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Lynn L. Bergeson (LLB): Hello, and welcome to *All Things Chemical*, a podcast produced by Bergeson & Campbell (B&C®), a Washington, D.C., law firm focusing on chemical law, business, and litigation matters. I'm Lynn Bergeson.

This week, I discuss Toxic Substances Control Act (TSCA) developments with my colleague, Dr. Richard E. Engler, Director of Chemistry for B&C and The Acta Group (Acta®), our consulting affiliate. The U.S. Environmental Protection Agency's (EPA) implementation of the 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act amendments (Lautenberg) has been a dynamic, evolving, and often unpredictable work in progress for almost nine years. Given the new administration, we are at a most uncertain time because of the lack of clarity regarding what the new leaders at [EPA's Office of Chemical Safety and Pollution Prevention] OCSPP will do to address new chemical review concerns, risk evaluations under TSCA Section 6, risk management actions resulting from those evaluations, and other determinations. As our listeners know, all final risk management rules are being challenged, and the disposition of those cases is the subject of considerable speculation. So also is OCSPP's consideration of not-yet-final risk evaluations and how the new administration intends to interpret TSCA Section 6 in general. There are growing calls for legislative action to remedy Lautenberg's deficits, particularly in the area of new chemicals, another important variable that is destabilizing the status quo. Rich and I discuss all these topics and many more. Now, here's my conversation with Dr. Richard Engler.

Rich, welcome back to the studio. You are such a crowd pleaser. Everybody is interested in your words of wisdom on TSCA and everything else that you have to offer. So why don't we just dive right in?

Richard E. Engler (REE): Great.

LLB: As we go to record this podcast in early February, there has been a lot of development since we had our firm webinar on what to expect when you don't know what to expect in a new administration. President Trump campaigned on a lot of different topics, but no one more so

than on diminishing or eliminating federal regulatory restrictions that, in the administration's view, are burdensome and unnecessary. Do you expect significant deregulatory actions? And if so, in what areas of relevance to our listeners?

REE: I do expect some changes under the new administration. There are clear statutory mandates under TSCA, and EPA is going to have to meet those mandates. I do expect to see changes in the existing chemical framework rule, which is now final, but as you noted up front, is subject to legal challenge. In particular, I expect a reversal of the single determination construct, where EPA currently makes a single determination for each substance that it evaluates, regardless of whether it finds some, or many, or most of the conditions of use to be not an unreasonable risk.

LLB: That's the so-called whole chemical approach.

REE: Whole chemical approach is the old name for it. Now it's called single determination. There's debate about what is the meaning of TSCA Section 6, and is single chemical required, or is it an option? I don't know if the framework rule will proceed to oral arguments and maybe a court decision, or if the new administration would seek to remand it and reissue the rule. I think more likely the latter, but --

LLB: Yes, the remand seems more probable, but who knows?

REE: Yes, but the litigants might argue, "No, we want to proceed. We want legal clarity; we want the court's clarity on the meaning of some of these terms."

LLB: Right, but you would need DOJ's [U.S. Department of Justice] acquiescence for that.

REE: Absolutely. So, question mark there. But that is a change that I do expect to see one way or another. There's also a lot of discussion about EPA's assumption about PPE use, or should EPA assume PPE use, or should EPA assume no PPE use?

LLB: PPE is personal protective equipment.

REE: Personal protective equipment, in particular gloves, and to a lesser extent, respiratory protection. I think there's really a conflation between evaluating whether a risk exists in the absence of PPE, and if there is risk without PPE, must EPA issue a regulation requiring PPE use? So if EPA evaluates and finds that glove non-use leads to a risk to workers, should EPA be looking at the OSHA requirements and saying glove use would be required, under OSHA [Occupational Safety and Health Administration], and therefore a TSCA requirement to use gloves would be duplicative. That's not to say that -- consumers certainly don't use gloves. So if EPA finds that consumer dermal exposure would be an unreasonable risk, then EPA cannot issue a requirement for consumers to use gloves. Consumers are not protected by OSHA. So that's a different regulatory outcome. But generally, what we're seeing in EPA's risk evaluations is that it's the industrial, it's that lack of -- EPA has found unreasonable risk when industrial workers don't wear gloves in particular.

LLB: Yet the record often shows there's no basis to believe they *aren't* being used.

REE: And EPA says, "We have no evidence that people are not wearing gloves," and yet they assume that they're not wearing gloves. Again, evaluating whether there's a risk without gloves is different from issuing a regulation requiring glove use. I just want to point out that

there's a difference between the assumption in the risk evaluation and the assumption in the risk management.

