



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

NOV 2 2011

Ms. Deborah Goldberg
Earthjustice
156 William Street, Suite 800
New York, NY 10038

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Re: TSCA Section 21 Petition Concerning Chemical Substances and Mixtures Used in Oil and Gas Exploration or Production

Dear Ms. Goldberg:

The U.S. Environmental Protection Agency (EPA) is continuing its review of the petition concerning chemical substances and mixtures used in oil and gas exploration or production (E&P) that you and other petitioners filed under section 21 of the Toxic Substances Control Act (TSCA) on August 4, 2011.

Your petition requests that EPA require manufacturers and processors of E&P chemical substances and mixtures to: 1) develop test data pursuant to TSCA Section 4, and 2) maintain records and submit reports to the EPA on E&P chemical substances and mixtures and any data on environmental or health effects and exposures pursuant to TSCA section 8(a). Further, it requests that EPA have manufacturers, processors and distributors: 1) submit copies of any information related to significant adverse reactions to health or environment pursuant to TSCA section 8(c), and 2) submit health and safety studies related to E&P chemical substances and mixtures pursuant to TSCA section 8(d).

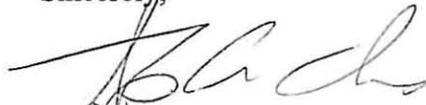
You have suggested to us that additional data would be useful to inform the work of the Agency and the broader Federal government, as well as the public, on this important issue and that TSCA may be a valuable authority to provide a national picture of the chemical substances and mixtures used in hydraulic fracturing. EPA is therefore considering and conducting additional analysis on the TSCA section 8(a) and section 8(d) requests in your petition. We need a short but important extension of time for this review and plan to provide a full response to the petition no later than November 23, 2011.

EPA is denying the TSCA section 4 request in the petition for issuance of a test rule. The petition does not set forth sufficient facts to support the assertion that it is "necessary to issue" the requested TSCA section 4 rule, as required by TSCA section 21(b)(1). Specifically, the petition did not set forth facts sufficient to support the required findings under TSCA section 4(a)(1)(A) or 4(a)(1)(B) for issuance of a test rule covering all chemical substances and mixtures used in oil and gas exploration and production.

We believe natural gas is an important component of our domestic energy portfolio but that at the same time the resource can and should be responsibly developed, building off the important work that has already been done by the states, the industry, and others to disclose crucial information to the American public.

Thank you for your continued interest in the Agency's efforts to assess and manage chemical risks.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Owens", written over a faint circular stamp.

Stephen A. Owens
Assistant Administrator