

controls. Recognizing that the concepts of risk assessment versus inspection and abatement versus interim controls are crucial distinctions for future hazard reduction efforts, EPA has added language clarifying these terms. However, EPA has also removed much of the more technical discussion of the specific steps involved in each activity. This revised language more effectively accomplishes the pamphlet's goal of providing homeowners and occupants with an understanding of the key concepts and activities in reducing their risk of lead hazard exposure.

4. *Testing/screening children for lead.* EPA received considerable comment on appropriate recommendation language for childhood testing and screening. EPA has worked closely with CDC to analyze these comments and to develop revised testing and screening language that is fully consistent with CDC guidelines and also understandable for lay readers.

5. *Developing workable effective day-to-day cleaning measures.* A number of commenters suggested modifications to simple steps recommended for reducing lead hazards in housing. In particular, commenters identified potential issues related to recommending trisodium phosphate (TSP) or other high phosphate cleaning products for regular cleaning on all surfaces. In consultation with other Federal agencies, EPA has revised the recommendations to place the focus more on day-to-day types of home maintenance activities that can be effective at reducing, but not eliminating, lead hazard when conducted regularly.

6. *Comments not addressed.* EPA received many specific language changes and detailed policy recommendations that were not incorporated into the final pamphlet. During the pamphlet's revision, EPA, CPSC, and other participating agencies analyzed each recommendation in terms of the policy, technical, and editorial merit (and in light of the pamphlet's goals, target audience, and scope). As the whole document evolved, changes to the draft pamphlet frequently rendered some specific comments moot. The fact that a comment is not directly reflected in the final pamphlet does not necessarily indicate that the comment lacked merit. Rather, many comments were excluded since the comments no longer fit within the pamphlet's level of detail or scope.

IV. Alternative Languages

EPA recognizes that this lead hazard information may be important in some communities that have a limited ability to utilize information provided in

English. For that reason, EPA is currently developing a Spanish language version of the pamphlet. EPA and CPSC will announce the availability of the Spanish-language pamphlet in the **Federal Register** when available and immediately begin efforts to distribute the document through available channels.

In addition, the Agency is exploring avenues such as public-private partnerships for conducting translations into additional languages, such as Chinese and Korean. Organizations interested in working with EPA and CPSC to print and distribute the pamphlet, or to develop new pamphlet translations should write to: Paula Moser, Program Development Branch, Environmental Protection Agency (7404), 401 M St., SW., Washington, DC 20460.

Based on the response from interested organizations, EPA and CPSC will develop a plan for preparing additional translations.

List of Subjects

Environmental protection, Lead.

Dated: July 25, 1995.

Lynn R. Goldman

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

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[OPPTS-211042A; FRL-4968-9]

TSCA Section 21 Petition; Response to Citizens' Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Response to citizens' petition.

SUMMARY: On April 19, 1995, EPA received a petition under section 21 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2620, signed by 24 environmental groups located in 10 western and mid-western States. The petition asserts that cement-producing plants that burn hazardous waste-derived fuel (WDF) in their kilns have higher concentrations of toxic metals in their cement end-products, and that these products therefore pose risks to end-users. The petition requests that EPA promulgate a rule under section 6 of TSCA requiring those producers who burn WDF to label their cement with a notice advising consumers of that fact, and cautioning them to avoid emitting or breathing the cement dust and to avoid direct contact.

The petition is denied on two grounds: (a) petitioners have not

substantiated the assertion that burning WDF increases risks posed to end-users of cement; and (b) for risk protection purposes, the label requested essentially duplicates labeling already required by the Occupational Safety and Health Administration (OSHA).

FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543, 401 M St. SW., Washington, DC 20460, (202-260-1024), Internet: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Statutory Requirements

Section 21 of TSCA provides that any person may petition EPA to initiate proceedings for issuance of rules under sections 4, 6, and 8 of TSCA, or to issue orders under sections 5(e) or 6(b)(2) of TSCA. A section 21 petition must set forth facts which petitioners believe establish the need for the rules requested. EPA is required to grant or deny the petition within 90 days. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons in the **Federal Register**.

Within 60 days of denial, or if EPA fails to respond in 90 days, the petitioner may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking. For a petition for a new rule, the court must provide opportunity for the petition to be considered *de novo*. After hearing the evidence, the court can order EPA to initiate the requested action.

II. Approach to Reviewing Petition

Immediately following receipt of the petition, on April 19th, a Workgroup was established with representatives from EPA's Offices of Pollution Prevention and Toxics; Solid Waste and Emergency Response; and General Counsel. After receiving an unsolicited comment on the petition, on May 15th, the Agency decided to publish a Notice of Receipt (60 FR 30538, June 9, 1995), in order to afford all interested parties an opportunity to comment. In keeping with the 90 day deadline for reaching closure, the Workgroup briefed the Director of the Office of Pollution Prevention and Toxics on May 17th, and the Office Director subsequently presented the case to the Assistant Administrator for Prevention, Pesticides and Toxic Substances for a decision.