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Compliance Monitoring

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Toxic Substances Control Act Compliance Monitoring

EPA works with its federal and state regulatory partners to assure compliance with toxic substances laws and regulations in order to protect human health and the environment. The major federal law governing toxic substance is the [Toxic Substance Control Act \(TSCA\)](#).

EPA implements several different program areas, they include:

- [Core TSCA](#) - Core TSCA requires manufacturers to report studies and testing of specified new and existing chemicals.
- [Polychlorinated Biphenyls \(PCBs\)](#) - EPA and state inspectors inspect facilities which use, store or dispose PCBs to determine if the facility is properly handling, storing and disposing PCBs.
- [Asbestos](#) - EPA and state inspectors inspect local education agencies to determine compliance with the regulations by reviewing documents, inspecting schools and collecting physical evidence to document compliance or noncompliance.
- [Lead \(Pb\) Paint](#) - EPA and HUD partner to assure that notice is given to renters and home buyers regarding lead paint hazards.
- [TSCA State and Tribal Grant Program](#) - EPA awards cooperative grants to states to establish and operate compliance monitoring programs that prevent or eliminate unreasonable risks to human health or the environment associated with chemical substances .
- [Chemical Substance Import/Export Program](#) - EPA regulates import and export of toxic chemicals from the United States under the Toxic Substances Control Act (TSCA)
- [Good Laboratory Practices \(GLPs\)](#) - Assures the quality and integrity of test data submitted to the Agency under TSCA

TSCA Topics

- [Core TSCA](#)
- [Polychlorinated Biphenyls](#)
- [Asbestos](#)
- [Lead Paint](#)
- [TSCA STAG Program](#)
- [Chemical Substances Import/Export Program](#)
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<http://www.epa.gov/oecaerth/monitoring/programs/tsca/core.html>

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Core TSCA Compliance Monitoring

TSCA authorizes EPA to gather information on potential risks to human health and the environment for chemicals and mixtures which are manufactured (including import), distributed in commerce, processed, used or disposed. Generically known as "core" TSCA, Title I includes the major provisions listed below.

Complying with core TSCA is primarily the responsibility of persons who manufacture (including import), distribute in commerce, process, use or dispose of to know and meet their TSCA requirements. EPA monitors compliance with core TSCA

requirements through records review, other non-reporting sources and on-site inspections.

- If you manufacture, process, or import a new chemical or mixture you may be subject to Section 5 pre-manufacturing notices, that includes not just new chemicals but a significant new use of a chemical.
- If you manufacture, process or import an existing chemical or mixture, you may be subject to Section 8 reporting and record keeping requirements. A 'new' or 'existing' chemical may be determined if the chemical is listed on the TSCA Inventory.
- In addition, chemicals and mixtures that are manufactured, processed or imported may be subject to Section 4 test rules if there is a finding of unreasonable risk.
- If you importing and exporting chemical substances additional requirements apply.
- TSCA exempts certain chemicals or mixtures that are manufactured, processed or imported in small quantities or small quantities for purposes scientific experimentation or analysis.

TSCA Topics

- [Core TSCA](#)
- [Polychlorinated Biphenyls](#)
- [Asbestos](#)
- [Lead Paint](#)
- [TSCA STAG Program](#)
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Polychlorinated Biphenyls Compliance Monitoring

TSCA Topics

Polychlorinated Biphenyls (PCBs) are regulated under Section 6 of the Toxic Substances Control Act and related regulations found at 40 CFR Part 761. These requirements impact facilities that use, store or dispose PCBs and PCB items (e.g. articles, containers, equipment). The facilities must properly manage the PCBs through prescribed handling, marking, storage and disposal methods. In addition, the facility is required to clean-up any spills during use or storage promptly.

- Core TSCA
- Polychlorinated Biphenyls
- Asbestos
- Lead Paint
- TSCA STAG Program
- Chemical Substances Import/Export Program
- Good Laboratory Practices

EPA and state inspectors, through an EPA [cooperative grant](#), inspect facilities which use, store or dispose PCBs to determine if the facility is handling, storing, and disposing PCBs according to the regulations. The inspector reviews documents and inspects areas in the facility that contain PCBs and PCB Items. Inspectors observe and collect physical evidence necessary to document compliance or noncompliance.

