

## EPA Amends its Export Notification Regulations for Chemicals

On November 14, 2006, EPA issued a final rule that grants significant relief from the export notification regulations under TSCA § 12(b) [[71 Fed. Reg. 66234](#), with technical correction issued on November 28, 2006, [71 Fed. Reg. 67850](#)]. EPA's amended export notification regulations change the former *annual* per country export notification requirement to a *one-time* per country notification requirement with respect to chemicals subject to TSCA § 5(e) consent orders, § 5(a)(2) significant new use rules (SNURs) and § 5(b) test data requirements. The amended regulations also exempt from export notification products containing reportable chemicals at a *de minimis* concentration level - less than 1% by weight or volume (except that known or potential human carcinogens will have a *de minimis* concentration level of 0.1% by weight or volume and PCBs will have a *de minimis* concentration level of 50 ppm). In other words, the *de minimis* exemption will conform EPA's export notification regulations with OSHA's concentration thresholds for Material Safety Data Sheets and workplace labeling under its HAZCOM Standard. The new regulations leave intact the annual report notification requirements for exports of chemicals subject to actions under TSCA §§ 5(f), 6 or 7.

The amended regulations, which are scheduled to go into effect on January 16, 2007, will afford significant relief to exporters because far fewer chemicals will be subject to annual reporting, thereby greatly reducing the quantity of export notifications and the amount of internal monitoring and recordkeeping necessary to ensure TSCA export notification compliance. Also, the *de minimis* exemption will provide significant relief for exporters of mixtures that contain only small amounts of regulated chemicals.

### CONTACTS

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