

January 3, 2018

To: General Issues Committee

Re: **TSCA Inventory Interim List of Active Chemicals as of 11/20/17**

In August 2017 the [TSCA Inventory Notification \(Active-Inactive\) Rule](#) initiated an industry survey for reporting of chemicals manufactured or processed in the U.S. over the past 10 years. This survey will identify which chemical substances on the TSCA Inventory are active in U.S. commerce. **Manufacturers and importers must report by February 7, 2018 and processors by October 5, 2018.** See CPMA guidance document (9/25/17) for additional information on the reporting process and pigments on the EPA Exemption List.

EPA has published an [Interim Inventory List](#) of chemicals and has indicated that it will continue updating the list on a monthly basis. It is important to note that the Interim List is not an exemption list. In the Final Rule, EPA described the Interim List as:

“intended to inform the stakeholder community of the status of reporting to date under the TSCA Inventory Notifications (Active-Inactive) rule. This list is for informational purposes only and does not excuse manufacturers from fulfilling any applicable retrospective reporting requirement under 40 C.F.R. § 710.25(a). Substances identified on this list are not exempt from retrospective reporting by other manufacturers under the rule, unless a manufacturer has obtained a CDX receipt documenting EPA’s receipt of an NOA Form A from another person for the chemical substance, as provided in 40 C.F.R. § 710.25(a).”

**Compliance:** Companies should plan to report by **February 7, 2018** any chemicals manufactured or imported in the ten-year period (June 21, 2006 – June 21, 2016), including any of the chemicals identified on the Interim List, using a Survey Notice of Activity (NOA) Form A. Failure to respond to the Survey would be a significant paperwork violation for each unreported chemical. Even if you obtain and rely on a receipt for another manufacturer’s Survey response, you could be liable for a violation if the TSCA Inventory entry is later modified or withdrawn. See p.6 for information on penalties for failure to comply with reporting under the Final Rule.

**Pigments on the Interim List:** We encourage members to review the complete list as it is updated by EPA. CPMA has reviewed the Interim List as of 11/20/17 and identified examples of pigments listed below (organized by the type of description used in the Interim List).

#### Organic Pigments Identified by Structure with Colour Index Designations Provided by CPMA

CAS No.	Pigment Name	Structure
2379819	Vat Black 27	Benzamide, N,N'-(10,15,16,17 tetrahydro-5,10,15,17tetraoxo5H-dinaphtho[2,3-a:2',3'-l]carbazole-diyl)bis-
16521383	C.I. Pigment Blue 63	N/A (Indigoid)
116712	C.I. Pigment Blue 65	Anthra[9,1,2-cde]benzo [rst]pentaphene-5,10-dione
1325877	C.I. Pigment Blue 1	Ethanaminium, N-[4-[[4-(diethylamino)phenyl][4-ethylamino)-1-naphthalenyl]methylene]-2,5-

		cyclohexadien-1-ylidene]-N-ethyl-,molybdate tungstatephosphate
1324545	C.I. Vat Blue 18	N/A
32220829	Vat Blue 66	9,10-Anthracenedione, 1,1'-[(6-phenyl-1,3,5-triazine-2,4-diyl)diimino]bis[3-acetyl-4-amino-
3317677	C.I. Pigment Blue 75	Cobalt, [29H,31H-phthalocyaninato(2-) kappa.N29,.kappa.N30,.kappa.N31,.kappa.N32]-,(SP-4-1)-
6992116	C.I. Pigment Brown 25	2-Naphthalenecarboxamide, 4-[2-(2,5-dichlorophenyl) diazenyl]-N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-hydroxy-
1325753	C.I. Pigment Green 1 C.I. Pigment Green 2	Ethanaminium, N-[4-[[4-(diethylamino)phenyl] phenylmethylene]-2,5-cyclohexadien-1-ylidene]-N-ethyl-,molybdate tungstatephosphate
14999974	Vat Green 8	Bisnaphth[2',3':6,7]indolo[2,3-c:2',3' c']dinaphtho[2,3 i:2',3'-i']benzo[1,2-a:5,4-a']dicarbazole-5,7,9,14,19,24, 26,28,33,38-decone, 6,8,25,27-tetrahydro-
16143809	C.I. Pigment Green 8	Ferrate(1-), tris[(1,2-naphthalenedione-.kappa.O2) 1-(oximato-.kappa.O)]-,sodium (1:1)
2379784	Vat Orange 15	Benzamide, N,N'-(10,15,16,17-tetrahydro-5,10,15,17-tetraoxo-5H-dinaphtho[2,3-a:2',3'-i]carbazole-4,11-diyl)bis-
128701	C.I. Pigment Orange 40	8,16-Pyranthredione
4424060	C.I. Pigment Orange 43 Vat Orange 7	Bisbenzimidazo[2,1-b:2',1'-i]benzo [lmn] [3,8] phenanthroline-8,17-dione
1503486	C.I. Pigment Orange 48	Quino[2,3-b]acridine-6,7,13,14(5H,12H)-tetrone
42844939	C.I. Pigment Orange 68	Nickel, [1,3-dihydro-5,6-bis[[[2-(hydroxy-.kappa.O)-1-naphthalenyl]methylene]amino-.kappa.N]-2H-benzimidazol-2-onato(2-)]-, (SP-4-2)-
6505299	C.I. Pigment Red 41	3H-Pyrazol-3-one, 4,4'-[(3,3'-dimethoxy[1,1'-biphenyl]-4,4'-diyl)bis(2,1-diazenediyl)]bis [2,4-dihydro-5-methyl-2-phenyl-
12224985	C.I. Pigment Red 81	Xanthylium,9-[2-(ethoxycarbonyl)phenyl]-3,6-bis(ethylamino)-2,7-dimethyl-, molybdatetungstatephosphate
4378614	C.I. Pigment Red 168	Dibenzo[def,mno]chrysene-6,12-dione, 4,10-dibromo-
12227780	C.I. Pigment Red 172	Spiro[isobenzofuran-1(3H),9'-[9H]xanthen]-3-one, 3',6'-dihydroxy-2',4',5',7'-tetraiodo-, aluminum salt (3:2)
12225068	C.I. Pigment Red 176	2-Naphthalenecarboxamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-3-hydroxy-4-[2-[2-methoxy-5-[(phenylamino)carbonyl] phenyl]diazenyl]-

