

HOW IS EPA HANDLING EXISTING CHEMICALS UNDER THE NEW TOXIC SUBSTANCES CONTROL ACT (TSCA)?

Updated TSCA directs the U.S. Environmental Protection Agency (EPA) to evaluate existing chemicals and limit those that pose unreasonable risks of injury to the environment or human health.¹

WHAT ARE EXISTING CHEMICALS?

There are about 80,000 existing chemicals authorized for use in commerce, with most having little to no information on toxicity.²

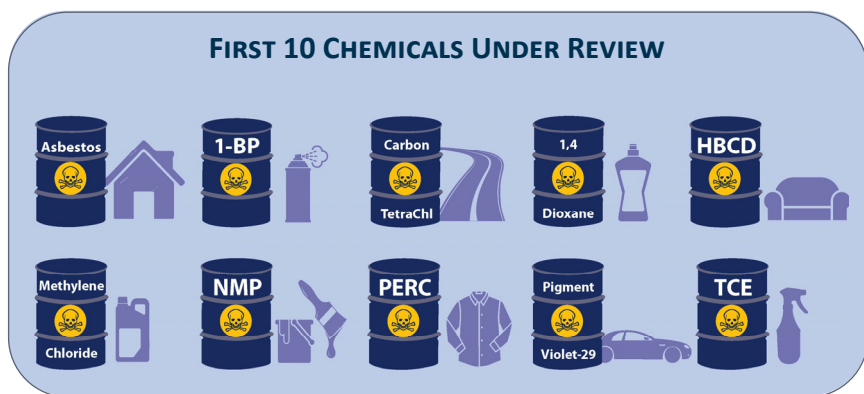
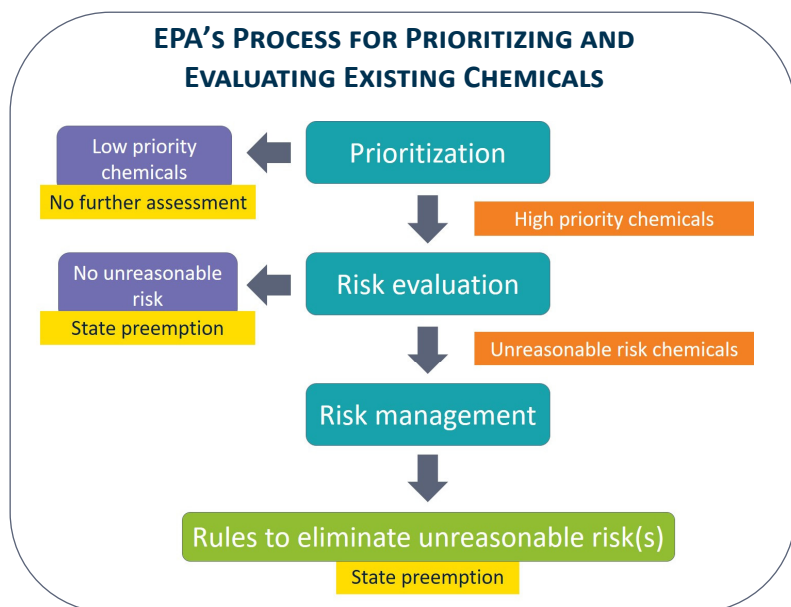
WHAT DOES TSCA REQUIRE EPA TO DO ABOUT EXISTING CHEMICALS?

EPA is required to select chemicals to evaluate through a prioritization process, make a risk determination, and promulgate rules to limit dangerous chemicals. TSCA directs EPA to ensure that vulnerable populations like children are protected.

In 2017, EPA finalized rules (known as the “framework rules”) detailing the general processes for prioritization³ and risk evaluation.⁴ There is ongoing litigation about the framework rules.

EPA has selected the first 10 chemicals for risk evaluation, which have a combined production volume of over 1 billion pounds a year and have widespread use in building/ construction materials, furniture, electronics, dry cleaners and personal care products.⁵

In 2017, EPA also proposed rules to prohibit uses of the chemicals TCE,⁶ methylene chloride and NMP,⁷ which the Agency found posed unreasonable risks to human health.

