



EPA and OSHA Workplace Requirements

July 17, 2026

- 1** Introductions
- 2** Overview of EPA and OSHA Programs
- 3** TSCA Section 9
- 4** EPA-OSHA Memorandums of Understanding
- 5** Small Business Input
- 6** Wrap Up

Today's Discussion: Overlapping Worker Protection

Two federal agencies regulating the same chemical, same worker, same workplace exposure using different requirements.

The Solution: There is already a statutory mechanism created to prevent this...TSCA 9(a).



Why this matters – **worker safety.**

Worker protections are most effective when requirements are clear, coordinated, and practical.

Regulatory Context:

TSCA reform expanded EPA's role in existing chemical regulation

EPA may evaluate worker exposure during risk evaluations

Actions to date include workplace requirements

Result:

EPA and OSHA are regulating the same worker, same workplace, same exposure through different frameworks

Considerations:

Misaligned requirements may create confusion, duplication and unintended risks

Increased time on reconciling conflicting regulatory expectations and administrative efforts, can take focus away from day-to-day safety oversight

Two Acts

The OSH Act of 1970

“To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions..”

Primary federal law governing workplace safety and health.

Authorizes OSHA to establish and enforce workplace safety and health standards and to ensure safe and healthful working conditions for employees.

The TSCA of 1976

“To regulate commerce and protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances, and for other purposes.”

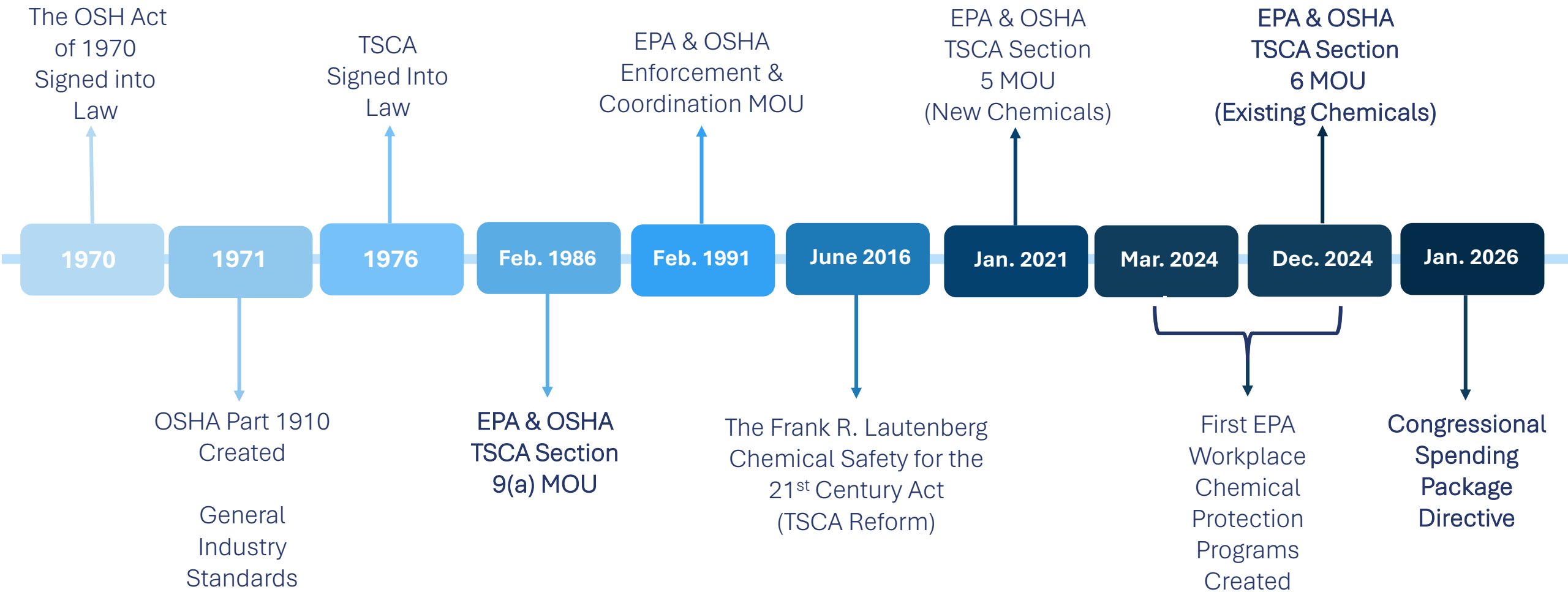
Primary federal law governing the manufacture, processing, distribution, use, and disposal of chemical substances.

