

What is the TSCA Risk Evaluation Framework Rule?

TSCA requires EPA to “conduct risk evaluations” on chemicals already in commerce in order “to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment . . . under the conditions of use.” These risk evaluations must specifically consider risks to “potentially exposed or susceptible subpopulation[s],” groups who are at greater risk of harm because they are more exposed to the chemicals or more susceptible to harm from their exposures. 15 U.S.C. § 2605(b)(4)(A). If, following a risk evaluation, EPA finds “unreasonable risk,” it must regulate “to the extent necessary” so that the chemical “no longer presents such risk.” 15 U.S.C. § 2605(a).

Under TSCA, EPA must promulgate a rule that sets out the process by which it conducts risk evaluations. 15 U.S.C. § 2605(b)(4)(A). This is referred to as the risk evaluation “framework rule.”

The framework rule is vitally important for how EPA conducts risk evaluations because it defines the scope of what information EPA will consider in that assessment and how it will consider it. As such, it has been the subject of much debate and change. If finalized, the Trump EPA’s proposal would be the third framework rule finalized in the past nine years.

The current proposal would lead to risk evaluations that understate the risks posed by existing chemicals. As a result, EPA will issue insufficiently protective risk management rules that do not address a chemical’s true risk or mistakenly find that there is no unreasonable risk from a chemical and not regulate the chemical at all. The proposal thus threatens to harm the very groups that TSCA was amended to protect, including children, fenceline communities, and workers.

EPA’s 2025 Proposed Revisions to the Framework Rule

EPA’s proposal, 90 Fed. Reg. 45690, would fundamentally shift the way that EPA evaluates existing chemicals in two key ways.

1. EPA now asserts discretion to exclude known “conditions of use”¹ of a chemical and known exposure pathways

In the 2024 framework rule, EPA said that it would “not exclude conditions of use from the scope of the risk evaluation,” 40 C.F.R. 702.37(4), and committed to “assess all exposure routes and pathways relevant to the chemical substance under the conditions of use, including those that are regulated under other federal statutes,” 40 C.F.R. 702.39(d)(9). This approach correctly recognized that TSCA requires EPA to consider *all* relevant sources of exposure to a chemical in determining whether that chemical poses unreasonable risk.

The 2025 proposed rule eliminates those requirements, allowing EPA to ignore known and foreseeable exposures to a chemical in evaluating whether the chemical poses

¹ TSCA defines “conditions of use” as “the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.” 15 U.S.C. § 2602(4).



unreasonable risk. This approach is contrary to TSCA, and ignoring chemical exposures will understate the true risks that a chemical poses.

2. EPA would make risk determinations on individual uses, rather than a single determination on a chemical

In the 2024 framework rule, EPA committed to making a “single determination as to whether the chemical substance presents an unreasonable risk of injury to health or the environment . . . under the conditions of use.” 40 C.F.R. 702.39(f)(1). This commitment implements the plain language and purpose of TSCA. Because people are often exposed to a chemical from multiple conditions of use, Congress required EPA to protect against unreasonable risk posed by “combination[s]” of activities. 15 U.S.C. § 2605(a). Making a “single determination” of unreasonable risk for the chemical as a whole allows EPA to consider the risks associated with multiple conditions of use collectively in order to determine the real-world risk a chemical poses. The 2025 proposed rule takes a completely opposite approach, asserting that it will make “separate risk determinations for each condition of use.” 90 Fed. Reg. at 45714.

There are other significant shifts in the 2025 proposed rule as well. For example, EPA is proposing to:

- remove the identification of “overburdened communities”—such as fence-line communities that are exposed to contaminated air and water from nearby facilities—as an example of a “potentially exposed or susceptible subpopulation” that may require specific evaluation;
- eliminate the requirements to: (1) consider aggregate exposures to a chemical substance, and (2) include an aggregate exposure assessment when supported by reasonably available information or explain why EPA is not including such an assessment;
- limit the information required to be submitted by manufacturers requesting risk evaluations of chemicals, including by eliminating the requirement to conduct due diligence for relevant information to include in its request;
- remove the prohibition on EPA considering exposure reductions based on the *assumed* use of personal protective equipment when evaluating workers’ risks.

Why Does This Matter?

The promise of TSCA lies in its ability to regulate all the ways a chemical can harm people and the environment, including when exposures that might not pose an unreasonable risk in isolation do pose such a risk when considered in aggregate. EPA’s proposed rule undermines that core purpose.

TSCA requires EPA to regulate chemicals to the extent necessary to eliminate the chemical’s unreasonable risk. If EPA does not look at the full suite of ways that people are exposed to a chemical, or looks at each condition of use in isolation rather than in combination with other uses, EPA will understate the risk that that chemical poses. As a result, any risk management rule will be insufficiently protective of human health and the environment.