



**EPA ADP  
TRACKER**

## Milestone

SAN: 5684  
NPRM2 - OMB Determination  
OCSP/OPPT/CCD  
Tier 3 Regulation  
OMB: Significant (confirmed)

### Action Information: OCSP - SAN 5684

SAN: 5684

RIN: 2070-AJ99

Action Type: Regulation

AAShip: OCSP

Division: CCD

Office: OPPT

Working Title: SNUR for LCPFAC & PFAS Chemicals - TSCA §5(a)(2) - (Long-Chain Perfluoroalkyl Carboxylates and Perfluoroalkyl Sulfonates)

Full Title: Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule

#### Internal Abstract:

EPA is developing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for long-chain perfluoroalkyl carboxylate (LCPFAC) chemical substances, and for perfluorooctanoic acid (PFOA) or its salts. On January 21, 2015, EPA proposed to amend a SNUR for LCPFAC chemical substances by designating as a significant new use manufacturing (including importing) or processing of an identified subset of LCPFAC chemical substances for any use that will not be ongoing after December 31, 2015, and all other LCPFAC chemical substances for which there are currently no ongoing uses. EPA also proposed to make inapplicable the exemption for persons who import LCPFAC chemical substances as part of articles. In addition, EPA proposed to amend a SNUR for perfluoroalkyl sulfonate (PFAS) chemical substances that would make inapplicable the exemption for persons who import PFAS chemical substances as part of carpets. Persons subject to these SNURs would be required to notify EPA at least 90 days before commencing such manufacture or processing. The required notifications would initiate EPA's evaluation of the intended use within the applicable review period. Manufacture and processing for the significant new use would be unable to commence until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination.

EPA is issuing a supplemental proposal for part of a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for long-chain perfluoroalkyl carboxylate (LCPFAC) chemical substances to make inapplicable the exemption for persons who import a subset of LCPFAC chemical substances as part of certain articles. This supplemental proposal is necessary in order to be responsive to the article consideration provision at section 5(a)(5), added with the passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which states that articles can be subject to notification requirements as a significant new use provided that EPA makes an affirmative finding in a rule that there is reasonable potential for exposure to a chemical from an article or category of articles.

Deadlines: None

Tier Level: 3

**Milestone Information**

Milestone Status: Completed

Action Status: Development

Stage Descriptor:

Milestone Name: NPRM2 - OMB Determination3

**OMB Significance - Determined Significant**

Significance Status: Determined

OMB List Status: OMB Review

Determination Date: 07/19/2019

Proposed OMB Significance: Non-Significant

Proposed Non-Significant Rationale: Unknown by OP

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Determined OMB Significance: Significant

EO 13771

Designation:

Background:

Costs:

Deadlines or Timing:

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**Determination** From: Jones, Danielle Y. EOP/OMB <Danielle\_Y\_Jones@omb.eop.gov>

**Comments:** Sent: Friday, July 19, 2019 4:12 PM

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Subject: PFAS OCSPP Significance Determinations

Good afternoon Mary,

We need to revisit some significance determinations regarding the OCSPP account and PFAS in general. Since the prior designations, several factors have changed. PFAS has become an Administration priority, and equities of other agencies that are either regulating in the same space or otherwise affected regarding the use of these chemicals are now much more involved.

The following two actions are deemed significant under EO 12866 under Section 3(f)(4) "Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order" and Section 3(f)(2) "Create a serious inconsistency or otherwise interfere with an

action taken or planned by another agency.”

1. Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory (RIN 2070-AK51)
2. Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule (RIN 2070-AJ99)

#### Dates

Planned OMB 07/19/2019  
Determination  
Submission:

Actual OMB 07/19/2019  
Determination  
Submission:

Planned OMB 07/19/2019  
Determination  
Received:

Actual OMB 07/19/2019  
Determination  
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#### Content

Note: This request was not sent to OMB by OP through the normal process.

#### Tracking

#### Access & Creation Information