

METHYLENE CHLORIDE NOTIFICATION REQUIRED!!

Buried in the final USEPA rule banning the consumer use of methylene chloride for paint stripping promulgated on March 27, 2019 (84 FR 11420) is a requirement that manufacturers, processors, and distributors of methylene chloride notify customers of the consumer ban. In addition, manufacturers, processors, and distributors of methylene chloride must keep records. The rule takes effect on May 28, 2019.

Downstream notification must be done by manufacturers, processors, and distributors of methylene chloride for any use after August 26, 2019. The notification in accordance with 40 CFR 751.107 must be done through the SDS by adding the following language to sections 1(c) and 15: "This chemical/product is not and cannot be distributed in commerce (as defined in TSCA section 3(5)) or processed (as defined in TSCA section 3(13)) for consumer paint or coating removal." The SDS must be provided prior to, or concurrent with, the shipment.

Per 40 CFR 751.109, records are required to be kept after August 26, 2019 by each person who manufactures, processes, or distributes in commerce any methylene chloride. Records must include documentation of the entities to whom methylene chloride was shipped (specifically name, address, contact, phone number), a copy of the downstream notification provided, and the amount of methylene chloride shipped. The documentation must be retained for 3 years from the date of shipment, and be kept either at the company's headquarters or the facility for which the records were generated.