**U.S. Toxic Substances Control Act (TSCA) Amended “Final Rule” Regarding Persistent, Bioaccumulative, and Toxic (PBT) Chemical Exposures**

Compiled by GreenSoft Technology, Inc.

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**§ 751.401 General.**

(a) This subpart establishes prohibitions and restrictions on the manufacturing, processing, and distribution in commerce of persistent, bioaccumulative, and toxic chemicals in accordance with TSCA section 6(h), [15 U.S.C 2605(h)](https://www.govinfo.gov/link/uscode/15/2605).

(b) Unless otherwise specified in this subpart, prohibitions and restrictions of this subpart do not apply to the following activities:

(1) Distribution in commerce of any chemical substance, or any product or article that contains the chemical substance, that has previously been sold or supplied to an end user, *i.e.,* any person that purchased or acquired the finished good for purposes other than resale. An example of an end user is a consumer who resells a product they no longer intend to use or who donates an article to charity.

(2) Disposal of any chemical substance, or any product or article that contains the chemical substance, as well as importation, processing and distribution in commerce of any chemical substance or any product or article that contains the chemical substance for purposes of disposal.

(3) Manufacturing, processing, distribution in commerce, and use of any chemical substance, or any product or article that contains the chemical substance, for research and development, as defined in [§ 751.403](https://www.ecfr.gov/current/title-40/section-751.403).

(c) *Owner and operator requirements.* Any requirement for an owner *or* operator or an owner *and* operator is a requirement for any individual that is either an owner or an operator.

**§ 751.403 Definitions.**

The definitions in subpart A of this part apply to this subpart unless otherwise specified in this section.

*2,4,6-TTBP* means the chemical substance 2,4,6-tris(tert-butyl)phenol (CASRN 732–26–3).

*2,4,6-TTBP oil and lubricant additives* means any 2,4,6-TTBP-containing additive to a product of any viscosity intended to reduce friction between moving parts, whether mineral oil or synthetic base, including engine crankcase and gear oils and bearing greases. 2,4,6-TTBP oil and lubricant additive does not include hydraulic fluid and other oils whose primary purpose is not friction reduction.

*Article* means a manufactured item:

(1) Which is formed to a specific shape or design during manufacture,

(2) Which has end use function(s) dependent in whole or in part upon its shape or design during end use, and

(3) Which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article, and that result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles; except that fluids and particles are not considered articles regardless of shape or design.

*DecaBDE* means the chemical substance decabromodiphenyl ether (CASRN 1163–19–5).

*HCBD* means the chemical substance hexachlorobutadiene (CASRN 87–68–3).

*Lubricants and grease* mean any product used to reduce friction, heat, or wear between moving or adjacent solid surfaces, or that enhance the lubricity of other substances.

*PCTP* means the chemical substance pentachlorothiophenol (CASRN 133–49–3).

*PIP (3:1)* means the chemical substance phenol, isopropylated phosphate (3:1) (CASRN 68937–41–7).

*Potentially exposed person* means any person who may be exposed to a chemical substance or mixture regulated under this subpart as a result of the use of that chemical or mixture.

*Product* means the chemical substance, a mixture containing the chemical substance, or any object that contains the chemical substance or mixture containing the chemical substance that is not an article.

*Regulated area* means an area established by the regulated entity to demarcate areas where airborne concentrations or direct dermal contact of a specific chemical substance can reasonably be expected.

*Research and Development* means laboratory and research use only for purposes of scientific experimentation or analysis, or chemical research on, or analysis of, the chemical substance, including methods for disposal, but not for research or analysis for the development of a new product, or refinement of an existing product that contains the chemical substance.

**§ 751.405 DecaBDE.**

(a) ***Prohibition*** —

*~~(1)~~* ***~~General~~*** *~~Except as provided in~~* [*~~paragraphs (a)(2)~~*](https://www.ecfr.gov/current/title-40/section-751.405#p-751.405(a)(2)) *~~and~~* [*~~(b)~~*](https://www.ecfr.gov/current/title-40/section-751.405#p-751.405(b)) *~~of this section, all persons are prohibited from all manufacturing and processing of decaBDE or decaBDE-containing products or articles after March 8, 2021, and all persons are prohibited from all distribution in commerce of decaBDE or decaBDE-containing products or articles after January 6, 2022.~~*

(1) ***General***

(i) Except as provided in paragraphs (a)(2) and (b) of this section, all persons are prohibited from all manufacturing and processing of decaBDE or decaBDE-containing products or articles after March 8, 2021, and all persons are prohibited from all distribution in commerce of decaBDE or decaBDE-containing products or articles after **January 6, 2022**.

(ii) Unless otherwise specified in this subpart, the prohibitions and restrictions of this subpart do not apply to products or articles containing decaBDE at concentrations less than 0.1% by weight, if the decaBDE was not intentionally added to the product or article.

(2) ***Phase-in of Prohibitions for Specific Uses of decaBDE and decaBDE-containing Products or Articles.***

(i) After **July 6, 2022**, all persons are prohibited from all manufacturing, processing, and distribution in commerce decaBDE for use in curtains in the hospitality industry, and the curtains to which decaBDE has been added.

*~~(ii) After January 6, 2023, all persons are prohibited from all processing and distribution in commerce of decaBDE for use in wire and cable insulation in nuclear power generation facilities, and decaBDE-containing wire and cable insulation.~~*

(ii) After **January 6, 2023**, all persons are prohibited from all processing and distribution in commerce of decaBDE for use in wire and cable insulation in nuclear power generation facilities (including research and test reactors).

(iii) After **January 8, 2024**, all persons are prohibited from all manufacturing, processing, and distribution in commerce of decaBDE for use in parts installed in and distributed as part of new aerospace vehicles, and the parts to which decaBDE has been added for such vehicles. After the end of the aerospace vehicles service lives, all persons are prohibited from all importing, processing, and distribution in commerce of aerospace vehicles manufactured before **January 8, 2024**, that contain decaBDE in any part. After the end of the aerospace vehicles service lives, all persons are prohibited from all manufacture, processing and distribution in commerce of decaBDE for use in replacement parts for aerospace vehicles, and the replacement parts to which decaBDE has been added for such vehicles.

