The U.S. Environmental Protection Agency (EPA) announced on March 24, 2022, that it has issued a second round of test orders under Section 4 of the Toxic Substances Control Act (TSCA) to obtain additional data on eight of the next 20 chemicals undergoing risk evaluation. EPA states that after reviewing reasonably available data on these chemicals, it determined additional data are needed and is using its
TSCA test order authority to require companies to develop and submit information on avian and aquatic environmental hazard and consumer exposure. The chemicals are:

- Chlorinated Solvents:
  - 1,1,2-Trichloroethane;
  - 1,2-Dichloroethane;
  - 1,2-Dichloropropane;
  - Trans-1,2-Dichloroethylene;
  - o-Dichlorobenzene; and
  - p-Dichlorobenzene;

- Flame Retardants:
  - 4,4’-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA); and
  - Phosphoric acid, triphenyl ester (TPP).

According to EPA, this is the third time it has used its new authority to issue test orders under Section 4 of amended TSCA. As reported in our January 15, 2021, blog item, in January 2021, EPA issued test orders for nine chemicals -- the eight chemicals above plus 1,1-dichloroethane -- requiring testing on aquatic environmental hazard and inhalation and dermal exposures for workers. EPA states that the information obtained through the orders will help ensure that its risk evaluations are “robust, credible, and use the best available data.”

EPA has posted a document describing the process of developing, drafting, and issuing Section 4 test orders. Companies subject to test orders may provide EPA with existing data, if available, or may conduct new tests. EPA states that companies are “encouraged to form consortia to consolidate costs and burden and avoid unnecessary duplication of testing.”

©2022 Bergeson & Campbell, P.C.

National Law Review, Volume XII, Number 84

Source URL: https://www.natlawreview.com/article/epa-issues-test-orders-eight-next-20-chemicals-being-evaluated-under-tsca