

# Updated TSCA Inventory Identifies "Active" Chemicals in Commerce

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EPA has released the updated TSCA Chemical Substance Inventory, with, for the first time, "active" and "inactive" designations as required by the 2016 Amendments to the Toxic Substances Control Act (TSCA). Of the 86,228 chemicals on the Inventory, less than half (40,655 or 47%) are designated as "active." The updated Inventory can be accessed [here](#).

The designations are based on reporting by chemical manufacturers, importers, and processors, which concluded on October 5, 2018, under the agency's TSCA Inventory Notification (Active-Inactive) Rule. "Active" substances also include those that were reported during the 2012 and 2016 Chemical Data Reporting cycles. All substances not reported as "active" are identified as "inactive."

While seemingly mundane, this is important stuff: chemicals that are classified as "inactive" will not be able to be manufactured or imported into the U.S. without going through EPA's pre-manufacture notice (PMN) and review process. PMN is something to avoid, particularly after the 2016 amendments shifted the burden of proof to require that EPA now make an affirmative finding that the substance does not pose an unreasonable risk to health or the environment before allowing it on the market.

For processors (*i.e.*, companies that use chemicals), it is imperative to confirm with suppliers that the chemicals they receive from them are designated as "active." Manufacture, import or use of (or placement on the market of a product containing) an "inactive" substance can incur serious penalties. Companies that wish to start using an "inactive" substance must submit to EPA, within 90 days prior to the anticipated start of such use, a Notice of Activity (Form B) to EPA to change the Inventory designation from "inactive" to "active."