

ECOSURF™ LF: US TSCA AND CANADIAN DSL COMPLIANCE REQUIREMENTS



Formulator and Customer Guidelines for US TSCA and Canadian DSL Compliance when using ECOSURF™ LF Surfactants

ECOSURF™ LF: SNUR COMPLIANCE REQUIREMENTS

Formulator & Customer Record Keeping Requirements

40 CFR 721.125 (b)

- Document volumes of ECOSURF™ LF purchased in the United States by processors and corresponding dates of purchase
- Names and addresses of suppliers: Dow Chemical

40 CFR 721.125(c)

- Document names and addresses (including shipment destination address if different) of all persons to whom the distributor or formulator directly sells ECOSURF LF™
- Date & Quantity of each sale or transfer

40 CFR 721.125(k)

- Document the establishment and implementation of procedures that ensure compliance with water discharge limitations: <14 ppb after control technology as calculated per 40 CFR 721.90 (Calculations shown in page 3)

Formulator & Customer Export Notification Requirements

TSCA 12(b)

- Notifications are one-time reporting requirement: first export per country
- Export notification is **NOT** needed when this substance is present in mixtures less than 1%.

ECOSURF™ LF: SNUR COMPLIANCE REQUIREMENTS

What is a SNUR?

A Significant New Use Rule (SNUR)¹ is the mechanism by which EPA applies restrictions on all who manufacture, process use, and dispose of a new chemical substance when a potential risk to the environment or human health hazard has been identified.

For ECOSURF™LF, the Agency identified a potential concern for risk to the aquatic environment via release to surface water.

Architectural Coatings:

Architectural coating formulation processes that operate under zero-discharge of wastewater should not trigger the SNUR conditions but each user should assess their operations to assure compliance with the release to water restriction (see below). In addition, EPA does not expect significant adverse environmental effects during the uses stated in the PMN submission. These uses included formulation at less than 1% in industrial, commercial and consumer architectural coatings.

All Applications:

For all applications (including architectural coatings) this substance is limited to release to water to no greater than 14 ppb as calculated after waste water treatment. The total removal during waste water treatment is estimated to be > 90% based on Episuite models and demonstrated ready biodegradability.

Calculation required by SNUR for Release to Water Using USGS Calculated 7Q10

Ref. 40 CFR 721.90

Uses USGS Calculated 7Q10

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$$\frac{\text{Kg released/day/site} \times 0.1 \text{ (fraction remaining after WWTP*)} \times 1000}{\text{Receiving stream flow (million liters/day, 7-Q-10)}} < 14 \text{ ppb}$$

*The total removal during waste water treatment is estimated to be > 90% based on Episuite models and demonstrated ready biodegradability.

¹The SNUR is described in 40 CFR 721.10400

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Complete details of the SNUR is described in 40 CFR 721.10400

Summary of Customer Requirements:

1. Recordkeeping requirements per 40 CFR 721.125 (a), (b), (c), and (k).

Each manufacturer, importer, and processor of the substance shall maintain the records for 5 years from the date of their creation.

- (a) Records documenting the manufacture and importation volume of the substance and the corresponding dates of manufacture and import
- (b) Records documenting volumes of the substance purchased in the United States by processors of the substance, names and addresses of suppliers, and corresponding dates of purchase
- (c) Records documenting the names and addresses (including shipment destination address, if different) of all persons outside the site of manufacture, importation, or processing to whom the manufacturer, importer, or processor directly sells or transfers the substance, the date of each sale or transfer, and the quantity of the substance sold or transferred on such date.
- (k) Records documenting establishment and implementation of procedures that ensure compliance with any applicable water discharge limitations under 721.90. (This would include the release to water limitation – calculation on previous page.)

2. Export Notification:

No notifications are necessary for substances present at levels less than the specified *de minimis* levels. TSCA 12(b) export notification is not needed when this substance is present in mixtures at less than 1%. Notifications are one-time reporting requirement: first export per country. Notification must be postmarked within 7 days of forming the intent to export or on the date of export, whichever is earlier.

Information which must be submitted to EPA:

- a) Name of the regulated chemical and CAS
- b) Exporter name and address
- c) Country or countries of import
- d) Section 5
- e) Date of export or intended export

ECOSURF™ LF: SNUR COMPLIANCE REQUIREMENTS

Summary of Customer Requirements continued:

Notices shall be marked TSCA Section 12(b) Notice and sent to EPA by mail or courier.

Mail address is Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Avenue.

Hand delivery address is OPPT Document Control Office (DCO), EPA East, Rm. 6428, Environmental Protection Agency, 1201 Constitution Ave., NW, Washington, DC (Attention: TSCA Section 12(b) Notice).

Please Note:

A manufacturer, importer or processor of a SNUR-designated substance who distributes the substance in commerce, and subsequently learns that a recipient of the substance is engaged in a significant new use of the substance has two options. It must either cease supplying the substance to that recipient and submit a Significant New Use Notification (SNUN), or it must, within 15-days notify the recipient and EPA enforcement authorities.

ECOSURF™ LF: SNAC COMPLIANCE REQUIREMENTS

What is a SNAC?

A Significant New Activity (SNAC) is used as part of Canada's Chemical Management Plan that may restrict or limit the use of new and or existing chemical substances when a potential risk to the environment or human health has been identified . The SNAC on ECORSURF™ LF limits the use to no greater than 2000 kg in one calendar year at the same facility for pulp and paper production operations or textile wet processing. There are no other limitations in Canada.

Please note that ECOSURF™ Surfactants are marketed under the TERGITOL™ brand in Canada.

SNAC Reference:

Notice Nos. 16503

Canadian Gazette publication:

<http://www.gazette.gc.ca/rp-pr/p1/2011/2011-12-03/html/notice-avis-eng.html#d114>

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