

EXISTING CHEMICALS RISK MANAGEMENT RULES

ISSUE SUMMARY:

OCSPP has an active rulemaking pipeline to address unreasonable risks from priority chemicals following the completion of risk evaluations under section 6 of the Toxic Substances Control Act (TSCA). In 2024, EPA issued (denoted with *) or moved through final agency review proposed or final risk management rules for 7 of the first 10 chemicals evaluated under amended TSCA. Final section 6(a) rules have been or are expected to be completed in 2024 for:

- Asbestos (part 1)*
- Methylene chloride (MC)*
- Perchloroethylene (PCE)
- Carbon tetrachloride (CTC)
- Trichloroethylene (TCE)
- Revised 2021 rules for two persistent, bioaccumulative and toxic (PBT) chemicals decaBDE and PIP(3:1) pursuant to section 6(h)

Proposed rules were issued (denoted with **) or moved through final agency review for:

- n-Methylpyrrolidone (NMP)**
- 1-Bromopropane (1-BP)**

Regulatory implementation issues associated with the final rules and expected litigation over these first risk management rules following TSCA risk evaluations will be key issues in 2025, in addition to issues relating to OPPT's ability to meet statutory deadlines, in part due to the Agency's action development process requirements.

OCSPP is finalizing a rule under TSCA Title IV to strength the dust-lead hazard standards and post-abatement clearance levels under the lead-based paint abatement program.

UPCOMING MILESTONES:

EPA is working to develop proposed rules to address the unreasonable risks identified for the remainder of the first 10 chemicals evaluated under amended TSCA as well as for those chemicals completing risk evaluation in 2024:

- PV29
- HBCD
- 1,4-Dioxane
- Asbestos part 2
- TCEP
- 1,1-Dichloroethane
- Formaldehyde
- DIDP
- DINP

These rulemakings continue to generate a high level of interest from stakeholders.

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BACKGROUND:

- After EPA identifies unreasonable risk through risk evaluation, TSCA requires that EPA proposes a rule within one year to address the unreasonable risk.
- TSCA requires EPA to apply one or more requirements by rule to address these unreasonable risks, including but not limited to: prohibiting or restricting the manufacturing, processing, and/or distribution in commerce of the chemical substance in general or for a particular use; regulating any manner or method of commercial use, which could include elements like engineering controls or setting air exposure limits or other concentration limits; adding warnings or instructions to guide product use; prohibiting or regulating disposal; or requiring downstream notification of the regulations, among other options.
- Risk management regulations generally focus on chemical manufacturers, processors, distributors, and/or commercial or industrial users of chemicals, while also affecting availability of chemicals to consumers.
- Input from stakeholders is critical during the entire TSCA process to ensure the regulations are practical and protective. The EPA often consults with small businesses to understand potential regulatory impacts as part of the Small Business Advocacy Review phase of the rulemaking process, as appropriate.
- TSCA Title IV directs EPA to, among other things, manage risks from lead-based paint in housing and child-care facilities built before 1978.

KEY EXTERNAL STAKEHOLDERS:

☒ Congress ☒ Industry ☒ States ☒ Tribes ☐ Media ☒ Other Federal Agency
☒ NGO ☒ Local Government ☒ Other: Chemical Manufacturers and Users; Fenceline communities

Stakeholder reaction is often dependent on perceptions about whether the proposed or final regulations are adequately protective, or burdensome, or can be successfully implemented.

MOVING FORWARD:

The agency is currently conducting extensive outreach with all stakeholders to inform the development of the proposed risk management rules on specific chemicals. The Agency is acutely focused on the communications associated with these rules and is updating the web content, planning public webinars following issuance of rules, and holding one-one-one meetings with stakeholders, and formal consultations with state and local governments, tribes, environmental justice communities, and small businesses. As the agency develops regulatory options, timely and clear policy direction will be needed to successfully meet the TSCA deadlines.

LEAD OFFICE/REGION: OCSPP

OTHER KEY OFFICES/REGIONS: OGC