

## TSCA PROCEDURE

### CHEMICAL SUBSTANCE IMPORTS, EXPORTS, DOMESTIC SHIPMENTS

This document is designed to provide laboratory personnel with the basic procedures required by the Federal Toxic Substances Control Act (TSCA) for shipping and receiving of chemicals, including the:

- Importation of chemical substances from outside US Customs Territory;
- Exportation of chemical substances to outside US Customs Territory; and/or
- Shipment of chemical substances within US Customs Territory.

Following these procedures will assist labs to ensure compliance with the chemical shipping/receiving requirements of TSCA. Please ensure that additional shipping requirements are addressed per the Department of Transportation (DOT) and International Air Transport Association (IATA). For assistance, please contact EH&S - Cambridge/Allston (617) 495-2060, Longwood (617) 432-1720) or the EH&S website at <http://www.uos.harvard.edu/ehs/ehs.shtml>.

#### **A. IMPORTATION OF CHEMICALS**

Importing chemicals typically occurs in the following ways:

- direct import through supplier or distributor;
- indirect import through broker, or;
- carrying imported chemicals across a US border.

Please note that if a chemical supply vendor or distributor, such as, VWR Scientific imports chemicals for Harvard's use, they are the importer and must comply with these procedures. Harvard is not responsible for the chemical supply vendor's or distributor's compliance obligations.

All imported chemicals require labs to complete the TSCA Import Certification Form (**Attachment 1**). This Form must be submitted to the proper authorities and indicates if the imported chemical is subject to TSCA (positive certification) **or** is NOT subject to TSCA (negative certification). These forms must be maintained in laboratory records for three years. ***Please note: There are no exceptions and/or exemptions from this requirement.***

#### **Procedures:**

1. Determine if the chemical for import is subject to TSCA regulation:
  - a. If the imported chemical is to be used in a process regulated or funded by the Nuclear Regulatory Commission (NRC), the Bureau of Alcohol, Tobacco and Firearms (ATF), the Food and Drug Administration (FDA) or the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), this chemical is **excluded** from TSCA requirements. Complete TSCA Import Certification Form (**Attachment 1**) and check off the NEGATIVE CERTIFICATION box. Provide information as instructed on the form and sign.
  - b. If the imported chemical is not excluded, as described in 1a, complete the TSCA Import Certification Form and check off the POSITIVE CERTIFICATION.
2. Provide this form to the Mail or Express service or Customs Broker prior to the import date. In some cases a chemical supply vendor or Customs Broker will provide you with their own TSCA Certification paperwork. You may use this certification paperwork if it contains the same language as the Harvard TSCA Import Certification Form (**Attachment 1**).
3. Ensure that you maintain copies of all TSCA Certification forms for the past three years and forward a copy of each form to the local Safety office. EPA requires these forms to be maintained in lab for their review as proof of compliance.

4. If importing occurs by personally carrying chemicals over the US border, complete the TSCA Import Certification Form and provide copy to US Customs Agent at the border. Retain a copy of the Form in your lab records for three years.
5. If you hire a customs broker to manage the importation process, ensure he/she receives a copy of the TSCA Import Certification Form.

## **2. EXPORTATION OF CHEMICALS**

TSCA requires the completion of the TSCA Export Notification Form (**Attachment 2**) *prior* to the exportation of chemical substances that are listed in the EPA's Chemicals on Reporting Rule (CORR) Database (see EH&S Website). Copies of this form must be kept in lab records for three years.

### **Procedures:**

1. Refer to CORR Database at [http://www.uos.harvard.edu/ehs/enviro/CORR\\_DatabaseA.pdf](http://www.uos.harvard.edu/ehs/enviro/CORR_DatabaseA.pdf) (sorted by chemical name) or [http://www.uos.harvard.edu/ehs/enviro/CORR\\_DatabaseB.pdf](http://www.uos.harvard.edu/ehs/enviro/CORR_DatabaseB.pdf) (sorted by CAS number) and attempt to locate the chemical(s) you will be exporting.
2. If the chemicals to be exported are listed in the CORR database, complete the TSCA Export Notification Form (**Attachment 2**) and submit it to the EPA. Ensure that the appropriate box is checked off indicating which Section of TSCA(4,5,6,7) is listed in the CORR database for the chemical to be exported. This notice must be postmarked within seven days after accepting a definite contractual obligation or reaching a final decision to export. Where the actual export occurs less than seven days after the export obligation or agreement has been executed, the notice must be submitted to EPA no later than the same day as the export.
3. If the chemicals are NOT listed in the CORR database, an export notification is *not required*.
4. Maintain copies of all TSCA Export Notification Forms in laboratory records for past three years and forward a copy of each form to the local Safety office. EPA requires these forms to be maintained in lab for their review as proof of compliance.

## **3. DOMESTIC SHIPMENTS OF CHEMICALS**

Shipments of chemicals or samples, subject to TSCA regulation, to locations within the U.S. Customs Territory, must be accompanied with information that informs the recipient of potential or actual hazards. Completion of the TSCA Domestic Shipment Form (**Attachment 3**) for each shipment and inclusion with the shipment will ensure compliance. If the chemicals or samples are excluded from TSCA because they are already regulated by the Food and Drug Administration (FDA), Nuclear Regulatory Commission (NRC), Bureau for Alcohol, Tobacco and Firearms (ATF), or the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), a TSCA Domestic Shipment Form is *not required*.

### **Procedures:**

1. For all domestic shipments of chemicals or samples within the US Customs Territory, complete TSCA Domestic Shipment Form (**Attachment 3**) and include a signed copy with the shipment. Forward a copy of the form and all associated information to the receiving address before mailing the chemicals or samples.
2. Mark the words "*Contents To Be Used For Research And Development Purposes Only*" on the outside of the shipping package.
3. Maintain copies of this Form in your laboratory records for three years and forward a copy of each form to the local Safety office. EPA requires these forms to be maintained in lab for their review as proof of compliance.