



Dear Subscriber,

We are pleased to enclose the Spring 2023 Update for your 6-volume TSCA Compliance Guide and Online Service.™

- 1) **Formaldehyde Emission Standards.** On February 18, 2023, EPA announced it was publishing a final rule to update the incorporation by reference of several voluntary consensus standards in EPA’s formaldehyde standards for composite wood products, as proposed in March 2022 and updated in September 2022. These voluntary consensus standards have, since being originally incorporated into TSCA, subsequently been updated, superseded, or otherwise revoked. Second, EPA is codifying its interpretation that third-party certifiers, who otherwise would be required to conduct on-site inspections in potentially unsafe conditions, are permitted to perform remote inspections in the event of unsafe conditions. Third, EPA is increasing flexibility in the third-party certifier certification process by amending revisions at 40 CFR 770.7, paragraphs (a)(5)(i)(A), (c)(1)(iii), (c)(2)(v), and (c)(4)(i)(F). Fourth, EPA is clarifying data requirements for emission standards under 40 CFR 770.17(c)(2) and 770.18(d)(2). Specifically, “the clarification states that for NAF [no added formaldehyde-based resins] based exemptions 90 percent of the three months of routine quality control testing data and the results of the one primary or secondary method test must be shown to be no higher than 0.04 ppm. For ULEF [ultra-law-emitting formaldehyde resins] based exemptions, the clarification states that 90 percent of six months of routine quality control testing data and the results of two quarterly primary or secondary method tests must be shown to be no higher than a ULEF target value of 0.04 ppm.” Lastly, EPA is making select technical corrections to Part 770, addressing definitions, clarifying language, and creating additional flexibilities. The final rule was effective on March 23, 2023. See 88 FR 10468.

Please also note these recent chemical-related activities:

- **Europe’s Potential PFAS Ban.** On February 7, 2023, the European Union (“EU”) began contemplating a proposal to ban the manufacture and use of PFAS within the EU. Drafted by a group of EU member states and published by the European Chemicals Agency, the proposal would, if passed, become one of the largest chemical bans in the history of the EU. The European Commission will formally present the proposal to member countries in 2025.

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

“The World’s Leading Source of Up-to-Date TSCA Information”

- **TSCA Inventory.** On February 16, 2023, EPA announced availability of the updated TSCA Inventory. New updates to the Inventory include new commercial activity data, unique identifier data, and regulatory flags, such as significant new use rules. Importantly, this update includes several hundred substances that are now listed with their unique chemical identities after having been removed from the confidential portion of the Inventory. EPA encourages all persons submitting information to the TSCA Inventory to regularly check the Central Data Exchange (CDX) for communications relating to submissions, as many of the communications are time sensitive. More information and the Inventory can be found at <https://www.epa.gov/tsca-inventory>.
- **Fall 2022 Unified Agenda.** On February 22, 2023, EPA published its Fall 2022 Unified Agenda (“Agenda”). The Agenda contains numerous proposed rulemakings under EPA’s TSCA authority. Some of the proposed rules include:
 - **Chemical Specific Rulemakings.** EPA has concluded and/or amended the risk evaluations for several chemicals in the past two years. EPA is has drafted proposed rules to address the unreasonable risks of injury to health associated with such chemicals. The chemicals at the proposed rule stage are:
 - Methylene Chloride
 - 1-Bromopropane
 - Trichloroethylene (TCE)
 - Perchloroethylene (PCE)
 - N-Methylpyrrolidone (NMP)
 - **PFAS Recordkeeping Requirements.** EPA lists the TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances as in the “final rule stage”. On June 28, 2021, EPA published a Notice of Proposed Rulemaking for reporting and recordkeeping requirements for PFAS under Section 8(a)(7) of TSCA. EPA published notice in the Federal Register of the proposed rule on November 25, 2022, and the comment period closed on December 27, 2022. See 87 FR 72439. EPA anticipates the final rule being published in fall of 2023.
 - **Long-Term Actions.** EPA notes several long-term actions under TSCA. These actions include:
 - Tiered Data Reporting to Inform Prioritization, Risk Evaluation and Risk Management under TSCA
 - Cyclic Aliphatic Bromide Cluster (HBCD) Rulemaking under TSCA Section 6(a)
 - C.I. Pigment Violet 29 Rulemaking under TSCA Section 6(a)

We encourage you to review the Fall 2023 Unified Agenda to see whether any proposed or planned actions may impact your specific operations. We also encourage you to reach out if you have any questions, as we are also available to consult with your organization on potential impacts. See 88 FR 11286.