4203774	C.I. Pigment Red 195	3,3'-Bianthra[1,9-cd]pyrazole]-6,6'(1H,1'H)-dione, 1,1'-diethyl-
63589048	C.I. Pigment Red 226	8,16-Pyranthredione,dibromo-6,14-dichloro-
74336600	C.I. Pigment Red 251	9,10-Anthracenedione, 1-[2-(5,7-dichloro-1,9-dihydro-2-methyl-9-oxopyrazolo[5,1-b]quinazolin-3-yl)diazenyl]-
71552608	C.I. Pigment Red 260	2-Quinazolineacetonitrile,.alpha.-[2,3-dihydro-3-(tetrahydro-2,4,6-trioxo-5(2H)-pyrimidinylidene)-1H-isoindol-1-ylidene]-3,4-dihydro-4-oxo-
12225080	C.I. Pigment Violet 32	2-Naphthalenecarboxamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-4-[2-[2,5-dimethoxy-4-[(methylamino)sulfonyl]phenyl]diazenyl]-3-hydroxy-
4106767	C.I. Pigment Yellow 6	Butanamide,2-[2-(4-chloro-2-nitrophenyl)diazenyl]-3-oxo-N-phenyl-
5979282	C.I. Pigment Yellow 16	Butanamide, N,N'-(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis[2-[2-(2,4-dichlorophenyl)diazenyl]-3-oxo-
475718	C.I. Pigment Yellow 24	Benzo[h]benz[5,6]acridino [2,1,9,8-klmna]acridine-8,16-dione1-onato-.kappa.N2]-,(T-4)-
2904043	C.I. Pigment Yellow 49	Butanamide, N-(4-chloro-2,5-dimethoxyphenyl)-2-[2-(4-chloro-2-methylphenyl) diazenyl]-3-oxo-
6358378	C.I. Pigment Yellow 55	Butanamide, 2,2'-[(3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl)bis(2,1-diazenediyl)]bis[N-(4-methylphenyl)-3-oxo-
32432454	C.I. Pigment Yellow 98	N-(4-chloro-2-methylphenyl)-2-[2-(4-chloro-2-nitrophenyl)diazenyl]-3-oxo-
2387033	C.I. Pigment Yellow 101	1-Naphthalenecarboxaldehyde, 2-hydroxy-, 2-[(2-hydroxy-1-naphthalenyl)methylene]hydrazone
4216017	C.I. Pigment Yellow 108	7H-Benzo[e]perimidine-4-carboxamide, N-(9,10-dihydro-9,10-dioxo-1-anthracenyl)-7-oxo-
15993427	C.I. Pigment Yellow 111	Butanamide, N-(5-chloro-2-methoxyphenyl)-2-[2-(2-methoxy-4-nitrophenyl)diazenyl]-3-oxo-
21405812	C.I. Pigment Yellow 117	Copper,[3-[[[2-(hydroxy-kappa.O)phenyl]methylene]amino-.kappa.N][1,1'-biphenyl]-4-olato(2-).kappa.O]-
23739664	C.I. Pigment Yellow 130	Butanamide, 2-[2-(4-chloro-2-nitrophenyl)diazenyl]-N-(4-methoxyphenyl)-3-oxo-
31775163	C.I. Pigment Yellow 170	Butanamide, 2,2'-[(3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl)bis(2,1-diazenediyl)]bis [N-(4-methoxyphenyl)-3-oxo-

