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) [1991]**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 |
| **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):** Per- and poly-fluoroalkyl substances (PFAS); 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:** Per- and Poly-Fluoroalkyl Chemical Substances Designated as Inactive on the TSCA Inventory; Significant New Use Rule; (9 page(s), in English) |
| **6.** | **Description of content:** Proposed rule - Under the [Toxic Substances Control Act (TSCA)](https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act), EPA is proposing a [significant new use rule (SNUR)](https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/actions-under-tsca-section-5#SNURs) for those [per- and poly-fluoroalkyl substances (PFAS)](file:///C%3A%5CUsers%5CGreenleaves%5CDownloads%5C%3Ca%20class%3D%27document-link%27%20target%3D%27_blank%27%20href%3D%27https%3A%5Cwww.epa.gov%5Cpfas%27%3Ehttps%3A%5Cwww.epa.gov%5Cpfas%3C%5Ca%3E) that have not been manufactured (including imported) or processed for many years and are consequently designated as inactive on the [TSCA Chemical Substance Inventory](https://www.epa.gov/tsca-inventory). PFAS are a group of chemicals that have been used in industry and consumer products since the 1940s because of their useful properties, such as water and stain resistance. Many PFAS break down very slowly and can build up in people, animals, and the environment over time. Exposure at certain levels to specific PFAS can adversely impact human health and other living things. Persons subject to the SNUR would be required to notify EPA at least 90 days before commencing any manufacture (including import) or processing of the chemical substance for a significant new use. Once EPA receives a notification, EPA must review and make an affirmative determination on the notification, and take such action as is required by any such determination before the manufacture (including import) or processing for the significant new use can commence. Such a review will assess whether the use may present unreasonable risk to health or the environment and ensure that EPA can prevent future unsafe environmental releases of the PFAS subject to this SNUR. |
| **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:** 88 Federal Register (FR) 4937, 26 January 2023; Title 40 Code of Federal Regulations (CFR) Part 721: <https://www.govinfo.gov/content/pkg/FR-2023-01-26/html/2023-01156.htm><https://www.govinfo.gov/content/pkg/FR-2023-01-26/pdf/2023-01156.pdf>This proposed rule is identified by Docket Number EPA-HQ-OPPT-2022-0867. The Docket Folder is available from Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OPPT-2022-0867/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 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 27 March 2023. 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-OPPT-2022-0867/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:** 27 March 2023 |
| **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/2023/TBT/USA/23_0736_00_e.pdf> |