



NAMMM Member Survey on PIP (3:1)

NAMMM requests information that will be summarized and presented to the U.S. Environmental Protection Agency (EPA) concerning the use of Phenol, isopropylated, phosphate (3:1), i.e., PIP (3:1). Information is needed to prepare an accurate representation to the EPA on regulatory requirements and its impact on music products through an open comment period NOW through May 17, 2021.

Urgent Call to Action

The EPA invites public comment to be submitted on or before May 17, 2021. NAMMM will be submitting a comment letter to the EPA and requests information that can be summarized from the information provided through the survey below. In particular, the EPA is seeking comments on issues associated with the March 8, 2021 compliance date to remove products containing PIP (3:1) from circulation; to amend this deadline, EPA needs additional information about its impact as well as a workable alternative timeframe. But the EPA cautions that, under the Toxic Substances Control Act (TSCA), rules must be in place “as soon as practicable” and allow for a reasonable transition period.

NAMMM Member Survey Responses Requested by April 23, 2021

Please respond to the [PIP \(3:1\) survey](#) with detailed information by April 23, 2021 so NAMMM can provide informed and specific comments to the EPA. Accurate information is the only way that we can appeal to the EPA to establish a practicable compliance timeframe for our industry. The last page of this document provides a list of questions included in the survey for your convenience to gather the necessary information before completing the survey. Contact NAMMM Public Affairs contact Claire Kreger-Boaz at ClaireK@NAMMM.org with any questions.

Background on PIP (3:1)

Phenol, isopropylated, phosphate (3:1) or PIP (3:1) is used in electrical and electronic equipment (EEE). As a chemical that can perform several functions simultaneously, sometimes under extreme conditions, PIP (3:1) can have several applications in a variety of products: plasticizer, flame retardant, anti-wear additive or an anti-compressibility additive in hydraulic fluid, lubricating oils, lubricants and greases, various industrial coatings, and in adhesives and sealants.

PIP (3:1) is used in EEE in the following articles (but may also be found in other electronics applications)

- PVC tubes, harnesses, cables, covers, sleeves and casings
 - Includes AC cables, USB cables, etc.
 - Covers for parts including terminal insulation and condensers
- Gaskets
- Clamps
- Adhesives/sealants

For music products, PIP (3:1) *may* be found in:

- Cords



- Acoustic pianos with electronic interface or components
- Guitar amplifiers
- Consumer audio (i.e., consumer electronics)
- Electronic keyboards, synthesizers and portable keyboards
- Speakers and mixers (commercial and professional audio)
- Digital recording interfaces

*Please note that this list includes *possible* products impacted; it is not exhaustive.

Background on EPA regulation

On Tuesday, March 16, 2021, the Environmental Protection Agency (EPA) issued a notice of proposed rulemaking to request additional public comments on five final rules recently promulgated under the Toxic Substances Control Act (TSCA). This notice opens a 60-day comment period for phenol, isopropylated phosphate (3:1), or (PIP 3:1), and four other chemicals that EPA designated as persistent, bioaccumulative and toxic (PBT).

This document and request for information focuses only on the PIP (3:1) Rule because of the short compliance timeline included in the Final Rule and its potential to have an adverse impact on a variety of music and related products. As reported earlier, NAMM and other stakeholders directly contacted EPA officials to raise concerns about the feasibility of the Rule's 60-day compliance deadline that was slated to take effect on March 8, 2021.

The EPA also issued a No Action Assurance [letter](#) and the [request](#) from the EPA Acting Assistant Administrator for that letter. These documents are all available on the [EPA's website](#). In the letter, EPA noted that it would be exercising enforcement discretion not to enforce, in certain instances, the PIP (3:1) Rule's compliance deadline for *up to* 180 days (around September 4, 2021).

The "No Action Assurance" letter specifically applies to violations of the prohibitions on the processing and distribution of PIP (3:1) for use in articles, or articles containing PIP (3:1). This delay is intended to provide enough lead time for the submission of comments, EPA's review of these comments, and possible revisions to the Rule's compliance deadlines.

It should be noted, however, that some requirements of the PIP (3:1) Rule remain enforceable. These include, but are not limited to, [recordkeeping](#) and a prohibition on release of PIP (3:1) into water during manufacture, processing, and distribution. The recordkeeping requirements went into effect March 8, 2021 and do apply to manufacturers, processors, and distributors.

Submit Comments Separately

In addition to NAMM's comment submission, we strongly encourage affected NAMM members to submit a separate letter outlining compliance timeline for PIP (3:1) together with plans to develop and implement replacement components in the supply chain.