74441057	C.I. Pigment Yellow 181	Benzamide, N-[4-aminocarbonyl]phenyl]-4-[2-[1-[(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)amino]carbonyl]-2-oxopropyl]diazenyl]-
72207626	C.I. Pigment Yellow 188	Butanamide, 2,2'-[(3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl)bis(2,1-diazenediyl)]bis[3-oxo-, N,N'-bis(phenyl and 2,4-xylyl) derivs.
56279277	C.I. Pigment Yellow 192	7H,11H-Benz[de]imidazo[4',5':5,6]benzimidazo[2,1-a]isoquinoline-7,11-dione,10,12-dihydro-
67906314	C.I. Pigment Yellow 182	1,4-Benzenedicarboxylic acid, 2-[2-[2-[(2-methoxyphenyl)amino]-2-oxo-1-(3,4,5,6-tetrahydro-4,6-dioxo-1,3,5-triazin-2-yl)ethyl]diazenyl]-, 1,4-dimethyl ester
63287285	C.I. Pigment Yellow 179	Cobalt, bis[3-[(1H-benzimidazol-2-yl)-.kappa.N3]amino]-1H-isoindol-

### Organic Pigments Structures with No Known Colour Index Names

CAS No.	Pigment Name	Structure
7147424	(BPAOBP identified in the Canadian Diarylide Pigments Assessment)	Butanamide, 2,2'-[(3,3'-dimethoxy[1,1'-biphenyl]-4,4'-diyl)bis(2,1-diazenediyl)]bis[N-(2-methylphenyl)-3-oxo-
10228010	N/A	Quino[2,3-b]acridine-7,14-dione, 5,12-dihydro-2-methyl-
52591250	N/A	9,10-Anthracenedione, 2,2'-(1,3,4-oxadiazole-2,5-diyl)bis[1-amino-
102262317	N/A	Xanthylium, 3,6-bis(diethylamino)-9-[2-(methoxycarbonyl)phenyl]-, cyano cuprate ferrate complexes
102082928	N/A	Xanthylium, 3,6-bis(diethylamino)-9-[2-(methoxycarbonyl)phenyl]-, molybdatesilicate
111071535	N/A	Benzenesulfonic acid, 2-[2-[5-amino-3-methyl-1-(3-sulfophenyl)-1H-pyrazol-4-yl]diazenyl]-4,5-dichloro-, calcium salt (1:1)
71949321	N/A	Benzenesulfonic acid, 4-amino-, diazotized, coupled with C.I. Natural Yellow 11
72480581	N/A	Copper, C.I. Natural Yellow 11-diazotized 2-amino-1,4-benzenedisulfonic acid-diazotized 2-[(4-aminophenyl)amino]-5-nitrobenzenesulfonic acid-diazotized 4-nitrobenzenamine coupling products complexes

### Organic Pigments Confidentially Placed on the TSCA Inventory with Generic Names and Accession Numbers

Accession Number	Generic Name
135478	Organic pigment yellow (PROVISIONAL)
136108	Metallized azo yellow pigment (PROVISIONAL)
140773	Metallized azo yellow pigment (PROVISIONAL)
143409	Naphthol red pigment (PROVISIONAL)
143465	Diketo-pyrrolopyrrol (PROVISIONAL)
144606	Organic pigment (PROVISIONAL)

148028	Diketo-pyrrolopyrrol (PROVISIONAL)
150175	Azo yellow pigment (PROVISIONAL)
151894	Organic yellow pigment (PROVISIONAL)
152444	Organic yellow pigment (PROVISIONAL)
157427	Heterocyclic perylene pigment (PROVISIONAL)
172613	Azo red pigment (PROVISIONAL)
199598	Heterocyclic perylene pigment (PROVISIONAL)
233739	Disazo yellow pigment (PROVISIONAL)
234185	Counterion of sulfonated C.I. Pigment Yellow 138 (PROVISIONAL)
267722	Azo red pigment (PROVISIONAL)

