NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** UNITED STATES OF AMERICA  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Environmental Protection Agency (EPA) [1975]  **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](mailto:usatbtep@nist.gov) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Administrative fees; toxic substances control; Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100); Petroleum products in general (ICS code(s): 75.080) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Fees for the Administration of the Toxic Substances Control Act (TSCA); (21 page(s), in English) |
| **6.** | **Description of content:** Supplemental notice of proposed rulemaking - The Environmental Protection Agency (EPA) is issuing this document to modify and supplement its proposed rule issued on 11 January 2021, in which the Agency proposed updates and adjustments to the 2018 Fee Rule established under the [Toxic Substances Control Act (TSCA)](https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act). With over five years of experience administering the TSCA amendments of 2016, EPA is publishing this document to ensure that the fees charged accurately reflect the level of effort and resources needed to implement TSCA in the manner envisioned by Congress when it reformed the law. Additionally, the purpose of this document is to propose narrowing certain proposed exemptions for entities subject to the EPA-initiated risk evaluation fees and propose exemptions for the test rule fee activities; to propose modifications to the self- identification and reporting requirements for EPA-initiated risk evaluation and test rule fees; to propose a partial refund of fees for premanufacture notices withdrawn at any time after the first 10 business days during the assessment period of the chemical; to propose modifications to EPA's proposed methodology for the production volume- based fee allocation for EPA-initiated risk evaluation fees in any scenario where a consortium is not formed; to propose expanding the fee requirements to companies required to submit information for test orders; to propose modifying the fee payment obligations to require payment by processors subject to test orders and enforceable consent agreements (ECA); to propose extending the timeframe for test order and test rule payments; as well as to propose changes to the fee amounts and the estimate of EPA's total costs for administering TSCA. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Cost saving and productivity enhancement |
| **8.** | **Relevant documents:**  87 Federal Register (FR) 68647, 16 November 2022; Title 40 Code of Federal Regulations (CFR) Part 700:  <https://www.govinfo.gov/content/pkg/FR-2022-11-16/html/2022-24137.htm>  <https://www.govinfo.gov/content/pkg/FR-2022-11-16/pdf/2022-24137.pdf>  Fees for the Administration of the Toxic Substances Control Act (TSCA), Proposed rule published 11 January 2021:  <https://www.govinfo.gov/content/pkg/FR-2021-01-11/html/2020-28585.htm>  <https://www.govinfo.gov/content/pkg/FR-2021-01-11/pdf/2020-28585.pdf>  This supplemental notice of proposed rulemaking and the proposed rule are identified by Docket Number EPA-HQ-OPPT-2020-0493. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OPPT-2020-0493/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](mailto:usatbtep@nist.gov). Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 17 January 2023 will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/EPA-HQ-OPPT-2020-0493/document) on Regulations.gov if received within the comment period. |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 17 January 2023 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  <https://members.wto.org/crnattachments/2022/TBT/USA/22_7882_00_e.pdf> |