(iv) After the end of the vehicles service lives or 2036, whichever is earlier, all persons are prohibited from all manufacture, processing and distribution in commerce of decaBDE for use in replacement parts for motor vehicles, and the replacement parts to which decaBDE has been added for such vehicles.

(v) After the end of the pallets' service life, all persons are prohibited from all distribution in commerce of plastic shipping pallets that contain decaBDE and were manufactured prior March 8, 2021.

(vi) After the end of the wire and cables’ service life, all persons are prohibited from all processing and distribution in commerce of decaBDE-containing wire and cable insulation for nuclear power generation facilities (including research and test reactors).

*~~(b)~~* ***~~Exclusions to the Prohibition.~~*** *~~Processing and distribution in commerce for recycling of decaBDE-containing plastic from products or articles and decaBDE-containing products or articles made from such recycled plastic, where no new decaBDE is added during the recycling or production processes is not subject to the prohibition in~~* [*~~paragraph (a)~~*](https://www.ecfr.gov/current/title-40/section-751.405#p-751.405(a)) *~~of this section.~~*

(b) ***Exclusions to the Prohibition.***Distribution in commerce and recycling of decaBDE-containing plastic from products or articles, and processing and distribution in commerce of decaBDE-containing products or articles made from such recycled plastic, where no new decaBDE is added during the recycling or production processes is not subject to the prohibition in paragraph (a) of this section.

(c) ***Recordkeeping.***

(1) After **March 8, 2021**, all persons who manufacture, process, or distribute in commerce decaBDE or decaBDE-containing products or articles must maintain ordinary business records, such as invoices and bills-of-lading related to compliance with the prohibitions, restrictions, and other provisions of this section.

*~~(i) These records must be maintained for a period of three years from the date the record is generated.~~*

(i) These records must be maintained for a period of five years from the date the record is generated.

(ii) These records must include a statement that the decaBDE or the decaBDE-containing products or articles are in compliance with 40 CFR 751.405(a).

*~~(iii) These records must be made available to EPA within 30 calendar days upon request.~~*

(iii) These records must be made available to EPA upon request.

(2) The recordkeeping requirements in paragraph (c)(1) do not apply to the activities described in paragraphs (a)(2)(v) and (b) of this section.

(d) ***Signage in Regulated Areas.***

1. *After* ***January 21, 2025****, all persons who process, including recycle, plastic shipping pallets that contain decaBDE must place signs at every entry point into the regulated area.*
2. *Each sign must show clearly, prominently, in multiple languages as appropriate, and in an easily readable font size the following text:*

*Decabromodiphenyl ether (decaBDE) (CASRN 1163-19-5), a chemical that has been identified as a persistent, bioaccumulative, and toxic (PBT) chemical by the U.S. Environmental Protection Agency, may be present in this regulated area. All persons in this regulated area who recycle existing plastic shipping pallets that contain decaBDE are required to wear personal protective equipment, including respiratory protection that is at least as protective as a NIOSH-approved N95 respirator with an assigned protection factor (APF) of 10 and dermal protection of gloves that are chemically resistant to decaBDE, per regulations at 40 CFR 751.405(e).*

(e) ***Workplace protection.***

(1) *Applicability.* After **January 21, 2025***,* the provisions of paragraph (e) of this section apply to any workplaces engaged in manufacturing and processing of decaBDE and decaBDE-containing products and articles, except for those identified in paragraph (e)(6) of this section.

(2) ***Regulated areas.*** Owners or operators must establish and maintain regulated areas as defined in 40 CFR 751.403.

(i) The owner or operator must limit access to regulated areas to authorized persons.

(ii) The owner or operator must demarcate regulated areas from the rest of the workplace in a manner that adequately establishes and alerts persons to the boundaries of the regulated area and minimizes the number of authorized persons exposed to decaBDE within the regulated area.

(iii) The owner or operator must ensure that each potentially exposed person is provided with a respirator according to the requirements of paragraph (e) of this section and must ensure that all potentially exposed persons within the regulated area are using the provided respirators whenever exposures to airborne concentrations of decaBDE can reasonably be expected.

(iv) The owner or operator must ensure that while persons are wearing respirators in the regulated area, they do not engage in activities which interfere with respirator seal or performance.

(v) The owner or operator must ensure that, within a regulated area, persons do not engage in non-work activities that may increase exposure to decaBDE.

(3) ***Respiratory protection*.** The owner or operator must provide respiratory protection to all potentially exposed persons in the regulated area as demarcated in accordance with paragraph (e)(2) of this section, and according to the provisions outlined in 29 CFR 1910.134(b), (c)(1), (c)(3) and (4), (d)(1)(iv), (f), and (g) through (l) and, as specified in this paragraph for potentially exposed persons to decaBDE during expected time of use.

(i) For purposes of this paragraph (f)(3), cross-referenced provisions in 29 CFR 1910.134 applying to an “employee” apply equally to potentially exposed persons and cross-referenced provisions applying to an “employer” also apply equally to owners or operators. Other terms in cross-referenced provisions in 29 CFR 1910.134 that are defined in 29 CFR 1910.134(b) have the meaning assigned to them in that paragraph.

(ii) Owners and operators must develop and administer a written respiratory protection program consistent with the requirements of 29 CFR 1910.134(c)(1), (c)(3) and (c)(4).

(iii) Owners and operators must select respiratory protection that properly fits each affected person and communicate respirator selections to each affected person consistent with the requirements of 29 CFR 1910.134(f).

(iv) Owners and operators must provide, ensure use of, and maintain (in a sanitary, reliable, and undamaged condition) respiratory protection that is of safe design and construction for the applicable condition of use consistent with the requirements of 29 CFR 1910.134(g) through (j).

