

# Advancing Science and Innovation by Improving TSCA Implementation



## The Background

**WHAT IS TSCA:** In 2016 Congress passed the bipartisan Frank R. Lautenberg Chemical Safety for the 21st Century Act to reform the Toxic Substances Control Act (TSCA), which regulates chemicals in commerce.

- This significant update created, for the **first time, clear and enforceable requirements and deadlines for EPA** to review all new and existing chemicals through a risk-based review process and increased public transparency for chemical information.

**WHY IT MATTERS:** ACC and its members were full supporters of the bipartisan effort, and we continue to support effective implementation of TSCA.

- Effective and efficient implementation of TSCA, **in accordance with the bipartisan compromise**, is essential to ensuring protections for human health and the environment while supporting economic growth and manufacturing in the U.S. and promoting America's role as the world's leading innovator.
- Unfortunately, EPA has been moving forward with **policy changes that run counter to the statute**. These changes include **making incorrect assumptions** about workplace environments and classifying chemicals as causing risk even when safe uses have been shown.
- EPA must ensure its processes **use the best available science**, allow for timely review of new and existing chemicals, and provide for evaluation of chemicals under their conditions of use.

## How to Improve TSCA Implementation

Put  
Science  
First

Promote  
Innovation

Support  
Supply Chain  
Resiliency



## Challenges with EPA's Implementation of TSCA

**PUTTING SCIENCE FIRST:** TSCA requires EPA to use best available science and objective processes for evaluating the data used for decision-making. TSCA also requires EPA to make **risk-based decisions**, meaning that hazards, use, and exposure must be considered when determining if a chemical can be used safely.

- Unfortunately, to date, most of EPA's TSCA risk evaluations have **failed on the science and overestimated the risks of chemicals**. In practical terms, this means that EPA's conclusions will likely trigger **market deselection for safe chemical uses** and unnecessarily stigmatize chemistries used to make essential products from building & construction materials to computers, healthcare, and solar panels.
- The EPA must adhere to its statutorily mandated scientific standards, use the science to better inform decisions, and **stop overestimating risk based on faulty processes**.

**PROMOTING INNOVATION:** TSCA requires EPA to determine the safety of any new chemical coming to market. U.S. businesses, jobs, innovation, and competitiveness depend on the success of an effective new chemicals program.

- Delays in the new chemicals process have a significant adverse impact on research and development expenditures, product launch budgeting and planning, global competitiveness, and they prevent the availability of new and innovative chemistries to support important climate, sustainability, and infrastructure goals.
- The EPA must **enhance its communication with manufacturers**, update its processes to be transparent and objective, and **ensure that relevant information is adequately incorporated** during the process.

**SUPPORTING SUPPLY CHAIN RESILIENCY:** Today more than ever Administration policies must ensure supply chains are more resilient, so that products are safe, secure, sustainable, and manufacturers can remain competitive.

- Delays in reviewing new chemicals, along with unscientific, faulty processes in evaluating existing chemicals under TSCA, have significant negative impacts on the U.S. supply chain.
- Consequences can include limited access to important products like semi-conductors that consumers and critical industries rely on, as well as jeopardize products critical to fighting climate change and reducing GHGs. And they can create a disincentive to constructing new manufacturing facilities in the U.S., while also moving existing manufacturing offshore, leading to a reliance on foreign countries like China.
- EPA must **develop a transparent and predictable process** to prioritize critical use clearance where there is low environmental and health risk.

## Going Forward

**BOTTOM LINE:** Effective and efficient implementation of TSCA is critical to health & safety, innovation, the supply chain, and the U.S. economy.

- **Applying best available science:** EPA decisions must be based on real exposure scenarios, use the most relevant science information, and adhere to TSCA science standards.
- **Conducting timely new chemical reviews:** The process for reviewing new chemicals must be timely, transparent and allow for regular communication.
- **Assessing each condition of use:** Regulatory determinations must be based on the how the chemical is used, real world exposure and the safety protocols in place.

**WORKING TOGETHER:** As valuable as chemistry product are, we also know that chemistry must be used responsibly. Promoting the safe use of the essential products of chemistry is a shared responsibility of manufacturers, the government and those who use or sell chemical products.