

E A S C R¹⁾ position on

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United Kingdom preliminary impact assessment on the Commission's proposal for a decision to restrict the marketing and use of dichloromethane

From 1999 to 2007, three independent impact assessments have been commissioned by the European Commission on potential restrictions on the marketing and use of dichloromethane in paint strippers. All of these found clear risks of dichloromethane and recommended clear restrictions.

During this process, the Health and Safety Executive (HSE) of the UK always argued against a restriction, but without ever providing any impact assessment. The latest and most comprehensive impact assessment was conducted by Risk & Policy Analysts Limited (RPA), based in the UK. According to RPA, who asked the UK to contribute to their comprehensive impact assessment, only "Very limited information has been submitted by the UK authorities; this information does not include any information on the UK market" (Annex B27.1 on page B-86 in the Final Report Annex-B). However, now that the Commission has come forward with a legislative proposal, the UK prepares a very rough 6-page impact assessment, largely repeating well-known arguments from the UK DCM-based paint stripper Formulators Group (referred to on page 6 of the impact assessment).

We should also keep in mind in this context that the HASS/LASS (Home and Leisure Accident Surveillance System) database in UK was discontinued in 2003 and less information on incidents has been and will be collected on incidents in the UK (Annex E1.23.2 on page E-38 in the Final Report Annex-E) with the potential to mimic non-existing improvement.

Wrong starting base for UK cost comparison

We understand that the intent of the UK impact assessment is to prove that paint stripping with DCM-free paint strippers is more costly.

However, it fails to include the cost of DCM paint stripping if it were done according to legal requirements of national law. Under UK Control of Substances Hazardous to Health (COSHH) the workplace exposure limit for DCM is 100ppm for occupational users. Any valid cost comparison would have to include the costs of personal protective equipment (PPE) necessary for DCM use. However, this crucial parameter is systematically disregarded by the UK.

RPA interviewed many enterprises in the UK being involved in DCM paint stripping. They state "to date, a single professional user of DCM-based paint stripper who monitors the airborne concentration of DCM during use has not been identified" (page 84 in the Final Report). In light of the non-quantification of PPE in the UK comments, and the findings by RPA, it is fair to assume that employers when using DCM in the UK systematically fail to respect their legal duties with regard to adequate PPE.

Respirator cost

If one takes a simplistic approach, assuming five persons per enterprise (acc. to our British member only few enterprises with many employees exist and the majority is built by rather small - often one man - enterprises), there is a total of around 29.400 enterprises in this sector in the UK (147.000 professional painters and decorators in the UK). All of these should have self-contained respirators. With approximate

1) EASCR - European Association for Safer Coating Removal was founded to protect producers of non-DCM paint removers against incorrect and bias arguments and statements from ECSA and DCM paint stripper producers in their interactions with the "Limitations Workgroup" of the EU Commission.

cost of € 2.700 for one respirator the total cost in the UK would add up to € 79.4 million. If one now adds all consumers which also require the same equipment because it is proven by all tests so far that DCM paint strippers always exceed the exposure limits (also the vapour retarded ones), we get easily above € 100 million.

Hand protection cost

Fluoro rubber gloves which are considered as the correct choice by experts for safety at work cost approximately € 50,- per pair and last 150 minutes before they break-through when working with DCM. At a construction place two workers can typically paint strip 150 m² per day and with a consumption of 2,5 kg paint stripper per m² one can calculate that 375 kg paint stripper are applied in one shift and need 6 pairs of fluoro rubber gloves at a cost of € 300,-.

According to HSE 8.000 tons of DCM paint strippers are used per annum in the UK. According to RPA 50% are used in industrial applications and 4.000 tons are therefore used by professional and private users (Annex B, page B-86). These 4.000 tons would logically require 64.000 pairs of fluoro rubber gloves at a total cost of € 3.2 million [(4.000.000/375)x300].

Cost for adapting plants and R&D

What cost would this be when all major DCM paint stripper producers in the UK already offer so called alternatives - and we forget for a moment those companies which produce only alternatives: Henkel (Nitromors[®] Sure Strip, Superstrip, Graffiti remover, Biodegradable Texture Remover and All Strip Mousse), Polycell (Polycell[®] Advanced and Less Mess (new)), Palace Chemicals (Peel Away and Safer Stripper), Strippers Paint Removers (Product 4-F and Kling Strip), ICI (Dulux[®] HydroStrip 1003) and Chemicals Ltd (Paramose[®]).

We may regret when these companies are of the opinion that their paint strippers are not good enough to replace their DCM products, what has been one of their main arguments in this long debate, but this does not necessarily need be the case for others. Member states like Denmark, Sweden and Austria and their industries work since more than 10 years without DCM paint strippers and we have not heard voices, which wanted to have DCM paint strippers back.

We also should keep in mind that Henkel with their Turco[®] product line is today considered as a world market leader in airplane stripping. Approximately 10 years ago DCM was one of the most important stripping agents in this large industry and also here it was successfully replaced (TNO report, page 64) and the alternative is considered as an improvement and airlines have chosen service providers, which fit their environmental care programs.

Support and Lobbying

When DCM paint stripper manufacturers obviously can count on the support of HSE and certain MEPs, one can wonder, who is protecting the interest of respirator and fluoro rubber glove producers in the UK, which could complain about a lost business opportunity of more than € 100 million in total because authorities are not able to enforce existing regulations in the UK and discontinue illegal use of DCM paint strippers.

Average Cost for Death and Injury

EASCR strongly objects against calculations on average cost for fatalities or injuries for a member state as the HSE calculate in the UK impact assessment as it carries the danger to lose control about the direction, not forgetting the author of this impact assessment when suggesting there were not sufficient fatalities/incidents to warrant further limitations on DCM at the Limitation Working Group meeting on 7 July 2007 in Brussels was promptly reminded by the Chairman that the Limitations Working Group did not have to have fatalities before acting on dangerous substances.

Authorities like HSE should have an interest in preventing every incident possible instead of introducing a discussion about on what is acceptable or not and minimize the death of a person to a cost.

May be it would be a good exercise if HSE would lay out such calculation to the parents of 21-year-old Dean Cox, who died in January 2007 after inhaling DCM at a Wolverhampton paint stripping firm in the UK (Expressandstar.com on 5 January and 30 April 2008).

What would the late Sir Michael McNair-Wilson (former Conservative MP) think about this, who developed a rare kidney disease in 1984 after paint stripping and required dialysis three times a week (Daily Telegraph – March 29, 1998)?

Conclusion

The UK preliminary impact assessment is in our opinion highly biased and seeks to justify the continued use of DCM by systematically disregarding the costs for adequate personal protective equipment. The only possible explanation for this disregard is that such equipment is obviously not being used. This has been confirmed in general by RPA. As soon as the costs for PPE are included in the calculations, it becomes clear that the use of DCM is not economic at all. In other words, it is our opinion that the UK seeks to perpetuate a systematic violation of worker's legislation to defend a fraction of the profits of a powerful industry sector.