



TSCA Section 21 Petition Trends
Pre- and Post-Lautenberg

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TSCA Section 21 Petition Trends Pre- and Post-Lautenberg

PRE-LAUTENBERG (2007 UP TO AND EXCLUDING 2016)

I. General Data

- A. Number of total petitions filed under TSCA § 21: 19
- B. Number of petitions filed each year:
 - 1. 2007: 1
 - 2. 2008: 2
 - 3. 2009: 3
 - 4. 2010: 2
 - 5. 2011: 2
 - 6. 2012: 2
 - 7. 2013: 2
 - 8. 2014: 3
 - 9. 2015: 3
- C. Petitions per year
 - 1. Average: 2.38 petitions/year
- D. Petitions granted:
 - 1. 4 (21.05%)
- E. Petitions denied:
 - 1. 15 (78.95%)

II. Petition Contents

- A. Actions requested under TSCA § 4 -- rules or orders requiring chemical testing:
 - 1. Air Fresheners (2007, **denied**)
 - a. Seeking § 4(a), (b) action to adopt a rule requiring manufacturers to test their products for respiratory exposures and sensitization.
 - 2. Oil and Gas Exploration and Production Chemicals and Mixtures (2011, **denied**)
 - a. Seeking § 4 action requiring manufacturers and processors of exploration or production chemical substances and mixtures to develop test data on the substances and mixtures.
 - 3. PCBs -- Navy SINKEX (2012, **denied**)
 - a. Petitioners did not specifically cite § 4, but one of their demands was for EPA to require additional studies on PCBs that are present in certain concentrations.
- B. Actions requested under § 6 -- rules imposing regulatory controls on chemicals:
 - 1. Air Fresheners (2007, **denied**)
 - a. Seeking § 6(a)(3) action for EPA to adopt a rule requiring labeling on all air fresheners that contain phthalates.

2. Natural Rubber Latex Adhesives (2008, **denied**)
 - a. Asking EPA to promulgate regulations prohibiting use and distribution of certain natural rubber latex adhesives (no specific section referenced, but petitioners stated they were seeking regulatory action).
3. Formaldehyde (2008, this specific petition was **denied**, but it led EPA to initiate a proceeding to investigate more broadly appropriate regulatory action)
 - a. Asking EPA to adopt and apply nationally California's formaldehyde emission regulation for composite wood products and extend the regulation to include other products.
4. Lead Wheel Weights (2009, **granted**)
 - a. Seeking § 6 action establishing regulations prohibiting manufacture, processing, and distribution of lead wheel weights (EPA did not establish the specific regulations, but commenced proceedings to establish regulations)
5. Lead Dust Hazard Standard and Definition of Lead-Based Paint (2009, **granted under APA but not TSCA § 21**)
 - a. Seeking § 6 action to:
 - (1) Lower dust lead hazard standards, and
 - (2) Modify the definition of lead-based paint.
6. Natural Rubber in Tires (2009, **denied**)
 - a. Asking EPA to establish regulations prohibiting use and distribution in commerce products with a certain kind of natural rubber latex adhesives.
7. Cadmium in Consumer Products (2010, **granted**)
 - a. Asking EPA to adopt a rule setting limits on cadmium compounds in toy metal jewelry.
 - (1) (EPA granted the § 6 request to initiate a rulemaking unless the Consumer Product Safety Commission (CPSC) were to act first, or if it concludes joint EPA/CPSC action is appropriate.)
8. Lead for Shot, Bullets, and Fishing Sinkers (2010, **denied**)
 - a. Asking EPA to prohibit the manufacture, processing, and distribution in commerce of lead shot and bullets; and,
 - b. Issuing a national ban on lead in all fishing gear.
9. Lead in Fishing Tackle (2012, **denied**)
 - a. Asking EPA to initiate a proceeding for the issuance of rulemaking to protect adequately against the unreasonable risks of injury to the environment from fishing tackle containing lead.

