

EPA Issues Reporting Rules on 243 HPV Substances

On August 16, 2006, EPA promulgated two final rules under Section 8 of the Toxic Substances Control Act (TSCA), imposing reporting requirements on manufacturers (including importers) of 243 chemical substances that the Agency previously determined are produced in high volumes (greater than 1 million pounds/year). 71 Fed. Reg. 47,122. Each chemical is listed in EPA's High Production Volume (HPV) Challenge Program, under which the Agency has requested voluntary testing, and each chemical remains "unsponsored," i.e., no one has volunteered to conduct the testing that EPA has requested.

The first rule adds the 243 chemicals to the list of chemicals subject to EPA's Preliminary Assessment Information Rule (PAIR). It requires current manufacturers (including importers) to submit by November 14, 2006 a one-time Preliminary Assessment Information Manufacturer's Report for the following:

- Each listed chemical substance that they manufactured or imported during the company's last fiscal year completed as of September 15, 2006; and
- For each site at which they manufactured or imported the PAIR-listed chemical.

Companies that manufactured or imported less than 500 kg of a listed chemical are exempt, as are companies that manufactured or imported the chemical only for R&D purposes, as an impurity, or as a non-isolated intermediate. The PAIR is found at 40 C.F.R. pt. 712.

The second rule adds the 243 chemicals to the list of chemicals subject to EPA's Model Health and Safety Data Reporting Rule under TSCA Section 8(d). Any company in the North American Industry Classification System (NAICS) Subsector 325 or Industry Group 32411 that has manufactured or imported any of the listed chemicals since September 15, 1996 must submit to EPA by November 14, 2006 copies of any health and safety studies in the manufacturer's or importer's possession or control, if such studies fall within categories covered by the rule: generally chemistry, environmental fate, and various toxicology studies. Any company that first begins to manufacture or import any of the 243 covered chemicals for the first time before November 14, 2006 must submit any such studies in its possession within 60 days after commencing manufacture or import. Other reporting requirements from the Model Rule (40 C.F.R. pt. 716) may apply to manufacturers and importers as well.

If by August 30, 2006 any of the 243 chemicals is sponsored, i.e., a company submits a request that the chemical be withdrawn from the 8(d) rule and commits to conducting the testing requested under the HPV Challenge Program, EPA will withdraw the chemical from the Model Health and Safety Data Reporting Rule. EPA intends to announce any such withdrawals in the Federal Register no later than September 15, 2006.

CONTACTS

If you would like more information, please contact any of the McKenna Long & Aldridge attorneys or public policy advisors with whom you regularly work. You may also contact:

Thomas B. Johnston
202.496.7656

McKenna Long & Aldridge LLP is a full-service law firm of 400 lawyers and public policy advisors. The firm provides business solutions in the areas of corporate law, government contracts, intellectual property and technology, complex litigation, public policy and regulatory affairs, international law, real estate, environmental, energy and finance.

If you would like others to receive future mailings of the *TSCA Advisory*, please email their contact information to us at information@mckennalong.com

If you would like to be removed from the *TSCA Advisory* mailing list, please email information@mckennalong.com

*This **TSCA Advisory** is for informational purposes only and does not constitute specific legal advice or opinions. Such advice and opinions are provided by the firm only upon engagement with respect to specific factual situations. This message is intended as a transactional message for clients of the Firm. If you are not a client of the Firm, you have received it for informational purposes only and should not consider it an advertisement or solicitation.

© Copyright 2006, [McKenna Long & Aldridge LLP](#), 1900 K Street, NW, Washington DC, 20006