



Dear Subscriber,

We are pleased to enclose the April 2025 Update for your 6-volume TSCA Compliance Guide and Online Service.™

- 1) **Civil Monetary Penalty Inflation Adjustment.** On January 8, 2025, EPA announced a final rule adjusting the maximum and minimum statutory civil monetary penalty amounts under the statutes EPA administers. The new amount, listed in the third column of Table 1 of 40 CFR 19.4, will apply to all civil monetary penalties assessed on or after December 27, 2023, for violations that occurred after November 2, 2015. The new maximum penalty is \$49,772. The text of Introduction pages 16 & 17 has been updated to reflect this development. See 90 FR 1375.
- 2) **TCE Rule Compliance Guide.** On January 14, 2025, EPA released a compliance guide for the recent trichloroethylene (TCE) risk management rule, finalized in December 2024. The guide provides an overview of the regulatory requirements and the associated deadlines, intending to provide the regulatory community with an easy-to-understand breakdown of compliance obligations. The guide has been provided in full on pages R15u-R15cb of your update.
- 3) **WCPP Compliance Guide.** On January 16, 2025, EPA released a guide to assist the regulated community in complying with Workplace Chemical Protection Program (WCPP) requirements for those chemical substances that have finalized risk management rules under TSCA section 6. WCPPs are intended to address the unreasonable risks posed by chemical substances to workers. Recent risk management rules requiring WCPPs include rules for the chemicals methylene chloride, perchloroethylene, trichloroethylene, and carbon tetrachloride. While the guide is a useful tool to understand the basics of WCPP compliance, EPA urges stakeholders to consult the individual WCPP provisions in the specific risk management rules to ensure compliance with the regulations. The guide has been provided in full on pages R73-R103 of your update.
- 4) **Section 8(d) Rule Extension.** On March 6, 2025, EPA announced it was extending the reporting deadline for the December 2024 TSCA section 8(d) reporting rule, for vinyl chloride 90 days until June 11, 2025, and for all other chemicals 180 days until

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September 9, 2025. See 90 FR 11899. The updated statutory language is reflected on pages E37-38 of your update.

As reported in your January 2025 TSCA Update, the final rule applies to manufacturers (including importers) of sixteen specific substances. Those substances are:

- 4,4-Methylene bis(2-chloraniline) (MBOCA) (CASRN 101-14-4);
- 4-tert-octylphenol(4-(1,1,3,3-Tetramethylbutyl)-phenol) (CASRN 140-66-9);
- Acetaldehyde (CASRN 75-07-0);
- Acrylonitrile (CASRN 107-13-1);
- Benzenamine (CASRN 62-53-3);
- Benzene (CASRN 71-43-2);
- Bisphenol A (CASRN 80-05-7);
- Ethylbenzene (CASRN 100-41-4);
- Naphthalene (CASRN 91-20-3);
- Vinyl Chloride (CASRN 75-01-4);
- Styrene (CASRN 100-42-5);
- Tribromomethane (Bromoform) (CASRN 75-25-2);
- Triglycidyl isocyanurate; (CASRN 2451-62-9);
- Hydrogen fluoride (CASRN 7664-39-3);
- N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD) (CASRN 793-24-8); and
- 2-anilino-5-[(4-methylpentan-2-yl) amino]cyclohexa-2,5-diene-1,4-dione (6PPD-quinone) (CASRN 2754428-18-5).

Manufacturers are required to submit the following types of potentially unpublished studies to EPA, with specific types of the studies further clarified in the regulations:

- Health and safety studies;
- Studies on environmental effects;
- Studies on occupational exposure;
- Studies on general population exposure;
- Studies on consumer exposure.

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The final rule applies to companies that manufacture the chemical substances, including when it is imported as a pure substance, or within a mixture, formulated product, or article that contains the chemical substance. The subject chemical substances are all either candidates for prioritization or expect to be candidates in the coming years. See 89 FR 100756.

- 5) **Explanatory texts** for the risk management rules for Perchloroethylene (PCE), Carbon Tetrachloride (CTC) and Chrysotile Asbestos are reflected in this Update on pages R30-31, R62-63 and R21g-21h, respectively.

