

# What EPA Chemical Data Deadline Extension Means For Cos.

By **Meaghan Hembree, Michal Freedhoff and Dimitrios Karakitsos** (July 31, 2025)

The U.S. Environmental Protection Agency's June 5 decision to extend the deadline for manufacturers and importers of 16 chemical substances to report unpublished health and safety studies under the Toxic Substances Control Act provides companies more time to submit robust data.

But this move could result in additional delays to the EPA's existing chemical safety program, due to the complexities of implementing an ambitious and still young regulatory framework.

The new deadline — May 22, 2026 — applies to substances already in, or expected to enter, the TSCA prioritization and risk evaluation pipeline. This extension, which follows two earlier shifts in 2025, provides industry nearly an additional year to submit data required under TSCA Section 8(d).

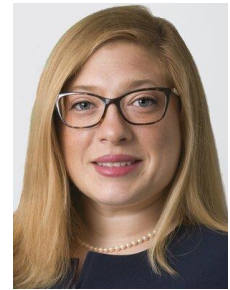
At the same time, industry will need to closely monitor potential downstream effects on the timing of risk evaluations and subsequent rulemakings, as further shifts in the EPA's timelines may complicate compliance planning, product stewardship and long-term investment strategies.

While EPA Administrator Lee Zeldin has repeatedly committed to speeding the agency's review of new chemicals under the TSCA, there have not been similarly explicit statements about the agency's planned approach to existing chemicals, and it remains too soon to draw firm conclusions.

However, the potential implications of this extension, along with shifts in effective dates and requests for remands or abeyances in already-promulgated existing chemical rules, may be far-reaching.

For state regulators, the absence of finalized federal risk management rules could lead to new or expanded state-level chemical regulations, potentially leading to a more fragmented regulatory landscape.

For industry, evolving timelines may introduce uncertainty around compliance obligations, fee schedules, long-term planning for chemical use and substitution, and uncertainty about any new chemical safety protections that may be determined to be necessary.



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When Congress reauthorized the TSCA in 2016, it did so with the expectation that the EPA would meet strict statutory deadlines. As some of the U.S. Senate negotiators of the law said in a statement as it was being considered in the Senate:

Existing TSCA grandfathered in tens of thousands of chemicals to the inventory without requiring any review of their safety. The Frank R. Lautenberg Chemical Safety for the 21st Century Act sets in motion a process under which EPA will for the first time systematically review the safety of chemicals in active commerce. While this will take many years, the goal of the legislation is to ensure that all chemicals on the market get such a review. The initial targets for numbers of reviews are relatively low, reflecting current EPA capacity and resources. These targets represent floors, not ceilings, and Senate Democratic negotiators expect that as EPA begins to collect fees, gets procedures established and gains experience, these targets can be exceeded in furtherance of the legislation's goals.

The process created by Congress requires the EPA to first spend nine to 12 months prioritizing a chemical for risk evaluation, then three to three and a half years conducting a comprehensive risk evaluation on at least 20 chemicals at a time, then one year preparing a proposed risk management rule to address the risks identified in each risk evaluation, and one additional year to finalize the rule.

These steps include multiple opportunities for public comment and peer review.

This is an enormous new responsibility: Before the amendments to TSCA were enacted, the EPA had not conducted comprehensive risk evaluations, and its ability to manage the risks of existing chemicals had been largely eliminated decades earlier by litigation related to earlier attempts to ban asbestos.

The effort to set up new procedures and rules, while ensuring the agency has necessary and adequate levels of expertise, all while also working on risk evaluations and rules for chemicals that are relied upon for a wide range of industrial and consumer uses, is no small task.

It is therefore not surprising that, for many reasons — including significant and sustained resource shortfalls, policy shifts resulting from several changes in administration since the law was enacted, and revisions to risk evaluations or rules as a result of litigation or voluntary action — the EPA has struggled to meet the statutory deadlines.

The announcement last month is just the latest indication that the TSCA program continues to face challenges in meeting its statutory obligations. Previously, the EPA has also missed:

- The statutory deadline to complete nine of the first 10 risk evaluations;
- All deadlines to complete the risk management rules associated with the risks identified for those chemicals;
- The statutory deadline for the completion of the next 20 risk evaluations; and
- The statutory deadline for the completion of the scopes of the risk evaluations for chemicals 31 through 35.

Efforts to improve timeliness, through requests for additional resources, changes in policies, and plans to provide more information about chemical substances undergoing prioritization for risk evaluation earlier, in order to obtain earlier feedback from the public, have been

made over the years.

While some shifts in direction are expected following presidential transitions, time-consuming revisions of already-final risk evaluations and rules — undertaken by the Biden EPA and announced to be forthcoming by the Trump EPA — as well as the departures of dozens of the agency's scientists, lawyers and other experts could contribute to continued challenges in maintaining the pace of chemical review and risk management that Congress expected.

And because the finalization of risk management rules is the statutory trigger for the TSCA's more stringent state preemption provisions — and pause preemption has expired for all of the chemicals for which risk evaluations were initiated in 2019 or before — further delays could also result in new state actions, creating significant regulatory uncertainty for companies.

Below, we review the progress of the EPA's existing chemical program under the TSCA.[1]

### **The First 10 Chemicals Designated for Risk Evaluation**

The EPA finalized risk management rules for five of the first 10 chemicals designated for risk evaluation in December 2016, and proposed risk management rules for an additional three. Risk evaluations have been completed for the final two chemicals — as well as supplements to the risk evaluation for asbestos and 1,4-dioxane — but the risk management rules have yet to be proposed.