- Information Resources

The [Polychlorinated Biphenyl \(PCB\) Inspection Manual](#) guides inspectors in conducting inspections to ensure compliance with regulations promulgated under section 6(e) of the Toxic Substances Control Act (TSCA) pertaining to polychlorinated biphenyls (PCBs).



<http://www.epa.gov/oecaerth/monitoring/programs/tsca/asbestos.html>

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Asbestos

Asbestos is regulated under Subchapter II (Asbestos Hazard Emergency Response) of the Toxic Substances Control Act and related regulations found at 40 CFR 763.

These requirements impact:

- local education agencies (LEAs)
 - public schools
 - religious schools
 - charter schools
 - and not-for-profit private schools
- contractors responsible for asbestos removal and development of school management plans
- laboratories that analyze asbestos and worker protection standards

TSCA Topics

- Core TSCA
- Polychlorinated Biphenyls
- Asbestos
- Lead Paint
- TSCA STAG Program
- Chemical Substances Import/Export Program
- Good Laboratory Practices

- Information Resources

The LEA is required to:

- identify a "designated" person who is responsible for the implementation of the Asbestos Hazard Emergency Response Act (AHERA) program
- create a management plan for each school which contains asbestos
- update the plan every three years
- train school custodial and maintenance staff
- visually inspect areas within the school with asbestos and asbestos-containing material every six months and note the condition
- notify school staff and parents at least once each year of any inspections, response actions, post-response actions including periodic reinspection and surveillance activities that are planned or in progress

Additional regulatory requirements includes training requirements for workers who handle asbestos materials in public and commercial buildings and worker protection requirements for state and local government employees not protected by OSHA. Also, several asbestos products are banned.

EPA and state regulators inspect the LEA to determine compliance with the regulations by reviewing documents, inspecting the school and collecting physical evidence to document compliance or noncompliance.

EPA has developed additional information on [asbestos in schools](#).



<http://www.epa.gov/oecaerth/monitoring/programs/tsca/leadpaint.html>

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Lead Paint

Enacted on October 28, 1992, the "Residential Lead-Based Paint Hazard Reduction Act of 1992" amended the Toxic Substances Control Act (TSCA) by adding Title IV- Lead Exposure Reduction (15 USC section 2681).

EPA and the Department of Housing and Urban Development (HUD) issued the [Lead-Based Paint Disclosure Rule](#) [EXIT Disclaimer] which requires the disclosure of known lead paint and lead-based paint hazards by persons selling or leasing a pre-1978 house. Specifically, the rule requires:

- Real estate agents/landlords/property managers/sellers to
 - provide the [EPA-approved lead pamphlet \(PDF\)](#) (673K, 17 pages, [About PDF](#)) [[en Español \(PDF\)](#) (679K, 8 pages, [About PDF](#))] to purchasers/renters
 - disclose known lead-based paint to potential purchasers/renters
- Sellers/landlords must include lead disclosure statements in the lease or sale agreement
- Sellers are required to provide 10-day opportunity for purchasers to conduct inspection or risk assessment

Section 402 of TSCA requires that:

- individuals engaged in lead hazard activities are properly trained by an accredited [training program](#)
- contractors are certified and conduct activities in accordance with established work practice standards

Section 406(b) of TSCA requires each person who performs (for compensation) [renovation and remodeling of target housing to provide a lead hazard information pamphlet \(PDF\)](#) (932K, 26 pages, [About PDF](#)) [[en Español \(PDF\)](#) (932K, 26 pages, [About PDF](#))] to the owner and occupant of such housing prior to commencing the renovation.

TSCA Topics

- Core TSCA
- Polychlorinated Biphenyls
- Asbestos
- Lead Paint
- TSCA STAG Program
- Chemical Substances Import/Export Program
- Good Laboratory Practices
- Information Resources



<http://www.epa.gov/oecaerth/state/grants/tsca.html>

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Compliance & Enforcement through State Government

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Toxic Substance Control Act State and Tribal Assistance Grant Program

The Toxic Substances Control Act (TSCA) State Tribal Assistance Grants (STAG) compliance monitoring program annually awards approximately 5.1 million dollars to establish and operate compliance monitoring programs in 38 authorized states, 2 territories and 5 tribes under TSCA to conduct inspections for compliance with:

- Polychlorinated Biphenyl (PCB) regulations
- asbestos-in-schools requirements
- lead-based paint regulations

State Grants Topics

- Multimedia STAG Program
- Federal Insecticide, Fungicide and Rodenticide Act STAG Program
- Toxic Substance Control Act STAG Program
- State Environmental Enforcement Training Grant (SEET) Program
- Information Resources

In addition to monitoring compliance, authorized states also undertake enforcement for lead, and if they have authorized asbestos programs.

