

Changes to TSCA and Prop 65

New US Materials Restrictions in Articles

Presented by:
Bruce Calder
VP Consulting Services



Overview - Agenda -

- Introduction
- Upcoming Deadlines
- TSCA
 - Legal basis
 - Substances
 - Deadlines and restrictions
- California Proposition 65
 - Recent enforcements
 - New warnings
 - Other changes
- Q&A

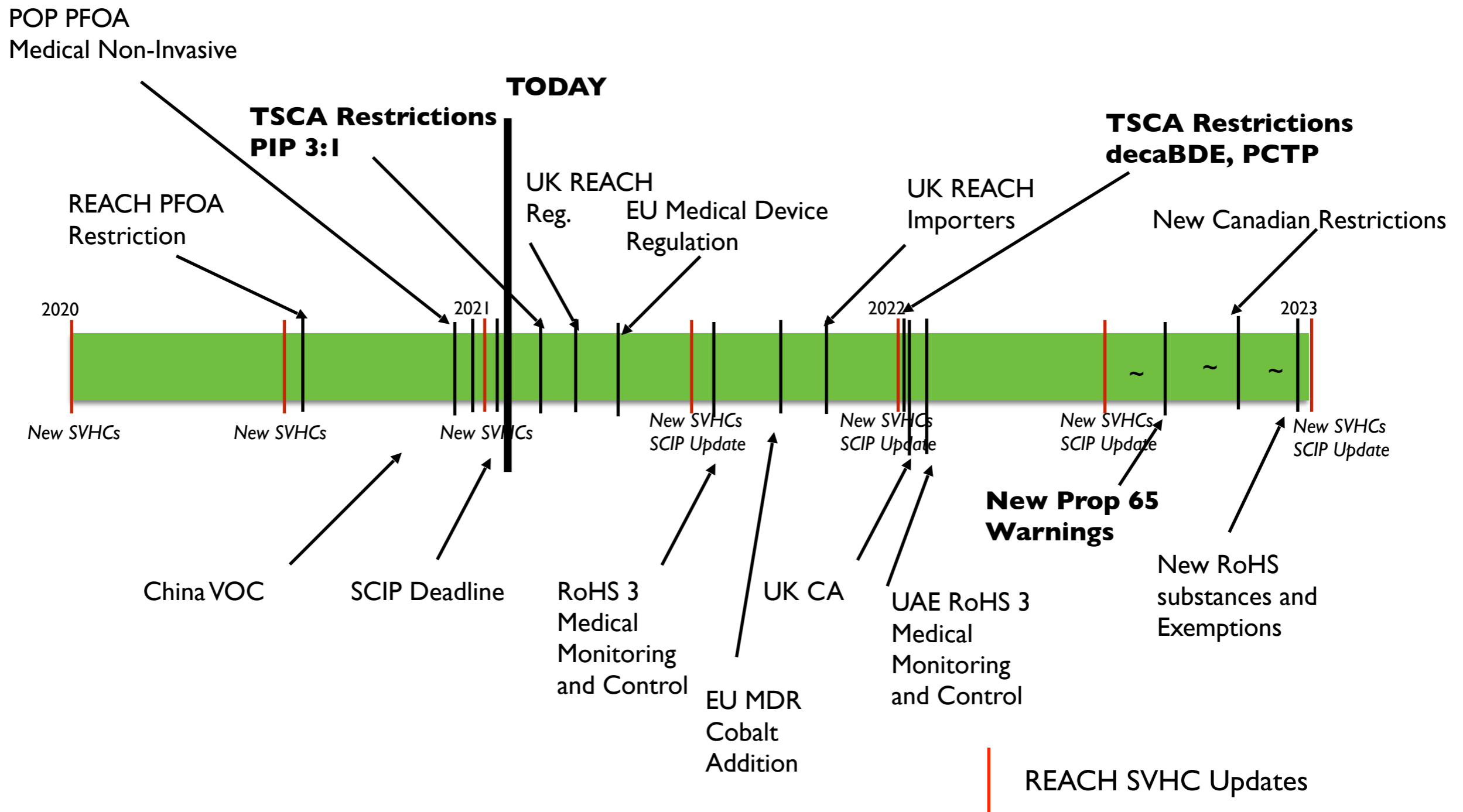


Webinar is 50 minutes with 10
minutes of Q&A
(hopefully)



