

Broader Issues Work Group: TSCA Authorities Matrix

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Disclaimer: This matrix is intended only as a quick reference guide and general orientation to TSCA and specific sections of TSCA. This is not intended for compliance assistance or any other legal purpose.

TSCA Tool	Potential Objectives of Tool	Impacted Audience & Beneficiaries	External Partners (i.e., who outside of EPA can be involved in effort?)	Internal Partners (i.e., other EPA offices)	Drivers	Potential Resource Investment	Some Key Concepts & Terms	CFR Reference	Program URL (Enables WG to quickly find more program info; other URLs should be on prog Web site)	EPA Contact
Section 2	<ul style="list-style-type: none"> Provides congressional findings Defines policy and intent of Congress 	Impacted Audience: - EPA Beneficiaries: - EPA	N/A	N/A	N/A	N/A	N/A	N/A		
Section 3	<ul style="list-style-type: none"> Provides definitions used in the statute 	Impacted Audience: - EPA Beneficiaries: - EPA	N/A	N/A	N/A	N/A	N/A	N/A		
Section 4(a)(1)(A)	<ul style="list-style-type: none"> Generate hazard data Identify opportunities for risk management 	Impacted Audience: - Producers - Importers - Processors (sometimes) Beneficiaries: - OPPT - Other EPA offices - Other federal agencies - Scientists - Workers - Interested public	Industry: - Producers - Importers - Processors Government: - ITC (EPA, OSHA, CEQ, NIOSH, NIEHS, NCI, NSF, DoC) - Other Federal Agencies Other: - Interested Public	- OSW - OAR - ORD - OPEI - Other EPA offices	<ul style="list-style-type: none"> Risk finding §4(e) Priority List Master Testing List 	Potential Resource Investment - ???? <ul style="list-style-type: none"> Drafting FR notice and responding to comments Gathering data for findings Hazard data search and gap analysis Economic analysis Statutory & Executive Order Review Possible adjudication and preparation Distribution of information 	<ul style="list-style-type: none"> Required studies [40 CFR Parts 795 – 799] Good Laboratory Practices (GLP) [40 CFR Part 792] Partial CBI (study data not covered) [TSCA §14] Reimbursement procedures [40 CFR Part 791.3(h)] Judicial review [TSCA §19(a)(1)(A)] Section 12(b) export notification trigger [40 CFR Part 707] 	40 CFR Parts 790 & 799		
Section 4(a)(1)(B)	<ul style="list-style-type: none"> Generate hazard data Identify opportunities for risk management 	Impacted Audience: - Producers - Importers - Processors (sometimes) Beneficiaries: - OPPT - Other EPA offices - Other federal agencies - Scientists - Workers - Interested public	Industry: - Producers - Importers - Processors Government: - ITC (EPA, OSHA, CEQ, NIOSH, NIEHS, NCI, NSF, DoC) - Other Federal Agencies Other: - Interested Public	- OSW - OAR - ORD - OPEI - Other EPA offices	<ul style="list-style-type: none"> Exposure finding §4(e) Priority List Master Testing List 	Potential Resource Investment - ???? <ul style="list-style-type: none"> Drafting FR notice and responding to comments Gathering data for findings Hazard data search and gap analysis Economic analysis Statutory & Executive Order Review Possible adjudication and preparation Distribution of information 	<ul style="list-style-type: none"> Required studies [40 CFR Parts 795 – 799] Good Laboratory Practices (GLP) [40 CFR Part 792] Partial CBI (study data not covered) [TSCA §14] Reimbursement procedures [40 CFR Part 791.3(h)] Judicial review [TSCA §19(a)(1)(A)] Section 12(b) export notification trigger [40 CFR Part 707] 	40 CFR Parts 790 & 799		
TSCA Tool	Potential Objectives of Tool	Impacted Audience & Beneficiaries	External Partners (i.e., who outside of EPA can be involved in effort?)	Internal Partners (i.e., other EPA offices)	Drivers	Potential Resource Investment (Low, Med, High)	Some Key Concepts & Terms	CFR Reference	Program URL (Enables WG to quickly find more program info; other URLs should be on prog Web site)	EPA Contact