Please also note these recent TSCA-related activities:

- **Formaldehyde Risk Evaluation.** On January 2, 2024, EPA announced the release of the final risk evaluation for formaldehyde, which determined that formaldehyde presents an unreasonable risk of injury to humans under its conditions of use. The risk evaluation focused on formaldehyde sources involved in the manufacturing, processing, distribution in commerce, use, and disposal of formaldehyde and formaldehyde-containing products and articles, including but not limited to composite wood furniture and plastics. EPA assessed 63 conditions of use and found that 50 occupational uses and 8 consumer uses significantly contribute to the unreasonable risk determination. EPA did not identify risk of injury to the environment that contributed to the unreasonable risk determination, at least in part because ambient air formaldehyde concentrations are too low to produce negative environmental effects and formaldehyde does not last long in other environmental media, decreasing exposure to plants, animals, and the environment. EPA will now process the risk evaluation through the risk management process and propose a risk management rule under TSCA section 6. See 90 FR 316.
- **EPA Information Collection Activities.** On January 3, 2025, EPA announced it had submitted an information collection request (ICR) to the Office of Management and Budget (OMB) titled “Toxic Substances Control Act (TSCA) Section 8(b) Reporting Requirements for TSCA Inventory Notifications”. This ICR is a proposed extension of an existing ICR, previously approved through January 31, 2025. This ICR covers the information collection activities associated with TSCA Section 8(b) requirements, which mandate that EPA compile and maintain a list of chemical substances manufactured or processed for commercial purposes in the United States. See 90 FR 314.

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- **DIDP Risk Evaluation.** On January 3, 2025, EPA announced the release of the final risk evaluation for diisooctyl phthalate (DIDP), which determined that DIDP presents an unreasonable risk of injury to human health. This risk evaluation was conducted at a manufacturer's request, having been requested in 2019. As part of the risk evaluation, EPA assessed 49 conditions of use and found that six significantly contributed to the unreasonable risk determination. Excluded from EPA's evaluation were uses of DIDP that are generally excluded from TSCA, such as cosmetics, medical devices, and food contact materials. The primary unreasonable risk posed to human health is to unprotected female workers of reproductive age spraying adhesive, sealant, paint, and coating products that contain DIDP, creating a risk of high concentrations of breathable DIDP in mist. As with other international health bodies, such as the European Chemicals Agency, EPA did not find enough evidence to determine that DIDP causes cancer or that DIDP affects developing male reproductive systems (as several other phthalates are known to do so, resulting in a condition known as phthalate syndrome). As to the latter, because of the lack of such effects, EPA is not including DIDP in its cumulative risk analysis for six other phthalates that do demonstrate such effects. EPA did not identify risk of injury to the environment that contributed to the unreasonable risk determination for DIDP. EPA will now process with the risk management process and proposed a risk management rule under TSCA section 6. See 90 FR 638.
  
- **PFAS TRI.** On January 3, 2025, EPA announced the automatic addition of nine per- and polyfluoroalkyl substances (PFAS) to the substances covered by the Toxics Release Inventory (TRI). The nine PFAS added are:
  - Ammonium perfluorodecanoate (PFDA NH<sub>4</sub>) (3108-42-7)
  - Sodium perfluorodecanoate (PFDA-Na) (3830-45-3)
  - Perfluoro-3-methoxypropanoic acid (377-73-1)
  - 6:2 Fluorotelomer sulfonate acid (27619-97-2)
  - 6:2 Fluorotelomer sulfonate anion (425670-75-3)
  - 6:2 Fluorotelomer sulfonate potassium salt (59587-38-1)
  - 6:2 Fluorotelomer sulfonate ammonium salt (59587-39-2)
  - 6:2 Fluorotelomer sulfonate sodium salt (27619-94-9)
  - Acetic acid, [(γ-ω-perfluoro-C8-10-alkyl)thio] derivs., Bu esters (3030471-22-5)

These PFAS were automatically added pursuant to the 2020 National Defense Authorization Act (NDAA), which requires EPA to add individual PFAS to the TRI list once EPA had finalized a toxicity value for that individual PFAS, as EPA finalized their toxicity value in 2024 and they were not claimed as CBI.

