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

October 25, 2021

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. William D. Bush
Class Advocate Petitioner
Citizenry of the United States
240 West Street
Sebastopol, California 95472
williamdbush@gmail.com

Dear Mr. Bush:

The U.S. Environmental Protection Agency is responding to your petition filed pursuant to section 21 of the Toxic Substances Control Act, received on August 2, 2021. The petition requests the EPA to determine "that the chemical mixtures contained within cigarettes present an unreasonable risk of injury to health and the environment" and seeks the issuance of a rule or order to "eliminate the hazardous chemicals used in a mixture with tobacco; including and not limited to the toxic substance inclusions resulting from tobacco growing or handling techniques," and to "develop material techniques of biodegradation to counter or reduce" environmental risk from current disposal methods of cigarettes. The petition also requests "any other prudent methods of toxic mixture substance control [EPA] may see due and fit."

TSCA section 21 provides for the submission of a petition to initiate a proceeding for the issuance, amendment, or repeal of a rule under TSCA sections 4, 6, or 8, or to issue an order under TSCA sections 4, 5(e), or 5(f). Of the four actions described in the petition, the Agency determined that only the request to "eliminate the hazardous chemicals used in a mixture with tobacco; including and not limited to the toxic substance inclusions resulting from tobacco growing or handling techniques" was appropriate to consider pursuant to TSCA section 6. As such, EPA only addressed this requested action under TSCA section 21.

EPA has reviewed the information submitted in your petition. Based on this review and after careful consideration of your specific requests, EPA is denying the request to initiate a proceeding for the issuance of a rule under TSCA section 6(a) because cigarettes are not a product that can be regulated under TSCA section 6(a). The Agency's reasons for denying this portion of the petition, as well as the remaining three requested actions, will be published in a forthcoming edition of the Federal Register. A pre-publication copy of that Federal Register document is enclosed.

Under TSCA section 21, the petitioner has the right to appeal the Agency's denial of its petition by commencing a civil action in a U.S. district court to compel initiation of the requested proceeding within 60 days of a denial. If you would like to discuss this matter further, please contact Tanya Hodge

Mottley, Director, Existing Chemicals Risk Management Division, Office of Chemical Safety and Pollution Prevention, at (202) 564-3152 or by email at *mottley.tanya@epa.gov*.

Sincerely,

MICHAL FREEDHOFF

Digitally signed by MICHAL FREEDHOFF
Date: 2021.10.25 18:32:48 -04'00'

Michal Freedhoff
Assistant Administrator

Enclosure