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

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

A closer look: Industry holds up most new chemical reviews while creating false urgency around TSCA's reauthorization in Congress

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 TSCA's case review and reauthorization timelines

In this fact sheet, we're setting the record straight on several myths that industry is spreading about timelines surrounding TSCA. First, we'll examine EPA's safety review timelines under TSCA for approving new chemicals and who is really to blame for most delays. Then we'll debunk industry's completely made-up deadline for TSCA reauthorization in Congress and look at what their true motivations might be for inventing it.

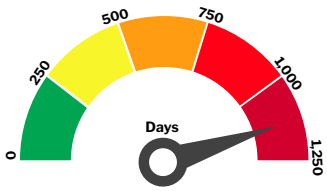
Industry is the primary driver of delays in chemical reviews

278

Number of TSCA reviews waiting on industry action for over one year.

1,095

Average number of days that delayed cases have been waiting on industry action.



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

Reality Check: TSCA does not require or permit rushed decisions that place the public at risk

Myth: TSCA requires EPA to complete the review of a new chemical within 90 days.

Fact: The 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act made significant changes to TSCA new chemical determinations, changing the focus from completing new chemical reviews in 90 days to determining the safety of new chemicals.

TSCA now requires EPA to make an affirmative determination about the safety of a new chemical. Manufacture of the new chemical cannot commence until EPA has made its determination. EPA must conclude that the substance either:

- Presents an unreasonable risk
- May present an unreasonable risk
- Has insufficient information to permit a reasoned evaluation, or
- Is not likely to present an unreasonable risk

The 1976 law permitted companies to manufacture new chemicals after the expiration of a 90-day review period, regardless of whether EPA had reviewed the chemical or made any risk determination. The 90-day "shot clock" resulted in unsafe chemicals like PFAS entering commerce and the environment. By eliminating that default approval and requiring affirmative risk determinations, Congress prioritized the protection of public health and the environment over the 90-day review period. Under the amended law, the only effect of the new chemical review period extending beyond 90 days is that EPA is required to refund applicable fees charged to the submitter for the review of the new chemical. The revised law incentivizes innovation toward the development of safer chemicals and prevents the approval of new chemicals before EPA has the opportunity to fully assess their risks.

Reality Check: Chemical submitters are primarily responsible for the delays in new chemical reviews

Myth: EPA routinely takes longer than 90 days to review new chemicals.

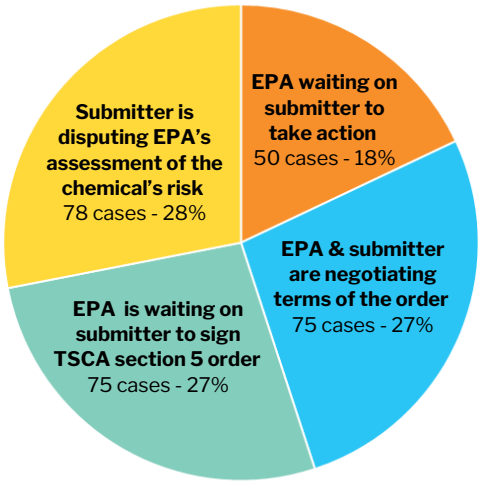
Fact: Submitters are responsible for most of the length of the review of a new chemical. Many cases take longer than 90 days (1) because new chemical applicants submit information that should have been included in the initial new chemical submission later in the process and (2) because the submitters frequently object to EPA's risk determinations and the restrictions it deems necessary to eliminate the unreasonable risk that the new chemical may present.

Myth: EPA has been sitting on some cases for months and for some cases, years.

Fact: Most of the length of a new chemical review is caused by the new chemical submitters themselves. The cases are not "sitting"—they are waiting for information or action from the chemical manufacturer, or there are disagreements between EPA and the manufacturer over the risk posed by the new chemical, or the company refuses to agree to the exposure controls which EPA considers necessary to protect workers and the public from the risks of the new chemical, as required by TSCA.

How industry stalls new chemical reviews

All 278 TSCA cases that have been held up for over one year are waiting on some form of industry action.