(v) Prior to or at the time of initial assignment to a job involving potential exposure to decaBDE, owners and operators must provide training to all persons required to use respiratory protection consistent with 29 CFR 1910.134(k).

(vi) Owners and operators must retrain all persons required to use PPE at least annually, or whenever the owner or operator has reason to believe that a previously trained person does not have the required understanding and skill to properly use PPE, or when changes in the workplace or in PPE to be used render the previous training obsolete.

(vii) The type of respiratory protection that the owners or operator must select and provide to potentially exposed persons must be at least as protective as a NIOSH-approved N95 respirator (APF 10).

(viii) Owners and operators must select and provide respirators as required in paragraph (e)(3) of this section consistent with the requirements of 29 CFR 1910.134(d)(1)(iv), and with consideration of workplace and user factors that affect respirator performance and reliability.

(ix) Owners and operators must ensure that respirators are used in compliance with the terms of the respirator’s NIOSH certification.

(x) Owners and operators must conduct regular evaluations of the workplace, including consultations with potentially exposed persons using respiratory protection, consistent with the requirements of 29 CFR 1910.134(l), to ensure that the provisions of the written respiratory protection program required under paragraph (e)(3) of this section are being effectively implemented.

(xi) The respiratory protection requirements in this paragraph represent the minimum respiratory protection requirements, such that any respirator affording a higher degree of protection than the required respirator may be used.

(4) ***Dermal protection.***

(i) Owners or operators must require the donning of gloves that are chemically resistant to decaBDE with activity-specific training where dermal contact with decaBDE is reasonably expected. Owners or operators must minimize and protect potentially exposed persons from dermal exposure in accordance with 29 CFR 1910.132.

(ii) Owners or operators must supply and require the donning of dermal PPE that separates and provides a barrier to prevent direct dermal contact with decaBDE in the specific work area where it is selected for use, selected in accordance with this paragraph and provided in accordance with 29 CFR 1910.132(h), to each person who is reasonably likely to be dermally exposed in the work area through direct dermal contact with decaBDE. For the purposes of this subsection, provisions in 29 CFR 1910.132(h) applying to an “employee” also apply equally to potentially exposed persons, and provisions applying to an “employer” also apply equally to owners or operators.

(iii) Dermal PPE that is of safe design and construction for the work to be performed must be provided, used, and maintained in a sanitary, reliable, and undamaged condition. Owners and operators must select PPE that properly fits each affected person and communicate PPE selections to each affected person.

(iv) Owners or operators must provide training in accordance with 29 CFR 1910.132(f) to all persons required to use dermal protection prior to or at the time of initial assignment to a job involving exposure to decaBDE. For the purposes of this subsection, provisions in 29 CFR 1910.132(f) applying to an “employee” also apply equally to potentially exposed persons, and provisions applying to an “employer” also apply equally to owners or operators.

(v) Owners and operators must retrain each person required to use dermal protection at least annually or whenever the owner or operator has reason to believe that a previously trained person does not have the required understanding and skill to properly use dermal protection, or when changes in the workplace or in dermal protection to be used render the previous training obsolete.

(5) ***Workplace protection records*.**

(i) The owner or operator of workplaces engaged in the manufacturing and processing of decaBDE and decaBDE-containing products and articles, except for those identified in paragraph (e)(6) of this section, must retain records of:

(A) The name, workplace address, work shift, job classification, and work area of each person reasonably likely to directly handle decaBDE or handle equipment or materials on which decaBDE may be present;

(B) The basis for the regulated area as defined in 751.403, including monitoring data and documentation of any controls or combination of controls that have reduced exposure to where airborne concentrations of decaBDE can no longer reasonably be expected resulting in a smaller or no regulated area being established;

(C) The type of PPE selected by the owner or operator for use by each of these persons, the respiratory protection used by each potentially exposed person, and PPE program implementation, including fit-testing and training;

(D) The basis for the PPE selection (e.g., demonstration based on permeation testing or manufacturer specifications that each item of PPE selected provides an impervious barrier to prevent exposure during expected duration and conditions of exposure, including the likely combinations of chemical substances to which the PPE may be exposed in the work area); and

(E) Appropriately sized PPE and training on proper application, wear, and removal of PPE, and proper care/disposal of PPE.

(ii) These records must be maintained for a period of five years from the date the record is generated.

(iii) These records must be made available to EPA upon request.

(iv) The owner or operator must provide potentially exposed persons and their designate representative an opportunity to observe records related to the basis of the PPE or another control measure selection, including potential monitoring results that are representative of the potentially exposed person’s exposure.

(6) ***Exclusions*.** The following are not subject to the workplace protection requirements of paragraph (e) of this section:

(i) Import of decaBDE and decaBDE-containing products and articles.

(ii) Recycling of decaBDE-containing plastic from products or articles and decaBDE-containing products or articles made from such recycled plastic, where no new decaBDE is added during the recycling or production processes, except for those articles identified in paragraph (a)(2)(v).

(iii) Processing addressed in paragraph (a)(2)(vi) of decaBDE-containing wire and cable insulation for use in nuclear power generation facilities.

(iv) Processing of new and replacement parts to which decaBDE has been added for motor and aerospace vehicles, and the motor and aerospace vehicles that contain new and replacement parts to which decaBDE has been added.

(f) ***Export notification for decaBDE-containing products and articles.***All persons intending to export decaBDE-containing wire and cable for nuclear power generation facilities (including test and research reactors) are required to notify EPA under TSCA section 12(b) and the provisions of subpart D of 40 CFR part 707. The exemption at 40 CFR 707.60(b) does not apply to decaBDE-containing wire and cable for nuclear power generation facilities.

(g) ***Prohibition on releases to water.***After **January 21,2025**, all persons are prohibited from releasing decaBDE to water during manufacturing, processing, and distribution in commerce of decaBDE and decaBDE-containing products, and such persons are required to follow any applicable regulations for preventing the release of decaBDE.

