NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** UNITED STATES OF AMERICA  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Environmental Protection Agency (EPA) [1946]  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Please submit comments to: USA WTO TBT Enquiry Point, Email: [usatbtep@nist.gov](mailto:usatbtep@nist.gov) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS); Environmental protection (ICS code(s): 13.020); Domestic safety (ICS code(s): 13.120); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances; (28 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA" or "Superfund"), the Environmental Protection Agency (EPA or the Agency) is proposing to designate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), including their salts and structural isomers, as hazardous substances. CERCLA authorizes the Administrator to promulgate regulations designating as hazardous substances such elements, compounds, mixtures, solutions, and substances which, when released into the environment, may present substantial danger to the public health or welfare or the environment. Such a designation would ultimately facilitate cleanup of contaminated sites and reduce human exposure to these "forever" chemicals. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety; Protection of animal or plant life or health; Protection of the environment |
| **8.** | **Relevant documents:**  87 Federal Register (FR) 54415, 6 September 2022; Title 40 Code of Federal Regulations (CFR) Part 302:  <https://www.govinfo.gov/content/pkg/FR-2022-09-06/html/2022-18657.htm>  <https://www.govinfo.gov/content/pkg/FR-2022-09-06/pdf/2022-18657.pdf>  This proposed rule is identified by Docket Number EPA-HQ-OLEM-2019-0341. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OLEM-2019-0341/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](mailto:usatbtep@nist.gov) by or before [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 7 November 2022. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/EPA-HQ-OLEM-2019-0341/document) on Regulations.gov if received within the comment period. |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 7 November 2022 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  <https://members.wto.org/crnattachments/2022/TBT/USA/22_6012_00_e.pdf> |