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Toxic Substances Control Act Amendments: U.S. Environmental Protection Agency Proposed Rule Establishing Procedures for Prioritization of Chemicals for Risk Evaluation

Arkansas Environmental, Energy, and Water Law Blog

01/17/2017

The United States Environmental Protection Agency ("EPA") issued a January 17th Federal Register Notice pursuant to the Toxic Substances Control Act ("TSCA") proposing a rule to:

... establish a risk-based screening process and criteria that EPA will use to identify chemical substances as either High-Priority Substances for risk evaluation, or Low-Priority Substances for which risk evaluations are not warranted at the time.

See 82 Fed. Reg. 4825.

EPA describes the proposed rule as including:

- Processes for identifying potential candidates for prioritization
- Selecting a candidate
- Screening that candidate against certain criteria
- Formally providing opportunities for public comment
- Proposing and finalizing designations of priority

The agency states that prioritization is the initial step in a new process of existing chemical substance review and risk management activity.

The prioritization of chemical substances for review is not deemed a novel concept by the agency.

EPA cites its 2012 release of the TSCA Work Plan Chemicals: Methods Document. The agency states the process it intended to use to identify potential candidate chemical substances for near-term review and assessment under TSCA is described. It also notes the publication of an initial list of TSCA Work Plan chemicals identified for further assessment under the statute as part of its chemical safety program in 2012 along with an updated list of chemical substances for further assessment in 2014. This process for identifying chemical substances was based on a combination of hazard, exposure and persistence in bioaccumulation characteristics.

The TSCA provides EPA with the authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures.

The current proposal is driven by the 2016 amendments to TSCA.

EPA believes the United States Congress expressly recognized the validity of the agency's existing prioritization methodology for this Work Plan.

[A copy of the Federal Register Notice can be downloaded here.](#)