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

Myth: EPA asks for new information out of the blue and does not explain why it is needed.

Fact: EPA generally does not ask for additional information out of the blue. Rather, industry often provides information during the middle of the review that the company has and should have included in the original submission, including how the chemical is made and how it is intended to be used. This is basic information about the company's processes, how much of the chemical will be released to air, water and land and how many workers will be exposed. This information is provided by industry so that EPA will refine its risk assessment after the Agency has preliminarily identified an unreasonable risk.

There are instances where a company will make an unsubstantiated claim about the properties of a chemical, the hazard of the chemical or anticipated exposure that conflicts with what EPA knows about similar chemicals. In that case, EPA may say that, in the absence of information on the new chemical, it intends to use the information it has on the similar chemical. The new chemical submitter may then choose to develop new information to try to support its unsubstantiated claim, particularly if EPA has determined that the new chemical may present an unreasonable risk. Most Americans would agree that EPA should evaluate this information before it approves a chemical that may end up in our air, water and bodies.

Myth: EPA asks for new information at day 89 of the 90-day review period.

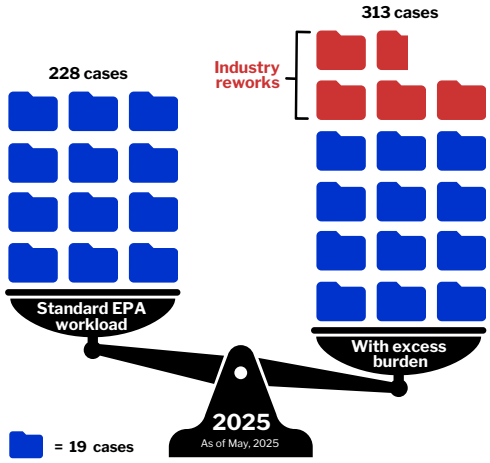
Fact: EPA does not ask for information on day 89. During the middle of the review process after EPA has preliminarily identified an unreasonable risk, industry often provides information that the company has and should have included in the original submission. This information is provided in hopes that when EPA reconducts the risk assessment there will no longer be an unreasonable risk. The information that is often lacking is the information needed to determine worker and general population exposure, which is typically determined early in the review process.

Industry may also provide information during the risk management stage of the review process, after EPA has made its unreasonable risk determination and must decide what limitations to include in the section 5(e) consent order. Companies will often assert without substantiation that they have the controls in place to mitigate the unreasonable risk and that restrictions are not needed

in the consent order. EPA will request that the company provide information that supports these unsubstantiated claims.

Industry's failure to provide key data upfront caused a 37% rise in EPA's workload in 2025

Companies often fail to provide essential data in new chemical filings, forcing EPA to rework reviews and burdening an already underfunded program.



Source: EDF analysis of EPA data.

Reality Check: EPA is not required to reauthorize all of TSCA just to renew the authority for EPA to require fees

Myth: Congress is required to reauthorize TSCA to renew the fees that expire in 2026.

Fact: TSCA does not require reauthorization in 2026. The chemical lobby is attempting to create a false sense of urgency by claiming that TSCA generally needs to be authorized, when only the fee provision expires in 2026. The chemical lobby is using the expiration of the fee authority as a Trojan horse to push for the above-described rollbacks that have nothing to do with fees and will weaken EPA's ability to protect the public from unsafe chemicals.

Myth: EPA's TSCA program needs resources to implement TSCA, so the fee provision is important. It makes sense to weaken TSCA somewhat in exchange for getting the fees restored.

Fact: While it is true that EPA's TSCA program needs adequate resources to implement TSCA, the law should not be weakened in exchange for renewing EPA's authority to charge the industry fees. Congress can, and should, fund the TSCA program through the regular appropriations process. It should not be held hostage to weakening the law in exchange for fees.

In addition, resources could be saved if EPA were not required to revise and reconduct risk assessments because the new chemical submitter provided key information that should have been included in the initial new chemical submission midway through the process; or if EPA did not need to negotiate with the new chemical submitter over their frequent objections to EPA's finding of unreasonable risk and the restrictions needed to mitigate the unreasonable risk.

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)