



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically
approved and signed.

DATE: August 17, 2016

BALLOT VOTE SHEET

TO: The Commission
Todd A. Stevenson, Secretary

THROUGH: Mary T. Boyle, General Counsel
Patricia H. Adkins, Executive Director

FROM: Patricia M. Pollitzer, Assistant General Counsel

SUBJECT: Petition to Amend Statement of Interpretation and Enforcement Policy
Regarding Labeling of Household Products Containing Methylene Chloride;
Request for Comments

BALLOT VOTE DUE Tuesday, August 23, 2016

The Halogenated Solvents Industry Alliance, Inc. (HSIA) requests that the Commission amend the 1987 Statement of Interpretation and Enforcement Policy regarding labeling of household products containing methylene chloride (Policy Statement) to address acute hazards from inhalation of methylene chloride vapors in addition to the chronic hazards addressed by the current Policy Statement.

In accordance with the Commission Directive on Operational Procedures for Petitions (Directive No. 0605.0, April 26, 1993), the Office of the General Counsel has drafted a notice for publication in the *Federal Register*, inviting comments on the petition for a period of 60 days, should the Commission decide, in its discretion, under Directive No. 0605.0, to request comment on the petition. The draft notice is attached.

Please indicate your vote on the following options:

- I. Approve publication of the attached document, as drafted, in the *Federal Register*.

(Signature)

(Date)

CPSC Hotline: 1-800-638-CPSC(2772) ★ CPSC's Web Site: <http://www.cpsc.gov>

II. Approve publication of the attached document in the *Federal Register*, with changes.
(Please specify.)

(Signature)

(Date)

III. Do not approve publication of the attached document in the *Federal Register*.

(Signature)

(Date)

IV. Take other action. (Please specify.)

(Signature)

(Date)

Attachment: Draft *Federal Register* Notice Regarding Petition to Amend Statement of Interpretation and Enforcement Policy Regarding Labeling of Household Products Containing Methylene Chloride

Billing Code 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2016-]

Petition to Amend Statement of Interpretation and Enforcement Policy Regarding Labeling of Household Products Containing Methylene Chloride; Request for Comments

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of petition.

SUMMARY: The United States Consumer Product Safety Commission (CPSC or Commission) received a petition requesting that the Commission amend the agency's 1987 Statement of Interpretation and Enforcement Policy regarding labeling of household products containing methylene chloride (Policy Statement). The petition asks the Commission to expand the Policy Statement to address acute hazards from inhalation of methylene chloride vapors in addition to the chronic hazards addressed by the current Policy Statement. The Commission invites written comments concerning the petition.

DATES: The Office of the Secretary must receive comments on the petition by [insert date 60 days after publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by Docket No. CPSC-2016- , by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <http://www.regulations.gov>. Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (e-mail), except through www.regulations.gov. The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

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Written Submissions: Submit written submissions by mail/hand delivery/courier to:
Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West
Highway, Bethesda, MD 20814; telephone (301) 504-7923.

Instructions: All submissions received must include the agency name and docket number
for this proposed rulemaking. All comments received may be posted without change, including
any personal identifiers, contact information, or other personal information provided, to:
<http://www.regulations.gov>. Do not submit confidential business information, trade secret
information, or other sensitive or protected information that you do not want to be available to
the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received,
go to: <http://www.regulations.gov>, and insert the docket number, CPSC-2016- , into the
“Search” box, and follow the prompts. A copy of the petition is available at
<http://www.regulations.gov> under Docket No. CPSC-2016- , Supporting and Related Materials.

FOR FURTHER INFORMATION CONTACT: Todd Stevenson, Office of the Secretary,
U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda,
MD 20814; telephone (301) 504-6833.

SUPPLEMENTARY INFORMATION: The Commission received a petition from the
Halogenated Solvents Industry Alliance, Inc. (Petitioner) requesting that the Commission amend
the agency’s Statement of Interpretation and Enforcement Policy regarding labeling of household
products containing methylene chloride (Policy Statement). The Policy Statement provides the
Commission’s guidance for labeling of household products containing methylene chloride,
focusing particularly on paint strippers. 52 FR 34698 (Sep. 14, 1987). The Policy Statement sets

forth general principles and examples for labeling to warn consumers of potential cancer hazards; it does not address acute hazards.

The Petitioner asks the Commission to expand the Policy Statement to address acute hazards from inhalation of methylene chloride vapors. Petitioner notes that the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) issued a Hazard Alert identifying at least 14 deaths associated with use of methylene chloride-containing paint strippers by professional bathtub refinishing operations (https://www.osha.gov/dts/hazardalerts/methylene_chloride_hazard_alert.html). Although the Petitioner refers to incidents involving workers, as the Commission's Policy Statement indicates, methylene chloride paint strippers are household products available for consumers to purchase and use. Petitioner asserts that revising the Policy Statement to give specific guidance on labeling for the acute hazard posed by inhalation of methylene chloride vapors, particularly when used in an enclosed space, such as when refinishing bathtubs, would help to prevent future fatalities.

By this notice, the Commission seeks comments concerning this petition. Interested parties may obtain a copy of the petition from the Commission's website: <http://www.cpsc.gov/Regulations-Laws--Standards/Rulemaking/Petitions/> or by writing or calling the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923. A copy of the petition is also available for viewing under "Supporting and Related Materials" in: www.regulations.gov, under Docket No. CPSC-2016- .

Dated: _____

Todd A. Stevenson, Secretary
U.S. Consumer Product Safety Commission