



North American Metals Council

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October 28, 2019

Via Docket Submission

Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: Proposed Rule under the Toxic Substances Control Act Section 6(h), Regulation of Persistent, Bioaccumulative, and Toxic Chemicals; Docket Number EPA-HQ-OPPT-2019-0080-0001

Dear Sir or Madam:

The North American Metals Council (NAMC)¹ is pleased to submit these comments in response to the U.S. Environmental Protection Agency's (EPA) proposed rule to address certain persistent, bioaccumulative, and toxic (PBT) chemicals identified pursuant to Section 6(h) of the Toxic Substances Control Act (TSCA). Specifically, NAMC wishes to commend EPA in its decision to exclude metals and metal compounds from consideration of expedited regulatory actions under TSCA Section 6(h). Not only is this decision compelled by the explicit language of Section 6(h), it also fits squarely within the principles articulated in the March 2007 Framework for Metals Risk Assessment (Framework document),² which TSCA Section 6(b)(2)(E) directs EPA to use for risk considerations related to metals and metal compounds.³ Specifically, the Framework document highlights the unique attributes of metals

¹ NAMC is an unincorporated, not-for-profit organization serving as a collective voice for North American metals producers and users. NAMC is a leader for the metals industry on science- and policy-based issues affecting metals.

² EPA, Framework for Metals Risk Assessment, available at <https://www.epa.gov/risk/framework-metals-risk-assessment>.

³ TSCA § 6(b)(2)(E), 15 U.S.C. § 2605(b)(2)(E).



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that differentiate them from organic compounds and, as such, require a different evaluation approach, particularly for PBT factors.

Thank you for the opportunity to submit these comments.

Sincerely,

Kathleen M. Roberts
NAMC Executive Director