

# TSCA Inventory Notification (Active-Inactive) Requirements Rule

On June 22, 2017, The US EPA finalized the Toxic Substance Control Act (TSCA) Inventory Notification (Active-Inactive) Requirements rule. US EPA issued the rule, also known as the TSCA Inventory Reset Rule, to comply with a requirement of the Frank R. Lautenberg Chemical Safety for the 21st Century Act. The Lautenberg Act required the US EPA to designate each substance in the TSCA Inventory as Active or Inactive. The TSCA Notification Requirements Rule requires manufacturers and importers of chemical substances to notify US EPA of any chemical substance that was manufactured (including imported) for non-exempt commercial purposes during the 10-year time period ending June 21, 2016 (Retrospective Reporting) and to notify US EPA of plans to manufacture new chemical substances (Forward Looking Reporting).

## Retrospective Reporting by Manufacturers

Manufacturers are required to submit a Notice of Activity (NOA) Form A for any chemical substance manufactured for a non-exempt commercial purpose during the 10-year lookback period (June 21, 2006 to June 21, 2016). Retrospective reporting is required unless one of the following conditions holds true for the chemical substance:

1. The chemical is on the "Interim" list developed by US EPA. This list is comprised of all the substances reported in the 2012 and 2016 Chemical Data Reporting (CDR) Submissions. This list is available at: <https://www.epa.gov/tsca-inventory/interim-list-active-substances>
2. Chemical substances were added to the TSCA Inventory during the 10-year lookback period via a Notice of Commencement (NOC).
3. The manufacturer has a Central Data Exchange (CDX) receipt of a Form A submitted by another manufacturer for the chemical substance. Note that if the party that submitted the Form A withdraws the Form A, the second party relying on their submittal is at risk.

Form A Notifications must be submitted by February 7, 2018. The Form A must be electronically submitted through the CDX system. The identity of the chemical substance must be reported along with data substantiating Confidential Business Information (CBI) if CBI is claimed for the identity of the chemical substance.

Manufacturers should review the chemicals manufactured (including imported) during the 10-year lookback period to determine if the chemical substances manufactured are on the Interim Inventory. Chemical Substances that are exempt from CDR reporting, such as polymers, will not be on the Interim Inventory. Manufacturers must submit a Form A for any chemical substance manufactured during the 10-year lookback period that is not classified as Active on the Interim list.

If a manufacturer wishes to maintain the identity of a chemical substance as CBI, the manufacturer is required to submit a Form A

for the substance to provide CBI substantiation, even if the chemical substance was reported during the 2012 or 2016 CDR submittal periods.

## Retrospective Reporting by Processors

After the period for manufacturers to submit notifications of activity is complete, the US EPA will issue a Draft TSCA Inventory of Active Chemical Substances. Processors may review the Draft TSCA inventory to ensure that all chemical substances they process are included in the Active TSCA Inventory. If a chemical substance that is processed is not listed as Active on the Draft inventory, the processor has until October 5, 2018 to submit a Form A for the chemical substance to ensure that the chemical substance is listed as Active.

US EPA will issue a final Active/Inactive list after the October 5, 2018 deadline. Once the list is finalized, manufacturing or processing any chemical substance for non-exempt commercial purposes not listed as Active will be prohibited.

## Forward Looking Reporting

After US EPA has issued a finalized list of Active/Inactive designations, manufacturers and processors that plan to manufacture or process a chemical not on the Active list will be required to submit a NOA Form B to change the status of an Inactive chemical to Active. The NOA Form B must be submitted no more than 90 days before the anticipated manufacturing date.

## Notification Procedure

The NOA form must be submitted through US EPA's Central Data Exchange (CDX). Submissions are made through the Chemical Safety and Pesticide Program (CSPP) by selecting "TSCA Section 8(b)-eNOA" from the CSPP dropdown menu.

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