

How the Toxic Substances Control Act Evaluates Chemicals

Existing Chemicals



THOUSANDS OF CHEMICALS IN COMMERCE WHEN TSCA PASSED IN 1976



THOUSANDS OF CHEMICALS PRESUMED SAFE AND "GRANDFATHERED IN"



EPA LACKS MANDATE TO ASSESS SAFETY



CHEMICAL MAY REMAIN ON MARKET WITHOUT RESTRICTIONS



IN A SMALL NUMBER OF CASES, EPA HAS IDENTIFIED A REASON TO CONDUCT A RISK ASSESSMENT

RISK ASSESSMENTS CONDUCTED ON LESS THAN 2% OF CHEMICALS

DOES THE CHEMICAL POSE "UNREASONABLE RISK?"

EPA MUST FIND BOTH:
1.) SIGNIFICANT RISK AND
2.) THAT THE BENEFITS OF RESTRICTING THE CHEMICAL OUTWEIGH THE COST

NO

YES

EPA MAY IMPOSE RESTRICTIONS. BUT ONLY "LEAST BURDENSOME" RESTRICTION, DOCUMENTING INADEQUACY OF ALL LESS BURDENSOME RESTRICTIONS

ONLY 5 CHEMICALS REGULATED UNDER TSCA'S AUTHORITY TO PROTECT AGAINST UNREASONABLE RISK. EPA'S ASBESTOS RESTRICTIONS COULD NOT STAND UP TO COURT CHALLENGE.