

## Ask the 3Expert

*What are the first chemicals that will be reviewed under the U.S. EPA's TSCA Reform and what are the potential business impacts?*

### Summary

On 29 November 2016, the U.S. Environmental Protection Agency (EPA) issued a press release announcing the first ten chemicals that have been chosen from the EPA's 2014 TSCA Work Plan to be assessed for potential human and environmental risks under the revised *Toxic Substances Control Act* (TSCA). This list was published in the Federal Register on 19 December 2016 along with details on the chemical substances identified and the risk assessment process.

### 3E Analysis

Six months ago, the *Frank R. Lautenberg Chemical Safety for the 21st Century Act* was signed into law, significantly reforming TSCA. The reform includes the evaluation of the potential risks to human health and the environment of approximately 90 chemicals that were drawn from the EPA's 2014 TSCA Work Plan.

The EPA announced on 29 November 2016 the first ten chemicals that will be evaluated. The chemicals that will undergo hazardous assessments are:

- 1,4-dioxane,
- 1-bromopropane,
- Asbestos,
- Carbon tetrachloride,
- Cyclic aliphatic bromide cluster (HBCD),
- Methylene chloride,
- N-methylpyrrolidone (NMP),
- Pigment violet 29,

- Tetrachloroethylene, also known as perchloroethylene and
- Trichloroethylene (TCE).

The conclusion of each risk evaluation of the listed chemicals will trigger the evaluation of the remaining chemicals identified in the TSCA Work Plan. The EPA's roadmap expects to have at least 20 chemical risk assessments completed by the end of the year 2019.

## **Business Impact**

The publication in the Federal Register on 19 December 2016 of the initial list of 10 chemical substances triggered statutory deadlines for the EPA to complete these ten evaluations within three years. These substances will now be the subject of chemical risk evaluations to determine if they pose any unreasonable risks of injury to human health or the environment, pursuant to the requirements of TSCA section 6(b)(4). The chemical risk evaluation for the selected 10 substances will help determine the relative priorities for further assessments. The evaluations are also intended to identify any potential data that corresponds to the individual chemicals or chemical groups.

3E offers TSCA compliance services among its wide range of [Regulatory Consulting](#) services. 3E offers: Self Assessments (Audits); Risk Assessment; Reformulation Guidance; New Substance/New Use Notifications; MOC Protocols; SDS/Label Reauthoring and many other services to meet your company's TSCA obligations.

Manufacturers, importers and processors of these chemical substances should be aware that scoping documents for each chemical will be released within six months from the starting date of the evaluation. Potentially affected entities should be watchful of the scoping documents related to these evaluations as they may lead to further restrictions or bans of the assessed chemicals. The scoping documents are expected to contain: hazards, exposures, conditions of use and

the potentially exposed or susceptible subpopulations that the evaluation will consider.

Lastly, the 10 chemicals referenced here are exempted from preemption until the final rule relative to section 6 of TSCA is published. States may continue to regulate these chemicals until the final rule of reference is issued. Alternatively, high priority chemicals are subject to pause preemption, unlike the 10 chemicals to be assessed.