

## *Quick Reference: Toxic Substances Control Act (TSCA)*

*Codified:* 15 U.S.C §2601 *et seq.*

*Regulations:* 40 C.F.R. §§700-799

*Date Enacted:* 1976

*Amendments:* None

*Implementing Agency:* EPA

*Purpose:* To regulate toxic chemicals by giving the EPA the authority to regulate chemical substances and mixtures that present an “unreasonable risk of injury to health or the environment”.

*Scope of Application:* Whether a chemical falls under the control of TSCA depends on the risks that the chemical poses to health and the environment. TSCA places the burden on manufacturers to supply the EPA with information on environmental and health effects of chemical substances and mixtures. The EPA then has broad power to regulate the manufacture, use, distribution, and disposal of chemical substances and mixtures. However, the EPA must balance the economic and social benefits of a chemical against the risks when setting forth regulations.

*Required Permit:* None

*State Implementation:* None

*Enforcement:* In order to investigate TSCA compliance, the EPA may conduct inspections and require entities to disclose materials and documents to aid in making that determination. The inspection may include, files, records, processes, controls, and facilities as long as they bear some relation to TSCA compliance. When the EPA discovers violations of TSCA, the agency may seek civil and criminal penalties. Civil penalties may also be sought through a citizen suit if the EPA has not already brought an action against the alleged violator. Criminal penalties may be sought for “knowing or willful” violations.

*Summary of the major provisions:* Under TSCA’s Section 5, any person who manufactures or processes new chemicals for commercial purposes must submit a premanufacture notice (PMN) to the EPA at least 90 days before they begin manufacturing or processing. For an identified substance, the PMN lists the uses or intended uses of the substance, the information required to develop test data, and describes the nature of the test data that was developed.

Section 4 of TSCA requires manufacturers, importers, and processors of TSCA-related chemical substances to submit data to the EPA on existing chemicals when they may present an unreasonable risk to health and environment or when they are produced in such quantities that there is a potential for a substantial release into the environment or human exposure.

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