10. Lead in Shot and Bullets (2012, **denied**)
 - a. Asking EPA to initiate proceeding for issuing a rule to develop regulations to protect wildlife, human health, and the environment from unreasonable risk of lead poisoning from lead ammunition.
 11. PCBs -- Navy SINKEX (2012, **denied**)
 - a. Asking EPA to issue rules requiring materials containing a certain concentration of PCBs be removed from SINKEX vessels prior to sinking; and,
 - b. Requiring materials with a lower concentration of PCBs be removed prior to sinking to the maximum extent practicable.
 12. HFSA as Fluoridation Agent (2013, **denied**)
 - a. Asking EPA to issue rule prohibiting use of HFSA as a water fluoridation agent.
 13. PVC (2014, **denied**)
 - a. Asking EPA to issue regulations governing safe treatment, storage, and disposal of PVC and several listed similar substances; initiating rulemaking to reduce unreasonable risk to public health and the environment associated with continued dependence on PVC and similar substances.
 14. Anthropogenic Emissions of Carbon Dioxide (2015, **denied**)
 - a. Asking EPA to promulgate regulations to protect “public health and the environment from the serious harms associated with anthropogenic emissions of carbon dioxide, including ocean acidification.”
- C. Actions requested under § 8 -- rules requiring information:
1. Air Fresheners (2007, **denied**)
 - a. Under § 8(d) asking EPA to adopt a rule requiring air freshener manufacturers to submit health and safety studies related to their products.
 - b. Petitioners also submitted a request under § 8(c) to require manufacturers to report significant adverse reactions caused by their products; that request was dismissed by EPA “because it did not involve a proceeding for a rule.”
 2. Cadmium in Consumer Products (2010, **denied**—the petition was originally granted, rule issued, then rule withdrawn; therefore, an ultimate rejection¹)

¹ The rule was withdrawn 11 days after it was issued “due to questions and concerns raised about the scope and extent of the rule that indicate that there is significant confusion and

- a. Under § 8(d) asking EPA to require producers, importers, and processors of cadmium and cadmium compounds that are reasonably likely to be incorporated into consumer products to provide health and safety studies.
- 3. Oil & Gas Exploration and Production Chemicals and Mixtures (2011, **partially granted**)
 - a. Seeking under § 8(a), (c), and (d) for EPA to:
 - (1) Maintain records and submit reports to EPA on exploration or production of chemical substances and mixtures and any data on environmental or health effects and exposures (**granted**);
 - (2) Require manufacturers, processors, and distributors to submit copies of any information related to significant adverse reactions to health or the environment (**denied**); and
 - (3) Require manufacturers, processors, and distributors to submit health and safety studies related to exploration or production of chemical substances and mixtures (**granted**).
- 4. Lead in Paint -- Public and Commercial Buildings (2013, **denied**)
 - a. Asking under § 8(d) for EPA to promulgate a rule requiring property managers, building owners, and contractors disturbing paint on public and commercial buildings to submit to EPA certain records related to OSHA's construction standard for lead.
- 5. Biodiesel Partial Exemption from CDR (2014, **denied under TSCA**, granted under a different regulation, rule issued, rule withdrawn due to adverse comment; subsequently proposed rule issued in 2015 and final rule in 2016, so ultimately *granted*)
 - a. Asking EPA under § 8(a) to initiate rulemaking to amend the list of chemicals that are partially exempt from TSCA's Chemical Data Reporting rule.
- 6. Mercury/Recordkeeping and Reporting (2015, **denied**)
 - a. Asking EPA to promulgate a § 8(a) rule requiring recordkeeping and reporting by manufacturers, processors, and importers into the United States of mercury and related substances.
- 7. Nomenclature System for Natural Sources of Oil and Fat (2015, **denied**)

uncertainty within certain industrial sectors concerning the rule,”
<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-section-21>.



- a. Asking EPA to initiate rulemaking under § 8 that would establish process to amend the list of natural sources of oil and fat in the Soap and Detergent Association nomenclature system.

- D. Actions requested under § 5(e) or (f) -- orders affecting new chemical substances (0 total):
 - 1. None

**POST-LAUTENBERG
 (2016–PRESENT)**

I. General Data

- A. Number of total petitions filed under TSCA § 21: 16²
- B. Petitions per year:
 - 1. Average: 2 petitions/year
- C. Number of petitions filed each year
 - 1. 2016: 2
 - 2. 2017: 1
 - 3. 2018: 1
 - 4. 2019: 2
 - 5. 2020: 1
 - 6. 2021: 3
 - 7. 2022: 2 (One of these petitions was filed in November 2022, then withdrawn and resubmitted in January 2023; so, although 2 petitions were filed in 2022, the second of these petitions was later withdrawn; so, although subsequently withdrawn, technically two petitions were filed in this year)
 - 8. 2023: 2 (One of these petitions was a resubmission of November 2022 petition that was withdrawn and resubmitted in January 2023; so, technically two petitions were filed in this year)
 - 9. 2024: 2
- D. Petitions Granted:³
 - 1. 2 (14.29%)

² One petition was filed in 2022, then withdrawn and resubmitted in 2023; here, it is counted in both years, since it technically was filed as a petition in each year.

