



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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Sarah Paiji Yoo  
Blueland  
104 W 27th Street 7<sup>th</sup> Fl  
New York, NY 10001

Dianna Cohen  
Plastic Pollution Coalition  
4401A Connecticut Avenue NW #143  
Washington, DC 20008

Dear Ms. Paiji Yoo and Ms. Cohen:

The U.S. Environmental Protection Agency (EPA) is responding to the petition filed pursuant to section 21 of the Toxic Substances Control Act (TSCA) and section 553(e) of the Administrative Procedure Act (APA), received on January 26, 2023, from you for the following petitioners: Blueland, Plastic Pollution Coalition, and partners Beyond Plastics, Plastic Oceans International, The Shaw Institute, Lonely Whale, 5 Gyres, GAIA (Global Alliance for Incinerator Alternatives), Oceanic Global Foundation, The Last Beach Cleanup, Rio Grande International Study Center, Inland Ocean Coalition, Occidental Arts and Ecology Center, Turtle Island Restoration Network, Friends of the Earth, Surfrider, and Made Safe. The petition asks EPA to (1) issue a rule or order under TSCA section 4(a)(1) requiring manufacturers and processors of polyvinyl alcohol (PVA) affiliated with EPA's Safer Choice certification program to fund and conduct health and environmental safety testing using independent, third-party scientists and (2) update the status of PVA on EPA's Safer Chemical Ingredients List (SCIL) from "green circle" to "gray square" until the testing is complete and reviewed by EPA.

TSCA section 21 provides that any person may petition the Agency to initiate a rulemaking proceeding for the issuance, amendment, or repeal of a rule under TSCA sections 4, 6, or 8, or to issue an order under TSCA section 4, 5(e), or 5(f). Accordingly, EPA is addressing the request for the issuance of a TSCA section 4 test rule or order requiring manufacturers and processors of PVA affiliated with EPA's Safer Choice certification program to fund and conduct health and environmental safety testing using independent, third-party scientists under TSCA section 21. EPA is considering the request to update the status of PVA on EPA's SCIL from "green circle" to "gray square" until the requested TSCA section 4(a)(1) testing is complete and reviewed by EPA as a petition for action under the APA.

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 or order under TSCA section 4 because the TSCA section 21 petition does not set forth the facts establishing that it is necessary for the Agency to issue such a rule or order. Notably, the petition does not demonstrate that existing information and experience on PVA used in laundry and dishwasher detergent pods and sheets is insufficient to determine or predict human health and

environmental risks from such use of PVA. Similarly, the petition fails to establish that testing of PVA is necessary to develop sufficient information. EPA also finds that the petitioners' request for the EPA to require third-party oversight of PVA testing is outside the scope of what can be requested under TSCA section 21 and cannot be granted.

Additionally, EPA is denying the request to update PVA's status on the SCIL under the APA. EPA has considered the evidence presented by petitioners and is denying the request to update PVA's status on the SCIL to indicate future removal. The petition does not demonstrate that PVA fails to meet the Safer Choice criteria. The supporting data cited in the petition relied on a study estimating the persistence of PVA and several studies on the health and environmental impacts of microplastics, rather than the soluble PVA used in Safer Choice-certified products. EPA notes that only certain PVA structures are allowed for use in Safer Choice-certified products. EPA identified data not discussed in the petition that provides a clear weight of evidence showing that PVA structures used in Safer Choice-certified products meet the Safer Choice Standard.

The Agency's reasons for denying your petition are enumerated in the enclosed pre-publication copy of the notice of denial that has been submitted for publication in a forthcoming edition of the ***Federal Register***.

Under TSCA section 21, the petitioners have the right to appeal the Agency's denial of the TSCA section 21 portion of the 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. Additionally, the petitioners have the right to challenge the Agency's denial of the APA portion of the petition by commencing a civil action as appropriate under the APA. If you would like to discuss this matter further, please contact Denise Keehner, Director of the Office of Pollution Prevention and Toxics, at 202-566-1824 or by email at [keehner.denise@epa.gov](mailto:keehner.denise@epa.gov).

Sincerely,

Michal Freedhoff  
Assistant Administrator

Enclosure:

***Federal Register*** document entitled: "Polyvinyl Alcohol (PVA); TSCA Section 21 Petition for Rulemaking; Reasons for Agency Response; Denial of Requested Rulemaking" (FRL-10453-01-OCSPP)