

## Overview

The Dentons Toxic Substances Control Act (TSCA) team includes many of the country's leading TSCA practitioners. Dentons' TSCA team counsels and represents basic producers of industrial chemicals, and manufacturers and formulators of specialty chemical products for industrial and consumer use. We also advise and represent companies in the electronics, aerospace, automotive and other industries that use chemical products in their manufacturing processes.

Our clients include many of the largest *Fortune 500* companies, as well as small companies. Our TSCA legal and technical capabilities include:

### Compliance counseling

Dentons advises a wide array of companies in their compliance with TSCA—developing TSCA compliance programs for over 20 Fortune 500 companies. We assist companies to comply with TSCA in the manufacturing, processing, importing and exporting of chemical products. We provide prompt and authoritative advice on such issues as the status of chemical on the TSCA Inventory, Premanufacture Notification (PMN), compliance with Significant New Use Rules (SNURs), testing requirements, import certification and export notification, as well as many other TSCA health and safety recordkeeping and reporting requirements.

### Designing TSCA compliance systems

We have developed TSCA compliance systems for companies in many industries, including clients who manufacture industrial and specialty chemicals, aerospace and aircraft equipment, electronic and avionic components, computers and printers, and test and measurement equipment. Our compliance manuals and standard operating procedures are used by clients in all of these industries.

### Defense of civil enforcement proceedings

The US Environmental Protection Agency (EPA) enforces TSCA aggressively in administrative proceedings before administrative law judges. Dentons' TSCA practice group has defended many of the largest civil penalty actions in EPA history, including actions brought by the EPA Headquarters office, as well as cases brought by EPA Regions I, II, III, IV, V, VII and IX.

### Defense of criminal actions

On rare occasions, the US Department of Justice has prosecuted violations of TSCA in criminal proceedings. We have defended corporate clients and individuals accused of criminal violations of TSCA.

### Auditing for compliance

Our lawyers and technical consultants conduct confidential audits to help our clients assess their compliance with TSCA (and other environmental laws).

### Self-disclosure of TSCA violations

We have assisted numerous clients to “self-disclose” violations of TSCA to EPA pursuant to the EPA Audit Policy,

formally known as “Incentives for Self-Policing: Disclosure, Correction and Prevention of Violations.” Where clients satisfy all of the criteria for self-disclosure under the Audit Policy, all civil penalties under TSCA are waived, and we have assisted clients in obtaining millions of dollars of waivers of such penalties. We have conducted audits for TSCA compliance and self-disclosed potential violations without penalty under provisions of the EPA Audit Policy.

## Training

Our lawyers and technical consultants give training seminars for the public on a regular basis. Many of our clients retain the Firm to provide training seminars to their compliance personnel in their own facilities, making the best use of company travel and training budgets, and ensuring privacy. We help clients develop their own TSCA intranet web sites, to facilitate compliance by company personnel.

## Preparing for TSCA inspections

Dentons’ lawyers have assisted many clients to prepare for EPA inspections, reviewing records and assisting company personnel to respond to EPA inquiries.

## Technical capabilities

Technology Sciences Group Inc. (TSG), our wholly owned subsidiary, provides scientific, technical and regulatory consulting services in all aspects of TSCA. Consultants from TSG assist clients to prepare pre-manufacture notifications, confirm the use of proper TSCA nomenclature for chemical substances, prepare Inventory Update Reports and review records, reports and submissions to EPA concerning compliance with TSCA.

# Representative Experience

- **Consumer Specialty Products Association (CSPA):** Operating as outside counsel on this crucial area of compliance for its members.
- **Respondent:** Defending in the largest administrative enforcement action ever brought by the EPA under any statute. EPA had alleged that respondent unlawfully failed to submit information as required under the TSCA.
- **DuPont, SC Johnson & Sons, Northrop-Grumman, Hewlett-Packard, Toyota (among others):** Representing and counseling various manufacturers and distributors of chemical products as pertains to TSCA.
- **Union Carbide Co., AT&T, HP, DuPont, BP Chemicals/Hitco:** Defending many of the most significant TSCA enforcement actions brought by the EPA, representing such clients as Union Carbide Company (alleged TSCA § 8(e) reporting violation); American Telephone & Telegraph (alleged TSCA § 5 pre-manufacture notification violations); Hewlett-Packard Company (alleged TSCA § 5 pre-manufacture notification violations); E.I. DuPont de Nemours & Company (alleged TSCA § 8(e) reporting violation); and BP Chemicals/Hitco (alleged TSCA § 5 violations in manufacture of chemical products vital to national defense).