³ Since the PVA petition was filed in November 2022 and resubmitted in January 2023, technically it could count as a submission in both years, because it was submitted as a petition in 2022 and it was also submitted as a petition in 2023. EPA only ruled, however, on the resubmission; therefore, the total number of petitions considered in this portion (discussing EPA’s actions on the petitions) only concerns the 15 total *decisions* that EPA made on the petitions, though there were 16 petitions *submitted* in total during this period.

- E. Petitions Denied⁴:
 - 1. 12 (85.71%)
- F. Looking at trends, if we're looking at the numbers in chunks of three years,
 - 1. Pre-Lautenberg:
 - a. 2007, 08, 09: 6
 - b. 2010, 11, 12: 6
 - c. 2013, 14, 15: 8
 - 2. Post-Lautenberg
 - a. 2016, 17, 18: 4
 - b. 2019, 20, 21: 6
 - c. 2022, 23, 24: 6

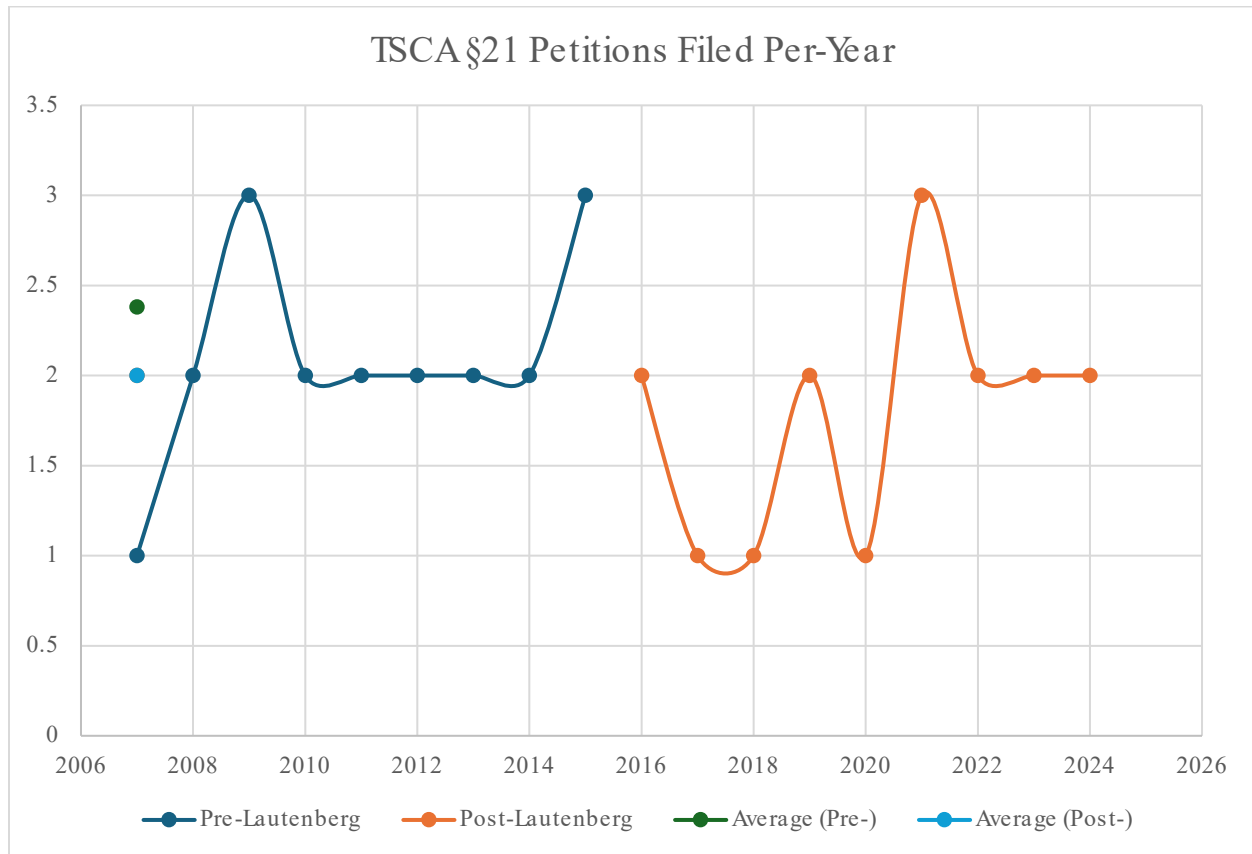
II. Petition Contents

- A. Actions requested under TSCA § 4 -- rules or orders requiring chemical testing:
 - 1. PVA (November 2022, **withdrawn**)
 - a. Requesting testing on untreated and treated PVA as pertains to health and the environment.
 - 2. PVA (January 2023, **denied**)