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TRI data is reported annually to EPA by facilities that manufacture, process, or otherwise use TRI-listed chemicals above certain quantities/thresholds, and includes information on the quantities of chemicals managed as waste or released into the environment. Reporting requirements for these nine PFAS initially began January 1, 2025, but EPA later delayed the effective date until March 21, 2025. As of publication, facilities should be tracking their activities involving these PFAS. Reporting forms for 2025 TRI data will be due July 1, 2026. See 90 FR 573; 90 FR 9010.

- **CBI Claim Extension.** On January 4, 2025, EPA announced an extension of the review period for confidential business information (CBI) for specific chemical identities of all active chemical substances listed on the confidential portion of the TSCA Inventory. EPA determined that a further extension was necessary to ensure EPA completes all required reviews under TSCA. Among other reasons for the extension, EPA cited to the large number of claims to review and a lack of appropriated funding in FY24 and FY25 for increased staffing and improving IT systems. EPA extended the review period until February 19, 2026. See 90 FR 645.
  
- **Draft Phthalate Technical Documents.** On January 6, 2025, EPA announced the availability of several draft phthalate technical documents:
  - The draft risk evaluation for dicyclohexyl phthalate (DCHP), which preliminarily determined that DCHP presents an unreasonable risk of injury to human health for workers from inhalation exposure. EPA found that nine out of 24 conditions of use preliminarily contribute to the unreasonable risk determination, including select manufacturing, processing, commercial, and industrial uses. However, EPA preliminarily determined that DCHP does not pose an unreasonable risk to consumers, the general population, or the environment. Excluded from EPA's evaluation were uses of DCHP that are generally excluded from TSCA, such as in food contact materials.
  - A draft cumulative risk analysis for phthalates benzyl butyl phthalate (BBP), dibutyl phthalate (DBP), di(2-ethylhexyl) phthalate (DEHP), diisobutyl phthalate (DIBP), and diisononyl phthalate (DINP), and DCHP. EPA chose to conduct the cumulative risk analysis because of phthalates' widespread use across industrial and consumer products, which results in people being exposed to many different phthalates that all cause the same or similar adverse health effect at once. EPA incorporated this cumulative risk analysis into the draft risk evaluation for DCHP and plans to do the same for subsequent similar individual risk evaluations. EPA

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also released two draft cross-phthalate technical support documents related to cumulative risk analysis for BBP, DBP, DEHP, DIBP, and DINP, and a dozen draft technical support documents that will be relied upon in the risk evaluations for BBP, DBP, DEHP, and DIBP. These technical support documents include physical chemistry and environmental fate/transport technical support documents.

- **LBP Penalties.** On January 7, 2025, EPA announced that four separate Missouri home renovation companies, BBW Homes LLC, DSH Legacy LLC, Kim Roberts Properties LLC, and Nygard Construction LLC, agreed to collectively pay over \$27,000 for alleged violations of TSCA’s lead-based paint (LBP) requirements. EPA alleged that, among other violations, each of those companies performed renovations on properties built prior to 1978 without obtaining renovator certification from EPA, failed to retain and produce required records, and failed to follow lead-safe work practices during renovations.
  
- **OSHA MOU.** On January 13, 2025, EPA announced it had entered into a memorandum of understanding (MOU) with the Occupational Safety and Health Administration (OSHA) formalizing coordination between the two agencies on EPA’s work under TSCA section 6 to manage and assess existing chemicals. EPA and OSHA expect this coordination to improve workplace health and safety protections for workers. While EPA and OSHA already collaborated on workplace exposures as part of EPA’s risk evaluation and risk management process, this MOU is expected to further facilitate information sharing between EPA and OSHA, including with respect to:
  - TSCA section 6 prioritization, risk evaluation, rulemaking and implementation efforts as it pertains to chemical hazards in the workplace;
  - Outreach and communication materials for stakeholders about EPA rules and OSHA requirements, including TSCA section 6 and OSHA rules that regulate the same chemical hazards;
  - Inspections and enforcement activity such as each agency’s areas of focus, complaints, inspections and potential violations where mutual interest exists; and
  - Protocols to ensure that confidential information is being properly exchanged between the agencies when carrying out law enforcement actions or otherwise protecting health or the environment.