In the asbestos program, states focus on Asbestos Hazard Emergency Response Act (based on identified non-compliance and risk), and the asbestos Model Accreditation Plan (MAP). States help reduce public exposure to asbestos hazards in indoor environments through compliance assistance, compliance monitoring and case development as applicable.

The PCB program is part of the Agency's Persistent Bio-accumulative Toxics program. Due to their persistence, PCBs in food and water present major environmental/public health problems.

In the lead-base paint program, authorized states conduct compliance and enforcement activities under sections 402 and 406 of TSCA. Section 402 requires that individuals engaged in lead hazard activities are properly trained, the training programs are accredited, and that contractors are certified and conduct those activities in accordance with established work practice standards. TSCA section 406(b) requires each person who performs (for compensation) renovation and remodeling of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.



<http://www.epa.gov/oecaerth/monitoring/programs/tsca/importexport.html>

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Importing and Exporting Chemical Substances

EPA regulates certain chemical substances and mixtures under the Toxic Substances Control Act (TSCA), including chemical import and export.

Importing Chemicals

The United States Customs and Border Protection monitors chemical imports regulated under TSCA section 13. Custom and Border Protection rules (19 CFR 12.118 to 12.128 and 127.28. See also 40 CFR 707.20) require certification from the importer.

- positive certification - the shipment complies with TSCA and all applicable rules and orders
- negative certification - the shipment is not subject to TSCA.

TSCA section 13 certification applies to TSCA sections 5, 6, and 7. In addition, importers may have obligations under TSCA section 4 (testing) or 8 (reporting and recordkeeping) actions.

Exporting Chemicals

TSCA Section 12(b) and 40 CFR Part 707 requires EPA to notify importing countries of the export of chemicals or mixtures that are subject to certain rules and orders, as well as certain products containing PCBs or asbestos.

Compliance Guide

The [Compliance Guide for the Chemical Import Requirements of the Toxic Substances Control Act \(PDF\)](#) (18 pp, 438K, [About PDF](#)) provides information on:

- determining which chemicals or mixtures of chemicals are subject to TSCA
- how to comply with TSCA certification requirements
- EPA regional contacts and web resources (Appendix I)
- TSCA certification requirements using a step-by-step "checklist" (Appendix II)

For more information on importing and exporting chemicals under TSCA:

- [Toxic Substances Control Act \(TSCA\) Import-Export Web site](#)
- TSCA Assistance Information Office
 - email: tsca-hotline@epa.gov
 - (202) 554-1404
- [International Import/Exports](#)
- [Border Compliance Assistance Center](#) [EXIT Disclaimer](#)
- [Customs and Border Protection](#)

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Good Laboratory Practices Standards

EPA's Good Laboratory Practice Standards (GLPS) compliance monitoring program ensures the quality and integrity of test data submitted to the Agency in support of a pesticide product registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), section 5 of the Toxic Substances Control Act (TSCA), and pursuant to testing consent agreements and test rules issued under section 4 of TSCA.

Data obtained through laboratory inspections and data audits is used by the Agency to regulate the use of pesticides and industrial chemicals. Two EPA enforcement policies address the GLPS program:

- [FIFRA \(PDF\)](#) (19 pp, 49K, [About PDF](#))
- [TSCA \(PDF\)](#) (15 pp, 91K, [About PDF](#)) .

The GLPS program is administered by the [Agriculture Division](#) of the Office of Compliance. A list of [inspected facilities](#) is available.

EPA offers several tools to assist companies submitting data under the GLPS.

- [GLPS Advisories](#), which interpret the GLPS regulations
- [Standard Operating Procedures](#) that labs should adopt
- A list of the [GLPS violations \(PDF\)](#) (4 pp, 40K, [About PDF](#)) most likely to lead to study rejection.
- [Question and answers](#) about the program
- [40 CFR part 160](#) — FIFRA
- [40 CFR part 792](#) — TSCA

FIFRA Topics

- [Good Laboratory Practices](#)
- [FIFRA Grants](#)
- [Inspections](#)
- [Worker Protection Safety](#)
- [Pesticide Producing Establishments](#)
- [Pesticide Imports and Exports](#)

- [Information Resources](#)