

# TOXIC SUBSTANCES CONTROL ACT UPDATE

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# TSCA §6 Reform Overview



- ▶ Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act (LCSA) – passed in 2016
- ▶ Requires EPA to prioritize and evaluate existing chemicals and create rules to address “unreasonable risks”
- ▶ **EPA given broad authority to create risk management regulations, including restricting uses of a chemical altogether.**
- ▶ **Regulating worker exposure is now under the jurisdiction of EPA under the LCSA, and EPA may be more stringent than OSHA standards.**



# TSCA §6 Rulemaking Status



- ▶ Final risk management rules:
  - ▶ Asbestos (part I finalized, part II pending)
  - ▶ Carbon Tetrachloride (reopened for comment in October 2025)
  - ▶ Methylene Chloride (compliance date for laboratories extended in November 2025)
  - ▶ Perchloroethylene (reopened for comment in July 2025)
  - ▶ Trichloroethylene – conditions for exempted uses including Workplace Chemical Protection Program become effective **February 17, 2026**
- ▶ Proposed risk management rules:
  - ▶ N-Methyl Pyrrolidone (proposed June 2024)
  - ▶ 1-Bromopropane (n-Propyl bromide) (proposed July 2024)
  - ▶ C.I. Pigment Violet 29 (proposed January 2025)

# TSCA §6 Risk Evaluation Status



- ▶ Final risk evaluations with unreasonable risks found
  - ▶ Cyclic Aliphatic Bromide Cluster (HBCD) (2020)
  - ▶ Tris(2-chloroethyl) phosphate (TCEP) (2024)
  - ▶ 1,4-Dioxane (2024)
  - ▶ Formaldehyde (2024)
  - ▶ 1,1-Dichloroethane (2025)
  - ▶ 1,3-Butadiene (2025)
  - ▶ Phthalates (7 in 2024 and 2025)
- ▶ Many more risk assessments in progress



# Reminder: PIP (3:1) Prohibition



- ▶ LCSA also allows bans on persistent and bioaccumulative toxins in articles, with several already finalized
- ▶ Ban on Phenol isopropylated phosphate (3:1) (PIP (3:1)) currently being phased in
- ▶ PIP (3:1) is used as a plasticizer, a flame retardant, an anti-wear additive, or an anti-compressibility additive in hydraulic fluid, lubricating oils, lubricants and greases, various industrial coatings, adhesives, sealants, and plastic articles
- ▶ Processing of PIP (3:1) in non-exempt articles is already prohibited
- ▶ Distribution in commerce of articles containing PIP (3:1) will be prohibited starting **October 31, 2026!**



# TSCA §8 PFAS Reporting



- ▶ One-time reporting requirement for anyone who has manufactured (or imported) PFAS or PFAS-containing articles in any year since 2011, to report information on PFAS uses, production volumes, disposal, exposures, and hazards.
- ▶ May 2025: Reporting deadline extended to **October 13, 2026**, for most manufacturers, or April 13, 2027 for small businesses reporting only on importing PFAS contained in articles.
- ▶ November 2025: Proposed rule to add several exemptions
  - ▶ PFAS in mixtures or products at concentrations 0.1% or lower
  - ▶ Imported articles
  - ▶ Certain byproducts
  - ▶ Impurities
  - ▶ Research and development chemicals
  - ▶ Non-isolated intermediates

