



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[EPA-HQ-TRI-2022-0262; FRL-2425.1-05-OCSPF]

RIN 2025-AA17

Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendment.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is correcting a final rule that appeared in the *Federal Register* on July 14, 2023, which added a diisononyl phthalates (DINP) category to the list of toxic chemicals subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA). However, the amendment could not be incorporated into the regulation due to an inaccurate amendatory instruction. This document corrects the amendatory instructions.

DATES: Effective on [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-TRI-2022-0262, is available at <https://www.regulations.gov>. Additional instructions on visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Rachel Dean, Data Collection Branch, Data Gathering, Management, and Policy Division (Mail code: 7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 566-1303; email address: dean.rachel@epa.gov.

For general information contact: The Emergency Planning and Community Right-to-Know Information Center; telephone number: (800) 424-9346 or (703) 348-5070 in the Washington, DC Area and International; Web site: <https://www.epa.gov/aboutepa/epa-hotlines>.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

The Agency included in the July 14, 2023, final rule a list of those who may be potentially affected by this action.

II. What does this correction do?

EPA issued a final rule in the *Federal Register* on July 14, 2023 (88 FR 45089) (FRL-2425.1-03-OCSP) which added a diisononyl phthalates (DINP) category to the list of toxic chemicals subject to the reporting requirements under the EPCRA and the PPA. In the final rule's instructions to amend the Code of Federal Regulations (CFR), EPA intended to add the DINP category alphabetically to the list of TRI chemical categories at 40 CFR 372.65(c). However, the list of TRI chemical categories in the CFR at the time had been incorporated as a static image of a table, which introduced formatting challenges with regard to updating 40 CFR 372.65(c) per the amendatory instructions in the DINP category rule because the Agency did not provide a new static image of the table. This document corrects the formatting in Table 3 to paragraph (c) of 40 CFR 372.65(c) by removing the static image of the table and replacing it with a table consisting of text and images of chemicals structures, as applicable.

III. Why is this correction issued as a final rule?

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that notice and public procedure are unnecessary because EPA provided a full opportunity for notice and comment before issuing the final rule that published in the *Federal Register* on July 14, 2023,

and this correction merely corrects the amendatory instructions to ensure that the rule is correctly codified in the CFR. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do any of the statutory and executive order review requirements apply to this action?

No. For a detailed discussion concerning the statutory and executive order review requirements refer to Unit VI. of the final rule issued on July 14, 2023.

V. Congressional Review Act (CRA)

Pursuant to the CRA (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the *Federal Register*. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 372

Environmental protection, community right-to-know, reporting and recordkeeping requirements, and toxic chemicals.

Dated: April 24, 2024.

Michal Freedhoff

Assistant Administrator, Office of Chemical Safety and Pollution Prevention

Therefore, for the reasons set forth in the preamble, EPA is amending 40 CFR part 372 as follows:

PART 372—TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

2. In § 372.65, amend Table 3 in paragraph (c) to read as follows:

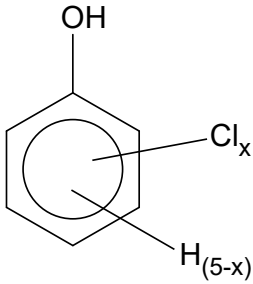
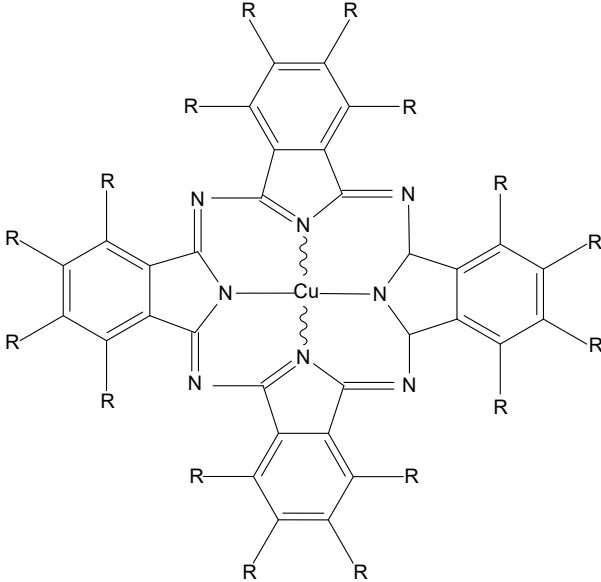
§ 372.65 Chemicals and chemical categories to which this part applies.

