TSCA Risk Evaluations: Emerging Trends from the Current Drafts

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Lauren M. Gates

- Lauren Gates advises clients on regulatory, compliance, enforcement, and litigation matters arising under federal and state environmental and chemical laws. Specifically, her practice focuses on matters under the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- Lauren joined Keller and Heckman from the U.S. Environmental Protection Agency (EPA), where she served for many years as a senior attorney in the Pesticides and Toxic Substances Law Office (PTSLO) within EPA's Office of General Counsel (OGC). In that role, she advised leadership and program officials across EPA's Office of Chemical Safety and Pollution Prevention (OCSPP), Office of Enforcement and Compliance Assurance (OECA), and EPA Regional offices on a broad range of chemical and pesticide regulatory issues.
- Lauren also worked closely with the U.S. Department of Justice's (DOJ) Environment and Natural Resources Division, providing legal and technical guidance in litigation involving challenges to EPA regulations and agency actions under TSCA and FIFRA. In addition, Lauren has substantial enforcement experience, having supported EPA regulatory enforcement actions in Region 10 under FIFRA, the Clean Air Act (CAA), the Resource Conservation and Recovery Act (RCRA), and the Emergency Planning and Community Right-to-Know Act (EPCRA).
- Drawing on her extensive experience within EPA, Lauren provides practical, strategic, and forward-looking counsel to clients navigating complex regulatory requirements, compliance obligations, and enforcement risks in highly regulated industries.

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Allison M. Payne

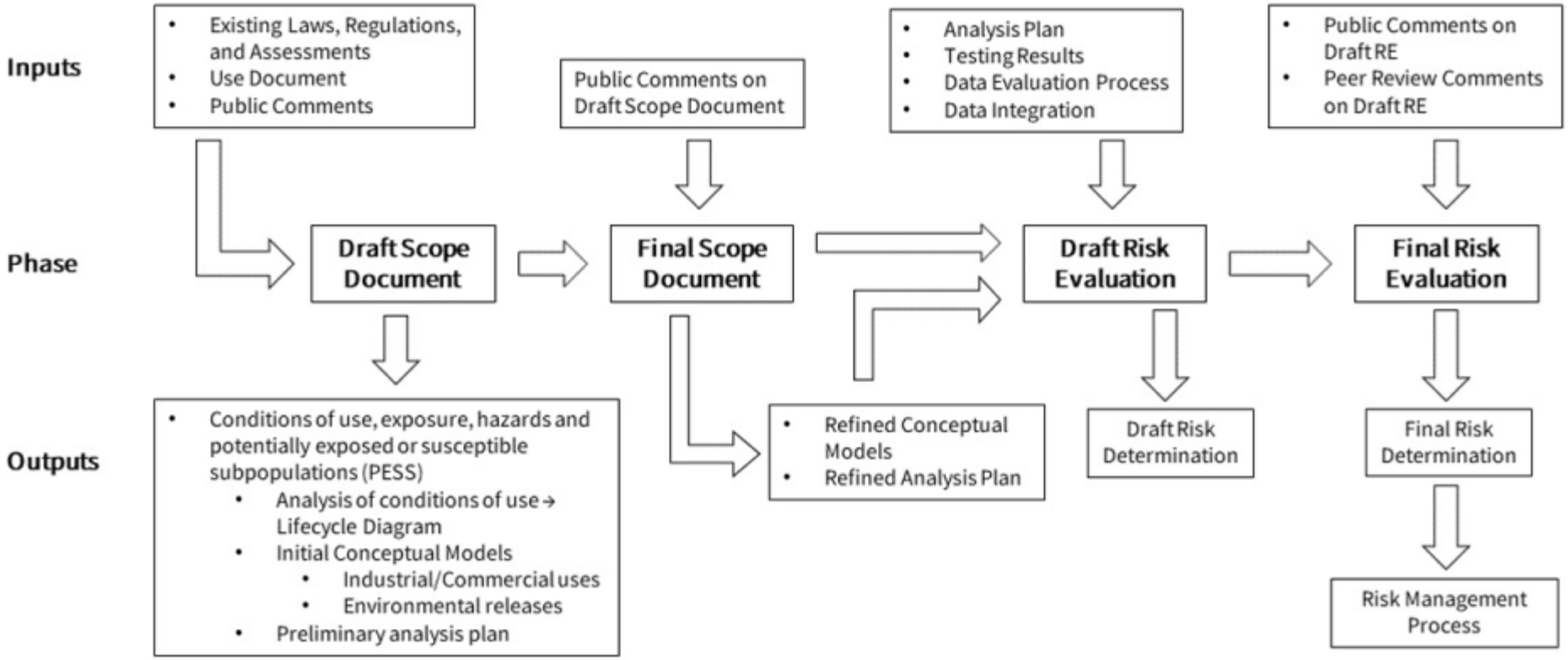
- Allison (Alli) Payne advises Keller and Heckman clients on regulatory and compliance matters under state and federal environmental, chemical, and occupational safety and health laws.
- Specifically, clients seek Alli's guidance on issues arising under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Emergency Planning and Community Right-to-Know Act (EPCRA), the Toxic Substances Control Act (TSCA), the Clean Air Act (CAA), the Federal Trade Commission (FTC) Act, and other federal and state regulatory programs, as well as international pesticide and chemical regulations.
- Prior to joining Keller and Heckman, Alli served as an attorney-advisor within the Pesticides and Toxic Substances Law Office for the U.S. Environmental Protection Agency's (EPA) Office of General Counsel, where she advised EPA program offices on a wide variety of matters under chemical and pesticide laws.
- Alli's extensive background, which combines environmental science and the law, serves her well in helping clients maintain safe and healthy workplaces by ensuring compliance with all relevant regulations and guidelines.