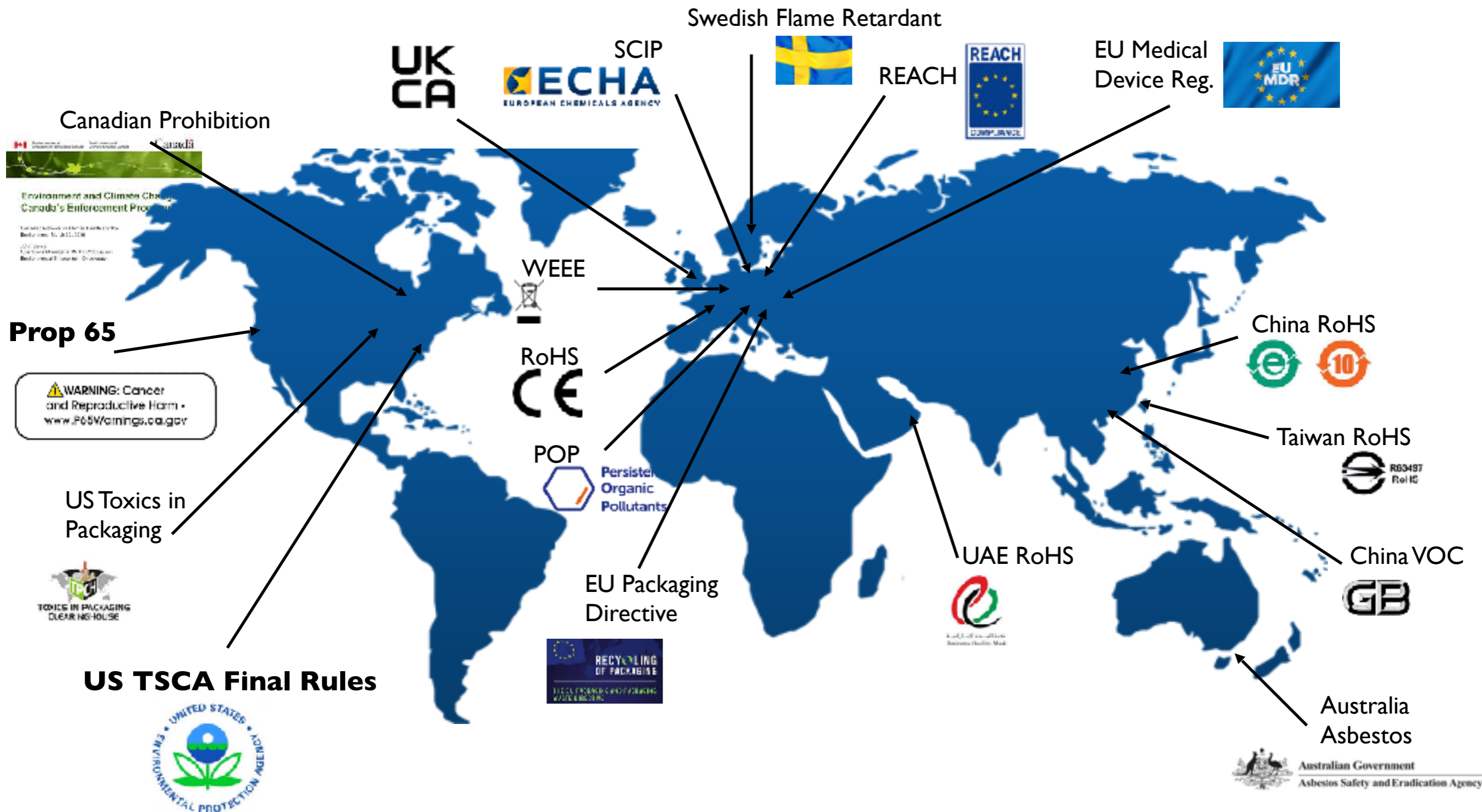
Restricted Materials

Upcoming Deadlines



