

SUBCHAPTER R—TOXIC SUBSTANCES CONTROL ACT (CONTINUED)

PART 790—PROCEDURES GOVERNING TESTING CONSENT AGREEMENTS AND TEST RULES

AUTHORITY: 15 U.S.C. 2603.

Subpart A—General Provisions

- Sec.
790.1 Scope, purpose, and authority.
790.2 Applicability.
790.3 Definitions.
790.5 Submission of information.
790.7 Confidentiality.

Subpart B—Procedures for Developing Consent Agreements and Test Rules

- 790.20 Recommendation, recommendation with an intent to designate, and designation of testing candidates by the ITC.
790.22 Procedures for developing consent agreements.

Subpart C—Implementation, Enforcement, and Modification of Test Rules

- 790.40 Promulgation of test rules.
790.42 Persons subject to a test rule.
790.45 Submission of letter of intent to conduct testing or exemption application.
790.48 Procedure if no one submits a letter of intent to conduct testing.
790.50 Submission of study plans.
790.52 Phase II test rule.
790.55 Modification of test standards or schedules during conduct of test.
790.59 Failure to comply with a test rule.

Subpart D—Implementation, Enforcement and Modification of Consent Agreements

- 790.60 Contents of consent agreements.
790.62 Submission of study plans and conduct of testing.
790.65 Failure to comply with a consent agreement.
790.68 Modification of consent agreements.

Subpart E—Exemptions From Test Rules

- 790.80 Submission of exemption applications.
790.82 Content of exemption application.
790.85 Submission of equivalence data.
790.87 Approval of exemption applications.
790.88 Denial of exemption application.
790.90 Appeal of denial of exemption application.
790.93 Termination of conditional exemption.
790.97 Hearing procedures.
790.99 Statement of financial responsibility.

Subpart A—General Provisions

§ 790.1 Scope, purpose, and authority.

(a) This part establishes procedures for gathering information, conducting negotiations, and developing and implementing test rules or consent agreements on chemical substances and mixtures under section 4 of TSCA.

(b) Section 4 of the Act authorizes EPA to require manufacturers and processors of chemical substances and mixtures to test these chemicals to determine whether they have adverse health or environmental effects. Section 4 (a) empowers the Agency to promulgate rules which require such testing. In addition, EPA has implied authority to enter into enforceable consent agreements requiring testing where they provide procedural safeguards equivalent to those that apply where testing is conducted by rule.

(c) EPA intends to use enforceable consent agreements to accomplish testing where a consensus exists among EPA, affected manufacturers and/or processors, and interested members of the public concerning the need for and scope of testing.

[51 FR 23712, June 30, 1986, as amended at 75 FR 56475, Sept. 16, 2010]

§ 790.2 Applicability.

This part is applicable to manufacturers and processors of chemical substances or mixtures who are subject to the testing requirements of a consent agreement or a rule under section 4(a) of the Act. The procedures for test rules are applicable to each test rule in part 799 or this chapter unless otherwise stated in specific test rules in part 799 of this chapter.

[51 FR 23712, June 30, 1986]

§ 790.3 Definitions.

Terms defined in the Act and not explicitly defined herein are used with the meaning given in the Act. For the purpose of this part: