



Dear Subscriber,

We are pleased to enclose the Spring 2022 Update for your 6-volume TSCA Compliance Guide and Online Service.™ This update contains:

- 1) **PIP (3:1) Extension.** On March 4, 2022, EPA announced it was (again) extending the compliance deadline for the processing and distribution in commerce of certain articles containing PIP (3:1) and the PIP (3:1) used to make those articles from March 8, 2022 to October 31, 2024. EPA also extended the record keeping requirements contained in those same regulations from March 8, 2022, to October 31, 2024. The updated language is reflected in 40 CFR 751.407(a)(2)(iii), 751.407(d)(4), and 751.407(e)(3), and on pages R18-R21. See 87 FR 12875.

Please also note these recent EPA activities:

- o **EPA Information Collection Activities.** On February 8, 2022, EPA announced its intention to submit an information collection request (ICR) to the Office of Management and Budget (OMB). The request is titled “Notification of Substantial Risk of Injury to Health and the Environment under the Toxic Substances Control Act (TSCA)” and is a renewal of a previously approved ICR, set to expire on October 31, 2022, which covers EPA’s information collection activities pursuant to TSCA section 8(e). See 87 FR 7173.
- o **Updates to Resources for the Mercury Inventory Reporting Rule.** On February 22, 2022, EPA announced the availability of an updated Mercury Electronic Reporting (MER) application and compliance guide for calendar year 2021 reporting. EPA updated the Mercury Inventory Reporting Rule on November 2, 2021, to require reporting from companies that import pre-assembled products that contain a mercury-added component. The updated compliance guide reflects this development. The updated MER application can be found through EPA’s Central Data Exchange.
- o **Revocation of 1980 Guidelines.** On February 25, 2022, EPA announced it was revoking the 1980 guidelines and associated procedures for correcting the specific chemical identities of incorrectly described chemical substances submitted to EPA in 1978 using the original reporting form for inclusion on the TSCA Inventory. Any person who wishes to correct an error in a 1978 reporting form now may need to file a premanufacture notice or an exemption notice, if the chemical is not already in the TSCA Inventory. See 87 FR 10781.
- o **TSCA New Chemicals Collaborative Research Program.** On February 25, 2022, EPA announced its intention to publish a draft document titled “Modernizing the Process and Bringing Innovative Science

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to Evaluate New Chemicals Under TSCA.” The Office of Chemical Safety and Pollution Prevention (OCSPP), through that document, proposes to develop and implement a new research program focused on methods of performing risk assessments for new chemicals under TSCA. Key areas of focus for the Research Program include:

- Updating OCSPP’s approach to using data from structurally-similar chemicals to determine potential risks from new chemicals, also known as read-across. This will increase the efficiency of new chemical reviews promoting the use of the best available data to protect human health and the environment.
- Digitizing and consolidating information on chemicals to include data and studies that currently only exist in hard copy or in various disparate TSCA databases. The information will be combined with publicly available sources to expand the amount of information available, enhancing chemical reviews and enabling efficient sharing of chemical information across EPA. Safeguards for confidential business information will be maintained as appropriate in this process.
- Updating and augmenting the models used for predicting a chemical’s physical-chemical properties and environmental fate/transport, hazard, exposure, and toxicokinetics, to provide a suite of models to be used for new chemicals assessments. The goal of this effort is to update the models to reflect the best available science, increase transparency, and establish a process for updating these models as science evolves.
- Exploring ways to integrate and apply NAMs in new chemicals assessments, reducing the use of animal testing. As this effort evolves, the goal is to develop a suite of accepted, fit-for purpose NAMs that could be used by external stakeholders for data submissions under TSCA as well as informing and expanding new chemical categories.
- Developing a decision support tool that integrates the various information streams specifically used for new chemical risk assessments. The decision support tool will more efficiently integrate all the data streams (e.g., chemistry, fate, exposures, hazards) into a final risk assessment and transparently document the decisions and assumptions made. Simply put, this will facilitate the new chemicals program tracking decisions over time and evaluating consistency within and across chemistries.

The draft document was published to the Federal Register on March 14, 2022. EPA plans to update the draft document in response to public comments. Comments can be viewed on Docket ID No. EPA-HQ-OPPT-2022-0218. See 87 FR 10784.