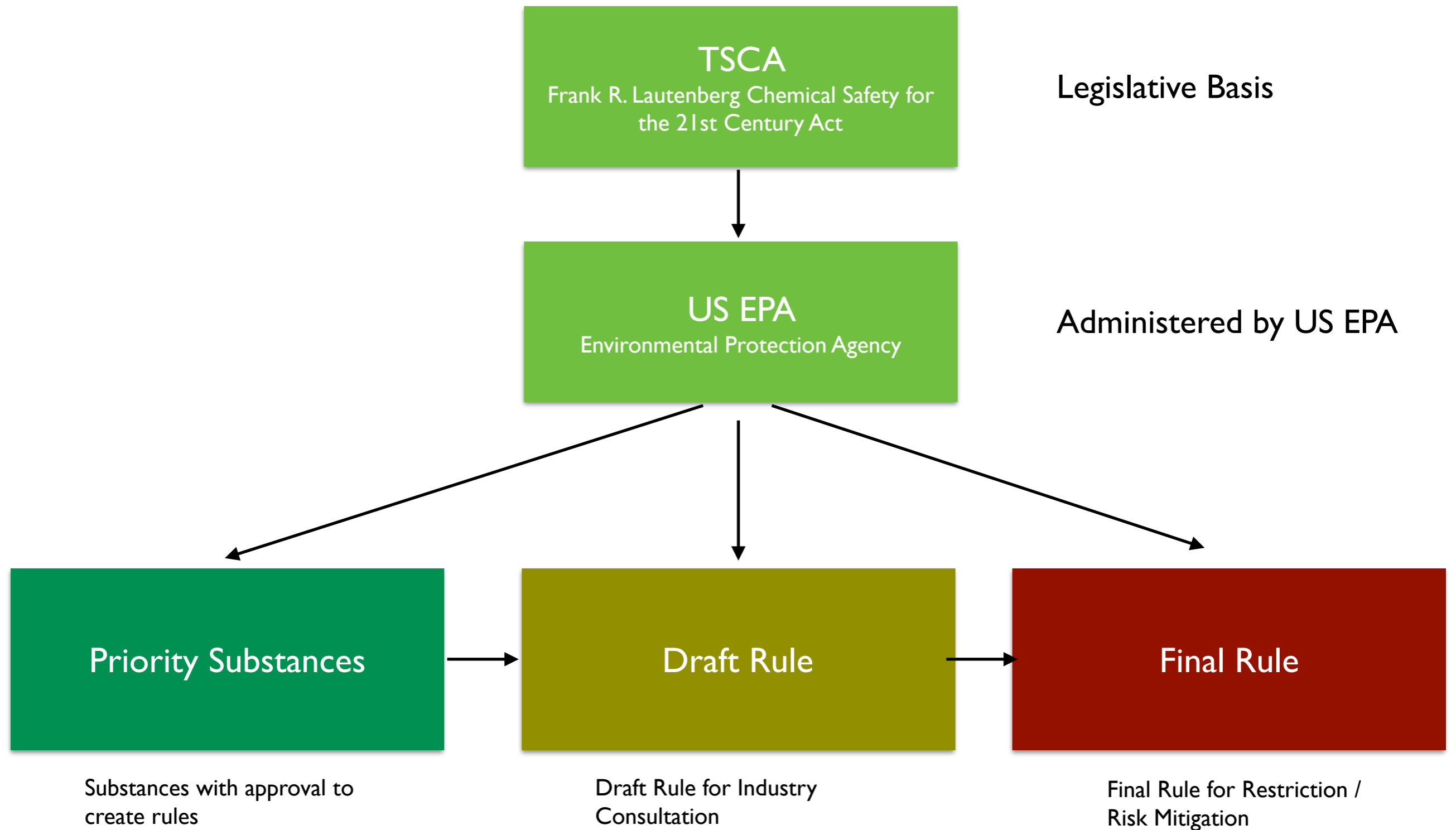
... not to mention REACH SVHC updates every six months and Prop 65 every year.