The MOU can be found at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/memorandum-understanding-between-epa-and-osha>.

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- **PV29 Proposed Risk Management Rule.** On January 14, 2025, EPA announced a proposed rule to address the unreasonable risk of injury to human health presented by C.I. Pigment Violet 29 (CASRN 81-33-4) (PV29). This rule follows EPA’s January 2021 risk evaluation for PV29 and the September 2022 Revised Risk Determination for PV29. That revised risk determination found that PV29, as a whole chemical substance, presents an unreasonable risk of injury to human health given its conditions of use, with only four such conditions not posing an unreasonable risk. The proposed risk management rule proposes requirements to protect workers from unreasonable risks associated with PV29 during manufacturing and processing, certain industrial and commercial uses, and disposal. Those requirements include workers’ use of respirators during specific conditions of use to prevent inhalation of dry powder PV29, downstream notification requirements, and enhanced recordkeeping requirements. The proposed rule also allows for a 180-day transition period after the final rule’s publication for most requirements prior to enforcement of the regulatory requirements. *See* 90 FR 3107.
- **DINP Risk Evaluation.** On January 14, 2025, EPA announced the availability of the final risk evaluation for diisononyl phthalate (DINP) (CASRN 28553-12-0), conducted at a manufacturer’s 2019 request, which concluded that DINP presents an unreasonable risk to human health, with four of 45 conditions of use contributing to the Agency’s unreasonable risk determination. Those four conditions represent approximately three percent of U.S. DINP production volume, and the risks of those four conditions of use relate primarily to workers exposed to spray-applied adhesives and sealants, paints, and coatings. EPA did not identify any risks to consumers, the general population, or the environment that would contribute to the unreasonable risk determination. EPA will now begin the risk management process and propose a rule to protect workers from the identified risks. *See* 90 FR 3828.

Further, as DINP can contribute to phthalate syndrome, EPA has included DINP in its cumulative risk analysis for six phthalates that show effects consistent with phthalate syndrome. That risk analysis was released on January 6, 2025.

- **Vinyl Chloride Risk Evaluation Scope.** On January 15, 2025, EPA released the draft scope for the risk evaluation of vinyl chloride. The scope document includes the conditions of use, potentially exposed or susceptible subpopulations, hazards, and exposures that EPA expects to consider in its risk evaluation. In December 2024, EPA formally designated vinyl chloride as a High-Priority Substance for risk evaluation. In an attempt to increase efficiency and comply with statutory deadlines, EPA is releasing draft scoping documents earlier in the process than it has historically, with the ultimate goal to release draft

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scoping documents simultaneously with final high-priority substance designations in the future. See 90 FR 4738.

- **EPA Information Collection Activities.** On January 16, 2025, EPA announced it had submitted an ICR to OMB titled “TSCA Existing Chemical Risk Evaluation and Management; Generic ICR for Surveys”. This ICR is a proposed extension of an existing ICR, previously approved through February 28, 2025. This ICR covers the information collection activities associated with surveys of, among others, chemical users, manufacturers (including importers), processors, distributors, and recyclers. The information gathered will be used to inform future regulatory efforts and ongoing/planned risk evaluation and risk management activities. See 90 FR 4741.
- **PFAS TRI Notifications.** On January 16, 2025, EPA announced a proposed rule to clarify the timelines for when entities subject to TRI reporting obligations must notify a customer that one of their products or mixtures contains a TRI-listed PFAS. Those entities are required to provide notifications to customers for mixtures or trade name products with TRI chemicals if those customers either own or operate TRI facilities or will later distribute the mixture or trade name product to other who own or operate TRI facilities. The rule exists to ensure downstream purchasers are able to effectively evaluate their TRI reporting obligations. EPA is proposing this rule in response to questions from industry regarding the effective date of notification requirements for chemicals automatically added to TRI. The proposed rule clarifies that those requirements begin immediately upon the chemical substance being added to the TRI. This means supplier notifications begin with the first shipment of the calendar year that the chemical substance is added to the TRI. See 90 FR 5795.
- **Updated TSCA Inventory.** On January 17, 2025, EPA released the latest version of the TSCA Inventory. The TSCA Inventory is a list of all chemical substances manufactured, processed, or imported into the United States that do not qualify for an exemption or exclusion from TSCA. The TSCA Inventory is updated biennially and now contains 86,847 different chemical substances, 42,495 of which are active in U.S. commerce. Additional information, including the Inventory itself can be found at <https://www.epa.gov/tsca-inventory>.
- **EPA Information Collection Activities.** On January 17, 2025, EPA announced it had submitted an ICR to OMB titled “TSCA Existing Chemical Risk Evaluation and Management; Generic ICR for Interview and Focus Groups”. This ICR is a proposed extension of an existing ICR, previously approved through February 28, 2025. This ICR covers the information collection activities associated with interviews and focus groups

