

# TCE/Toxic Substances Control Act: U.S. Environmental Protection Agency Finalizes Significant Use Rule

## Arkansas Environmental, Energy, and Water Law Blog



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The United States Environmental Protection Agency ("EPA") promulgated in an April 8<sup>th</sup> Federal Register notice a Significant New Use Rule ("SNUR") for trichloroethylene ("TCE"). See 81 Fed. Reg. 20535.

EPA finalized the SNUR pursuant to its authority under the Toxic Substances Control Act ("TSCA").

Section 5(a)(2) of TSCA authorizes EPA to determine that a use of a chemical substance is a "significant new use." The federal agency must make such a determination by rule after considering all relevant factors including those listed in Section 5(a)(2) of TSCA. Once EPA determines that a use of a chemical substance is a significant new use, Section 5 (a)(1)(B) requires a significant new use notice to EPA at least 90 days before manufacture (including import) of or processing the chemical substance for that use.

As a result, EPA's final rule will require persons to notify EPA at least 90 days before commencing the manufacture (including import) or processing a TCE for use in a consumer produce except for use in cleaners and solvent degreasers, film cleaners, hoof polishes, lubricants, mirror edge sealants, and pepper spray. Therefore, the final SNUR will require persons to notify the agency at least 90 days before commencing the manufacture (including import) for processing a TCE for use in a consumer product except for use in cleaners and solvent degreasers, film cleaners, hoof polishes, lubricants, mirror edge sealants, and pepper spray.

EPA states that the required notification will provide it the opportunity to evaluate the intended use and, if necessary based on the information available at that time, an opportunity to protect against potential unreasonable risk, if any, from that activity before it occurs.

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