

## EPA SNUR on 65 Chemicals Effective May 29

On March 29, 2007, EPA issued direct final Significant New Use Rules (SNURs) under Section 5(a)(2) of the Toxic Substances Control Act (TSCA), imposing requirements on 65 chemical substances for which the Agency has received premanufacture notifications (PMNs). 72 Fed. Reg. 14681. Under EPA procedures for issuing direct final SNURs, regulations are not issued as a proposed rule, but as a "final" rule subject to a comment period. If during the comment period EPA receives any notice of intent to submit adverse or critical comments on a chemical in the direct final rule, EPA will withdraw the direct final rule and publish a proposed rule if the Agency wants to continue with the rulemaking process.

For these 65 substances, the comment period has closed. Only one notice of intent to submit critical comments was submitted, and according to sources within the Agency, EPA believes that the concerns of the submitter will be addressed without withdrawing the direct final rule. Thus, on May 29, 2007, the SNURs will take effect. Once the SNURs take effect, any person who intends to manufacture, import or process the chemicals must either comply with the terms of the SNURs or submit a significant new use notice at least 90 days before commencing such manufacture, import or processing. Companies using any of these chemicals in products distributed to others also must be mindful of possible requirements to notify recipients of their products about the presence of a SNUR chemical.

The 65 SNUR chemicals include 13 chemicals that are the subject of TSCA Section 5(e) consent orders between the Agency and the original PMN submitters. EPA states that the terms of these SNURs reflect the terms of those consent orders. The other 52 chemicals are subject to so-called "non-5(e)" SNURs. In those cases, EPA has determined that the uses described in the original PMNs do not present a risk warranting regulation, but changes in use could pose concerns. The requirements of each SNUR are tailored to the particular concerns of EPA. The 65 chemicals (some of which are contained in groups) are:

- 2-Thiazolidinone  
CAS number: 2682-49-7
- Manganese heterocyclic tetraamine complex (generic)  
2-Butenoic acid, 4,4'-[(dibutylstannylene)bis(oxy)]bis[4-oxo-, (2Z,2'Z)-, di-C<sub>8-10</sub>-isoalkyl esters, C<sub>9</sub>-rich  
CAS number: 247041-56-1
- 2-Butenoic acid, 4,4'-[(dibutylstannylene)bis(oxy)]bis[4-oxo-, (2Z,2'Z)-, di-C<sub>9-11</sub>-isoalkyl esters, C<sub>10</sub>-rich  
PMN Number P-99-511  
Mixed metal oxide (generic)
- Alcohols, C<sub>12-14</sub> - secondary, ethoxylated propoxylated  
CAS number: 103331-86-8
- Manganese strontium oxide (MnSrO<sub>3</sub>); Manganese yttrium oxide (MnYO<sub>3</sub>); Barium manganese oxide (BaMnO<sub>3</sub>); Barium calcium manganese strontium oxide; Manganate (MnO<sub>2</sub> [FN1]-), calcium (2:1); and Manganese yttrium oxide (Mn<sub>2</sub> YO<sub>5</sub>)

### 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:

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CAS numbers: 12163-45-0, 12032-75-6, 12230-80-7, 359427-90-0, 12049-47-7, and 12438-71-0