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of, among others, chemical users, manufacturers (including importers), processors, distributors, and recyclers. The information gathered will be used to inform future regulatory efforts and ongoing/planned risk evaluation and risk management activities. See 90 FR 5877.

- **6PPD Comment Period.** On January 17, 2025, EPA extended the comment period for an advanced notice of proposed rulemaking (ANPRM) under Section 6 of TSCA to gather information on the chemical N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine, better known as 6PPD, and its derivative product, 6PPD-quinone, from January 21, 2025, until March 24, 2025. As reported in your January update, on November 14, 2024, EPA announced it was issuing an ANPRM under Section 6 of TSCA to gather information on 6PPD and 6PPD-quinone. The ANPRM came after a flurry of activity on 6PPD in recent years. For example, on August 1, 2023, Earthjustice, on behalf of three Native American tribes, petitioned EPA to ban the manufacture, use, processing, or distribution of 6PPD. That petition was granted on November 2, 2023, and a proposed rule was published in March 2024 under TSCA Section 8(d) that would require manufacturers, including importers, of 16 specific chemical substances, including 6PPD, to report to EPA the data from unpublished health and safety studies. The ANPRM was issued, in part, to solicit information including: environmental effects of 6PPD on aquatic and terrestrial ecosystems, potential human health effects, environmental fate and transport, exposure pathways, persistence and bioaccumulation, additional uses of 6PPD, and releases from consumer products such as sneakers, playgrounds, rubber-modified asphalt, reused tires or other rubber products. See 89 FR 91299. The extension of the comment period was in response to comments from stakeholders requesting additional time to develop and submit comments. See 90 FR 5798.
- **Fluoride Appeal.** On January 17, 2025, the Biden EPA filed a notice of appeal in the United States Court of Appeals for the Ninth Circuit of a September 2024 district court decision finding that fluoride levels in drinking water pose an unreasonable risk of injury to health. On September 24, 2024, a California federal judge ruled that EPA's current "optimal" fluoride levels in drinking water pose an unreasonable risk of lowering children's IQ, though the court did not specify what action EPA should take to comply with the ruling. Plaintiffs, through the litigation and a two-week bench trial, sought to force EPA to issue a rulemaking under TSCA banning fluoride in drinking water. Recent studies suggest that fluoride is neurotoxic and poses specific dangers to children and the unborn. The judge, in his ruling, stated that TSCA's standard of review meant he owed no deference to EPA's position on fluoride and that EPA improperly ignored new and growing data on adverse health impacts associated with fluoride consumption. The district court case is titled *Food & Water Watch Inc. et al. v. Environmental Protection Agency et al.*, Case No. 3:17-cv-02162. EPA's appeal, *Food & Water Watch v. EPA*, Case No. 25-384, is now in the hands

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of the Trump administration. As of the date of publication, it is unclear how the Trump administration plans to proceed with this appeal.

