MYTHS AND FACTS ON THE TOXIC SUBSTANCES CONTROL ACT (TSCA)

Industry has been dishonest about TSCA. We have the facts.

A closer look: Most new chemicals raise serious toxicity concerns. TSCA's risk-based approach is designed to mitigate them

What is TSCA and how has it made a difference for our health?

The Toxic Substances Control Act—or TSCA—is a law enacted in 1976 that regulates chemicals in everyday products like cleaners, furniture, electronics and more—covering their full lifecycle from manufacture to disposal. It also helps keep harmful chemicals out of our air, water, soil and communities.

After decades of inadequate protection, Congress strengthened TSCA in 2016 with the bipartisan Lautenberg Act, broadly supported by industry, health and environmental groups. Thanks to the Lautenberg Act, cancer-causing chemicals like trichloroethylene (TCE), methylene chloride and asbestos are being phased out. Today chemicals must also clear a safety standard before reaching the market, a requirement that did not exist before.

Industry is attacking TSCA not because it is broken, but because it is working

The chemicals industry is working to dismantle TSCA's safety protections that are crucial to protecting our homes and communities from toxic chemicals, placing their profits over Americans' health. The industry is spreading long-debunked disinformation about TSCA on Capitol Hill to convince Congress to weaken the law. TSCA as written is designed to keep Americans safe—that's why it's under attack.

Myths and facts on chemical toxicity and TSCA's risk-based approach

This fact sheet cuts through industry tactics to downplay the toxicity of new chemical applications submitted to the EPA—many of which are highly toxic. It also calls out several false claims about EPA's risk-based approach, which considers several factors—especially hazard and exposure—as part of a common sense, comprehensive way to gauge the potential threat a chemical could pose to Americans in everyday settings.

Harmful chemicals are commonly used in construction materials, such as formaldehyde in laminate flooring.

Reality Check: EPA does not take a hazard-based approach to new chemicals

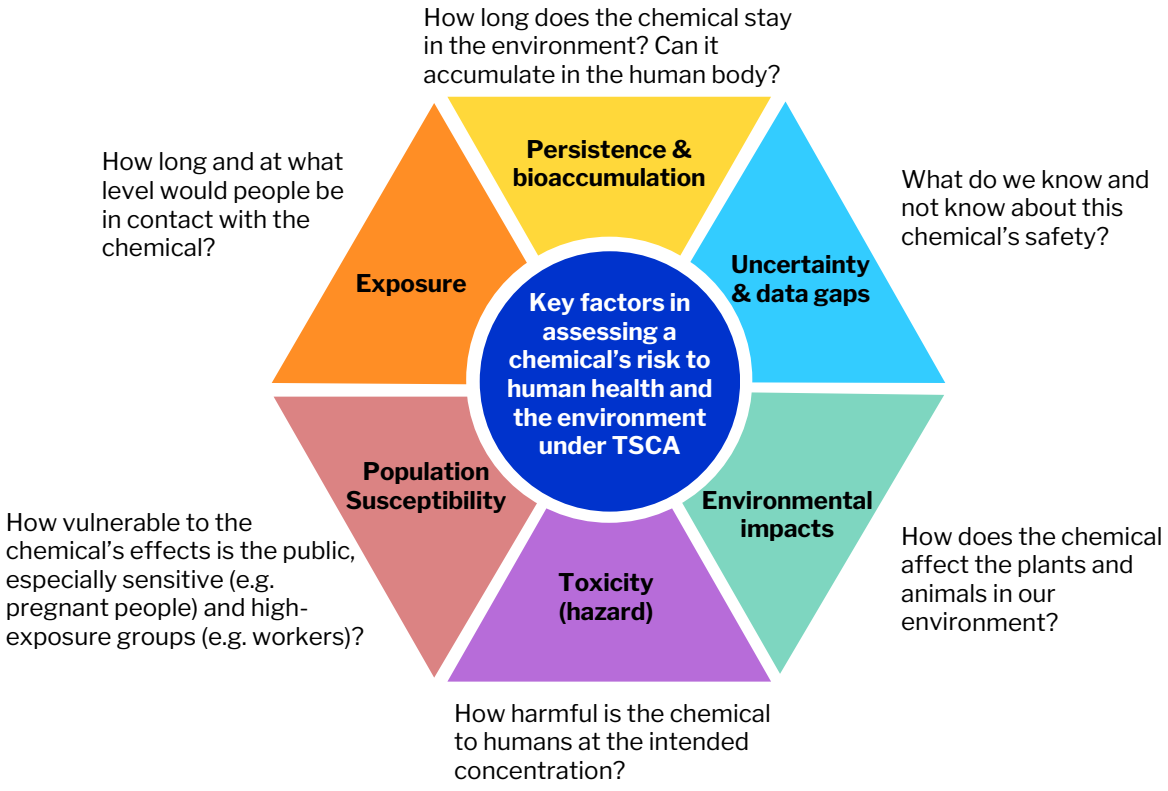
Myth: EPA takes a hazard-based approach to new chemicals.