Section 4 Enforceable Consent Agreement (ECA)	<ul style="list-style-type: none"> Generate hazard data Identify opportunities for risk management 	Impacted Audience: - Producers - Importers - Processors (sometimes) Beneficiaries: - OPPT - Other EPA offices - Other federal agencies - Scientists - Workers - Interested public	Industry: - Typically manufacturers Government: - ITC (EPA, OSHA, CEQ, NIOSH, NIEHS, NCI, NSF, DoC) - Other Federal Agencies Other: - Interested Public	- OSW - OAR - ORD - OPEI - Other EPA offices	<ul style="list-style-type: none"> General consensus among parties Alternative to formal rulemaking Proposed test rule with invitation to join ECA negotiations Direct invitation + FR notice ITC §4(e) Priority List 	Potential Resource Investment - ???? <ul style="list-style-type: none"> Drafting FR notice and invitation Gathering data for findings Data search and gap analysis Negotiations Distribution of information 	<ul style="list-style-type: none"> Negotiated test plan Ability to form consortium Good Laboratory Practices (GLP) [40 CFR Part 792] Partial CBI (study data not covered) [TSCA §14] No reimbursement procedures [40 CFR Part 791.3(h)] Section 12(b) export notification trigger [40 CFR Part 707] 	40 CFR Part 790.24 & 790.22		

Section 5 Notifications	Section 5 notifications can fulfill several objectives: <ul style="list-style-type: none"> ¶ Notification to EPA prior to manufacture of a substance ¶ Notification to EPA prior to a new significant use of a chemical ¶ Screening-level assessment of risks posed by new chemical or use ¶ Notification of commencement to manufacture ¶ Addition of substance to the TSCA Inventory ¶ Identify opportunities for risk management 	Impacted Audience: - Producers - Importers - Processors (SNUNs only) Beneficiaries: - OPPT - General public	Industry: - Producers - Importers - Processors (in the case of SNUNs)	N/A	Statutory obligation	Potential Resource Investment - ???? <ul style="list-style-type: none"> ¶ PMN review ¶ Focus meeting ¶ Potential follow-up meetings ¶ Case management ¶ Distribution of information 	Pre-manufacture Notice (PMN) [40 CFR Part 720.45] Significant New Use Notice (SNUN) [40 CFR Part 721] Notice of Commencement (NOC) [40 CFR Part 720.102] - 90 day review period (can be extended) - Existing data must be submitted [40 CFR Part 720.50] - New testing not required Some Exemptions - Test Market Exemption (TME) - [40 CFR Part 720.36] - Low Volume Exemption (LVE) - [40 CFR Part 723.50] - Low Volume/Low Exposure (LoREX) - [40 CFR Parts 723.50(c)(2) and 723.50(k)(2)] - R&D - [40 CFR Part 720.36] - Polymer - [40 CFR Part 723.250] - Articles - [40 CFR Part 720.22(b)(1)] Bona Fide Request - Request EPA to search confidential portion of TSCA Inventory	40 CFR Parts 720, 721 & 725 http://www.epa.gov/opptintr/newchems		
Section 5 Actions	Objectives under Section 5 actions can include: <ul style="list-style-type: none"> ¶ Generation of data ¶ Exposure or release mitigation ¶ Enhanced hazard or risk communication ¶ Record-keeping ¶ Regulation of activities association with uses ¶ Receive notification of new uses ¶ Limit amounts of certain chemicals ¶ Restrict uses ¶ Prohibit manufacture, processing and distribution ¶ Other risk reduction 	Impacted Audience: - Producers - Importers - Processors (SNURs only) Beneficiaries: - OPPT - Workers - General public	Industry: - Producers - Importers - Processors (in the case of SNURs)	N/A	<ul style="list-style-type: none"> ¶ Production and exposure triggers used ¶ Risk reduction is a primary driver; however, SNURs do not require a risk determination ¶ Ability to keep abreast of changing uses for certain chemicals 	Potential Resource Investment - ???? <ul style="list-style-type: none"> ¶ FR Notice and response to comments ¶ Possible negotiations ¶ Hazard, exposure and risk analysis ¶ Economic analysis ¶ Legal analysis ¶ Possible adjudication and preparation 	Significant New Use Rule (SNUR) [40 CFR Part 721] Section 5(e) Consent Order <ul style="list-style-type: none"> ¶ Used to control risks while allowing a new chemical to enter the marketplace ¶ Generally followed by a §5(e) SNUR, which usually mimics the terms of the 5(e) Order Non-5(e) SNUR <ul style="list-style-type: none"> ¶ EPA identifies potential new uses that may pose risks and are not captured in the PMN ¶ FR notice and comment procedures Section 5(f) Action <ul style="list-style-type: none"> ¶ Used to control risks before a rule under Section 6 can be promulgated ¶ Rarely, if ever, used 	40 CFR Part 721 and Part 725, subparts L & M http://www.epa.gov/opptintr/newchems		
