



U.S. chamber seeks immediate suspension of listings under TSCA Chemical Action Plans

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In a June 7, 2011, letter to the Administrator of the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs, the U.S. Chamber of Commerce asked OMB to "urge" U.S. EPA to immediately "suspend the consideration and initiation" of all action under U.S. EPA's earlier-announced Chemical Action Plans (CAPs) to list chemicals as ones that present or may present an unreasonable risk of injury to health or the environment under Section 5(b)(4) of the Toxic Substances Control Act (TSCA). To date, U.S. EPA has released eight CAPs under TSCA, and five of those plans include such potential listing actions under Section 5(b)(4) of TSCA. According to the U.S. Chamber, U.S. EPA's consideration of such listings under Section 5(b)(4) represents a "tectonic shift in EPA policy," as "the Agency has not listed a single chemical under Section 5(b)(4)(A) in the thirty-five years since TSCA's enactment." According to the U.S. Chamber, U.S. EPA should not initiate any such action now, until after the Agency first issues "clear, scientifically sound and economically rational listing criteria," and only if in full compliance with the Information Quality Act (IQA), the Administrative Procedure Act, and "all relevant provisions of Executive Order 13563, including robust benefit-cost analyses, public participation and regulatory flexibility." Because, according to the U.S. Chamber, U.S. EPA has not yet considered all of these various factors, the Chamber has asked that all potential listings under Section 5(b)(4) of TSCA be suspended until after: "fixed and scientifically sound listing criteria have been properly promulgated;" "EPA has carried out all the benefit-cost analyses, identified the best, most innovative, and least burdensome tools for achieving regulatory ends, appropriately provided for public participation, and other applicable measures under Executive Order 13563 for each CAP"; and EPA has complied "in all respects with the IQA." A copy of the U.S. Chamber's letter can be found [here](#).

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