

US TSCA PBT Substances Compliance Statement

Background

The Toxic Substances Control Act (TSCA) became law on October 11, 1976, and became effective on January 1, 1977. TSCA (often pronounced “tosca”) was crafted in response to Congress’s growing concerns about the unreasonable risks that chemicals pose to human health and the environment. TSCA limits the manufacture, processing, commercial distribution, use, and disposal of chemical substances including PCBs, asbestos, radon, and lead-based paint.

Toxic Substances Control Act (TSCA)

TSCA is a comprehensive federal environmental regulatory scheme covering the manufacturing, distribution, sale, and use of all chemical substances. TSCA provides the United States Environmental Protection Agency (EPA) with full legal authority to gather environmental, health, and safety (EHS) information and to require research regarding chemical substances of potential concern. TSCA also protects human health and the environment by, among other things, authorizing EPA to issue rules requiring the testing of specific chemicals and to establish regulations that restrict the manufacturing, processing, distribution in commerce, use, and disposal of chemicals and mixture.

TSCA PBT Substances ACT Amendment

TSCA was amended by the Frank R. Lautenberg Chemical Safety Century in 2016 to update and modernize the badly outdated chemical safety law. The Lautenberg Chemical Safety Act added many important updates to the TSCA legislation, including:

1. Mandates the evaluation of existing chemicals with clear and enforceable deadlines
2. Requires development of risk-based chemical assessments
3. Increases public transparency for chemical information
4. Provide consistent funding for the EPA to carry out responsibilities under the new law

United States EPA released Final TSCA Section 6(h) Rules for Five Persistent, Bioaccumulative and Toxic (PBT) Chemicals on December 22, 2020, under Section 6(h) of the Toxic Substances Control Act (TSCA), and the substances are restricted under US Code of Federal Regulations title 40, part 751-Regulation of Certain Chemical Substances and mixtures under section 6(h) of the Toxic Substances Control Act (TSCA).

- (i) Phenol, Isopropylated phosphate (PIP 3:1), CAS No. 68937-41-7 - Flame Retardant and plasticizer
- (ii) Decabromodiphenyl ether (DecaBDE), CAS No. 1163-19-5 - Flame Retardant
- (iii) 2,4,6-tris (tert-butyl) phenol (TTBP), CAS No. 732-26-3 - Antioxidant, Lubricant, and fuel additive
- (iv) Hexachlorobutadiene (HCBd), CAS No. 87-68-3 - Hydraulic, Heat transfer, or transformer fluid
- (v) Pentachlorothiophenol (PCTP), CAS No. 133-49-3 – Plasticizer

Requirements of TSCA PBT Substances ACT

Some chemicals have specific import and export requirements under section 6 (h) of TSCA. These chemicals include but aren't limited to PCBs, mercury, and, asbestos.

Information to the Importers and Exporters

Imports of chemical substances, mixtures or articles that contain a chemical substances must comply with the Toxic Substances Control Act (**TSCA**) in order to enter the United States, Importers must certify that imported chemicals either comply with **TSCA** ([positive certification](#)) or, if not otherwise clearly identified as a chemical excluded from **TSCA**, are not subject to TSCA ([negative certification](#)).

These requirements are described in section 13 of the [Toxic Substances Control Act \(TSCA\)](#) and in implementing regulations developed by the U.S. Customs and Border Protection (CBP), in consultation with EPA.

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Import of New Chemicals - Requirements - Significant new Rules

TSCA section 3(7) defines the term “manufacture” to include import. This means that the section 5(a)(1)(B) requirement to submit a pre-manufacture notice (“**PMN**”) to EPA at least 90-days before commencing non-exempt commercial manufacture of a new chemical substance in the US applies to the import of new chemicals, as does the section 5(a)(2) significant new use notice (“**SNUN**”) requirement. Premanufacture notice provisions only for new chemicals.

Also EPA issues five regulatory requirements on new chemicals or significant new uses of chemicals via TSCA section 5(e) order or section 5(a)(2). TSCA section 5(e) orders include prohibitions, labeling and Safety Data Sheet (SDS) requirements, restrictions on the amount of the chemical allowed to be manufactured (including imported), as well as other restrictions. To comply with these requirements when applicable, chemical substances must:

- (i) Not be imported for any prohibited use
- (ii) Satisfy all applicable labeling and MSDS requirements
- (iii) Not exceed any specified restrictions on permissible import volume
- (iv) Not be imported for any designated significant new use
- (v) Comply with any other applicable requirements

TALEMA GROUP Commitment

Talema Group intended to comply with the requirements of TSCA PBT Act in the simplified way of key aspects like documentation for the restricted substances in parts, materials, and products, communicating the presence of banned substances to the customers and evaluating consumables (e.g., hydraulic fluid, seals, or gaskets) and maintaining the parts used for US based manufacturing and warehouse operations to determine if they contain in-scope substances.

TALEMA GROUP Measures

Working towards these commitments, we have taken a number of steps that include we will be involved in supply chain and continue to work with all our suppliers to ensure that we are able to identify the TSCA PBT substances in our supply chain, and grateful to pass the information to the customers about the parts that we manufacture are comply with the requirements of US TSCA PBT Act.

Talema Group Statement on US TSCA PBT Substances

In an effort to eliminate the impact of **TSCA PBT Substances** on our products and waste streams for the benefit of human health and the environment, Talema Group actively working with our supply chain to make them understand and also for them to establish appropriate systems on identifying **TSCA PBT Substances** from their sources.

Legal Insight

Talema Group reserve the right to amend this statement at anytime based on subsequent developments or information. The information contained herein is subject to change without notice. Nothing herein should be construed as constituting an additional warranty. Talema Group shall not liable for technical or editorial errors or omissions herein.

Reference

For further information about **US TSCA PBT Substances** please visit:

<https://www.epa.gov/chemicals-under-tsca>

<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-R/part-751>

<https://www.epa.gov/tsca-import-export-requirements/tsca-requirements-importing-chemicals>

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/persistent-bioaccumulative-and-toxic-pbt-chemicals>



Contact

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