Fact: EPA takes a risk-based approach to new chemicals because TSCA is a risk-based statute. TSCA requires that EPA affirmatively determine whether a new chemical poses an unreasonable risk. In determining the risk posed by a chemical, EPA considers the toxicity (hazard) of the chemical, its exposure and whether the level of exposure is anticipated to result in harmful effects. There is no evidence that EPA makes "may present" findings (or any other TSCA section 5 finding) based on hazard alone.

Myth: EPA takes a hazard-based approach to new chemicals because it considers reasonably foreseen uses that go beyond what the new chemical submitter has identified. Thus, EPA issues section 5(e) orders and SNURs for conditions of use and exposures which are "hypothetical" and have a miniscule chance of occurring.

Fact: TSCA *requires* that EPA consider reasonably foreseen uses. When considering these reasonably foreseen uses, EPA considers both the hazard of the chemical and the exposure that can result from the use, which is an integral factor for risk.

EPA looks at several factors when assessing chemical safety under TSCA



Source: EPA

Myth: EPA blacklists chemicals by only considering the hazard of chemicals and issuing SNURs that scare off downstream users such as consumer-facing companies. These downstream users do not want to use these chemicals with the stigma of a SNUR and will continue to use older, less safe chemicals that do not have SNURs attached to them instead.

Fact: EPA always considers risk-including when it considers and addresses reasonably foreseen uses and issues section 5(e) orders and significant new use rules. New chemicals would be more appealing to consumer-facing companies if they were designed so they are both functional and safe.

Further, a SNUR does not blacklist a new chemical. New chemical SNURs mirror the restrictions in new chemical submitter-specific consent orders, identify the parameters defining the safe use of the new chemical and level the playing field for the new chemical submitter subject to the consent order.

Reality Check: Assuming personal protective equipment (PPE) is enough to keep workers safe puts them at significant risk

Myth: EPA assumes unreasonable worker protection scenarios; most workers use PPE

Fact: This is a double fallacy. Scientific evidence shows that many workers do not use PPE and that the use of PPE is not the standard for worker protection.

Evidence shows that many workers do not use personal protective equipment.

Reality Check: EPA's definition of unreasonable risk is clearly defined, but the risks are often underestimated

Myth: EPA has not defined what poses an "unreasonable risk;" it is a moving target that nobody can define.

Fact: In all its rulemakings and in new chemicals guidance, EPA has identified the benchmarks it uses to identify what is an unreasonable risk. For cancer, EPA generally considers risks greater than 1 in 1 million for the general population and 1 in 10,000 for workers to be unreasonable risks. For non-cancer harms, EPA identifies an estimated level of exposure that is not expected to cause harm. If this level is exceeded, the Agency generally considers this to be an unreasonable risk.

Myth: EPA considers any risk greater than zero to be an unreasonable risk.

Fact: EPA only considers risks greater than well-accepted risk benchmarks to be unreasonable risks. Risks estimated to be below these benchmarks are not considered unreasonable and thus not subject to regulation. Further, EPA's estimation of risks are often underestimates and do not take into account the full magnitude of real-life exposures.

Reality Check: Most new chemicals raise significant concerns for toxicity

Myth: Most new chemicals are not very toxic.

Fact: Most new chemicals raise significant concerns for toxicity, such as the metal-based chemicals used for electric vehicle batteries, the persistent and bioaccumulative chemicals, including new PFAS, used to make microchips and the new chemical complex mixtures derived from plastic waste.

There is little incentive for industry to design truly safer chemicals given the risk framework of TSCA. Risk is a combination of hazard (toxicity) and exposure. The regulation of new chemicals is primarily regulation of exposure to the new chemical, e.g., through worker protections, limitations on releases to water, or concentration limitations.

