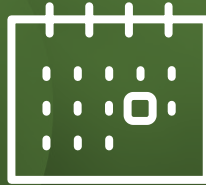


# TSCA

**2018** PROCESSOR  
INVENTORY  
NOTIFICATION  
ACTIVE-INACTIVE  
REQUIREMENTS



# NOTIFICATION DEADLINE

Processor Reporting

→ **October 5, 2018** ←

**WHAT  
IS TSCA?**

**REPORTING  
TIMELINE**

**WHAT IS A  
PROCESSOR?**

**RETROSPECTIVE  
REPORTING**

**WHY SHOULD  
I REPORT?**

**RISKS OF NON-  
COMPLIANCE**

**WHAT TO  
DO NEXT?**

**RESOURCES**

**TRUE OR  
FALSE?**

**ADDITIONAL  
INFORMATION**

**ABOUT  
IAEG**

**LEGAL  
DISCLAIMER**



# WHAT IS THE PURPOSE OF THIS REGULATION?

The Toxic Substances Control Act (TSCA) Chemical Substance Inventory identifies chemical substances manufactured, processed, or imported in the United States for uses that the U.S. Environmental Protection Agency (USEPA) regulates (e.g., other than food, drugs, cosmetics, pesticides)



EPA is required by Section 8(b) of TSCA to compile and keep **“the Inventory”** current



The Inventory was initially published in 1979 and now lists about **85,000 chemicals**



**TSCA Inventory Notification (Active-Inactive) requires manufacturers, importers and processors** to update the Inventory by identifying the chemical substances active in U.S. commerce

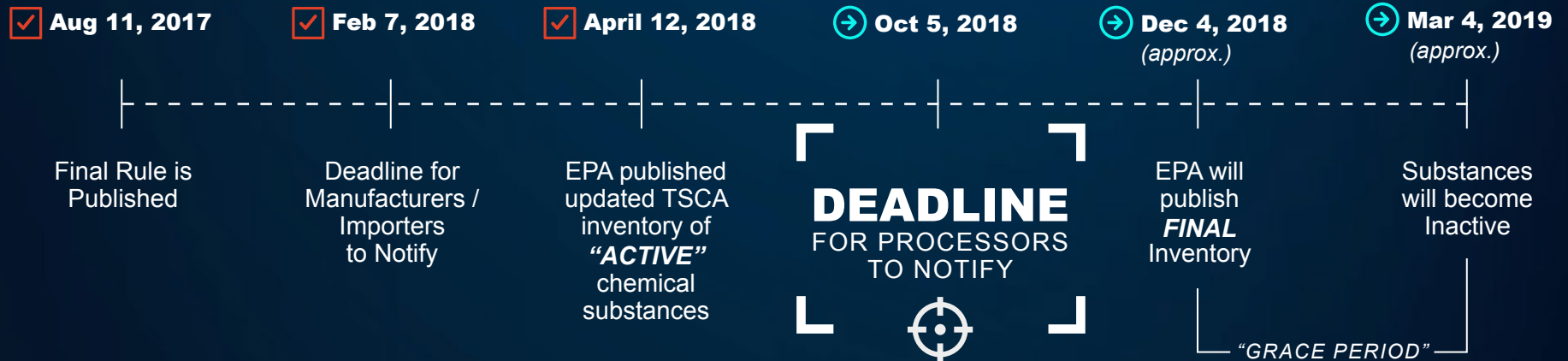


The submission period for manufacturers and importers ended on **February 7, 2018**



# REPORTING SEQUENCE TIMELINE

- ✓ COMPLETED
- UPCOMING MILESTONES





# WHAT IS A PROCESSOR?

TSCA defines *processor* as any person that prepares a chemical substance after its manufacture for distribution in commerce (either in the same or different form or physical state) or as part of an article containing the chemical substance



