

TSCA was designed to fill gaps in other environmental legislation - to be used when the provisions of the CAA, CWA, OSHA, etc. were not sufficient to address the hazard. Using TSCA's Section 21 is a logical use of the powers of this act. The CAA is insufficient to address the effects of greenhouse gases on climate change. TSCA can regulate the generation, processing and destruction of greenhouse gases and is the only legislation that can do this. It can also bring together the provisions of all the other environmental laws to regulate those parts of the problem for which they can be used. The initial decision by EPA to reject CPR's Section 21 provision must be challenged judicially, assuming this is the only route. My assumption is that this would take place in DC since that is where EPA is headquartered and where TSCA is administered. I believe that the DC Court of Appeals would be open to evaluating this request and that this is probably the most expeditious route along which to proceed.