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Toxic Substances Control Act (TSCA) Reform Policy Document

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Background

The U.S. Toxic Substances Control Act (TSCA), passed in 1976, aims to protect human health and the environment by regulating the introduction of new chemicals and the use of existing chemicals in commerce. TSCA is administered by the U.S. Environmental Protection Agency (EPA). In 2016, TSCA was amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, partly due to long-standing concerns that EPA lacked sufficient authority to obtain information on and regulate chemicals that present unreasonable risks. This Act and amendment mandated that EPA:

1. Prioritize chemicals for evaluation.
2. Establish the scope of the risk evaluation for each selected chemical.
3. Conduct risk evaluations for each selected chemical.
4. Implement regulations to restrict or prohibit the manufacture, processing, distribution, or use of the chemical substances, as appropriate.

The scope of EPA TSCA regulatory actions encompasses occupational, consumer and community exposures, risks associated with these exposures, and risk management practices. TSCA evaluations primarily focused on new chemistries, since existing chemicals in commerce were exempt from the program and automatically listed on the TSCA inventory. Now, the amended TSCA process evaluates existing high-priority chemicals throughout their life cycles, which includes assessment of risks in the work environment. Therefore, TSCA and its regulatory and technical frameworks directly and significantly affect the industrial hygiene (IH) community of practice.

Although the purpose of TSCA—to protect human health and the environment—is also central to the practice of industrial hygiene, there was little interaction between the IH community and TSCA prior to the passage of the Lautenberg Act. Through the TSCA implementation and regulatory process, a number of opportunities for improved

collaboration and coordination between EPA and the IH community of practice have arisen, and both EPA and AIHA have welcomed opportunities for collaboration.

Role of the AIHA TSCA Advisory Group (AG)

Through conversations with relevant stakeholders, and in light of the occupational and worker health implications for chemistries of high impact on U.S. industry and innovation, AIHA has recognized the importance of developing a focused and coordinated strategy with regards to TSCA risk evaluations and risk management rules. Therefore, in 2023, the AIHA Board established the TSCA Task Force, later renamed the AIHA TSCA Advisory Group (AG), to collaborate with EPA. The mission of the AIHA TSCA AG is to “ensure AIHA is speaking with one voice and providing a consistent message with respect to how we, as a profession, are the right partner to support EPA and our external stakeholder community in Toxic Substances Control Act (TSCA) occupational risk assessment and management, as mandated by the Lautenberg Act of 2016.”

Recent AIHA TSCA AG interactions with relevant stakeholders have focused on sharing information, tools, and resources to help increase awareness of and access to industrial hygiene best practices. For example, IH professionals mitigate workplace risk through a comprehensive, holistic approach that considers OSHA standards and other workplace guidelines and regulations that incorporate programs addressing overall worker well-being, such as Total Worker Health®. IH professionals often find that implementing overly prescriptive measures in the workplace can lead to unintended consequences, such as heat stress, loss of dexterity, tripping hazards, and ergonomic issues. Risk management practices should be multifaceted and perform effectively in the workplace, and enacting risk assessment and management strategies in work environments requires significant expertise. Because this expertise is not accessible to everyone, AIHA’s TSCA AG emphasizes engagement and outreach to individuals and professionals outside the IH field to facilitate education and knowledge sharing.

To support AIHA policy objectives and facilitate effective occupational risk assessment practices, the TSCA AG is taking the following actions:

- Facilitating engagement with external stakeholders, including EPA.
- Submitting comments and input on new rules and guidance documents publicized by EPA and other stakeholders, to promote alignment between these items and AIHA best practices.
- Implementing processes for communicating TSCA-related data needs and methodologies to AIHA’s community of practice.
- Coordinating with AIHA technical committees and working groups to develop exposure and risk assessment tools and resources that enhance current practices.
- Sharing occupational exposure and risk assessment resources with EPA and other stakeholders through educational sessions delivered by AIHA and its partners.

The TSCA AG’s capacity for strategic collaborations serves AIHA, its members, and its stakeholders by directing, prioritizing, and coordinating AIHA activities related to TSCA. The advisory group’s activities also support the IH profession’s evolving needs in assessing and

managing risks associated with chemical exposures. There are numerous examples of how the AIHA TSCA AG has already had positive impacts related to EPA's evolving practices of risk management and risk evaluation.

Role of AIHA

AIHA has the technical experience and expertise to serve as a key resource to EPA on TSCA consumer and worker health and safety issues. AIHA has developed technical guidance documents and tools aimed at ensuring IH practitioners are prepared to safeguard worker health beyond baseline regulatory requirements. These technical documents and tools are freely accessible to employers, workers, and regulators and can be applied across a variety of industry sectors to address many of the worker risks and risk management issues covered under the scope of TSCA. These tools and documents also support AIHA's vision that every workplace, no matter the size, can implement a core set of approaches to address chemical and exposure risk management to protect worker health and safety every day.

Examples of these tools include the Principles of Good Practice and the Improving Exposure Judgments initiatives. Principles of Good Practice outlines crucial OEHS professional practices and provides a set of uniform program and performance targets that can be used in continuous improvement activities. These principles are freely available for download on the AIHA website. Improving Exposure Judgments trains practitioners to use IH statistical tools to analyze data sets of any size. Components of the Improving Exposure Judgments initiative include free training, online tools and apps, and competency assessments offered through AIHA's Exposure Decision Analysis registry program. Other technical guidance documents and tools are in development by AIHA.

AIHA has established collaborative working relationships with a number of relevant stakeholder groups, such as trade associations, nonprofits, government agencies, public policy coalitions, and allied safety organizations, such as NIOSH, the National Safety Council, and the American Chemistry Council, among others. These relationships serve as mechanisms for outreach, collaboration, and dissemination of key information on a variety of topics, including TSCA, with the goal of protecting worker health and safety and advancing the IH profession.