

# What to Expect Under TSCA in 2026



January 13, 2026

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We anticipate that the Environmental Protection Agency (EPA) and the courts will keep chemical companies and anyone else that handles chemical substances hopping in 2026. Here is a brief summary of what to expect under the Toxic Substances Control Act (TSCA) in 2026:

## Section 6 Risk Management Rules

- ◆ The Fifth Circuit will issue precedential decisions in the methylene chloride and chrysotile asbestos cases.
- ◆ EPA will propose amendments to the perchloroethylene, trichloroethylene, and carbon tetrachloride rules.
- ◆ EPA may promulgate final risk management rules for 1-bromopropane, n-methylpyrrolidone, and C.I. Pigment Violet 29.
- ◆ EPA will propose risk management rules for formaldehyde and HBCD, and possibly up to 12 other substances.

## Section 6 Risk Evaluations

- ◆ EPA will publish final risk evaluations for two chlorinated solvents and possibly other substances.
- ◆ EPA will make available proposed risk evaluations for nine substances.
- ◆ EPA will post draft or final scope documents for five substances.

## Section 5 Premanufacture Notices (PMNs) and Significant New Use Rules (SNURs)

- ◆ EPA will face ongoing challenges in reducing its backlog of pending notices and expediting its review of new notices.
- ◆ EPA will continue to adopt SNURs for recent PMNs that have completed review.

## Section 8 Reporting Rules

- ◆ EPA will adopt final amendments to the PFAS reporting rule, with reporting due 60 to 90 days later.

- ◆ EPA will propose amendments to the December 2024 section 8(d) rule for 16 chemicals and further delay reporting obligations until after adoption of the final amendments, probably into 2027.

## Section 4 Test Orders

- ◆ EPA is unlikely to issue additional test orders until after it has reviewed the studies submitted in the section 8(d) rule, which is now unlikely before 2027.

## Section 14 Confidentiality Requirements

- ◆ The 10-year lives of confidential business information (CBI) claims will begin to expire, starting with those made after the June 2016 enactment of TSCA amendments.
- ◆ EPA will send submitters advance expiration notices to the extent it has accurate contact information.

## Section 26(b) Fees and TSCA Legislation

- ◆ EPA's authority to assess fees will expire in June 2026 unless Congress extends it.
- ◆ Fees legislation, coupled with legislation to address PMN backlogs, will be introduced in Congress, with the outcome unclear.

## Section 15 Enforcement

- ◆ EPA plans to increase enforcement of illegal imports of toxic chemicals.

Below are more detailed predictions:

## Section 6 Risk Management Rule Litigation

In the nine-and-a-half years since enactment of the 2016 TSCA amendments, no court has yet ruled on a risk management rule that followed the risk evaluation process required by those amendments. Two such decisions are expected in 2026, both from the Fifth Circuit. Those decisions are likely to set important precedents for all section 6 rulemaking.

### 1. Methylene Chloride:

The first opinion likely to be issued involves the methylene chloride rule, [40 C.F.R. Part 751, Subpart B](#). The court heard oral argument in the case, *East Fork Enterprises, Inc. and Epic Paint Co. v. EPA*, No. 24-60227, on June 3, 2025, so a decision in the first quarter of 2026 is likely.

### 2. Chrysotile Asbestos:

That opinion will likely be followed later in the year by a decision in the case challenging the chrysotile asbestos rule, [40 C.F.R. Part 751, Subpart F](#). Final briefs in the case, *Texas Chemical Council v. EPA*, No. 24-60193, are due January 16, 2026, with oral argument to follow.

### 3. DecaBDE:

NGOs have challenged the decaBDE rule, [40 C.F.R. § 751.405](#), adopted under section 6(h), as insufficiently protective. Oral argument in the case, *Yurok Tribe v. EPA*, No. 24-7497 (9<sup>th</sup> Cir.), is scheduled for March 3, 2026. A decision in 2026 is likely. Depending on the outcome, this could lead to further rulemaking for this substance.

Three additional final risk management rules face ongoing legal challenges, but those cases are currently in abeyance and may not result in court decisions in 2026. See below.