Another big question is the "extent necessary," and this is one of the questions, in particular, in asbestos and methylene chloride, which are the more mature litigations. The question is if EPA finds a workplace chemical protection plan, the WCPP, is sufficient to protect against the risk -- so if EPA issues an inhalation exposure limit, and let's say EPA has got the justification to require a particular glove use -- if the WCPP is protective, as EPA has stated that it is, does EPA then have the legal authority to go beyond that and say, "We're going to ban it anyway. So you get to continue to use this substance for six months, or a year, or a couple of years, but then it's going to be banned. In the interim, you have to use the WCPP." Does that go beyond extent necessary? Is the extent necessary a floor, or a ceiling, or both? I think we -- because we've discussed this internally here at B&C -- we think it's both. It's the floor. They do have to go that far. But once they've met that burden, they don't have the authority to go further. So that's another key question that I think we'll see --

LLB: -- it seems pretty primed for judicial interpretation --

REE: Exactly.

LLB: -- but again, whether cases proceed to oral argument and judicial determination or are remanded back to the agency are very separate propositions.

REE: Absolutely.

LLB: We know this administration is looking for less regulatory burden on industry, particularly in areas where it's thought to be excessive or unnecessary. We also have heard some rough calculus that for any directive -- or regulatory initiative -- the administration would be looking to deregulate or unburden industry, maybe by a factor of ten. So for every new rule, there would be ten that are extinguished. That's probably more a reflection of the administration's views as it is, not so much a ten to one ratio, similar to what we had in Trump 1.0, but if true, how do you think that might affect OCSPP?

REE: There was a similar order the first time around. My recollection was that regulations that were required by statute were exempted from the repeal two or repeal ten, repeal however many, to enact one. I don't know the details this time around, if that's written into the executive order or if there's been any interpretation of the executive order to say, "If a statute -- such as TSCA or FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) -- requires regulatory action" -- if that would trigger then deregulation of some number to make up that difference. It would be especially problematic for new chemicals because when EPA issues an order, then EPA is required to issue a SNUR (significant new use rule). So that SNUR is definitely rulemaking. So would EPA have to go find ten SNURs to undo to issue this SNUR that's required? I don't think that's a reasonable expectation. What's the administration going to -- what's the White House going to push for? I don't know.

LLB: I personally haven't heard a lot of that. We've all heard that industry is burdened, and less regulation is better. But I guess we'll just have to see. There's so much going on coming out of the White House these days. It's hard to keep track.

REE: Yes, I'm sure there's a lot of uncertainty over at OPPT (Office of Pollution Prevention and Toxics). There's always uncertainty during transitions. This one is more fraught, I think, than most, and we'll just have to wait and see how things play out.

LLB: Adding to the "Gee, what's going to happen?" -- and as you correctly noted earlier, Rich, the five final risk evaluations -- asbestos, methylene chloride, carbon tet[rachloride], PERC [perchloroethylene], and TCE [trichloroethylene] --are out there. Do you expect changes in those five final risks evaluations, or what -- if you were bookie, where would you put your money?

REE: We talked about extent necessary. They all suffer from extent necessary issues. Also, there are a couple of them that have, we think, some serious best available science questions: are the rules based on the best available science? If EPA has departed from the best available science, then their scientific underpinning of their exposure limits is really called into question. And the final risk management rule right now is the only opportunity to challenge the use of EPA science. There were cases where EPA selected the lowest number, the lowest toxicity level from several tox studies, even though those results have not been able to be reproduced. So that really calls into question whether that level, that very low level, is the best available science.

There are also cases where EPA selected toxicity endpoints where it's questionable whether they're relevant to humans. EPA has even dismissed concerns raised by the Science Advisory Committee on Chemicals, the SACC, with little or no robust rationale. They sort of handwave over it. They're just like, "We're going to do this." And it gives the appearance that they were selecting values to come to a conclusion of unreasonable risk, as opposed to objectively selecting values to evaluate risk. That undermines the robustness of the risk management rules, and also to the risk evaluations, which we'll talk about in a minute.

The new administration might want to reevaluate those scientific decisions, and maybe they tweak the exposure limits, as opposed to rescinding the whole rule. They're just like, "The exposure limit's instead of *X*, it's going to be this number *Y* that's based on a better interpretation of the science."

