

# CBP and Trade Automated Interface Requirements

Tips for Trade when filing an EPA TSCA Certification in ACE

February 08, 2019



U.S. Customs and  
Border Protection





## Tips for Trade when filing an EPA TSCA Certification in ACE

### Determining Filing Requirements:

This document was updated in February 2019 to include guidance regarding TSCA VI (Formaldehyde-Containing Wood Products) filing in ACE.

To determine if you need to file the TSCA Section 13, ODS, or TSCA Title VI Import Certifications, please contact the TSCA Hotline at (202) 554-1404. The TSCA Hotline operates Monday through Friday, from 8:30 a.m. to 5:00 p.m. Eastern time. You can also send an email to [tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov).

### Section 13 and ODS

Please see the EPA CATAIR for further guidance on PGA Message Set creation and filing information. For additional questions on how to file, please refer to your Software Provider's training and guidance.

### Title VI (Formaldehyde Emission Standards for Composite Wood Products)

The TSCA Title VI import certification requirement applies to composite wood products (i.e., panels of hardwood plywood, particleboard, medium density fiberboard, and thin-medium density fiberboard), component parts containing such composite wood products, and finished goods containing such composite wood products that are imported into the U.S. beginning March 22, 2019.

Under the TSCA Title VI regulation, importers must also:

- **Keep Records.** Take reasonable precautions by retaining, for three years, bills of lading, invoices, or comparable documents that include a written statement from the supplier that the composite wood products (or component parts/finished goods) are TSCA Title VI compliant.
- **Provide Records on Request.** When EPA requests, make available within 30 days records identifying 1) the panel producer and the date the composite wood products were produced; and 2) records identifying the supplier, if different, and the date the composite wood products (or component parts/finished goods) were purchased.

### Disclaims for ACE:

If an HTS code in ACE is flagged EP7 for EPA TSCA, but you have determined that you are not filing the EPA TSCA certification data electronically, determine the correct disclaim code to provide from the available codes:

A = product is not regulated by this agency

B = data is not required per agency guidance (Disclaim code B is for ODS and TSCA Section 13 certifications only- call the TSCA hotline to determine if this applies. ***This disclaim code is not allowed for TSCA Title VI certifications.***)

C = data filed through other agency means (for instance, DIS)

D = data filed through paper

### Options for Filing (use one or the other)

- (1) Filing the certification using the PGA message set by entering the certification information in the screens and submitting. You will receive an automatic 'may proceed' if you filed it correctly or a 'reject' with an error message if you did not enter all of the correct information. This is the preferred option since ACE will do an auto check of your filing and you can get an automatic 'may proceed.'



- (2) Uploading an image of the paper TSCA certification to DIS and filing a disclaim code of C in the screens for the PG01 record for the government agency and government agency program code. You will need to tag the image of the TSCA certification with EPA06 so EPA can see it. This may be reviewed by CBP and EPA.

**Tips for Filing the PGA Message Set**

For questions on how to file, please refer to your Software Provider’s training and guidance. In addition, please keep in mind these important items:

- Make sure you are using the correct Government Program Agency Code:
  - TS1– Toxic Substance Control Act (Section 13 or Title VI)
  - ODS – Ozone Depleting Substances
- Verify you are providing data for the entity point of contact. The Entity Role code applicable to EPA TSCA is certifying individual:
  - CI – Certifying Individual
- The Certification Statement (PG22 record) requires a code for either a Negative or a Positive TSCA Certification. Please refer to the table below for allowable PG record components by filing type:

	TSCA – Section 13	TSCA- Title VI	TSCA - ODS
Disclaim Codes Allowed (PG01)	A, B, C, D	A, C, or D only	A, B, C, D
Program Office Code (PG01)	TS1	TS1	ODS
Certification Statements Allowed (PG22)	Positive or Negative Certification Statement	Positive Certification Statement ONLY	Positive or Negative Certification Statement

**Certification Statements (PG22)**

Note per table above, *the Positive Certification Statement is the only allowable choice for Title VI* (Formaldehyde-Containing Wood Products).

- **EP4 (Positive Certification)** - 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 under TSCA.
- **EP5 (Negative Certification)** - I certify that all chemicals in this shipment are not subject to TSCA.

Please refer to the CBP CATAIR and EPA Supplemental for more details and samples:

<https://www.cbp.gov/trade/ace/catair>