 - a. Requesting EPA require health and safety tests, and
 - b. Requiring that such testing be funded and conducted by PVA manufacturers and processors who are part of EPA Safer Choice Program.
 - 3. Phosphogypsum and Process Wastewater (2021, **denied**)
 - a. Asking under § 4(a)(1)(A)(ii) that EPA require manufacturers to conduct testing on Phosphogypsum and Process Wastewater.
 - 4. PFAS (2020, denied by EPA January 7, 2021; EPA reconsidered the petition and **granted** it on December 28, 2021)
 - a. Asking that EPA take action under §§ 4(a)(1)(A)(i) and 4(b) to issue a rule or order compelling the manufacturers of the PFAS in question to fund and carry out testing under direction of a panel of independent scientists.
 - 5. Chlorinated Phosphate Ester Cluster (2017, **denied**)
 - a. Asking EPA under § 4 to issue an order requiring testing on the CPE Cluster.
 - 6. Tetrabromobisphenol A (Dec. 2016, **denied**)

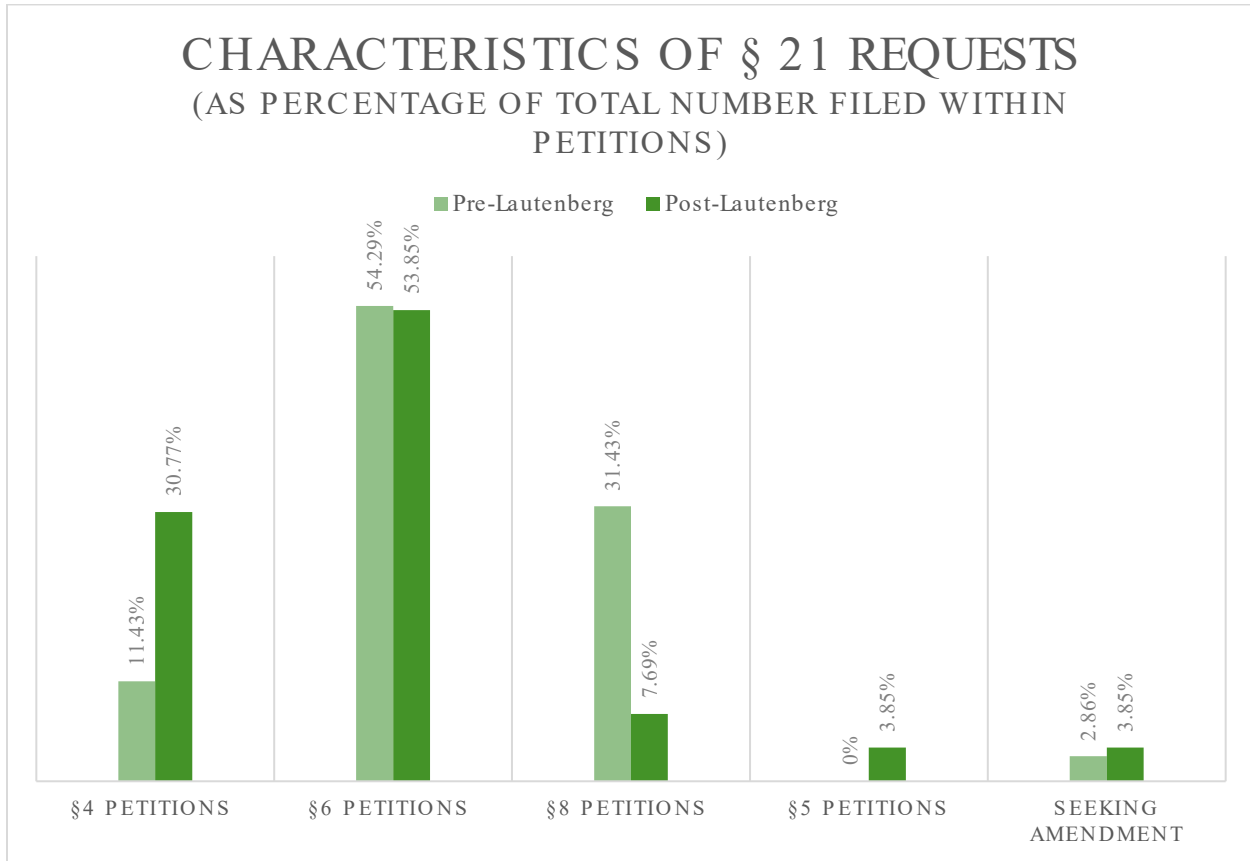
⁴ Although 16 petitions have been submitted, only 14 of them have been decided -- one petition was withdrawn, and one is pending -- so calculations were made based on the 14 total decisions that have been made during this time period.

