

MEDIA MENTION

# Erik Baptist's Webinar on TSCA Litigation Is Featured in *Inside EPA*

*Inside EPA's Inside TSCA*

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A June 30 Wiley webinar featuring Erik C. Baptist, partner in the firm's Environment & Product Regulation Practice, was covered extensively by *Inside TSCA*, a publication of *Inside EPA*.

Mr. Baptist's presentation, part of Wiley's 2020 TSCA Webinar Series, focused on how companies can prepare for litigation that will inevitably result from the U.S. Environmental Protection Agency's (EPA) release of 10 chemical risk evaluations that are required under the amended Toxic Substances Control Act (TSCA).

Topics of the webinar included the timing of litigation, the judicial standard of review for a challenge to TSCA Section 6 action, the TSCA risk evaluation process, and the TSCA risk management phase and considerations.

During the webinar, Mr. Baptist noted that the EPA recently released its final risk evaluation for one of the 10 chemicals – methylene chloride – and the agency expects to complete the remaining nine evaluations by the end of the summer. Based on the evaluations' findings, the EPA will develop risk management rules, under Section 6 of TSCA, for any uses of the chemicals that are found to pose unreasonable risks.

As reported by *Inside TSCA*, Mr. Baptist said companies should not wait until the final risk management rules are issued several years from now; rather, they should begin thinking now about the "inevitable litigation" that will follow the final rules, and begin building a case for continued uses of those chemicals as allowed by the statute.

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Environment & Product Regulation  
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Mr. Baptist also urged companies to closely examine whether their uses of the evaluated chemicals are exempt, under TSCA, from any of the risk management requirements. He noted that TSCA, as amended in 2016, allows exemptions for replacement parts and articles, and for critical or essential uses which can include uses involving national security concerns.

"In proposing an exemption under this subsection, EPA shall analyze the need for the exemption and shall make public the analysis and a statement describing how the analysis was taken into account," Mr. Baptist said in his presentation, as quoted by *Inside TSCA*.

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

To watch Mr. Baptist's webinar presentation, click here (*registration required*).