



Dear Subscriber,

In January of 2021, we saw a change of Presidential administrations. The new administration proposed and implemented few TSCA actions in the first three months in office. As such, there are no April updates to your 6-volume TSCA Compliance Guide and Online Service.™ We expect a bevy of updates to come in the following months and years, however, and we will ensure you are updated on all of this administrations TSCA-related actions.

Please also note these recent EPA activities:

- **PBT Final 6(h) Rules.** On January 6, 2021, EPA issued final rules under TSCA Section 6(h) for five Persistent, Bioaccumulative, and Toxic Chemicals (PBTs): 2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP) (86 FR 866); decabromodiphenyl ether (decaBDE) (86 FR 880); hexachlorobutadiene (HCBD) (86 FR 922); pentachlorothiophenol (PCTP) (86 FR 911); and phenol, isopropylated phosphate (3:1) (PIP (3:1)) (86 FR 894). As mentioned in the January 2021 Update, the Biden Administration placed a hold of the implementation of these regulations. In March of 2021, EPA announced a 60-day public comment period to gather additional input on the final rules. EPA will accept comment on docket EPA-HQ-OPPT-2021-0202 until May 17, 2021. On March 8, 2021, EPA also issued a 180-day temporary “No Action Assurance” as an exercise of its enforcement discretion regarding the prohibitions on processing and distribution of PIP (3:1) for use in articles, and the articles in which PIP (3:1) has been added. Further information can be found at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/public-comment-period-pbt-rules-and-no-action-assurance>.
- **TSCA Subpoena.** On January 14, 2021, EPA issued a TSCA subpoena to a company that fluorinated containers supplied to a manufacturer of a pesticide in which PFAS were found. EPA intended to learn more about the fluorination process used on the containers after it determined that the PFAS contamination in the pesticide may have come from the containers.
- **Alternative Test Methods to Animal Testing.** On February 5, 2021, EPA updated its list of alternative test methods or strategies that do not require new vertebrate animal testing. TSCA requires stakeholders reduce and replace, to the extent practicable and scientifically justified, the use of vertebrate animals in the testing of chemical substances or mixtures. In this update, EPA added one new test guideline related to human health effects and incorporated two new guidance documents intended to reduce the use of animal testing. Further information can be found at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/alternative-test-methods-and-strategies-reduce>.

## TSCA Compliance Guide & Online Service

[www.TSCA.com](http://www.TSCA.com)

[info@TSCA.com](mailto:info@TSCA.com)

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



- **CDR Enforcement Action.** On March 2, 2021, EPA settled with a chemical distributor for alleged violations of the Chemical Data Reporting Rule. The company agreed to pay \$128,265.00 for failing to produce accurate reports regarding the import and export of nine different chemicals. EPA said that the penalty was only a fine because the company had already corrected several of the violations.
- **TSCA User Fee Renewal.** On March 19, 2021, EPA published its proposed renewal of the existing collection and request for comment fees for the administration of TSCA. These fees are authorized by TSCA to offset 25% of the administration costs associated with TSCA sections 4, 5, and 6, as well as costs associated with protecting confidential business information under section 14. The prior authorized fees are set to expire on October 31, 2021. EPA is accepting comment on this proposed renewal until May 18, 2021. Further information can be found at EPA docket EPA-HQ-OPPT-2020-0616. See 86 FR 14904.
- **TSCA New Chemicals Program Updates.** On March 29, 2021, EPA notified the public of two important updates to TSCA’s New Chemicals Program. First, EPA will stop issuing determinations of “not likely to present an unreasonable risk” based on the existence of proposed Significant New Use Rules (SNURs). The prior practice excluded reasonably foreseen conditions of use from EPA’s review of new substances. Moving forward, if EPA’s review determines that an unreasonable risk stems from one or more uses, or when EPA lacks sufficient information to make such a determination, EPA will issue an order to address those potential risks. EPA will continue issuing SNURs to ensure that any stakeholder is aware of the order’s ramifications for their own operations. Second, EPA will no longer rely on OSHA’s worker protection standards when EPA determines that a potential unreasonable risk to workers exists from new chemicals. Instead, EPA will utilize its regulatory powers, identify the absence of worker safeguards as “reasonably foreseen” conditions of use, and mandate necessary worker protections, such as personal protective equipment and hazard communication, through a TSCA section 5(e) order.
- **Octahydro-tetramethyl-naphthalenyl-ethanone.** On April 1, 2021, EPA announced an extension to the comment period for a manufacturer-requested risk evaluation of Octahydro-tetramethyl-naphthalenyl-ethanone (OTNE). The new comment period closes on May 5, 2021. Comments can be submitted to docket EPA-HQ-OPPT-2020-0738. See 86 FR 17592

## TSCA Compliance Guide & Online Service

[www.TSCA.com](http://www.TSCA.com)

[info@TSCA.com](mailto:info@TSCA.com)

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



- **Updated PFBS Toxicity Assessment.** On April 8, 2021, EPA announced the availability of an updated toxicity assessment for perfluorobutane sulfonic acid (PFBS). PFBS are a member of the group of per- and polyfluoroalkyl substances (PFAS), which have received heightened regulatory scrutiny in recent years. According to EPA’s fact sheet for the toxicity assessment, EPA does not plan to regulate PFBS at this time.
- **PFAS LVEs.** On April 27, 2021, EPA announced changes to prevent new PFAS from entering into the market. Historically, EPA had granted some low volume exemptions (LVEs) under TSCA section 5 that allowed limited amounts of PFAS to enter the marketplace. EPA now says that given the complexity of PFAS, future LVE submissions for PFAS are unlikely to be granted an exemption under the regulations. EPA is also planning to work cooperatively with stakeholders to withdraw previously granted LVEs.
- **Seventy-Fourth TSCA ITC Report.** On April 28, 2021, EPA announced the availability of the Seventy-Fourth Report of the TSCA Interagency Testing Committee (ITC). In this report, the ITC revised its Priority Testing List by adding 15 of the 20 substances designated as High Priority substances under TSCA and 24 organohalogen flame retardants. In its report, the ITC requested that EPA add those 15 High Priority substances and the 24 organohalogen substances, as well as certain other substances, to the TSCA Section 8(d) Health and Safety Data Reporting rule, whereby manufacturers and importers would need to submit to EPA copies of unpublished studies on the health and safety of the substances. EPA is requesting comment on this report by May 28, 2021. See 86 FR 22414.
- **Confidential Status of Chemicals.** On April 29, 2021, EPA released a list of 390 chemicals expected to lose their confidential status and shift to the TSCA inventory public portion. As a part of this, EPA will update the TSCA inventory listings for these 390 chemicals with their specific chemical identities. EPA requests stakeholders contact EPA with comments or concerns by May 14, 2021. More information can be found at <https://www.epa.gov/tsca-cbi/updates-confidential-status-chemicals-tsca-inventory>.

Best regards,

Larry Silver

## TSCA Compliance Guide & Online Service

[www.TSCA.com](http://www.TSCA.com)

[info@TSCA.com](mailto:info@TSCA.com)

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