



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

AUG 30 2010

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Ed Hopkins
Director, Environmental Quality Program
Sierra Club
408 C Street, N.E.
Washington, DC 20002

Dear Mr. Hopkins:

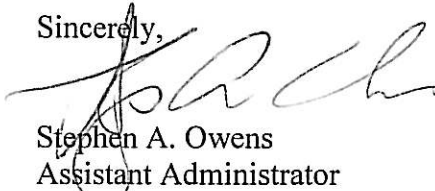
Thank you for your petition, dated May 28, 2010, requesting that EPA take action, in coordination with the U.S. Consumer Product Safety Commission (CPSC), on cadmium in consumer products, especially in metal toy jewelry. EPA is concerned about the continuing use of cadmium in toy jewelry and is working with CPSC to develop the most effective means to address this issue. EPA has given careful consideration to your specific requests. EPA believes your petition raises an important issue about the risks of cadmium in metal toy jewelry and that some action should be taken to address the risk. Therefore, without determining whether your petition contains sufficient information and analysis to compel EPA to grant it, EPA believes action is appropriate, and is choosing to grant your petition.

EPA is granting your request that EPA use its authority under section 8(d) of the Toxic Substances Control Act (TSCA) to require reporting by producers, importers, and processors of cadmium and cadmium compounds that are reasonably likely to be incorporated into consumer products. EPA will propose a rule to require the submission of lists and/or copies of ongoing and completed unpublished health and safety studies relevant to the determination on whether a potential hazard exists and whether a product may be a banned hazardous substance as outlined in CPSC guidelines. TSCA section 8(d) authorizes the Agency to promulgate rules requiring that manufacturers, processors, and distributors of chemical substances or mixtures submit lists and copies of health and safety studies to the Administrator.

Though it is EPA's understanding that CPSC is currently developing exposure limits for cadmium in certain children's products, if CPSC does not act, EPA will initiate a rulemaking under TSCA section 6 as your petition requests. EPA will work closely with CPSC to determine the most effective means for addressing cadmium in toy metal jewelry and other consumer products, and to determine whether action by CPSC should have precedence. It is EPA's understanding that CPSC's work to develop exposure limits for cadmium will take more time than is available to EPA under TSCA section 21. Thus, EPA plans to grant your petition and continue working with CPSC, and to initiate a section 6 rulemaking only if this effort does not result in action by CPSC or if EPA concludes that some form of joint action is appropriate.

Thank you for highlighting this important issue. Please feel free to forward additional information as you feel appropriate.

Sincerely,



Stephen A. Owens
Assistant Administrator

cc: Jacqueline Elder
Deputy Executive Director
U.S. Consumer Product Safety Commission