TSCA Tool	Potential Objectives of Tool	Impacted Audience & Beneficiaries	External Partners (i.e., who outside of EPA can be involved in effort?)	Internal Partners (i.e., other EPA offices)	Drivers	Potential Resource Investment (Low, Med, High)	Some Key Concepts & Terms	CFR Reference	Program URL (Enables WG to quickly find more program info; other URLs should be on prog Web site)	EPA Contact
Section 6(a) & 6(c)	Objectives under Section 6 actions can include: <ul style="list-style-type: none"> ¶ Prohibit or limit the manufacture, processing, distribution, use or concentration in a use of a substance/mixture ¶ Appropriate labeling for warnings, instructions for use, distribution or disposal ¶ Record-keeping for manufacturing and processing methods ¶ Gather hazard and exposure information ¶ Prohibit or regulate commercial use ¶ Receive notification of new uses ¶ Limit amounts of certain chemicals ¶ Restrict uses ¶ Prohibit manufacture, processing and distribution ¶ Other risk reduction 	Impacted Audience: - Producers - Importers - Processors - Distributors - Commercial users - Disposal operators Beneficiaries: - OPPT - Workers - General public	Industry: - Producers - Importers - Processors - Distributors - Commercial users - Disposal operators Government: - Other Federal Agencies	- OSW - OAR - ORD - OPEI - Other EPA offices	<ul style="list-style-type: none"> ¶ Finding of unreasonable risk ¶ Risk management opportunities ¶ Not able to address risk via other statutes or through other agencies ¶ Statutory drivers [for §6(c)] 	Potential Resource Investment - ???? <ul style="list-style-type: none"> ¶ FR Notice and response to comments ¶ Possible informal hearing ¶ Hazard, exposure and risk assessments ¶ Economic analysis ¶ Substitutes analysis ¶ Statutory analysis ¶ Benefits analysis ¶ Consequence on technological innovation ¶ Possible adjudication and preparation 	Bans and use restrictions - Section 6(a) gives EPA broad authority to ban or restrict how a chemical is used - Bans can be resource intensive - Much of the case history is focused on restricting specific uses of substances Voluntary removal from the marketplace - An often overlooked option that may explain the lack of Section 6(a) case history Use of TSCA §5(f) - For substances under PMN review that will present unreasonable risks before a Section 6(a) rule can be finalized, EPA can use Section 5(f) to make a "proposed" rule final and effective the day of publication in the Federal Register	40 CFR Part 750, Subpart A		

Section 6(b) Quality Control Orders	Objectives under §6(b) can include: <ul style="list-style-type: none"> ¶ Acquisition of certain company-specific quality control procedures ¶ Modification of certain quality control procedures ¶ Control distribution and hazard/risk communication ¶ Replacement or repurchase of certain substances 	Impacted Audience: <ul style="list-style-type: none"> - Producers - Importers - Processors Interested Parties: <ul style="list-style-type: none"> - Downstream processors - Distributors Beneficiaries: <ul style="list-style-type: none"> - OPPT - Downstream users - General public 	Industry: <ul style="list-style-type: none"> - Producers - Importers - Processors - Distributors 	N/A	<ul style="list-style-type: none"> ¶ Finding of unreasonable risk ¶ Insufficient quality control ¶ Unwillingness of manufacturer or processor to modify quality ¶ Risk management opportunities 	Potential Resource Investment - ???? <ul style="list-style-type: none"> ¶ Review of quality control procedures ¶ Hazard, exposure and risk assessments ¶ Adjudication and preparation 	<ul style="list-style-type: none"> ¶ Used in limited circumstances where evidence exists of insufficient quality control procedures ¶ Orders must comply with Section 554 of the Administrative Procedures Act (APA) <ul style="list-style-type: none"> - Opportunity for a hearing - Adjudication on the record 	40 CFR Part 750, Subpart A		