- o **New SAB Processes.** On February 28, 2022, EPA announced the implementation of a new process by which the Science Advisory Board (SAB) will assess the science that underlies new and proposed EPA

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rules. The new process is titled Science Supporting EPA Decisions and will strengthen EPA peer review processes by: (1) Restoring the SAB’s role by having structured opportunities to conduct peer review of critical scientific and technical actions developed by EPA; (2) Strengthening the independence of the SAB’s role by scoping and identifying the peer review need for EPA decisions. (3) Ensuring EPA considers and develops peer reviewed science early in their rule-making development process; and (4) Restoring public faith in the EPA by ensuring the use of peer reviewed science to inform decision making. The full memo on the new process can be viewed at [https://sab.epa.gov/ords/sab/sab\\_apex/r/files/static/v403/Science%20Supporting%20EPA%20Decisions.pdf](https://sab.epa.gov/ords/sab/sab_apex/r/files/static/v403/Science%20Supporting%20EPA%20Decisions.pdf)

- o **EPA Information Collection Activities.** On March 1, 2022, EPA announced its intention to submit an information collection request (ICR) to the Office of Management and Budget (OMB). The request is titled “Residential Lead-Based Paints Hazards Disclosure Requirements” and is a renewal of a previously approved ICR, set to expire on November 30, 2022. This ICR covers the information collection activities associated with specific reporting and recordkeeping requirements for sellers, lessors, and their agents’ disclosure activities in target housing. See 87 FR 11423.
- o **TSCA Inventory Update.** On March 4, 2022, EPA announced the biannual update to the TSCA Inventory. The next update is expected in Summer 2022.
- o **Draft Revision to PV29 Risk Determination.** On March 5, 2022, EPA announced the availability of a draft revision to the risk determination for the Color Pigment Index Violet 29 (PV29) risk evaluation. The new draft revision finds that PV29 as a whole chemical substance presents an unreasonable risk of injury to health when evaluated under its conditions of use. This updated finding would supersede other risk determinations found in the January 2021 risk evaluation for PV29, issued under the Trump Administration. This draft revision is consistent with the Biden Administration’s June 2021 proposal to use, in certain circumstances, a whole chemical approach to risk determinations, along with other policy considerations prioritized by the present Administration. See 87 FR 12690
- o **D4 Risk Evaluation Final Scope.** On March 5, 2022, EPA announced the availability of the final scope of the risk evaluation to be conducted for Octamethylcyclotetra-siloxane (D4). The scope document includes the conditions of use, hazards, exposures, and a list of the potentially exposed or susceptible subpopulations EPA plans to consider when conducting the risk evaluation. EPA is conducting this risk evaluation pursuant to a manufacturer request received in October of 2020. The draft scope for this risk evaluation was published for comment in September of 2021. See 87 FR 12696.

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- o **EPA Information Collection Activities.** On March 8, 2022, EPA announced its intention to submit an information collection request (ICR) to the Office of Management and Budget (OMB). The request is titled “Reporting and Recordkeeping under Section 8 of the Toxic Substances Control Act (TSCA)” and is a consolidation of several previously approved ICRs. This consolidated ICR covers the information collection activities associated with TSCA Section 8 and is intended to reduce the administrative burden on both public reviewers and EPA. See 87 FR 12954.
- o **Meeting Recordings and Transcript.** On March 15-17, 2022, EPA held a meeting of the Science Advisory Committee on Chemicals (SACC) to review EPA’s “Draft TSCA Screening Level Approach for Assessing Ambient Air and Water Exposures to Fenceline Communities Version 1.0”. Released on January 21, 2022, this Draft Screening Level Approach is intended to assist EPA in developing risk assessments by evaluating potential exposures and risks to fenceline communities. EPA will review the contents of the March 15-17 meeting and public comments to update the Draft Screening Level Approach in the coming months. More information, including recordings and transcripts of the March 15-17 meeting, can be found on Docket ID No. EPA-HQ-OPPT-2021-0415.
- o **EPA Information Collection Activities.** On March 16, 2022, EPA announced it had submitted an information collection request (ICR) to the Office of Management and Budget (OMB). The request is titled “Expanded Access to Toxic Substances Control Act Confidential Business Information” and is a renewal of a previously approved ICR, set to expire on March 31, 2022. EPA previously sought comments on this ICR in August of 2021. The 2016 Lautenberg Amendments expanded the categories of people to whom EPA may disclose information designated CBI under TSCA and this ICR is an extension of that authority. See 87 FR 14849.
- o **Test Orders.** On March 24, 2022, EPA announced it had issued a second round of test orders under Section 4 of TSCA for additional data on eight of the next 20 chemicals undergoing risk evaluation. These test orders, issued in response to perceived data gaps, require recipients to develop and submit data on avian and aquatic environmental hazards and consumer exposure. The eight chemicals subject to these test orders are: 1,1,2-Trichloroethane, 1,2-Dichloroethane, 1,2-Dichloropropane, Trans-1,2-Dichloroethylene, *o*-Dichlorobenzene, *p*-Dichlorobenzene, 4,4’-(1-Methylethylidene)bis[2,6-dibromophenol] (TBBPA), and Phosphoric acid, triphenyl ester (TPP). More information can be obtained from <https://www.epa.gov/chemicals-under-tsca/epa-issues-additional-test-orders-support-risk-evaluations-eight-chemicals>.

