



1 October 2024

(24-6776)

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Committee on Technical Barriers to Trade

Original: English

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) [2184] 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
3. Notified under Article 2.9.2 [], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other [X]: EPA has identified information necessary to inform the Agency's path forward with respect to regulation of Per- and polyfluoroalkyl substances (PFAS) formed during the fluorination of plastic containers under Toxic Substances Control Act (TSCA) section 6 and is issuing this notice to collect such information. EPA is seeking public comment and information regarding the number, location, and uses of fluorinated containers in the United States, including any uses critical to the national economy, national security, or critical infrastructure (which may include uses in medical devices); alternatives to the fluorination process that generates PFAS including perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorodecanoic acid (PFDA); and measures to address risk from PFOA, PFNA, and PFDA formed during the fluorination of plastic containers.
4. Products covered (HS or CCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Per- and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorodecanoic acid (PFDA), during the fluorination of high-density polyethylene (HDPE) and other plastic containers; Environmental protection (ICS code(s): 13.020); Production in the chemical industry (ICS code(s): 71.020); Products of the chemical industry (ICS code(s): 71.100)
5. Title, number of pages and language(s) of the notified document: Certain Per- and Polyfluoroalkyl Substances (PFAS) Risk Management Under the Toxic Substances Control Act (TSCA); Request for Comment; (3 page(s), in English)
6. Description of content: Notice - The Environmental Protection Agency (EPA or Agency) is seeking public comment on the manufacture of certain per- and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorodecanoic acid (PFDA), during the fluorination of high-density polyethylene (HDPE) and other plastic containers to inform regulations as appropriate under the Toxic Substances Control Act (TSCA). This request for public comment follows the Agency's grant on 10 July 2024, of a TSCA petition received on 11 April 2024, which requested that EPA address via TSCA the regulation of PFOA, PFNA, and PFDA formed

	during the fluorination of plastic containers used for a variety of household consumer, pesticide, fuel, automotive, and other industrial products.
7.	Objective and rationale, including the nature of urgent problems where applicable: Protection of human health or safety; Protection of the environment
8.	<p>Relevant documents:</p> <p>89 Federal Register (FR) 79581, 30 September 2024: https://www.govinfo.gov/content/pkg/FR-2024-09-30/html/2024-22330.htm https://www.govinfo.gov/content/pkg/FR-2024-09-30/pdf/2024-22330.pdf</p> <p>This notice is identified by Docket Number EPA-HQ-OPPT-2024-0131. The Docket Folder is available on Regulations.gov at https://www.regulations.gov/docket/EPA-HQ-OPPT-2024-0131/document and provides access to primary and supporting documents and materials as well as comments received. Documents are also accessible from Regulations.gov by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by 4pm Eastern Time on 29 November 2024 will be shared with the EPA and will also be submitted to the Docket on Regulations.gov if received within the comment period.</p>
9.	<p>Proposed date of adoption: Not Applicable</p> <p>Proposed date of entry into force: Not Applicable</p>
10.	Final date for comments: 29 November 2024
11.	<p>Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>https://members.wto.org/crnattachments/2024/TBT/USA/24_06412_00_e.pdf</p>