- a. Asking EPA to issue an order requiring testing by manufacturers and processors on TBBPA.
- B. Actions requested under § 6 -- rules imposing regulatory controls on chemicals:
1. PFOA, PFNA, and PFDA Formed during Plastic Fluorination (2024, **pending**)
 - a. Asking EPA to “establish regulations prohibiting manufacturing, processing, use, and distribution ...” of these substances formed during plastic fluorination, in accordance with § 6(a).
 2. Inadvertent PCBs (2024, **denied**)
 - a. Asking EPA to initiate rulemaking under § 6(e).
 3. 6PPD in Tires (2023, **granted**)
 - a. Asking under § 6(a) for EPA to “establish regulations prohibiting manufacturing, processing, use, and distribution ...” of 6PPD in tires.
 - b. EPA also plans to propose a rule under § 8(d) related to this petition, but it was not asked for by Petitioners.
 4. Greenhouse Gas Emissions (2022, **denied**)
 - a. Asking EPA to make a determination of unreasonable risk under § 6(a); and
 - b. To initiate proceeding for issuance of rules and restrictions based on that determination.
 5. Chemical Mixtures in Cosmetics (2021, **denied**)
 - a. Asking under § 6(a) for EPA to initiate proceeding for issuance of a rule to determine unreasonable risk; and,
 - b. For EPA to issue a rule requiring manufacturers to eliminate the chemicals in their products that present the risk (EPA only considered the latter).
 6. Chemical Mixtures in Cigarettes (2021, **denied**)
 - a. Asking EPA to issue determination of unreasonable risk under § 6(a);
 - b. To order by rule that manufacturers eliminate the hazardous chemicals in cigarettes; and,
 - c. To order by rule that manufacturers develop new product designs to eliminate/reduce cigarette disposal risks to the environment (EPA only considered the second-listed request).
 7. PVA (November 2022, **withdrawn**)
 - a. Asking EPA to regulate PVA as a toxic substance and have it be removed from the EPA Safer Choice List and Safer Chemical Ingredients Lists until requested testing is complete.

8. PVA (January 2023, **denied**)
 - a. Requesting the status of PVA on Safer Chemical Ingredients List be changed until EPA can complete a full review of the requested § 4 testing,
 - b. Ultimately, regulating PVA under § 6.
 9. Phosphogypsum and Process Wastewater (2021, **denied**)
 - a. Asking under § 6(b)(1)(B)(i) for EPA to initiate prioritization process to designate the two as high-priority substances for risk evaluation.
 10. Hydrofluoric Acid at Oil Refineries (2019, **denied**)
 - a. Asking EPA under § 6(a) to promulgate regulations prohibiting hydrofluoric acid use in oil refineries.
 11. Fluoride Chemicals in Drinking Water (November 2016, **denied**)
 - a. Asking EPA to prohibit addition of fluoridation chemicals to water, as it poses an unreasonable risk to health and the environment.
- C. Actions requested under § 8—rules requiring information:
1. Asbestos Reporting Rule (2019, **denied**)
 - a. Asking EPA under § 8(a) to initiate rulemaking to issue new asbestos reporting rule to address infirmities in asbestos reporting under EPA’s CDR to ensure data and information necessary for EPA to administer TSCA are adequately reported to EPA.
 2. Asbestos Information Collection for CDR Rule (2018, **denied**)
 - a. Asking under § 8(a) for EPA to initiate a rulemaking to amend the TSCA CDR to require reporting on asbestos.
- D. Actions requested under § 5(e) or (f) -- orders affecting new chemical substances:
1. Phosphogypsum and Process Wastewater (2021, **denied**)
 - a. Under § 5(a), asking EPA to determine that use of phosphogypsum in road construction is a significant new use (EPA determined this request to be a petition for action under the APA).



This chart shows the trends in the number of Section 21 petitions filed both before and after Lautenberg, as well as the overall average number of petitions filed in each period.



There were 19 petitions filed pre-Lautenberg; 16 petitions were filed post-Lautenberg, but only 14 were ruled on by EPA.

Within the petitions of each period, petitioners often requested more than one action by EPA within the petition. Therefore, even though there were 19 total petitions filed pre-Lautenberg, 35 actions were sought by petitioners. Likewise, although 16 petitions have been filed post-Lautenberg (14 decided by EPA thus far), there were 26 actions requested within those petitions.

This chart shows the different characteristics of the requested actions for each time period; the percentages shown are the percentage out of the total number of requested actions in a given period -- not the total number of petitions.