

TSCA Mid-Year Update: What Has Happened and What to Expect in 2026 and Thereafter



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In January, we [predicted](#) that the U.S. Environmental Protection Agency (EPA) and the courts would make waves under the Toxic Substances Control Act (TSCA). As anticipated, chemical companies have been kept on their toes. This alert presents a summary of what has happened in the last six months and what to expect for

the rest of 2026, followed by a detailed description. In brief, EPA continues to fall further behind in meeting its statutory deadlines. Meanwhile, its resources to meet its responsibilities under TSCA face potential cuts, both because its authority to collect fees is scheduled to expire in just over three months and because congressional committees are considering reductions in EPA funding for the upcoming fiscal year. How EPA responds to these challenges may affect many stakeholders.

Summary

Section 4 – Test Orders

- EPA added 13 New Approach Methods (NAMs) to its list of methods for reducing and eliminating animal testing.
- EPA is unlikely to issue additional test orders until after it has reviewed the studies submitted under the section 8(d) rule, now due in 2027.

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

- EPA slightly reduced its backlog of pending notices, but it will likely face ongoing challenges as it continues to reduce the backlog and expedite its review of new notices.
- EPA has adopted SNURs for recent PMNs that have completed review and will continue to do so.

Section 6(a) – Risk Management Rules

- The Ninth Circuit has remanded EPA's decaBDE rule, finding that EPA lacked substantial evidence to support not regulating certain exposure pathways.

- We are awaiting decisions by the Fifth Circuit in the methylene chloride and chrysotile asbestos cases.
- EPA plans to issue proposed amended rules for perchloroethylene and carbon tetrachloride.
- EPA is obligated to promulgate final risk management rules for 1-bromopropane, n-methylpyrrolidone, and C.I. Pigment Violet 29.
- TSCA requires EPA to propose risk management rules for fourteen chemicals.

Section 6(b) – Risk Evaluations

- EPA has published the final risk evaluation for 1,2-dichloroethane and draft risk evaluations for HHCb, phthalic anhydride, and TBBPA. It is working on draft risk evaluations for additional substances.
- EPA is under court order to complete ten final risk evaluations by December 31, 2026.
- EPA may complete the final risk evaluation for D4 and publish draft or final scope documents for five other substances.

Section 8 – Reporting Rules

- EPA postponed the reporting period for the PFAS reporting rule; it will now start on January 31, 2027, or 60 days after the effective date of the final amendments that EPA may issue in the coming months, whichever is earlier.
- EPA delayed reporting obligations for the December 2024 section 8(d) health and safety rule until May 2027. EPA may propose amendments this year.

Section 14 – Confidential Business Information

- The ten-year lives of confidential business information (CBI) claims have begun to expire, starting with those made shortly after the June 2016 enactment of TSCA amendments.
- EPA is sending submitters advance expiration notices. It is also posting lists of expiring claims and CBI submitters.

Section 15 – Enforcement

- EPA is pursuing a multi-million-dollar enforcement action involving the alleged illegal importation of toxic chemicals from China.
- EPA has tentatively settled a major PFAS case that includes TSCA allegations.
- EPA is likely to continue its increased enforcement of allegedly illegal imports of toxic chemicals.

Section 21 – Citizen Petitions

- The Ninth Circuit has remanded a case regarding fluoride in drinking water back to the district court.
- A federal district court may issue a ruling on EPA's motion to dismiss in a case involving the denial of a petition related to hydrogen fluoride in domestic oil refining.
- EPA is past due in deciding whether to grant a petition alleging unreasonable risk stemming from chemicals in consumer laundry detergents.

Section 26 – Fees

- EPA’s authority to collect fees will expire on September 30, 2026, unless Congress extends it.
- EPA has lost the ability to collect fees from manufacturers of five chemical substances before that date.

Title VI – Formaldehyde Standards

- EPA published a proposed rule updating the formaldehyde standards. It may publish the final rule in 2026.

TSCA Legislation

- Committees in both the House and the Senate have prepared discussion drafts of legislation to renew EPA’s authority to collect fees, along with significant changes to other TSCA provisions. Neither draft has been introduced.
- Bills have been introduced that would (1) ban remaining uses of asbestos, (2) establish a federal cause of action for persons significantly exposed to PFAS, (3) codify the Safer Choice Program, and (4) increase EPA’s obligations during the risk evaluation process.
- Bills extending EPA’s fee collection authority are likely to be introduced in the coming months, possibly coupled with legislation to address PMN backlogs, risk evaluation, and risk management, or as simple additions to appropriations bills.