Section 7	Objectives under §7 can include: <ul style="list-style-type: none"> ¶ Civil action in district court ¶ Seizure of imminently hazardous substances that poses imminent and unreasonable risk ¶ Notification of risks to purchasers and the public ¶ Recalls ¶ Replacement or repurchase 	Impacted Audience: <ul style="list-style-type: none"> - Producers - Importers - Processors - Distributors - Users - Disposal parties Beneficiaries: <ul style="list-style-type: none"> - OPPT - General public 	Industry: <ul style="list-style-type: none"> - Producers - Importers - Processors - Distributors - Users - Disposers Government: <ul style="list-style-type: none"> - District Court 	N/A	<ul style="list-style-type: none"> ¶ Finding of imminent and unreasonable risk ¶ Cannot wait for action under Section 6 	Potential Resource Investment - ???? <ul style="list-style-type: none"> ¶ Hazard, exposure and risk assessments ¶ Adjudication and preparation 	Rarely, if ever used	N/A		
TSCA Tool	Potential Objectives of Tool	Impacted Audience & Beneficiaries	External Partners (i.e., who outside of EPA can be involved in effort?)	Internal Partners (i.e., other EPA offices)	Drivers	Potential Resource Investment (Low, Med, High)	Some Key Concepts & Terms	CFR Reference	Program URL (Enables WG to quickly find more program info; other URLs should be on prog Web site)	EPA Contact
Section 8(a)	Objectives under §8(a) can include: <ul style="list-style-type: none"> ¶ Maintenance of records to help enforce TSCA ¶ Gather data ¶ Provide other EPA programs with chemical information ¶ Determine data adequacy for risk assessment purposes ¶ Identify data gaps ¶ Standardized reporting ¶ Preliminary Assessment Information Reporting (PAIR) ¶ Identify opportunities for risk management 	Impacted Audience: <ul style="list-style-type: none"> - Producers - Importers - Processors Beneficiaries: <ul style="list-style-type: none"> - OPPT - Other EPA programs - Workers - General public 	Industry: <ul style="list-style-type: none"> - Producers - Importers - Processors <i>Note: Small manufacturers and processors may be exempt</i>	<ul style="list-style-type: none"> - OSW - OAR - ORD - OPEI - Other EPA offices 	<ul style="list-style-type: none"> ¶ Effective TSCA enforcement ¶ Risk management opportunities ¶ Ability to make exposure and risk findings ¶ ITC §4(e) List 	Potential Resource Investment - ???? <ul style="list-style-type: none"> ¶ FR Notice and consideration of comments ¶ Potential adjudication and preparation ¶ Distribution of information 	¶ PAIR Rule (40 CFR Part 712, Subpart B) <ul style="list-style-type: none"> - Affects producers and importers - Site-specific info on 2-page form - Requires the following: <ul style="list-style-type: none"> ⊗ Quantity of chemical produced/imported ⊗ Amount of chemical lost to the environment during production/importation ⊗ Quantity of enclosed, controlled and open releases of the chemical ⊗ Per release, the number of workers exposed and the number of hours exposed 	40 CFR Parts 704, 710, 712		
Section 8(b) TSCA Inventory	Objectives under §8(b) can include: <ul style="list-style-type: none"> ¶ Establish TSCA Inventory ¶ Distinguish between existing and new chemicals for PMN considerations under Section 5 ¶ Update the TSCA Inventory ¶ Gather data related to potential exposure ¶ Provide information to other EPA programs ¶ Maintain list of chemicals in commerce ¶ Identify opportunities for risk management 	Impacted Audience: <ul style="list-style-type: none"> - Producers - Importers Beneficiaries: <ul style="list-style-type: none"> - OPPT - Other EPA programs - Workers - General public 	Industry: <ul style="list-style-type: none"> - Producers - Importers <i>Note: Quantities less than 10,000 pounds partially exempt</i>	<ul style="list-style-type: none"> - OSW - OAR - ORD - OPEI - Other EPA offices 	<ul style="list-style-type: none"> ¶ Update of TSCA Inventory ¶ Statutory obligation to establish Inventory ¶ Information to make exposure and risk findings ¶ Knowledge of which chemicals currently in commerce ¶ Risk management opportunities 	Potential Resource Investment - ???? <ul style="list-style-type: none"> ¶ Receive and process data ¶ Distribution of information 	Inventory Update Rule Amendments (IURA) <ul style="list-style-type: none"> ¶ Added requirements to report information related to use and exposure ¶ Reporting frequency will eventually change to every 5 years (currently every 4 years) 	40 CFR Part 710		
