

# Development of Toxic Substances Control Act Fee System: American Chemistry Council Comments

## Arkansas Environmental, Energy, and Water Law Blog



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

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The American Chemistry Council ("ACC") submitted an August 24<sup>th</sup> memorandum to the United States Environmental Protection Agency ("EPA") in regards to the development of a fee system for the administration of the Toxic Substances Control Act ("TSCA").

The recently enacted amendments to TSCA require that EPA establish a fee system.

EPA is apparently in the initial phase of developing the fee system mandated by the TSCA amendments. Section 16 of TSCA expanded EPA's fee authority under the statute.

ACC's comments acknowledge EPA's obligation to:

- Screen all chemicals and commerce
- Evaluate the risks of high priority substances
- Regulate certain conditions of use where necessary
- Review all claims to protect chemical identity from public disclosure

The organization further notes its recognition that these EPA's activities have typically been funded by appropriations. However, since the level of activity is expected to increase due to the TSCA amendments, the agency is provided the fee authority to defray some of the expected costs. Nevertheless, ACC states that the anticipated burden on the regulated community from those fees is expected to be offset by efficient and effective EPA decisions.

ACC specifically recommends:

- EPA must be clear about current and anticipated TSCA costs to be defrayed by fees, and realistic in its expectations about the amount fees will generate
- The TSCA fee program should be fair, equitable, simple and efficient
- EPA should not exercise its authority to charge fees for Section 4 submissions
- Section 5 fees should be modified appropriately
- Fees for Section 26(b) should track LCSA

ACC also responded to five questions posed by EPA in an August 11<sup>th</sup> public session on TSCA fees.

[The EPA questions and ACC responses, along with the organizations comments can be downloaded here.](#)