



EPA's New Data Center Policy Means Expedited TSCA Review of New Chemicals Related to AI and Data Center Projects

What You Need to Know

Key takeaway #1

Starting on September 29, 2025, EPA will prioritize TSCA review for new chemicals related to data center projects or for the manufacturing of covered components.

Key takeaway #2

This step significantly broadens the types of chemicals eligible for expedited consideration and approval.

Key takeaway #3

Companies engaged in the planning and development of data centers and ancillary facilities should consider whether new chemicals needed for those projects may qualify under EPA's expedited review process.

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On September 18, **EPA announced** that it will prioritize Toxic Substances Control Act ("TSCA") review for "new chemicals related to data centers and artificial intelligence ("AI") projects," in an effort to "streamline permitting and regulations to accelerate American data center development."

EPA's new prioritization relies heavily on **Executive Order ("EO") 14178, "Accelerating Federal Permitting of Data Center Infrastructure,"** issued by President Trump on July 23, 2025. In line with EO 14178, EPA will expedite approval processes for these chemicals, as of September 29, 2025, in order to reduce the regulatory burden to companies looking to invest in them.

Under TSCA, before a new chemical substance can be manufactured or imported into the US for commercial purposes, the manufacturer or importer must submit a premanufacture notification ("PMN") or similar notice to EPA for review and approval. For the past several years, a significant backlog of PMNs has caused substantial

delays in EPA's review and approval of new chemicals. EPA's new policy is intended to cut through that backlog for chemicals important to the development of data centers.

The data center policy represents another departure from Biden-era priorities under TSCA. While the Biden Administration focused on expedited reviews for chemicals utilized in renewable energy development and battery components, the Trump Administration will focus on developing AI data centers as quickly as possible. EPA's shift in prioritization seeks to remove impediments to achieving rapid growth of the AI industry to meet demand. EPA also cites investments of over \$90 billion into AI development, announced at the **Pennsylvania Energy and Innovation** summit in July.

To receive priority, a new chemical must be used to support a "qualifying project." Qualifying projects are defined in the EO as data center or covered component projects 1) "for which the Project Sponsor has committed at least \$500 million in capital expenditures," 2) will require an additional electric load greater than 100MW, 3) "protects national security," or 4) is otherwise designated as qualifying by the Secretary of Defense, Interior, Commerce, or Energy. Considering this broad definition, many new chemicals may be eligible for expedited consideration and approval.

EPA's announcement also provides updated **instructions** for companies seeking to submit their chemicals for priority review. As always, valid PMN submissions must include "all available data" regarding factors such as "chemical identity, structure, and formula," "production volume," "intended use," "environmental release," and "human exposure." A company seeking expedited review must also submit a cover letter identifying its product as a chemical "intended for use in a data center project or for the manufacturing of covered components" and its submission should identify where its chemical or component, if approved, will be used. Companies should also contact the EPA New Chemicals Program Manager to verify that it qualifies for expedited review.

Crowell & Moring is available to assist companies in all parts of the TSCA review process and help stay up to date on the latest changes at EPA.

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