

Region 9 RTOC: EPA Update on the 6PPD ANPRM under TSCA Section 6(a)

August 28, 2024

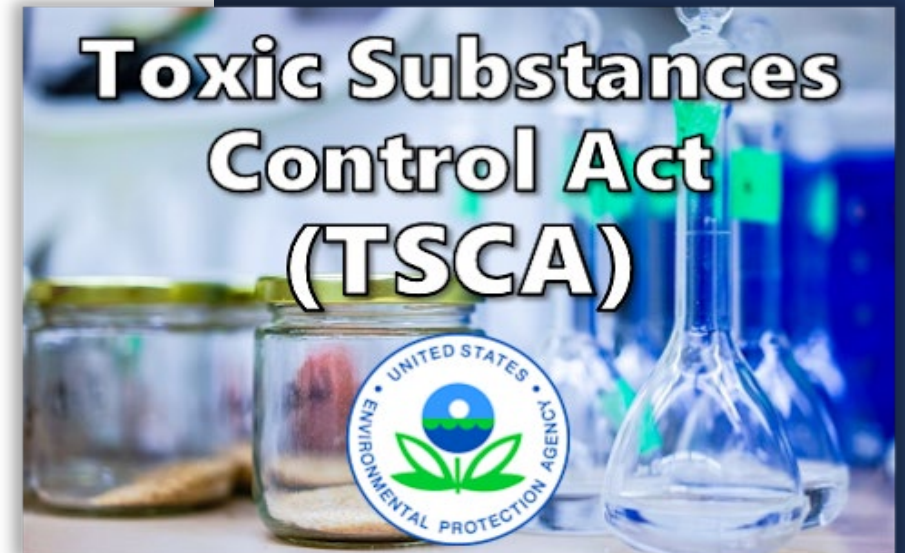
Agenda

- What is a TSCA Section 21 Citizen's Petition?
- What was in the 6PPD Section 21 Petition?
- EPA's Petition Response & Commitment to Publish an Advance Notice of Proposed Rulemaking (ANPRM)



What is a TSCA Section 21 Citizen's Petition?

- Under TSCA section 21, any person may petition EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under sections 4, 6, and 8.
- If EPA grants the petition, EPA must promptly commence an appropriate proceeding.



What was in the 6PPD TSCA Section 21 Petition?

The Petition:

- **On August 1, 2023**, Earthjustice on behalf of the Yurok Tribe, the Port Gamble S'Klallam Tribe, and the Puyallup Tribe of Indians petitioned EPA to take action under TSCA section 6(a) to prohibit the manufacture, processing, use, and distribution of 6PPD in and for tires.

The petition stated that:

- 6PPD is present in “most if not all tires” as an antiozonant to prevent tire degradation.
- 6PPD is “highly reactive,” and naturally reacts with air to form 6PPD-quinone (6PPD-q), a transformation product of 6PPD, as tires wear from contact with the road.
- 6PPD acts to fill microcracks in tires over time, leading to a decrease of 6PPD in the tire as it enters the environment.
- 6PPD poses “unreasonable risk” to the environment because of the extreme, acute toxicity of its degradant 6PPD-q to aquatic organisms, and its population-level impacts on fish species.



How are Tribes Impacted by 6PPD and 6PPD-q?

In the Petition, the Yurok, Port Gamble S’Klallam, and Puyallup Tribes emphasize that:

- The health, wellbeing, and culture of the Tribes are intimately connected to the health of their waters.
- Shellfish and abundant salmonids are essential for their subsistence, cultural, and economic lifeways.
- Tribal treaty rights guarantee access to salmon and other fish species, and any action that reduces the number of fish available for harvest by Tribal members is a violation of their rights under these treaties.
- Exposure to 6PPD-q has been found to kill coho salmon within hours, and the chemical is responsible for “urban runoff mortality syndrome,” which kills up to 100% of coho returning to spawn in urban streams.



