EPA Extends Self-Reporting Window for Toxic Substances Control Act

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- Deadline extended to May 27
- 20 common chemicals make the list
- Manufacturers face financial penalties for failing to comply

On March 8 the EPA extended the comment period and self-reporting deadline for manufacturers using any of the 20 chemicals identified as “high priority substances” under Toxic Substances Control Act (TSCA) Title VI. This deadline has been extended to May 27. Manufacturers have until then to self-report for each high priority substance used in its product for the purpose of assigning a share of the risk evaluation “fee” EPA has assigned to each chemical (the “Fee Rule”).

In March 2019 the EPA created a list of 20 chemicals it identified as “high priority chemicals” for risk evaluation under TSCA. The act requires manufacturers and importers of each chemical, as well as domestic fabricators and importers of
finished goods containing any of these substances in the past five years, to share in the cost for this evaluation effort. Each manufacturer must comply with the Fee Rule by self-reporting to the EPA for each chemical used. The fee for each risk evaluation is $1.3 million and will be divided equally among the manufacturers on the list. Manufacturers qualifying as small businesses will be assigned smaller payment obligations.

This new deadline provides an additional 60 days for manufacturers to determine if they need to self-report for any of the listed substances. Self-reporting is done through the EPA Central Data Exchange (https://cdx.epa.gov/). Failure to comply may expose a manufacturer to penalties of up to $40,576 per fee not paid.

The “high priority chemicals” are:

- **5 phthalates**
  - Butyl benzyl phthalate (BBP)
  - Dibutyl phthalate (DBP)
  - Di-ethylhexyl phthalate (DEHP)
  - Di-isobutyl phthalate (DIBP)
  - Dicyclohexyl phthalate (DCHP)

- **3 halogenated flame retardants**
  - 4,4′-(1-Methylethylidene)bis[2, 6-dibromophenol] (TBBPA)
  - Phosphoric acid, triphenyl ester (TPP)
  - Tris(2-chloroethyl) phosphate (TCEP)

- **7 chlorinated solvents**
  - 1,1-Dichloroethane
  - 1,2-Dichloroethane
  - 1,2-Dichloropropane
  - o-Dichlorobenzene
  - p-Dichlorobenzene
  - *trans*-1,2-Dichloroethylene
  - 1,1,2-Trichloroethane

- **5 other substances**
  - 1,3-Butadiene
- Ethylene dibromide (EDB)
  - 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta [g]-2-benzopyran (HHCB)
  - Formaldehyde
  - Phthalic anhydride

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