### Inorganic Pigments Listed by Colour Index Name

CAS No.	Pigment Name
68186890	C.I. Pigment Black 25
68187508	C.I. Pigment Black 29
68187542	C.I. Pigment Black 23
68186970	C.I. Pigment Black 27
52357707	C.I. Pigment Brown 6
68187100	C.I. Pigment Brown 34
71750839	C.I. Pigment Brown 39
68186958	C.I. Pigment Blue 71
68187406	C.I. Pigment Blue 73
68412748	C.I. Pigment Blue 74
68187133	Zircon, iron coral
8011878	C.I. Pigment Green 19
68412793	C.I. Pigment Red 232
68201650	C.I. Pigment Red 235
68187531	C.I. Pigment Red 236
37300235	C.I. Pigment Yellow 36
8012008	C.I. Pigment Yellow 41
68610139	C.I. Pigment Violet 47
90268238	C.I. Pigment Yellow 126
68610242	C.I. Pigment Yellow 157
68186936	C.I. Pigment Yellow 158
68187019	C.I. Pigment Yellow 160
68611438	C.I. Pigment Yellow 161
68611427	C.I. Pigment Yellow 162

### Inorganic Pigments Listed by Generic Structure with Colour Index Designations Provided by CPMA

Cas No.	Pigment Name	Structure
69991680	C.I. Pigment Brown 40	Rutile, antimony chromium manganese brown
68555066	C.I. Pigment Brown 46	Spinels, chromium iron manganese brown
68186969	C.I. Pigment Brown 46	Spinels, chromium iron manganese zinc brown
12214129	C.I. Pigment Red 108	Cadmium selenide sulfide (Cd <sub>2</sub> SeS)
12442272	C.I. Pigment Yellow 35	Cadmium zinc sulfide ((Cd,Zn)S)

## Penalties

### Failure to Report:

Under the Final Rule, EPA will divide the existing TSCA Inventory into active substances in commerce and inactive substances which have not been in commerce since June 22, 2006. If a manufacturer fails to report a substance for the active inventory, the substance is not removed from the TSCA Inventory. Instead, the substance is designated as inactive. Therefore, failure to report a chemical subject to the Final Rule under Section 8 of TSCA, 15 U.S.C. 2607, is different from failure to submit a TSCA Premanufacturing Notice Form under Section 5, 15 U.S.C. 2604. Penalties for failure to provide a timely accurate report under the Final Rule would be significant, though not equivalent to a failure to report a new chemical to the TSCA Inventory.

EPA enforcement response guidance for TSCA Sections 8, 12 and 13 would be applied to a violation of the Final Rule. EPA has not issued revisions to the guidance to address the requirements of the Final Rule. The current enforcement guidance identifies TSCA Section 8 Inventory Update violations as significant (not major) violations assessed at level 1, with the maximum severity calculated as a one-day violation. Assuming the failure to report under the Final Rule would be considered analogous to the TSCA Inventory update and adjusting the maximum penalties under the TSCA Section 8 enforcement guidance for the increase from \$25,000 to \$37,500 provided in the Amended TSCA, the maximum penalty for failure to report under the Final Rule would be estimated at \$25,500 per chemical. Numerous mitigating factors may also be applied including prompt voluntary reporting. See: [https://www.epa.gov/sites/production/files/documents/erp8\\_12r.pdf](https://www.epa.gov/sites/production/files/documents/erp8_12r.pdf).

### Incorrect Information:

Inaccurate reporting under the Final Rule could be the subject of enforcement as well. For example, failure by a manufacturer to withdraw an erroneous submission under the Final Rule by October 5, 2018, because production did not occur in the ten-year look back period, would also be a violation. EPA allows for the withdrawal of retrospective notices from manufacturers before the end of the processor reporting period ending on October 5, 2018. See 40 CFR 710.30(a)(3). The Final Rule also allows for the withdrawal of forward-looking notices using NOA Form B, if EPA has not yet altered the TSCA Inventory status of the substance in response to the original submission. See 40 CFR 710.30(b)(3).

### Penalties under Section 5 for Failure to Submit a PMN for a New Chemical in Commerce:

Under the Amended TSCA, maximum penalties for violations of TSCA regulations have been raised from \$25,000 to \$37,500 per day. 15 U.S.C. 2615 (a). Although penalties can vary greatly according to hazard assessment and numerous mitigating factors, such as prompt voluntary reporting and whether the unreported substance has been distributed in commerce, the maximum civil penalties for failure to submit PMN forms for new substances distributed in commerce are calculated at the statutory limit, now \$37,500 per day.

### Enforcement:

It is to be expected that EPA enforcement personnel will review facility TSCA Inventory submissions for compliance as part of regional office on-site enforcement inspections, which include comparison of production and import records with EPA TSCA submissions. Additionally, based on prior enforcement of the Inventory Update, EPA could issue penalties based on review of TSCA Inventory update submissions received at the EPA Headquarters in Washington, DC.