



# Toxic Substance Control Act (TSCA), including Ozone Depleting Substances (ODS) – PGA Filer Data Requirements based on EPA Supplemental Guide

This document provides technical guidance for persons importing commodities subject to TSCA, including ODS, on what TSCA certification information to report via the Automated Commercial Interface (ACE). The document is a product of NCBFAA, drafted in consultation with EPA and CBP. It is not intended to cover all specific scenarios. Please refer to the EPA Supplemental Guide to the CBP and Trade Automated Interface Requirements (CATAIR) for information on how to report. The document is not an official statement of the Federal government and does not create any requirements, rather it explains what information is input in accordance with the CBP pilots for TSCA and ODS under CBP's National Customs Automation Program.

Under TSCA EPA has the authority to regulate the manufacture (including import), processing, use, distribution in commerce, and disposal of chemical substances and mixtures. Importers of chemicals in bulk or as part of mixtures are required to certify that their imported chemicals or mixtures are either in compliance with TSCA or not subject to TSCA. Importers for Ozone Depleting Substances are regulated under the Clean Air Act as well as TSCA, and are required to be allowance holders for importing ODS unless a non-objection notice for used substances is filed in DIS.

**When filing a TSCA certification statement for a TSCA or ODS import, the PGA fields that are utilized are:**

Description
Commercial description of the shipment
Government Agency Code (EPA)
Government Agency Program Code (TS1, ODS)
Product/Component level identifier (Product or Component)
Entity for Declaration (CI)
TSCA Declaration code (EP4=positive/.EP5=negative)
Declaration Certification (Y)
Certifying Individual
Certifying individual point of contact, phone number and email
Disclaimer

**Commercial Description:** The commercial description of the product. For example, ALUMINUM CHLORIDE

**Government Agency Code:** EPA

**Government Agency Program codes for TSCA and ODS PGA Message Sets:**

Government Agency Program Code	Description
TS1	Toxic Substance Control Act
ODS	Ozone Depleting Substances

Please note that for an ODS filing, only the ODS program code needs to be provided since it includes TSCA (future flagging for TSCA may affect this).



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**Product /Component Level Identifier:** Indicate whether or not the information being provided relates to a product (P) or a component (C) of a product.

## TSCA Declaration Code

The construction of an EPA PGA Message Set for TSCA certification can be used to declare the positive or negative TSCA certification statement. The certification statements are as follows:

### EP4 (EPA Positive TSCA Certification Statement)

- **Positive** - I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order under TSCA.

### EP5 (EPA Negative TSCA Certification Statement)

- **Negative** - I certify that all chemicals in this shipment are not subject to TSCA.

### List of Entity Role codes applicable to EPA-TSCA Message Sets:

<i>Data Element</i>	<i>Code</i>	<i>Description</i>
Entity Role Codes	CI	Certifying Individual

**Declaration Certification:** An entity certifies the data for the certification statements EP4 and EP5 above.

### Certifying Individual:

An individual who is an authorized official of the importer or of an agent of the importer who makes the certification required under 19 CFR 12.121.

**Certifying Individual Point of Contact:** Name, Phone Number and Email

**HTS Codes:** Initially not flagged but will be flagged as Trade identifies HTS codes used for TSCA imports. HTS codes are flagged for ODS.

**Disclaimer Code:** Please refer to CBP guidance on disclaimer codes and use in the PGA CBP and Trade Automated Interface Requirements (CATAIR) document

<http://www.cbp.gov/document/guidance/pga-message-set>

**The Document Imaging System (DIS) is not expected to be used with TSCA submissions.**



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**DIS will be used for ODS imports where the importer does not have allowances and is filing a non-objection notice for used ODS.**

## **For questions about TSCA, please contact:**

Toxic Substances Control Act Hotline ([tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov)) is available to answer general questions about TSCA import and export requirements. The TSCA Hotline operates Monday through Friday, from 8:30 a.m. to 5:00 p.m. Eastern time. Call (202) 554-1404.

## **For questions about ODS, please contact:**

David Donaldson, Stratospheric Protection Division, Office of Atmospheric Programs, U.S. EPA (202) 343-9086 or [donaldson.david@epa.gov](mailto:donaldson.david@epa.gov)

## **TSCA Inventory List:**

<http://www2.epa.gov/tsc-inventory>

## **EPA Supplemental Guide:**

The PGA Message Set chapter/implementation guide and its related Appendix PGA can be found on CBP.gov at:

<http://www.cbp.gov/trade/ace/catair#field-content-tab-group-tab-4>

The CATAIR chapters and appendices can be found on CBP.gov at:

<http://www.cbp.gov/trade/ace/catair>