## Section 6 Risk Management Rule Amendments

Three current rules are likely to become the subject of proposed amendments in 2026, as indicated in judicial review proceedings. The notices of proposed rulemaking will provide an opportunity for comments.

### 1. Perchloroethylene:

A third Fifth Circuit case, *FabriClean Supply v. EPA*, No. 25-60006, involving the perchloroethylene rule, [40 C.F.R. Part 751, Subpart G](#), is currently stayed until March while EPA works on proposed revisions; further stays are foreseeable. In November 2025, EPA told the court that it expects to publish a notice of proposed rulemaking to amend the rule in or around summer 2026 and promulgate a final rule in 2027. In November 2025, EPA announced that it is also considering options to extend certain compliance dates, including a more expedited rulemaking process to address such extensions.

### 2. Trichloroethylene:

The case challenging the trichloroethylene rule, [40 C.F.R. Part 751, Subpart D](#), in the Third Circuit, *United Steel Paper and Forestry Rubber Manufacturing Energy Allied Industrial and Service Workers International Union AFL CIO v. EPA*, No. 25-1055, has been stayed with respect to the TSCA section 6(g) exemptions, [40 C.F.R. § 751.325](#). In May 2025, EPA informed the court that it intended to reconsider the section 6(g) exemptions, [40 C.F.R. § 751.325](#), and possibly other aspects of the rule, with the rulemaking process expected to take 18-24 months. Thus, proposed amendments are likely in 2026. The court is now considering whether to proceed to judgment with respect to the rest of the rule or pause the case during the rulemaking. In November 2025, EPA [extended](#) the effective date for the section 6(g) provisions until February 17, 2026; further extensions are likely.

### 3. Carbon Tetrachloride:

The Eighth Circuit has placed a case, *Olin Corp. v. EPA*, No. 25-1014, in abeyance pending EPA review of the carbon tetrachloride rule, [40 C.F.R. Part 751, Subpart H](#). In September 2025, EPA told the court that it expects to issue a proposed rule in 7-10 months (i.e., April to July 2026) and a final rule in 18-24 months.

## Section 6 Final Risk Management Rules Due in 2026

Under section 6(c)(1)(B), EPA must publish a final risk management rule for a chemical substance within two years following issuance of a final risk evaluation finding that the substance presents an unreasonable risk. Final rules for three chemical substances are due in 2026:

### 1. 1-Bromopropane:

The final risk evaluation was completed in August 2020. The proposed rule [appeared](#) at 89 Fed. Reg. 65066 (Aug. 8, 2024). The current Regulatory Agenda [predicts](#) a final rule in April 2026.

### 2. N-Methylpyrrolidone ;

The final risk evaluation was completed in December 2020. The proposed rule [appeared](#) at 89 Fed. Reg. 51134 (Jun. 14, 2024). The current Regulatory Agenda [predicts](#) a final rule in April 2026.

### 3. C.I. Pigment Violet 29:

The final risk evaluation was completed in January 2021. A final revised unreasonable risk determination was completed in August 2022. The proposed rule [appeared](#) at 90 Fed. Reg. 3107 (Jan. 14, 2025). The current Regulatory Agenda does not predict when a final rule will be published.

## Section 6 Proposed Risk Management Rules Due in 2026

Under section 6(c)(1)(A), EPA must publish a proposed risk management rule for a chemical substance within one year following issuance of a final risk evaluation finding that the substance presents an unreasonable risk. Proposed rules for two chemical substances are expected in 2026. Proposed rules are due in 2026 for others, but it is unclear how many, if any, will appear this year. The notices of proposed rulemaking will provide an opportunity for comments.

At least two proposed rules are expected in 2026:

- ◆ Cyclic Aliphatic Bromide Cluster (HBCD). EPA completed the risk evaluation in September 2020. The current Regulatory Agenda [predicts](#) a proposed rule in February 2026.
- ◆ Formaldehyde. EPA completed the risk evaluation in December 2024. The current Regulatory Agenda [predicts](#) a proposed rule in May 2026. In December 2025 EPA published a [notice](#) summarizing revised draft risk calculations for the risk evaluation, but indicated that work on a proposed rule was continuing.