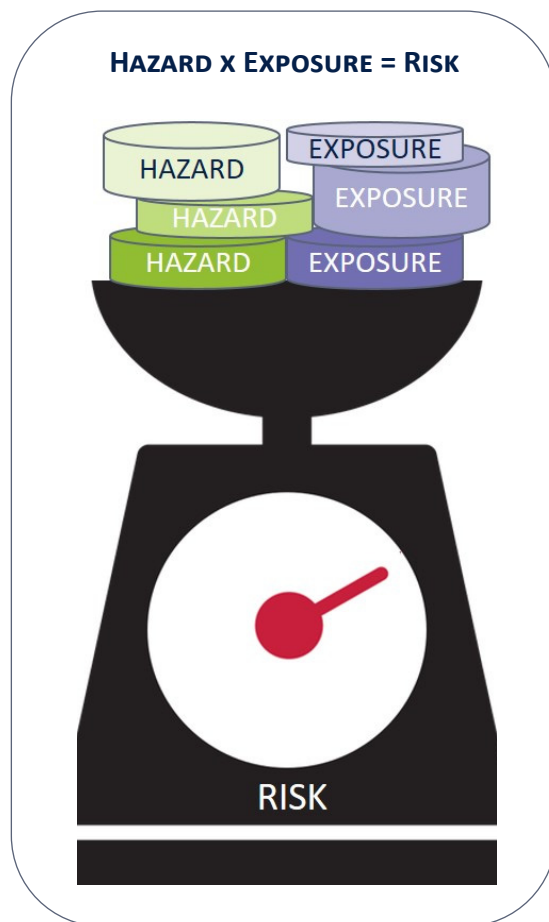


CONCERNS WITH EPA PROPOSALS FOR EXISTING CHEMICALS

Prioritization: The Agency must make determinations based on sufficient information, and most chemicals have little to no data available about health hazards—yet EPA has no plans to ask for additional testing, though amended TSCA explicitly gave it the authority to do so.⁸ This ‘don’t ask, don’t tell’ policy can leave the public at risk if chemical risks are understated because of unknown hazards.

Risk evaluation: The Agency’s plans for the first 10 chemical evaluations would underestimate risks by not accounting for total exposures (real-world doses) of chemicals, such as asbestos in existing buildings. Another concern is failing to consider the special vulnerability of fetuses, infants and children.

Risk Management: The Agency is delaying finalizing the prohibitions on methylene chloride, NMP and TCE, despite the established, peer-reviewed science documenting immediate health risks. Methylene chloride has killed over 50 people since 1980, with at least 2 fatalities in 2017.



Risk to human health is calculated by considering the chemical’s hazards in combination with the exposures to the chemical. Underestimating either hazard or exposure will understate the true risk.

RECOMMENDATIONS

- ⇒ ***EPA should gather sufficient data to determine if chemicals pose health risks by using its TSCA authorities to request existing data and additional testing.***
- ⇒ ***EPA must account for all exposures to a chemical, and the chemical’s impacts on those that are most vulnerable to accurately calculate risks.***
- ⇒ ***EPA should finalize its proposed rules on methylene chloride, NMP and TCE.***

REFERENCES

- ¹ 15 U.S.C. § 2605 (a)-(c)
- ² Krimsky S, Hollert H, Holick K, Knudson T, Martin M, McLaurin K, et al. The unsteady state and inertia of chemical regulation under the US Toxic Substances Control Act. Birnbaum LS, editor. PLOS Biol. 2017 Dec 18;15(12):e2002404.
- ³ 82 FR 138, 33753 (July 20, 2017)
- ⁴ 82 FR 138, 33726 (July 20, 2017)
- ⁵ <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca#ten>
- ⁶ 82 FR 12, 7432 (Jan 19, 2017)
- ⁷ 82 FR 12, 7464 (Jan 19, 2017)
- ⁸ EPA (2017) Discussion Document: Possible Approaches and Tools for Identifying Potential Candidate Chemicals for Prioritization. Pg. 11