



NMP News Brief

March 2021

Findings in EPA TSCA Section 6 Risk Evaluation for NMP; Schedule for EPA Actions and Expectations Related to Risk Management

The U.S. Environmental Protection Agency (EPA) published in final on December 30, 2020, the [EPA-Initiated Risk Evaluation for N-Methylpyrrolidone \(NMP\)](#). EPA assessed available data for 37 conditions of use, considered public comments and peer review, and concluded that 26 conditions of use present an unreasonable risk. EPA determined that:

- NMP presents an unreasonable risk to workers when:
 - Manufacturing domestically or importing;
 - Processing for a variety of uses;
 - Using in a variety of industrial and commercial conditions of use;
- NMP presents unreasonable risk to consumers from one consumer use;
- NMP does not pose an unreasonable risk:
 - When under distribution in commerce;
 - In a variety of industrial and commercial and consumer applications;
 - To the environment; and
 - To the general population.

Additional details regarding the conditions of use and EPA's risk findings are available in a brief [non-technical summary of the NMP Risk Evaluation](#).

Under Section 6 of the Toxic Substances Control Act (TSCA), EPA must develop risk management actions to address the conditions of use that are determined to present unreasonable risk.

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Next Steps in TSCA Risk Evaluation and Risk Management Process

1. **Proposed Risk Management -- December 2021**

EPA must propose risk management actions within one year of the risk evaluation. For NMP, this is expected no later than **December 30, 2021**. EPA is not expected to ban those uses of NMP that it found to present unreasonable risk. EPA has many options available to mitigate unreasonable risk under TSCA Section 6 and is required to do so to the extent necessary. EPA's determinations of unreasonable risk for certain NMP applications are based on high-end exposure scenarios that assume a lack of proper personal protective equipment (PPE) use and in particular glove use. It is more likely that the risk management measures that might arise from unreasonable risk determinations will focus on ensuring proper PPE use or otherwise preventing human exposure.

2. **Final Risk Management -- December 2022**

EPA is required to issue the final risk management rule no later than two years after the date of the final risk evaluation or by **December 30, 2022**, for NMP. Although the statute does allow for extension of the proposed and final risk management rules for up to two years, NMP is on the 2014 TSCA Work Plan for Chemical Assessments list, and this option does not apply to those listed substances.

According to EPA, outreach and stakeholder engagement on risk management activities for the first ten substances to undergo risk evaluation, including NMP, will continue to move forward. EPA has stated, however, that it "is actively reviewing the final risk evaluations in light of statutory obligations and policy objectives related to use of the best available science and protection of human health and the environment, in accordance with the Executive Orders and other direction provided by the Biden-Harris Administration."¹ If EPA should choose to review, and revise potentially, the risk evaluation for NMP, this could result in a change in the conditions of use determined to present unreasonable risk and delay the risk management phase of the risk evaluation.

¹ EPA, Updates on Chemical Safety Actions (Feb. 5, 2021), available at <https://www.epa.gov/chemicals-under-tsca/updates-chemical-safety-actions>.

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Potential Stakeholder Impacts

Most industry stakeholder groups are already using the appropriate engineering controls and PPE measures to protect workers. Thus, even if EPA proceeds with issuing a final regulation requiring certain gloves and/or other PPE, it is not expected to have a material impact on those operations that have already implemented these controls.

There will be regulatory ramifications from a TSCA Section 6 risk management action, such as specified documentation requirements, changes in hazard communication, and lower reporting thresholds for Chemical Data Reporting. Daily operations related to worker protection for most user groups, however, are not expected to be impacted significantly.

The NMP Producers Group strongly encourages all NMP stakeholders to remain engaged, with particular focus on the risk management measures proposed by EPA for their applications of interest.