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Risk Evaluation Process Overview and Status

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Risk Evaluation Process



Source: www.epa.gov

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Chemical	Draft Released	Public Comment Period	SACC Review
1,1,2-Trichloroethane	July 29, 2026	Ended September 28, 2026	August 2026
1,2-Dichloropropane	September 4, 2026	Ended November 3, 2026	August 2026
Ethylene dibromide	August 19, 2026	Ended October 19, 2026	August 2026
HHCB	April 14, 2026	Ended June 15, 2026	June 2026
o-Dichlorobenzene	August 10, 2026	Ended October 9, 2026	June 2026
p-Dichlorobenzene	August 10, 2026	Ended October 9, 2026	June 2026
Phthalic Anhydride	April 14, 2026	Ended June 15, 2026	June 2026
TBBPA	June 16, 2026	Ended August 17, 2026	August 2026
TPP	*In progress*	N/A - will be 60 days from draft release	N/A
Trans-1,2-Dichloroethylene	August 27, 2026	Ended October 26, 2026	August 2026

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Discussion – Trends and Outliers

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Chemical	Total COUs Evaluated	COUs Contributing to Unreasonable Risk
1,1,2-Trichloroethane	12	10
1,2-Dichloropropane	15	14
Ethylene dibromide	12	10
HHCB	22	0
o-Dichlorobenzene	24	15
p-Dichlorobenzene	23	8
Phthalic Anhydride	44	38
TBBPA	24	4
Trans-1,2-Dichloroethylene	25	20

Counting note: The "COUs Contributing to Unreasonable Risk" column counts unique conditions of use, not category findings. A single COU may contribute to risk for both workers and occupational non-users, so overlapping worker/ONU findings are not added together.

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Draft Risk Evaluations – By the Numbers

- For the 9 pending risk evaluations:
  - Number of COUs evaluated: 201
  - Number of COUs contributing to unreasonable risk: 119
  - Number of COUs contributing to unreasonable risk to the environment: 1
  - Number of COUs contributing to unreasonable risk to general population: 0
  - Number of chemicals with cancer risk contributing to unreasonable risk: 3

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Emerging Trends

- Majority of findings for unreasonable risk to workers and ONUs
  - Focus on workplace inhalation exposures
- Cancer risk remains a driver for several risk evaluations
- Lack of identified unreasonable risk findings to the general population or the environment
- MOEs no longer treated as a bright-line
- Full Risk Evaluations not going through SACC Review

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HHCB – The Outlier

- Draft Risk Evaluation found: “HHCB does not present an unreasonable risk of injury to human health or the environment under the conditions of use.”
- Preliminary determination of no unreasonable risk applies to workers, consumers, and the general population (including subsistence fishers and Tribal populations), as well as aquatic and terrestrial ecological receptors.

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Discussion – Next Steps and Outstanding Questions

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Next Steps in the Risk Evaluation Process

- EPA will consider public comments on the draft risk evaluations and SACC peer review
- Issue a final risk evaluation
- If unreasonable risk → Risk Management

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Outstanding Questions

- How will the decision in *East Fork Enterprises v. EPA* impact finalized and pending risk evaluations?
- When and how will EPA revise the TSCA Framework Rule?
- Will EPA still meet the February 2027 deadline to finalize the outstanding risk evaluations?

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Upcoming Webinars



Please join us at 1:00 PM Eastern U.S.
Wednesday, November 18, 2026
www.khlaw.com/OSHA3030



Please join us at 10:00 AM Eastern U.S.
Wednesday, December 9, 2026
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Thank You

Any questions?

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