Section 8(c) Allegations of Significant Adverse Reactions	Objectives under §8(c) can include: <ul style="list-style-type: none"> ¶ Recordkeeping and reporting of allegations of significant adverse reactions ¶ Detection of previously unknown hazards ¶ Identify opportunities for risk management 	Impacted Audience: <ul style="list-style-type: none"> - Producers - Importers - Processors <i>Note: Any person can make a written or verbal allegation to a company</i> Beneficiaries: <ul style="list-style-type: none"> - OPPT - Other EPA programs - Workers - General public 	Industry: <ul style="list-style-type: none"> - Producers - Importers - Processors Other: <ul style="list-style-type: none"> - Interested Public 	N/A	<ul style="list-style-type: none"> ¶ Risk management opportunities ¶ Statutory obligation 	Potential Resource Investment - ???? <ul style="list-style-type: none"> ¶ Receive and process data ¶ Distribution of information 	"Allegation" is a "statement, made without formal proof or regard for evidence, that a substance or mixture has caused a significant adverse reaction to health or the environment." [40 CFR Part 717.3(a)] "Significant adverse reaction" is a "reaction[s] that may indicate a substantial impairment of normal activities, or long-lasting or irreversible damage to health or the environment." [40 CFR Part 717.3(i)]	40 CFR Part 717		

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Section 8(d) Health & Safety Data Reporting	Objectives under §8(d) can include: <ul style="list-style-type: none"> Recordkeeping and reporting of health and safety studies Detection of previously unknown hazards Identify opportunities for risk management 	Impacted Audience: <ul style="list-style-type: none"> Producers Importers Processors Beneficiaries: <ul style="list-style-type: none"> OPPT Other EPA programs Workers General public 	Industry: <ul style="list-style-type: none"> Producers Importers Processors Government: <ul style="list-style-type: none"> ITC Other government agencies 	<ul style="list-style-type: none"> OSW OAR ORD OPEI Other EPA offices 	<ul style="list-style-type: none"> ITC Risk management opportunities 	Potential Resource Investment - ???? <ul style="list-style-type: none"> Receive and process data Distribution of information FR notice and response to comments Economic analysis 	<ul style="list-style-type: none"> Affects persons who produced or imported the substance 10 years prior to the effective date Also affects prospective producers and importers (entering the market within 10 years after the effective date) Report requirements established via rulemaking 	40 CFR Parts 716 and 766		
Section 8(e) Substantial Risk Reporting	Objectives under §8(e) can include: <ul style="list-style-type: none"> Reporting of substantial risks Detection of previously unknown risks Identify opportunities for risk management 	Impacted Audience: Any person who manufactures, processes or distributes a chemical in commerce, to include: <ul style="list-style-type: none"> Any natural person Any business entity Any local, state or federal entity Any interstate body Beneficiaries: <ul style="list-style-type: none"> OPPT Other EPA programs Workers General public 	Industry: <ul style="list-style-type: none"> Producers Importers Processors Government: <ul style="list-style-type: none"> Other government agencies at the local, state and federal levels 	<ul style="list-style-type: none"> OSW OAR ORD OPEI Other EPA offices 	<ul style="list-style-type: none"> Risk management opportunities Statutory obligation 	Potential Resource Investment - ???? <ul style="list-style-type: none"> Receive and process data Distribution of information 	<ul style="list-style-type: none"> Self-actuating reporting, which means there is a constant obligation to report (rulemaking is not necessary) Employees of companies are required to report as individuals, unless the company establishes and internally publicizes "procedures for employee submission and corporate processing of pertinent information." [1978 Policy Statement at 11,111; 1991 Reporting Guide] TSCA and the legislative history do not define "substantial risk" (must refer to EPA guidance) 	N/A (see EPA guidance for 8(e) reporting)		
