



9 August 2022

(22-6016)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>UNITED STATES OF AMERICA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Environmental Protection Agency (EPA) Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov
3. Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other [X]: EPA is proposing to add the DINP category to the toxic chemical list on the basis that the updated hazard assessment demonstrates that the proposed diisononyl phthalate (DINP) category meets the Emergency Planning and Community Right-to-Know Act (EPCRA) toxicity criterion.
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Diisononyl phthalate (DINP); branched alkyl di-esters of 1,2 benzenedicarboxylic acid in which alkyl ester moieties contain a total of nine carbons; Environmental protection (ICS code(s): 13.020); Domestic safety (ICS code(s): 13.120); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100)
5. Title, number of pages and language(s) of the notified document: Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting; (13 page(s), in English)
6. Description of content: On 5 September 2000, in response to a petition filed under the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA issued a proposed rule to add a diisononyl phthalate (DINP) category to the list of toxic chemicals subject to the reporting requirements under EPCRA and the Pollution Prevention Act (PPA). EPA proposed to add this chemical category to the EPCRA toxic chemical list based on its preliminary conclusion that this category met the EPCRA toxicity criterion. EPA has updated its hazard assessment for DINP and is proposing to add DINP as a category defined to include branched alkyl di-esters of 1,2 benzenedicarboxylic acid in which alkyl ester moieties contain a total of nine carbons. The updated hazard assessment demonstrates that the proposed DINP category meets the EPCRA toxicity criterion because the members of the category can reasonably be anticipated to cause cancer and serious or irreversible chronic health effects in humans; specifically, developmental, kidney, and liver toxicity. EPA is proposing to add the DINP category to the toxic chemical list on this basis and is requesting comment on the updated DINP hazard assessment and associated updated economic analysis.

7. Objective and rationale, including the nature of urgent problems where applicable: Prevention of deceptive practices and consumer protection; Protection of human health or safety; Protection of the environment

8. Relevant documents:

87 Federal Register (FR) 48128, 8 August 2022; Title 40 Code of Federal Regulations (CFR) Part 372:

<https://www.govinfo.gov/content/pkg/FR-2022-08-08/html/2022-16908.htm>

<https://www.govinfo.gov/content/pkg/FR-2022-08-08/pdf/2022-16908.pdf>

This proposed rulemaking; supplemental notice is identified by Docket Number EPA-HQ-TRI-2022-0262. The Docket Folder is available from Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-TRI-2022-0262/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](https://www.regulations.gov) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point by or before [4pm Eastern Time](#) on 7 October 2022. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](#) on Regulations.gov if received within the comment period.

[G/TBT/N/USA/122 and Add.1](#) - Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting; proposed rule, notice of data availability published 14 June 2005:

<https://www.govinfo.gov/content/pkg/FR-2005-06-14/html/05-11664.htm>

<https://www.govinfo.gov/content/pkg/FR-2005-06-14/pdf/05-11664.pdf>

Add.1: Extension of the comment period published 12 September 2005

<https://www.govinfo.gov/content/pkg/FR-2005-09-12/html/05-18090.htm>

<https://www.govinfo.gov/content/pkg/FR-2005-09-12/pdf/05-18090.pdf>

The notice of data availability published 14 June 2005 and the extension of the comment period published 12 September 2005 are identified by Docket Number EPA-HQ-TRI-2005-0004' the docket folder is accessible at <https://www.regulations.gov/docket/EPA-HQ-TRI-2005-0004/document>.

[G/TBT/N/USA/947 and subsequent addenda and corrigendum](#) - Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates, identified by Docket Number [CPSC-2014-0033](#).

9. Proposed date of adoption: To be determined

Proposed date of entry into force: To be determined

10. Final date for comments: 7 October 2022

11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:

<https://www.govinfo.gov/content/pkg/FR-2022-08-08/html/2022-16908.htm>

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https://members.wto.org/crnattachments/2022/TBT/USA/22_5360_00_e.pdf