I think it's less likely that the new administration will revisit their assumptions about exposures from other pathways that are managed by other statutes. That was something that EPA did the first time around. Basically Clean Air Act protects against air exposures, and Clean Water Act -- or Safe Drinking Water Act (SDWA) -- protects against drinking water exposures. That was challenged. I think EPA correctly switched to looking at those exposures. I think there's also an opportunity -- and EPA gave a signal in their 1,4-dioxane risk evaluation -- that they were going to rely on the SDWA to protect against drinking water exposures for 1,4-dioxane. That makes sense to me. I think it's more efficient. And I think we'll see -- I mean, we saw that shift under the Biden-Harris Administration. I think we'll see that continue under Trump-Vance, where they'll look for other statutory authorities rather than relying solely on TSCA.

LLB: In addition to the risk evaluations out in final, there are several out in draft. Same result, unclear. What do you think?

REE: The risk evaluations are -- they're more easily re-reviewed. They are not -- either the draft or final -- EPA can pretty easily pull back. Again, the incoming Biden Administration pulled back the final risk evaluations and then spent nearly three years reissuing them. So I hope they won't get delayed that much. I think formaldehyde in particular, I think is going to get redone. 1,4-Dioxin may get redone. And if they're draft, then obviously it's up to the new administration to interpret the comments from the draft and issue the final. So those will definitely get a new look. Not sure how different they'll be. Again, it depends on the underlying facts.

I remind myself and remind listeners, there is a statutory mandate for EPA to do risk evaluations and to take risk management action to address risks identified. If the administration fails to do risk evaluations and fails to protect, then I'm sure there'll be litigation on those points. So what we need is we need robust -- scientifically and legally robust -- risk evaluation and risk management rules so that we're not getting whipsawed from one administration to another and continuing getting pulled back and re-reviewed. Let's get it right. Let's it on the books. Let's get those protections in place.

LLB: You've mentioned a couple of times, "to the extent necessary." EPA is required by law to address unreasonable risks to the extent necessary to be protective of human health and the environment. What in your view is the harm of being more precautionary or perhaps more precautionary than what a risk-benefit statute like TSCA would suggest -- and to go to a very high protective level, both from a scientific perspective and a legal one?

REE: Right, if you pick the lowest number, regardless of how scientifically robust it is, and you say, "I'm picking the lowest number because I want to be protective." But then the question is, how much time, and effort, and resources -- monetary resources, human resources -- are we putting to protecting against what might be a nonexistent risk? If you have this very low -- you have one study that shows a very low level of effect, but you can't reproduce it. Let's, just for sake of argument, say it's three orders of magnitude. A thousand fold lower, if you rely on that study, but all the other studies say, "No, in fact, it's this number that's a thousand times higher." You're spending a lot of time and money to protect against what may not be a risk at all. And if you are -- not just a business, but if you're a water authority, or if you have a well, if it's private property in your well -- and EPA is saying, "No, you've got to make sure you're below a part per trillion of this contaminant in your well," and in fact it could be, and at the real level it's a part per billion and you're well below that, are you going to spend the time and the money to further purify your drinking water? Is that a good use of your --

LLB: Right, chasing it to the *n*th degree.

REE: Yes, just because it might actually be a thousand times lower. So getting the science right leads us to the correct protective level, which leads us the correct level of effort to protect. And frankly, it's what's required by the statute.

LLB: Let's talk a little bit about new chemicals, a topic near and dear to you personally, Rich, given your history at EPA and dealing with green chemistry. You last month testified before Congress at a House Energy and Commerce Subcommittee, did a great job.

REE: Thank you.

LLB: I really enjoyed listening to your testimony -- and reading it, which of course is up on our website for those of you who haven't yet done so. Do you think the new administration is going to meaningfully address the concerns that you raised in your testimony? You and others -- other witnesses -- also raised concerns about not just the pace of new chemical review, but how some of the scientific principles that EPA is applying are actually deterring innovation by disallowing into commerce new chemicals that are promising, but into the market laden with restrictions that make them less competitive. What do you think the result of that hearing is, and what do you this administration is going to do in that regard?

