

## Toxic Substances Control Act (TSCA) General Requirements

The Toxic Substances Control Act requires the EPA and U.S Customs to verify that all imported chemical substances comply with TSCA rules regulations.

Almost all chemical substances, which come into contact with human beings, are required to be registered under the generic description and fall within the guidelines of TSCA. The significant exceptions to TSCA include pesticides, nuclear materials, firearms and ammunition, foods, food additives, pharmaceuticals, cosmetics, tobacco and tobacco products. The first three of these items require a negative certification by the importer.

Each importer is responsible to provide a certification at the time of entry for shipments entering the commerce of the United States that the shipment is subject to TSCA and complies with all applicable rules and orders there under (positive declaration) or the shipment is not subject to TSCA rules (negative declaration). For your reference, a sample of each declaration can be found on the 3<sup>rd</sup> page of this document.

In order to sign the declaration, the importer must know the chemical composition of the product being imported. The EPA maintains an inventory of import/export chemicals, which is available to the public indicating the generic description of each registered chemical and chemical compound or mixture. Most chemicals registered under a chemical abstract services (CAS) number and the CAS number can identify chemicals. Each chemical is subject to certain specific rules under the TSCA with which the importer must comply. These rules are outlined in detail within the act and are for the most part are technical in nature. It is necessary for each subject shipment to first ascertain whether the imported substance is already listed and secondly to understand what rules each listed substance is subject to, before a certification can be issued. Chemicals, which are not listed, require compliance with "new use rules" including premanufacture notification to EPA.

Unless a positive or negative certification by the importer is presented at the time of entry, Customs is required to detain any article it believes to fall under the TSCA rules. The importer is then required to reply to Customs in writing within 20 days from the date of detention to show cause why the shipment should not be refused entry into the United States. If the importer seeks to bring the shipment into compliance, the importer may request such permission from the District Director including the grounds under which the importer believes the shipment can be brought into compliance. It is then up to the discretion of Customs to release the shipment to the importer under special customs bond. The importer is then required to bring the shipment into compliance and so certify within 90 days (with some provision for time extension).

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Under certain circumstances, an importer may qualify for exemption from the TSCA rules. The importer must request such exemptions directly to the EPA Toxic Substances Branch. The most notable exemptions are for:

1. Certain polymers.
2. Certain chemicals used in instant photographic processes.
3. *Chemical substances imported quantities of 1,000 kilograms or less per year.*

Depending on the item being imported, there may be additional requirements for the importer under the TSCA. The TSCA defines importers as “manufactures” and they must comply with all testing, reporting and record keeping requirements of the EPA. In addition, some substances require prenotification to the EPA prior to actual import of a specified chemical.

The EPA maintains an assistance information service which can be contacted by telephone or telefax to answer questions regarding the requirements of the Toxic Substances Control Act.

**The telephone number is 202/554-1404. The fax number is 202/554-5603.**

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**Toxic Substance Control Act (TSCA) Certifications**

**Positive Declaration**

I certify that all chemical substances in this shipment comply with all applicable rules or orders under the TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order thereunder.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Negative Declaration**

I certify that all chemicals in this shipment are not subject to TSCA.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_