

3/7/2024

The Toxic Substances Control Act (TSCA) Section 6(h) restrictions

From the EPA website:

*As required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, EPA issued five final rules on January 6, 2021, to reduce exposures to certain chemicals that are **persistent, bioaccumulative and toxic (PBT)**. These chemicals build up in the environment over time and can therefore have potential risks for exposed populations, including the general population, consumers and commercial users, and susceptible subpopulations (such as workers, subsistence fishers, tribes, and children).*

In September 2021, EPA announced its intent to initiate a new rulemaking and anticipates proposing new rules in the Spring of 2023 for five PBT chemicals that are the subject of final risk management rules under TSCA. Additionally, in March 2022, EPA issued a final rule further extending the compliance dates for the prohibitions on processing and distribution and the associated recordkeeping requirement of one of these PBT chemicals, phenol, isopropylated phosphate (3:1) (PIP (3:1)) when used in certain articles until October 31, 2024. This action was based on the detailed information provided during the 60-day public comment period for EPA's October 2021 proposal. This final rule is effective upon publication.

In May 2023, EPA announced that it intends to address the compliance deadline for processing and distribution of decaBDE-containing wire and cable insulation for nuclear power generation facilities in a rulemaking, which is expected to be proposed in fall 2023. In the meantime, as a bridge to the final rule, EPA issued a temporary "Enforcement Statement" that indicates it does not intend to pursue enforcement for violations of the prohibition on processing and distribution of decaBDE-containing wire and cable for nuclear power facilities, as long as the entities involved are diligently working to qualify their alternative components in accordance with NRC regulations and guidance.

This letter is to address the restrictions that the EPA has imposed on the use of 5 the PBT chemicals.

- Decabromodiphenyl ether (DecaBDE)
- Phenol, isopropylated phosphate (3:1) (PIP (3:1))
- 2,4,6-Tris(tert-butyl) phenol (2,4,6-TTBP)
- Hexachlorobutadiene (HCBD)
- Pentachlorothiophenol (PCTP)

These substances are not present in the alloys that CMI provides.

Sincerely,



Jacob Rodriguez, Metallurgical Engineer/Technical Sales Engineer

Source: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/persistent-bioaccumulative-and-toxic-pbt-chemicals>