EPA's Response to the Petition

- On November 2, 2023, EPA granted the petition and committed to commencing an appropriate proceeding under TSCA section 6(a) and initiating additional data gathering activities for 6PPD and 6PPD-quinone's use in and for tires.
- EPA found that the petition reasonably demonstrated:
 - A link between 6PPD use in tires and the presence of 6PPD-q in streams in the Pacific Northwest (PNW),
 - That 6PPD-q presents lethal hazards to coho salmon in the PNW, and
 - That it is necessary to initiate a TSCA section 6(a) action to address risks to the environment from 6PPD-q.
- EPA referenced how additional scientific information was needed, such as:
 - More information on the ecological effects of 6PPD and 6PPD-q across the country and for different species;
 - More information on the human health effects of 6PPD and 6PPD-quinone; and
 - More information on other uses of 6PPD (sneakers, rubber-modified asphalt, playgrounds, etc) and 6PPD alternatives in tires.
- EPA explained:
 - While the Agency will promptly commence an appropriate proceeding under TSCA section 6(a), it cannot commit to a specific rulemaking timeframe or outcome.

EPA's Commitment to Publish an ANPRM

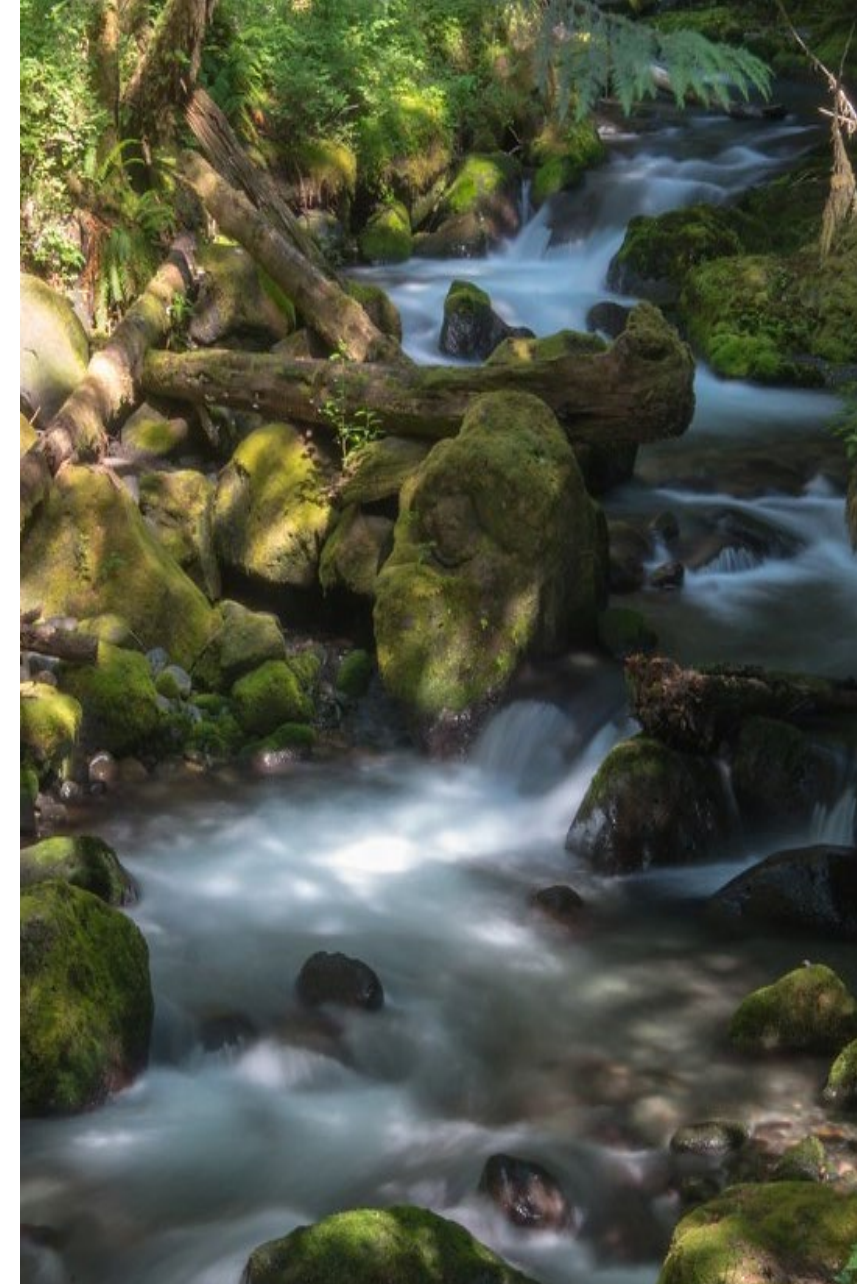
One action EPA committed to is publishing an Advance Notice of Proposed Rulemaking (ANPRM) for 6PPD under TSCA section 6(a) by Fall 2024.

