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Toxic Substances Control Act Amendments: U.S. Environmental Protection Agency Announces Initial 10 Chemicals for Evaluation

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The United States Environmental Protection Agency ("EPA") issued a November 29th news release stating that it had identified the first 10 chemicals it will evaluate for potential risks to human health and the environment under the Toxic Substances Control Act ("TSCA") amendments.

TSCA addresses the production, importation, use, and disposal of specific chemicals including PCBs, asbestos, radon, and lead-based paint.

Amendments to TSCA were enacted earlier in the year which included provisions such as:

- The creation of a new system for EPA to evaluate managed risks with chemicals already in the market
- Deadlines for EPA to take action (i.e., risk evaluations must be completed within three years)
- Ensure user fees paid to EPA are used for chemical management activity
- Provide limited preemption of state law
- Maintain protection of confidential business information

The passage of the TSCA amendments was considered a bipartisan achievement and arguably the first major environmental law enacted since the 1990s. Even more unusual, some environmental groups and industries both advocated for TSCA reform and were willing to compromise to enable the amendments passage.

The November 29th news release states the first 10 chemicals to be evaluated are:

- 1,4-Dioxane
- 1-Bromopropane
- Asbestos
- Carbon Tetrachloride
- Cyclic Aliphatic Bromide Cluster
- Methylene Chloride
- N-methylpyrrolidone
- Pigment Violet 29
- Trichloroethylene
- Tetrachloroethylene

EPA states that the 10 chemicals were drawn from the agency's 2014 TSCA Work Plan. The Work Plan is a list of 90 chemicals selected based on their potential for high hazard and exposure, as well as other considerations.

Once the list is published in the Federal Register it will trigger a statutory deadline to complete risk evaluations for the chemicals within three years. Such evaluations will determine whether the chemicals present an unreasonable risk to humans and the environment. If determined to be an unreasonable risk, EPA must mitigate the risk within two years.

[A copy of the news release can be downloaded here.](#)