**§ 751.407 PIP (3:1).**

(a) ***Prohibitions*** —

*~~(1)~~* ***~~General.~~*** *~~Except as provided in~~* [*~~paragraphs (a)(2)~~*](https://www.ecfr.gov/current/title-40/section-751.407#p-751.407(a)(2)) *~~and~~* [*~~(b)~~*](https://www.ecfr.gov/current/title-40/section-751.407#p-751.407(b)) *~~of this section, all persons are prohibited from all processing and distributing in commerce of PIP (3:1), including in PIP (3:1)-containing products or articles after March 8, 2021.~~*

(1) ***General prohibition on processing and distribution in commerce*.** Except as provided in paragraphs (a)(2) and (b) of this section, all persons are prohibited from all processing and distributing in commerce of PIP (3:1), including in PIP (3:1)-containing products or articles after **March 8, 2021**. Except as provided in paragraphs (a)(2) and (b) of this section, the prohibitions and restrictions of this subpart do not apply to products or articles containing PIP (3:1) at concentrations less than 0.1 percent by weight, if the PIP (3:1) was not intentionally added to the product or article.

*~~(2) Phase-in Prohibitions for Specific uses of PIP (3:1) and PIP (3:1)-containing products and articles.~~*

(2) ***Phase-in prohibitions for specific uses of PIP (3:1) and PIP (3:1)-containing products and articles.***Except for the activities described in paragraph (b) of this section or where another phase-in prohibition with longer-term deadlines exists as described in the subparagraphs in this section:

(i) After **January 6, 2025**, all persons are prohibited from all processing and distributing in commerce of PIP (3:1) for use in adhesives and sealants, PIP (3:1)-containing products for use in adhesives and sealants, and PIP (3:1)-containing adhesives and sealants.

(ii) After **January 1, 2022**, all persons are prohibited from all processing and distributing in commerce of PIP (3:1) for use in photographic printing articles and PIP (3:1)-containing photographic printing articles.

*~~(iii) After October 31, 2024, except as provided in~~* [*~~paragraphs (a)(2)(ii)~~*](https://www.ecfr.gov/current/title-40/section-751.407#p-751.407(a)(2)(ii)) *~~and~~* [*~~(b)~~*](https://www.ecfr.gov/current/title-40/section-751.407#p-751.407(a)(2)(b)) *~~of this section, all persons are prohibited from all processing and distribution in commerce of PIP (3:1) for use in articles and PIP (3:1)-containing articles.~~*

(iii) After **October 31, 2024**, all persons are prohibited from all processing and distribution of PIP (3:1) for use in articles and all processing of PIP (3:1)-containing articles. After October 31, 2026, all persons are prohibited from distribution in commerce of PIP (3:1)-containing articles.

(iv) After **November 21, 2039***,* all persons are prohibited from all processing and distribution in commerce of PIP (3:1) and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in lubricants and greases and PIP (3:1)-containing lubricants and grease.

(v) After **November 21, 2039**, all persons are prohibited from all processing and distribution in commerce of PIP (3:1) for use in parts for new motor vehicles, including heavy motorized machinery, and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in parts for new motor vehicles, including heavy motorized machinery, and manufacturing and processing of PIP (3:1)-containing parts for such new vehicles.

(vi) After **November 19, 2054**, all persons are prohibited from all processing and distribution in commerce of PIP (3:1) and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in replacement parts for motor vehicles, including heavy motorized machinery, and manufacturing and processing of PIP (3:1)-containing replacement parts for such vehicles.

(vii) After **November 21, 2054**, all persons are prohibited from all processing and distribution in commerce of PIP (3:1) and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in parts for new aerospace vehicles, and manufacturing and processing of PIP (3:1)-containing parts for such vehicles.

(viii) After the end of the aerospace vehicles service lives, all persons are prohibited from all processing and distribution in commerce of PIP (3:1) and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in replacement parts for aerospace vehicles and manufacturing and processing of PIP (3:1)-containing replacement parts for such vehicles.

(ix) After **November 21, 2029**, all persons are prohibited from processing and distribution in commerce of PIP (3:1) and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in marine antifouling coating products that are registered under the Federal, Insecticide, Fungicide, Rodenticide Act and that meet U.S. Department of Defense specification requirements.

(x) After **November 20, 2034**, all persons are prohibited from processing, and distribution in commerce of PIP (3:1) and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in parts for new manufacturing equipment, including in the semiconductor industry, for new heating, ventilation, air-conditioning, refrigeration, and water-heating equipment, new power generating equipment, new laboratory equipment, new commercial electronic equipment, and the manufacturing and processing of PIP (3:1)-containing parts for those equipment.

(xi) After the end of the manufacturing and laboratory equipment service lives, all persons are prohibited from processing and distribution in commerce of PIP (3:1) and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in replacement parts and manufacturing and processing of PIP (3:1)-containing replacement parts for manufacturing equipment and laboratory equipment, respectively.

After **November 21, 2049**,all persons are prohibited from processing and distribution in commerce of PIP (3:1) and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in replacement parts and manufacturing and processing of PIP (3:1)-containing replacement parts for heating, ventilation, air-conditioning, refrigeration, and water-heating equipment, for power generating equipment, and for commercial electronic equipment.

After **November 21, 2031**,all persons are prohibited from processing and distribution in commerce of PIP (3:1) and manufacturing, processing, and distribution in commerce of PIP (3:1)-containing products for use in replacement parts and manufacturing and processing of PIP (3:1)-containing replacement parts for consumer electronic equipment.

(b) ***Exclusions.*** The following activities are not subject to the prohibitions in paragraph (a) of this section.

(1) Processing and distribution in commerce of:

(i) PIP (3:1) for use in hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements, PIP (3:1)-containing products for use in such hydraulic fluids, and PIP (3:1)-containing hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements.

