

Reporting Period Begins for EPA Preliminary Lists of Manufacturers Subject to TSCA Risk Evaluation Fees

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On January 27, 2020, the U.S. Environmental Protection Agency (EPA) published its [preliminary lists](#) of manufacturers and importers subject to the \$1.35 million fees for the 20 high priority substances undergoing risk evaluations. The manufacturers and importers named in the list for each substance, as well as any other companies that manufactured or imported the substances in the preceding five years, are required to submit a notice to EPA within 60 days. Companies who fail to self-identify are subject to per day penalties.

Under section 6 of the Toxic Substances Control Act (TSCA), EPA is conducting risk evaluations on 20 substances designated as high priority. The identities of these substances are provided at the end of this article, including links to EPA's preliminary lists of manufacturers. Manufacturers and importers of these substances are subject to risk evaluation fees and, critically, there are no exemptions. While companies that exclusively manufactured a substance for uses outside the scope of TSCA[1] are not subject to the fees, substances manufactured or imported as byproducts, articles, or impurities are subject to the TSCA risk evaluation fees.

Companies that are wrongly identified on the preliminary lists, because they either did not manufacture or import the substance in the preceding five years or ceased manufacture and import on or before March 20, 2019, can submit a notice to EPA certifying this fact to avoid liability for the fee. Even if not included on the lists, a company that previously manufactured or imported one of the substances may want to "certify out" in case comments filed by other parties identifying the company as a manufacturer or importer. EPA stated that it intends to notify companies identified by the comments of other parties, but this is not guaranteed. Companies that "certify out" also must promise not to resume manufacture and import of the substance for five years.

Following the public comment period, and no later than the date on which EPA issues the final scope documents for the risk evaluations for these 20 high priority substances, EPA will publish the final list of manufacturers and importers subject to the fees. The risk evaluation fees will be due 120 days after the final scope documents are issued. Companies are encouraged to form consortia to allocate the \$1.35 million among the industry.

1. [1,3-Butadiene, CASRN 106-99-0.](#)

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2. [Butyl benzyl phthalate \(BBP\) \(1,2-Benzenedicarboxylic acid, 1-butyl 2-\(phenylmethyl\) ester\), CASRN 85-68-7.](#)
 3. [Dibutyl phthalate \(DBP\) \(1,2-Benzenedicarboxylic acid, 1,2-dibutyl ester\), CASRN 84-74-2.](#)
 4. [o-Dichlorobenzene \(Benzene, 1,2-dichloro-\), CASRN 95-50-1.](#)
 5. [p-Dichlorobenzene \(Benzene, 1,4-dichloro-\), CASRN 106-46-7.](#)
 6. [1,1-Dichloroethane, CASRN 75-34-3.](#)
 7. [1,2-Dichloroethane, CASRN 107-06-2.](#)
 8. [trans-1,2-Dichloroethylene \(Ethene, 1,2-dichloro-, \(1E\)-\), CASRN 156-60-5.](#)
 9. [1,2-Dichloropropane, CASRN 78-87-5.](#)
 10. [Dicyclohexyl phthalate \(1,2-Benzenedicarboxylic acid, 1,2-dicyclohexyl ester\), CASRN 84-61-7.](#)
 11. [Di-ethylhexyl phthalate \(DEHP\) \(1,2-Benzenedicarboxylic acid, 1,2-bis\(2-ethylhexyl\) ester\), CASRN 117-81-7.](#)
 12. [Di-isobutyl phthalate \(DIBP\) \(1,2-Benzenedicarboxylic acid, 1,2-bis\(2-methylpropyl\) ester\), CASRN 84-69-5.](#)
 13. [Ethylene dibromide \(Ethane, 1,2-dibromo-\), CASRN 106-93-4.](#)
 14. [Formaldehyde, CASRN 50-00-0.](#)
 15. [1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta \[g\]-2-benzopyran \(HHCB\), CASRN 1222-05-5.](#)
 16. [4,4'-\(1-Methylethylidene\)bis\[2, 6-dibromophenol\] \(TBBPA\), CASRN 79-94-7.](#)
 17. [Phosphoric acid, triphenyl ester \(TPP\), CASRN 115-86-6.](#)
 18. [Phthalic anhydride \(1,3-Isobenzofurandione\), CASRN 85-44-9.](#)
 19. [1,1,2-Trichloroethane, CASRN 79-00-5.](#)
 20. [Tris\(2-chloroethyl\) phosphate \(TCEP\) \(Ethanol, 2-chloro-, 1,1',1''-phosphate\),](#)

[CASRN 115-96-8.](#)

[1] For example, as foods, drugs, cosmetics, medical devices, or pesticides.

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