Section 9 Referrals to Other Agencies	Objectives under §9 can include: <ul style="list-style-type: none"> Risk management Filling in regulatory gaps Enhanced coordination with other agencies (Section 9(d)) 	Impacted Audience: <ul style="list-style-type: none"> EPA Other federal agencies Industry Beneficiaries: <ul style="list-style-type: none"> OPPT General public 	Government: <ul style="list-style-type: none"> OSHA CPSC Other federal agencies 	<ul style="list-style-type: none"> OSW OAR ORD OPEI Other EPA offices [Section 9(b) required intra-agency coordination]	<ul style="list-style-type: none"> Risk finding Risk management opportunities Regulatory gaps Potential regulatory redundancy 	Potential Resource Investment - ???? <ul style="list-style-type: none"> Risk assessment Coordination with other agencies Coordination with other EPA programs 	<ul style="list-style-type: none"> Not used very often 	N/A		
TSCA Tool	Potential Objectives of Tool	Impacted Audience & Beneficiaries	External Partners (i.e., who outside of EPA can be involved in effort?)	Internal Partners (i.e., other EPA offices)	Drivers	Potential Resource Investment (Low, Med, High)	Some Key Concepts & Terms	CFR Reference	Program URL (Enables WG to quickly find more program info; other URLs should be on prog Web site)	EPA Contact
Section 10	Objectives under §10 can include: <ul style="list-style-type: none"> Design and establishment of a shared data retrieval system Development of and training in toxicity screening techniques Development of and training in monitoring techniques and instruments Establishment of government research programs Coordination with HHS Coordination with local, state and other federal agencies 	Impacted Audience: <ul style="list-style-type: none"> EPA HHS Other local, state and federal agencies Beneficiaries: <ul style="list-style-type: none"> EPA HHS Other local, state and federal agencies 	Government: <ul style="list-style-type: none"> HHS Other local, state and federal agencies 	N/A	<ul style="list-style-type: none"> Coordination of scientific efforts Limited resources Potential redundancy Statutory obligation 	Potential Resource Investment - ???? <ul style="list-style-type: none"> Design and establishment of a shared data retrieval system Development of and training in toxicity screening techniques Development of and training in monitoring techniques and instruments Establishment of government research programs Coordination with HHS Coordination with local, state and other federal agencies 	<ul style="list-style-type: none"> Primarily affects EPA and HHS, directing agencies to work together on technical pursuits Gives EPA responsibility and accountability for government's hazard and exposure data acquisition and dissemination activities 	N/A		

Section 11	Objectives under §11 can include: • Provide authority to perform inspections • Authorizes issuance of subpoenas	Impacted Audience: - Any person subject to TSCA - EPA Beneficiaries: - EPA - District court	Government: - District court	N/A	• TSCA compliance • Statutory authorization	Potential Resource Investment - ???? • Inspections • Adjudication • Serving subpoenas	• Outlines general inspection provisions	N/A		
Section 12 Export Notifications	Objectives under §12 can include: • Provide certain exemptions for export-only substances • General awareness of regulated export substances • Ability to notify receiving country of regulated export substance • Information and data sharing	Impacted Audience: - Persons who export chemicals Beneficiaries: - EPA - Other countries	Industry: - Exporters Other: - Governments outside the US	N/A	• Statutory exemption • Statutory obligation • Information and data sharing	Potential Resource Investment - ???? • Receiving and disseminating notices	• Parties exempt under §12(a) still are subject to requirements of §8 reporting • No de minimis exemptions from reporting • Applies to any substance subject to regulatory action under §§ 4, 5, 6 or 7 • Substances under §4 only notify once; substances under other sections notify annually • Some CBI protection afforded [40 CFR Part 707.75]	40 CFR Part 707, Subpart D		