Discussion

Section 4 – Test Orders

EPA has not issued a section 4 test order since [October 2024](#). At some point, EPA may issue test orders for one or more of the five chemicals designated as high-priority substances in December 2024. 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 extended to 2027.

Section 4(h)(2)(C) mandates EPA to maintain and update a list “of particular alternative test methods or strategies . . . that do not require new vertebrate animal testing.” [15 U.S.C. § 2603](#). The agency refers to these alternatives as NAMs. On June 2, 2026, EPA [announced](#) the addition of 13 NAMs to its list, approving their use in TSCA-related tests. EPA also announced a new nomination process for NAMs, requesting initial submissions via email. Stakeholders should expect the second Trump administration to continue its attempts to expand the NAMs list and reduce animal testing throughout the rest of 2026.

Section 5 – Premanufacture Notices

In 2026, as in previous years, EPA has taken longer than the statutory 90-day period to review premanufacture notices (PMNs) and significant new use notices (SNUNs). It has also exceeded the regulatory 30-day period for reviewing low-volume exemption (LVE) applications. Expect this to continue for the rest of 2026.

As of June 1, 2026, EPA’s [backlog](#) of section 5 submissions stood at 571, down from 584 in January. The [December 2024 amendments](#) to the regulations governing PMNs, SNURs, SNUNs, and LVEs, 40 C.F.R. Parts 720, 721, and 723, may reduce delays.

Those rules are being challenged in the Ninth Circuit, *Alaska Community Action on Toxics v. EPA*, No. 25-158. Oral argument is scheduled for August 13, 2026, but it is not clear whether the court will issue a decision this year.

EPA has continued to skew its determinations following review of PMNs and SNUNs toward finding that the substance or proposed new use may present an unreasonable risk. In 2026, EPA has made only 13 “not likely to present an unreasonable risk” findings, of which 11 were for chemicals, and two for genetically modified microorganisms. 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. Expect this trend to continue for the rest of 2026.

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. In the first six months of 2026, EPA has published 64 final SNURs and 56 proposed SNURs, all for PMN chemicals. Expect this SNUR rulemaking to continue for the rest of the year. The notices of proposed rulemaking will offer opportunities for comment.

Section 6(a) – Risk Management Rule Litigation

Ten years after the enactment of the 2016 TSCA amendments, the Ninth Circuit was the first court to rule on a risk management rule that followed the risk evaluation process set forth therein. This decision sets the scene for modern Section 6 rulemaking and litigation.

- **DecaBDE:** On May 13, 2026, in *Yurok Tribe v. EPA*, No. 24-7497, the Ninth Circuit remanded EPA’s 2024 rule regulating decabromodiphenyl ether (decaBDE), [40 C.F.R. § 751.405](#). The panel found that EPA had failed to provide substantial evidence to support its decision not to regulate decaBDE in biosolids, recyclable articles, solid waste disposal, and wastewater discharges. It reasoned that TSCA Section 6(h)’s statutory mandate to restrict persistent, bioaccumulative, and toxic substances (including decaBDE) is different from other TSCA subsections and does not permit the use of low exposure to justify nonregulation. The panel also rejected EPA’s claims that regulation would be too costly, noting that EPA did not cite studies isolating decaBDE as a variable and failed to consider alternatives. EPA has until June 27, 2026, to petition for en banc review and until August 11, 2026, to file a petition for certiorari. For more information about how this decision affects EPA and stakeholders, see [here](#).
- **Methylene chloride:** The Fifth Circuit has yet to issue a decision in *East Fork Enterprises, Inc. v. EPA*, No. 24-60227, a case challenging the methylene chloride rule, [40 C.F.R. Part 751, Subpart B](#), more than a year after holding oral argument. The court will presumably issue its decision in the coming months.
- **Chrysotile asbestos:** On June 1, 2026, the Fifth Circuit heard oral argument in *Texas Chemical Council v. EPA*, No. 24-60193, through which petitioners are challenging the chrysotile asbestos rule, [40 C.F.R. Part 751, Subpart F](#). A decision in 2026 is possible, but given the Fifth Circuit’s hesitancy to decide *East Fork Enterprises*, it is not certain. The oral argument focused on standing.
- **Trichloroethylene:** The lead case is now *American Chemistry Council v. EPA*, No. 25-1079. On February 11, 2026, the Third Circuit denied EPA’s motion to hold the case in abeyance. EPA requested the abeyance so that it could reconsider the TSCA section 6(g) exemptions, [40 C.F.R. § 751.325](#), as applied to the trichloroethylene rule, [40 C.F.R. Part 751, Subpart D](#). Briefing is underway.