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

“The World’s Leading Source of Up-to-Date TSCA Information”

- **Cumulative Risk Approach.** On February 24, 2023, EPA announced the release for public comment and peer review a set of principles for evaluating cumulative risks under TSCA. The release also contained an approach for applying those principles to the evaluation of cumulative risk, using certain chemicals currently undergoing TSCA Section 6 risk evaluations as examples. Until this point, EPA typically evaluated the risk of chemicals individually, as a single chemical, without regard for how persons may be exposed to multiple chemicals at the same time. EPA believes that the best approach, in some cases, is to look at how multiple chemicals with similar effects, and found to present co-exposures, may affect receptor populations *together* and factor that into risk evaluations moving forward. EPA’s peer review process was conducted by the Scientific Advisory Committee on Chemicals (SACC). *See* 88 FR 12354.

- **TSCA Consent Decrees.** On March 6, 2023, the Department of Justice announced the lodging of two proposed consent decrees (“CDs”) under TSCA in the civil action titled *United State of America v. CISNE NY Construction, Inc., et al.*, Civil Action No. 22-338. The CDs resolve claims against two parties for their unlawful work practices during renovations governed by the Renovation, Repair, and Painting Rule, 40 CFR part 745, impose injunctive relief, and require the settling parties to each pay \$25,000. *See* 88 FR 13852.

- **EPA OIG Report.** On March 7, 2023, the Office of the Inspector General for EPA (“OIG”) issued a report titled *The EPA’s January 2021 PBFS Toxicity Assessment Did Not Uphold the Agency’s Commitments to Scientific Integrity and Information Quality*. This report accused Trump administration political appointees of inserting themselves into the almost-finished chemical toxicity review process for perfluorobutane sulfonic acid, or PBFS, in October of 2020, leading to an “unprecedented” process that deviated from past practices. The resulting assessment for PBFS, which the report says did not meet EPA scientific integrity standards and could have put human health at greater risk, was published the day before President Biden’s inauguration and was withdrawn less than two weeks later by the new administration. EPA has disagreed with some of the characterizations of events contained in the report, though EPA did agree that political appointee interference in the process was improper. EPA has further disagreed with all five recommendations OIG made to address the issues identified in the report and the issues remain unresolved.

- **EPA Information Collection Activities.** On March 10, 2023, EPA announced it had submitted an information collection request (ICR) renewal to the Office of Management and Budget (OMB). The request is titled “Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA Section 6(h).” This is a proposed renewal of an already existing ICR, scheduled to expire on January 31, 2024. This ICR covers the information collection activities associated with five persistent, bioaccumulative, and toxic (PBT)

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

“The World’s Leading Source of Up-to-Date TSCA Information”

chemicals: decabromodiphenyl ether (decaBDE) (Chemical Abstract Services Number (CASRN) 1163–19–5), phenol, isopropylated phosphate (3:1) (PIP (3:1)) (CASRN 68937–41–7), 2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP) (CASRN 732–26–3), pentachlorothiophenol (PCTP) (CASRN 133–49–3), and hexachlorobutadiene (HCBD) (CASRN 87–68–3). More specifically, this ICR authorizes the collection of information related to regulated entities obligations to provide downstream notifications in the rule for PIP (3:1) and the recordkeeping requirements and rule familiarization activities required for all five PBT chemicals. See 88 FR 15019.

