The long and winding road toward nanomaterial reporting

The timeline below illustrates the decade-long history of EPA's attempts to collect basic information on production and use of nanomaterials in the U.S.



EPA announces intent to pursue voluntary reporting program

June: EPA holds first public meeting on nanomaterials to discuss voluntary reporting program.

NPPTAC advises simultaneous mandatory reporting

November: Federal National Pollution Prevention and Toxics Advisory Committee (NPPTAC) calls on EPA to develop mandatory reporting rules alongside voluntary program. EPA ignored the advice.



EPA proposes policy and draft concept paper for voluntary program

July: EPA proposes not to consider new nanoscale forms of chemicals with bulk forms already in commerce as "new chemicals" under TSCA; and issues a draft concept paper for Nanoscale Materials Stewardship Program (NMSP).

EPA launches voluntary reporting program

January: EPA launches NMSP, seeking voluntary reporting on nanomaterials.

2008

EPA starts proposing SNURs on specific nanomaterials

June: EPA proposes first significant new use rules ("SNURs") to require companies who intend to manufacture, import, or process a few specific nanomaterials to notify EPA beforehand.



EPA finalizes policy restricting its own authority

January: EPA finalizes policy on new nanoscale forms of chemicals already in commerce, precluding review as new chemicals.

EPA announces intention to develop a test rule

Spring: Regulatory agenda lists carbon nanotubes TSCA test rule as "long term action." The test rule later moves to the proposed rule stage, where it stays until 2012.

NMSP gets a poor grade

January: EPA NMSP Interim Report notes EPA received submissions from only 29 companies on only 123 (fewer than 10%) of nanomaterials on the market. The NMSP formally ends at the end of 2009, with little more to show.



EPA finalizes first carbon nanotubes SNUR

September: EPA finalizes the first specific nanomaterials SNUR, covering multi-walled and single-walled carbon nanotubes.

EPA submits draft reporting rule and SNUR to OMB

November: EPA submits draft pair of proposed rules – a reporting rule and a "generic" SNUR – to Office of Management and Budget ("OMB").

1,414 days The pair of draft proposed rules sit at OMB for 1,414 days. Note that under Executive Order 12866, the review period at OMB is limited to 90 days.

EPA drops test rule

December: Test rule is removed from regulatory agenda. A draft rule was never sent to OMB.

2012



EPA drops SNUR

October: EPA withdraws paired draft proposed reporting rule/SNUR from OMB review, and resubmits only the draft proposed reporting rule.



EPA proposes reporting rule

April: EPA formally proposes reporting rule for public comment until August. To finalize the rule, EPA must incorporate these comments into a new draft, and resubmit it to OMB for another round of interagency review.



EPA to finalize reporting rule?

October: EPA's Regulatory Development and Retrospective Review Tracker ("Reg DaRRT") projects finalizing reporting rule in October – 11 years after experts recommended EPA pursue such a rule.