

# Hot Topics 2 – TSCA Happenings

## Carolinas Air Pollution Control Association

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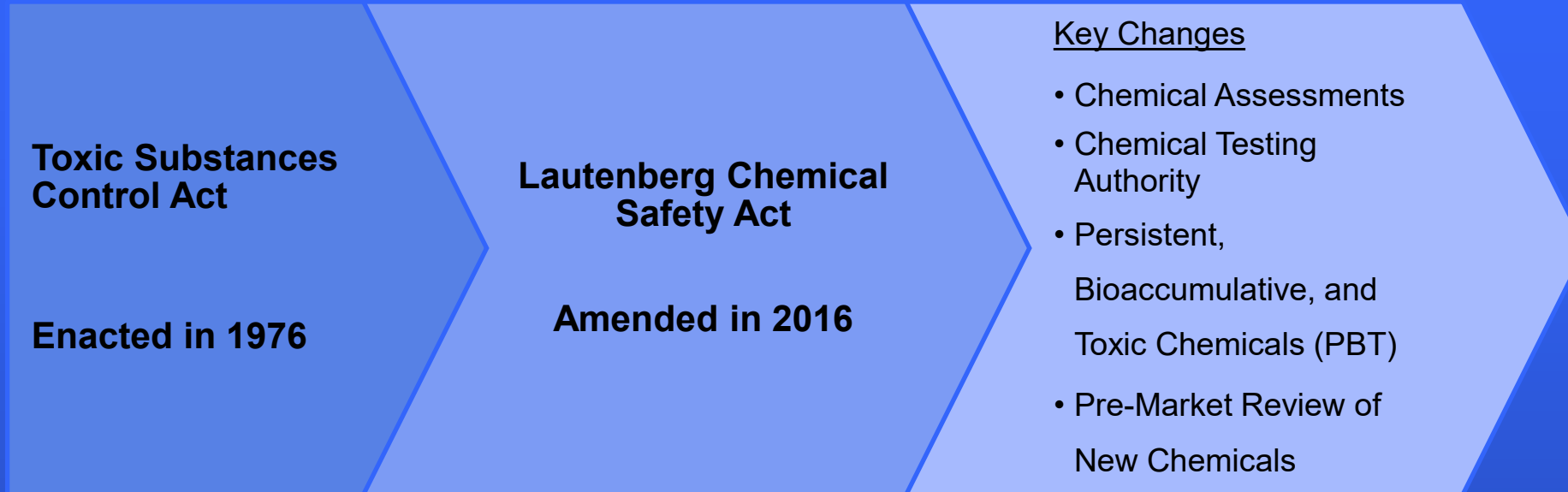


# Presentation Outline

- Overview of TSCA
- New Chemicals under TSCA
- TSCA Chemical Reviews
- TSCA PFAS Reporting Rule
- Potential Impacts of Government Shutdown



# TSCA Overview

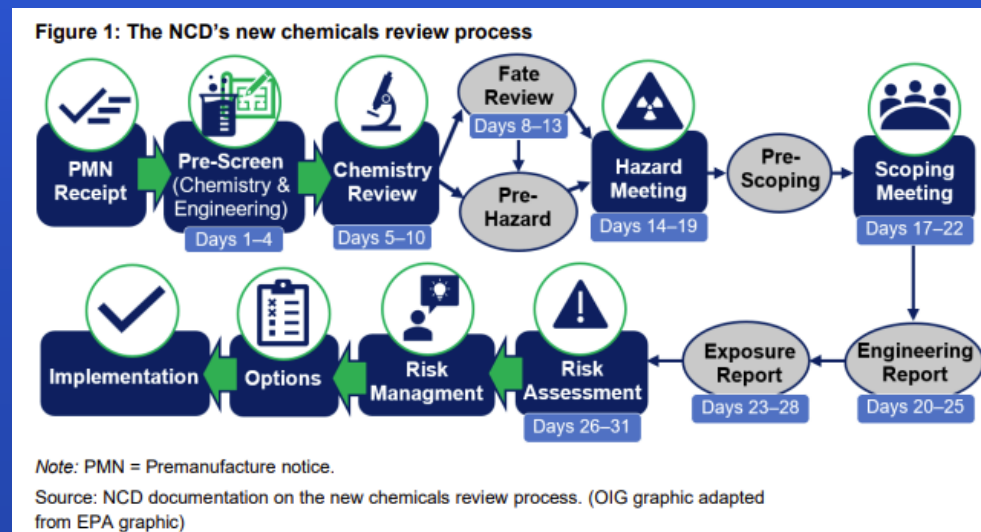


- The Act has many “Titles” with a wide range of requirements and focus areas
  - Title I – “Core TSCA” or “the New and Existing Chemicals Program”
  - Title II - In-place management of asbestos in schools (1986)
  - Title III – Indoor radon abatement (1988)
  - Title IV – Preventing poisoning from residential lead-based paint (1992)
  - Title V – Healthy school environments (2007)
  - Title VI – Emissions of formaldehyde from pressed wood products (2010)



# Title 1, Section 5 of TSCA

- TSCA Inventory lists “Existing” chemical substances
  - ~86,741 on list, 42,293 are “Active”. Some are “free and clear” for industry to use, some inactive, or have restrictions or reporting obligations
- If a substance is not on the TSCA Inventory, it is a “New” substance and cannot be Manufactured/ Imported for commercial purposes until the submission of a Section 5 premanufacture notice (PMN) to EPA at least 90 days before importing or manufacturing for a non-exempt commercial purpose.
- Approval by EPA must be granted before substance can be imported or manufactured for a non-exempt purpose.