* * * * *

(c) * * *

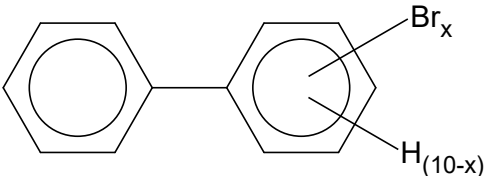
Table 3 to Paragraph (c)

Category name	Effective Date
Antimony compounds: Includes any unique chemical substance that contains antimony as part of that chemical's infrastructure.	1/1/1987
Arsenic compounds: Includes any unique chemical substance that contains arsenic as part of that chemical's infrastructure.	1/1/1987
Barium compounds: Includes any unique chemical substance that contains barium as part of that chemical's infrastructure (except for barium sulfate (CAS No. 7727-43-7)).	1/1/1987
Beryllium compounds: Includes any unique chemical substance that contains beryllium as part of that chemical's infrastructure.	1/1/1987
Cadmium compounds: Includes any unique chemical substance that contains cadmium as part of that chemical's infrastructure.	1/1/1987
Certain glycol ethers R-(OCH ₂ CH ₂) _n -OR' Where: n = 1, 2, or 3; R = alkyl C7 or less; or R = phenyl or alkyl substituted phenyl; R' = H or alkyl C7 or less; or OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.	1/1/1995

<p>Chlorophenols</p>  <p>Where $x = 1$ to 5</p>	<p>1/1/1987</p>
<p>Chromium compounds: Includes any unique chemical substance that contains chromium as part of that chemical's infrastructure (except for chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the chromite ore processing residue (COPR). COPR is the solid waste remaining after aqueous extraction of oxidized chromite ore that has been combined with soda ash and kiln roasted at approximately 2,000 °F).</p>	<p>1/1/1987</p>
<p>Cobalt compounds: Includes any unique chemical substance that contains cobalt as part of that chemical's infrastructure.</p>	<p>1/1/1987</p>
<p>Copper compounds: Includes any unique chemical substance that contains copper as part of that chemical's infrastructure (except for C.I. Pigment Blue 15 (PB-15, CAS No. 147-14-8), C.I. Pigment Green 7 (PG-7, CAS No. 1328-53-6), and C.I. Pigment Green 36 (PG-36, CAS No. 14302-13-7)) and except copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine that meet the following molecular structure definition:</p>  <p>Where $R = H$ and/or Br and/or Cl only.</p>	<p>1/1/1987</p>
<p>Cyanide compounds: X^+CN^- where $X^+ =$ any group (except H^+) where a formal dissociation can be made. For example, KCN or $Ca(CN)_2$.</p>	<p>1/1/1987</p>

<p>Diisocyanates (This category includes only those chemicals listed below)</p> <p>38661-72-2 1,3-Bis(methylisocyanate)cyclohexane</p> <p>10347-54-3 1,4-Bis(methylisocyanate)cyclohexane (1,4-Bis(isocyanatomethyl)cyclohexane)</p> <p>2556-36-7 1,4-Cyclohexane diisocyanate</p> <p>134190-37-7 Diethyldiisocyanatobenzene</p> <p>4128-73-8 4,4'-Diisocyanatodiphenyl ether</p> <p>75790-87-3 2,4'-Diisocyanatodiphenyl sulfide</p> <p>91-93-0 3,3'-Dimethoxybenzidine-4,4'-diisocyanate</p> <p>91-97-4 3,3'-Dimethyl-4,4'-diphenylene diisocyanate</p> <p>139-25-3 3,3'-Dimethyldiphenylmethane-4,4'-diisocyanate</p> <p>822-06-0 Hexamethylene-1,6-diisocyanate</p> <p>4098-71-9 Isophorone diisocyanate</p> <p>75790-84-0 4-Methyldiphenylmethane-3,4-diisocyanate</p> <p>5124-30-1 1,1-Methylene bis(4-isocyanatocyclohexane)</p> <p>101-68-8 4,4'-Methylenedi(phenyl isocyanate)</p> <p>3173-72-6 1,5-Naphthalene diisocyanate</p> <p>123-61-5 1,3-Phenylene diisocyanate</p> <p>104-49-4 1,4-Phenylene diisocyanate</p> <p>9016-87-9 Polymeric diphenylmethane diisocyanate</p> <p>16938-22-0 2,2,4-Trimethylhexamethylene diisocyanate</p> <p>15646-96-5 2,4,4-Trimethylhexamethylene diisocyanate</p>	<p>1/1/1995</p>
<p>Diisononyl Phthalates (DINP): Includes branched alkyl di-esters of 1,2 benzenedicarboxylic acid in which alkyl ester moieties contain a total of nine carbons. (This category includes but is not limited to the chemicals covered by the CAS numbers and names listed here).</p> <p>28553-12-0 Diisononyl phthalate</p> <p>71549-78-5 Branched dinonyl phthalate</p> <p>14103-61-8 Bis(3,5,5-trimethylhexyl) phthalate</p> <p>68515-48-0 Di(C8-10, C9 rich) branched alkyl phthalates</p> <p>20548-62-3 Bis(7-methyloctyl) phthalate</p> <p>111983-10-9 Bis(3-ethylheptan-2-yl) benzene-1,2-dicarboxylate</p>	<p>1/1/2024</p>