- **Chrysotile Asbestos Data.** On March 17, 2023, EPA announced the availability of new data EPA received related to the proposed risk management rule for chrysotile asbestos. The data relates to chrysotile asbestos diaphragms used in the chlor-alkali industry and chrysotile asbestos-containing sheet gaskets used in chemical production. In April 2022, EPA announced a rule to prohibit the ongoing use of chrysotile asbestos consistent with Part 1 of the Risk Evaluation for Asbestos. EPA is currently working to finish Part 2 of that risk evaluation. See 88 FR 16389.
- **Amicus Brief.** On March 27, 2023, the Environmental Defense Fund (EDF) and the National Wildlife Federation (NWF) filed an amicus brief in *Vinyl Institute v. EPA*, USCA Case #22-1089. On May 23, 2022, the Vinyl Institute (VI) filed suit in the United States District Court for the District of Columbia seeking review of EPA’s March 2022 TSCA Section 4 test order for 1,1,2-trichloroethane. The VI seeks a determination that, *inter alia*, the test order violates the APA, TSCA, and associated regulations; is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with the law; is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; is without observance of procedure required by law; is unsupported by substantial evidence; and is otherwise contrary to law. EDF and NWF argue in their brief, however, that EPA does have the authority to compel companies to conduct health and safety testing on chemicals and to turn that data over to EPA when EPA is evaluating the risks of those chemicals. The brief is available at <https://blogs.edf.org/health/wp-content/blogs.dir/11/files/2023/03/EDF-and-NWF-Amici-Brief.court-stamped.pdf>.
- **Access to CBI.** On March 30, 2023, EPA announced that it authorized contractor Abt Associates of Rockville, MD, to access information submitted to EPA under all sections TSCA. Some of this information may have been claimed as confidential business information (CBI) by the submitting entity. The access to CBI is on a need-to-know basis only. See 88 FR 19134.
- **CDR National Review.** On March 31, 2023, EPA announced the publication of the first ever Chemical Data Reporting (CDR) National Review. The National Review is a web-based comprehensive analysis of all the data submitted during the last CDR reporting cycle and covers activities from 2016 through 2019. Further, the National Review provides trend

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

“The World’s Leading Source of Up-to-Date TSCA Information”

analysis of the data reported over the past decade, including data visualization and accessibility tools. As it relates to TSCA, EPA wrote that “[o]f the total 37 TSCA Risk Evaluation Chemical by CASRN, 33 chemicals were reported in the 2020 reporting cycle, and 34 chemicals were reported in both the 2012 and 2016 reporting cycles. 254 sites reported information for 33 TSCA risk evaluation chemicals for a total PV of about 38 billion pounds in the 2020 reporting cycle. The number of sites that manufactured and/or imported TSCA Risk Evaluation Chemicals has increased by 40%, while the manufactured and imported volumes have generally remained consistent over the past 10 years.” More information on the National Review can be found at <https://www.epa.gov/chemical-data-reporting/2020-cdr-national-review>.

- **EPA FY 2024 Budget.** In March of 2023 EPA published their justification for their fiscal year 2024 appropriation estimate. EPA requested a 19% increase in its budget for FY 2024, which is equal to about a \$1.9 billion increase in appropriations. Among EPA’s FY 2024 funding priorities is “Ensuring the Safety of Chemicals for People and the Environment.” EPA notes that it needs increased TSCA funding to meet the law’s requirements and without the full \$131 million requested, meeting TSCA goals will be challenging. The \$131 million would represent a \$47.9 million increase over FY 2023 and would support over 535 full-time employees. The full justification is available at <https://www.epa.gov/system/files/documents/2023-03/fy-2024-congressional-justification-all-tabs.pdf>.
- **TSCA Citizen Suits.** On April 6, 2023, the U.S. District Court for the District of Columbia dismissed a TSCA citizen suit. The suit, brought by the Center for Environmental Health (CEH) and Public Employees for Environmental Responsibility (PEER) against Inhance Technologies USA, sought to prevent Inhance from generating PFAS when fluorinating plastic containers. The District Court dismissed the case because eight days prior to the plaintiffs filing suit the government had filed a suit based on the same conduct, the District Court found that the plaintiffs did not prove that the government was not “diligently prosecuting” the claim against Inhance, and so the citizen suit ran afoul of TSCA’s diligent prosecution bar. The case is *Center for Environmental Health, et al. v. Inhance Technologies USA*, Civil Action No. 22-3819 (JEB).
- **TSCA Section 5 Lawsuit.** On April 7, 2023, Earthjustice reported that Cherokee Concerned Citizens, a citizens group, filed suit in the D.C. Circuit Court of Appeals for review of an Order for a New Chemical Substance under TSCA section 5. According to Earthjustice, on August 11, 2022, EPA issued the TSCA section 5 order permitted Chevron U.S.A. Inc. to manufacture, process, and distribute in commerce certain new chemical substances. But, according to Earthjustice, EPA had concluded that the production of the new chemical substances would pose up to a one in four cancer risk, thousands of times riskier than what is typically considered unreasonable. Earthjustice contends that EPA is required under TSCA to minimize the dangers associated with newly approved chemicals

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

“The World’s Leading Source of Up-to-Date TSCA Information”

associated with serious health issues. The case is *Cherokee Concerned Citizens v. United States Environmental Protection Agency and Michael Regan*, Case No. 23-1096.