*~~(ii) PIP (3:1) for use in lubricants and greases, PIP (3:1) containing products for use in lubricants and greases, and PIP (3:1)-containing lubricants and greases.~~*

(ii) PIP (3:1) for use in lubricants and greases for aerospace use and turbine engines, PIP (3:1)-containing products for use in lubricants and greases for aerospace use and turbine engines, and PIP (3:1)-containing lubricants and greases for aerospace use and turbine engines;

*~~(iii) PIP (3:1) and PIP (3:1)-containing products for use in new and replacement parts for motor and aerospace vehicles, the new and replacement parts to which PIP (3:1) has been added for such vehicles, and the motor and aerospace vehicles that contain new and replacement parts to which PIP (3:1) has been added;~~*

(iii) PIP (3:1) and PIP (3:1)-containing products for use in circuit boards and wire harnesses, including but not limited to terminal and fuse covers, cable sleeves, casings, connectors and tapes, and PIP (3:1)-containing circuit boards and wire harnesses including but not limited to terminal and fuse covers, cable sleeves, casings, connectors and tapes;

(iv) PIP (3:1) and PIP (3:1)-containing products for use as an intermediate in a closed system to produce cyanoacrylate adhesives;

(v) PIP (3:1) for use in specialized engine air filters for locomotive and marine applications, PIP (3:1) containing products for use in specialized engine air filters for locomotive and marine applications, and PIP (3:1)-containing specialized engine air filters for locomotive and marine applications;

(vi) Plastic for recycling from products or articles containing PIP (3:1), where no new PIP (3:1) is added during the recycling process; and

*~~(vii) Finished products or articles made of plastic recycled from products or articles containing PIP (3:1), where no new PIP (3:1) was added during the production of the products or articles made of recycled plastic.~~*

(vii) Finished products or articles made of plastic recycled or reused from products or articles containing PIP (3:1), where no new PIP (3:1) was added during the production of the products or articles made of recycled plastic.

(viii) Articles that contain PIP (3:1), and where PIP (3:1) has not been newly added, for the purpose of repair or maintenance.

*~~(2) [Reserved]~~*

(2) Distribution in commerce of:

(i) PIP (3:1)-containing parts for vehicles meeting the requirements in paragraphs (a)(2)(v) through (viii), for equipment meeting requirements in paragraphs (a)(2)(x) through (xi), and the vehicles and equipment that contain such parts.

(ii) [Reserved]

(c) ***Prohibition on releases to water.*** After **March 8, 2021**, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing and distribution in commerce of PIP (3:1) and PIP (3:1) containing products, and all persons are required to follow all applicable regulations and best management practices for preventing the release of PIP (3:1) and PIP (3:1)-containing products to water during commercial use.

(d) ***Recordkeeping.***

*~~(1) After March 8, 2021, persons who manufacture, process, or distribute in commerce PIP (3:1) or PIP (3:1)-containing products or articles must maintain ordinary business records, such as invoices and bills-of-lading, related to compliance with the prohibitions, restrictions, and other provisions of this section. These records must be maintained for a period of three years from the date the record is generated.~~*

(1) After **March 8, 2021**, Persons who manufacture, process, or distribute in commerce PIP (3:1) or PIP (3:1)-containing products or articles must maintain ordinary business records, such as invoices and bills-of-lading, related to compliance with the prohibitions, restrictions, and other provisions of this section. These records must be maintained for a period of five years from the date the record is generated.

(2) These records must include a statement that the PIP (3:1), or the PIP (3:1)-containing products or articles, are in compliance with 40 CFR 751.407(a).

*~~(3) These records must be made available to EPA within 30 calendar days upon request.~~*

(3) These records must be made available to EPA upon request.

(4) The recordkeeping requirements in paragraph (d) of this section do not apply to the activities described in paragraphs (b)(1)(vi) and (vii) of this section. The recordkeeping requirements in paragraph (d) of this section also do not apply to PIP (3:1)-containing articles until **October 31, 2024**.

(e) ***Downstream notification.***

(1) Each person who manufactures PIP (3:1) for any use after **March 8, 2021**, must, prior to or concurrent with the shipment, notify persons to whom PIP (3:1) is shipped, in writing, of the restrictions described in this subpart.

(2) Each person who processes or distributes in commerce PIP (3:1) or PIP (3:1)-containing products for any use after **July 6, 2021**, must, prior to or concurrent with the shipment, notify persons to whom PIP (3:1) is shipped, in writing, of the restrictions described in this subpart.

*~~(3) Notification must occur by inserting the text in paragraphs (e)(3)(i) and (e)(3)(ii) in the Safety Data Sheet (SDS) or by including on the label of any PIP (3:1) or PIP (3:1)-containing product the label language in paragraph (e)(3)(iii):~~*

(3) Downstream notification must occur by inserting the text in paragraphs (e)(3)(i) and (e)(3)(ii) in the Safety Data Sheet (SDS) by **February 19, 2025**,or by including on the label of any PIP (3:1) or PIP (3:1)-containing product by **May 19, 2026**, the label language in paragraph (e)(3)(iii):

*~~(i)~~* ***~~SDS Section 1(c)~~****~~. “The Environmental Protection Agency prohibits processing and distribution of this chemical/product for any use other than: (1) In hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements, (2) lubricants and greases, (3) New or replacement parts for motor and aerospace vehicles, (4) as an intermediate in the manufacture of cyanoacrylate glue, (5) In specialized engine air filters for locomotive and marine applications, (6) In adhesives and sealants before January 6, 2025, after which use in adhesives and sealants is prohibited, and (7) in other articles before October 31, 2024, after which use in articles other than new or replacement parts for motor and aerospace vehicles or specialized engine air filters for locomotive and marine applications is prohibited. In addition, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing, and distribution in commerce, and must follow all existing regulations and best practices to prevent the release of PIP (3:1) to water during the commercial use of PIP (3:1).”; and~~*