Dioxin and dioxin-like compounds (Manufacturing; and the processing or otherwise use of dioxin and dioxin like compounds if the dioxin and dioxin like compounds are present as contaminants in a chemical and if they were created during the manufacturing of that chemical.) (This category includes only those chemicals listed below). 67562-39-4 1,2,3,4,6,7,8-Heptachlorodibenzofuran 55673-89-7 1,2,3,4,7,8,9-Heptachlorodibenzofuran 35822-46-9 1,2,3,4,6,7,8-Heptachlorodibenzo- <i>p</i> -dioxin 39227-28-6 1,2,3,4,7,8-Hexachlorodibenzo- <i>p</i> -dioxin 57653-85-7 1,2,3,6,7,8-Hexachlorodibenzo- <i>p</i> -dioxin 19408-74-3 1,2,3,7,8,9-Hexachlorodibenzo- <i>p</i> -dioxin 70648-26-9 1,2,3,4,7,8-Hexachlorodibenzofuran 57117-44-9 1,2,3,6,7,8-Hexachlorodibenzofuran 72918-21-9 1,2,3,7,8,9-Hexachlorodibenzofuran 60851-34-5 2,3,4,6,7,8-Hexachlorodibenzofuran 39001-02-0 1,2,3,4,6,7,8,9-Octachlorodibenzofuran 3268-87-9 1,2,3,4,6,7,8,9-Octachlorodibenzo- <i>p</i> -dioxin 57117-41-6 1,2,3,7,8-Pentachlorodibenzofuran 57117-31-4 2,3,4,7,8-Pentachlorodibenzofuran 40321-76-4 1,2,3,7,8-Pentachlorodibenzo- <i>p</i> -dioxin 51207-31-9 2,3,7,8-Tetrachlorodibenzofuran 1746-01-6 2,3,7,8-Tetrachlorodibenzo- <i>p</i> -dioxin	1/1/2000
Ethylenebisdithiocarbamic acid, salts and esters.	1/1/1994
Hexabromocyclododecane (This category includes only those chemicals covered by the CAS numbers listed here) 3194-55-6 1,2,5,6,9,10-Hexabromocyclododecane 25637-99-4 Hexabromocyclododecane	1/1/2017
Lead compounds: Includes any unique chemical substance that contains lead as part of that chemical's infrastructure.	1/1/1987
Manganese compounds: Includes any unique chemical substance that contains manganese as part of that chemical's infrastructure.	1/1/1987
Mercury compounds: Includes any unique chemical substance that contains mercury as part of that chemical's infrastructure.	1/1/1987
Nickel compounds: Includes any unique chemical substance that contains nickel as part of that chemical's infrastructure.	1/1/1987
Nicotine and salts.	1/1/1995
Nitrate compounds (water dissociable; reportable only when in aqueous solution).	1/1/1995
Nonylphenol (This category includes only those chemicals listed below). 104-40-5 4-Nonylphenol (<i>p</i> -Nonylphenol) 11066-49-2 Isononylphenol 25154-52-3 Nonylphenol 26543-97-5 4-Isononylphenol 84852-15-3 4-Nonylphenol, branched (Branched <i>p</i> -nonylphenol) 90481-04-2 Nonylphenol, branched	1/1/2015