- **Proposed Methylene Chloride Rule.** On April 20, 2023, EPA announced a proposed ban on all consumer and most industrial and commercial uses of methylene chloride under TSCA section 6(a). Specifically, the proposed rule will, according to EPA:
 - (i) Prohibit the manufacture, processing, and distribution of methylene chloride for all consumer use;
 - (ii) Prohibit most industrial and commercial use of methylene chloride;
 - (iii) Require a WCPP [workplace chemical protection program], including inhalation exposure concentration limits and related workplace exposure monitoring and exposure controls, for ten conditions of use of methylene chloride (including manufacture; processing as a reactant; laboratory use; industrial or commercial use in aerospace and military paint and coating removal from safety-critical, corrosion-sensitive components by Federal agencies and their contractors; industrial or commercial use as a bonding agent for acrylic and polycarbonate in mission-critical military and space vehicle applications, including in the production of specialty batteries for such by Federal agencies and their contractors; and disposal);
 - (iv) Require recordkeeping and downstream notification requirements for manufacturing, processing, and distribution in commerce of methylene chloride;
 - (v) Provide a 10-year time-limited exemption under TSCA section 6(g) for civilian aviation from the prohibition addressing the use of methylene chloride for paint and coating removal to avoid significant disruptions to critical infrastructure, with conditions for this exemption to include compliance with the WCPP; and
 - (vi) Provide a 10-year time-limited exemption under TSCA section 6(g) for emergency use of methylene chloride in furtherance of National Aeronautics and Space Administration’s mission for specific conditions which are critical or essential and for which no technically and economically feasible safer alternative is available, with conditions for this exemption to include compliance with the WCPP.

According to EPA, the proposed risk management rule would “rapidly phase down manufacturing, processing and distribution of methylene chloride for all consumer uses and most industrial and commercial uses, most of which would be fully implemented in 15 months.” EPA claims that for most of the prohibited uses of methylene chloride there are available and comparable replacement products, a position not shared by certain segments of industry at public hearing on the proposed rule, most notably the furniture refinishing industry. As noted above, not all uses of methylene chloride are subject to the proposed prohibition. Certain industrial manufacturing, industrial processing, and federal uses are still permitted, though EPA has proposed stricter workplace exposure limits to

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

“The World’s Leading Source of Up-to-Date TSCA Information”

better protect workers during those uses. For instance, methylene chloride is used in the production of certain climate-friendly refrigerants and other chemicals, and those uses are not implicated by the proposed rule. EPA had previously determined under TSCA section 6(b) that methylene chloride posed an unreasonable risk of injury to health under nearly all conditions of use. Methylene chloride is now the second chemical to undergo risk management under the 2016 Lautenberg Amendments. See 88 FR 28284.

- **Denial of Petition for Rulemaking.** On April 27, 2023, EPA announced it was denying a petition for rulemaking for polyvinyl alcohol (PVA) under TSCA section 21. The petition, dated January 26, 2023, was submitted by a group of organizations, including BlueLand Plastic Pollution Coalition, and requested EPA require manufacturers and processors of PVA associated with EPA’s Safer Choice certification program to fund and conduct health and safety testing on PVA. The petition also sought, under the administrative procedure act, that EPA update the status of PVA in the Safer Chemical Ingredients List from “green circle” to “grey square”, pending the outcome of testing. EPA denied both requests because it determined that petitions did not provide the facts necessary to determine that existing information is insufficient and that additional testing would develop new information. See 88 FR 25590.
- **GAO High Risk List.** On April 20, 2023, the United States Government Accountability Office (GAO) issues an updated High Risk List (“List”). The List identifies 37 areas across government which need reform or are vulnerable to waste, fraud, abuse, or mismanagement. One such identified area is titled “Transforming EPA’s Process for Assessing and Controlling Toxic Chemicals.” This was initially added to the List in 2009 when GAO assessed that EPA had not developed enough information about potentially dangerous chemicals to assess the dangers and limit exposures. GAO states that EPA uses two main programs to assess and control toxic chemicals: Integrated Risk Information Systems (IRIS) and TSCA. And within each program, GAO assesses EPA on leadership commitment, demonstrated progress, monitoring, action plan, and capacity. As to IRIS, GAO found that EPA had progressed in three of those five categories and marked all five as “partially met.” As to TSCA, GAO found that EPA had progressed in three of five categories as well, marking four of the five as “partially met” and Leadership Commitment as “met.” GAO noted that since 2021, EPA’s leadership had “elevated its commitment to implementing its TSCA responsibilities” and cited the \$50 million increase in budget request for TSCA related activities for fiscal year 2023. More information can be found at <https://www.gao.gov/products/gao-23-106203>.
- **PFAS SNURs.** On April 20, 2023, Public Employees for Environmental Responsibility (PEER) announced that it had, in conjunction with the Center for Environmental Health (CEH), sent EPA a letter identifying their concerns with the “process for Federal Register publication and public comment on recent SNUNs [significant new use notices] submitted by Inhance Technologies.” The authors purport to have identified “18 SNUNs from

