

Federal Legislation: President Obama Signs Toxic Substances Control Act Amendments

Arkansas Environmental, Energy, and Water Law Blog



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President Obama signed into law major amendments to the Federal Toxic Substances Control Act ("TSCA").

The bill is titled the Frank R. Lautenberg Chemical Safety for the 21st Century Act Bill.

The House and Senate enactment (and agreement) on significant amendments to a federal environmental statute has not occurred in some time. The executive and legislative branches varying views on such legislation has resulted in most activity in the federal environmental arena taking place through rulemaking and in the courts.

The passage of the bill is considered a bipartisan achievement and arguably the first major environmental law enacted since the 1990s. Even more unusual, some environmental groups and industry both advocated for TSCA reform and were willing to compromise to enable the amendments passage.

By way of background, TSCA was enacted decades ago (1976) as the federal law governing chemical substances. The statute has provided the United States Environmental Protection Agency ("EPA") with the authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances have been generally excluded from the scope of the statute such as food, drugs, cosmetics, and pesticides.

The statute addresses the production, importation, use, and disposal of specific chemicals including PCBs, asbestos, radon, and lead-based paint.

Advocates from various interest groups had proposed for years the need to modernize TSCA. Critics argued the statute had proven to be ineffective in regards to the United States chemical manufacturing and use in terms of providing protections.

A few of the amendments key provisions include:

- Create a new system for EPA to evaluate and manage risks with chemicals already on the market
- Set deadlines for EPA to take action (i.e. risk evaluations must be completed within three years)
- Ensure user fees paid to EPA are used for chemical management activity
- Provide limited preemption of state law
- Maintain protection of the confidential business information

[A U.S. House of Representatives Energy and Commerce Fact Sheet that briefly summarizes the TSCA amendments can be downloaded here](#)

[A more detailed Committee memorandum that discusses prior compromises can be downloaded here.](#)