



U.S. Customs and
Border Protection

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Pipeline 06-14
July 27, 2006

TO: Customhouse Brokers, Importers, and Others Concerned

SUBJECT: Documentation Required under the Toxic Substances Control Act (TSCA)

The following procedures should be adhered to when entering merchandise subject to the Toxic Substance Control Act. Please note that different procedures are indicated for paper and paperless entries. Additional forms and certifications are often required when entered merchandise falls under the importation requirements of another government agency. Under the statutory mandate of Section 13 of the Toxic Substances Control Act (TSCA 13), the Secretary of Homeland Security shall refuse entry into U.S. Customs territory to any chemical substance, mixture, or article which fails to comply with any rule, order, or civil action in effect under TSCA.

The Secretary of Homeland Security has promulgated a final Customs rule under TSCA 13 at 19 CFR Sections 12.118 through 12.127, and 127.28 (amended). At 19 CFR 12.121 and 40 CFR 707.20, importers of chemical substances in bulk or mixtures are required to certify that the shipment either complies with all applicable rules and orders thereunder, or is not subject to TSCA. During review, should the TSCA statement be found to be missing or incorrect, Customs will order redelivery, initiate a 592 penalty case citing 15 USC 2601 and 15 USC 2612 against the filer, and notify the local EPA office of the violation. Additional liquidated damages will be initiated should the importer fail to redeliver.

Procedures for Paper Entries:

The format of the certification shall be one of the following:

"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 thereunder."

Or:

"I certify that all chemical substances in this shipment are not subject to TSCA."

The certification statements may be signed by means of an authorized facsimile signature.

In lieu of filing a separate certification for each chemical shipment, a blanket certification may be used. Approval and use of a blanket certification will be subject to the following conditions:

- A) A blanket certification must be filed with the port director on the letterhead of the certifying firm, must list the products covered by name and my Harmonized Tariff Schedule of the United States subheading number, must identify the foreign supplier by name and address, and must be signed by an authorized person;
- B) A blanket certification will remain valid, and may be used, for 1 year from the date of approval unless the approval is revoked earlier for cause by the port director. Separate blanket certifications must be approved and used for chemical substances that are subject to TSCA and for chemical substances that are not subject to TSCA; and
- C) An importer for whom the use of a blanket certification has been approved must include, on the invoice used in connection with the entry and entry summary procedures for each shipment covered by the blanket certification, a statement referring to the blanket certification and incorporating it by reference. The statement need not be signed.

Procedures for Paperless Entries:

With the passage of the Customs Modernization Act, Public Law 103-182, Customs has been striving to accept completely electronic entry packages for as many commodities as possible. For electronic entries filed under the RLF and EIP programs, Customs and EPA will accept the TSCA certification in the transmission of the electronic invoice as meeting the TSCA certification requirement if completed as instructed below. Entries filed in paper format shall continue to be required to follow current policy.

RLF and EIP filers will use the automation available in the automated invoice interface to transmit the TSCA certification. For each chemical substance and/or mixture, the EIP and RLF filer will transmit, at the time of entry, one of the following codes as well as the name of the authorized individual as an electronic signature in the commercial invoice description field of the C35 record.

Code: TSCA+ Positive Certification for shipments subject to TSCA

Code: TSCA- Negative Certification for shipments not subject to TSCA

Customs and Border Protection and EPA have committed to work together in the electronic environment. EPA and CBP will continue to monitor imports of chemical substances to determine if shipments and their documentation comply with the certification requirements and substantive mandates of TSCA. Failure to comply with the requirements may result in a violation of TSCA as well as penalty actions described above.

Importers requiring more information on the applicability of TSCA regulations to their commodities may contact the EPA through the TSCA Hotline at 202/554-1404, or email the EPA at tsca-hotline@epa.gov.



Carl Ambrosion
Port Director