- **Perchloroethylene:** Another Fifth Circuit case, *FabriClean Supply v. EPA*, No. 25-60006, involving the perchloroethylene rule, [40 C.F.R. Part 751, Subpart G](#), has been stayed since March 12, 2025. On June 22, 2026, the court extended the stay for another 90 days. No merits briefs have yet been filed in the case.
- **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](#). EPA's April 20, 2026, status report predicted publication of a proposed rule "in or around summer 2026 to amend various aspects" of the rule. No merits briefs have been filed in that case either.

Section 6(a) – Risk Management Rule Amendments

- **Trichloroethylene:** In its May 2025 motion to hold the trichloroethylene rule litigation in abeyance, EPA estimated that the rulemaking process would take 18-24 months. Stakeholders should note that on May 5, 2026, EPA [postponed](#) the effective date of the provisions for the section 6(g) exemptions until the conclusion of judicial review.
- **Perchloroethylene:** EPA's June 15, 2026, motion to extend the stay of the perchloroethylene rule litigation reiterated that EPA "expects to publish a Notice of Proposed Rulemaking to amend the [perchloroethylene] rule in or around summer 2026" and that it expects to publish a final rule to amend the rule in 2027. On March 27, 2026, EPA [published](#) a proposed rule that would extend some industry compliance dates into 2027. The comment period closed on April 27, 2026.
- **Carbon tetrachloride:** In September 2025, EPA told the Eighth Circuit that it expects to issue a proposed rule amending the carbon tetrachloride rule in 7-10 months (i.e., April to July 2026) and a final rule in 18-24 months. On March 27, 2026, EPA [published](#) a proposed rule that would extend some industry compliance dates into 2027. The comment period closed on April 27, 2026.

Section 6(a) – Final Risk Management Rules

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.

- **1-Bromopropane:** EPA completed the final risk evaluation in August 2020 and [published](#) the proposed rule at 89 Fed. Reg. 65066 (Aug. 8, 2024). EPA has not yet published a final rule, despite the [prediction](#) in the current (spring 2025) Regulatory Agenda that it would publish a final rule in April 2026.
- **N-methylpyrrolidone:** EPA completed the final risk evaluation in December 2020 and [published](#) the proposed rule at 89 Fed. Reg. 51134 (Jun. 14, 2024). EPA has not yet published a final rule, despite the [prediction](#) in the current Regulatory Agenda that it would publish a final rule in April 2026.
- **Pigment Violet 29:** EPA completed the final risk evaluation in January 2021, followed by a final revised unreasonable risk determination in August 2022. EPA [published](#) the proposed rule at 90 Fed. Reg. 3107 (Jan. 14, 2025). The current Regulatory Agenda [predicts](#) that EPA will publish a final rule in July 2026.

Section 6(a) – Proposed Risk Management Rules

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. In the back half of 2026, EPA may propose risk management rules for fourteen chemicals. The notices of proposed rulemaking will provide an opportunity for comment.

- **Cyclic aliphatic bromide cluster (HBCD):** EPA completed the risk evaluation in September 2020. EPA has not yet published a proposed rule, despite the [prediction](#) in the current Regulatory Agenda that it would publish a proposed rule in February 2026.
- **Formaldehyde:** EPA completed the risk evaluation in December 2024. 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 in progress. That notice said that EPA “is continuing its work on a risk management rule.” EPA has not yet published a proposed rule, despite the current Regulatory Agenda’s [prediction](#) that EPA would publish a proposed rule in May 2026.
- **Diisodecyl phthalate (DIDP):** EPA completed the risk evaluation in December 2024. The current Regulatory Agenda [predicts](#) that EPA will publish a proposed rule in July 2026.
- **Diisononyl phthalate (DINP):** EPA completed the risk evaluation in January 2025. The current Regulatory Agenda [predicts](#) that EPA will publish a proposed rule in July 2026.
- **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 June 29, 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, EPA expects this process to take 12-24 months, depending on whether EPA determines that peer review is necessary. The current Regulatory Agenda [predicts](#) that EPA will publish a proposed rule in September 2026.
- **Tris(2-chloroethyl) phosphate (TCEP):** EPA completed the risk evaluation in September 2024. The current Regulatory Agenda [predicts](#) that a proposed rule would be published in October 2026.
- **Legacy uses of asbestos:** EPA completed the risk evaluation in December 2024. On April 21, 2026, the Asbestos Disease Awareness Organization filed suit against EPA, *Asbestos Disease Awareness Organization v. Zeldin*, No. 1:26cv1350 (D.D.C.), for failing to meet the December 2025 statutory deadline for publication of a proposed rule. On June 23, 2026, EPA [announced](#) that it is seeking additional information related to legacy uses of asbestos and will propose a rule by June 3, 2027, citing EPA’s authority to extend rulemaking deadlines under section 6(c)(1)(C). EPA is accepting comments [here](#) through August 24, 2026.
- **1,1-Dichloroethane (1,1-DCA):** 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 (including a cumulative risk analysis) in December 2025.

