



North American Metals Council
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May 2, 2024

Via Docket

Ms. Sofie C. Sonner
Existing Chemicals Risk Management Division (7404M)
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Re: Comments on Advance Notice of Proposed Rulemaking Regarding
the Regulation of Lead for Wheel-Balancing Weights under the
Toxic Substances Control Act (Docket EPA-HQ-OPPT-2024-0085)

Dear Ms. Sonner:

The North American Metals Council (NAMC) is pleased to provide comments on the U.S. Environmental Protection Agency's (EPA) Advance Notice of Proposed Rulemaking (ANPRM) in which EPA is requesting comments and information to assist in the potential development of regulations for the manufacture (including importing), processing (including recycling), and distribution in commerce of lead for wheel-balancing weights (lead wheel weights) under the Toxic Substances Control Act (TSCA).¹ We commend EPA for requesting comments prior to proposing the regulation of lead wheel weights and appreciate this opportunity to comment.

NAMC is a not-for-profit organization serving as a collective voice for North American metals producers and users. Members include trade associations and individual companies. NAMC has been a leading voice for the metals industry on science- and policy-based issues affecting metals. The organization has worked closely with the U.S. federal and international agencies to address risk assessment issues unique to metals and various stages of their lifecycle -- sourcing, production, engineering, use, recycling, and recovery. We offer for EPA's consideration the following comments.

¹ 89 Fed. Reg. 22972 (Apr. 3, 2024), available at <https://www.govinfo.gov/content/pkg/FR-2024-04-03/pdf/2024-06804.pdf>.



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Risk Evaluation Should Be Limited to the Lead Wheel Weights Condition of Use

A risk evaluation in accordance with TSCA Section 6 is the foundation for risk determinations and subsequent risk management actions. NAMC agrees with EPA's proposal to limit its consideration of proposed risk management rulemaking solely on the determination of whether potential exposures to lead during manufacturing, processing, distribution in commerce, use, or improper disposal of lead wheel weights constitutes an "unreasonable risk to human health or the environment." NAMC encourages EPA to perform an exposure assessment as part of its evaluation of this condition of use.

Approach to Risk Management Should Be Consistent with TSCA Section 6

NAMC encourages EPA to ensure that its approach to assessing the risk of lead wheel weights is consistent with TSCA Section 6(b) that requires EPA to make a priority designation of an existing substance that may present an unreasonable risk of injury to health or the environment because of a potential hazard and a potential route of exposure under the conditions of use. The prioritization process includes ensuring that there are adequate hazard and exposure data available to support conducting a risk evaluation for the lead wheel weights condition of use.

Risk Evaluation Should Be Conducted Using the Framework for Metals Risk Assessment

Congress mandated that EPA evaluate metals using the approaches and guidance identified in the March 2007 Framework for Metals Risk Assessment² (Framework) or a successor document. The Framework was developed because EPA recognized that metals have unique attributes that are different from organic and organometallic substances. The Framework includes approaches and guidance for characterizing potential hazards of metals (including consideration that some metals are essential) and for assessing the exposure potential of metals (including consideration of naturally occurring metals and metal substances). The Framework also describes how these metal-specific attributes and principles may then be applied in the context of existing EPA risk assessment guidance and practices. NAMC therefore strongly supports EPA's mandatory use of the Framework when conducting the risk evaluation of lead wheel weights.

² EPA, Framework for Metals Risk Assessment, EPA 120/R-07/001 (Mar. 2007), available at <https://www.epa.gov/risk/framework-metals-risk-assessment>.



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NAMC appreciates the opportunity to provide these comments for EPA's consideration. We are committed to productive engagement with EPA. If you have any questions, please feel free to contact NAMC's Consortium Manager, Heather J. Blankinship, at hblankinship@bc-cm.com or (202) 557-3831.

Sincerely,

William J. Adams, Ph.D.
NAMC Chair