
This content is from the eCFR and is authoritative but unofficial.

Title 40 – Protection of Environment
Chapter I – Environmental Protection Agency
Subchapter R – Toxic Substances Control Act
Part 721 – Significant New Uses of Chemical Substances
Subpart E – Significant New Uses for Specific Chemical Substances

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

Source: 49 FR 35018, Sept. 5, 1984, unless otherwise noted.

Editorial Note: Nomenclature changes to part 721 appear at 87 FR 39764, July 5, 2022.

§ 721.11701 Ashes (residues), reactions products with dicarboxylic acid, silicic acid (H₄SiO₄) tetra-Et ester and 2-[[3-(trialkoxysilyl)alkoxy]methyl]oxirane (generic) (P-20-116).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as ashes (residues), reactions products with dicarboxylic acid, silicic acid (H₄SiO₄) tetra-Et ester and 2-[[3-(trialkoxysilyl)alkoxy]methyl]oxirane (PMN P-20-116) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely incorporated into a polymer matrix.

(2) The significant new uses are:

(i) **Protection in the workplace.** Requirements as specified in § 721.63(a)(4) through (6), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(4), engineering control measures (e.g., enclosure or confinement of the operation, general and local ventilation) or administrative control measures (e.g., workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50. For purposes of § 721.63(a)(6), the airborne form(s) of the substance include. For purposes of § 721.63(b), the concentration is set at 0.1%.

(A) As an alternative to the respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in the TSCA Order for this substance. The NCEL is 0.05 mg/m³ as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCEL approach are approved by EPA will be required to follow NCEL provisions comparable to those contained in the corresponding TSCA Order.

(B) [Reserved]

(ii) **Hazard communication.** Requirements as specified in § 721.72(a) through (f), (g)(1)(ii) through (ix), and (g)(2) and (5). For purposes of § 721.72(e), the concentration is set at 0.1%. For purposes of § 721.72(g)(2), avoid skin contact; avoid breathing substance; avoid ingestion; use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour

time-weighted average of 0.05 mg/m³; use skin protection. Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) **Industrial, commercial, and consumer activities.** Requirements as specified in § 721.80(k). It is a significant new use to manufacture the substances without sampling and analyzing the immediate precursor used to manufacture the substances according to the terms specified in the TSCA Order for the following elements: arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, manganese, mercury, nickel, selenium, silver, vanadium, and zinc. It is a significant new use to manufacture the substances at facilities other than those equipped with pollution controls, such as a bag house, that remove particulates from the air at 99% or greater efficiency. It is a significant new use to process the substances other than in an enclosed system that does not allow for the release of particulates or at facilities equipped with pollution controls, such as a bag house, that remove particulates from the air at 99% or greater efficiency.

(b) **Specific requirements.** The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) **Recordkeeping.** Recordkeeping requirements as specified in § 721.125(a) through (d) and (f) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) **Limitation or revocation of certain notification requirements.** The provisions of § 721.185 apply to this section.

[88 FR 13701, Mar. 6, 2023]