

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 299 (Delegate Hill, *et al.*)
Health and Government Operations

Public Health - Sale and Distribution of Products Containing NMP and DCM -
Prohibition

This bill prohibits a person from selling or distributing in commerce any paint or coating removal product that contains (1) N-Methylpyrrolidone (NMP) or (2) methylene chloride, which is also known as dichloromethane on or after January 1, 2021. A violator is guilty of a misdemeanor, and on conviction, is subject to a fine of up to \$1,000 for each violation.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the bill's penalty provision for those cases heard in the District Court. The Maryland Department of Health (MDH) can likely handle enforcement with existing resources, assuming enforcement is complaint based. However, if complaint volume is high, expenditures may increase for MDH.

Local Effect: Minimal increase in revenues due to the bill's penalty provision for those cases heard in the circuit courts. No effect on expenditures.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Current law and regulations are silent with regard to NMP. Statute is silent with regard to methylene chloride, but it is referenced in Maryland regulations. Among other regulations and restrictions on use, methylene chloride is listed as hazardous waste with regard to waste-management procedures and is subject to special management requirements for disposal. Methylene chloride cannot be used to perform abatement of lead-containing substances for interior except that methylene chloride may be used in

interior work areas for localized touch up. Methylene chloride is categorized as a toxic substance for the purposes of water discharge and air pollutants, and discharge of the substance is regulated. Consumer products that contain methylene chloride are subject to special reporting requirements and labeling restrictions.

There are also a number of regulatory product bans for products containing methylene chloride including (1) any multipurpose solvent or paint thinner, as specified; (2) aerosol adhesives; (3) contact adhesives, electronic cleaners, footwear or leather care products, general purpose degreasers, bathroom and tile cleaners, construction panel and floor covering adhesives, and oven or grill degreasers; and (4) any adhesive remover or graffiti remover.

Background: Under the federal Toxic Substances Control Act of 1976, the Environmental Protection Agency (EPA) ensures that chemicals manufactured, imported, processed, or distributed in commerce or used in or disposed of in the United States do not pose any unreasonable risks to human health or the environment. EPA has initiated risk assessments of both methylene chloride and NMP and is proposing bans for certain uses of both chemicals.

According to EPA, methylene chloride, which is also called dichloromethane, is a volatile chemical that is produced and imported into the United States with use estimated at over 260 million pounds per year. Methylene chloride is a solvent used in a variety of industries and applications, such as adhesives, paint and coating products, pharmaceuticals, metal cleaning, chemical processing, and aerosols. Methylene chloride causes both acute and chronic health risks to workers and consumers. Acute risks include harm to the central nervous system, and long-term health risks include liver toxicity, liver cancer, and lung cancer. EPA is proposing to prohibit the manufacture, processing, and distribution in commerce of methylene chloride for all consumer and most types of commercial paint removal, and to prohibit commercial use.

According to EPA, NMP is a solvent used in a variety of industries and applications, such as paint and coating removal, petrochemical processing, engineering plastics coatings, agricultural chemicals, electronic cleaning, and industrial/domestic cleaning. NMP is produced and imported into the United States with use estimated at over 184 million pounds per year. EPA estimates that approximately 9% of total NMP usage is for paint and coating removal products. EPA identified numerous risks to people, particularly for pregnant women and women of childbearing age, who have high exposure to NMP through paint or coating removal.

EPA is proposing two approaches for regulating NMP. One is to prohibit the manufacture, processing, and distribution of NMP in commerce when used as a paint remover and to require various notification measures of the restrictions to downstream processors and

users. The other approach includes a combination of requirements to address unreasonable risks to workers and consumers, including limiting the amount of NMP in paint removal products, providing warning labels for consumers, and requiring commercial users to have worker protection programs in place, including specialized gloves, other equipment, and hazard communication. In addition, EPA is proposing to exempt certain national security uses of methylene chloride and NMP from the requirements of this rule.

Small Business Effect: Any small business manufacturers of NMP or methylene chloride, or products that contain these chemicals, could be significantly impacted by the bill's prohibition. However, the number of affected manufacturers in the State, if any, is unknown.

The Maryland Department of the Environment advises that alternative products exist for paint and coating strippers that contain NMP and methylene chloride. However, it is unknown if viable alternatives exist for all uses of these products. Thus, the bill may have a meaningful impact on small businesses that sell products that contain these chemicals, or use such products. The impact is mitigated by the fact that the bill allows for a phasing out of stock and the fact that methylene chloride is already banned at the State level for certain uses.

Additional Information

Prior Introductions: HB 1138 of 2018 received a hearing in the House Health and Government Operations Committee but no further action was taken.

Cross File: SB 82 (Senator Lam) - Finance.

Information Source(s): Maryland Department of the Environment; Maryland Department of Health; U.S. Environmental Protection Agency; Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2019
sb/jc

Analysis by: Kathleen P. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510