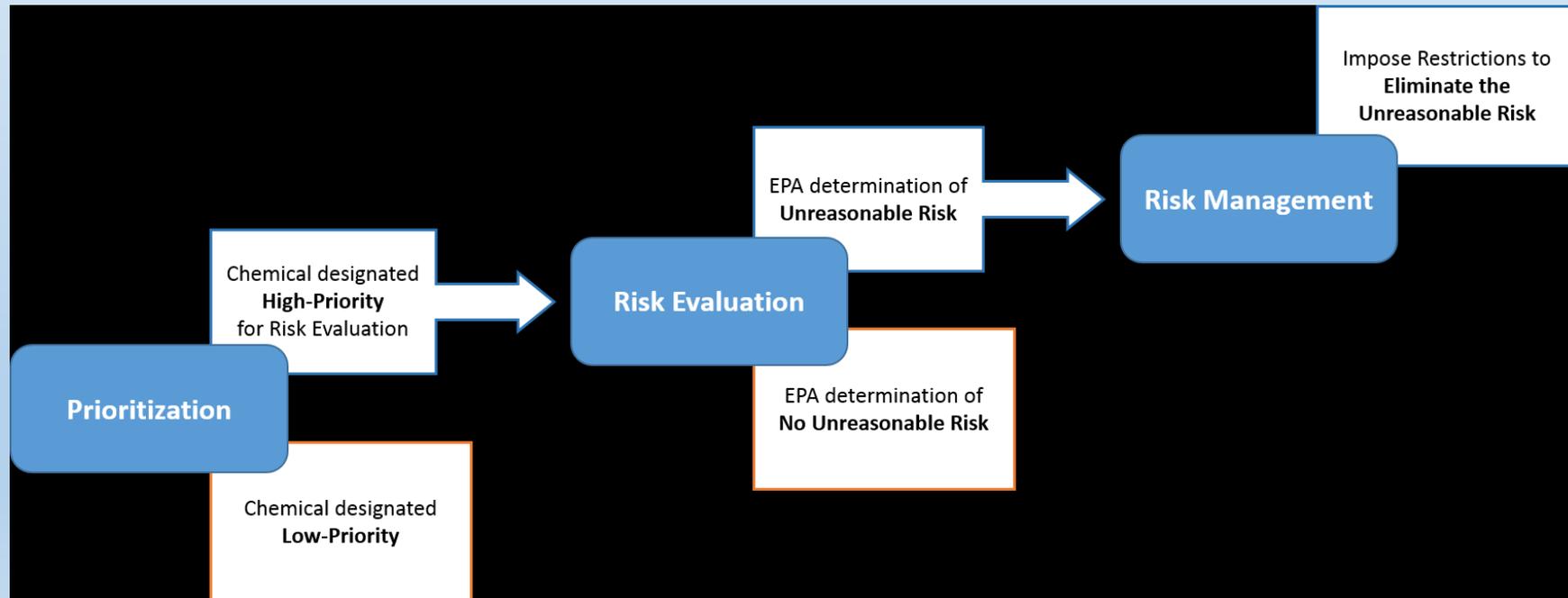


Pre-emption question

Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act

EPA must evaluate the safety of existing chemicals via a three-stage process



TSCA Pre-emption

- EPA started review of TBPH, TBB, TCPP, and IPTPP under 2014 TSCA workplan. Pause preemption does not apply to prior risk assessments.
- Pause also does not apply to the first 10 TSCA Work Plan chemicals the EPA reviews, or to manufacturer-requested risk evaluations.
- Pause will apply to next set of high priority chemicals chosen for risk evaluation by EPA (expected announcement in 2019)
- Final EPA actions on high priority chemicals can pre-empt state action (None adopted yet).

TSCA section 6(h) - expedited regulatory action on PBTs

- Decabromodiphenyl ethers (DecaBDE),
- Hexachlorobutadiene (HCBD),
- Pentachlorothiophenol (PCTP),
- Phenol, isopropylated, phosphate (3:1)
- 2,4,6-Tris(tert-butyl) phenol,

EPA must propose a rule to reduce exposures from these PBT chemicals to the extent practicable no later than June 22, 2019, with a final rule to follow no more than 18 months later.