

SENATE, No. 3130

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 18, 2018

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning paint and coating removal products that contain
2 methylene chloride and supplementing Title 24 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. No person shall sell or offer for sale in the State any
9 paint or coating removal product that contains methylene chloride
10 (dichloromethane) except as provided in subsection b. of this
11 section.

12 b. A person may sell a paint or coating removal product that
13 contains methylene chloride (dichloromethane) to a person who can
14 demonstrate to the seller that the product will be used only by
15 persons with safety equipment, training on the use of that
16 equipment, and proper handling instructions for methylene chloride
17 consistent with the requirements of 29 C.F.R. s.1910.1051.

18 c. A person who violates this section shall be liable to a civil
19 penalty of up to \$1,000 for each violation, to be collected in a
20 summary proceeding pursuant to the “Penalty Enforcement Law of
21 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a
22 continuing nature, each day during which it continues shall
23 constitute a separate and distinct offense. The municipal court and
24 the Superior Court shall have jurisdiction to enforce the “Penalty
25 Enforcement Law of 1999.” The Department of Health or any local
26 health agency may institute a civil action for injunctive relief to
27 enforce this act and to prevent a violation of its provisions, and the
28 court may proceed in the action in a summary manner.

29
30 2. This act shall take effect one year after the date of
31 enactment.

32

33

34

STATEMENT

35

36 This bill would prohibit the sale of paint or coating removal
37 products that contain methylene chloride (also called
38 dichloromethane) except under certain circumstances. The bill
39 allows person to sell a paint or coating removal product that
40 contains methylene chloride (dichloromethane) to a person who can
41 demonstrate to the seller that the product will be used only by
42 persons with safety equipment, training on the use of that
43 equipment, and proper handling instructions for methylene chloride
44 consistent with the standards in 29 C.F.R. s.1910.1051.

45 Methylene chloride is a solvent that is used in a variety of
46 industries and applications, including adhesives, paint and coating
47 removal products, pharmaceuticals, metal cleaning, and chemical
48 processing. In January 2017, the United States Environmental

1 Protection Agency (EPA) proposed a rule under the federal “Toxic
2 Substances Control Act” to prohibit the manufacture, processing,
3 and distribution in commerce of methylene chloride for consumer
4 paint and coating removal and most types of commercial paint and
5 coating removal.

6 Prior to issuing the proposed rule, the EPA had evaluated health
7 risks to consumers and workers using methylene chloride in paint
8 and coating removal products as well as bystanders in residences
9 and workplaces where the chemical is used. Paint and coating
10 removal products pose some of the highest exposures among the
11 various uses of methylene chloride. According to the EPA, the
12 effects of short-term exposure to workers, consumers, and
13 bystanders include harm to the central nervous system. Effects of
14 exposure over longer periods include liver toxicity, liver cancer,
15 and lung cancer. The EPA has determined that methylene chloride
16 is a probable human carcinogen.

17 Since January 2017, however, the EPA has indefinitely
18 postponed action on its proposed rule concerning methylene
19 chloride. In order to protect the health and safety of consumers,
20 workers, and bystanders in New Jersey, this bill would ban the sale
21 or offer for sale in the State of any paint or coating removal product
22 that contains methylene chloride. Any person who violates the
23 bill’s provisions would be liable to a civil penalty of up to \$1,000
24 for each violation. If the violation is of a continuing nature, each
25 day during which it continues would constitute a separate offense.