

MEDIA MENTION

Martha Marrapese Discusses EPA's Proposed Rule to Collect TSCA Fees From Industry

Inside EPA

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Martha E. Marrapese, a partner in Wiley Rein's Environment & Safety and Consumer Product Regulation practices, was quoted by *Inside EPA* in a March 2 article about a proposed rule that would assess fees on industry to support reviews of chemicals under the revised Toxic Substances Control Act (TSCA).

The U.S. Environmental Protection Agency (EPA) will take comments on the proposed rule through April 27, and plans to start collecting the fees in Fiscal Year 2019, according to the article. The rule is authorized under the 2016 law that amended TSCA.

Ms. Marrapese said industry plans to submit comments seeking greater clarity on how the fees will be used. She said the proposed rule seems to indicate that the fees will support TSCA implementation generally, rather than paying for specific reviews. Industry believes greater resources are needed for new chemical reviews, she said.

"I would like to see them include examples of when companies would get reimbursed if the review period expires without an EPA decision," Ms. Marrapese said. She noted that such refunds are detailed in the law, but are not adequately addressed in the rule.

Ms. Marrapese added that the proposed rule appears to suggest that the agency plans to aggressively use authority under TSCA Section 4 to require manufacturers to conduct testing of chemicals. She explained that in one section of the rule's proposed fee methodology, the EPA assumes costs proportional to seven tests on each chemical.

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"It seems like this is a preview to the testing we'll see in the future," Ms. Marrapese said. "They're going to be ordering a lot of tests."

The article can be found here (subscription required).