- Halogenated naphthalic anhydride (generic)  
PMN Number P-91-109
- Halogenated benzimidazole (generic)  
PMN Number P-01-110
- Dibenzimidazothianaphthalene (generic)  
PMN Number P-01-111
- Amine terminated bisphenol A diglycidyl ether polymer (generic)  
PMN Number P-P-01-257/258/259 and P-01-261
- Calcium hydroxide oxide silicate ( $\text{Ca}_6(\text{OH})_2\text{O}_2(\text{Si}_2\text{O}_5)_3$ )  
CAS number: 13169-90-9
- Benzoic acid, 2-chloro-5-nitro-, 1,1-dimethyl-2-oxo-2-(2-propenyloxy) ethyl ester  
CAS number: 174489-76-0
- Benzoic acid, 5-amino-2-chloro-, 1,1-dimethyl-2-oxo-2-(2-propenyloxy) ethyl ester  
CAS number: 174489-43-1
- Magnesium potassium titanium oxide  
CAS number: 39290-90-9
- Benzenamine, N-phenyl-, ar-( $\text{C}_9$ -rich  $\text{C}_{8-10}$ -branched alkyl) derivs; Benzenamine, N-phenyl-, ar, ar'-( $\text{C}_9$ -rich  $\text{C}_{8-10}$ -branched alkyl) derivs; 10H-Phenothiazine, ar-( $\text{C}_9$ -rich  $\text{C}_{8-10}$ -branched alkyl) derivs; and 10H-Phenothiazine, ar, ar'-( $\text{C}_9$ -rich  $\text{C}_{8-10}$ -branched alkyl) derivs.  
CAS numbers: 333955-69-4, 333955-70-7, 333955-79-6, and 333955-80-9
- Cashew, nutshell liq., ethoxylated  
CAS number: 350820-95-0
- Ethoxylated alkylsulfate, substituted alkylamine salt (generic)  
PMN Number P-01-862
- Disubstituted benzene metal salt (generic)  
PMN Number P-01-901 and P-01-902
- Isocyanate compound, modified with methoxysilane (generic)  
PMN Number P-01-918
- Pyrimido[5,4-g]pteridine-2,4,6,8-tetramine, 4-methylbenzenesulfonate, base-hydrolyzed  
CAS number: 346709-25-9
- Lithium potassium titanium oxide  
CAS number: 39318-30-4
- Acrylic acid, polymer with substituted acrylamides (generic)  
PMN Number P-02-269
- Zinc, [ethanedioato(2-)-. kappa. O [FN1], . kappa. O [FN2]]-  
CAS number: 547-68-2

- Substituted pyridine coupled with diazotized substituted nitrobenzotrile, diazotized substituted benzenamine and substituted pyridinecarbonitrile (generic)  
PMN Number P-02-359
- Alkylbenzene sulfonate (generic)  
PMN Number P-02-382
- Acetaldehyde based polymer (generic)  
PMN Number P-02-406
- Complex halogenated salt of tris(ethylated aminocarbocyclic)methane (generic)  
PMN Number P-02-423
- Trimellitic anhydride, polymer with substituted glycol, alkyl phenols and ethoxylated nonylphenol (generic)  
PMN Number P-02-434
- Diethoxybenzenamine derivative, diazotized, coupled with aminonaphthalenesulfonic acid derivative, ammonium salt (generic)  
PMN Number P-02-514
- Substituted acridine naphtha substituted benzamide (generic)  
PMN Number P-02-522
- 1-Butanone, 2-(dimethylamino)-2-[(4-methylphenyl)methyl]-1-[4-(4-morpholinyl)phenyl]-  
CAS number: 119344-86-4
- 2-Propanol, 1-[bis(2-hydroxyethyl)amino]-  
CAS number: 6712-98-7
- Dineopentyl-4-substituted phthalate (generic)  
PMN Number P-02-697
- Metal oxide, modified with alkyl and vinyl terminated polysiloxanes (generic)  
PMN Number P-02-698
- Diazotized substituted heteromonocycle coupled with naphthalene sulfonic acid derivative, nickel complex, alkaline salt (generic)  
PMN Number P-02-737
- Polyaromatic amine phosphate (generic)  
PMN Number P-02-747
- Polyphosphoric acids, compds. with piperazine  
CAS number: 383905-85-9
- Substituted anthraquinone (generic)  
PMN Number P-02-869
- Phenol, 4,4'-cyclohexylidenebis[2-methyl-  
CAS number: 2362-14-3
- Disubstituted-N'-hydroxy-benzenecarboximidamide (generic)  
PMN Number P-02-929
- Spiro naphthoxazine (generic)

PMN Number P-02-961

- Aminoalkyl substituted alkylphenol (generic)  
PMN Number P-02-1088
- Alkyl silane methacrylate (generic)  
PMN Number P-03-41
- Phenol, polymer with formaldehyde, 3-[(2-aminocyclohexyl)amino]-2-hydroxypropyl ethers  
CAS number: 452082-53-0
- 1-Propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-soya acyl derivs., inner salts  
CAS number: 136504-87-5
- Benzenemethanaminium, N-(3-aminopropyl)-N,N-dimethyl-, N-soya acyl derivs., chlorides  
CAS number: 90194-13-1

All of these chemicals will trigger TSCA Section 12(b) export notification requirements if present in reportable amounts in exported products. Importers of the substances also must ensure that they comply with the new SNURs.

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