



Resolution 16-3
Approved September 28, 2016
Wheeling, West Virginia

Revised September 26, 2019
Seattle, Washington

Revised September 21, 2022
Park City, Utah

Revised September 5, 2025
Santa Fe, New Mexico

As certified by
Ben Grumbles
Executive Director

ON IMPLEMENTING THE TOXIC SUBSTANCES CONTROL ACT REFORMS

WHEREAS, the Toxic Substances Control (TSCA) enacted in 1976 authorizes U.S. EPA to control chemicals that pose an unreasonable risk to public health or the environment, and remains U.S. EPA's primary authority to control the safety of chemicals in commerce; and

WHEREAS, on June 22, 2016 TSCA was amended when the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg) was signed into law by President Obama; and

WHEREAS, ECOS represents states, territories, and the District of Columbia, throughout this resolution the term "states" indicates states, territories, and the District of Columbia; and

WHEREAS, Lautenberg imposes new deadlines on U.S. EPA and grants states more access to information under TSCA; and

WHEREAS, states play an important role in implementing and enforcing TSCA reforms as well as implementing our own state chemical programs.

NOW, THEREFORE, BE IT RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES:

Urges timely and consistent state/federal consultation, coordination, and transparency in areas of particular concern to states including prioritization of the most severely impacted communities, prioritization of chemicals for risk evaluation, and the methodologies used to develop and implement risk determinations that take into consideration the most sensitive and vulnerable populations and ecological resources;

Urges U.S. EPA to ensure regulation of chemicals that pose serious risks to public health and environment across the U.S. by not limiting state and local authorities' ability to manage those concerns through TSCA's preemption mechanisms or other procedural processes; this can be achieved by U.S. EPA exercising its statutory discretion to grant waivers to state/local preemption when those concerns are clearly demonstrated by state and local government partners;

Urges U.S. EPA to share confidential business information with states through information sharing agreements to ensure state partners can understand and effectively manage chemical risks as more fully articulated in [ECOS Resolution 01-6 State Access to Confidential Business Information under the Toxic Substances Control Act](#);

Urges U.S. EPA to use TSCA under the provisions of Section 8(a)(7) to require reporting of the uses of per- and polyfluoroalkyl substances (PFAS) chemicals as soon as possible and ensure this information is available to state regulators and can be used by the states;

Urges U.S. EPA to use the authority under TSCA to thoroughly evaluate new chemicals to protect public health and the environment; and

Further urges states and U.S. EPA to work together as U.S. EPA implements TSCA so that the Lautenberg Act can reach its fullest potential in ensuring safer chemical use in the U.S.