- **Congressional Committee Hearing.** On January 22, 2025, the Subcommittee on Environment of the Committee on Energy and Commerce held a hearing titled *“A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.”* In opening statements, Chairman Pallone and Representative Tonko emphasized that the Lautenberg Amendments gave the EPA long-overdue authority to protect the public from harmful chemicals but noted that early implementation was undermined by underfunding and political interference from the first Trump administration. They stressed the need for continued bipartisan support to maintain progress and ensure chemical safety. Testimony topics included:
  - Dr. Maria Doa (Environmental Defense Fund): Praised the law’s health and environmental protections, especially the requirement for affirmative safety findings. Noted delays often result from incomplete industry data submissions and emphasize that innovation should not come at the expense of human and environmental safety.
  - Dr. Richard Engler (The Acta Group): Argued that EPA’s hazard-based restrictions burden even sustainable chemicals, creating unnecessary compliance costs and discouraging innovation.
  - Chris Jahn (American Chemistry Council): Criticized the New Chemicals program for delays that push innovation overseas, which harms American manufacturers, and called for faster, science-based regulatory decisions within 90 days.
  - Geoff Moody (American Fuel and Petrochemical Manufacturers): Claimed EPA’s current approach ignores the risk-based principles outlined in TSCA’s statutory language, relies too heavily on hazard-based analysis, and lacks coordination with other agencies, creating uncertainty for industry.

The testimony emphasized a divide between prioritizing public health protections and reducing regulatory burdens to support the introduction of new chemicals and economic competitiveness.

- **GAO Report.** On January 22, 2025, the U.S. Government Accountability Office (GAO) released a report entitled *“New Chemicals Program: EPA Needs a Systemic Process to Better Manage and Assess Performance”*. The purpose of the report was to review EPA’s implementation of TSCA’s New Chemical Program, and to do so the GAO interviewed representatives from 19 different manufacturers to identify challenges, strengths, and

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potential improvements in the new chemicals process. Broadly, the survey showed frustration with new chemical review delays, creating a competitive advantage for existing chemical alternatives, but survey participants noted the strength of EPA’s public information sources. The report made two recommendations: (1) EPA’s New Chemical Division address relevant key management and assessment practices, and (2) implement a systemic performance management process that aligns with the key practices. The GAO reports that EPA agreed with both recommendations. The entire report can be found at [www.gao.gov/products/geo-25-106839](http://www.gao.gov/products/geo-25-106839).

- **TCE Rule Delay.** On January 27, 2025, EPA announced it was delaying the effective date of the 2024 trichloroethylene (TCE) risk management rule, finalized on December 9, 2024. That rule banned nearly all uses of TCE within one year of the effective date. A limited number of uses in the workplace were to be phased out over a longer period of time, under condition that those uses implement stringent worker protection systems, including an inhalation exposure limit that EPA anticipated would reduce long-term workplace exposures. Uses that would have continued for more than one year, but eventually be phased out, included the use of TCE to clean parts used in aircraft and medical devices, in the manufacture of battery separators, in the manufacture of refrigerants, and to clean parts used in other transportation, security, and defense systems. The original January 16, 2025 effective date was originally stayed by two federal courts, allowing the Trump administration to institute first a 60-day delay to the rule’s effective date (90 FR 8254) and then a subsequent 90-day delay, until June 20, 2025, to the conditions imposed on the uses with TSCA section 6(g) exemptions. See 90 FR 14415.<sup>1</sup>
  
- **Section 21 Petition.** On February 11, 2025, the Natural Resources Defense Council (NRDC) announced that it had, in conjunction with several other community and environmental groups, submitted a TSCA section 21 petition requesting EPA prohibit the use of hydrogen fluoride in domestic oil refining. The petition argues that under one or more conditions of use, hydrogen fluoride creates an unreasonable risk to health or the environment. EPA has 90 days to either grant or deny the petition and, if the latter, publish the reasons for denial in the Federal Register. The petition can be found at [https://www.nrdc.org/sites/default/files/2025-02/HF\\_Petition\\_2025.02.11.pdf](https://www.nrdc.org/sites/default/files/2025-02/HF_Petition_2025.02.11.pdf).
  
- **GAO Report.** On February 25, 2025, the GAO released a report entitled “High-Risk Series: Heightened Attention Could Save Billions More and Improve Government Efficiency and Effectiveness”. The report is a continuation of the GAO’s High-Risk List, which since 1990

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<sup>1</sup> Given that EPA may be amending the TCE risk management rule, or that it will otherwise be changed via court order, we are delaying providing explanatory text pending further clarification from EPA on their plans for the TCE rule.

