



**National Conference of State Legislatures
Office of State-Federal Relations**

Congress Passes TSCA Reform

June 8, 2016

On June 7, Congress gave final approval to a significant update of the Toxic Substances Control Act (TSCA), [H.R.2576](#), the *Frank R. Lautenberg Chemical Safety for the 21st Century Act*. TSCA, first enacted 40 years ago, was seen by many as in need of an update as some of its original provisions were proving hard to adapt to today's regulatory environment.

Specifically, TSCA now requires safety reviews for chemicals active in current commerce while also requiring a determination from the Environmental Protection Agency (EPA) before new chemicals are allowed to enter the marketplace. Most importantly, the legislation replaces past requirements that EPA analyze a chemical from a safety perspective and replaces them with a standard that is related to the health impacts of the chemical in question. Additionally, changes made to TSCA will require EPA to continually publicize their findings while they investigate the impact of a chemical and also includes enforceable deadlines so that EPA reviews are completed in timely manner.

However, in order to balance the desire to provide more regulatory power to EPA without outright preempting previous state actions, the bill grandfathers-in state laws enacted prior to 2003. States can continue to regulate chemicals currently on U.S. EPA's Work Plan Chemicals Program (chemicals for further assessment) up until EPA issues a final rule regulating that chemical. In the future, if EPA decides to regulate any chemical not currently on EPA's Work Plan, a state would be preempted from regulating that chemical, but it could request a waiver from EPA in order to allow it to regulate that chemical until (if and when) EPA issues a final regulation.

Additionally, the NRI Committee will hold a full briefing on TSCA as part of its [agenda](#) during [NCSL's 2016 Legislative Summit](#), August 8-11 in Chicago, Illinois.

For any further questions or concerns please contact NCSL staff [Ben Husch](#) (202-624-7779).