

BASF Plasticizer Newsletter

April 2020

We have developed this newsletter to keep customers and others informed about regulatory and other issues that may affect the North American plasticizers market. We appreciate any feedback you may have and would like to know if there are special topics you would like to hear more about in future newsletters.

U.S. EPA

In December 2019 U.S. EPA [finalized the next 20 chemicals to undergo risk evaluation under TSCA](#) (five ortho-phthalates and phthalic anhydride are included). In January, EPA published a preliminary list of manufacturers and importers of these chemicals to help determine the appropriate division of fees for these upcoming risk evaluations. Under the [Fees for the Administration of the Toxic Substances Control Act Rule](#) (TSCA fees rule), businesses that manufacture or import chemicals undergoing risk evaluation under TSCA section 6 are responsible for paying the fee associated with EPA-initiated risk evaluations. Companies originally had until March 27th to respond to this preliminary list; however, the deadline has been extended to May 27th.

Exemptions to fee schedule

Manufacturers and importers of high priority chemicals subject to the upcoming EPA-initiated risk assessments are subject to fees for the evaluations; originally this would have included companies that produce the substances as byproducts or impurities and who import the substances in an article. On March 25th EPA announced [plans](#) to “initiate a new rulemaking process to consider proposing **exemptions** to the current rule’s self-identification requirements associated with EPA-initiated risk evaluations for manufacturers that:

- Import the chemical substance in an article;
- Produce the chemical substance as a byproduct; and
- Produce or import the chemical substance as an impurity.

The agency may also consider proposing other changes to the rule during this process consistent with TSCA’s requirement to reevaluate the Fees Rule every three years. EPA intends to issue proposed amendments to the current fees rule later this year with the goal of finalizing the amendments in 2021.”

EPA has issued a [no action assurance](#) and a [web page](#) with frequently asked questions on this topic.

Draft scope documents

On April 6th EPA released draft scope documents for 13 of the 20 high priority chemicals designated in December 2019 for risk assessment under TSCA. [Scope documents](#) on the remaining seven chemicals, including **five ortho-phthalates (DBP, DIBP, BBP, DCHP, and DEHP) and phthalic anhydride** were released on April 17th. Comments on the draft documents are due in 45 days.

Plastics

The Canadian Federal Government has published a [Draft Science Assessment](#) on plastics pollution. This appears to be a major step in classifying plastics as “toxic” under the Canadian Environmental Protection Act (CEPA), which would give the government the authority to regulate and limit certain products. An article in [Plastics Today](#) provides some good discussion about industry concerns with this proposal. BASF and other companies are engaged in this issue together with ACC and other organizations.

If you have questions, contact Patrick Harmon at patrick.harmon@basf.com.

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