Section 6(b) – 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. EPA has not yet published a final rule, despite the [prediction](#) in the current Regulatory Agenda that it would publish 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 6(b) – Final Risk Evaluations

A full list of EPA's ongoing and completed risk evaluations under TSCA can be found [here](#).

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). As of now, EPA has completed one.

- **1,2-Dichloroethane (1,2-DCA):** EPA [published](#) a notice of the final risk evaluation at 91 Fed. Reg. 24230 (May 5, 2026).

Final risk evaluations for the following ten chemical substances are due by December 31, 2026. EPA has posted draft risk evaluations for three of them.

- **HHCB:** EPA [published](#) the draft risk evaluation in April 2026. The comment period closed on June 15, 2026.
- **Phthalic anhydride:** EPA [published](#) the draft risk evaluation in April 2026. The comment period closed on June 15, 2026.
- **TBBPA:** EPA [published](#) the draft risk evaluation in June 2026 and is [seeking comments](#) until August 17, 2026.

EPA published final scopes for risk evaluations of the following chemical substances in August 2020, but it has not yet posted draft risk evaluations for any of them:

- **o-Dichlorobenzene (o-DCB):** EPA [published](#) the draft human health and environmental hazard assessment in April 2026. EPA may release a full draft risk evaluation later this year.
- **p-Dichlorobenzene:** EPA [published](#) the draft human health and environmental hazard assessment in April 2026. EPA may release a full draft risk evaluation later this year.
- **1,2-Dichloropropane (1,2-DCP)**
- **Trans-1,2-dichloroethylene**
- **Ethylene dibromide**
- **Phosphoric acid, triphenyl ester (TPP)**
- **1,1,2-Trichloroethane**

On June 17, 2026, EPA [announced](#) the release of technical support documents for the draft risk evaluations for 1,2-DCP, trans-1,2-dichloroethylene, ethylene dibromide, and 1,1,2-trichloroethane. The documents for these four chemicals, as well as for TBBPA, will be reviewed at a virtual Science Advisory Committee on Chemicals (SACC) meeting in August 2026. Oral and written comment deadlines are detailed [here](#). EPA also announced that it will post the draft risk evaluations for these four chemicals before the August SACC meeting.

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

There is one additional risk evaluation that may come down in 2026. It is a manufacturer-requested risk evaluation unrelated to the consent decree.

- **Octamethylcyclotetrasiloxane (D4):** EPA published the [draft risk evaluation](#) in September 2025 and the [final SACC report](#) in June 2026. A final risk evaluation could be released this year, but EPA may prioritize the chemicals subject to the consent decree.

Section 6(b) – Risk Evaluation Scope Documents

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. 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**
- **4,4'-Methylenebis(2-chloroaniline) (MBOCA)**

Draft scope documents for those four high-priority substances, along with opportunities for comment, may be published in 2026. Comments on in-progress risk evaluations are acceptable at any time.

Section 8 – Reporting Rules

Section 8(a)(7) – PFAS Reporting Rule

- In November 2025, EPA [proposed](#) to amend the PFAS Reporting Rule, [40 C.F.R. Part 705](#). If adopted, the amendments would add a variety of exemptions and a de minimis concentration for mixtures. See our alert [here](#). The current Regulatory Agenda [predicts](#) publication of a final rule in June 2026.
- In April 2026, EPA [postponed](#) the reporting period for the rule; it will now start 60 days after the effective date of the final rule amending the rule itself, with a backstop date of January 31, 2027, if the rule remains unfinalized. The duration of the reporting period remains six months, with an additional six months for small manufacturers.

