

EPA Issues TSCA User Fees Final Rule

Article By:

Lynn L. Bergeson

On September 27, 2018, the U.S. Environmental Protection Agency (EPA) issued the [user fees final rule for the administration of the Toxic Substances Control Act](#) (TSCA), the fourth and remaining framework rule to be issued in final under the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg).

This final rule, that amends 40 C.F.R. Parts 700, 720, 723, 725, 790, and 791 “describes the final TSCA fees and fee categories for fiscal years **2019, 2020, and 2021**”; “explains the methodology by which the final TSCA fees were determined”; “identifies some factors and considerations for determining fees for subsequent fiscal years”; and “includes amendments to existing fee regulations governing the review of premanufacture notices, exemption applications and notices, and significant new use notices.” The final rule has not been published yet in the *Federal Register* so an effective date is not yet available; [a pre-publication version is available here](#).

Specifically, EPA is establishing fees applicable to any person required to submit information to EPA under TSCA Section 4; or a notice, including an exemption or other information, to be reviewed by EPA under TSCA Section 5; or who manufactures (including imports) a chemical substance that is the subject of a risk evaluation under TSCA Section 6(b). EPA is also establishing standards for determining which persons qualify as “small business concerns” and thus would be subject to lower fee payments.

In the [press release announcing the rule](#), EPA Acting Administrator Andrew Wheeler states that this rule will “provide resources needed to support the valuable work EPA does to review chemicals for safety, manage risk as required, and make chemical information available as appropriate.” During fiscal years **2019-2021**, EPA states it will “work to track costs and will use that information to adjust future fees, if appropriate.”

EPA also announced that it will be hosting a series of webinars focusing on making TSCA submissions and paying fees under the final rule. The webinars are scheduled for **October 10, 2018, from 1:00 p.m. - 2:30 p.m. (EST)**; **October 24, 2018, from 1:00 p.m. - 2:30 p.m. (EST)**; and **November 7, 2018, from 1:00 p.m. - 2:30 p.m. (EST)**.

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