Twelve additional proposed rules are due in 2026, but the current Regulatory Agenda does not have entries for them, suggesting that publication in 2026 is uncertain:

- ◆ Tris(2-chloroethyl) phosphate. EPA completed the risk evaluation in September 2024.
- ◆ 1,4-Dioxane. EPA completed the risk evaluation in December 2020 and issued a final supplement to it in November 2024. Both are being challenged in the Fifth Circuit, *Union Carbide Corp. v. EPA*, No. 24-60615. The case is currently stayed until March 30, 2026. In May 2025, EPA filed a declaration in that case saying that it intends to develop additional steps to revise the risk evaluation, depending on the outcome of the reconsideration of the scientific issues. With an opportunity for public comment and peer review activities, EPA expects this process to take 12-24 months, depending on whether EPA determines that peer review is necessary.
- ◆ Legacy uses of asbestos. EPA completed the risk evaluation in December 2024.
- ◆ DIDP. EPA completed the risk evaluation in December 2024.
- ◆ DINP. EPA completed the risk evaluation in January 2025.
- ◆ 1,1-Dichloroethane. EPA completed the risk evaluation in June 2025.
- ◆ 1,3-Butadiene. EPA completed the risk evaluation in December 2025.
- ◆ BBP, DBP, DCHP, DEHP, and DIBP. EPA completed the risk evaluations in December 2025.

## Section 6 Final Risk Evaluations

EPA is under a consent decree to complete eleven risk evaluations in 2026, *Community in-Power and Development Ass'n v. EPA*, No. 1:23cv2715 (D.D.C). According to the decree, as amended, the following final risk evaluations are due in 2026:

- ◆ 1,2-dichloroethane. This risk evaluation is due by April 30, 2026.
- ◆ Final risk evaluations for the following ten chemical substances are due by December 31, 2026.
  - 1,2-Dichloropropane. EPA posted a draft risk evaluation in November 2025.
  - EPA published final scopes for the following risk evaluations in August 2020 but has not yet posted draft risk evaluations for any of them:
    - *o*-Dichlorobenzene
    - *p*-Dichlorobenzene
    - *trans*-1,2-Dichloroethylene
    - Ethylene dibromide
    - HHCB
    - Phthalic anhydride
    - TBBPA
    - TPP
    - 1,1,2-Trichloroethylene

EPA has previously petitioned the court for extensions for some individual risk evaluations; it may do so again for some of the eleven due in 2026.

For more information about risk evaluations for specific substances, see [here](#).

## Section 6 Risk Evaluation Scope Documents Due in 2026

Under section 6(b)(3)(A), the statutory period for completing a risk evaluation begins upon designation of a chemical substance as a high-priority substance. By three months thereafter, EPA must publish a draft scope document with a 45-day comment period. [40 C.F.R. § 702.43\(a\)](#). By six months after designation, EPA must publish the final scope document. section 6(b)(4)(D); [40 C.F.R. § 702.43\(b\)\(1\)](#).

EPA [designated](#) five chemical substances as high-priority substances in December 2024. Of these:

- ◆ EPA [posted](#) a draft scope document for vinyl chloride in January 2025.
- ◆ EPA has not yet posted a draft scope document for:
  - Acetaldehyde
  - Acrylonitrile
  - Benzenamine

- MBOCA

Draft scope documents for those four high-priority substances, along with opportunities for comment, are due in 2026. Final scope documents for all five are also due in 2026. Comments on in-progress risk evaluations are acceptable at any time.

## Section 6 Risk Evaluation Framework Rule

EPA [published](#) proposed amendments to the current risk evaluation framework rule, [40 C.F.R. Part 702, Subpart B](#), in September 2025. The current Regulatory Agenda [predicts](#) publication of a final rule in April 2026.

The current rule is under judicial review in the D.C. Circuit, *United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO v. EPA*, No. 24-1151. That case is held in abeyance until further order of the court. Publication of final amendments may result in further litigation.

## Section 5 Notices

In 2026, as in previous years, expect EPA to take significantly longer than the statutory 90-day period to review premanufacture notices (PMNs) and significant new use notices (SNUNs), and the regulatory 30-day period to review low volume exemption (LVE) applications, although somewhat less time than previously. As of January 1, 2026, EPA's backlog of section 5 submissions stood at 581. See [here](#). The [December 2024 amendments](#) to the regulations governing PMNs, SNURs, SNUNs, and LVEs, 40 C.F.R. Parts 720, 721, and 723, may also help reduce delays.