Section 8(d) – Health and Safety Study Reporting Rule

- In May 2026, EPA [extended](#) the reporting deadline for the section 8(d) rule [published](#) in December 2024, covering 16 chemical substances. The due date is now May 21, 2027.
- 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.
- As a result of the settlement discussions, EPA has been internally reconsidering the rule, as confirmed in a May 2026 status report. A [November 2025 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.” The notice of proposed rulemaking will provide an opportunity for comment.

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. EPA provides this notification through CDX, sending a message to each CBI claim's submitter. EPA also [posts](#) monthly lists of (1) TSCA submissions with expiring CBI claims, (2) expiring CBI chemical identities, and (3) companies with expiring claims. See our alert on this topic [here](#).

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

In addition, environmental non-governmental organizations (NGOs) continue to challenge the limits of TSCA's CBI protections. A December 2025 order in *Environmental Defense Fund v. Zeldin*, No. 1:20cv762 (D.D.C.), set a March 2026 deadline for EPA to produce to the NGOs unredacted PMNs within the administrative record, subject to a protective order. Arkema filed suit in response, *Arkema Inc. v. EPA*, No. 1:26cv886 (D.D.C.), arguing that production of its unredacted PMNs is a violation of TSCA's CBI provisions. As a result of Arkema's ongoing case, the March production deadline has been pushed to July 24, 2026. This deadline is likely to be extended.

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."

In June 2026, EPA [announced](#) that it had filed a case against a New York chemical supplier allegedly importing various toxic chemicals from China and beyond without complying with TSCA's reporting requirements. Wego Chemical Group faces maximum penalties of millions of dollars. Given EPA's heightened attention to chemical imports, regulated entities should make sure to pay close attention to their obligations under TSCA.

In June 2026, EPA also [announced](#) a \$450 million dollar settlement agreement with Chemours in relation to state claims of PFAS pollution. The complaint alleged violations under multiple state and federal statutes, but the TSCA allegations were related to insufficient or missing Section 5 PMNs and significant new use notices (SNUNs). The complaint and consent decree (which is subject to public comments before court approval) are available [here](#).

Section 21 – Citizen Petitions to EPA

Section 21 permits any citizen to petition EPA to initiate rulemaking proceedings, including amendments and repeals. On January 6, 2026, EPA received a [petition](#) from an individual asking EPA to adopt a section 6(a) rule to require certain labeling and disclosures for consumer laundry detergents containing sodium C10-16 alkylbenzenesulfonate, sodium laureth sulfate, and 1,4-dioxane. EPA's statutory period for responding to the petition expired on April 6, 2026, but no response has yet been posted.

In May 2026, the Ninth Circuit issued a narrow ruling in *Food & Water Watch v. EPA*, No. 25-384, a case that arose from a section 21 citizen petition seeking to ban fluoride from drinking water. The Ninth Circuit held that the district court that had directed EPA to adopt such a rule had abused its discretion and had commandeered the case via abeyances and evidence rulings. The panel did not determine whether 0.7 milligrams of fluoride per liter of drinking water presents an unreasonable risk to human health. The Ninth Circuit remanded the case to the district court, which will now decide the case based solely on the record from the first bench trial. For more information, see our alert [here](#).

On June 10, 2026, the District Court for the Central District of California heard oral argument regarding EPA's motion to dismiss in *Clean Air Council v. EPA*, No. 8:25cv1473, a case challenging EPA's denial of a section 21 petition requesting that EPA regulate hydrogen fluoride in domestic oil refining under section 6(a).

Section 26(b) – Fees

Under section 26(b)(6), EPA's authority to collect fees will expire on September 30, 2026, unless Congress reauthorizes fee collection by then.

Current fees for PMNs and other submissions under TSCA are available at [40 C.F.R. § 700.45\(c\)](#). If Congress extends the fee authorization by September 30, all fees will increase on October 1, 2026, with the start of the next 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; 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, although all are past their statutory deadlines. Even if EPA were to post the final scope documents today, the fees for those substances would be due after EPA's authority to collect fees is scheduled to expire. Therefore, for the fees to become enforceable, Congress must first reauthorize EPA's fee collection authority.