# TSCA New Chemicals Under Review

- Per the American Chemistry Council, as of August 21, 2025, there are 449 TSCA new chemicals under review
  - Of the 449 new chemicals, 41 have been reviewed within the 90-day TSCA mandated review period.
  - 315 active PMN cases, or 70%, have been under review for 365 days or more and the 365-day backlog has increased by 1.25% since June 5, 2025.
  - As the demand for innovative chemistries grows, the backlog of new chemicals awaiting TSCA review beyond the 90-day period is impeding investments in the production of new and innovative chemicals in the United States
- Since 2016, EPA approves most PMNs subject to Section 5 restrictions or test rules via Consent Orders, Significant New Use Rules (SNURs), etc.
- EPA to prioritize reviews starting in September 2025
- Fees associated with TSCA PMNs continue to rise, with the most notable rise occurring in 2024, where fees went from \$19,020 to \$37,000.



# Title 1, Section 6 of TSCA

- In Mid-September, EPA released a proposal to increase efficiency, better protect health and the environment in Chemical Reviews under TSCA:
  - EPA to make a determination of unreasonable risk for each condition of use
  - Clarification on how EPA will consider occupational exposure controls (e.g., industrial controls, personal protective equipment, etc.)
  - Clarification on EPA's discretionary authority to determine which conditions of use, exposure routes, and exposure pathways it will consider in risk evaluation
  - Revisions to certain regulatory definitions to ensure transparency and accountability in conducting risk evaluations
  - Adjustments to the process and information collection obligations for manufacturers/importers
  - Final rule expected by April 2026



# Title 1, Section 6 of TSCA

- Risk Management Deadlines Extended:
  - Trichloroethylene (TCE) rule compliance deadlines pushed to November 2025
  - Perchloroethylene (PCE), Carbon Tetrachloride rules under reconsideration
  - Methylene Chloride deadlines likely to be extended



# Title I, Section 8(a)(7) - PFAS Reporting Rule

- Final rule promulgated on October 11, 2023.
- EPA announced on May 12, 2025 an interim final rule to extend the dates of opening the reporting period from July 11, 2025 to April 13, 2026.
- On August 29, 2025, EPA submitted a proposed rule entitled “Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping under the Toxic Substances Control Act (TSCA); Revision to Regulation” to the Office of Management and Budget (OMB)
  - EPA further indicated the agency plans to publish a proposed rule by December 2025



# Potential Revisions to Rule

- Announcement made by the USEPA Administrator Lee Zeldin on April 28, 2025, suggesting potential updates to the rule such that USEPA will “implement section 8(a)(7) to smartly collect necessary information, as Congress envisioned and consistent with TSCA, without overburdening small businesses and article importers”
- Comments received on interim rule focus on some key areas that might point to potential revisions
  - Reduced historical lookback period
  - Clear guidance on “known or reasonably ascertainable”
  - Potential to incorporate the usual exemptions for reporting (e.g., exemptions for small businesses, imported articles, impurities, byproducts, R&D activities, *de minimis* reporting threshold, etc.



# Impact of Government Shutdown on EPA

- Top Line: EPA shutdown plan keeps 1,734 of ~15,166 “on board” employees working (~11%), and a notable expansion for pesticide work versus prior plans.
- TSCA Fee-Based Functions are not retained.
- Funding carve-outs expanded: Employees “financed by a resource other than annual appropriations” increase from 354 (March) to 828 (current), including activities funded by Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)/Pesticide Registration Improvement Act (PRIA) fees and the Superfund tax, plus other external sources



# Impact of Government Shutdown on EPA

- Per the EPA Contingency Plan for Shutdown, some examples of Agency activities that will cease are:
  - Civil enforcement inspections, unless necessary for excepted or exempted activities;
  - Issuance of permits, guidance, regulations, and policies, unless necessary for exempted or excepted activities;
  - Approvals of pending state requests (e.g., authorized/delegated state-issued EPA permits, state implementation plans (SIPs), total maximum daily loads (TMDLs), water quality standards).



# Conclusion and Summary

- The change in Administration is starting to drive changes in TSCA
- As new draft rules are posted, there is an opportunity for interested parties to comment
- The government shutdown will likely cause delays and staffing impacts for TSCA activities



Thank you!

Questions?

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