Global Restricted Materials Requirements



Compliance with each is MANDATORY to sell in each jurisdiction

US Federal Chemical Legislation



EPA (TSCA) Restricted Substances

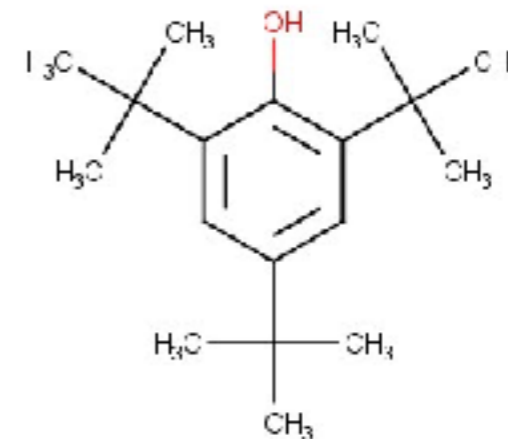
- EPA published restrictions on five (5) substances
 - 2,4,6-TTBP (732-26-3) 2,4,6-Tris(tert-butyl)phenol
 - DecaBDE (1163-19-5) Decabromodiphenyl ether
 - PCTP (133-49-3) Pentachlorothiophenol
 - PIP (3:1) (68937-41-7) Phenol, isopropylated, phosphate (3:1)
 - HCBD (87-68-3) Hexachlorobutadiene

- Application / Scope
 - Most are restrictions in article
 - Believed to be at the component level (part of an article)
 - Does not apply to FDA exempted products
 - I.e. medical devices
 - Subject to a 60 day pause / review by new US administration

EPA (TSCA) Restricted Substances

2,4,6-Tris(tert-butyl)phenol (2,4,6-TTBP)

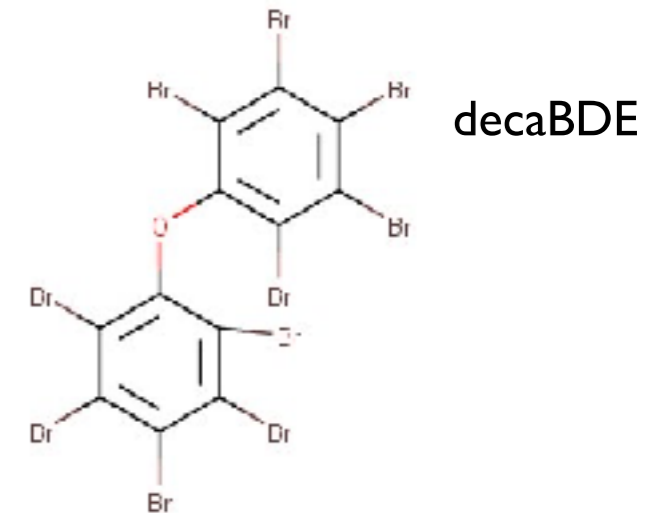
- Restriction
 - 0.3% in chemicals only
 - Not articles
- Deadline
 - 60 days after February 5 2021 (April 6 2021)
- High risk materials
 - Lubricants sold separately of articles
- Final Rule
 - [2020-28690.pdf \(govinfo.gov\)](#)



2,4,6-TTBP

EPA (TSCA) Restricted Substances Decabromodiphenyl ether (DecaBDE)

- Restriction
 - Restricted in articles (and chemicals)
 - Concentration limit unclear (0.1% would be a default)
- Deadline
 - General - Jan 6 2022
 - Wire and Cable - Jan 6 2023
- High risk materials
 - Thin flame retarded plastics such as heat shrink and nylon connectors
- Final Rule
 - 2020-28686.pdf ([govinfo.gov](https://www.govinfo.gov))



EPA (TSCA) Restricted Substances

Pentachlorothiophenol (PCTP)

- Restriction

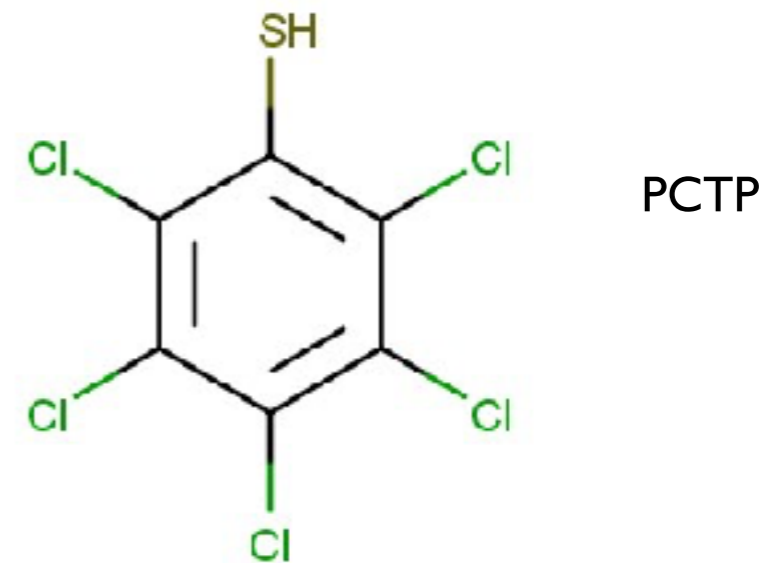
- Restricted in articles (and chemicals)
 - 1% limit

