



EPA Agrees to Revise Size Standards for TSCA Reporting Purposes

US EPA, TSCA

By ROGER PEARSON, December 21, 2017

On November 30, the U.S. Environmental Protection Agency (EPA) concluded that the **current standards for the size of businesses exempt¹⁾** from certain reporting requirements under the Toxic Substances Control Act (TSCA) should be revised. The agency will now proceed with a rulemaking to carry out that finding.

Section 8(a) of TSCA establishes specified chemical data reporting requirements applicable to chemical manufacturers (including importers) and processors. Section 8(a)(1) exempts small manufacturers and processors from this requirement, except as provided in section 8(a)(3). EPA last revised the size standards for the small manufacturer/processor exemption in 1988. Those standards are based on the size of the manufacturer or processor based on its sales volume. Section 8(a)(3)(C) under the revised Act requires EPA, after consultation with the Small Business Administration (SBA), to review the adequacy of the current size standards.

In December of last year EPA published a preliminary determination that revision of the size standards is warranted. As required by the statute, EPA then consulted with the SBA and has now made a final determination that it will indeed revise the standards. The primary factor in reaching this conclusion was EPA's determination that the 1988 standards do not reflect inflation, as measured by the rise in the Producer Price Index (PPI) for chemicals, which has increased by 129% since 1988. This increase far exceeds the 20% general inflation index gain that would justify a revision of the standards under the current rule.

Several commenters and the SBA suggested that EPA take into account factors in addition to inflation in deciding at what level to set the revised size standards. However, EPA notes that at this point it is simply determining that new standards are warranted and that it can consider these other factors when it actually commences a formal rulemaking proposing a revision.

Resources for this article

1. **current standards for the size of businesses exempt**
<https://prop65clearinghouse.com/documents/24755>