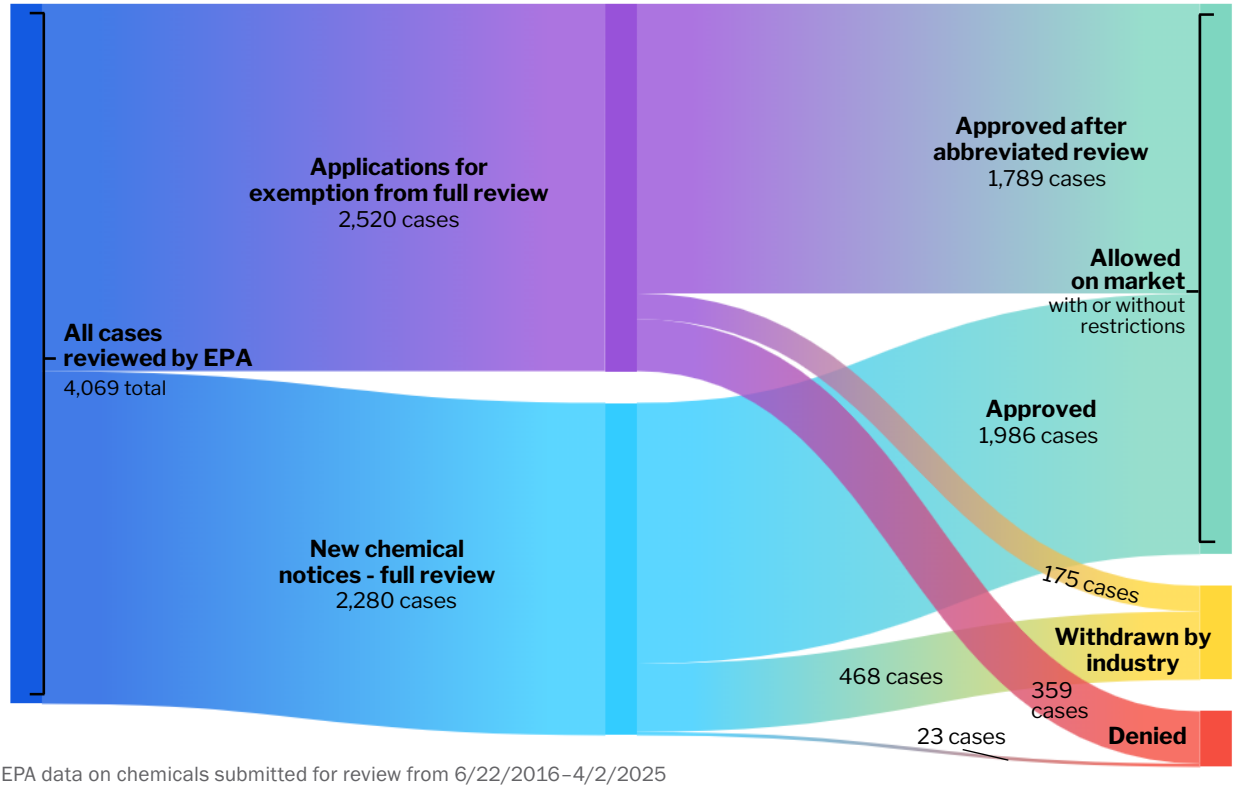
Myth: EPA over-regulates new chemicals.

Fact: EPA routinely allows chemicals that raise significant concerns for toxicity on the market but imposes restrictions under section 5(e) orders to mitigate the unreasonable risks the new chemicals may present. Only where restrictions cannot mitigate the unreasonable risk will the chemical not be commercialized. This has been the case in a tiny fraction of new chemical reviews.

Myth: EPA would regulate vinegar.

Fact: EPA would not regulate vinegar. Vinegar, which contains only very dilute weak acid, is a poor analogy for the highly corrosive new chemicals EPA reviews that can destroy human tissue.

EPA approves the vast majority of new chemical submissions under TSCA



Source: EPA data on chemicals submitted for review from 6/22/2016–4/2/2025

Reality Check: Not considering all our exposures to a chemical underestimates our risks

Myth: EPA overestimates risks by considering all uses of the chemical (the "whole chemical").

Fact: Considering exposures from all uses of a chemical and all pathways of exposure, e.g., air, water, land, is a more accurate way to assess risk based on the best available science. When we are exposed to a chemical it can be from different sources—and what is in our body is an aggregate from different sources. To not consider all the sources would underestimate exposures and health risks.

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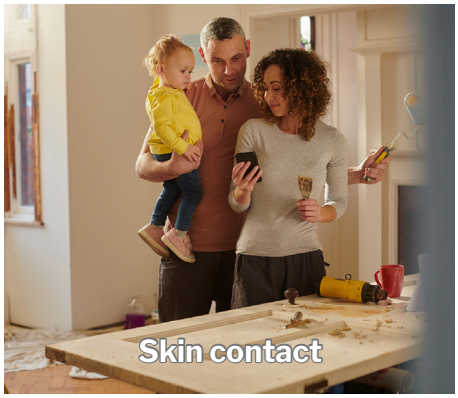
Humans are exposed to chemicals through multiple pathways



Source: EPA

When it comes to chemical policy, the facts are essential.

Scan the QR code to see all our TSCA fact sheets.

Contributing organizations:

Environmental Defense Fund (edf.org)
Earthjustice (earthjustice.org)
Center for Environmental Health (ceh.org)
Toxic-Free Future (toxicfreefuture.org)