REE: That's sort of two separate questions there. One, I expect some incremental change. If we look back at the numbers during the first Trump Administration, because remember, the

Trump Administration came in in 2017, about six, eight months after passage of Lautenberg, and EPA was still getting the new policies and procedures in place. But what we saw in that timeframe was 85, 88 percent of PMNs [premanufacture notice] getting regulated in one way or another, either with an order or with a non-order SNUR. The vast majority of PMNs were being regulated. Then, with the change of administration, that number picked up, and it's now about 92 percent. So 85 or 92 percent is not a huge difference. It's different, but it's not overwhelmingly different. A lot of that related to data that were provided to EPA -- to OPPT -- in 2018 or so, that showed that glove non-use was rare in industrial settings. They incorporated that into what they reasonably foresaw. Of course, Dr. Freedhoff reversed that shortly after she took --

LLB: -- June 2021.

REE: June 2021, and she said, "No, that assumption is gone." Now, of course, almost every chemical has dermal risk if you assume exposure that the level EPA assumes, and so almost every PMN is coming out with an order that includes a glove restriction or a glove requirement. That might swing back, but again, it's not going to make a huge difference. Other than that, that was basically the only case that departed from their standard practice of if there's a hazard, there might be a risk, and therefore they're going to issue a regulation. I don't see a substantial change there, absent change in the statute. I might be wrong. There hasn't been -- well, the only Section 5 court case was *Inhance*, and that's not really related to --

LLB: -- that's so quirky.

REE: Yes, it's not really related to a bread-and-butter PMN, so the decisions there didn't really affect it. But what is reasonably foreseeable? How unlikely does it have to be to make the threshold of not likely? These are still unanswered questions. And that's why in the hearing I was asking, "Hey, Congress, you need to step up, and you need to tell EPA a lot more clearly 'This is what's meant by these terms.'"

OPPT might return to the non-order SNUR model. I thought it was a creative --

LLB: I did, too. A creative workaround.

REE: A creative solution.

LLB: Maybe you could, for our listeners' benefit, explain what a non-order SNUR is.

REE: Early on, 2017 or 2018, in the old days before Lautenberg, if EPA felt it did not need testing on a substance, but it did feel there was a need for protective measure, they would do a non-order SNUR. They would drop the chemical from review so that it could proceed to market, but they would issue a SNUR for whatever protective measures. Frequently it was a surface water concentration limit, but it might be a variety of things. They would issue a SNUR to protect against whatever that condition of use was. With the advent of Lautenberg, EPA was required to consider what was reasonably foreseen. And what they decided is if they could issue a SNUR, if they could propose a SNUR to allow what was intended, but it would prohibit the reasonably foreseen conditions of use that would be a problem, that that limited those prohibited conditions of use to -- they were no longer reasonably foreseen, and therefore EPA could make a not likely determination, so it was called a "not-likely based on SNUR." They would say, "Here's the SNUR condition, no release above 100 parts per billion."

LLB: For example, yes.

REE: Just as an example, and as long as that was met, the substance was not likely. And so it could proceed to market, but there would be that protective measure in place.

LLB: It was kind of a legal construct.

REE: It was an interpretation of what it means to be reasonably foreseen that allowed them to avoid the order and get straight to the protective measures in the SNUR. Now, they issue an order, and then a year or two years later, the SNUR comes out. You have this long delay between the decision and the protective measures being throughout the supply chain.

LLB: That fell into disfavor with the new administration, the Biden Administration. That was disallowed.

REE: Yes, their interpretation is "No, that's not a reasonable read of what reasonably foreseen means. If there's a risk, there must be an order, and of course, if there is a hazard, there may be a risk." So, everything's getting --

LLB: That might be something the new administration brings back into vogue, which we will see.

Let's talk a little bit about that House subcommittee hearing that you testified at. I was taken by surprise that one of the first legislative hearings, certainly of that committee and its subcommittee, was on TSCA. I don't want to read too much into that. It might have been a marriage of convenience, because there were entities that had kind of coalesced around a number of issues that are deeply concerning to the industrial chemical community. But maybe you can help our listeners understand the significance of the hearing and some of the feedback that you have received since testifying.

REE: I think it does reflect a measure of the importance. I think there's a recognition that -- well, certainly fees are up during this Congress, so there will need to be some legislative action if the fees are going to be renewed.

LLB: By September 2026.

REE: Correct, September 30, 2026, the fee authority expires. So if they're going to address the fees, are they going to make tweaks? I think -- what I heard in the hearing is that witnesses were not looking for radical changes. They're looking for clarity, some tweaks: Make it clear, Congress to be more explicit to EPA about some of these key terms. We can avoid some of the litigation if Congress can be more explicit about its intent.

I think the hearing happening that quickly, I think it partly -- what could be ready to go early, but I think it does reflect somewhat the importance of the issue, and we'll see what happens in the Senate. But I do expect a Senate hearing. But I thought there was -- personal bias -- I thought there was a good interaction.