Evaluates whether a chemical presents an "unreasonable risk"

Included Section 9 - Relationship to Other Federal Laws

Amended in 2016 modifying the Agency's processes for reviewing chemicals already in commerce ...

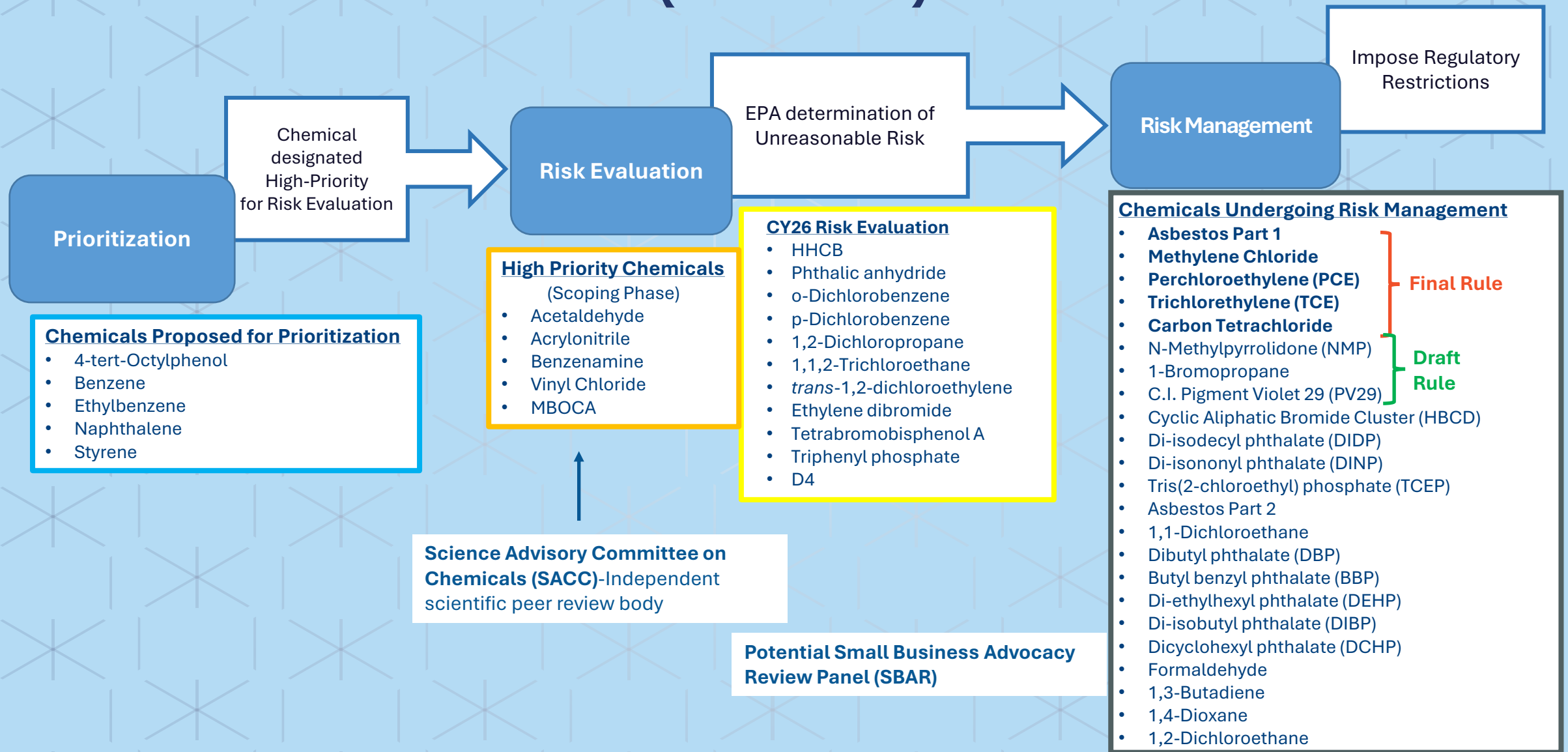
EPA and OSHA Timeline



2016 TSCA Existing Chemicals

- Established a mandatory framework for reviewing existing chemicals
- Created a three-step process for existing chemicals:
Prioritization → Risk Evaluation → Risk Management
- Required EPA to prioritize chemicals
- Required EPA to evaluate whether a chemical presents an unreasonable risk under its conditions of use, based on the best available science and weight of the scientific evidence.
- Required EPA to regulate chemicals found to present an unreasonable risk through risk management requirements under TSCA Section 6.
- Added workers as a Potentially Exposed or Susceptible Subpopulations (PESS), the EPA may consider in risk evaluations - **increasing the potential for overlap with OSHA's occupational safety authorities.**

Status of Chemicals in TSCA Risk Evaluation Process (June 2026)



OSHA	EPA
Scope and Application, Definitions	Definitions (e.g., authorized person, regulated area), Applicability Relationship to Other Regulations • OSHA employee = potentially exposed persons • OSHA employer = any owner or operator
(c) Permissible Exposure Limits 1) Eight hour (TWA) 2) Short-term exposure limit (STEL)	(c) Exposure Limits 1) Eight hour (ECEL) 2) Short-term exposure limit (STEL) 3) Regulated areas