(i) ***SDS Section 1(c).***
The Environmental Protection Agency prohibits processing and distribution of this chemical/product for any use other than:
(1) In hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements,
(2) In lubricants and greases for aerospace and turbine uses and, for all other lubricant and grease uses before **November 21, 2039**,
(3) circuit boards and wire harnesses, including but not limited to terminal and fuse covers, cable sleeves, casings, connectors and tapes,
(4) As an intermediate in the manufacture of cyanoacrylate glue,
(5) In specialized engine air filters for locomotive and marine applications,
(6) In adhesives and sealants before **January 6, 2025**, after which use in adhesives and sealants is prohibited, (7) In new parts for motor vehicles before **November 21, 2039**,and replacement parts for motor vehicles before **November 19, 2054**,
(8) In new parts for aerospace vehicles before **November 19, 2054**,and replacement parts for aerospace vehicles after the end of the aerospace vehicles service lives,
(9) In marine antifouling coating products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act and that meet U.S. Department of Defense specification requirements before **November 19, 2029**,
(10) In new manufacturing equipment, new products or articles in the semiconductor industry, for new heating, ventilation, air-conditioning, refrigeration, and water-heating equipment, new power generating equipment, new laboratory equipment, new commercial electronic equipment, and new consumer electronic equipment before **November 20, 2034**,(11) replacement parts for manufacturing and laboratory equipment after the end of the equipment’s service life,
(12) replacement parts for heating, ventilation, air-conditioning, refrigeration, and water-heating equipment, for power generating equipment, and for commercial electronic equipment before **November 19, 2049**,(13) replacement parts for consumer electronic equipment before **November 19, 2031**,(14) in other articles before **October 31, 2024**, after which use in articles other than those with later phase-in prohibition dates or exclusions is prohibited. In addition, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing, and distribution in commerce, and must follow all existing regulations and best practices to prevent the release of PIP (3:1) to water during the commercial use of PIP (3:1).

*~~(ii)~~* ***~~SDS Section 15~~****~~. “The Environmental Protection Agency prohibits processing and distribution of this chemical/product for any use other than: (1) In hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements, (2) lubricants and greases, (3) new or replacement parts for motor and aerospace vehicles, (4) as an intermediate in the manufacture of cyanoacrylate glue, (5) In specialized engine air filters for locomotive and marine applications, (6) in adhesives and sealants before January 6, 2025, after which use in adhesives and sealants is prohibited, and (7) in other articles before October 31, 2024, after which use in articles other than new or replacement parts for motor and aerospace vehicles or specialized engine air filters for locomotive and marine applications is prohibited. In addition, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing, and distribution in commerce, and must follow all existing regulations and best practices to prevent the release of PIP (3:1) to water during the commercial use of PIP (3:1).”; or~~*

**(ii) *SDS Section 15.***The Environmental Protection Agency prohibits processing and distribution of this chemical/product for any use other than:
(1) In hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements,
(2) In lubricants and greases for aerospace and turbine uses and lubricants and, for all other lubricant and grease uses before **November 21, 2039**,
(3) circuit boards and wire harnesses, including but not limited to terminal and fuse covers, cable sleeves, casings, connectors and tapes,
(4) As an intermediate in the manufacture of cyanoacrylate glue,
(5) In specialized engine air filters for locomotive and marine applications,
(6) In adhesives and sealants before **January 6, 2025**, after which use in adhesives and sealants is prohibited, (7) In new parts for motor vehicles before **November 21, 2039**,and replacement parts for motor vehicles before **November 19, 2054**,
(8) In new parts for aerospace vehicles before **November 19, 2054**,and replacement parts for aerospace vehicles after the end of the aerospace vehicles service lives,
(9) In marine antifouling coating products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act and that meet U.S. Department of Defense specification requirements before **November 19, 2029**,
(10) In new manufacturing equipment, new products or articles in the semiconductor industry, for new heating, ventilation, air-conditioning, refrigeration, and water-heating equipment, new power generating equipment, new laboratory equipment, new commercial electronic equipment, and new consumer electronic equipment before **November 20, 2034**,
(11) replacement parts for manufacturing and laboratory equipment after the end of the equipment’s service life,
(12) replacement parts for heating, ventilation, air-conditioning, refrigeration, and water-heating equipment, for power generating equipment, and for commercial electronic equipment before **November 19, 2049**,
(13) replacement parts for consumer electronic equipment before **November 19, 2031**,
(14) in other articles before **October 31, 2024**, after which use in articles other than those with later phase-in prohibition dates or exclusions is prohibited. In addition, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing, and distribution in commerce, and must follow all existing regulations and best practices to prevent the release of PIP (3:1) to water during the commercial use of PIP (3:1).

*~~(iii) Labeling. “The Environmental Protection Agency prohibits processing and distribution of this chemical/product for any use other than: (1) In hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements, (2) lubricants and greases, (3) new or replacement parts for motor and aerospace vehicles, (4) as an intermediate in the manufacture of cyanoacrylate glue, (5) In specialized engine air filters for locomotive and marine applications, (6) In adhesives and sealants before January 6, 2025, after which use in adhesives and sealants is prohibited, and (7) in other articles before October 31, 2024, after which use in articles other than new or replacement parts for motor and aerospace vehicles or specialized engine air filters for locomotive and marine applications is prohibited. In addition, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing, and distribution in commerce, and must follow all existing regulations and best practices to prevent the release of PIP (3:1) to water during the commercial use of PIP (3:1).”~~*

