

CHEMISTRY CREATES AMERICA COMPETES™



Congress Must Act: Improve TSCA Implementation Through Reauthorization of User Fees

In June 2016, the Lautenberg Chemical Safety for the 21st Century Act amended the Toxic Substances Control Act (TSCA), the U.S. law governing chemical safety.

A central focus of these reforms was the requirement that the U.S. Environmental Protection Agency (EPA) base its chemical evaluations on the best available science and a weight of the scientific evidence approach. This means that **EPA must use transparent, reliable, and unbiased scientific data and consider all relevant available information** in an objective, systematic manner when assessing chemical risks.

Under TSCA, EPA was granted the authority to collect fees from chemical manufacturers, importers, and processors to help fund the agency's implementation of the law. TSCA user fees were **designed to support EPA's activities related to chemical reviews**, including evaluations, for both new and existing chemicals.

Nearly a decade after the Lautenberg amendments were enacted, TSCA is nearing a pivotal deadline as Congress must act to reauthorize user fees before Fall 2026. This offers lawmakers an important opportunity **to evaluate the current user fee structure as well as consider necessary enhancements to TSCA**, so that the law functions as intended.

Effective implementation of TSCA is critical to safeguarding public health and the environment, while supporting innovation and global competitiveness.

The Essential Role of TSCA and Fees Reauthorization

The upcoming 10-year expiration of TSCA user fees offers Congress an opportunity to review the law's operation and implement necessary improvements. **User fee-based statutes**, like FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) for pesticides and PDUFA (Prescription Drug User Fee Act) for pharmaceuticals, **are effective mechanisms that leverage funding to help support of agency's performance and oversight**. Congress traditionally uses reauthorization of such fees to make improvements to these programs.

TSCA user fees support EPA's work to:

- 1 Issue Test Orders and Rules (Section 4):**
Requiring manufacturers and processors to conduct testing to develop necessary data on the health and environmental effects of chemical substances.
- 2 Evaluate New Chemicals (Section 5):**
Reviewing and making risk-based screening on new chemical substances to encourage innovation.
- 3 Assess Existing Chemicals (Section 6):**
Conducting risk evaluations on high-priority chemical substances already in commerce.
- 4 Manage Information (Section 14):**
Supporting data collection, processing, review, and protection, including confidential business information (CBI).
- 5 Conduct Manufacturer-Requested Risk Evaluations (MRREs):**
Established under the 2016 TSCA amendments, manufacturers, importers, or consortia may request EPA reviews of specific chemicals. Industry-driven and funded through TSCA user fees covering 50–100% of costs, MRREs were designed to give companies proactive safety clarity while providing EPA with a stable funding source to meet its statutory obligations.



Addressing TSCA Fees and Improving Implementation to Support Safety and American Competitiveness

The 2016 TSCA amendments understood the importance of supporting innovation and avoiding unnecessary economic barriers. TSCA instructed EPA to protect human health and the environment, while also considering economic and technological impacts, including competitiveness and innovation.

America's chemical industry supports a well-functioning, risk-based TSCA. As we approach 10 years since passage of the Lautenberg amendments, **significant challenges have emerged that hinder the statute's effectiveness** and stifles domestic innovation. As Congress prepares to act on user fees reauthorization, it is imperative lawmakers address key challenges hindering TSCA:

1 Predictability and Efficiency in TSCA New Chemical Reviews:

Delays and unpredictability in new chemical reviews hinder innovation and investment in U.S. manufacturing. The reauthorization of TSCA fees should also include efforts to support a more efficient, transparent and timely process, which is vital to maintaining the competitiveness of the U.S. chemical industry.

2 Risk Evaluations Grounded in Science:

EPA's approach of ignoring existing workplace protections, utilizing default assumptions in lieu of real-world exposure scenarios, and reviewing all conditions of use, regardless of risk potential, in existing chemical risk evaluations has ballooned the scopes of evaluations and resulted in overregulation and the potential offshoring of chemistries critical to national security and the economy.

3 Robust Scientific Standards and Fiscal Guardrails:

Congress has a critical opportunity to ensure TSCA user fees efficiently support robust, science-driven assessments, which safeguard both public trust, safety and American innovation. Effective oversight of existing chemicals in commerce is crucial for public health, environmental protection, and a strong economy, and these efforts must account for real-world uses and exposures throughout a chemical's lifecycle.

The Clock is Ticking

EPA's authority to collect **TSCA user fees expires on September 30, 2026**. Without congressional reauthorization, EPA will lose a key funding source for timely chemical safety reviews, further **disrupting the supply of existing chemicals already in commerce and the pipeline of innovative chemistry entering the market** and impeding the ability of domestic chemical manufacturers to compete in a global economy. This deadline is a critical opportunity for Congress to reauthorize user fees and make needed improvements to TSCA implementation.

Congress must act to support chemical safety, protect supply chain resiliency and the availability of existing critical chemistries, strengthen innovation, create more jobs, and help **ensure America remains a global leader in chemical manufacturing**. Providing EPA the necessary resources and promoting an efficient, predictable, and risk-based framework for TSCA, can help to strengthen America as a manufacturing superpower.

America's chemical industry is not seeking to overhaul TSCA, but rather to implement targeted and **practical fixes that further support chemical safety and help unleash American innovation and bolster domestic manufacturing**. Fixing TSCA is critical to securing America's competitive edge.