(d) Exposure Monitoring 1) i. Characterization of employee exposure ii. Representative sample iii. Accuracy of monitoring 2) Initial determination 3) Periodic monitoring 4) Additional monitoring 5) Employee notification of monitoring 6) Observation of monitoring i. Employee observed ii. Observation procedures	(d) Exposure Monitoring 1) i. Characterization of employee exposure ii. Representative sample iii. Accuracy of monitoring iv. Currency of monitoring data 2) Initial determination 3) Periodic monitoring 4) Additional monitoring 5) Employee notification of monitoring 6) Observation of monitoring
(e) Regulated Areas (f) Methods of Compliance 1) Engineering and work practice controls 2) Prohibition of rotation 3) Leak and spill detection (g) Respiratory protection (h) Protective work clothing and equipment (i) Hygiene facilities (j) Medical surveillance (k) Hazard communication (l) Employee information training	(e) ECEL Control Procedures and Plan 1) Methods of Compliance 2) Exposure Control Plan (f) Respiratory protection (g) Dermal protection (h) Training

The Overlap

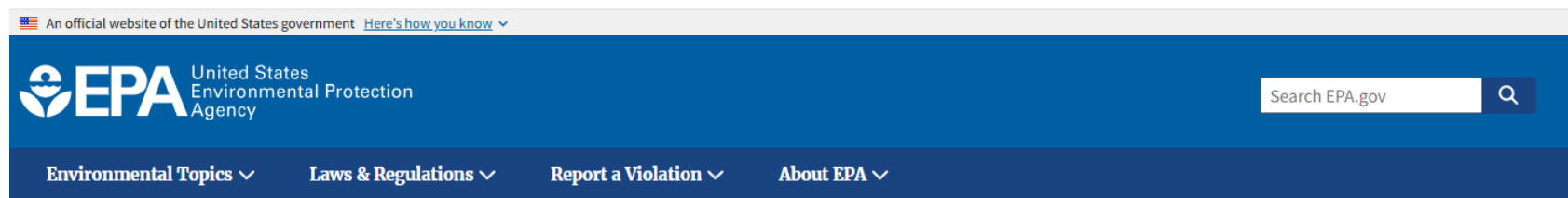
Same Worker, Same Workplace, Divergent Requirements

- **Structural Similarities**
- **Terminology and Scope Differences**
- **Distinct Program Constructs**
- **Differences in Monitoring and Compliance**



TSCA Section 9(a) Purpose

- One of five sections defining TSCA's relationship to other federal laws
- Authorizes coordination with other federal agencies to address unreasonable risk findings
- Reduces duplicative and potentially conflicting federal regulatory authorities



[Home](#) / [Assessing and Managing Chemicals under TSCA](#)

Assessing and Managing Chemicals under TSCA

[How EPA Evaluates the Safety of Existing Chemicals](#)

[Prioritizing Existing Chemicals for Risk Evaluation](#)

