

Steptoe & Johnson LLP

China Central Place, 29th Floor,
Tower 2
79 Jianguo Road, Chaoyang
District
Beijing, 100025
Tel: +86 10 5834 1000
Fax: +86 10 5969 6099

Avenue Louise 489
3rd Floor
B-1050 Brussels
Belgium
Tel: +32 2 626 0500
Fax: +32 2 626 0510

115 South LaSalle Street
Suite 3100
Chicago, IL 60603
Tel: 312.577.1300
Fax: 312.577.1370

2121 Avenue of the Stars
Suite 2800
Los Angeles, CA 90067
Tel: 310.734.3200
Fax: 310.734.3300

633 West Fifth Street
Suite 700
Los Angeles, CA 90071
Tel: 213.439.9400
Fax: 213.439.9599

1114 Avenue of the Americas
New York, NY 10036
Tel: 212.506.3900
Fax: 212.506.3950

201 E. Washington Street
Suite 1600
Phoenix, AZ 85004
Tel: 602.257.5200
Fax: 602.257.5299

1330 Connecticut Avenue, NW
Washington, DC 20036
Tel: 202.429.3000
Fax: 202.429.3902

Steptoe & Johnson

99 Gresham Street
London, EC2V 7NG
England
Tel: +44 20 7367 8000
Fax: +44 20 7367 8001

TSCA & REACH

REACH Resource Centre

The anticipated reform of the Toxic Substances Control Act (TSCA) in the United States will impact a wide range of industries. Affected companies should be prepared to exploit the comparisons between the likely changes to TSCA regulation and the European Union's REACH (EC Regulation 1907/2006 – the Registration, Evaluation, Authorisation and Restriction of Chemical substances).

REACH, which was debated for more than five years prior to its adoption, is one of the most controversial and far-reaching regulatory schemes ever introduced. It imposes burdensome compliance requirements at a number of different levels of the supply chain. Implementation of the various REACH requirements since its adoption – including data generation and sharing among competitors, risk assessments and value chain communications – continues to generate practical compliance concerns which can and should be addressed when framing the new TSCA provisions. Companies wishing to influence the development of TSCA reform should take into account both the positive and negative aspects of REACH: what requirements should be promoted, what requirements involve practically unworkable implementation, what requirements hinder the ability for companies to compete at all or on a level playing field, and what requirements are practically unenforceable.

Industry also has an interest in ensuring that regulatory requirements in the EU and in the US – with their respective influence on other world regions – are as similar and compatible as possible. For example, some form of 'mutual recognition,' for the purposes of TSCA compliance – of data, of test methods, or of authorizations created for, or obtained under, REACH – could significantly reduce and simplify the compliance burden imposed by any near-equivalent TSCA regime.

Steptoe's REACH practice is ideally placed to analyze and provide strategic advice to companies and sectoral associations on a transatlantic basis. The firm's Brussels office was involved in REACH at the earliest stages of its evolution, assisting clients with representations on the impact of successive proposals on industry and helping associations to provide effective advice to the European regulators. With its team of specialized lawyers (chemicals, life sciences, intellectual property, contract, competition, trade), highly professional technical support, a dedicated information technology system and information manager, Steptoe currently offers a comprehensive REACH compliance one-stop shop to a broad spectrum of companies in various world regions. We provide to our clients up-to-date information and advice on the constantly evolving situation in SIEFs (Substance Information Exchange Fora) vs. consortia; the latest guidance

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from the European Chemicals Agency (ECHA) and national helpdesks on implementation/ enforcement of REACH; and strategic, forward advice based on our practical experience to secure compliance for over 500 substances across many sectors.

With regulatory lawyers in both the EU and the US well versed in the respective chemicals legislation, Steptoe is ready to assist clients looking to express their interests in the anticipated TSCA reform.

[Click here](#) to e-mail the TSCA & REACH team with questions or comments.

Noteworthy

- Ranked Band One, *Legal 500 Europe, Middle East & Africa EU Regulatory Chemicals (REACH) 2011 and 2012* (Belgium)