

“(2) a final rule promulgated under subsection (a), including the associated determination by the Administrator under subsection (b)(4)(A) that a chemical substance presents an unreasonable risk of injury to health or the environment, shall be considered to be a final agency action, effective beginning on the date of promulgation of the final rule.

“(j) DEFINITION.—For the purposes of this Act, the term ‘requirement’ as used in this section shall not displace statutory or common law.”

SEC. 7. IMMINENT HAZARDS.

Section 7 of the Toxic Substances Control Act (15 U.S.C. 2606) is amended—

(1) in subsection (b)(1), by inserting “(as identified by the Administrator without consideration of costs or other nonrisk factors)” after “from the unreasonable risk”; and

(2) in subsection (f), by inserting “, without consideration of costs or other nonrisk factors” after “widespread injury to health or the environment”.

SEC. 8. REPORTING AND RETENTION OF INFORMATION.

(a) IN GENERAL.—Section 8 of the Toxic Substances Control Act (15 U.S.C. 2607) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking the matter that follows subparagraph (G);

(B) in paragraph (3), by adding at the end the following:

“(C) Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and not less frequently than once every 10 years thereafter, the Administrator, after consultation with the Administrator of the Small Business Administration, shall—

“(i) review the adequacy of the standards prescribed under subparagraph (B); and

“(ii) after providing public notice and an opportunity for comment, make a determination as to whether revision of the standards is warranted.”; and

(C) by adding at the end the following:

“(4) CONTENTS.—The rules promulgated pursuant to paragraph (1)—

“(A) may impose differing reporting and recordkeeping requirements on manufacturers and processors; and

“(B) shall include the level of detail necessary to be reported, including the manner by which use and exposure information may be reported.

“(5) ADMINISTRATION.—In carrying out this section, the Administrator shall, to the extent feasible—

“(A) not require reporting which is unnecessary or duplicative;

“(B) minimize the cost of compliance with this section and the rules issued thereunder on small manufacturers and processors; and

“(C) apply any reporting obligations to those persons likely to have information relevant to the effective implementation of this title.

“(6) NEGOTIATED RULEMAKING.—(A) The Administrator shall enter into a negotiated rulemaking pursuant to subchapter III of chapter 5 of title 5, United States Code, to develop

Time period.
Consultation.

Review.

Public
information.
Determination.

Applicability.

Publications.



and publish, not later than 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a proposed rule providing for limiting the reporting requirements, under this subsection, for manufacturers of any inorganic byproducts, when such byproducts, whether by the byproduct manufacturer or by any other person, are subsequently recycled, reused, or reprocessed.

“(B) Not later than 3 and one-half years after such date of enactment, the Administrator shall publish a final rule resulting from such negotiated rulemaking.”; and

(2) in subsection (b), by adding at the end the following:

“(3) NOMENCLATURE.—

“(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall—

“(i) maintain the use of Class 2 nomenclature in use on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act;

“(ii) maintain the use of the Soap and Detergent Association Nomenclature System, published in March 1978 by the Administrator in section 1 of addendum III of the document entitled ‘Candidate List of Chemical Substances’, and further described in the appendix A of volume I of the 1985 edition of the Toxic Substances Control Act Substances Inventory (EPA Document No. EPA-560/7-85-002a); and

“(iii) treat the individual members of the categories of chemical substances identified by the Administrator as statutory mixtures, as defined in Inventory descriptions established by the Administrator, as being included on the list established under paragraph (1).

“(B) MULTIPLE NOMENCLATURE LISTINGS.—If a manufacturer or processor demonstrates to the Administrator that a chemical substance appears multiple times on the list published under paragraph (1) under different CAS numbers, the Administrator may recognize the multiple listings as a single chemical substance.

“(4) CHEMICAL SUBSTANCES IN COMMERCE.—

“(A) RULES.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator, by rule, shall require manufacturers, and may require processors, subject to the limitations under subsection (a)(5)(A), to notify the Administrator, by not later than 180 days after the date on which the final rule is published in the Federal Register, of each chemical substance on the list published under paragraph (1) that the manufacturer or processor, as applicable, has manufactured or processed for a nonexempt commercial purpose during the 10-year period ending on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

“(ii) ACTIVE SUBSTANCES.—The Administrator shall designate chemical substances for which notices are received under clause (i) to be active substances on the list published under paragraph (1).

Notification.
Federal Register,
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Time period.