**(iii) *Labeling.***The Environmental Protection Agency prohibits processing and distribution of this chemical/product for any use other than:
(1) In hydraulic fluids either for the aviation industry or to meet military specifications for safety and performance where no alternative chemical is available that meets U.S. Department of Defense specification requirements,
(2) In lubricants and greases for aerospace and turbine uses and, for all other lubricant and grease uses before **November 21, 2039**,
(3) circuit boards and wire harnesses, including but not limited to terminal and fuse covers, cable sleeves, casings, connectors and tapes,
(4) As an intermediate in the manufacture of cyanoacrylate glue,
(5) In specialized engine air filters for locomotive and marine applications,
(6) In adhesives and sealants before **January 6, 2025**, after which use in adhesives and sealants is prohibited, (7) In new parts for motor vehicles before **November 21, 2039**,and replacement parts for motor vehicles before November 19, 2054,
(8) In new parts for aerospace vehicles before **November 19, 2054**,and replacement parts for aerospace vehicles after the end of the aerospace vehicles service lives,
(9) In marine antifouling coating products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act and that meet U.S. Department of Defense specification requirements before **November 19, 2029**,
(10) In new manufacturing equipment, new products or articles in the semiconductor industry, for new heating, ventilation, air-conditioning, refrigeration, and water-heating equipment, new power generating equipment, new laboratory equipment, new commercial electronic equipment, and new consumer electronic equipment before **November 20, 2034**,
(11) replacement parts for manufacturing and laboratory equipment after the end of the equipment’s service life,
(12) replacement parts for heating, ventilation, air-conditioning, refrigeration, and water-heating equipment, for power generating equipment, and for commercial electronic equipment before **November 19, 2049**,
(13) replacement parts for consumer electronic equipment before **November 19, 2031**,
(14) in other articles before **October 31, 2024**, after which use in articles other than those with later phase-in prohibition dates or exclusions is prohibited. In addition, all persons are prohibited from releasing PIP (3:1) to water during manufacturing, processing, and distribution in commerce, and must follow all existing regulations and best practices to prevent the release of PIP (3:1) to water during the commercial use of PIP (3:1).

*~~(4) The downstream notification requirements in this~~* [*~~paragraph (e)~~*](https://www.ecfr.gov/current/title-40/section-751.407#p-751.407(e)) *~~do not apply to the activities described in~~* [*~~paragraphs (b)(1)(vi)~~*](https://www.ecfr.gov/current/title-40/section-751.407#p-751.407(b)(1)(vi)) *~~and~~* [*~~(vii)~~*](https://www.ecfr.gov/current/title-40/section-751.407#p-751.407(b)(1)(vii)) *~~of this section.~~*

(4) Any downstream notification that occurs under paragraph (e) between **February 19,2025**and **May 19, 2026**, must include a safety data sheet with the language in paragraphs (e)(3)(i) and (ii) of this section unless distributing products with labels reflecting the language in paragraph (e)(3)(iii) of this section.

(5) The downstream notification requirements in paragraph (e) of this section do not apply to the activities described in paragraphs (b)(1)(vi) and (vii) of this section.

(f) ***Workplace protection.***

(1) *Applicability.* After **January 21, 2025***,* the provisions of paragraph (f) apply to workplaces engaged in the manufacturing and processing of PIP (3:1) and PIP (3:1)-containing products and articles, except for those identified in paragraph (f)(7).

(2) ***Regulated areas.*** Owners or operators must establish and maintain regulated areas as defined in 40 CFR 751.403.

(i) The owner or operator must limit access to regulated areas to authorized persons.

(ii) The owner or operator must demarcate regulated areas from the rest of the workplace in a manner that adequately establishes and alerts persons to the boundaries of the regulated area and minimizes the number of authorized persons exposed to PIP (3:1) within the regulated area.

(iii) The owner or operator must ensure each potentially exposed person is provided with a respirator according to the requirements of paragraph (f) of this section and must ensure that all potentially exposed persons within the regulated area are using the provided respirators whenever exposures to airborne concentrations of PIP (3:1) can reasonably be expected.

(iv) The owner or operator must ensure that while persons are wearing respirators in the regulated area, they do not engage in activities which interfere with respirator seal or performance.

(v) The owner or operator must ensure that, within a regulated area, persons do not engage in non-work activities that may increase exposure to PIP (3:1).

(3) ***Respiratory protection*.** The owner or operator must provide respiratory protection to all potentially exposed persons in the regulated area as demarcated in accordance with paragraph (f)(2) of this section, and according to the provisions outlined in 29 CFR 1910.134(b), (c)(1), (c)(3) and (4), (d)(1)(iv), (f), and (g) through (l) and as specified in this paragraph for potentially exposed persons to PIP (3:1) during expected time of use.

(i) For purposes of this paragraph (f)(3), cross-referenced provisions in 29 CFR 1910.134 applying to an “employee” apply equally to potentially exposed persons and cross-referenced provisions applying to an “employer” also apply equally to owners or operators. Other terms in cross-referenced provisions in 29 CFR 1910.134 that are defined in 29 CFR 1910.134(b) have the meaning assigned to them in that paragraph.

(ii) Owners and operators must develop and administer a written respiratory protection program consistent with the requirements of 29 CFR 1910.134(c)(1), (c)(3) and (c)(4).

(iii) Owners and operators must select respiratory protection that properly fits each affected person and communicate respirator selections to each affected person consistent with the requirements of 29 CFR 1910.134(f).

(iv) Owners and operators must provide, ensure use of, and maintain (in a sanitary, reliable, and undamaged condition) respiratory protection that is of safe design and construction for the applicable condition of use consistent with the requirements of 29 CFR 1910.134(g) through (j).

(v) Prior to or at the time of initial assignment to a job involving potential exposure to PIP (3:1) owners and operators must provide training to all persons required to use respiratory protection consistent with 29 CFR 1910.134(k).

(vi) Owners and operators must retrain all persons required to use PPE at least annually, or whenever the owner or operator has reason to believe that a previously trained person does not have the required understanding and skill to properly use PPE, or when changes in the workplace or in PPE to be used render the previous training obsolete.

(vii) The type of respiratory protection that the owner or operator must select and provide to potentially exposed persons must be at least as protective as a NIOSH-approved APF 10 air-purifying half mask respirator except for those uses identified in paragraph (f)(3)(viii) and (ix) of this section.

(viii) The type of respiratory protection that owners or operators must select and provide to potentially exposed persons must be at least as protective as a NIOSH-approved N95 respirator (APF 10) for the manufacturing and processing of PIP (3:1), and PIP (3:1)-containing products for use in new and replacement parts for motor vehicles, including heavy machinery, and aerospace vehicles.