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- o **Formaldehyde Emission Standard for Composite Wood Products.**
  - On March 29, 2022, EPA proposed several updates to EPA’s formaldehyde standards for composite wood products regulations (Part 770) under TSCA. First, EPA proposed to update the incorporation by reference of several voluntary consensus standards in the regulations. These standards have, since being originally incorporated into TSCA, been subsequently updated, superseded, or otherwise revoked. Second, EPA is also proposing to address remote third-party certifiers who otherwise would be required to conduct on-site inspections in potentially unsafe conditions. Lastly, EPA is proposing select technical corrections to Part 770, addressing definitions, clarifying language, and creating additional flexibilities. Comments can be view on Docket ID No. EPA-HQ-OPPT-2017-0245. *See* 87 FR 17963.
  - On March 31, 2022, EPA announced the availability of additional guidance to laminated product producers and stakeholders on submitting petitions to request an exemption from the hardwood plywood formaldehyde emission standards and certain third-party certification requirements found in Part 770. Unless exempted, beginning on March 22, 2024, producers of laminated products will be required to meet this rule. The guidance released on March 31 details what information EPA needs to make exemption determinations. More information can be found at <https://www.epa.gov/formaldehyde/formaldehyde-emission-standards-composite-wood-products>.
  
- o **E-Manifest Proposed Rule.** On April 1, 2022, EPA issued a proposed rule altering electronic manifest (e-manifest) regulations for shipments of hazardous waste that are exported for treatment, storage, or disposal. Among other adjustments, the proposed changes help more closely link e-manifest data with international movement document data and arise primarily under the Resource Conservation and Recovery Act. EPA is, however, proposing conforming changes to TSCA manifest regulations for PCB wastes. Those regulations can be found in 40 CFR 761 subpart K. Specifically, EPA’s proposed adjustments clarify the ability to use the e-manifest system to fulfil waste tracking and recordkeeping requirements. EPA is requesting comments on or before May 31, 2022. Comments can be viewed on Docket ID No. EPA-HQ-OLEM-2021-0609. *See* 87 FR 19290.
  
- o **Formaldehyde Integrated Risk Information System.** On April 14, 2022, EPA published a draft Integrated Risk Information System (IRIS) assessment of formaldehyde. An IRIS is intended to identify and characterize possible hazards from chronic exposure to chemicals. A completed IRIS can be used to inform further EPA action, such as a formal risk assessment under TSCA.

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- o **Chrysotile Asbestos Rule.** On April 5, 2022, EPA announced that pursuant to its authority under TSCA Section 6(a) it is proposing to prohibit manufacture (including import), processing, distribution in commerce and commercial use of chrysotile asbestos for chrysotile asbestos diaphragms for use in the chlor-alkali industry, chrysotile asbestos-containing sheet gaskets used in chemical production, chrysotile asbestos-containing brake blocks used in the oil industry, aftermarket automotive chrysotile asbestos-containing brakes/ linings, other chrysotile asbestos containing vehicle friction products, and other chrysotile asbestos-containing gaskets. In the consumer context, EPA is proposing to prohibit manufacture (including import), processing, distribution in commerce aftermarket automotive chrysotile asbestos-containing brakes/ linings for consumer use, and other chrysotile asbestos-containing gaskets for consumer use. These categories of products are intended to effectively prohibit the domestic use of chrysotile asbestos, as the categories cover all current uses in the United States. The proposed rule also includes related disposal and recordkeeping requirements. The proposed rule addresses unreasonable risks to health identified in the Risk Evaluation for Asbestos, Part 1: Chrysotile Asbestos, issued in December of 2020. Depending on the product, the effective date for the proposed rule will be different: The prohibitions relating to asbestos diaphragms and sheet gaskets for commercial use are proposed to take effect two years after the effective date of the final rule; the proposed prohibitions relating to oilfield brake blocks, aftermarket automotive brakes and linings, other vehicle friction products, and other gaskets for commercial use, as well as the proposed disposal and recordkeeping requirements, are proposed to take effect 180 days after the effective date of the final rule. This is the first ever risk management rule issued pursuant to the 2016 Lautenberg Chemical Safety Act. EPA is accepting comments before June 13, 2022, on Docket ID No. EPA-HQ-OPPT-2021-0057. See 87 FR 21706.
  
- o **EPA Information Collection Activities.** On April 7, 2022, EPA announced its intention to submit an information collection request (ICR) to the Office of Management and Budget (OMB). The request is titled “PCBs, Consolidated Reporting and Recordkeeping Requirements” and is a renewal of a previously approved ICR, set to expire on November 30, 2022. Pursuant to EPA’s power granted under TSCA Section 6(e) to regulate the marking and disposal of PCBs, EPA has promulgated approximately 100 specific reporting, third-party reporting, and recordkeeping requirements in 40 CFR 761, and this ICR is an extension of that authority. See 87 FR 20402.

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If there are any questions about these or any other environmental compliance matters, please feel free to contact us. We are here to assist you as part of your subscription.

Best regards,

A handwritten signature in blue ink, which appears to read "Larry Silver". The signature is fluid and cursive, with a long horizontal stroke at the end.

Larry Silver

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