

## TSCA News Roundup, November 28, 2016

### TSCA, US EPA, US OSHA, NIOSH

By LANA BECKETT, November 28, 2016

TSCA Rule on Nanoscale Substances May Turn Out to be a "Big Deal"**Larry Culleen**<sup>1)</sup>, a partner with Arnold & Porter, wrote that the US Environmental Protection Agency (EPA) is moving swiftly forward with what could be the first federal environmental regulation to impose reporting requirements specifically for nanoscale materials. The regulation—to be issued using EPA's authority under Section 8(a) of the Toxic Substances Control Act (TSCA)—is expected to create reporting and recordkeeping requirements for both current and future manufacturers and processors of existing and new chemical substances produced at the nanoscale. The proposed rule was issued in April 2015 and EPA extended the public comment period in July 2015. Interest in the proposed rule was considerable. In **October**<sup>2)</sup>, EPA sent its version of the final rule to the Office of Management and Budget (OMB) for review. If OMB completes its review within 90 days, it is possible the final rule could be issued before the change in Administration. Read the **full article here**<sup>3)</sup>.

EPA Sends TSCA Prioritization Risk Review Rule to OMB Thomas Berger, a partner with Keller & Heckman, wrote in the **National Law Review**<sup>4)</sup> that EPA has sent to the Office of Management and Budget (OMB) a pre-publication proposed rule for implementing a formal process for prioritizing "active" existing chemicals as "low" or "high" priority for risk evaluation under the amended TSCA. According to the **OMB website**<sup>5)</sup>, the Office received EPA's draft "Procedures for Prioritization of Chemicals for Risk Evaluation Under the Toxic Substances Control Act" rule on November 7.

OSHA Weighs in on EPA Proposed Rule Governing the Use of New Chemical Substances Brent Clark, partner with Seyfarth Shaw, wrote in **JDSupra**<sup>6)</sup> that OSHA "strongly supports" EPA's proposed updates to its existing regulations governing significant new uses of chemical substances under TSCA. The proposed changes seek to reconcile EPA requirements with OSHA and NIOSH requirements.

Dr. David Michaels, the Assistant Secretary of Labor for the U.S. Occupational Safety and Health Administration, recently **weighed in**<sup>7)</sup> in favor of the EPA's rulemaking concerning the Significant New Uses of Chemical Substances: **Updates to the Hazard Communication Program and Regulatory Framework**<sup>8)</sup>, Minor Amendments to Reporting Requirements for Premanufacture Notices. **81 Fed. Reg. 49598 (pdf)**<sup>9)</sup> (July 28, 2016).

### Resources for this article

1. Larry Culleen

<http://www.arnoldporter.com/en/perspectives/publications/2016/11/tsca-rule-on-nanoscale-substances>

**2. October**

<http://www.reginfo.gov/public/do/eoDetails?rrid=126831>

**3. full article here**

<http://www.arnoldporter.com/en/perspectives/publications/2016/11/tsca-rule-on-nanoscale-substances>

**4. National Law Review**

<http://www.natlawreview.com/article/epa-sends-tsca-prioritization-risk-review-rule-to-omb>

**5. OMB website**

<http://www.reginfo.gov/public/do/eoDetails?rrid=126995>

**6. JDSupra**

<http://www.jdsupra.com/legalnews/osha-weighs-in-on-epa-proposed-rule-84984/>

**7. weighed in**

<https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0041>

**8. Updates to the Hazard Communication Program and Regulatory Framework**

<https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0001>

**9. 81 Fed. Reg. 49598 (pdf)**

<https://www.regulations.gov/contentStreamer?documentId=EPA-HQ-OPPT-2014-0650-0001&disposition=attachment&contentType=pdf>