[Risk Evaluations for Existing Chemicals under TSCA](#)

[Risk Management for Existing Chemicals under TSCA](#)

[Assessing and Managing Chemicals under TSCA](#)
[Contact Us](#)

TSCA Section 9 Relationship to Other Federal Laws

[Section 9 of the Toxic Substances Control Act](#) provides that the EPA Administrator shall consult and coordinate with the heads of other appropriate federal executive departments or agencies to achieve maximum enforcement of TSCA while imposing the least burden of duplicative requirements. The Administrator is also directed to coordinate actions taken under TSCA with actions taken under other federal laws administered by the EPA, such as the [Clean Air Act](#) and the [Clean Water Act](#). If risk is already managed effectively under a different statute, regulation under TSCA is not necessary.

With regard to other statutes administered by the Agency, Section 9 directs that if the Administrator determines that a risk to health or the environment associated with a chemical substance or mixture could be eliminated or reduced to a sufficient extent by actions taken under those other federal laws, the Administrator shall use those other laws unless the Administrator determines, in the Administrator's discretion, that it is in the public interest to protect against such risk by actions taken under TSCA.

With regard to statutes administered by other federal agencies, Section 9 directs that if the Administrator has reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture presents or will present an unreasonable risk of injury to health or the environment and determines, in the Administrator's discretion, that such risk may be prevented or reduced to a sufficient extent by action taken under a federal law administered by another agency, the Administrator shall submit to that agency a report that describes the risk and requests that the other agency determine if the risk may be prevented or reduced to a sufficient extent by action taken under that law, and if so, to issue an order declaring whether or not the activities present such risk.



Benefits of Implementing Section 9(a)

- Reduces Regulatory Duplication and Conserves Federal Resources
- Leverages OSHA to Support EPA's Goals
- Advances the Intent of Congress

Congressional Directive

House Report 119-215 accompanying the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2026 :

“The Committees direct the Agency to revise the Memorandum of Understanding (MOU) with the Occupational Safety and Health Administration (OSHA) to meaningfully delineate between each Agency’s role and clearly articulate the areas of collaboration between the agencies. Further, the Committees remind the Agency of the requirements in Section 9 of TSCA (15 U.S.C. 2608) related to responses from other Federal agencies.”

EPA/OSHA 1986 MOU

Key Points from February 1986 MOU:

- Defined working relationships
- Operationalized TSCA Section 9(a)
- Established process for notification and consultation

• Information Date:	02/06/1986
• Agreement Agency:	Environmental Protection Agency (EPA)

EPA Agreement No. PW 16931704-01-1

MEMORANDUM OF UNDERSTANDING BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF LABOR

I. PURPOSE

The purpose of this agreement is to set forth the working relationship between the Environmental Protection Agency (EPA) and the Department of Labor (DOL), specifically the Occupational Safety and Health Administration (OSHA) with respect to the requirements of section 9(a) of the Toxic Substances Control Act (TSCA).

This Memorandum of Understanding (MOU) establishes a process for notification and consultation to aid in EPA's preparation of section 9(a) reports which are submitted to OSHA. This MOU is intended to promote efficient administration of section 9(a) of the TSCA and is in conformance with the legal responsibilities of each agency.

II. BACKGROUND

EPA and OSHA have different, though related, responsibilities and objectives in carrying out their respective statutory powers with regard to regulation of toxic substances. As described below, the Toxic Substances Control Act requires EPA to make a finding of unreasonable risk of injury to health or the environment in order to regulate a toxic substance, while the Occupational Safety and Health Act requires OSHA to demonstrate that there is a significant risk to employees from a toxic substance in the workplace in order to regulate that substance.

