



NEW PERSISTENT, BIOACCUMULATIVE AND TOXIC CHEMICALS PROPOSED BY EPA

On the third anniversary of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg), which amended the Toxic Substances Control Act (TSCA), EPA has proposed a rule to reduce exposures to certain chemicals that are persistent, bioaccumulative and toxic (PBT). These chemicals build up in the environment over time and can therefore have potential risks for exposed populations including the general population, consumers and commercial uses, susceptible subpopulations (such as workers, subsistence fishers, tribes and children).

"We are proud to meet another statutory deadline under Lautenberg today," said Assistant Administrator Alexandra Dunn of EPA's Office of Chemical Safety and Pollution Prevention on June 24, 2019.

TSCA section 6(h) requires EPA to propose a rule "to address the risks of injuries to health or the environment that the Administrator determines are presented by the chemical substance and to reduce exposures to the substance to the extent practicable," no later than June 22, 2019, with a final rule to follow no more than 18 months later.

This section of TSCA prescribes the criteria for how the specific PBTs were to be selected from the 2014 Update of the TSCA Work Plan for Chemical Assessments list, with the resulting list of chemicals identified for action by EPA in 2016, as follows:

- Decabromodiphenyl ether (DecaBDE);
- Phenol, isopropylated phosphate (3:1) or PIP (3:1);
- 2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP);
- Hexachlorobutadiene (HCBd); and
- Pentachlorothiophenol (PCTP).

Each of the five chemicals has different hazards and uses. To reduce exposure to these chemicals, the proposed rule would restrict or prohibit manufacture (including import), processing, and distribution in commerce for many uses for four of the five chemicals. For one chemical, hexachlorobutadiene, EPA has evaluated the conditions of use and is proposing no action as the agency did not identify any practicable ways of further reducing human or environmental exposure to the chemical substance. HCBd is, notably, regulated as a hazardous air pollutant under the Clean Air Act. The proposed rule also includes recordkeeping requirements for several of the chemicals and downstream notification requirements for one chemical.

The Agency conducted extensive outreach and established public dockets to gather information for this proposal, including holding a webinar on chemical use information, carrying out a consultation with Tribes, and organizing dozens of individual meetings with the members of the chemical industry, environmental organizations, Federal partners, State agencies, and others. EPA incorporated public comments on and received scientific peer review of two documents - a Hazard Information document, which identifies current uses of PBT chemicals, and a Use and Exposure Assessment, which supports the finding that exposure to these five substances is likely under the conditions of use.

EPA is asking for public comment for 60 days on the proposal. Comments should be submitted through [regulations.gov](https://www.regulations.gov) to docket EPA-HQ-OPPT-2019-0080.



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