Any person who prepares or repackages a chemical substance, prior to distribution in commerce (e.g. 55 gallon drum of lubricant repackaged and sold to 3rd parties in smaller containers)



Any person who processes chemicals, as part of a mixture or article for distribution in commerce (e.g. mixing of a two-part epoxy for application on aircraft parts)



## PROCESSING EXCLUDES:

Simply purchasing chemical substances with no intent to distribute into commerce (e.g., floor cleaning solutions)

**TSCA INVENTORY NOTIFICATION REQUIREMENTS APPLY REGARDLESS OF BUSINESS SIZE, CHEMICAL VOLUME AND INDUSTRY SECTOR**



# RETROSPECTIVE REPORTING

Companies must identify chemical substances that were manufactured, imported or processed from **June 21, 2006 through June 21, 2016 (Lookback Period)**



## WHO:

Companies that **processed** a chemical substance during the Lookback Period

## WHAT:

1. Review the SDS (Safety Data Sheets) provided by the manufacturers or formulators, or other resources with product information. Note that the SDS may not contain the complete inventory of chemicals in that mixture. You may need to go back to your supplier to obtain the additional information (eg. CAS#) or a statement of TSCA compliance.
2. Compare your processor list to EPA's latest publications including the updated TSCA Inventory and the most recent list of NOA Form A chemical submissions.



## WHEN:

**October 5, 2018**

## ✓ COMPLETED



**WHO:** Companies that **manufactured** or **imported** a chemical substance during the Lookback Period



**WHAT:** Must have notified EPA via **CDX\*** (EPA's Central Data Exchange) of chemical substances that are manufactured or imported



**WHEN:** **February 7, 2018**



**NOTE:** A company that imports a formulated mixture imports all the individual components of that mixture



# WHY SHOULD PROCESSORS REPORT?

Although processors are not required to submit retrospective notice of activity reports before the **October 5, 2018 deadline**, EPA has provided a mechanism for voluntary notification of inactive chemical substances. This helps companies

## AVOID BUSINESS DISRUPTION



## WHY SHOULD NON-U.S. COMPANIES CARE?



If your company has a U.S. subsidiary that meets the definition of a processor, it is **required** to comply with U.S. environmental regulations, including the TSCA Inventory Notification





# WORTH THE RISK?

Violation of TSCA could result in significant financial penalties—as well as manufacturing, importing and/or processing delays



### CRIMINAL PENALTIES:

Up to **one year in jail** / **\$50,000 penalty** per day or both, for knowing or willful violations



### CIVIL PENALTIES:

Up to **\$37,500** per violation per day



### If processors discover they are using inactive chemical substances

after EPA publishes the Final Inventory (and beyond the 90 day grace period), they must cease processing until they submit required paperwork to EPA



### Violations of TSCA

pose a potential business and legal risk to processors, and business disruption risk to their customers





# WHAT TO DO NEXT



Identify the chemical substances in all formulations processed to produce products for distribution in commerce during the **“Lookback Period”** (June 21-2006 - June 21-2016).



Review TSCA regulations for **reporting requirements** and **potential exemptions**.



Up to **October 5, 2018**, continuously validate your company’s list of chemical substances against EPA’s latest publications, including the updated TSCA Inventory and the most recent list of NOA Forms. This is necessary to ensure the chemicals processed during the Lookback Period are designated as active.




If you processed a chemical substance during the Lookback Period and the chemical has not yet been activated, **submit the NOA Form A by October 5, 2018** (a CDX account is required for submission).



