

TSCA Compliance for Chemical Shipments

The Toxic Substances Control Act (TSCA) was established by the Environmental Protection Agency (EPA) in 1976 (40 CFR Part 700 through Part 799) to ensure the hazards posed by chemical substances are identified and controlled.

Institutions that manufacture or import chemicals for commercial distribution must adhere to a strict set of reporting requirements under TSCA; however most activity at UNC qualifies for a "Research and Development" exemption. In order to qualify for the "R & D" exemption the chemicals must

1. Be imported, manufactured, or used in small quantities; and
2. Be used for non-commercial scientific experimentation, analysis or research; and
3. Be used under the supervision of a technically qualified individual.

If your lab is importing or manufacturing chemicals for commercial purposes contact EHS for further instruction.

Not all chemical substances are regulated by TSCA. The following items are not regulated by TSCA:

- Tobacco and tobacco products regulated by the Bureau of Alcohol, Tobacco and Firearms (ATF)
- Food, food additives, drugs, and cosmetics regulated by the Food and Drug Administration (FDA)
- Radioactive materials regulated by the Nuclear Regulatory Commission (NRC)
- Pesticides regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Note: If your substance does not fall under TSCA you must follow the regulations of the appropriate Authority. Contact EHS for further compliance with these regulating bodies.

Research and Development activities are exempt from the bulk of TSCA regulations, however to be in compliance you must follow these procedures for documentation and notification when you send or receive chemicals in your lab.

Import

All chemical imports must be accompanied by a TSCA Import Certification Form. This only applies when you are the ultimate consignee for the chemical. If a chemical distributor is importing the chemical and then selling it to you, the distributor must complete the Import Certification Form. This form must be available to the carrier and customs officer at the time of import. This can be satisfied by having the sender include a copy of this form with the import documents for the shipment.

You must keep a copy of this form in our records for three (3) years.

To complete the Import Certification Form, list the names of all chemicals included in the shipment along with its Chemical Abstracts Service (CAS) number at the top.

Check either the positive or negative certification box. If your chemical is regulated by the ATF, FDA, NRC, or FIFRA you will check the negative certification. All other chemicals fall under the positive certification.

If applicable, check the box for research purposes only statement.

Provide your name, signature, date, title, address and phone number in the applicable boxes at the bottom of the form.

You as the importer are responsible for this certification form. Prior to shipment you will fill out this form and send a copy to the shipper to include with the import documentation.

Some suppliers have their own Import Certification Form they prefer to use. Make sure you have a copy of their form for your records.

Non-compliance with TSCA can result not only in detained shipments and/or denied entry, but can lead to substantial civil and/or criminal penalties.

Export

All hazardous chemical shipments from your lab must comply with Department of Transportation (DOT) and/or International Air Transit Authority (IATA) regulations for packaging, labeling, and documentation. Contact EHS for proper training and assistance.

IMPORTANT: Some chemicals fall under the Department of Commerce and/or State Department export control regulations. Chemicals subject to export control regulations require an export permit to legally export from the United States. Export permits take weeks to obtain so plan ahead. Contact EHS to determine if your chemical is subject to these restrictions. Failure to comply with Department of Commerce or State Department export controls will result in significant fines and potential criminal prosecution.

If your chemical is not subject to Department of Commerce or State Department controls you must determine if it is subject to the EPA's TSCA export reporting requirements. Chemicals listed on the EPA's Trigger list require notification prior to export. Before shipping a chemical outside of the United States, determine if the chemical is on the trigger list: [epa.gov/opptintr/import-export/pubs/12\(b\)list11-10-10.pdf](https://www.epa.gov/opptintr/import-export/pubs/12(b)list11-10-10.pdf)

If your chemical is on this list you must notify the EPA using the TSCA Section 12 (b) Export Notification Form. This form must be completed and mailed to the EPA prior to export. The form must be postmarked within seven days of forming the intention to export or the day of the export, whichever is earlier.

Once completed you will mail the form to:

Document Control Office (7407M)
Office of Pollution Prevention and Toxics (OPPT)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW.
Washington DC. 20460-0001
Attention: TSCA 12(b) Notice

You must keep a copy of this form in your records for three (3) years.

Domestic

All hazardous chemical shipments from your lab must comply with Department of Transportation (DOT) and/or International Air Transit Authority (IATA) regulations for packaging, labeling, and documentation. Contact EHS for proper training and assistance.

When sending chemical substances within the United States it is your responsibility as the shipper to communicate all known or suspected hazards of the substances to the receiver. EPA inspectors may ask for documentation to verify that you have done this. The Domestic Chemical Shipment form can fulfill the hazard communication requirement and provide a means to document this communication.

To be in compliance with TSCA regulations under the research and development exemption you must communicate the hazards of a chemical to your recipient when shipping within the United States. The Domestic Shipment Form ensures compliance by indicating any known or suspected hazards.