Note that the PMN form currently in CDX does not reflect the additional data elements required by the December 2024 amendments. EPA says it is working to upgrade CDX to incorporate those elements. In the meantime, submitters may add them in attachments.

Those rules are being challenged in the Ninth Circuit, *Alaska Community Action on Toxics v. EPA*, No. 25-158. The briefing in the case is ongoing, and it is not clear whether there will be a decision in 2026.

Expect EPA to continue to skew its determinations following review of PMNs and SNUNs toward finding that the substance or proposed new use may present an unreasonable risk. Since the beginning of the second Trump administration through November 18, 2025, EPA had made only 16 "not likely to present an unreasonable risk" findings, of which 12 were for chemicals and four were for genetically modified microorganisms. See [here](#). All other determinations for PMNs and other notices that completed the review process were that the substance or proposed new use "may present an unreasonable risk," triggering the need for a section 5(e) order.

## Section 5 Significant New Use Rules

section 5(f)(4) requires EPA to initiate a SNUR rulemaking (or determine not to issue a SNUR) within 90 days of issuing a § 5(e) or § 5(f) order. EPA, under the second Trump administration, has published 140 final SNURs and 148 proposed SNURs, all for PMN chemicals. Expect this SNUR rulemaking to continue in 2026. The notices of proposed rulemaking will offer opportunities for comments.

## Section 8 Reporting Rules

Section 8(a)(7) PFAS Reporting Rule. In May 2025, EPA [extended](#) the reporting period for the PFAS Reporting Rule, [40 C.F.R. Part 705](#), to April 13, 2026 through October 13, 2026. Those dates are likely to change in light of proposed amendments to the rule itself.

In November 2025, EPA [proposed](#) to amend the rule, including by adding a variety of exemptions and a de minimis concentration for mixtures. See our alert [here](#). The proposal would reset the reporting period to two to five months after the effective date of the final rule. The current Regulatory Agenda [predicts](#) publication of a final rule in June 2026. With a 30-day period before the effective date after publication, this suggests that the reporting period would begin in September 2026 and end in December 2026.

Section 8(d) Health and Safety Study Reporting Rule. In June 2025, EPA [extended](#) the reporting deadline for the section 8(d) rule [published](#) in December 2024, covering 16 chemical substances. The due date is currently May 22, 2026. EPA is likely to extend that date further, however.

The December 2024 rule is being challenged in the D.C. Circuit, *American Fuel & Petrochemical Manufacturers v. EPA*, No. 25-1076. In April 2025, the court placed the case in abeyance due to settlement discussions between the parties. The case remains in abeyance.

Apparently, as a result of the settlement discussions, in November 2025 EPA announced that it planned to reconsider the rule. That announcement said that EPA intends to issue a proposed rule seeking public comment on potential changes to the TSCA section 8(d) rule and, if appropriate, finalize a new rule based on public and stakeholder input. With the rulemaking process expected to take 12-18 months, EPA is almost certainly going to extend the reporting deadline again, possibly into early 2027. The notice of proposed rulemaking will provide an opportunity for comments.

## Section 4 Test Orders

In 2021 and 2022, as it was preparing risk evaluations for the first 20 high-priority substances, EPA issued test orders for six of those substances (see [here](#)). At some point, it may issue test orders for one or more of the five chemicals designated as high-priority substances in December 2025. This is unlikely, however, until after it receives the studies on those substances required under the section 8(d) rule. As indicated above, reporting under that rule is now unlikely in 2026.

## Section 14 Confidential Business Information

Under section 14(e)(1) and (2)(B), claims for protection against disclosure of confidential business information (CBI) last a maximum of ten years, unless resubmitted with a substantiation at least 30 days before their expiration dates. Thus, CBI claims submitted on or after June 22, 2016 will start to expire ten years after submission, beginning on June 22, 2026 unless submitters take timely action.

