

Environmental Health and Safety Manual (EHS)

EHS 407: Toxic Substances Control Act Import and Research Exemption Certification Requirements

Effective: 11/1/2014

Revised: 3/1/2024

Purpose

To ensure that the importation of chemical substances and microorganisms are in compliance with the requirements of the Toxic Substance Control Act (TSCA) and the Research and Development (R&D) Exemption

Sources

40 Code of Federal Regulations § 707

40 Code of Federal Regulations § 720.36

Toxic Substances Control Act, Section 5, "New Chemical Substances"

Toxic Substances Control Act, Section 6, "Regulation of Hazardous Chemical Substances and Mixtures"

Toxic Substances Control Act, Section 7, "Imminent Hazards"

Toxic Substances Control Act, Section 13, "Import Certification"

Applicability

All uses of chemical substances by all ASU employees, students, visiting faculty, and researchers, at all ASU facilities.

Background

TSCA was established by the EPA to ensure the protection of human health and the environment from unreasonable risks associated with chemical substances prior to commercial introduction. Under Section 13 of TSCA, a chemical importer must certify that the chemical substances being imported comply with all applicable rules and orders under TSCA (positive certification) or certify that the chemical substances are not subject to TSCA (negative certification). In addition the certification process specifically requires the importer to comply with TSCA Sections 5, 6, and 7 when claiming the R&D Exemption. All imported chemical substances including microorganisms received by the university must be certified under TSCA by either a positive or negative certification. Failure to comply with TSCA requirements can result not only in detained shipments and/or denied entry, but can lead to significant fines and penalties.

Policy

Any ASU employee, students, visiting faculty, volunteer, or researcher, who **receives or uses** a chemical substance controlled by the TSCA must import the substance in compliance with TSCA and EHS requirements.

Responsibilities

Colleges, Schools, and Other University Departments

It is the responsibility of each college, school, and administrative department to conduct its operations in accordance with all applicable laws and regulations, and to implement this policy as follows, including but not limited to:

1. informing all employees involved in specifying and procuring chemical substances
2. participating in required training
3. enforcing the requirements of this policy

and

4. documenting shipping and receiving activities.

Environmental Health and Safety (EHS)

EHS will:

1. provide training as requested for the ASU community to support this policy
2. verify that known importers have met the requirements to certify TSCA compliance to import these substances

and

3. maintain all EHS records related to this policy.

Cross-References

For related information, see:

1. [EHS 005](#), "Management Policy"
 2. [EHS 103](#), "Hazard Communication Program"
 3. [EHS 104](#), "Laboratory Use of Hazardous Chemicals"
 4. [EHS 112](#), "Biosafety Policy Governing the Possession, Use, and Transfer of Biological Agents and Toxins of Biological Origin"
 5. [EHS 401](#), "Hazardous Waste Management"
- and
6. [EHS 406](#), "Shipping and Receiving Hazardous Materials."