FREQUENTLY ASKED QUESTIONS

How will LCSA create a stronger regulatory system that is different from TSCA?

LCSA creates a 21st-century chemical regulatory program that is substantially stronger than TSCA:

- All chemicals in commerce will undergo a risk-based review by EPA for the first time.
- EPA is charged with prioritizing chemicals for review so the chemicals that need evaluation most will be reviewed first.
- It will be easier for EPA to demand additional health and safety information from manufacturers.
- When evaluating a chemical, EPA must consider whether vulnerable groups like infants, pregnant women, children, and the elderly may be exposed to it.
- EPA will no longer consider costs and benefits when determining if a chemical is safe, only health and environmental factors will be considered.
- There are strict deadlines to keep EPA’s work on track and to ensure compliance by manufacturers and that the public, marketplace, and industry have clear answers.

Who supported the passage of LCSA?

LCSA is a historic bipartisan achievement in a time when such accomplishments are rare. The American Chemistry Council was joined by over 150 diverse business groups from across the value chain in support of LCSA, along with environmental groups including the Environmental Defense Fund, public health groups like the March of Dimes, animal rights groups such as the Humane Society, and labor organizations like North America’s Building Trades Unions. LCSA passed the House overwhelmingly by a vote of 403-12 and passed the Senate unanimously, thanks to the commitment and dedication of Senators Vitter (R-LA), Udall (D-NM), and Markey (D-MA) and Congressmen Shimkus (R-IL) and Pallone (D-NJ) and the desire of many others to ensure chemicals are being used safely and manufacturers can grow and compete.

Will EPA be able to quickly act on chemicals believed to be unsafe?

LCSA gives EPA authority to immediately begin a risk evaluation of any chemicals it designates as a “high priority.” EPA must designate 10 “high priority” chemicals from the Agency’s existing Work Plan Chemicals list and have risk evaluations on them underway within 180 days. The Work Plan Chemicals list includes many chemicals that are frequently mentioned by media or are currently the subject of scientific scrutiny. EPA is required to complete risk evaluations in three years, with a possible six-month extension.

What happens if EPA determines that a chemical is not safe for a particular use?

If EPA’s risk evaluation determines that a chemical or specific uses of a chemical present an unreasonable risk, EPA can apply risk management measures including labeling requirements, use restrictions, phase-outs, or bans.

Why was federal preemption of certain state regulations important?

Since TSCA was passed in 1976, various states have implemented chemical laws and regulations. The growing patchwork of approaches to chemicals became an impediment to the free flow of interstate commerce and sent mixed messages to the marketplace and consumers. By establishing a stronger, singular federal chemical regulatory program, Congress has ensured that all Americans can have greater confidence that chemicals are being used safely, provided important regulatory certainty to the business community, and relieved state governments of the need to invest significant resources in the complex job of regulating chemicals.