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SUBCHAPTER I—CONTROL OF TOXIC SUBSTANCES

§ 2601. Findings, policy, and intent

(a) Findings

The Congress finds that—

(1) human beings and the environment are being exposed each year to a large number of chemical substances and mixtures;

(2) among the many chemical substances and mixtures which are constantly being developed and produced, there are some whose manufacture, processing, distribution in commerce, use, or disposal may present an unreasonable risk of injury to health or the environment; and

(3) the effective regulation of interstate commerce in such chemical substances and mixtures also necessitates the regulation of intrastate commerce in such chemical substances and mixtures.

(b) Policy

It is the policy of the United States that—

(1) adequate information should be developed with respect to the effect of chemical substances and mixtures on health and the environment and that the development of such information should be the responsibility of those who manufacture and those who process such chemical substances and mixtures;

(2) adequate authority should exist to regulate chemical substances and mixtures which present an unreasonable risk of injury to health or the environment, and to take action with respect to chemical substances and mixtures which are imminent hazards; and

(3) authority over chemical substances and mixtures should be exercised in such a manner as not to impede unduly or create unnecessary economic barriers to technological innovation while fulfilling the primary purpose of this chapter to assure that such innovation and commerce in such chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment.

(c) Intent of Congress

It is the intent of Congress that the Administrator shall carry out this chapter in a reasonable and prudent manner, and that the Administrator shall consider the environmental, economic, and social impact of any action the Administrator takes or proposes as provided under this chapter.

(Pub. L. 94-469, title I, §2, Oct. 11, 1976, 90 Stat. 2003; renumbered title I, Pub. L. 99-519, §3(c)(1), Oct. 22, 1986, 100 Stat. 2989; amended Pub. L. 114-182, title I, §§2, 19(b), June 22, 2016, 130 Stat. 448, 505.)

Editorial Notes

AMENDMENTS

2016—Subsec. (b)(1). Pub. L. 114-182, §19(b), substituted “information” for “data” in two places.

Subsec. (c). Pub. L. 114-182, §2, substituted “proposes as provided” for “proposes to take”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 94-469, title I, §31, Oct. 11, 1976, 90 Stat. 2051; renumbered title I, Pub. L. 99-519, §3(c), Oct. 22, 1986, 100 Stat. 2989, provided that: “Except as provided in section 4(f) [section 2603(f) of this title], this Act [enacting this chapter] shall take effect on January 1, 1977.”

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114-182, §1(a), June 22, 2016, 130 Stat. 448, provided that: “This Act [enacting section 280g-17 of Title 42, The Public Health and Welfare, amending this section, sections 2602 to 2611, 2613 to 2615, 2617 to 2620, 2623, 2625 to 2627, and 2629 of this title, section 6939f of Title 42, and section 254 of Title 47, Telecommunications, repealing section 2624 of this title, and enacting provisions set out as notes under this section, section 280g-17 of Title 42, and sections 254 and 609 of Title 47] may be cited as the ‘Frank R. Lautenberg Chemical Safety for the 21st Century Act’.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-199, §1, July 7, 2010, 124 Stat. 1359, provided that: “This Act [enacting subchapter VI of this chapter and provisions set out as a note under section 2697 of this title] may be cited as the ‘Formaldehyde Standards for Composite Wood Products Act’.”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-414, §1, Oct. 14, 2008, 122 Stat. 4341, provided that: “This Act [enacting section 6939f of Title 42, The Public Health and Welfare, amending sections 2605 and 2611 of this title, and enacting provisions set out as a note under section 2611 of this title] may be cited as the ‘Mercury Export Ban Act of 2008’.”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-550, title X, §1021(c), Oct. 28, 1992, 106 Stat. 3924, provided that: “This subtitle [subtitle B (1021) of title X of Pub. L. 102-550, enacting sections 2681 to 2692 of this title and amending sections 2606, 2610, 2612, 2615, 2616, 2618, and 2619 of this title] may be cited as the ‘Lead-Based Paint Exposure Reduction Act’.”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-519, §1, Oct. 22, 1986, 100 Stat. 2970, provided that: “This Act [enacting sections 2641 to 2654 of this title and section 4022 of Title 20, Education, amending sections 2614, 2618, and 2619 of this title and sections 4014 and 4021 of Title 20, and enacting provisions set out as a note under section 4014 of Title 20] may be cited as the ‘Asbestos Hazard Emergency Response Act of 1986’.”