EPA [posted](#) a preliminary list of the manufacturers subject to fee requirements for each of the five substances in December 2024 when the chemicals were designated as high-priority substances. [40 C.F.R. § 700.45\(b\)\(3\)\(i\)](#). EPA is required to post a final list by the time it publishes the respective final scope documents. [40 C.F.R. § 700.45\(b\)\(7\)](#).

Title VI – Formaldehyde Standards for Composite Wood Products

Title VI of TSCA sets emissions standards for formaldehyde in composite wood products. EPA rules implementing Title VI appear in [40 C.F.R. Part 770](#). Those rules [incorporate by reference](#) five third-party sources that establish voluntary consensus standards related to testing methods and product construction. On February 11, 2026, EPA [issued](#) a proposed rule that would amend the rules to incorporate by reference the current versions of those voluntary standards.

TSCA Legislation

Discussion drafts of legislation that would extend EPA's authority under section 26(b) to collect fees and also revise other sections of TSCA were circulated in January (House Energy and Commerce Subcommittee on Environment Republican [version](#)) and February (Senate Committee on Environment and

Public Works Republican [version](#)). Democrats have given both versions a chilly reception. Discussions are ongoing.

In April 2026, Senator Ricketts (R-Nebraska) introduced a bill to revise several TSCA provisions, without extending the fee authority. The Sound Science Act of 2026, [S. 4397](#), would increase EPA's obligations during the risk evaluation process, revise chemical testing requirements, promote consistency with OSHA standards, and expand judicial review.

Some other bills have been introduced that would amend TSCA in various ways (but without addressing extension of the fee authority):

- The Alan Reinstein Ban Asbestos Now Act of 2025, [H.R. 5373](#) and [S. 2811](#), introduced in September 2025, would codify a ban on commercial asbestos. If enacted, the chlor-alkali industry would be permitted to use commercial asbestos through 2029. The bill would also permit the President to grant exemptions for national security reasons.
- The PFAS Accountability Act of 2025, [H.R. 6626](#) and [S. 3460](#), introduced in December 2025, would add a new section 25 to TSCA establishing a federal cause of action for persons significantly exposed to PFAS, along with a medical monitoring remedy.
- The Safer Choice Program Authorization Act of 2026, [S. 4664](#), introduced in June 2026, would codify the Safer Choice Program, a voluntary initiative intended to help consumers and businesses select safer chemicals. EPA has carried out the current program since 2015, with earlier versions dating back to the 1990s.

In April 2026, EPA published its [Justification of Appropriation Estimates for the Committee on Appropriations for Fiscal Year \(FY\) 2027](#), requesting \$2.5 billion in funds for Environmental Programs and Management (EPM) with plans to reduce the agency's TSCA-related full-time equivalent employees by 61.2. On June 3, 2026, the House Appropriations Committee [recommended](#) only \$2.3 billion for EPA's EPM, about \$0.8 billion less than the FY 2026 appropriation. The Senate Appropriations Committee may recommend its own bill in the coming months.

Conclusion

EPA is under court order to complete multiple risk evaluations in 2026. It is vulnerable to lawsuits under section 20(a)(2) for failure to meet its statutory deadlines for risk evaluations and risk management rulemaking, with one such suit having been brought in April 2026. EPA's backlog of section 5 notices remains high. Its ability to collect fees to partially fund activities to meet its statutory obligations is due to expire in three months.

These considerations mean that EPA actions – or inactions – under TSCA in the coming months may have substantial impacts on regulated entities. They should pay close attention to developments and take advantage of opportunities to communicate their views to EPA.

Beveridge & Diamond's [Chemicals Regulation](#) practice group and [Chemicals](#) industry group provide strategic, business-focused advice to the global chemicals industry. We have a subscription service that [tracks PFAS developments](#) nationwide. 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. Our [Consumer Products](#) and [Product Stewardship, Global Supply Chains](#) practices work with U.S. and multinational companies that make, distribute, transport, or sell consumer products in a hyper-competitive and evolving consumer goods market. We help identify,

understand, and comply with complex regulatory requirements throughout the product lifecycle. For more information, please contact the authors.



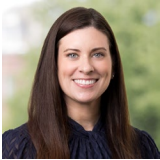
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Beveridge & Diamond's more than 170 lawyers across the U.S. focus on environmental and natural resources law, litigation, and alternative dispute resolution. We help clients around the world resolve critical environmental and sustainability issues relating to their products, facilities, and operations.

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