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has been updated at the start of each new Congress, “of programs and operations with serious vulnerabilities to waste, fraud, abuse, or mismanagement, or in need of transformation.” The February 2025 update highlights 38 areas subject to such vulnerabilities, including “Transforming EPA’s Process for Assessing and Managing Chemical Risks.” The GAO found that EPA partially met their five individual rating criteria (Leadership Commitment, Capacity, Action Plan, Monitoring, and Demonstrated Progress), which is the same evaluation as for 2024. Perhaps most interestingly, the GAO found that officials reported a “lack of capacity to effectively carry out their work”. The GAO cited EPA’s completion, between 2017 and 2022, of less than 10% of pre-manufacture notice reviews in the initial 90-day review window. Given the Trump administration’s focus on reducing the Federal workforce, it seems unlikely that the GAO’s report on 2025 will describe significant progress in this regard. The 2025 report is available at [www.gao.gov/high-risk-list](http://www.gao.gov/high-risk-list).

- **OIG Report.** On February 26, 2027, EPA’s Office of Inspector General (OIG) published the *Independent Audit of the EPA’s Fiscal Years 2022 and 2021 (Restated) Toxic Substances Control Act (TSCA) Service Fee Fund Financial Statements*. The audit was conducted in accordance with TSCA requirements, which mandate that the EPA prepare and the OIG audit the financial statements for the TSCA Service Fee Fund. The audit’s objectives were to assess whether the financial statements were fairly stated in all material respects, evaluate the effectiveness of the EPA’s internal controls over financial reporting, and determine compliance with applicable laws, regulations, contracts, and grant agreements. Notably, TSCA requires that collected fees adequately offset no more than 25% of certain program costs or \$25 million, whichever is lower.

The OIG issued a qualified opinion on the financial statements, meaning they were fairly presented except for material misstatements related to income, expenses from other appropriations, and earned and unearned revenue. The audit identified significant deficiencies, including the understatement of TSCA income and expenses from other appropriations and misstatements of TSCA revenue balances, indicating the EPA needs to strengthen its financial statement preparation process. The audit also noted EPA’s noncompliance with laws and regulations by failing to publish an annual chemical risk evaluation plan for 2022. While the TSCA fee structure for FY 2022 was deemed reasonable and the fees collected from FYs 2020-2022 adequately met TSCA’s cost defrayment goals, the OIG made several recommendations, including correcting revenue calculations and balances, enhancing accounting models, providing staff training, and ensuring timely publication of risk evaluation plans. EPA concurred with all recommendations and provided estimated completion dates for corrective actions, which reached into early 2025. The audit report is available in full at

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- **1,3-Butadiene Supplement.** On March 4, 2025, EPA announced a supplement to the draft risk evaluation of 1,3-butadiene. The supplement “refines the cancer risk estimates from exposure to 1,3-butadiene in air from releasing facilities.” These “refined” estimates are facility specific. The draft supplement was released in early April 2025. *See* 90 FR 11737. The initial draft risk assessment was released on December 2, 2024. The draft risk evaluation assessed risks of exposure of 1,3-butadiene from facilities that use, manufacture, or process the chemical under conditions of use subject to TSCA and products resulting from such manufacture or processing. The draft risk evaluation preliminarily concluded that 1,3-butadiene presents an unreasonable risk of injury to human health for workers and the general population from inhalation exposure. EPA concluded that the general public may be exposed to 1,3-butadiene through vehicle exhaust, tobacco smoke, burning wood, or forest fires, but the draft risk evaluation preliminarily concluded that consumer uses do not significantly contribute to the unreasonable risk presented by 1,3-butadiene. This is because 1,3-butadiene is present in such small concentrations in consumer goods and it is unlikely to degrade or otherwise expose consumers. The draft risk evaluation further preliminarily concluded that 1,3-butadiene does not present an unreasonable risk to the environment. *See* 89 FR 95779.
- **Risk Evaluation Rule Reconsideration.** On March 10, 2025, the Trump administration announced its intent to reconsider the 2024 Risk Evaluation Framework Rule governing EPA’s review of chemicals already in commerce. To this end, EPA intends to initiate a rulemaking that will “reexamine multiple aspects of this rule for consistency with the law and Administration policy.” Some of those aspects include whether the Agency must evaluate all conditions of use of a chemical at once, whether and how the use of personal protective equipment and industrial controls should be incorporated into a risk evaluation, and regulatory definitions the current administration asserts were expanded under the Biden administration.

