

Protecting Stakeholder Interests Under TSCA Section 6

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EPA section 6 actions may adversely affect stakeholders

- May require testing for prioritization
- May designate chemical as high-priority
 - “May present an unreasonable risk”
 - Fee of \$1,350,000
- May determine chemical “presents an unreasonable risk”
- May ban or restrict future uses
- Marketplace impact + possible tort suits



EPA section 6 actions may help stakeholders

- May designate chemical as low-priority
- May determine chemical does not present an unreasonable risk under all conditions of use or under those relevant to stakeholder
- Risk management rule may preempt states
- Compliance with rule may help with tort suits

Have a proactive strategy

- Identify key chemicals
- Assess their vulnerability to EPA action
- Evaluate information available to EPA
- Develop and submit additional information
- Advocate for or against EPA action
- Comment at every opportunity



Timing for stakeholder actions

Pre-prioritization
stage or
manufacturer
request

Prioritization
candidates
announced

Proposed high-
and low-priority
designations

Risk evaluation
draft scope

Draft risk
evaluation

Proposed risk
management
rule

Most effective stakeholder actions

Submit or develop hazard data

- Review studies reasonably available to EPA
- Submit additional existing studies – REACH?
- Conduct new studies

Submit or develop use and exposure data

- Potential for consumer use
- PPE used
- IH monitoring, environmental monitoring

Prepare and submit your own risk evaluation

Advocacy

Questions?

Thank you!



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