- Deadline

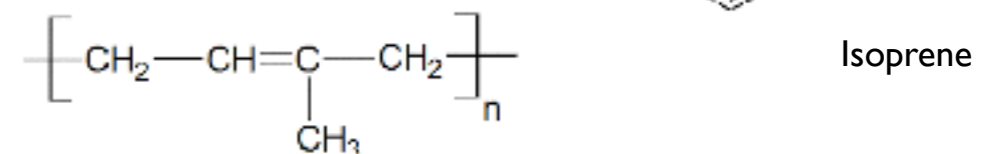
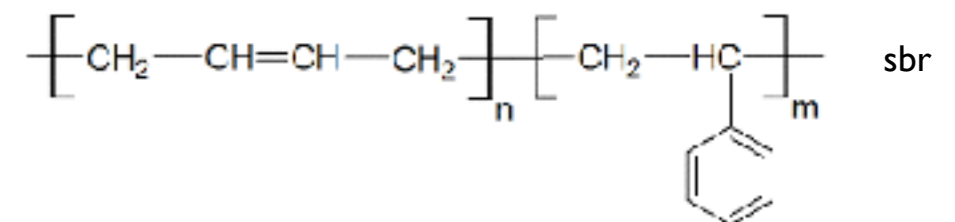
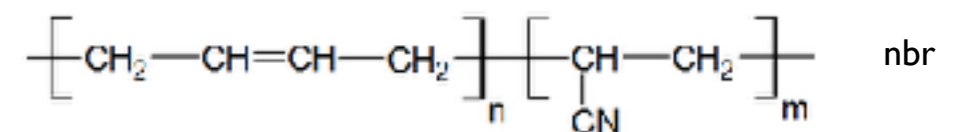
- January 6, 2022

- High risk materials

- Butadiene (ex. nbr, sbr) or isoprene rubbers



Butadiene



- Final Rule

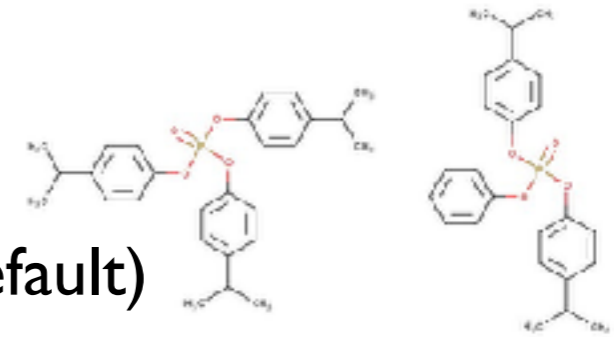
- 2020-28689.pdf (govinfo.gov)

EPA (TSCA) Restricted Substances

Phenol, isopropylated, phosphate (3:1) PIP (3:1)

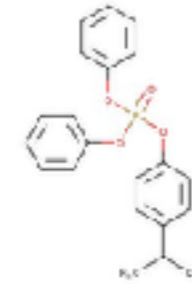
- Restriction

- Restricted in articles (and chemicals)
- Concentration limit unclear (0.1% would be a default)



- Deadline

- 60 days after February 5 2021 (April 6 2021)



PIP 3:1

- High risk materials

- Flame retarded PVC, polyurethane foam, and BPA epoxies
- Polyurea flame retarded lubricant

