

Toxic Substances Control Act (TSCA), Section 6 - USA (federal)

The Toxic Substances Control Act (TSCA) is a U.S. federal chemical regulation law that was enacted in 1976. The responsibility lies within the U.S. Environmental Protection Agency (EPA).

Ever since, the use of substances could be restricted under Section 6 of TSCA. However, in the past, only a few substances (known to be toxic) have been restricted concerning certain uses (e.g., lead (in paint), hexavalent chromium compounds (in water treatment)).

As of July 22, 2016, there was a major revision of the law through the so-called Frank R. Lautenberg Chemical Safety for the 21st Century Act. Also under the impact of the EU REACH regulation, a clear mandate was given to EPA to conduct risk assessments for existing and new chemicals, as well as to issue appropriate regulations to ban or restrict "high-risk" substances.

EPA identified five persistent, bioaccumulative, and toxic (PBT) substances for accelerated action and published final regulations under 40 CFR Part 751 Subpart E on January 6, 2021, for the following substances:

- Phenol, isopropyl phosphate (3:1) (PIP (3:1)) (CAS 68937-41-7)
- Decabromodiphenyl ether (DecaBDE) (CAS 1163-19-5)
- 2,4,6-Tris(tert-butyl)phenol (2,4,6 TTBP) (CAS 732-26-3)
- Hexachlorobutadiene (HCBd) (CAS 87-68-3)
- Pentachlorothiophenol (PCTP) (CAS 133-49-3)

The regulations restrict or prohibit manufacturing (including import), processing, and/or distribution in commerce (including within articles). The above substances are widely used in products and components in various industries. The major challenge is to find information on these substances within the companies, as said substances have hardly been restricted globally in the known substance lists (e.g. SVHC, RoHS) so far and therefore there is no information about the substances in the companies.

Consequently, companies have to refer to their supply chain for relevant substance data. Typically, restricted substances enter a supply chain in the early stages and may need to pass through multiple suppliers before reaching the final requester. Thus, non-U.S. companies are indirectly affected as suppliers.

In some cases, there are specific exemptions and concentration limits. However, these are specifically and differently regulated for each substance.