LLB: Yes, yes. No, there was. It was fabulous!

REE: There was some actual probing of some of the substantive issues and not just all political posturing, so I'm hopeful that that might move the needle on, again, what does Congress want EPA to do with TSCA? Maybe we get some of that clarity that we've been seeking now for eight and a half years.

LLB: No, I was impressed, Rich, with, in particular, your testimony and how you had bipartisan engagement on what is unreasonable risk, and how might the new chemicals program kind of frustrate innovation at a time we really need innovative new chemistries. Maybe you want to linger a minute on vinegar? That was the word of the day.

REE: There are two issues that I was really trying to get across, and vinegar is just a useful example.

LLB: Back up, for people who haven't watched the testimony, you used it as an example of --

REE: Yes, the question is, does every hazard necessitate EPA issuing a regulation under TSCA to protect health and the environment? Under EPA's current policies -- and one of the congressmen, and I forget who it was, one of Democratic congressmen -- really challenged me, like, "We're not talking hypotheticals." But in our experience, we've had a number of cases -- PMNs -- where the new chemicals program has said, "This is corrosive." We agreed that it was corrosive. And they said, if it's corrosive, it may not be present in consumer product above three percent. That is their policy. Might they have exceptions for one reason or another? Maybe, but that's the policy.

Vinegar is acetic acid in water. Vinegar is five percent acetic acid -- typically it's -- on the Internet, it says it's between four and six percent. Acetic acid is definitely corrosive, and even vinegar is corrosive. If you leave it on your skin, you will get skin burns. If you drink it straight, you will chemical burns in your digestive system. There's no question that it has this hazard. The question is, is that a hazard that EPA should be protecting against using TSCA? Or is it like, "You know what? There are certain things that don't require that sort of statutory intervention by EPA, either." CPSC [Consumer Product Safety Commission] will cover it, or warnings will cover it. It's hard to stop people from doing really foolish things with something that has --

LLB: -- clear, palpable hazards.

REE: It's a common, well-understood, easy to warn, easy-to-protect-against hazard. Do we really need TSCA to protect against that? I think that's the message that really got through to some people like --

LLB: -- This is Representative Peters?

LLB: No. It got to a number of Democrats. But it's like, do we need TSCA regulations to protect against this? Or is this something that, you know what? That's not an unreasonable risk, or we have other things that'll protect against that.

The other point I made about green chemistry: We've had some fabulous PMNs for things that are either listed on or identical to things that are listed on EPA's Safer Choice Safer Chemical Ingredient List (SCIL). EPA's issuing orders, even orders to prohibit consumer use.

LLB: Right, which is super counterintuitive.

REE: Yes. To me, that is an indication that the way EPA is interpreting Section 5 is disconnected from the way TSCA should be working. But that's clearly EPA's interpretation. One of the things that I hope -- if Congress is going to take action -- that they make it explicit that while EPA is prohibited from considering costs or other non-risk factors, EPA is required to

consider risk-based benefits: reduced hazard, pollution prevention benefits, reduced risk. If those facts exist in a PMN, EPA not only should, but *must*, take that into account when they're deciding whether or not there's an unreasonable risk and whether or not to impose a risk mitigation measure.

LLB: Let's circle just a minute back on litigation. We had noted before that all final risk management rules are being litigated in various circuits, some of them in a single circuit as a result of a lottery because of multiple petitions for review. That risk management rules are subject to litigation surprises no one at all, right? We all --

REE: -- we fully expected it.

LLB: We fully expected that. But maybe you can help our listeners understand what are some of the key issues, and what are your expectations?

REE: As we talked about already, key terms like "extent necessary," did EPA rely on the "best available science"? I think the answer there is mixed. I think extent necessary -- I think EPA has gone beyond extent necessary probably in all five of them. I don't know if what is reasonably foreseeable will --

LLB: -- I hope it does.

REE: I hope it does, too. I think it's less likely. It's a lot more esoteric, so I'm not sure that the litigants, that the plaintiffs will get into that or if they'll rely on some other issue. To your point earlier, are these going to actually go forward with litigation, or will they be remanded? If they don't go forward and we don't get the court's interpretation of these terms, then it's -- we may end up with a rule that more closely fits what *we* think the rule is, or certainly what the new administration thinks the rule means. But does that comport well with the --

LLB: -- litigants' expectations, yes.

