Withdrawal of Conditional Exemptions From TSCA Section 4 Test Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is withdrawing certain conditional Toxic Substances Control Act (TSCA) section 4 testing exemptions announced in the Federal Register of March 31, 1995 (60 FR 16648).

EFFECTIVE DATE: September 1, 1995.


A. Robert Flack,
Acting Staff Director, Science Advisory Board.

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On March 31, 1995, EPA published its routine Federal Register notice granting conditional exemptions from TSCA Section 4 Test Rules (60 FR 16648). This notice granted conditional exemptions from the requirements to test certain substances pursuant to the Office of Water Chemicals’ TSCA section 4 test rule issued on November 10, 1993 (58 FR 59667). EPA granted the conditional exemptions for those “manufacturers” of chemical substances who had submitted exemption applications pursuant to the Office of Water Chemicals Test Rule.

Companies are required to submit exemption applications within 30 days after the effective date of a test rule (See 40 CFR 790.45(a)). As a result, EPA received exemption applications for TMB before issuing its Clarification of Test Rule Notice for TMB. However, some of those companies that submitted the exemption applications before EPA issued the clarification may actually not be subject to the requirements of the Office of Water Chemicals Test Rule as clarified because they are “...persons, including relevant petroleum refiners, who do not manufacture, import, or process TMB as an isolated product.” (59 FR 45629).

After publication of the March 31, 1995 Federal Register notice, EPA realized that because certain companies covered by the Clarification of Test Rule Notice of September 2, 1994 would not be subject to the Office of Water Chemicals Test Rule, they would not be required to test the substance or, in the alternative to provide a request for an exemption from the requirement to test the substance. Therefore, for those companies that are excluded from coverage under the Office of Water Chemicals Test Rule by the September 2, 1994 Clarification of Test Rule Notice, EPA withdraws the granting of the conditional exemption. Such companies were not required to submit an exemption application, “...or any other item that may be required pursuant to a final test rule under TSCA Section 4.” (59 FR 45629).


Charles M. Auer,
Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

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