



EPA Issues Proposed Approach for Identifying Candidate Chemicals for Prioritization

US EPA, TSCA

By ROGER PEARSON, October 20, 2018

U.S. EPA has issued what it describes as a "**Working Approach for Identifying Potential Candidate Chemicals for Prioritization**¹⁾" under the 2016 amendments (the Frank R. Lautenberg Chemical Safety for the 21st Century Act) to the Toxic Substances Control Act. The document includes a "near term" approach for selecting candidates for the required prioritization of 20 high priority and 20 low priority chemicals by December 2019. It also includes a longer-term risk-based strategy for managing the larger TSCA chemical inventory that is expected to include over 38,000 chemicals reported as "active" under the TSCA Inventory Rule [see **U.S. EPA Issues Final TSCA Fees Rule**²⁾, October 20, 2018].

Section 6 of the new TSCA requires EPA to ultimately evaluate the safety of the entire universe of chemicals used in the United States that have not been subjected to a risk assessment. To accomplish this EPA "prioritizes" chemicals for future risk assessments giving each chemical either a "high" or "low" priority. Those chemicals assigned a high priority are subject to risk assessments that will determine whether they pose an "adverse risk" to public health or the environment and must be further regulated to eliminate that risk. Those chemicals given a low priority will be subject to no further action for the foreseeable future.

Near Term Approach

The Act required EPA to identify an initial ten chemicals for risk evaluation within 180 days of its passage; a task which EPA has completed [see **EPA Releases Risk Evaluation Scope Documents for First Ten Chemicals under New TSCA Law**³⁾, July 13, 2017]. The Act also requires the agency to identify an additional 20 high priority chemicals and 20 low priority chemicals by December of next year. The just-released "working approach" includes a near-term approach for identifying candidate chemicals for these designations. This near-term approach will focus on the 73 chemicals included in the agency's **2014 TSCA Work Plan**⁴⁾ that so far have not been scheduled for risk assessment. In order to accomplish this the agency is opening separate documents for each of these chemicals in an effort to collect additional information on them.

The agency expects to select most if not all of the 20 high priority chemicals from the 73 2014 Work Plan chemicals. In fact EPA is required to select at least 50% of the December 2019 high priority group from the Work Plan. However, the EPA Working Approach emphasizes that the agency could select candidates from other sources.

Working Approach also includes a discussion of how EPA will select candidates for the initial 20 "low" priority designations.

EPA will accept comments on this "near-term" approach document through Thursday, November 15.

Long Term Approach

EPA has also outlined a longer-term risk-based approach for dealing with the roughly 38,000 unassessed chemicals that remain in its active inventory. That approach contemplates dividing those chemicals into "bins" that will be used for prioritization purposes based on risk profiles and information availability.

EPA has opened a separate docket **EPA-HQ-OPPT-2018-0659⁵⁾** to accept comments on this long-term approach into.

Resources for this article

1. Working Approach for Identifying Potential Candidate Chemicals for Prioritization

<https://prop65clearinghouse.com/documents/30812>

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

<https://prop65clearinghouse.com/articles/13603>

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

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

4. 2014 TSCA Work Plan

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-work-plan-chemicals>

5. EPA-HQ-OPPT-2018-0659

<https://www.regulations.gov/>