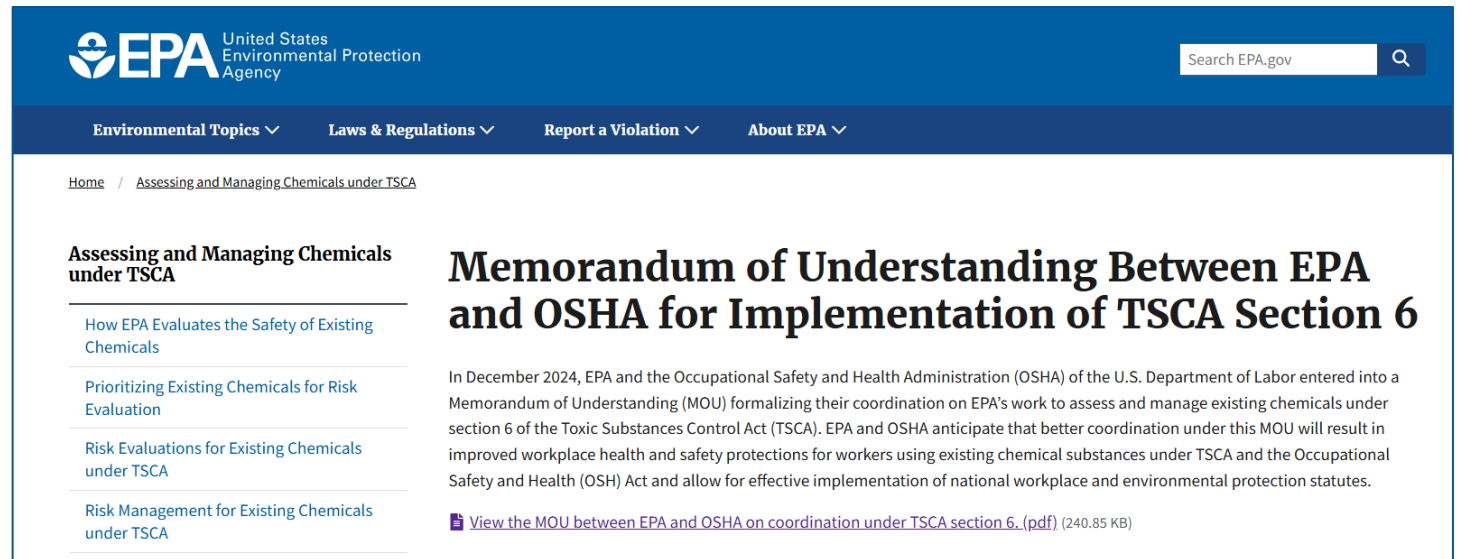
EPA/OSHA 2024 MOU

“The objective of this MOU is to facilitate information sharing in the form of notification, consultation, and coordination where appropriate between EPA and OSHA, in the exercise of EPA’s authorities and responsibilities under section 6 of TSCA, and of OSHA’s overlapping authority under the OSH Act.”

“The parties acknowledge that EPA bears sole responsibility for TSCA section 6 prioritization, risk determination, and rulemaking decisions, and that OSHA’s input in these matters is purely consultative.”

Key Points from the December 2024 MOU:

- Share information on chemical risks
- Coordinate regulatory updates
- Refer enforcement



EPA United States Environmental Protection Agency

Search EPA.gov

Environmental Topics ▾ Laws & Regulations ▾ Report a Violation ▾ About EPA ▾

[Home](#) / [Assessing and Managing Chemicals under TSCA](#)

Assessing and Managing Chemicals under TSCA

- [How EPA Evaluates the Safety of Existing Chemicals](#)
- [Prioritizing Existing Chemicals for Risk Evaluation](#)
- [Risk Evaluations for Existing Chemicals under TSCA](#)
- [Risk Management for Existing Chemicals under TSCA](#)

Memorandum of Understanding Between EPA and OSHA for Implementation of TSCA Section 6

In December 2024, EPA and the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor entered into a Memorandum of Understanding (MOU) formalizing their coordination on EPA's work to assess and manage existing chemicals under section 6 of the Toxic Substances Control Act (TSCA). EPA and OSHA anticipate that better coordination under this MOU will result in improved workplace health and safety protections for workers using existing chemical substances under TSCA and the Occupational Safety and Health (OSH) Act and allow for effective implementation of national workplace and environmental protection statutes.

[View the MOU between EPA and OSHA on coordination under TSCA section 6. \(pdf\)](#) (240.85 KB)

Unified Themes from Small Businesses



Existing OSHA requirements are working.



Inconsistent EPA workplace requirements.



Performance-based, site-specific controls are preferred over prescriptive mandates.



Contacts

Charlotte_Bertrand@americanchemistry.com

Sahar_Osman-Sypher@americanchemistry.com