What is an ANPRM?

- It is a preliminary notice that allows EPA to **solicit and collect information** from the public that will help:
 - Fill areas with insufficient data surrounding 6PPD and 6PPD-quinone as it relates to its use in tires; and
 - Inform EPA's future determinations and regulatory actions regarding potential risks of 6PPD and 6PPD-q to human health and the environment.

Current considerations and data needs for the ANPRM related to 6PPD and 6PPD-q include:

- Ecological risks,
- Impacts on Tribes, and
- Potential risk management approaches for its use in and for tires.



Other Agency Actions on 6PPD/6PPD-quinone

Since EPA-funded research first established the link between 6PPD-q and salmon deaths in the Puget Sound region in 2020, EPA has:

- Published a [proposed rule under TSCA section 8\(d\)](#) that will require the submission of unpublished health and safety studies on both 6PPD and 6PPD quinone.
- Convened a national 6PPD-q Tribal listening session where 74 federally recognized Tribes attended.
- Used research grants and regional partnerships to focus on further investigation of 6PPD and 6PPD-q.
- Funded an [EPA SBIR funded project](#) that is working on an already-patented alternative to 6PPD that, if successful, could be commercially available sooner than other new alternatives.
- Published a [draft detection method for 6PPD-q in surface and stormwater](#) and [acute aquatic life screening values for 6PPD-q/6PPD in freshwater](#) to protect sensitive salmon and other aquatic life.
- Worked with Agency program offices and regions to identify and curate [ECOTOX data on 6PPD and 6PPD-q](#) that will be updated as more information is published.
- Coordinated with federal partners through participation in the [National Science and Technology Council's working group](#) on the potential human health effects of 6PPD-q.

