



# william a. mcginty co.

CUSTOMS BROKERS - FOREIGN FREIGHT FORWARDERS

EST. 1961

9950 W. LAWRENCE AVE. • SUITE 319 • SCHILLER PARK, ILLINOIS 60176

Dear Importer,

U.S. Customs requires a signed statement by the Importer of Record. The statement pertains to the reporting requirements of the TSCA (Toxic Substances Control Act). Below we have copied a section of the U.S. Customs regulations.

Please use the attached statement, copy on to your company's letterhead, mark the Section which applies and return to us as soon as possible.

Thank you!  
WILLIAM A. MCGINTY CO.

## **Sec. 12.118 Toxic Substances Control Act.**

The importation into the customs territory of the U.S. of a chemical substance in Bulk or as part of a mixture, or article *containing a chemical substance or mixture*, is governed by the Toxic Substances Control Act ("TSCA") (15 U.S.C. 2601 et seq.), And by regulations issued under the authority of Sec. 13 (b), TSCA (15U.S.C. 2612 (b) by the Secretary of the Treasury in consultation with the Administrator, Environmental Protection Agency ("EPA").

## **Sec. 12.119 Scope.**

Sections 12.120 through 12.127 apply to the importation into the customs territory of the U.S. of chemical substances in bulk and as part of mixtures under TSCA.

Sections 12.120 through 12.127 also apply to articles containing a chemical substance or mixture if so required by the Administrator by specific rule under TSCA.

## **Sec. 12.120 Definitions.**

Except as otherwise provided below, the terms used in Secs. 12/121 through 12.127 have meanings set forth for those terms in TSCA.

(a) "Article".

(1) "Article" means a manufactures item which:

(i) Is formed to a specific shape or design during manufacture,

(ii) Has end use functions dependent in whole or in part upon its shape or design during the end use, and

(iii) Has either no change of chemical composition during its end use or only those changes of

composition which, have no commercial purpose separate from that of the article and that may occur as described in Sec. 12.120(a)(2) below; except that fluids and particles are not considered articles regardless of shape or design.

(2) The allowable changes of composition, referred to in Sec. 12/120(a)(1), are those which result from a chemical reaction that occurs upon the end use of other chemical substances, mixtures, or articles such as adhesives, paints, miscellaneous cleaners or other household products, fuels and fuel additives, water softening and treatment agents, photographic films, batteries, matches, and safety flares in which the chemical substance manufactured upon end use of the article is not itself manufactured for distribution in commerce or for use as an intermediate.

(b) "Chemical substance in bulk form" means a chemical substance (other than as part of a mixture or article) in containers used for purposes of transportation or containment, provided that the chemical substance is intended to be removed from the container and has an end use or commercial purpose separate from the container.

**Sec. 12.121 Reporting Requirements.**

(a) *All chemical substances in bulk or mixtures.* The importer of a chemical substance, imported in bulk or as part of a mixture, shall certify to the district director at the port of entry that the chemical shipment is subject to TSCA and complies with all applicable rules and orders thereunder, or is not subject to TSCA. The importer, or his authorized agent, shall sign one of the following statements:

*I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order thereunder. I certify that all chemicals in this shipment are not subject to TSCA.*

The certification, which shall be filed with the district director at the port of entry before release of the shipment, may appear as a typed or stamped statement:

(1) On an appropriate entry document or commercial invoice, or on a preprinted attachment to such entry or invoice.

(2) On the commercial invoice or an attachment to the invoice, in the event of release under a special permit for an immediate delivery, as provided for in Sec. 142.21 of this chapter, or entry, as provided for in Sec. 142.3 of this chapter.

(b) *Chemical substance or mixture as part of articles.* Each import of a chemical substance or mixtures as part of an article shall meet the reporting requirements set forth in paragraph (a) of this section only if required by a rule or order under TSCA.

(c) *Facsimile signatures.* The certification statements in paragraph (a) may be signed by means of an authorized facsimile signature.

To Whom It May Concern:

\_\_\_\_\_ I certify that the chemical substances in the shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order thereunder.

\_\_\_\_\_ I certify that all chemicals in this shipment are not subject to TSCA.

Very truly yours,

\_\_\_\_\_  
Signature