



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

We conducted this evaluation to review the U.S. Environmental Protection Agency's (EPA's) implementation of the Toxic Substances Control Act (TSCA) by determining how well EPA's processes for oversight and regulation meet the objectives of TSCA, and whether the performance measures accurately reflect EPA's assurance that the objectives of TSCA are met.

Background

EPA is responsible for ensuring that new chemicals entering commerce do not pose unreasonable risk to human health and the environment. The Office of Pollution Prevention and Toxics (OPPT) is responsible for reviewing industry submissions and managing risks from new chemicals. The Office of Enforcement and Compliance Assurance (OECA) provides assistance and monitors compliance.

For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.

To view the full report, click on the following link:
www.epa.gov/oig/reports/2010/20100217-10-P-0066.pdf

EPA Needs a Coordinated Plan to Oversee Its Toxic Substances Control Act Responsibilities

What We Found

EPA does not have integrated procedures and measures in place to ensure that new chemicals entering commerce do not pose an unreasonable risk to human health and the environment. We found that EPA's New Chemicals Program had limitations in three processes intended to identify and mitigate new risks – assessment, oversight, and transparency. The program is limited by an absence of test data and a reliance on modeling because TSCA does not require upfront testing as part of a Premanufacture Notice (PMN) submission. PMN submitters are required to submit health and safety data in their possession and a description of data known to or reasonably ascertainable by the submitter at the time of its submission. Nonetheless, the majority of PMN submissions do not include chemical toxicity or environmental fate data. Oversight of regulatory actions designed to reduce known risks is a low priority, and the resources allocated by EPA are not commensurate with the scope of monitoring and oversight work. In addition, EPA's procedures for handling confidential business information requests are predisposed to protect industry information rather than to provide public access to health and safety studies.

OPPT's and OECA's respective performance measures for managing risks from new chemicals do not accurately reflect program performance in preventing risk, nor do they assure compliance. In cases where full information does not exist or analyses are limited, OPPT reports the new chemicals as not having risk, while the limitations in the measure are not disclosed. OECA's performance measure is not outcome based; rather, the measure tracks program activities.

What We Recommend

We recommend that EPA better coordinate risk assessment and oversight activities by establishing a management plan that contains new goals and measures that demonstrate the results of OPPT and OECA actions. We recommend that the Office of Prevention, Pesticides, and Toxic Substances establish criteria for selecting chemicals or classes of chemicals for low-level exposure and cumulative risk assessments, and develop confidential business information classification criteria to improve EPA's transparency and information sharing. Finally, we recommend that OECA develop a management plan for Core TSCA enforcement that includes training, consistent enforcement strategies across regions for monitoring and inspection protocols, and a list of manufacturers and importers of chemicals for strategic targeting. The Agency agreed with our recommendations.