



EPA Finalizes TSCA Inventory Reset Rule

TSCA, US EPA, RULE MAKING

By ROGER PEARSON, September 3, 2017

On August 11, 2017, U.S. EPA published the final version of its so-called "inventory reset" rule in the **August 11, Federal Register**¹⁾ under the recently enacted revision of the Toxic Substances Control Act (TSCA). The new rule governs how manufacturers, importers, and processors of chemicals that were "active" in U.S. commerce prior to enactment of the new law on June 22 2016 can continue to use those chemicals. It also establishes the procedures by which a manufacturer, importer, or processor of an "inactive" chemical can reactivate that chemical for use.

As described by the law firm Arnold & Porter Kaye Scholer, the "retroactive" reporting requirement of the new rule will provide EPA with a list of chemical substances that were active in U.S. commerce from June 2006 to June 2016. Manufacturers, importers, and processors must report all chemical substances that they manufactured, imported, or processed for non-exempt purposes during that ten year period. Exempt purposes, as described in the rule, include a small quantity exemption, a research and development exemption, and others, as defined in the statute.

Reporting of the above active chemicals by manufacturers and importers must be completed by February 7, 2018 (180 days after the final rule was published). Processors of such substances have until October 5, 2018 to report (420 days after the final rule). All substances properly reported will be considered "active" and thus may continue to be manufactured or processed without further notice to EPA, unless otherwise restricted. After the reporting periods have closed it will be unlawful to manufacture, import, or process a substances that is not listed as active on the TSCA inventory.

The second part of the new rule, the "forward looking" reporting requirement, will allow EPA to track inactive chemical substances (i.e., those substances that have not been active during the past decade) as they become active in the future. To "reactivate" a chemical substance, the entity must file a notice with EPA not more than 90 days before it begins manufacturing, importing, or processing the substance for non-exempt purposes.

Resources for this article

1. **August 11, Federal Register**
[/documents/22966](#)

2. **Arnold & Porter Kaye Scholer**
<https://www.apks.com/en/perspectives/publications/2017/08/compliance-deadlines-established-for-the-tsca>