



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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**RE: Notification of Consultation and Coordination on a Rulemaking Under the Toxic Substances Control Act: Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)**

Dear Honorable Leader:

The U.S. Environmental Protection Agency's Office of Pollution Prevention and Toxics is initiating a consultation and coordination with federally-recognized Indian tribes on the following Toxic Substances Control Act proposed action:

Proposed Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA Section 6(h).

TSCA Section 6(h) requires EPA to take expedited regulatory action for certain PBT chemicals that meet a specific set of criteria laid out in amended TSCA. Five PBT chemicals were identified for expedited action by EPA. They are:

- Decabromodiphenyl ether (DecaBDE);
- Hexachlorobutadiene (HCBD);
- Pentachlorothiophenol (PCTP);
- Phenol, isopropylated phosphate (3:1) (PIP (3:1)); and
- 2,4,6-tris(tertbutyl) phenol (2,4,6 TTBP).

EPA must propose a rule to address risks and reduce exposures to these PBT chemicals to the extent practicable no later than June 22, 2019, with a final rule to follow no more than 18 months later.

The consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (<https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>). OPPT invites you and/or your designated consultation representative(s) to participate in this process. OPPT's anticipated timeline for the consultation and coordination period is expected to extend from August 6, 2018, through September 11, 2018. During this period, OPPT will conduct two Tribal Consultations. To participate, OPPT invites you and/or your designee to join us during one or both of the following consultation call sessions:

**Thursday, August 30, 2018, Tribal Consultation 1 from 1:00-3:00 pm (EDT)**

Call-in Number: 1-866-706-9614 Conference ID number: 6659186

<http://epawebconferencing.acms.com/pbt/>

**Thursday, September 6, 2018, Tribal Consultation 2 from 1:00-3:00 pm (EDT)**  
Call-in Number: 1-866-706-9614 Conference ID number: 9488696  
<http://epawebconferencing.acms.com/pbt/>

You will hear music after dialing-in, and then the operator will place you into the conference call. If you are unavailable for these consultation calls and have comments, including written comments, on this action, please send them to Irina Myers at [myers.irina@epa.gov](mailto:myers.irina@epa.gov) or by U.S. Postal Service at:

Irina Myers  
U.S. Environmental Protection Agency  
Office of Pollution Prevention and Toxics – MC 7408M  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

Enclosed are background materials for this action for your review. This information will also be made available on *EPA's Tribal Consultation web page* (<https://tcots.epa.gov>).

We look forward to your participation in this consultation and coordination process and hope that you or your designee can join us on one of these calls. If you have any other questions or we may be of additional assistance in the interim, please contact Irina Myers, on my staff, at [myers.irina@epa.gov](mailto:myers.irina@epa.gov) or 202-564-8822.

Sincerely,



Jeffery Morris,  
Director  
Office of Pollution Prevention and Toxics

cc: National Tribal Toxics Council  
National Tribal Caucus  
Oscar Morales, Associate Assistant Administrator, OCSPP  
Felicia Wright, Acting Director, American Indian Environmental Office, OITA  
Lynn Vendinello, Acting Director, Chemical Control Division

Enclosure