

## TSCA Reform Signed into Law

OCTOBER 10, 2016

On June 22, 2016, President Obama signed the [Frank R. Lautenberg Chemical Safety for the 21st Century Act](#) into law. The bipartisan act represents the first major overhaul of the Toxic Substances Control Act (TSCA) since its enactment in 1976.

EPA subsequently announced its [first-year plan](#) for implementing the Act. EPA must issue a number of rules within the next year (by mid-June 2017), including a procedural rule to establish EPA's process and criteria for identifying high priority chemicals for risk evaluation and a rule requiring industry reporting of chemicals manufactured/processed in the past ten years. EPA has already amended one of the deadlines set by the Act. Specifically, on September 26, 2016, EPA [extended](#) the deadline for companies subject to TSCA's Chemical Data Reporting rule to submit data on the chemical substances they manufacture and import from September 30, 2016 to October 31, 2016. Companies subject to the Act should track EPA's rulemakings as the rules will provide the Act's implementing framework. In order to meet the mid-June 2017 rulemaking deadline, EPA is expected to issue proposed rules implementing the Act in December 2016.

The Act generally provides EPA increased authority to review and regulate chemicals. For instance, the Act removes TSCA's prior requirement for EPA to pursue the "least burdensome requirement" in regulating a chemical once EPA identified that the substance presented an unreasonable risk of harm to health or the environment. The new unreasonable risk calculation includes special consideration for protecting vulnerable populations (such as children, pregnant women, workers, and the elderly) and must be based on the "best available science." The Act also expressly prohibits EPA from considering costs when determining whether a chemical presents an unreasonable risk of injury to health or the environment and requires EPA to make an affirmative safety finding before allowing a new chemical to enter the market.

1 Min Read

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### Author

[Eleni Kouimelis](#)

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Eleni Kouimelis

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