



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

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
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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 16, 2021. The petition requests the EPA to determine that the “chemical mixtures contained within cosmetics present an unreasonable risk of injury to public health and the environment” and seeks the issuance of a rule or order to “eliminate the hazardous chemicals used in mixtures [in cosmetics]” under TSCA section 6(a). 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 three actions described in the petition, the agency determined that only the request to “eliminate the hazardous chemicals used in mixtures [in cosmetics]” 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 (i) cosmetics, when manufactured, processed, or distributed in commerce as a cosmetic, are not a product that can be regulated under TSCA section 6(a), and (ii) with respect to the claim that “[c]osmetic [d]isposal presents a clear unreasonable risk to the [e]nvironment,” the petition did not demonstrate facts that could support an EPA determination of unreasonable risk to the environment. The Agency’s reasons for denying this portion of the petition, as well as the remaining two 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
Assistant Administrator

Enclosure