Under section 14(e)(2)(A), EPA must notify submitters at least 60 days before their claims expire. On January 6, 2026, EPA [published](#) a notice explaining its intended process for implementing this notification requirement, which is scheduled to begin in spring 2026. EPA plans further outreach to submitters, including Q&As, lists of expiring claims, and possibly a webinar.

Submitters should ensure their contact information in CDX is up to date. In addition, they should, as appropriate, update the contact information for each CBI submission. [40 C.F.R. § 703.5\(h\)\(1\)](#).

## Section 26(b) Fees and TSCA Legislation

Current fees for PMNs and other submissions under TSCA are available at 40 C.F.R. § 700.45(c) and [here](#). All fees will increase on October 1, 2026, with the start of fiscal year. [40 C.F.R. § 700.45\(d\)](#).

Each manufacturer of one of the five chemicals designated as high-priority substances in December 2024 must, together with other manufacturers of that substance, pay the first 50% of the risk evaluation fee within 180 days after publication of the final scope document for that substance. [40 C.F.R. § 700.45\(g\)\(3\)\(iv\)\(A\)](#). The fee currently totals \$4,287,000, so 50% is \$2,143,500. [40 C.F.R. § 700.45\(c\)\(2\)\(ix\)](#).

As noted above, EPA has not yet published the final scope documents for any of those substances, but they are due in 2026 for all of them. EPA plans to post a final list of the manufacturers subject to fee requirements for each of the five substances by the time it publishes the respective final scope documents.

Under section 26(b)(6), EPA's authority to collect fees will expire on June 22, 2026 (ten years after enactment of the 2016 amendments) unless Congress reauthorizes fee collection by then. Both the House and Senate committees are working on legislation to reauthorize fee collection, but they have not introduced bills yet.

The EPA chapter of [Project 2025](#) called for changes to "right-size the TSCA fees rule so that it is consistent with the tasks that the agency is actually completing within the timelines of the statute and is not covering the costs of EPA inefficiency or overreach." Those changes could come administratively or through legislation.

The prospects and timing for enactment of fee legislation are unclear, since both Houses are said to be considering bills to modify TSCA, particularly section 5. [Industry](#) has called for Congress to clarify its intent for the standard of review for new chemicals. [NGOs](#) and [labor unions](#) have submitted letters to congressional committees advocating for no substantive changes to TSCA. At his October 2025 confirmation hearing, Douglas Troutman, now Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, [committed](#) to working constructively with Congress to address possible amendments to TSCA. We expect members in the House and Senate to introduce bills in 2026.

Unrelated legislation, the PFAS Accountability Act of 2025, [H.R. 6626](#) and [S. 3460](#), would add a new section 25 to TSCA establishing a federal cause of action for persons significantly exposed to PFAS, along with medical monitoring.

## Section 15 Enforcement

In December 2025, EPA [announced](#) that it "is dramatically expanding its imports investigative capacity and enforcement scope beyond the limited efforts of previous years, launching broader investigations that target illegal pesticide and chemical smuggling operations across multiple sectors to safeguard communities, agricultural integrity, and national security." The announcement asserted that "Chinese manufacturers and criminal cartels have increasingly exploited regulatory and enforcement gaps to flood American markets with dangerous chemicals."

Importers can expect greater scrutiny from EPA and Customs and Border Protection, particularly with respect to imports from China.

## Conclusion

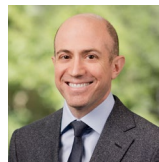
After a slow start in 2025 (see our alert [here](#)), TSCA developments came rapidly during the rest of 2025. We expect many more developments in 2026. Companies must take advantage of opportunities for comment and anticipate potential impacts of EPA and court actions on them. Beveridge & Diamond offers a full-service TSCA practice and is available to assist.

*Beveridge & Diamond's [Chemicals Regulation](#) practice group and [Chemicals](#) industry group provide strategic, business-focused advice to the global chemicals industry. We work with large and small chemical and products companies whose products and activities are subject to EPA's broad chemical regulatory authority under TSCA and state chemical restrictions.*



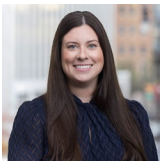
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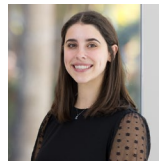
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