Section 13 Imports	Objectives under §13 can include: • Awareness of TSCA coverage and/or compliance for imports • Determination of TSCA compliance • Detention of chemicals that are out of compliance with TSCA • Management of imported chemicals	Impacted Audience: - Persons who import chemicals - Department of Treasury Beneficiaries: - EPA - General public	Industry: - Importers Government: - Department of Treasury - US Customs Service	N/A	• Fairness between domestic and foreign producers • Statutory obligation • Statutory obligation • Information and data sharing	Potential Resource Investment - ???? • Coordination with US Customs Service	Positive Certification (aka TSCA Positive) • Substance is covered under TSCA • Includes R&D substances that may not be on the TSCA Inventory • Importer must also certify compliance with TSCA Negative Certification (aka TSCA Negative) • Substances not subject to TSCA • Does not include substances that are partially exempt from TSCA (i.e., R&D chemicals)	19 CFR Parts 12.118 - 12.127 19 CFR Parts 101.1 and 101.3 40 CFR Part 707.20		
Section 14 Confidential Business Information	Objectives under §14 can include: • Ability to keep sensitive business information confidential • Enforcement of confidentiality • Provide exemptions to confidentiality	Impacted Audience: - Manufacturers, processors, distributors - EPA Beneficiaries: - Producers, importers, distributors	Industry: - Manufacturers - Processors - Distributors	N/A	• Statutory obligation • Safekeeping of sensitive business information • Competition in the marketplace	Potential Resource Investment - ???? • Secure areas • Security personnel and equipment	Some information, such as health and safety data, cannot be claimed as confidential			
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Section 15 Prohibited Acts	Makes explicit that TSCA is a legally enforceable statute	Impacted Audience: - Any person subject to TSCA Beneficiaries: - EPA - General public	Government: - District court	N/A	Statutory drivers	N/A	N/A	N/A		
Section 16 Penalties	• Strengthen enforcement of TSCA • Serve as deterrent for non-compliance	Impacted Audience: - Any person subject to TSCA Beneficiaries: - EPA - General public	Government: - US Court of Appeals	N/A	Statutory drivers	Potential Resource Investment - ???? • Enforcement support • Potential adjudication	N/A	N/A		
Section 17	• Provide district courts with jurisdiction over civil actions • Provide authority to seize substances, mixtures, products and articles that are not in compliance	Impacted Audience: - Any person subject to TSCA - District courts Beneficiaries: - EPA - General public	Government: - District courts	N/A	Statutory drivers	N/A	N/A	N/A		
Section 18 Preemption	Objectives under §18 can include: • Provide authority to state and municipalities • Prohibits duplicative hazard testing • Ensure risk management in all states • Avoid unnecessary disruption in the marketplace	Impacted Audience: - States Beneficiaries: - EPA - General public - Industry	Government: - States	N/A	• Potential disruptions in commerce • Need for consistency	N/A	N/A	N/A		

Section 19 Judicial Review	Objectives under §19 can include: <ul style="list-style-type: none"> • Provide check-and-balance to executive branch • Allow affected parties to appeal decisions 	Impacted Audience: - Any person subject to TSCA - US Court of Appeals Beneficiaries: - EPA - Persons subject to TSCA	Government: - US Court of Appeals	N/A	<ul style="list-style-type: none"> • Check-and-balance between executive and judicial branches • Need for appeal mechanism • Statutory obligation 	Potential Resource Investment - ????	N/A	N/A		
Section 20 Citizen's Civil Actions	Objectives under §20 can include: <ul style="list-style-type: none"> • Provide check-and-balance to executive branch • Allow citizens a forum to compel government action against violators 	Impacted Audience: - Any citizen - US District Court Beneficiaries: - Citizens	Government: - US District Court	N/A	<ul style="list-style-type: none"> • Check-and-balance between executive and judicial branches • Need for action by EPA Administrator 	Potential Resource Investment - ????	N/A	N/A		
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Section 21 Citizen's Petitions	Objectives under §21 can include: <ul style="list-style-type: none"> • Provide check-and-balance to executive branch • Allow citizens to petition for issuance, amendment or repeal of a rule 	Impacted Audience: - Any citizen - US District Court Beneficiaries: - Citizens	Government: - US District Court	N/A	<ul style="list-style-type: none"> • Check-and-balance between executive and judicial branches • Insufficient information to determine health and environmental effects • Unreasonable risk or substantial exposures 	Potential Resource Investment - ????	N/A	N/A		