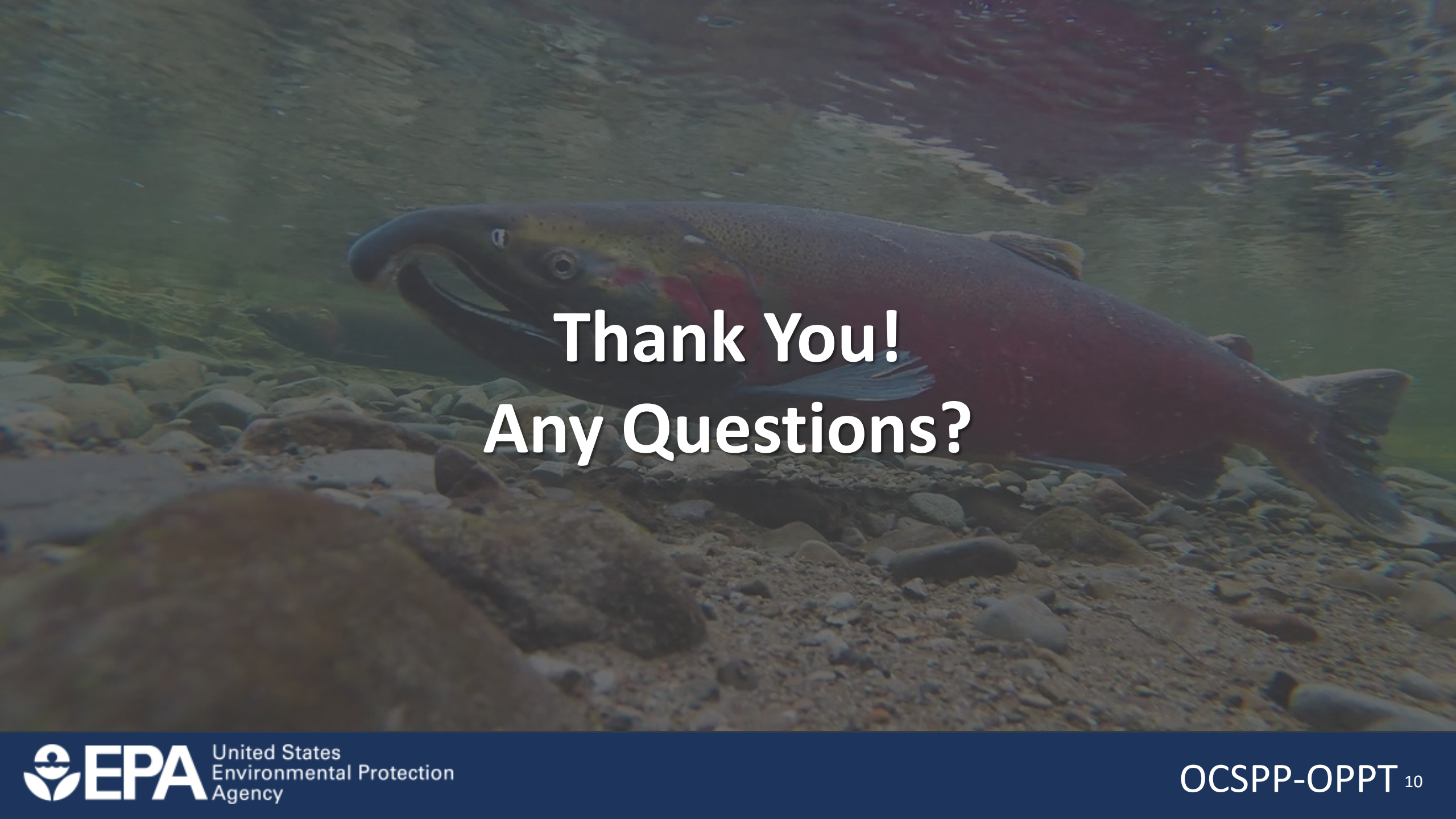
Helpful Resources

6PPD and 6PPD-q Information

- [EPA webpage on 6PPD-q](#)
- [Proposed TSCA section 8 Rule](#) – to require the submission of unpublished health and safety studies on both 6PPD and 6PPD quinone
- [ECOTOX dashboard on 6PPD and 6PPD-q](#)

ANPRM Background

- [Citizen Petition under TSCA Section 21 to Prohibit 6PPD in Tires](#)
- [EPA's Decision Regarding the 6PPD Citizens' Petition](#)
- [Example: 2019 ANPRM for Methylene Chloride \(MC\)](#)
- [Example: 2000 ANPRM for Methyl tert-Butyl Ether \(MTBE\) Petition to EPA re 6PPD in tires.pdf](#)
- [EPA's regulatory options under TSCA section 6\(a\)](#)

A large, vibrant rainbow trout is shown swimming in a river. The fish has a silvery body with a prominent red stripe running along its side. It is positioned horizontally across the frame, with its head on the left and tail on the right. The background consists of a rocky riverbed and rippling water. Overlaid on the center of the image is the text "Thank You! Any Questions?" in a large, white, sans-serif font.

Thank You!
Any Questions?