

Fact Sheet

Proposed rule: Premanufacture Notification Exemption for Polymers; Amendment of Polymer Exemption rule to Exclude Certain Perfluorinated Polymers.

Summary:

The Polymer Exemption Rule at 40 CFR 723.250 provides an exemption from the premanufacture notification (PMN) requirements of section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) and 40 CFR Part 720. EPA is proposing to amend the Polymer Exemption Rule to exclude from eligibility polymers containing as an integral part of their composition, except as impurities, certain perfluoroalkyl moieties consisting of a CF₃- or longer chain length. This exclusion includes polymers that contain any one or more of the following: perfluoroalkyl sulfonates (PFAS); perfluoroalkyl carboxylates (PFAC); perfluoroalkyl-containing telomers; or perfluoroalkyl moieties that are covalently bound to either a carbon or sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.

As proposed, a person who intends to manufacture (defined by statute to include import) any of these polymers not already on the TSCA Inventory must complete the TSCA premanufacture review process 90 days prior to commencing the manufacture or import of such polymers. EPA believes this change to the current regulation is necessary because, based on recent information, EPA can no longer conclude that these polymers “will not present an unreasonable risk to human health or the environment,” which is the determination necessary to support an exemption under section 5(h)(4) of TSCA, such as the Polymer Exemption Rule.

EPA is also proposing to delay implementation or the effective date of the rule for companies that already market such products to allow sufficient time for them to submit the PMN, and complete the PMN process. We are soliciting comment on this and other alternatives that would prevent a disruption in the ongoing manufacture or import of these currently exempt polymers.

Who is Affected:

Entities affected by this proposed rule may include, but are not limited to:

- Chemical Manufacturers or Importers (North American Industrial Classification System (NAICS) 325),
- Chemical Exporters (NAICS 325).

This proposal will affect approximately 6% of the 200 polymers reported annually. EPA used the

high end of 6% to estimate that 12 polymers per year may be affected by this proposed rule.

For Further Information:

General Information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: *TSCA-Hotline@epa.gov*.

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Websites: www.epa.gov/opptintr/newchems and www.epa.gov/edocket (Docket Control number OPPTS-2002-0051)