

EPA Thought Starter: Resetting the TSCA Chemical Inventory?

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Thought Starter: Resetting the TSCA Chemical Inventory?

- What Is the TSCA Inventory?
- Why Is EPA Considering a TSCA Inventory Reset?
- How Might the Inventory Be Reset?
- Practical Inventory Reset Issues
- Potential Options for Inventory Reset
- Potential Reset Inventory Formats

What Is The TSCA Inventory?

- Required under TSCA §8(b), the TSCA Inventory is a list of each chemical substance manufactured (including imported) or processed in the U.S.
- Any chemical substance not listed on the Inventory is considered “new” under TSCA
- The original Inventory, compiled in 1979, included ~62,000 chemicals manufactured or processed in the U.S. within the 3 years prior to the establishment of the Inventory

What Is The TSCA Inventory?

- New chemicals reported under TSCA §5 and reviewed by the Agency are added to the Inventory when they are first manufactured (including imported) in the U.S.
- Approximately 21,000 new chemicals have been added since 1979
- Current Inventory includes ~83,000 chemicals

Why Is EPA Considering a TSCA Inventory Reset?

- Many chemicals on the Inventory are likely no longer in commerce in the U.S. and thus wouldn't present potential exposures/risks needing to be addressed
- Resetting the Inventory would give EPA and others a better understanding of which chemicals are actually in commerce
- An accurate Inventory would allow EPA to better plan and execute its mission of protecting human health and the environment from chemicals that may present risks

How Might the Inventory Be Reset?

- EPA would pursue any proposed Inventory reset through a notice and comment process
- Authorities used could include:
 - TSCA §8(a): The Administrator may by rule require manufacturers and processors to maintain records and submit reports
 - TSCA §8(b): The Administrator shall compile, *keep current*, and publish a list of each chemical substance which is manufactured or processed in the United States
- Reset could be done once, or could propose schedule and process for periodic future resets to keep Inventory current

Practical Inventory Reset Issues

- **Small Business Exemption**
 - With some exceptions, small manufacturers and processors are generally exempt from §8(a) reporting
 - Not clear how many chemicals are made exclusively by small businesses and might be affected by a reset
- **Confidential Business Information (CBI)**
 - Chemical identities claimed as CBI may present challenges
 - Generic name and accession number information already used in connection with CBI chemicals on the existing Inventory might minimize possible issues
- **Looking at approaches to these and other issues**

Potential Options for Inventory Reset

1. Use available information

- Compile draft updated Inventory using currently available information
 - Use data from latest Inventory update reporting (IUR) cycle
 - Companies must submit periodic IUR reports on non-exempt chemicals manufactured or imported at $\geq 25,000$ lbs during the reporting year
 - The 2006 IUR included reports on $\sim 7,500$ chemicals
 - Supplement with recent TSCA §5 Notices Of Commencement
 - Publish proposed draft updated Inventory in the *Federal Register* for comment to correct any inaccuracies and to identify additional chemicals actually in commerce but not reported on IUR (e.g., polymers, low volume chemicals, batch or specialty chemicals not produced in the reporting year, etc.)

Potential Options for Inventory Reset

2. Use TSCA §8 to collect data

- Issue a notice under TSCA §8 to require reporting on all chemicals manufactured during a specified period (e.g., the last 3 years)
 - Allow for identification of chemicals not normally reported (e.g., polymers, low volume chemicals, batch or specialty chemicals produced intermittently, etc.)
 - Publish the resultant list in the *Federal Register* for comment as the proposed draft updated Inventory

Potential Reset Inventory Formats

- Different potential approaches to listing chemical substances on a reset Inventory:
 - List only chemicals currently in commerce, as reported
 - A company seeking to manufacture or import any chemical not on the list would need to submit a premanufacture notice (PMN) or regulatory exemption request under TSCA §5
 - Maintain a dual list Inventory, separately identifying “active” and “inactive” chemicals
 - After reset Inventory published, EPA could propose a significant new use rule (SNUR) under TSCA §5 on “inactive” chemicals to require prior notice before their reintroduction to the market.

Input Welcome!

- Inventory reset concept is in very early stage of development; no decisions made yet
- Reflects desire to have Inventory list chemicals actually in commerce and thus help focus EPA's and others' attention
- Thoughts on the concept and on possible approaches to achieving the goal are welcome
- Concept development will be a public process, with opportunities for notice and comment