



## U.S. EPA Issues Final TSCA Fees Rule

### US EPA, TSCA, RULEMAKING

By ROGER PEARSON, October 20, 2018

On September 27, **U.S. EPA finalized its fees rule pursuant to the 2016 amendments<sup>1)</sup>** to the Toxic Substances Control Act (the Frank R. Lautenberg Chemical Safety for the 21st Century Act).

On February 8, EPA issued a proposed rule establishing fees to be paid by chemical manufacturers or importers for actions covered by the recently amended Toxic Substances Control Act [see **EPA Proposes TSCA Fee Rule<sup>2)</sup>**, March 4, 2018 ].

This is the last of four "framework" works authorized under the amended Act. The agency previously adopted a final rule establishing a process for prioritizing chemical for risk evaluation under the Act [the Prioritization Process Rule] [see **EPA Releases Ideas for Identifying Candidates for TSCA Prioritization<sup>3)</sup>**, November 21, 2017]; a final rule establishing a process to perform risk evaluations on "high priority" chemicals [the Risk Evaluation Process Rule] [see **EPA Releases Risk Evaluation Scope Documents for First Ten Chemicals under New TSCA Law<sup>4)</sup>**, July 13, 2017]; and a final rule requiring chemical manufacturers to report chemicals manufactured, imported, or processed over the last ten years [the Inventory Rule] [see **EPA Finalizes TSCA Inventory Reset Rule<sup>5)</sup>**, September 3, 2017].

This new Fees Rule establishes fees assessed to the following persons:

- Any person required to submit information pursuant to TSCA section 4;
- Any person required to a notice, including an exemption or other information pursuant to TSCA section 5; and
- Any person who manufactures (including imports) a chemical substance that is the subject of a risk evaluation under TSCA section 6(b).

The rule establishes fees for the different categories of covered individuals for fiscal years 2019, 2020, and 2021. Covered individuals will begin incurring these fees as of October 1, 2018.

The final rule explains the methodology by which the final TSCA fees were established. It also identifies some factors and considerations for determining fees for subsequent fiscal years and includes amendments to existing fee regulations governing the review of premanufacturing notices, exemption applications and notices, and significant new use notices (SNUNs). As required under

TSCA section 26(b) the final rule establishes standards for determining which persons qualify as "small business concerns" that are eligible for reduced fees of up to 80%.

As contemplated under TSCA, the fee rule is designed to allow the agency to cover a significant portion of its costs in administering TSCA sections 4, 5, and 6. In announcing the final rule EPA has vowed to carefully track costs and use that information to adjust these final fees, if necessary, every three years.

## **Resources for this article**

**1. U.S. EPA finalized its fees rule pursuant to the 2016 amendments**

<https://prop65clearinghouse.com/documents/30811>

**2. EPA Proposes TSCA Fee Rule**

<https://prop65clearinghouse.com/articles/13355>

**3. EPA Releases Ideas for Identifying Candidates for TSCA Prioritization**

<https://prop65clearinghouse.com/articles/13249>

**4. EPA Releases Risk Evaluation Scope Documents for First Ten Chemicals under New TSCA Law**

<https://prop65clearinghouse.com/articles/13121>

**5. EPA Finalizes TSCA Inventory Reset Rule**

<https://prop65clearinghouse.com/articles/13176>