(ix) The type of respiratory protection that owners or operators must select and provide to potentially exposed persons must be at least as protective as a NIOSH-approved APF 50 purifying respirator for use as an intermediate to produce cyanoacrylate adhesives when PIP (3:1) and PIP (3:1)-containing products are not contained in a closed system (i.e., except as described in paragraph (f)(7)(iii) of this section).

(x) Owners and operators must select and provide respirators as required in paragraph (f)(3) of this section consistent with the requirements of 29 CFR 1910.134(d)(1)(iv), and with consideration of workplace and user factors that affect respirator performance and reliability.

(xi) Owners and operators must ensure that respirators are used in compliance with the terms of the respirator’s NIOSH certification.

(xii) Owners and operators must conduct regular evaluations of the workplace, including consultations with potentially exposed persons using respiratory protection, consistent with the requirements of 29 CFR 1910.134(l), to ensure that the provisions of the written respiratory protection program required under paragraph (f)(3) of this section are being effectively implemented.

(xiii) The respiratory protection requirements in this paragraph represent the minimum respiratory protection requirements, such that any respirator affording a higher degree of protection than the required respirator may be used.

(4) *Dermal protection*.

(i) Owners or operators must require the donning of gloves that are chemically resistant to PIP (3:1) with activity-specific training where dermal contact with PIP (3:1) is reasonably expected. Owners or operators must minimize and protect potentially exposed persons from dermal exposure in accordance with 29 CFR 1910.132.

(ii) Owners or operators must supply and require the donning of dermal PPE that separates and provides a barrier to prevent direct dermal contact with PIP (3:1)in the specific work area where it is selected for use, selected in accordance with this paragraph and provided in accordance with 29 CFR 1910.132(h), to each person who is reasonably likely to be dermally exposed in the work area through direct dermal contact with PIP (3:1) For the purposes of this subsection, provisions in 29 CFR 1910.132(h) applying to an “employee” also apply equally to potentially exposed persons, and provisions applying to an “employer” also apply equally to owners or operators.

(iii) Dermal PPE that is of safe design and construction for the work to be performed must be provided, used, and maintained in a sanitary, reliable, and undamaged condition. Owners and operators must select PPE that properly fits each affected person and communicate PPE selections to each affected person.

(iv) Owners or operators must provide training in accordance with 29 CFR 1910.132(f) to all persons required to use dermal protection prior to or at the time of initial assignment to a job involving exposure to PIP (3:1). For the purposes of this subsection, provisions in 29 CFR 1910.132(f) applying to an “employee” also apply equally to potentially exposed persons, and provisions applying to an “employer” also apply equally to owners or operators.

(v) Owners and operators must retrain each person required to use dermal protection at least annually or whenever the owner or operator has reason to believe that a previously trained person does not have the required understanding and skill to properly use dermal protection, or when changes in the workplace or in dermal protection to be used render the previous training obsolete.

(5) ***Engineering controls.*** Owners or operators manufacturing cyanoacrylate adhesives using PIP (3:1) as an intermediate processing aid must use the following engineering controls:

(i) Must take place in a closed loop system, and

(ii) General and local exhaust ventilation must be provided.

(6) ***Workplace protection records.***

(i) Owners or operators subject to requirements described in this section must retain records of:

(A) The name, workplace address, work shift, job classification, and work area of each person reasonably likely to directly handle PIP (3:1) or handle equipment or materials on which PIP (3:1) may be present, and the type of PPE selected to be worn by each of these persons;

(B) The basis for the regulated area as defined in 751.403, including monitoring data and documentation of any controls or combination of controls that have reduced exposure to where airborne concentrations of PIP (3:1) can no longer reasonably be expected resulting in a smaller or no regulated area being established;

(C) The type of PPE selected by the owner or operator for use by each of these persons, the respiratory protection used by each potentially exposed person and PPE program implementation, including fit-testing and training;

(D) The basis for PPE selection (e.g., demonstration based on permeation testing or manufacturer specifications that each item of PPE selected provides an impervious barrier to prevent exposure during expected duration and conditions of exposure, including the likely combinations of chemical substances to which the PPE may be exposed in the work area);

(E) Appropriately sized PPE and training on proper application, wear, and removal of PPE, and proper care/disposal of PPE; and

(F) For owners and operators using PIP (3:1) as an intermediate processing aid in the manufacturing of cyanoacrylate adhesives, compliance with paragraph (f)(5) of this subsection.

(ii) These records must be maintained for a period of five years from the date the record is generated.

(iii) These records must be made available to EPA upon request.

(iv) The owner or operator must provide potentially exposed persons and their designated representative an opportunity to observe records related to the basis of the PPE or another control measure selection, including potential monitoring results that is representative of the potentially exposed person’s exposure.

(7) ***Exclusions.*** The following are not subject to the workplace protection requirements of paragraph (f) of this section:

(i) Import of PIP (3:1) and PIP (3:1)-containing products and articles.

(ii) Processing of PIP (3:1) containing adhesives and sealants, specialized engine filters for locomotive and marine applications, and the products or articles described in paragraph (b)(1)(vi) and (vii) of this section.

(iii) Processing of PIP (3:1)-containing new and replacement parts to which PIP (3:1) has been added for motor and aerospace vehicles and for manufacturing, HVAC, refrigeration and water heating equipment, electric and electronic equipment, and power generating equipment and the motor and aerospace vehicles, manufacturing, HVAC, refrigeration and water heating equipment, electric and electronic equipment, and power generating equipment that contain new and replacement parts to which PIP (3:1) has been added.

(iv) Processing of PIP (3:1) and PIP (3:1)-containing products for use as an intermediate to produce cyanoacrylate adhesives when PIP (3:1) and PIP (3:1)-containing products are contained in a closed system as described in paragraph (f)(6) of this section are not subject to the provisions of paragraphs (f)(3) and (4) of this section.