

LEGAL UPDATES

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EPA Announces Public Meetings for Input on New Chemical Law

The U.S. Environmental Protection Agency (EPA) has announced it will hold two public meetings on August 9 and 10, 2016, to gather input on the processes EPA will use to prioritize and evaluate chemicals under the recently overhauled Toxic Substances Control Act (TSCA). The meetings are an opportunity for industry to provide comments that EPA must consider when developing its proposed rules.

Provisions of the Chemical Safety Act

The revised TSCA, which President Obama signed into law on June 22, 2016, establishes a new regulatory framework for assessing and regulating chemicals. (Read our previous client alert about the Frank R. Lautenberg Chemical Safety for the 21st Century Act.) Among other provisions, the new law requires EPA to establish a risk-based prioritization screening process for existing chemicals within one year of enactment. Under that process, chemicals will be designated as high or low priority. Chemicals designated as high priority must undergo risk assessments to determine if they present “an unreasonable risk of injury to health or the environment,” the new safety standard under the revised TSCA.

The public meeting on August 9, 2016, will seek input on EPA’s eventual proposed rule for conducting risk evaluations to determine whether chemicals meet the new safety standard. The meeting on August 10, 2016, will seek input on EPA’s eventual proposed rule to establish a risk-based process for chemical prioritization.

The public meetings will be held from 9:30 a.m. to 4:30 p.m. each day at the Ronald Reagan Building and International Trade Center, Horizon Ballroom, 1300 Pennsylvania Ave. NW, Washington, D.C. EPA requests that anyone planning to participate, either in person or remotely, register in advance. The

registration site also provides an option for participants to indicate if they wish to make comments at the meetings.

On June 29, 2016, EPA announced its first-year implementation plan outlining how it will meet deadlines imposed by the new law. Under that plan, EPA intends to publish proposed rules for prioritizing chemicals as high or low risk and for evaluating the risks of high-priority chemicals by mid-June 2017.

EPA has also established a new webpage that includes a summary of the new law, frequently asked questions and the implementation plan.

What This Means to You

Given EPA's new mandates and authority under the revised TSCA, industry should expect EPA to review more chemicals more thoroughly and to regulate more chemicals that do not meet the new safety standard. While the new law provides some guidelines for how EPA must prioritize and conduct risk assessments on chemicals, there is much uncertainty about what those processes will ultimately look like. Given the potential impact, industry should scrutinize the details of the chemical prioritization and risk assessment processes when proposed by EPA. The public meetings give industry an opportunity to provide comments that EPA must consider when developing the proposed rules.

Contact Us

For more information about how the new chemical safety bill could affect you or your clients, contact Jason Moore at 303.749.7295 of Husch Blackwell's Energy & Natural Resources group or Bob Wilkinson at 314.480.1842 and Amy Wachs at 314.480.1840 of the Environmental & Chemical Regulation practice.