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

“The World’s Leading Source of Up-to-Date TSCA Information”

Inhance for fluorinating plastic containers in EPA's database, ChemView" but EPA only provided opportunity for notice and comment on nine of them. The authors also allege that the SNUNs that were available for notice and comment contained inconsistencies and other problems, including that some attachments of those available for notice and comment are no longer on ChemView and "large portions of the SNUNs remain redacted, even though they contain health and safety data required to be disclosed by TSCA." The full April 20, 2023 letter can be found at https://peer.org/wp-content/uploads/2023/04/4_19_23-EPA-Ltr-Inhance-SNUNs-and-Attachment.pdf.

On May 22, 2023, PEER and CEH submitted comments on those 18 SNUNs. PEER and CEH contend that their comments demonstrate "that the PFAS uses proposed in the SNUNs **present an unreasonable risk of injury** to human health and the environment" and urge EPA to prohibit Inhance from continuing related activities. (emphasis in original). The comments to EPA can be found at https://peer.org/wp-content/uploads/2023/05/PEER-CEH-Inhance-SNUNs-5_22_23.pdf.

- **TSCA Section 6 Settlement.** On May 1, 2023, EPA reached a settlement with RSCC Wire & Cable, LLC (RSCC) for violations of chemical import regulations. On January 6, 2021, EPA issued a rule prohibiting, among other things, the import of decabromodiphenyl ether (decaBDE) containing wires and cable. The compliance date for this prohibition was March 8, 2021. The settlement "addresses all RSCC's activities related to the export, manufacturing (import), processing and distribution in commerce of raw decaBDE, compounded decaBDE, and decaBDE-containing articles (e.g., Class 1E wire and cable) for use in nuclear facilities produced by RSCC after March 8, 2021. Under the settlement, RSCC is required to pay a fine of \$253,741. Further, EPA agreed that RSCC "may manufacture (import), export, process, use, and distribute its existing stocks of raw decaBDE, compounded decaBDE and decaBDE-containing articles (e.g., Class 1E wire and cable)" under certain listed conditions. The settlement is available at [https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Unpublished~Final~Orders/8A750189B8B8E14A852589A20072ACCC/\\$File/RSCC%20CAFO%20final%20order%202023.05.01%201510.pdf](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Unpublished~Final~Orders/8A750189B8B8E14A852589A20072ACCC/$File/RSCC%20CAFO%20final%20order%202023.05.01%201510.pdf).
- **DecaBDE Compliance Date.** On May 3, 2023, EPA announced its intent to extend the January 6, 2023, compliance date on the prohibition on the processing and distribution of decabromodiphenyl ether (decaBDE) for use in wire and cable insulation in nuclear power generation facilities. EPA also intends to extend the compliance deadline for decaBDE-containing wire and cable insulation. One of the first five persistent, bioaccumulative and toxic (PBT) chemicals to undergo risk management rules under the previous administration, EPA became aware in late 2022 that RSCC Wire & Cable, LLC, would not be able to meet the original compliance deadline. This would result in downstream consumers, specifically nuclear power plants, potentially shutting down because no regulatory compliant wires were on the market. EPA is taking this action to ensure the

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

"The World's Leading Source of Up-to-Date TSCA Information"

continued availability of qualified cable. To this end, EPA also issued an “Enforcement Statement” indicating “that EPA does not intend to pursue violations of this prohibition on processing and distribution of decaBDE containing wire and cable insulation for use in nuclear power generation facilities, as long as the entities involved are diligently working to qualify their alternative components in accordance with Nuclear Regulatory Commission regulations and guidance.” EPA plans to propose a rule addressing the compliance deadline in Fall 2023. More information, including the Enforcement Statement, is available at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/current-and-future-actions-pbt-rules>.

