



SNUR Compliance – Practical Considerations

U.S. – Canada Regulatory Cooperation Council

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Overview

- Overview of regulatory requirements
- Identifying SNUR chemicals
- Precluding use of SNUR chemicals
- Precluding significant new use
- Notifying customers of SNUR chemicals

Key Regulatory Requirements

- Do not engage in significant new use of a SNUR chemical after effective date of SNUR
 - Without first submitting a significant new use notice (SNUN) to EPA and allowing review period to end
- If manufacturing or processing a SNUR chemical and distributing it, notify customers of SNUR chemical
 - Including CFR reference so they can learn the significant new use
 - Regardless of whether or not engaging in significant new use
- Notify EPA if learn that customer is engaging in a significant new use

Identifying SNUR Chemicals Based on Supplier Notification

- 40 C.F.R. § 721.5(c) – No obligation to comply with SNUR if:
 - Do not know that a SNUR applies, and
 - Do not know chemical identity
- 40 C.F.R. § 721.5(a)(2) – Must submit SNUN unless notify customers in writing of SNUR
 - Whether or not supplier engages in significant new use
 - Section 15 of SDS lists Inventory status; SNUR status?
 - Obligation not widely understood
 - 3M, Dow, DuPont do so
 - Not reliable that all suppliers do so

Identifying SNUR Chemicals Based on Chemical Identity

- Ideal – maintain database of all chemicals in purchased or manufactured products
 - By CAS number or alternative
 - Some chemical companies, not many other sectors
- List of SNUR chemicals available from TSCA § 12(b) list,
[http://www.epa.gov/oppt/import-export/pubs/Section_12\(b\)_public_8_05_15.pdf](http://www.epa.gov/oppt/import-export/pubs/Section_12(b)_public_8_05_15.pdf)
 - CAS number
 - PMN number – challenge to confirm identity or other requirements
 - Updates from monitoring Federal Register
- Nitrites of Alkali Metals (Group IA elements) Category
 - No examples listed

Company Responses to a SNUR

1. No SNUR chemicals allowed
2. Work practices to ensure will not engage in significant new use
3. Submit SNUN
4. Notify customers

Common Response – No SNUR Chemicals Allowed

- Some companies will not allow any SNUR chemicals in the products that they purchase or sell
 - Too burdensome to initiate work processes to ensure that the company does not engage in the significant new use
 - May depend on the significant new use
 - Sustainability – SNUR chemicals are disfavored
 - Market-facing consumer product companies
 - Blocks in SAP
 - Proprietary or undisclosed chemicals?

Excluding SNUR Chemicals

- Purchasing function must communicate with suppliers
- Electronics sector – green purchasing controls
 - HP, General Specification for the Environment
 - Greenpeace, Guide to Greener Electronics
 - No SNUR chemicals as such
- Automobile sector
 - International Material Data System (IMDS)
 - Global Automotive Declarable Substance List (GADSL)
 - Not designed or used for SNURs
- Some consumer product producers
- Most other sectors are not as organized

Excluding SNUR Chemicals

- BOMCheck.net
 - Designed for:
 - REACH
 - Article 33 declarations – 163 SVHCs
 - Article 67 restrictions – 105 chemicals
 - RoHS2 (EU, China, Korea, Japan)
 - Around 10 chemicals
 - Conflict minerals
 - 4 metals
 - Adaptable, but not designed or used for > 1900 SNUR chemicals
 - Costly – 300 euro annual fee
 - Challenging to get suppliers to sign up
 - Must update if provide < Full Material Declaration after (SNUR or other) list changes
 - Proprietary information is a challenge

Excluding SNUR Chemicals

- Supply chain communications
 - Degree of control over chemicals used
 - Complexity of supply chain
 - Foreign/domestic
 - Increasing need to know about chemicals in products supplied
 - Inquiry to immediate supplier

Work Practices to Ensure No Engaging in Significant New Use

- Depends on the significant new use
 - Use in consumer products
 - Release to water
 - Workplace protections
 - Other
- Requires management practices
 - Keeping these up over time is a challenge
 - SAP is a key tool

Submitting a SNUN

- Rarely used
 - > 1700 SNURs for > 1900 chemicals
 - 4 SNUNs in FY 2005
 - 8 SNUNs in FY 2006
 - 6 SNUNs in FY 2007
 - 8 SNUNs in FY 2008
 - 7 SNUNs in FY 2009
 - 2 SNUNs in FY 2010
 - 10 SNUNs in FY 2011
- Expect § 5(e) consent order at best

Communicating With Customers

- SDS section 15 – with CFR citation
 - No need to specify significant new use
- Best practice: explain SNUR requirements
 - Technical data sheet or similar
 - Similar to customer guidance after § 5(e) order
 - Plain language
 - SNUR is a competitive disadvantage
 - Work practices required
 - Sustainability considerations
 - So try to minimize disadvantage with assistance

Questions?

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