SHORT TITLE

Pub. L. 94-469, §1, Oct. 11, 1976, 90 Stat. 2003; renumbered title I, Pub. L. 99-519, §3(c), Oct. 22, 1986, 100 Stat. 2989, provided that: “This Act [enacting this chapter and provisions set out as notes under this section] may be cited as the ‘Toxic Substances Control Act’.”

MODIFICATION OF DEFINITION OF SPORT FISHING EQUIPMENT UNDER TOXIC SUBSTANCES CONTROL ACT

Pub. L. 116-188, title I, § 108, Oct. 30, 2020, 134 Stat. 920, provided that:

“(a) PROHIBITION.—During the 5-year period beginning on the date of enactment of this Act [Oct. 30, 2020], the Administrator of the Environmental Protection Agency shall not take any action to regulate the lead content of sport fishing equipment or sport fishing equipment components under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

“(b) DEFINITION OF SPORT FISHING EQUIPMENT.—In this section, the term ‘sport fishing equipment’ means any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986 [26 U.S.C. 4162(a)]) the sale of which is subject to the tax imposed by section 4161(a) of such Code [26 U.S.C. 4161(a)] (determined without regard to any exemptions from such tax provided by section 4162 or 4221 or any other provision of such Code [26 U.S.C. 4162, 4221]).”

NO RETROACTIVITY OF PUB. L. 114-182 AMENDMENTS

Pub. L. 114-182, title I, § 20, June 22, 2016, 130 Stat. 510, provided that: “Nothing in sections 1 through 19 [amending this section, sections 2602 to 2611, 2613 to 2615, 2617 to 2620, 2623, 2625 to 2627, and 2629 of this title, and section 6939f of Title 42, The Public Health and Welfare, repealing section 2624 of this title, and enacting provisions set out as a note under this section], or the amendments made by sections 1 through 19, shall be interpreted to apply retroactively to any State, Federal, or maritime legal action filed before the date of enactment of this Act [June 22, 2016].”

**Executive Documents**

FEDERAL COMPLIANCE WITH POLLUTION CONTROL STANDARDS

For provisions relating to the responsibility of the head of each Executive agency for compliance with applicable pollution control standards, see Ex. Ord. No. 12088, Oct. 13, 1978, 43 F.R. 47707, set out as a note under section 4321 of Title 42, The Public Health and Welfare.

**§ 2602. Definitions**

As used in this chapter:

(1) the<sup>1</sup> term “Administrator” means the Administrator of the Environmental Protection Agency.

(2)(A) Except as provided in subparagraph (B), the term “chemical substance” means any organic or inorganic substance of a particular molecular identity, including—

- (i) any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature, and
- (ii) any element or uncombined radical.

(B) Such term does not include—

- (i) any mixture,
- (ii) any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.]) when manufactured, processed, or distributed in commerce for use as a pesticide,
- (iii) tobacco or any tobacco product,
- (iv) any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.] and regulations issued under such Act),
- (v) any article the sale of which is subject to the tax imposed by section 4181 of the Internal

Revenue Code of 1986 [26 U.S.C. 4181] (determined without regard to any exemptions from such tax provided by section 4182 or 4221 or any other provision of such Code) and any component of such an article (limited to shot shells, cartridges, and components of shot shells and cartridges), and

(vi) any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 321]) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

The term “food” as used in clause (vi) of this subparagraph includes poultry and poultry products (as defined in sections 4(e) and 4(f) of the Poultry Products Inspection Act [21 U.S.C. 453(e) and (f)]), meat and meat food products (as defined in section 1(j) of the Federal Meat Inspection Act [21 U.S.C. 601(j)]), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act [21 U.S.C. 1033]).

(3) The term “commerce” means trade, traffic, transportation, or other commerce (A) between a place in a State and any place outside of such State, or (B) which affects trade, traffic, transportation, or commerce described in clause (A).

(4) The term “conditions of use” means 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.

(5) The terms “distribute in commerce” and “distribution in commerce” when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture mean to sell, or the sale of, the substance, mixture, or article in commerce; to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of, the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

(6) The term “environment” includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

(7) The term “guidance” means any significant written guidance of general applicability prepared by the Administrator.

(8) The term “health and safety study” means any study of any effect of a chemical substance or mixture on health or the environment or on both, including underlying information and epidemiological studies, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological studies of a chemical substance or mixture, and any test performed pursuant to this chapter.

(9) The term “manufacture” means to import into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States), produce, or manufacture.

(10) The term “mixture” means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any

<sup>1</sup> So in original. Probably should be capitalized.