By way of background, On April 23, 2024, EPA finalized a rule strengthening risk evaluations conducted under TSCA. The final rule improved upon the process by which EPA conducts TSCA risk evaluations and, according to EPA at the time, enhanced environmental protections for communities overburdened by pollution. EPA initially finalized the risk evaluation rule in 2017. That rule was challenged in court by the National Resource Defense Council and the United Steelworkers, which contended, among other things, that the rule excluded consideration of a chemical’s legacy uses when conducting a risk evaluation. In a mixed ruling for the plaintiffs, the Ninth Circuit ruled in November

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2019 that TSCA requires consideration of legacy uses in risk evaluations, while rejecting several other challenges. Many of the below changes were made in response to the Ninth Circuit’s ruling and were announced in 2021, having been incorporated into risk evaluations since that time. According to the Biden administration EPA, the final 2024 rule included the following changes to the risk evaluation process:

- “Consideration of real-world exposure scenarios such as multiple exposure pathways (e.g., in air and water) to the same chemical, and combined risks from multiple chemicals when EPA has the scientific information to do so, which may be particularly important for communities who face greater exposures or susceptibilities to chemicals than the rest of the general population.
- A requirement that risk evaluations are comprehensive in scope and do not exclude conditions of use or exposure pathways.
- Clarifications to ensure EPA appropriately considers risks to all workers in its risk evaluations.
- Consideration of chemical uses that may be required for national security or critical infrastructure by other Federal agencies.
- Assurance the agency will continue to use the best available science to conduct risk evaluations, that decisions are based on the weight of the scientific evidence and that risk evaluations will be peer reviewed in accordance with both federal and EPA guidance.
- Discussion of chemical-specific fit-for-purpose approaches that allow for varying types and levels of analysis so that risk evaluations focus less rigorously on the conditions of use that are expected to pose low potential risk and can reliably be completed within the timeframes required by the statute.
- A clear requirement for risk evaluations to culminate in a single risk determination on the chemical substance, rather than on individual chemical conditions of use in isolation, and improved communications regarding the uses that significantly contribute to the unreasonable risk.
- New procedures and criteria for whether and how EPA will revise scope and risk evaluation documents, to improve transparency.
- Adjustments to the process for submission and review of manufacturer requests for risk evaluations of chemicals to better align with the process and timeline associated with EPA-initiated risk evaluations, while also ensuring that the agency can use the authorities provided under the law for gathering any needed additional information on such chemicals.
- A requirement that risk evaluations must explicitly consider overburdened communities when identifying potentially exposed and susceptible populations as relevant to the risk evaluation.”

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Among other changes to the 2017 rule, EPA rescinded a provision that authorized criminal penalties for the submission of “inaccurate or incomplete information” to EPA during a stakeholder requested risk evaluation. The final rule was effective July 2, 2024. See 89 FR 37028.

That rule has also been the subject of litigation in the U.S. Court of Appeals for the District of Columbia Circuit, *United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Works International Union (USW) v. EPA*, Consolidated Case No. 24-1151, where challengers (including various labor groups, NGOs, and industry/industry groups) alleged differing views on the legal sufficiency of the rule. On March 10, 2025, EPA filed a motion for voluntary remand, stating the EPA wished to reconsider the 2024 rule. At oral argument on March 21, 2025, the Appeals court appeared skeptical of the government’s request and indicated that it may rule on the merits of the dispute instead. EPA stated at oral argument that it intended to revise and issue a new final risk evaluation rule by April 2026, a claim met by a panel incredulous at the aggressive timeline for a new final rule.

Best Regards,



Larry Silver

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