For example, you may wish to provide the nature of your business and describe the types of products affected by the rule. It would be particularly helpful to also include details on how long it will take to identify, replace, or transition to products that do not contain PIP 3:1.



Prepare and Post Your Comment

- Identify products with PIP (3:1) and identify alternatives – with the aim of removing or replacing items with PIP (3:1) items in your supply chain using the [NAMM Survey Tool](#) by April 23, 2021.
- Submit comments to the EPA by no later than May 17, 2021. Note that the [Federal Register notice](#) contains important and detailed information on **how to** submit your comments.
- In the meantime, we recommend that NAMM members carefully review the No Action Assurance letter, which includes information on the parts of the Rule that remain in effect, including the [Rule's recordkeeping requirements](#).

Background Resources

- **Request for Comment (published March 16)** <https://www.federalregister.gov/documents/2021/03/16/2021-05138/regulation-of-persistent-bioaccumulative-and-toxic-chemicals-under-tsca-section-6h-request-for>
- **Recent EPA Action** <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/public-comment-period-pbt-rules-and-no-action-assurance>
- **Final Rule on PIP (3:1)** <https://www.federalregister.gov/documents/2021/01/06/2020-28692/phenol-isopropylated-phosphate-31-pip-31-regulation-of-persistent-bioaccumulative-and-toxic>
- **No Action Assurance Letter** https://www.epa.gov/sites/production/files/2021-03/documents/oeca_naa_tsca_pip_3-1_rule_3_8_21.pdf

Survey Questions

Please use these questions to research your products and supply chain for evidence of PIP (3:1) and then submit your answers to NAMM via the [PIP \(3:1\) Survey](#) by April 23, 2021.

1. Description of each article(s), component(s), and/or part(s) that contain PIP (3:1).
 - a. Include NAICS [codes](#) for each article where feasible.
 - b. Include a detailed description of the location of the PIP (3:1).
 - c. Indicate whether the part or component is used for B2B or B2C products or in manufacturing/industrial applications.
 - d. The percentage of PIP (3:1)-containing article/component/part compared to the total amount of similar article/component/part. (For example, are all cables in your product line made using this chemical or just certain types of cables?)
2. Functionality:
 - a. Function of PIP (3:1) in the article/component/part (e.g., plasticizer, flame retardant, adhesive/sealant).
 - b. Is there an industry standard or specification that requires this function for this article/component/part? Please list and provide links to standards/specifications. If yes, does the standard/specification require the use of PIP (3:1) specifically?
3. Concentration:



- a. The concentration (parts per million) of PIP (3:1) in the article/component/part. Please provide information for each level, if available (e.g., article vs. component vs. part. A range can be provided.)
4. Exposure:
 - a. Assessment or likelihood of consumer exposure to PIP (3:1) via the article.
 - b. Assessment or likelihood of worker exposure to PIP (3:1) during processing. Are there workplace health and safety programs in place?
5. Releases:
 - a. Is PIP (3:1) released into the environment during the manufacturing process or utilization of the PIP (3:1) containing part or component in the industrial setting?
 - b. Assessment or likelihood that PIP (3:1) is released into the environment during manufacturing of the article/component/part? During normal use of the article?
6. Alternatives:
 - a. The name of the chemistries that are used or that are available for use as an alternate for PIP (3:1) in the article/component/part.
 - b. The concentration (parts per million) of the alternative chemical(s) in the article/component/part. (A range can be provided.)
7. Please provide detailed information on what occurs at each stage of the chemical phase out process (Please know that the stages and timeframes noted below are based on prior information provided to EPA by the Consumer Technology Association (CTA) and the Information Technology Industry Council (ITI). The NAMMM survey will assist us in confirming that the proposed two-year compliance timeframe is practicable and reasonable).
 - a. Procurement and Assessment of Substitute Parts with Suppliers (6 months)
 - b. Internal Quality Assessments (3 months)
 - c. Quality and Safety Certification (6 months)
 - a. Include a listing of the quality and safety certification standards to which articles are certified.
 - b. If possible, provide a letter from the certifying body confirming the certification timeline.
 - d. Supplier Coordination and Manufacturing Changes (6 months)
 - e. Shipment, Import and Distribution in US (3 months)
8. Please provide additional information regarding known or expected impacts to the supply chain if PIP (3:1) is prohibited and no longer available for domestic processing and distribution including in articles.

Contact NAMMM Public Affairs contact Claire Kreger-Boaz at ClaireK@NAMMM.org with any questions.