All five of the risk management rules finalized by the Biden EPA have been challenged in court. Following the change in administration, the agency requested delays or abeyances in the litigation, delayed the effective dates of portions of the rules, and announced plans to revise the rules pertaining to asbestos, methylene chloride, perchloroethylene, trichloroethylene and carbon tetrachloride.

These legal and policy developments reflect the evolving nature of TSCA implementation, and may extend the timelines, thus delaying clarity around compliance obligations for these widely used substances.

### **The Next 20 Chemicals Prioritized for Risk Evaluation**

The next 20 chemicals were prioritized for risk evaluation in December 2019. The statutory deadline for completing the risk evaluations for these chemicals passed, which drew deadline suits that the EPA settled at the end of 2024, resulting in consent decrees requiring the agency to finalize evaluations between 2024 and 2026.

Thus far, the EPA has completed three of the "next 20" risk evaluations, and published draft risk evaluations for an additional four. No proposed risk management rules associated with this set of chemicals have been issued.

The agency published its 2025 annual plan for chemical risk evaluations under the TSCA in mid-January of this year, which assumed chemicals would continue to be reviewed using the Biden EPA's 2024 risk evaluation framework rule — itself a revision of the 2017 framework rule — and included several deadlines for the agency to comply with, pursuant to the two consent decrees it had entered into with environmental and industry groups in 2024.

However, the EPA announced on March 10 that it would amend the 2024 framework rule to

address some of the Biden-era policy shifts in assumptions related to the use of personal protective equipment for workers, the scope of conditions of use of the chemicals that would be evaluated, some changes to the agency's scientific review processes, and the requirement for risk evaluations to culminate in a single risk determination on a chemical substance, rather than individual risk determinations for each chemical condition of use in isolation.

Until a new rule is in effect, the EPA will continue to complete risk evaluations in accordance with the 2024 framework rule.

As the agency works to balance evolving policy priorities, scientific integrity and legal obligations, delays — whether due to staffing cuts, supplemental analysis, or revisions to the framework rule or other rules — could affect the timelines outlined in the 2025 annual plan, creating uncertainty for companies preparing for future risk management requirements.

### **Chemicals 31 to 35**

After beginning the prioritization process in December 2023, the EPA announced on Dec. 18, 2024, that it was designating five chemicals — acetaldehyde, acrylonitrile, benzenamine, vinyl chloride and 4,4'-methylenebis(2-chloroaniline) — as being high-priority for risk evaluation.

On Jan. 15, the agency issued the draft scope for vinyl chloride, and invited public comments for 45 days, until March 3. It subsequently extended the comment period until April 2.

On June 5, the EPA finalized a rule extending until May 22, 2026, the deadline for manufacturers and importers of 16 chemicals — including the five mentioned above — to report unpublished health and safety studies to the agency, as required by a December 2024 TSCA Section 8(d) health and safety data reporting rule.

This final rule follows earlier extensions, and applies uniformly to all 16 substances. The data submitted could alter the agency's findings relating to scope, conditions of use, and other significant findings within the unpublished health and safety studies.

While the extension provides more time for complete data collection, it may also affect the timing of the EPA's risk evaluations for these substances — either by delaying their start, or by requiring the agency to proceed before all relevant data may have been collected.

The statutory deadline for the EPA to publish final scopes of these five risk evaluations was six months from the initiation of risk evaluation — i.e., by June 18.

Beginning the five risk evaluations also subjected importers and manufacturers to TSCA fees, as required by Title 40 of the Code of Federal Regulations, Part 700.45, with the publication of a preliminary list of companies believed to be responsible for paying the total fee of \$4,287,000 for each risk evaluation.

Manufacturers and importers would be required to submit 50% of payment within six months of the draft scope's release, with the rest of the payment due 545 days after publishing the final scope.

As a result, delays in issuing the final scopes for these five chemicals may also delay fee

collections, potentially compounding timing challenges for the already resource-constrained program, and regulatory certainty for affected stakeholders.

### **Chemicals 36 to 40**

On Dec. 18, 2024, the EPA initiated the prioritization process for five additional chemicals: 4-tert-octylphenol, benzene, ethylbenzene, naphthalene and styrene. The prioritization process must include two 90-day public comment periods, and has a 12-month statutory deadline for the agency to complete the process.

The June final rule extending the deadline for reporting unpublished health and safety studies for these substances may also affect the EPA's timing or scope of review related to relevant data.

### **Conclusion**

Despite bipartisan support for TSCA reform in 2016, the program continues to face a convergence of complex implementation demands, evolving policy priorities and ongoing resource constraints. Against this backdrop, companies may wish to:

- Assess whether any of the 16 substances are in their supply chains or product formulations;
- Begin compiling and reviewing internal health and safety data — even if the reporting deadline is a year away;
- Engage with the EPA early in the prioritization and risk evaluation process;
- Monitor state-level developments closely, as delays in federal action may lead to a patchwork of state regulations; and
- Engage with the agency as it moves to finalize the remaining "next 20" risk evaluations, changes to the 2024 framework rule, changes to already-promulgated or proposed risk management rules, and new risk management rules for existing chemicals under the TSCA.

Proactive engagement, early planning and close monitoring of both federal and state developments related to chemicals will be essential for companies navigating this evolving and increasingly complex regulatory landscape.

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[1] For additional details and for links to the dockets for each chemical, please see <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/ongoing-and-completed-chemical-risk-evaluations-under>.