part of its existing chemicals management program, EPA assessed this use of methylene chloride and found unreasonable risks. EPA is now in the process of addressing these risks as required by TSCA section 6.

5) Consumers rely heavily on the EPA to be the “safety” provider regarding chemical formulations of products sold in retail markets. Even with more precautions and warnings on labels, it’s obvious that some chemicals shouldn’t be sold to unsuspecting consumers who assume all chemicals are safe or they wouldn’t be on store shelves. Is there a possibility these products will be removed from retail stores/outlets and only be offered in commercial markets?

EPA is working to finalize the rule proposed on January 19, 2017, available here: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride#action>

EPA proposed to 1) prohibit the manufacture (including import), processing, and distribution in commerce of methylene chloride for consumer and most types of commercial paint and coating removal, prohibit the use of methylene chloride in these commercial uses, 3) require downstream notification of these limitations and basic recordkeeping, 4) require that any methylene chlorine-containing paint removal products be distributed in containers no less than 55 gallons, except for national security uses which would be distributed in containers no less than 5 gallons.

Cheers, R.

Robert Daguillard
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Ex. 6

From: Patty Ducey-Brooks: Ex. 6
Sent: Thursday, June 14, 2018 6:08 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Lynn, Tricia <lynn.tricia@epa.gov>
Subject: Re: Methylene Chloride and NMP status

Hi Robert and Tricia,

Here are my questions, as you requested. Please don't hesitate to call my cell phone if you want to discuss this communication.

1) Previously, there was a statement that no additional evaluations were needed for the methylene chloride and that the EPA is relying on its previous risk assessments to make a final decision on this chemical.

What has transpired that the tests and procedures that were previously initiated are no longer considered effective or reliable?

- 2) Who or what organization(s) previously initiated the tests and who will be responsible for future testing?
- 3) What type of tests are used to evaluate and determine the safety of Methylene Chloride?

4) There are known deaths associated with Methylene Chloride, and lawsuits that have shown the manufacturers to be at fault. And there is precedence that the courts have ruled against the manufacturers, and possibly against the retailers that sell these products?

Has the EPA taken any of this into consideration and doesn't this mean the EPA assumes some responsibility for future lawsuits and deaths?

5) Consumers rely heavily on the EPA to be the "safety" provider regarding chemical formulations of products sold in retail markets.

Even with more precautions and warnings on labels, it's obvious that some chemicals shouldn't be sold to unsuspecting consumers who assume all chemicals are safe or they wouldn't be on store shelves.

Is there a possibility these products will be removed from retail stores/outlets and only be offered in commercial markets?

6) How does the EPA hope to regain consumer confidence if there is an impression that dangerous products are being sold knowing they are capable of causing bodily harm and even death?

Kindly,

Patty Ducey-Brooks
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Ex. 6

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-----Original Message-----

From: Daguillard, Robert <Daguillard.Robert@epa.gov>
To: Patty Ducey-Brooks **Ex. 6**
Cc: Lynn, Tricia <lynn.tricia@epa.gov>
Sent: Thu, Jun 14, 2018 1:52 pm
Subject: RE: Methylene Chloride and NMP status

Thanks, Patty,

I'm happy to refer specific questions – if you could send them – to the toxic chemicals program. I'm out tomorrow, but my colleague Tricia – cc'ed here – will get back to you.

Cheers, R.

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Ex. 6

From: Patty Ducey-Brooks [Ex. 6]
Sent: Thursday, June 14, 2018 4:48 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: Re: Methylene Chloride and NMP status

Hi Robert,

Previously, I recall that no additional evaluations were needed for the methylene chloride and that a ban is to take affect starting in 2018.

Are you available to discuss this?

Patty Ducey-Brooks
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-----Original Message-----

From: Daguillard, Robert <Daguillard.Robert@epa.gov>
To: Patty Ducey-Brooks [Ex. 6]
Cc: Press <Press@epa.gov>
Sent: Thu, Jun 14, 2018 1:25 pm
Subject: RE: Methylene Chloride and NMP status

Good afternoon Patty

“EPA is working to send the finalized methylene chloride rulemaking to OMB and plans to finalize the first ten risk evaluations, including the one for NMP, by late 2019.” – **EPA Spokesperson**

Cheers, R.

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[Ex. 6]

From: Patty Ducey-Brooks [Ex. 6]
Sent: Wednesday, June 13, 2018 3:27 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: Re: Methylene Chloride and NMP status

Hi Robert,

Thanks for your understanding and assistance. I should have prefaced with, what is the timeline on Methylene Chloride?

I truly appreciate your quick replies.

Kindly,

Patty Ducey-Brooks
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-----Original Message-----

From: Daguillard, Robert <Daguillard.Robert@epa.gov>
To: Patty Ducey-Brooks <**Ex. 6**>
Sent: Wed, Jun 13, 2018 12:04 pm
Subject: RE: Methylene Chloride and NMP status

Thanks, Patty. Working on a response. Please note, our previous response should read:

RESPONSE: EPA is working to send the finalized **methylene chloride** rulemaking to OMB. That document will contain actions that the Agency will take, including timeframes. For **NMP**, the uses that were in the proposed rule will be included in the risk **evaluation** required by the amended TSCA. Conducting these evaluations does not preclude EPA from finalizing the proposed NMP regulation if through its evaluation EPA determines that any of the conditions of use present unreasonable risk – **EPA Spokesperson**

We just added a previously dropped word.

Cheers, R.

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Ex. 6

From: Patty Ducey-Brooks <**Ex. 6**>
Sent: Wednesday, June 13, 2018 12:18 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: Re: Methylene Chloride and NMP status

Hi Robert,

Thanks for your communication. Is it possible to get the proposed timelines?

Kindly,

Patty Ducey-Brooks
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Ex. 6

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-----Original Message-----

From: Daguillard, Robert <Daguillard.Robert@epa.gov>
To: Patty Ducey-Brooks { Ex. 6 }
Cc: Press <Press@epa.gov>
Sent: Wed, Jun 13, 2018 8:48 am
Subject: RE: Methylene Chloride and NMP status

Good morning Patty,

RESPONSE: EPA is working to send the finalized **methylene chloride** rulemaking to OMB. That document will contain actions that the Agency will take, including timeframes. For **NMP**, the uses that were in the proposed rule will be included in the risk required by the amended TSCA. Conducting these evaluations does not preclude EPA from finalizing the proposed NMP regulation if through its evaluation EPA determines that any of the conditions of use present unreasonable risk – **EPA Spokesperson**

Cheers, R.

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{ Ex. 6 }

From: Patty Ducey-Brooks { Ex. 6 }
Sent: Tuesday, June 12, 2018 4:06 PM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Subject: Re: Methylene Chloride and NMP status

Robert,

Thanks for your prompt reply. Do you think you can get an answer by June 15?

Patty Ducey-Brooks
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-----Original Message-----

From: Daguillard, Robert <Daguillard.Robert@epa.gov>
To: Patty Ducey-Brooks { Ex. 6 }
Sent: Tue, Jun 12, 2018 12:53 pm
Subject: RE: Methylene Chloride and NMP status

Good afternoon Patty,

Thanks for reaching out. What's your deadline, please?

Cheers, R.

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Ex. 6

From: Patty Ducey-Brooks **Ex. 6**

Sent: Tuesday, June 12, 2018 3:44 PM

To: Press <Press@epa.gov>

Subject: Methylene Chloride and NMP status

I am doing a follow up article on these two chemicals and would like to know when the EPA intends to have products with these formulations banned from store shelves. Our readers are asking.

Kindly,

Patty Ducey-Brooks
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