



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 28, 2020

OFFICE OF CHEMICAL SAFETY AND
POLLUTION PREVENTION

Rachel Jones
Vice President, Energy & Resources Policy
National Association of Manufacturers
733 10th St NW #700
Washington, DC 20001
rjones@nam.org

Dear Ms. Jones:

I am writing to confirm that on June 3, 2020, the U.S. Environmental Protection Agency (EPA) received your letter addressed to Administrator Andrew Wheeler invoking section 21 of the Toxic Substances Control Act (TSCA). Specifically, your letter requests that EPA “initiate a proceeding for the issuance of a risk management procedural rule under TSCA section 6,” submitted on behalf of the National Association of Manufacturers, The American Coatings Association, The National Association of Home Builders, The Toy Association, and the U.S. Chamber of Commerce.

Upon review, EPA has determined that this request is not a valid petition under TSCA section 21. Under TSCA section 21, as it relates to TSCA section 6, any person may petition EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under TSCA section 6 imposing chemical-specific regulatory controls by setting forth facts showing such action is “necessary.” Section 21 does not provide a means for petitioning EPA to initiate a procedural rule. EPA will, however, consider your request as a petition under the Administrative Procedure Act (APA) for the issuance of a procedural rule. As such, your petition is under review by the Office of Pollution Prevention and Toxics (OPPT), which is responsible for programs under TSCA.

If you would like to discuss this matter further, please contact Yvette Collazo, Director of the Office of Pollution Prevention and Toxics, at 202-564-9875.

Sincerely,

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

CC: The American Coatings Association
The National Association of Home Builders
The Toy Association
The U.S. Chamber of Commerce