- Final Rule

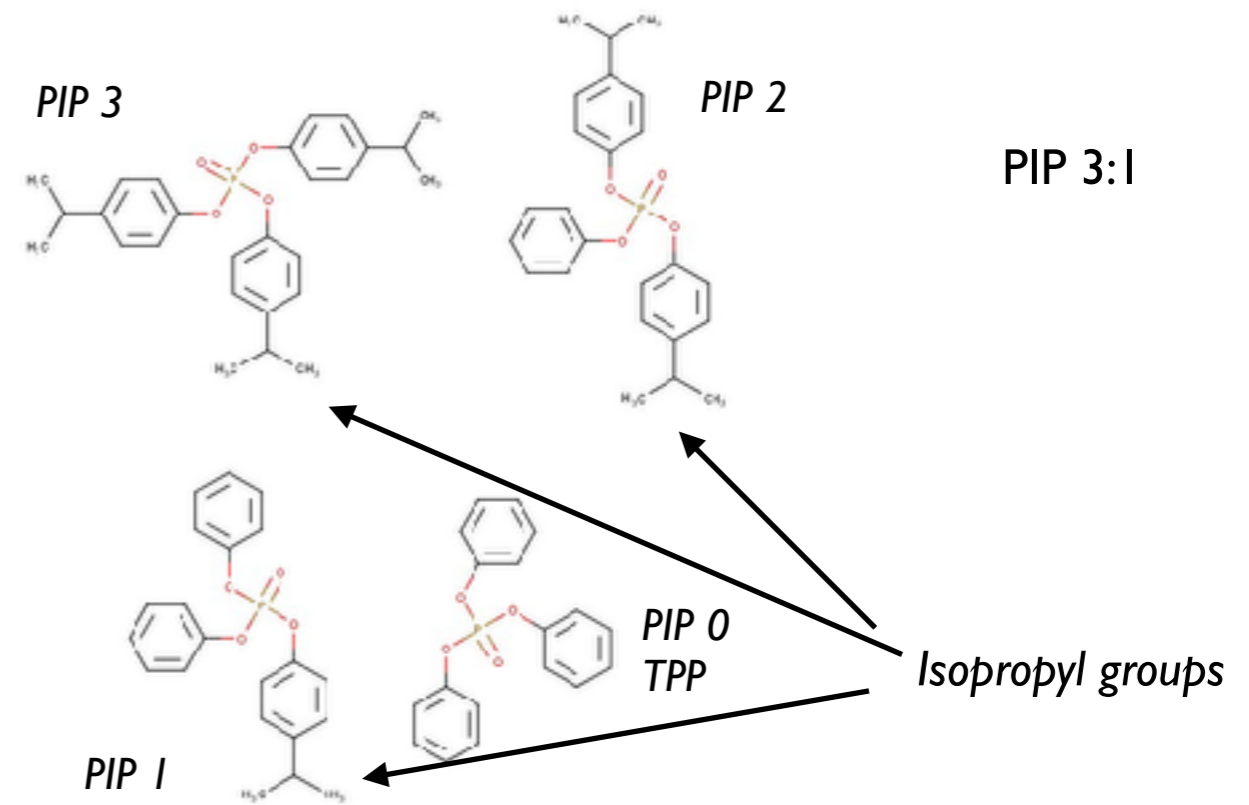
- 2020-28692.pdf (govinfo.gov)

Note on

Phenol, isopropylated, phosphate (3:1) PIP (3:1)