<p>Nonylphenol Ethoxylates (This category includes only those chemicals covered by the CAS numbers listed here).</p> <p>7311-27-5 Ethanol, 2-[2-[2-[2-(4-nonylphenoxy)ethoxy]ethoxy]ethoxy]-</p> <p>9016-45-9 Poly(oxy-1,2-ethanediyl), α-(nonylphenyl)-ω-hydroxy-; (Polyethylene glycol nonylphenyl ether)</p> <p>20427-84-3 Ethanol, 2-[2-(4-nonylphenoxy)ethoxy]-; (2-[2-(4-Nonylphenoxy)ethoxy]ethanol)</p> <p>26027-38-3 Poly(oxy-1,2-ethanediyl), α-(4-nonylphenyl)-ω-hydroxy-; (<i>p</i>-Nonylphenol polyethylene glycol ether)</p> <p>26571-11-9 3,6,9,12,15,18,21,24-Octaoxahexacosan-1-ol, 26-(nonylphenoxy)-</p> <p>27176-93-8 Ethanol, 2-[2-(nonylphenoxy)ethoxy]-; (Diethylene glycol nonylphenol ether)</p> <p>27177-05-5 3,6,9,12,15,18,21-Heptaoxatricosan-1-ol, 23-(nonylphenoxy)-</p> <p>27177-08-8 3,6,9,12,15,18,21,24,27-Nonaoxanonacosan-1-ol, 29-(nonylphenoxy)-</p> <p>27986-36-3 Ethanol, 2-(nonylphenoxy)-; (2-(Nonylphenoxy)ethanol)</p> <p>37205-87-1 Poly(oxy-1,2-ethanediyl), α-(isononylphenyl)-ω-hydroxy-</p> <p>51938-25-1 Poly(oxy-1,2-ethanediyl), α-(2-nonylphenyl)-ω-hydroxy-</p> <p>68412-54-4 Poly(oxy-1,2-ethanediyl), α-(nonylphenyl)-ω-hydroxy-, branched; (Polyethylene glycol mono(branched nonylphenyl) ether)</p> <p>127087-87-0 Poly(oxy-1,2-ethanediyl), α-(4-nonylphenyl)-ω-hydroxy-, branched; (Polyethylene glycol mono(branched <i>p</i>-nonylphenyl) ether)</p>	<p>1/1/2019</p>
<p>Polybrominated biphenyls (PBBs)</p> <div style="text-align: center;">  </div> <p>Where $x = 1$ to 10</p>	<p>1/1/1987</p>
<p>Polychlorinated alkanes (C_{10} to C_{13}): Includes those chemicals defined by the following formula:</p> $C_xH_{2x-y+2}Cl_y$ <p>where $x = 10$ to 13; $y = 3$ to 12; and where the average chlorine content ranges from 40-70% with the limiting molecular formulas $C_{10}H_{19}Cl_3$ and $C_{13}H_{16}Cl_{12}$</p>	<p>1/1/1995</p>

Polycyclic aromatic compounds (PACs): (This category includes only those chemicals listed below).	1/1/1995
56-55-3 Benz[a]anthracene	
218-01-9 Benzo[a]phenanthrene (Chrysene)	
50-32-8 Benzo[a]pyrene	
205-99-2 Benzo[b]fluoranthene	
205-82-3 Benzo[j]fluoranthene	
207-08-9 Benzo[k]fluoranthene	
206-44-0 Benzo[j,k]fluorene (Fluoranthene)	1/1/2000
189-55-9 Benzo[r,s,t]pentaphene (Dibenzo[a,i]pyrene)	
226-36-8 Dibenz[a,h]acridine	
224-42-0 Dibenz[a,j]acridine	
53-70-3 Dibenzo[a,h]anthracene (Dibenz[a,h]anthracene)	
5385-75-1 Dibenzo[a,e]fluoranthene	
192-65-4 Dibenzo[a,e]pyrene	
189-64-0 Dibenzo[a,h]pyrene	
191-30-0 Dibenzo[a,l]pyrene	
194-59-2 7H-Dibenzo[c,g]carbazole	
57-97-6 7,12-Dimethylbenz[a]anthracene	
42397-64-8 1,6-Dinitropyrene	1/1/2011
42397-65-9 1,8-Dinitropyrene	1/1/2011
193-39-5 Indeno[1,2,3-cd]pyrene	
56-49-5 3-Methylcholanthrene	1/1/2000
3697-24-3 5-Methylchrysene	
7496-02-8 6-Nitrochrysene	1/1/2011
5522-43-0 1-Nitropyrene	
57835-92-4 4-Nitropyrene	1/1/2011
Selenium compounds: Includes any unique chemical substance that contains selenium as part of that chemical's infrastructure.	1/1/1987
Silver compounds: Includes any unique chemical substance that contains silver as part of that chemical's infrastructure.	1/1/1987
Strychnine and salts.	1/1/1995
Thallium compounds: Includes any unique chemical substance that contains thallium as part of that chemical's infrastructure.	1/1/1987
Vanadium compounds.	1/1/2000
Warfarin and salts.	1/1/1994
Zinc compounds: Includes any unique chemical substance that contains zinc as part of that chemical's infrastructure.	1/1/1987

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