**ALLOW SUFFICIENT TIME FOR SUBMITTAL APPROVAL**






 Use the resources below to submit your form(s)


**NOTICE OF  
ACTIVITY  
FORM A**


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**RETRO-  
SPECTIVE  
REPORTING**



**STEP 1** Central Data Exchange (CDX) Electronic Reporting Portal 

**STEP 2** Chemical Information Submission System (CISS) Reporting Tool 

**STEP 3** eNOA Software Module 



*“Is there a mechanism for processors to report chemicals processed after the Lookback Period (eg. 2017)?”*

 **TRUE**

EPA recognized that the current reporting system with the set Lookback Period of June 21, 2006 through June 21, 2016, does not allow for reporting of chemicals processed after June 22, 2016 using NOA Form A, and set up a mechanism to address this issue. At the end of the processor reporting period, EPA will provide a 90-day window that will delay chemicals being formally designated as inactive. This 90-day window will allow a company that processed a chemical after the Lookback Period that has not otherwise been notified to submit a NOA Form B, which will move the notified chemical to the active list.

*“TSCA reporting should not be a concern for my company because as a processor, this is optional.”*

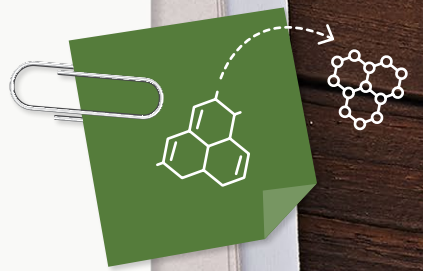
 **FALSE**

While reporting for processors is optional, it is an important mechanism that allows processing companies to ensure all chemicals of commercial interest are appropriately designated as active. If processors do not ensure that substances are listed as active at the end of the reporting period, their process operations will be considered non-compliant and subject to TSCA enforcement and associated penalties.

*“Isn’t TSCA Inventory Notification reporting the chemical manufacturer’s or importer’s responsibility?”*

 **TRUE**

This is correct. However, the reporting option for processors allows processing companies to ensure all chemicals of commercial interest are appropriately designated as active, as a means of ensuring business continuity for your company and customers.