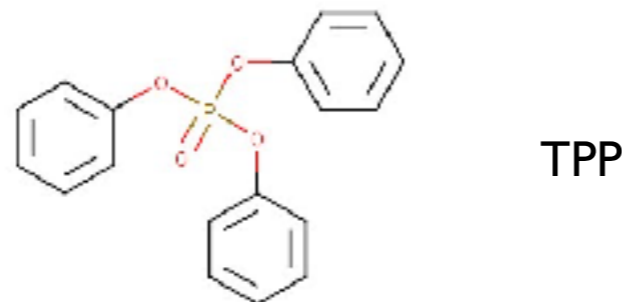
- Only restricted versions with

- A combination of
- 0, 1, 2, or 3 isopropyl groups



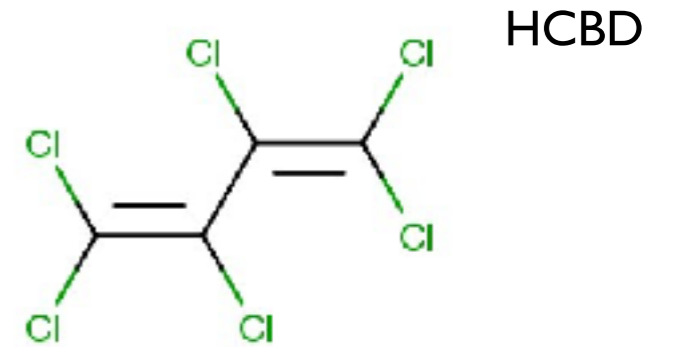
- Does not seem to restrict

- 0 isopropyl groups on its own (no isopropyl group)
- ie. the common flame retardant triphenylphosphate (TPP)



EPA (TSCA) Restricted Substances Hexachlorobutadiene (HCBD)

- Restriction
 - Restricted in articles (and chemicals)
 - Concentration limit unclear (0.1% would be a default)
- Deadline
 - March 8, 2021
- Low risk in articles
 - Intermediate of an intermediate (solvent of chlorine)
 - Also banned under EU POP Regulation
- Final Rule
 - [2020-28693.pdf](#) (govinfo.gov)



Claigan TSCA Services

Legacy Products (Product you already have)

Claigan Rapid Approach

- Selecting and testing of representative high risk parts
- Screening for key substances
- Solved in weeks

New Designs

Comprehensive approach

- Testing of product to all requirements
- Screening for key substances
- Take advantage of overlapping requirements
- Solved conclusively in weeks not months



US (California) - Proposition 65

- December 2020:
 - Three hundred ten (310) notices
- Products / substances involved
 - Physical articles
 - Phthalates - flexible PVC
 - Pb - brass and ceramics
 - Others -
 - Titanium dioxide - loose powder sunscreen
 - Pb - food
 - Cd - food
 - Acrylamide - food
 - Coconut DEA - shampoo
 - Furan - food




Warning Placement (August 30, 2018)

- Warnings
- On product or direct packaging
 - Short Form

 **WARNING** Cancer and Reproductive Harm - www.P65Warnings.ca.gov

- As insert
 - Long form

 **WARNING** This product can expose you to chemicals including Pb and Pb compounds, which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.

Change

Proposed Changes


- Require a substance to be identified on all products
 - Even the short form
 - Short form must be set off from other surrounding information and enclosed in a box.
- Long form needs to be used on all but the smallest products
- To be identified
 - One reproductive toxin (if applicable), and
 - One carcinogen (if applicable)
 - Or a substance that is both (such as Pb compounds)

Change Short Form

- New short and long form
- Short form (smallest products only)

 **WARNING** Risk of Cancer and Reproductive Harm From
Pb and Pb Compounds Exposure - www.P65Warnings.ca.gov

- Long form (all other situations)

 **WARNING** This product can expose you to chemicals including Pb and Pb compounds, which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.

Status

- Status of Proposed Changes
 - In public consultation until March 8 2021
 - Decision expected by mid 2021
 - One (1) year from effective date of new legislation
 - Likely in effect for products by mid to late 2022

Short Form can only be used in

- Limits on when a short form warning can be used
 - (A) The total surface area of the product label available for consumer information is 5 square inches or less, and;
 - (B) the package shape or size cannot accommodate the full-length warning and;
 - (C) The entire warning is printed in a type size no smaller than the largest type size used for other consumer information on the product.
- In no case shall the warning appear in a type size smaller than 6-point type.

Other changes

- Internet warnings
 - Internet warnings need to identify a substance
 - irrespective of the of the product size
- Catalog warnings
 - Catalog warnings need to identify a substance
 - irrespective of the of the product size

Claigan Prop 65 Services

Legacy Products (Product you already have)

Claigan testing

- Testing representative of products
- Screening of substances
- Follow up testing to determine exposure
- Identification whether a warning is required
- Identification of substances for which a warning is required
- Solved conclusively in weeks not months

