



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

FEB 14 2012

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Adam Keats
Senior Counsel
Center for Biological Diversity
351 California Street, Suite 600
San Francisco, CA 94104

Dear Mr. Keats:

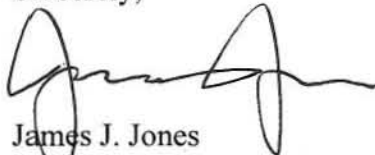
EPA has completed its review of your November 16, 2011, petition requesting the Agency take action under the Toxic Substances Control Act (TSCA) to “evaluate the unreasonable risk of injury to the environment from fishing tackle containing lead (including fishing weights, sinkers, lures, jigs, and/or other tackle) of various sizes and uses that are ingested by wildlife resulting in lead exposure” and to “initiate a proceeding for the issuance of a rulemaking under section 6 of TSCA to adequately protect against such risks.”

After careful review, EPA has determined that, while the petition does provide evidence of exposure and a risk to waterfowl in some areas of the United States, it does not provide a basis for finding that the risk presented is an unreasonable risk for which federal action under section 6(a) of TSCA is necessary to adequately protect against such risks. Accordingly, EPA is denying your request to initiate a proceeding for the issuance of a rulemaking under Section 6(a) of TSCA to adequately protect against risks posed by fishing tackle containing lead of various sizes and uses that are ingested by wildlife.

Your petition does not demonstrate why federal action is necessary given the mix of regulatory and education actions state agencies and the Federal Government already are taking to address the impact of lead fishing tackle on local environments. The risk described in the petition does appear to be more prevalent in some geographic areas than others, and the trend over the past decade has been for increasing state and localized federal activity regarding lead in fishing tackle. The petition does not demonstrate that these state and local efforts are ineffective or have failed to reduce the exposure and risks presented to waterfowl in particular. Therefore, EPA concludes that the petition does not demonstrate that action under TSCA section 6(a) is necessary to adequately protect wildlife. EPA also recognizes that the market for fishing tackle and equipment continues to change and that the prevalence of non-lead alternatives in the marketplace continues to increase. In light of these trends, the petition does not demonstrate that rulemaking is necessary under TSCA section 6(a).

If you would like to discuss this matter further, please contact Wendy Cleland-Hamnett, Director of the Office of Pollution Prevention and Toxics. Wendy can be reached at 202-564-3810.

Sincerely,

A handwritten signature in black ink, appearing to read 'James J. Jones', with a long horizontal flourish extending to the right.

James J. Jones
Acting Assistant Administrator