# RESOURCES AND TOOLS FOR YOU

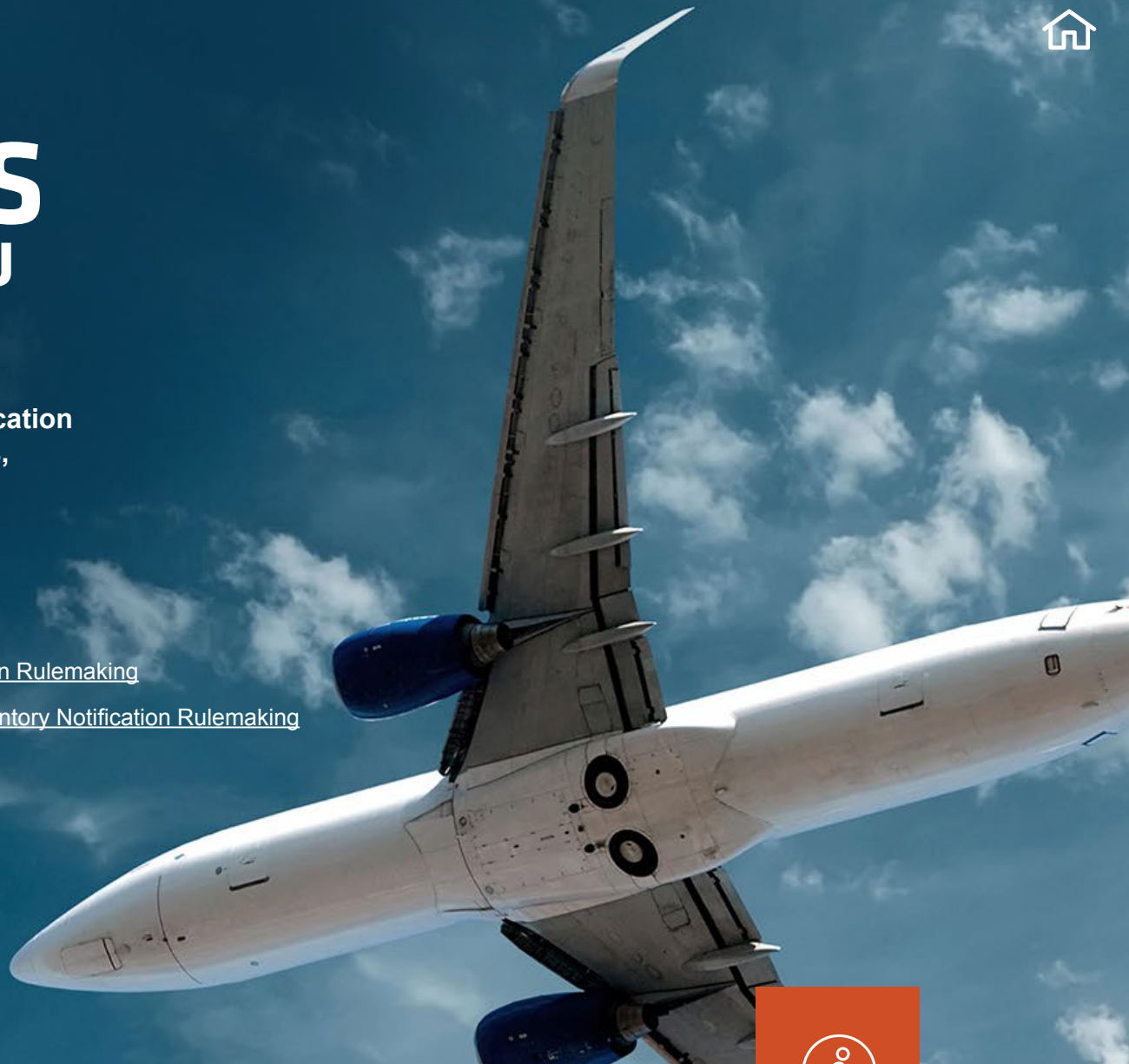


For detailed information on the TSCA Notification Rule including requirements and definitions, please refer to the following links and tools

- [Final TSCA Inventory Notification Rulemaking](#)
- [TSCA Inventory Notification Rulemaking User Guide](#)
- [CDX Registration User Guide](#)
- [IAEG Overview Document: TSCA Inventory Notification Rulemaking](#)
- [Bergeson & Campbell Guidance Materials: TSCA Inventory Notification Rulemaking](#)

The below tool is used to complete the registration process. Go to EPA's website to prepare and submit your registration in the Central Data Exchange

- <https://cdx.epa.gov/>



TSCA Hotline  
**1-202-554-1404**



TSCA Email  
**TSCA-Hotline@epa.gov**



IAEG Website  
**IAEG.com**



**IAEG**<sup>®</sup> was founded in 2011 with a vision to advance innovative environmental solutions for the aerospace and defence industry.

Starting with 11 Founding members, now at 50 members, this collaboration forum is designed to address pertinent environmental issues that all member companies face. As we have grown, we have found tremendous value and synergy in working these non-proprietary issues together, for the betterment of the industry at large.

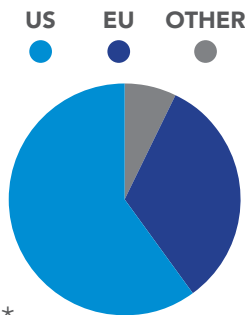
*Sally Gestautas*  
**Sally Gestautas**  
 Board Chair



**REVENUE FOOTPRINT**

**\$400 BILLION**

OUT OF AN APPROXIMATE \$700 BILLION INDUSTRIAL BASE\*



**EMPLOYMENT FOOTPRINT**

SLIGHTLY OVER **1 MILLION**



OUT OF A ROUGHLY **2 MILLION** INDUSTRIAL BASE\*

\*Deloitte, 2014 Global aerospace and defense sector financial report

**SOLUTIONS**

COMPLEX AND INNOVATIVE PRODUCTS THAT LAST

**DECADES** IN THE MARKETPLACE





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