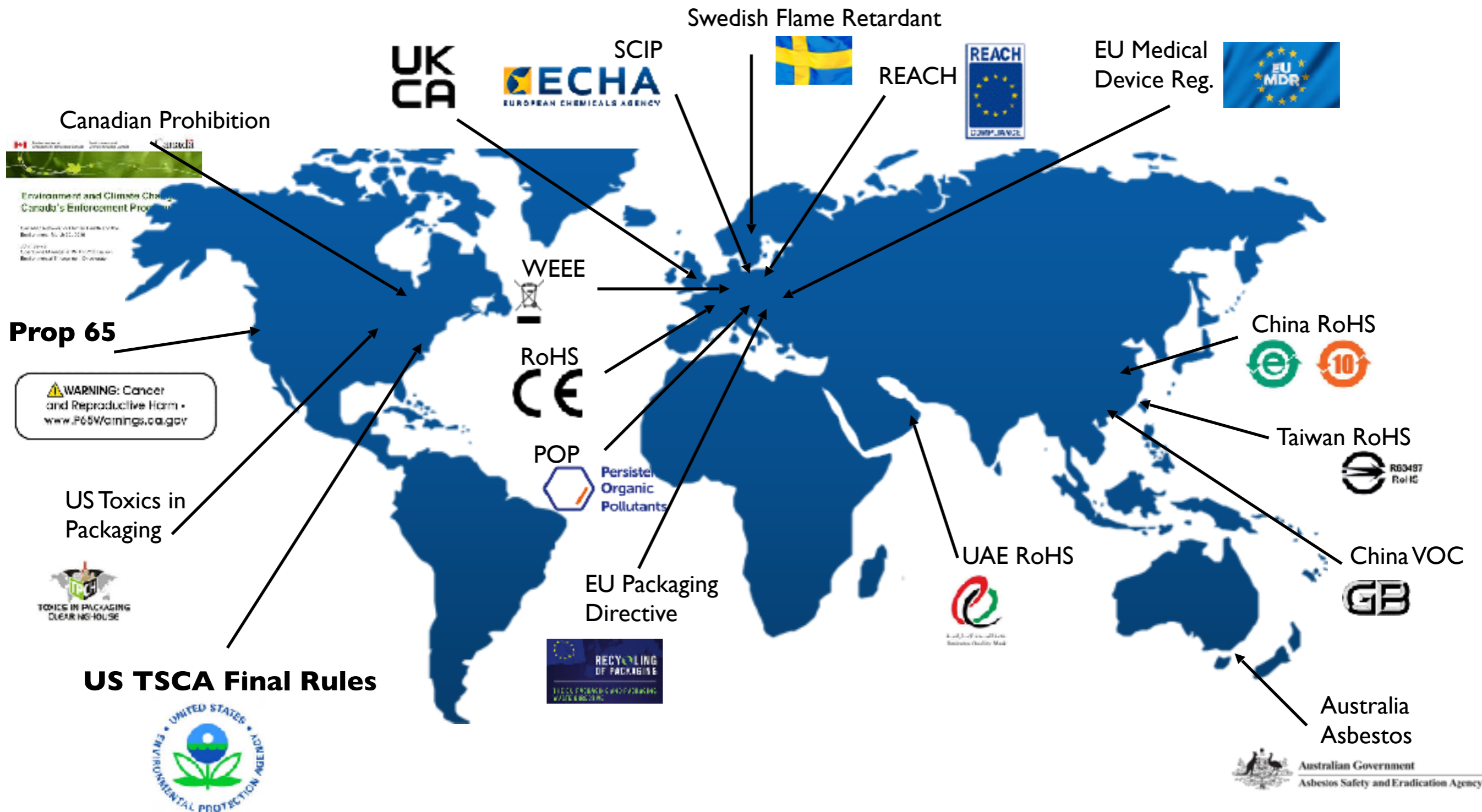
New Designs

Comprehensive approach

- Testing of product to all requirements
- Screening for key substances
- Take advantage of overlapping requirements
- Solved conclusively in weeks not months



Global Restricted Materials Requirements



Compliance with each is MANDATORY to sell in each jurisdiction

Claigan TSCA and Prop 65 Services

Legacy Products (Product you already have)

TSCA

- Selecting and testing of high risk parts

Prop 65

- Testing to provide
 - Whether a requirement is required
 - Why
 - And for which substances

New Designs

Comprehensive approach

- Testing of product to all requirements
- Screening for key substances
- Take advantage of overlapping requirements
- Solved conclusively in weeks not months

Q&A

