Highlights

New features and recent developments in this release include:

- Chapter 2 (Regulation of Toxic Substances Other than Pesticides) contains additional regulatory developments concerning PFAS compounds, recent EPA actions addressing citizen petitions under TSCA and a discussion of EPA’s revised approach to handling rejected confidential business information requests under TSCA.

- Chapter 3 (Regulation of Pesticides) contains a discussion of regulatory developments concerning the interface between FIFRA and the Federal Food, Drug and Cosmetic Act.

- Chapter 5 (Hazardous Waste Regulation) contains updated case law concerning the standard of proof necessary to support a claim for damages in a citizen petition and recent case law concerning the transfer-based exclusion to regulation under RCRA.

- Chapter 6 (Emergency and Remedial Response) includes discussion of current developments regarding PFAS compounds under CERCLA, a discussion of the DC Circuit’s action upholding EPA’s decision not to adopt financial responsibility requirements for the hard rock mining industry, and recent case law pertaining to contribution actions.

- Chapter 7 (Air and Water Pollution) includes a lengthy discussion of EPA’s 2019 rule reinstating the prior regulatory definition of “waters of the United States” and an update on the status of the Supreme Court’s action with respect to reconsideration of the Rapanos decision.