



How Can EPA use TSCA Section 6(a) to Protect Health?

This fact sheet provides a summary of possible regulatory actions for trichloroethylene (TCE), methylene chloride, and n-methylpyrrolidone (NMP) under the Toxic Substance Control Act section 6(a) to describe how EPA may be able to adequately protect people against the risks associated with their use. On May 12, 2015 tribes are invited to learn more about EPA's rulemaking considerations. Tribal leaders will have the opportunity to provide input during the tribal consultations scheduled for June 3 and June 4 and/or submit any written comments to EPA by June 30, 2015. The technical consultation invite letter and background information can be found at <http://tcots.epa.gov/oita/TConsultation.nsf/TC?OpenView>.

To Learn More Please Attend: Technical Background Webinar

Date: Tuesday, May 12, 2015

Times: 10:00am-12:00pm PDT & 1:00-3:00pm EDT

Webinar Link: <https://epa.connectsolutions.com/r86kg1bhy55/>

To Provide Comments Please Attend: Tribal Consultation 1 or Tribal Consultation 2

Tribal Consultation 1:

Date: Wednesday, June 3, 2015

Times: 10:00am-12:00pm PDT & 1:00-3:00pm EDT

Call-In #: 1-800-380-1073

Conf ID: 16639928#

Tribal Consultation 2:

Date: Thursday, June 4, 2015

Times: 9:00-11:00am PDT & 12:00-2:00pm EDT

Call-In #: 1-800-380-1073

Conf ID: 16657221#

If you are unavailable for these calls and have comments, including written comments, please send them to Irina Myers at myers.irina@epa.gov.

EPA has the authority to restrict the use of or otherwise regulate existing chemicals under TSCA section 6(a) to protect against unreasonable risk of injury to human health and the environment due to the manufacture (including importation), processing, distribution in commerce, use, or disposal of a chemical substance or mixture. Therefore, the National Tribal Toxics Council (NTTC) is developing this information to assist tribes with the resources that will allow them to develop comments specific to TCE, methylene chloride, and NMP.

Uses for TCE being considered for regulation under TSCA section 6(a) are:

- Commercial use of TCE in open top vapor degreasing at commercial shops (both precision and non-precision cleaning).
- Consumer and commercial use of TCE in spray degreasers.
- Consumer use of TCE in clear protective coating sprays.
- Commercial use of TCE as a spotting agent in dry cleaning.



Uses for methylene chloride and NMP being considered for regulation under TSCA section 6(a) include use in paint or coating removal products.

Questions & Information: Dianne Barton, NTTC Chair bard@critfc.org, 503-731-1259, www.tribaltoxics.org

EPA's TCE Final Risk Assessment (June 2014)

http://www.epa.gov/oppt/existingchemicals/pubs/TCE_OPPTWorkplanChemRA_FINAL_062414.pdf

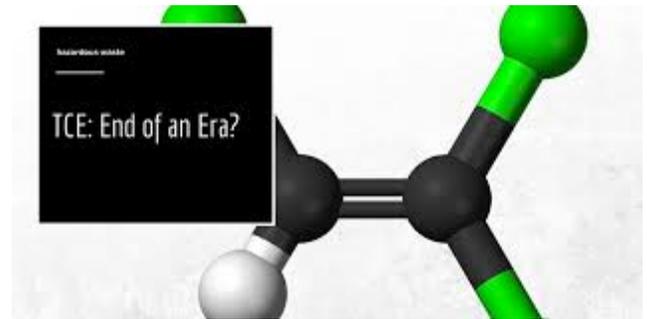
Alternatives and Risk Reduction to TCE <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2014-0327-0001>



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What can tribes do?

Decisions concerning TSCA section 6(a) regulations may affect tribal populations' exposure to TCE, methylene chloride, and NMP and businesses in Indian Country using these products. Your comments may influence EPA's regulatory action to adequately protect people against the risks associated with the use of TCE, methylene chloride, and NMP and may limit further exposure to this toxic chemical through tribal resources.



To regulate a substance under section 6, EPA should apply the least burdensome means of adequately protecting against the unreasonable risk. In developing a rule under section 6(a), TSCA section 6(c) directs EPA to publish a statement with respect to:

1. The effect of the chemical substance being regulated on health and the magnitude of exposure of humans to the substance.
2. The effects of such substance on the environment and the magnitude of exposure of the environment to the substance.
3. The benefits of such substance for various uses and the availability of substitutes for such uses.
4. The reasonably ascertainable economic consequences of the rule, after consideration of the effect on the national economy, small business, technological innovation, the environment, and public health.

The following table summarizes regulatory options available under TSCA section 6(a):

TSCA Section	Summary	Option
6(a)(1)	Prohibit or limit manufacture	A requirement (A) prohibiting the manufacturing, processing, or distribution in commerce of such substance or mixture, or (B) limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce.
6(a)(2)	Prohibit or limit for particular use or above a set concentration	A requirement (A) prohibiting the manufacture, processing, or distribution in commerce of such substance or mixture for (i) a particular use or (ii) a particular use in a concentration in excess of a level specified by the Administrator in the rule imposing the requirement, or (B) limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce for (i) a particular use or (ii) a particular use in a concentration in excess of a level specified by the Administrator in the rule imposing the requirement.
6(a)(3)	Require warnings and instructions	A requirement that such substance or mixture or any article containing such substance or mixture be marked with or accompanied by clear and adequate warnings and instructions with respect to its use, distribution in commerce, or disposal or with respect to any combination of such activities. The form and content of such warnings and instructions shall be prescribed by the Administrator.
6(a)(4)	Require recordkeeping and testing	A requirement that manufacturers and processors of such substance or mixture make and retain records of the processes used to manufacture or process such substance or mixture and monitor or conduct tests which are reasonable and necessary to assure compliance with the requirements of any rule applicable under this subsection.
6(a)(5)	Prohibit or regulate manner or method of commercial use	A requirement prohibiting or otherwise regulating any manner or method of commercial use of such substance or mixture.
6(a)(6)	Prohibit or regulate manner or method of disposal	(A) A requirement prohibiting or otherwise regulating any manner or method of disposal of such substance or mixture, or of any article containing such substance or mixture, by its manufacturer or processor or by any other person who uses, or disposes of, it for commercial purposes.
6(a)(7)	Direct manufacturers/processors to give notice of risk and replace or repurchase	A requirement directing manufacturers or processors of such substance or mixture (A) to give notice of such unreasonable risk of injury to distributors in commerce of such substance or mixture and, to the extent reasonably ascertainable, to other persons in possession of such substance or mixture or exposed to such substance or mixture, (B) to give public notice of such risk of injury, and (C) to replace or repurchase such substance or mixture as elected by the person to which the requirement is directed.