

Erik Baptist Discusses EPA's Plans to Speed Up Reviews of New Chemicals Under TSCA

Inside EPA's Inside TSCA

July 15, 2020

Erik C. Baptist, partner in Wiley's Environment & Product Regulation Practice, was quoted by *Inside EPA's Inside TSCA* in a July 13 article about plans by the U.S. Environmental Protection Agency (EPA) to propose a rule that would speed the review process for new chemicals under the amended Toxic Substances Control Act (TSCA).

The EPA plans to issue a proposed rule in September, and a final rule by July 2021, to improve the efficiency of the review and approval of premanufacture notifications (PMNs) under Section 5 of TSCA, according to the article. *Inside TSCA* noted that since the enactment of the 2016 TSCA amendments, the EPA has had difficulties in complying with a new 90-day deadline for determining if a new chemical poses unreasonable health or environmental risks.

The proposed rule could enable the EPA to clean house by eliminating outdated requirements that hinder its ability to meet the 90-day PMN deadline, according to Mr. Baptist - who previously served as Deputy Assistant Administrator for Law and Policy in the EPA's Office of Chemical Safety and Pollution Prevention, and as Senior Deputy General Counsel in the Office of General Counsel. During his time at the EPA, he implemented groundbreaking TSCA rulemakings and policies and reformed the agency's new chemical review process.

"My experience overseeing EPA's new chemical program taught me that there are archaic regulations that impede the agency from completing timely reviews of PMN submissions," Mr. Baptist said. "I hope EPA's upcoming rule addresses this significant problem."

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He added that the upcoming proposed rule could make it easier for the EPA to reject PMN requests while speeding up the approval process to meet the 90-day review deadline.

"After the 2016 TSCA amendments, it became clear that the regulations governing the PMN review and approval process needed to be updated to comport with the new responsibilities conferred upon EPA," Baptist told *Inside TSCA*.

"I expect the agency to provide itself additional flexibility to reject PMN submissions that lack the information necessary for EPA to make an informed determination," he said. "EPA should also restructure its review process in a manner that ensures that its determinations can be - and actually are - completed by the 90-day statutory deadline."

To read the article, click here (*subscription required*).