

TSCA Inventory Reset

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Background

- TSCA §8(b) requires EPA to “compile, *keep current*, and publish” TSCA Inventory
- Approximately 62,000 chemicals were reported when the initial TSCA Inventory was compiled.
- There are currently over 83,000 chemicals on the Inventory, with more than 21,000 chemicals added to the Inventory through new chemical review since 1979.
- In 1986, EPA promulgated the Inventory Update Rule (IUR) requiring companies to update production volume data for certain chemicals on the Inventory.



Background (cont'd)

- The Inventory Reset was recently announced as one of the enhancements to EPA's Chemical Assessment and Management Program (ChAMP).
- EPA's current thinking is outlined in the document "Background Discussion Piece: EPA's TSCA Inventory Reset (November 25, 2008)."
- EPA is interested in oral and written comment on its thinking.



Potential Benefits of Inventory Reset

- The TSCA Inventory supports many of EPA's TSCA regulatory functions
- It needs to be kept current to provide EPA and the public with a better understanding of those chemical substances that are actually in commerce in the U.S.
- An accurate, on-line Inventory would be useful to stakeholders and could aid in reporting compliance through consistent, accurate chemical IDs.



Potential Benefits (cont'd)

- Under the proposed “Clean Reset” approach, EPA would be better able to plan and execute its mission of protecting human health and the environment from chemicals that may present risks.
 - Provide EPA with the opportunity to review under TSCA section 5 any chemical substances removed from the TSCA Inventory for which persons subsequently intend to commence manufacture (including import).
 - Allow EPA to take action under TSCA (e.g., restrict manufacture and/or require the development of certain toxicity data), where appropriate, prior to that chemical substance being manufactured for commercial purposes.



Design Considerations

The effort to reset the Inventory and the final result should be:

- Useful for EPA's mission.
- Useful for stakeholders.
- Should not "penalize" companies.
- Fast and easy to implement.
- Low burden.
- Done consistent with TSCA authorities.



EPA Proposed “Clean Reset” Approach

- The public version of the Inventory would be posted online, with chemical identities (generic name if claimed CBI) and associated CAS or Accession numbers
- Companies would certify -- online via a secure EPA website -- that they have manufactured a chemical listed on the Inventory within a specified timeframe
 - Companies would certify their chemicals online, e.g., by flagging.
 - EPA is considering a three year time period for the Inventory reset process.



EPA Proposed “Clean Reset” Approach (cont’d)

- EPA would process the certifications and produce a new online reset TSCA Inventory, containing only those chemical substances that have been certified by one or more companies.
- Persons would have a time-limited opportunity to make corrections to the reset TSCA Inventory.
- PMN or other TSCA section 5 notice required prior to manufacture of any non-exempt chemical substance after it has been removed.



Coordination with IUR

- EPA would make the reset Inventory available in time for the next TSCA Inventory Update Reporting (IUR) reporting period (reporting to occur June 1 through September 30, 2011, for chemicals manufactured during 2010 calendar year).
- This would help ensure that the timing of IUR reporting is coordinated with an accurate accounting of the chemical substances currently manufactured for commercial purposes at any production volume.
- Subsequent periodic Inventory reset efforts could be timed to occur in conjunction with IUR reporting.



Inquiries

- The Inventory Reset may lead to an increase in requests for correct CA Index Names, CASRNs and/or TSCA Accession Numbers regarding the identity of chemicals on the TSCA Inventory
 - This is especially true if someone is unable to locate their chemical on the TSCA Inventory or is not the person that originally reported the substance.
- Some of these inquiries could take the form of Notices of Bona Fide Intent to Manufacture



Areas where EPA invites comment

- As an alternative to relying on TSCA section 8(b), EPA could issue a reporting rule under TSCA section 8(a) to require manufacturers to report to EPA all chemical substances manufactured during a specified reporting period
- As an alternative to removing chemicals from the Inventory, EPA could:
 - maintain a list of “active” and “inactive” Inventory chemical substances for purposes of manufacture/import
 - issue a TSCA section 5(a)(2) Significant New Use Rule (SNUR) for all or certain of such “inactive” chemical substances



Areas where EPA invites comment (cont'd)

- Are there approaches other than past manufacture for which certification could be based? For example, should EPA provide for certification based on manufacture that is to occur within a specific time-limited period in the future?
- In the event that errors were inadvertently introduced into the final reset TSCA Inventory, should the Agency provide a time-limited process for corrections of errors? If so, what specific procedures might EPA follow in allowing corrections during a time-limited period to the final reset TSCA Inventory?



Processors

- TSCA section 8(b) requires EPA to “compile, keep current, and publish a list of each chemical substance which is manufactured *or processed* in the United States.”
- How should EPA address chemicals that are processed only?
- Could be an issue if, for example, a processor was using existing stock of a chemical substance that was not manufactured in the United States during the reporting period and therefore not certified as such during the reset.
 - Is this a realistic scenario?
 - Should processors be allowed to certify?



Comments?

EPA invites your comments on the Inventory Reset.

- EPA will develop a summary of comments made at today's meeting.
- Any further comments should be submitted to the public docket for the Inventory Reset: EPA-HQ-OPPT-2008-0785
- Email to alwood.jim@epa.gov.