REE: And in the end, what does the statute say, and what does court think that the statute says? I think that, right, those issues are there. The framework rule, as we also talked about, that I expect remand rather than litigate. And then there's a lot that's out there.

LLB: Indeed, and more to come. No conversation, Rich, would be complete without mentioning our favorite word, PFAS (polyfluoroalkyl substance). Do you see a lot of federal regulatory initiatives relating to PFAS going forward, a slowdown? Everybody asks me about [Section] 8(a)7. Is it coming back? Might there be a longer lead time, another eight-month extension, for example? What are your thoughts on PFAS?

REE: Let's start with Section 8(a)7. I don't know if there'll be another delay. The last delay was -- they were having problems standing up the reporting system. That was a technological problem. They may still be having that problem. I don't know. We haven't heard. So they might delay it again for that reason. They might delay it again to seek to do rulemaking to -- they might extend the reporting period enough that they would then do rulemaking to add some exemptions back. I really don't know what's -- I sort of don't think that that's going to be extended, but it's hard for me to read those tea leaves, because I don't what the political pushback is going to be. I don't think -- we might see one of the C8 PFAS, like PFOA (perfluorooctanoic acid), or one of the other long-chain perfluoroalkyl carboxylates be slated for prioritization under TSCA Section 6, so that they would actually then do the risk

evaluation and seek to do what EPA tried to do in the *Inhance* case. So that might go forward. But I think that's unlikely.

We've sort of seen what a lot of the prioritization candidates are. EPA is going to have their plate full with those.

LLB: Yes, for sure.

REE: But there might be a political push to put a PFAS into Section 6. I don't know. We'll probably get more PFAS test rules. That's a long-term project where EPA is seeking to gather data. So I expect there to be some more of that. I don't know if it'll be this year. There's a lot of work to do under the test rule they did last year. Do they have the bandwidth to do more? I don't know that, but I probably -- this year or next year -- expect another PFAS test rule.

The TRI [Toxics Release Inventory] additions to PFAS -- the TRI, a lot of that's automatically triggered, so expect that to continue. That's what I expect at the federal level. The states, I think the states are going to -- I think we're going to see more and more states doing what Maine, Minnesota, California, Washington –

LLB: **--** absolutely.

REE: We're going to see proliferation of that. Hopefully there'll be more consistency between and among them so that the requirements -- you don't have this huge patchwork of requirements. You just have consistent requirements across states.

LLB: Yes. I mean, there seems to be much more consistency between and among state initiatives with regard to the definitional issue and what are the elements of commercially unavoidable uses, for example. It's the disjoint between state and federal definitional issues that I don't see any means -- any way of harmonizing.

REE: Part of it is the state definitions are not based on risk. They're based on what a legislator wrote down. A lot of people are like, "We want the OECD definition," but the states have departed from that as well. So, there is this disjointed -- and there is some disagreement between and among the states about what a PFAS is. Some states are putting fluoropolymers aside. So there's not that consistency, but the idea of an unavoidable use, there does seem to be some gelling around that.

I think as people learn what is -- where the PFAS are used and what the wide variety of PFAS are -- we'll see PFAS being squeezed out of some particular uses, some of the higher exposure uses, and especially the higher hazard PFAS, whereas some of lower hazard PFAs, I think we may see less action there. But there's still a lot of flux. But with the very strict -- some of the states are taking a very strict view when they start to deal with the currently unavoidable uses. They're like -- they're starting to understand that maybe there are really some uses that don't pose the sort of risk that they thought they did, that detractors of PFAS are like, every PFAS is the same, and they're like, "Yes, that's not actually true, and we really need it here. So let's squeeze it out of a couple of these uses where we really don't need it, and there are these greater exposures." That's where I expect most of the action to be. And again, hopefully there'll be some consistency.

LLB: Well, Rich, always a pleasure. We so enjoy hearing your thoughts, what's keeping you busy. I want to remind our listeners that our 2025 Forecast is on our website. Rich's

testimony and the testimony of the other witnesses at the hearing on the 22nd is also up there, and a bunch of other stuff on our *TSCAblog*, and just all the materials that we offer our listeners, clients, and friends. Rich, thank you for joining me. Really enjoyed the opportunity.

REE: It's always a pleasure to be here. Thank you.

LLB: Thanks again to Rich Engler for speaking with me today about all things TSCA. There is sufficient drama here for a new Netflix series, and Rich Engler would have a starring role. Stay tuned as there is a lot unfolding.

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