

Specific language you must use for a positive certification:

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

Specific language you must use for a negative certification:

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

No other language may be substituted. Both positive and negative statements may be preprinted, typed, or stamped on the invoice used in connection with the entry and entry summary procedures. The certification statements may be signed using an authorized facsimile signature.

Not complying with TSCA regulations can result in detained shipments, denied entry, and substantial penalties.

This brochure briefly summarizes the requirements for importing chemicals under TSCA 15 U.S.C. 2601 et seq. A more detailed description of your responsibilities as a chemical importer under TSCA are set forth in 40 CFR Part 707.

For more information call the TSCA Hotline at (202) 554-1404

Region 10 (Alaska, Idaho, Oregon, and Washington) Contacts:

Renée Dagseth, Core TSCA Coordinator
(206) 553-1889, or toll-free at 1-800-424-4372
Debra Packard, Community Involvement Coordinator
(206) 553-0247, or toll-free at 1-800-424-4372

To ensure effective communication with everyone, additional services can be made by calling EPA's toll-free number 1-800-424-4372

Web Surfing for EPA Region 10

Check out our homepage at:
<http://www.epa.gov/r10earth>


U.S. Environmental Protection Agency
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1200 Sixth Avenue (WCM-128)
Seattle, Washington 98101-1128

EPA 910-F-99-002

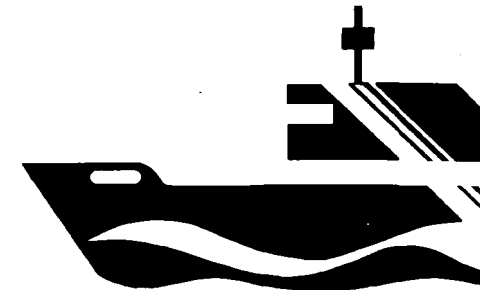


United States
Environmental Protection
Agency

Region 10
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Importing Chemicals

What You Need to Know About TSCA (the Federal Toxic Substances Control Act)



What is the Purpose of TSCA?

The Toxic Substances Control Act (TSCA) of 1976 is intended to protect human health and the environment from unreasonable risks posed by certain chemicals. The U.S. Environmental Protection Agency (EPA) and U.S. Customs are responsible for keeping chemicals which have not undergone risk screening out of the United States. Many other countries have similar legislation.

Does TSCA Apply To Me?

You may be subject to TSCA and have the **same legal status as a chemical manufacturer in the United States** if you import:

- chemicals
- items containing chemicals
- materials for recycling
- hazardous waste
- genetically-engineered micro-organisms

All chemicals are subject to TSCA **except**:

- Pesticides (*pesticide intermediates are subject to TSCA*)
- Food and Drug Administration (FDA)-regulated products (*food, food additives, drugs, cosmetics, or medical devices are some examples*)
- Tobacco or any tobacco products
- Any source material (e.g. uranium, thorium...), special nuclear material or byproduct material
- Firearms and ammunition
- Chemicals incorporated into an **article**

The article exemption

[Legal definition at 40 CFR 710.2(f)]

