



TO: Kuraray Customers

Date: February 19, 2018

Please refer to the following EPA TSCA Inventory Notification/Reset Frequently Asked Questions (FAQ). If you should need additional information, please do not hesitate to contact us.

FAQ
TSCA Inventory Notification (Active - Inactive) Requirements
(TSCA Inventory Reset Reporting Rule)

Q1: What is the TSCA Inventory Reset Reporting Rule (“Reporting Rule”)?

The Reporting Rule requires all chemical manufacturers and importers to notify EPA of all chemical substances that they manufactured in the U.S. or imported into the U.S. during the period June 21, 2006 to June 21, 2016 (the lookback period) to the extent known or reasonably ascertainable. Reporting is performed electronically through the eNOA reporting system located on U.S. EPA’s Central Data Exchange platform (CDX). Chemical manufacturers’ and importers’ reports are due no later than February 7, 2018. Processors are not required to report, but have the option to report chemicals they have processed during the look back period until October 5, 2018. This one-time reporting is required by 2016 amendments to the Toxic Substances Control Act (TSCA), and is intended to identify all chemicals currently in active commerce to enhance regulatory oversight. These will be designated “active” substances. Substances formerly passing in commerce but not reported during this exercise will be deemed “inactive.” Ninety days after this process is complete (approximately March 2019), it will be illegal to import, manufacture or process an “inactive” chemical without first notifying EPA. The Rule will be published at 40 CFR Part 710, Subpart B (Commercial Activity Notifications).

Q2: Which chemical substances must be reported? Are there any exemptions?

In general, the rule requires reporting for all chemicals in commerce, whether benign or hazardous. There is no minimum volume threshold for reporting, and no exemption for small businesses. However, there are several reporting exemptions, including:

1. Substances used only for research and/or development;
2. Substances incorporated into Articles;
3. Pesticides, foods, food additives, drugs, cosmetics, medical devices or tobacco products;
4. Product impurities or by-products and not beneficially used or recycled;
5. Substances listed on EPA’s “Interim List of Active Substances,” available on the TSCA Inventory web page (see <https://www.epa.gov/tsca-inventory>), comprised of substances (a)

reported in the 2012 or 2016 Chemical Data Reporting events (40 CFR part 711); or (b) added to the TSCA Inventory during the 10-year lookback pursuant to a Notice of Commencement;

6. Substances previously reported to EPA by another person and for which you have a copy of the eNOA reporting receipt;
7. Substances not listed on the current TSCA Inventory (e.g., authorized for import or manufacture and use under an exemption, such as the polymer, test marketing, low volume or low release-low exposure exemptions);
8. Mixtures per se, but the individual components of the mixture must be reported; and
9. Substances manufactured solely for export.

Q3: I am a processor. How do I determine the identity of chemical substances in the non-exempt products my company purchased from Kuraray during the lookback period so that I can confirm that they all have been notified to EPA and will be designated as “active”?

You do not need to report non-exempt chemicals that you only processed. Kuraray has notified EPA of all non-exempt chemical substances in its current products.

Q4: I am an Importer. How do I determine the identity of the non-exempt, non-confidential substances in the products my company purchased and imported from Kuraray during the lookback period so that I may report them?

To request a list of all reportable, non-confidential substances contained in a product purchased from Kuraray and imported by you, please send a request to your Kuraray business unit contact with the names of the products. To the extent known or reasonably ascertainable, we will reply with a list of the non-exempt, non-confidential components in the products using the TSCA Inventory listing nomenclature that you may use to submit notifications to EPA. In addition, if available, we will provide you with a copy of one or more eNOA/CDX receipts confirming that some or all of the component substances already have been reported to EPA and that no further reporting is required by you.

Q5: I am an importer. How do I determine the identity of the confidential chemical substance(s) in the non-exempt products my company purchased and imported from Kuraray during the lookback period?

If the product you purchased and imported from Kuraray listed one or more constituents as confidential or proprietary, please send a request to your Kuraray business unit contact and Kuraray will provide you with the generic name and TSCA Inventory Accession Number that you may use to report your imports of the chemical directly to the US EPA via the eNOA reporting system within CDX.

or

Prepare and submit a joint submission request for the substance via the eNOA reporting system within CDX. Kuraray will respond directly to EPA with the chemical identity information to the extent known or reasonably ascertainable. For joint submission request purpose, please send an email to your Kuraray business unit contact and request the

contact information of the Kuraray employee who will be assisting you with the joint notification.