- **Draft PFAS Model Legislation.** In early May, 2023, the Northeast Waste Management Officials’ Association, Inc. (NEWMOA) released a draft of its PFAS Prevention Model Legislation. The draft model legislation was created in conjunction with a group of state officials from the northeast. According to NEWMOA, the goals of the draft model legislation are to (1) Reduce/eliminate the use of PFAS in consumer products to the extent feasible; (2) Identify and implement source reduction programs; (3) Ensure that the substitutes for PFAS in products are safer and that there are no regrettable substitutes; (4) Coordinate product disclosure, labeling, bans, phase-outs, source reduction, and end-of-life collection on a multi-state basis; (5) Help consumers identify products containing PFAS and learn how to properly handle them; and (6) Provide regulated entities with regulatory certainty. The draft model legislation can be viewed at <https://www.newmoa.org/wp-content/uploads/2023/05/NEWMOA-Draft-PFAS-Prevention-Model-Legislation.pdf>.
- **New Chemical Review Process Reforms.** On May 16, 2023, EPA announced proposed reforms to the new chemical review process. EPA has identified three main areas of reform:
 - **Align with Lautenberg Amendments.** EPA believes the proposed reforms will better align the regulations with the 2016 Lautenberg Amendments. Prior to 2016, EPA only made safety determinations for about 20% of new chemical submissions. But the Lautenberg Amendments required EPA to increase that number to 100%, with EPA assigning each new chemical one of five different safety determinations. The proposed reforms would update the regulations to require the assignment of one of those five safety determinations for each premanufacture notice, significant new use notice, or microbial commercial activity notice. The proposed reforms would also specify the actions EPA must take for each safety determination.
 - **Eliminate PFAS/PBT Exemptions.** The proposed reforms also “eliminates eligibility for exemptions from the full safety review process for new per- and polyfluoroalkyl substances (PFAS) and other persistent, bioaccumulative, and toxic (PBT) chemicals.” Current regulations permit EPA to issue low-volume exemptions

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

“The World’s Leading Source of Up-to-Date TSCA Information”

or low release and exposure exemptions for any new chemical. Those exemptions entitled the exempt chemical to undergo less thorough examination during the reviews. In April of 2021, EPA announced that it was unlikely that any PFAS would qualify for those exemptions. The proposed reforms would codify that announcement, rendering PFAS ineligible for the exemptions, and also add PBT chemicals as an exemption-ineligible class of chemicals, codifying EPA's longstanding practice for those chemicals.

- **Improve New Chemical Review Efficiency.** EPA also believes the proposed reforms will improve the efficiency of the new chemical review process. For example, the proposed reforms clarify the level of detail needed in new chemical notices, a subject of several EPA webinars over the past 12 months. Perhaps of most note, under the proposed reforms EPA will no longer accept amended notices when the information contained in the amended notice was reasonably available to the submitter at the time of the original submission. Instead, EPA would restart the review period. According to EPA, this will both encourage submitters to accurately and completely file appropriate notices and direct EPA resources to those notices that contain all the necessary information, resulting in a quicker review process.

Comments can be viewed on docket ID number EPA-HQ-OPPT-2022-0902. *See* 88 FR 34100.

- **Access to CBI.** On May 19, 2023, EPA announced that it authorized contractor Industrial Economics, Incorporated (IEc) of Cambridge, MA, to access information submitted to EPA under all sections TSCA. Some of this information may have been claimed as confidential business information (CBI) by the submitting entity. The access to CBI is on a need-to-know basis only. *See* 88 FR 32215.

If there are any questions about these or any other environmental compliance matters, please feel free to contact us. We are here to assist you as part of your subscription.

Best regards,



Larry Silver

TSCA Compliance Guide & Online Service

www.TSCA.com

info@TSCA.com

“The World’s Leading Source of Up-to-Date TSCA Information”