



Significant New Use Rule (SNUR) for Long-Chain Perfluoroalkyl Carboxylate Chemical Substances

National Association of Clean Air Agencies (NACAA)

October 15, 2020



Presentation Outline

- Background on Significant New Use Rules
- Proposed LCPFAC Rule
- Supplemental Proposal of LCPFAC Rule for Lifting Articles Exemption
- Final Rule



Background: Significant New Use Rules (SNURs)

- EPA has authority to designate a particular new use (or return of an old use) of an existing chemical substance as a “significant new use” under TSCA section 5(a)(2)
- Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1) requires companies to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture (including import) or process the chemical substance for that use
- The SNUN obligates EPA to
 - Assess risks that may be associated with the significant new use;
 - Make an affirmative risk determination under TSCA section 5(a)(3); and, if appropriate,
 - Regulate the proposed activity before it occurs



LCPFAC SNUR

- January 21, 2015 (LCPFAC SNUR #2; 80 FR 2885) – before the 2016 amendments to TSCA, EPA proposed to amend two existing SNURs on long-chain perfluoroalkyl carboxylate (LCPFAC) and perfluoroalkyl sulfonate (PFAS) chemical substances to ensure that such chemicals that have been phased out do not re-enter the marketplace without EPA review.
 - A complement to the PFOA Stewardship Program, where EPA encouraged companies to phase out PFOA and PFOA-related chemicals including potential PFOA precursors by the end of 2015, which they have done.
 - EPA proposed lifting the articles exemption over concerns that LCPFAC chemical substances that were voluntarily phased out would enter the market in imported articles.
- February 20, 2020, EPA signed a supplemental SNUR to ensure EPA is notified before anyone begins or resumes the import of long-chain PFAS chemical substances as part of surface coatings on articles.



2015 Proposed LCPFAC SNUR

- The proposed SNUR did four things:
 1. Proposed an amendment to a SNUR on LCPFAC chemical substances by designating as a significant new use manufacturing (including importing) or processing of a subset of LCPFAC chemical substances for any use that was no longer ongoing after December 31, 2015;
 2. Proposed an amendment to a SNUR for LCPFAC chemical substances by designating as a significant new use manufacturing (including importing) or processing of all other LCPFAC chemicals substances for any use that was no longer ongoing after January 21, 2015;
 3. Proposed an amendment to lift the exemption for persons who import a subset of LCPFAC chemical substances as part of articles; and
 4. Proposed an amendment to a SNUR for perfluoroalkyl sulfonate (PFAS) chemical substances that would lift the exemption for persons who import PFAS chemical substances as part of carpets.



Supplemental Proposal to Meet the Requirements of New TSCA

- Reproposed lifting the exemption for importers and processors of the chemical in an article and adds specific details on “reasonable potential for exposure” in order to be responsive to new TSCA.
- The supplemental proposal for the LCPFAC SNUR defines the category of articles containing the chemical subject to notification.
 - EPA defines as the **category of articles subject to this rule** “articles where certain LCPFAC chemical substances are part of **surface coating on articles**” based on the reasonable potential for exposure as shown through research on LCPFAC chemical substances.



LCPFAC SNUR Final Rule

- On July 27, 2020, EPA published a Significant New Use Rule giving the agency the authority to review an expansive list of products containing PFAS before they could be manufactured, sold, or imported in the United States.
- The final rule took final action on both the previously proposed rule and supplemental proposal.