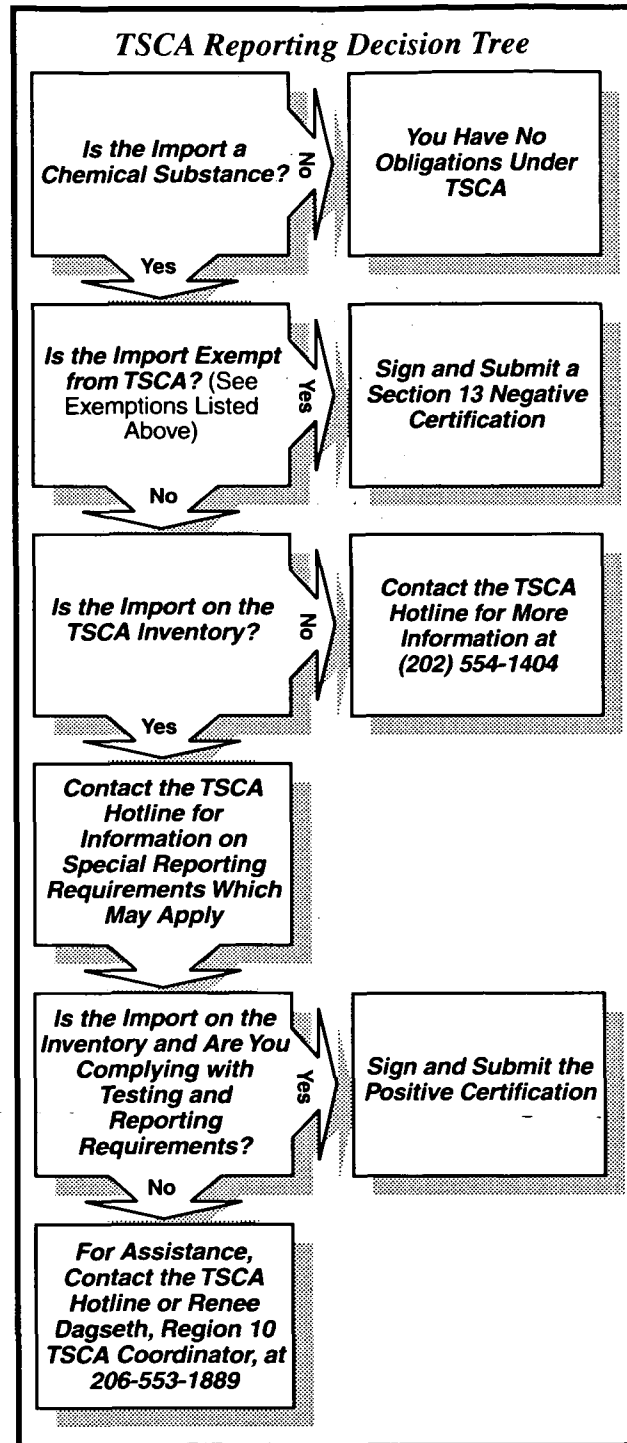
"Chemical substances or mixtures are considered to be part of an article if the substance or mixture is NOT intended to be removed from that article and has no end use or commercial purpose separate from the article of which it is a part."

Section 13 of TSCA requires that you must certify whether the substance you intend to import is subject to TSCA or not. You must provide either a positive certification statement or a negative certification statement for a chemical substance or mixture, or the U.S. Customs Service will refuse its import into the United States.

How Can I Tell If TSCA Applies to Me?

- Check the definition of "chemical substance"
- Check the exemption list above

If you are importing a chemical substance that is not exempt (see above) TSCA probably applies to you.



What Is a Chemical Substance?

"Chemical Substance" is defined in Section 3 of TSCA as any organic or inorganic substance of a particular molecular identity, including:

- any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature; and
- any element or uncombined radical.

If TSCA Applies to Me, What Do I Need to Do?

- 1) Check the public portion of the TSCA Inventory. With Internet access, you can find information at: msds.pdc.cornell.edu/issearch/tscasrch.htm. This free source is provided for your convenience and is not an official EPA source. Without Internet access, call the TSCA Hotline at (202) 554-1404 for other sources. If you do not find your chemical on the public portion of the Inventory, contact the TSCA Hotline on procedures for checking the confidential portion of the Inventory.
- 2) Determine if you are subject to testing or reporting requirements. Call the TSCA Hotline for instructions on how to check on special requirements which may apply to you.

Be aware that importing a chemical substance subject to TSCA that is not on the TSCA Inventory may be a TSCA violation and substantial penalties may result. If your chemical is not listed on the TSCA Inventory, EPA does not officially recognize that chemical. You must file a premanufacture notice (PMN) with the EPA. The review period for a PMN is 90 days, starting at EPA's receipt of the PMN. For further information, call the TSCA Hotline at (202) 554-1404.