

TSCA RESTRICTIONS (PBT) DECLARATION ACCEPTANCE CRITERIA

IMPORTANT – This guideline is for information purposes only and does not constitute legal advice. This guide is for demonstrating compliance with the U.S. Toxic Substances Control Act (TSCA) 2021 restrictions of Persistent, Bioaccumulative and Toxic Substances (PBT). The acceptance criteria below are for communicating the presence of the five PBT substances restricted by TSCA in January 2021.

1. On company letterhead.

- a. This includes logo, address, and contact information of the company representative. Needs to indicate that the declaration is an official company communication of the employee making the declaration.

2. Proper Legislative Reference.

- a. This indicates the supplier has some awareness of the legislation being inquired about, and specifies the substances which the declaration covers.
 - i. Actual Legislation Title: "Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)"
 - ii. Alternate acceptable reference: "86 FR 866, 86 FR 880, 86 FR 894, i6 FR 911, and 86 FR 922." ("FR" may be replaced by "Federal Register.")

3. Unique Parts Reference.

- a. Includes clear reference to parts or products being covered by the declaration. This can be:
 - i. Company level or blanket statement without individual parts listing, e.g. "This declaration applies to all products sold by ABC Corporation", "This statement applies to all products produced by ABC Corporation except as listed below", etc.
 - However, parts/products that are not compliant, or that are compliant due to exemptions, must still be individually identified.
 - ii. Part-level declaration listing specific parts individually.

4. Declares Compliance Status.

- a. States that product(s) are compliant and none of the five restricted PBT substances are intentionally added to these parts or products, OR
- b. States that product(s) contain one or more of the five restricted PBT substances, but are compliant due to exemptions, OR
- c. States that product(s) are non-compliant and contain one or more of the five restricted PBT substances.

5. Declares Substances Present, if applicable.

- a. If a part or parts contain declarable substances, the declaration must include the name and concentration of the substance(s). If a part is compliant due to an exemption, the applicable exemption must be given.
 - i. If possible, a reference should be provided explaining which component and/or material contains the substance (i.e. a brief description of the substance's location within the part/product).

6. Signed by Appropriate Individual.

- a. Name, contact details and position must be included.
- b. Must be an employee of the company issuing the declaration.
- c. Position/job title should indicate a degree of familiarity with the materials or product adequate to stating compliance status (e.g. Engineering, Quality, Materials, Compliance Manager).

7. Dated Reference.

- a. Declarations should be no more than one (1) year old.