

**§ 791.3 Definitions.**

Terms defined in the Act, and not explicitly defined herein, are used with the meanings given in the Act.

(a) *The Act* refers to the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 *et seq.*).

(b) *The Agency* or *EPA* refers to the Environmental Protection Agency.

(c) *Byproduct* refers to a chemical substance produced without a separate commercial intent during the manufacture, processing, use or disposal of another chemical substance or mixture.

(d) *Dispute* refers to a present controversy between parties subject to a test rule over the amount or method of reimbursement for the cost of developing health and environmental data on the test chemical.

(e) *Exemption holder* refers to a manufacturer or processor, subject to a test rule, that has received an exemption under sections 4(c)(1) or 4(c)(2) of TSCA from the requirement to conduct a test and submit data.

(f) *Impurity* refers to a chemical substance unintentionally present with another chemical substance or mixture.

(g) A *party* refers to a person subject to a section 4 test rule, who:

(1) Seeks reimbursement from another person under these rules, or

(2) From whom reimbursement is sought under these rules.

(h) *Reimbursement period* refers to a period that begins when the data from the last non-duplicative test to be completed under a test rule is submitted to EPA and ends after an amount of time equal to that which had been required to develop that data or after 5 years, whichever is later.

(i) *Small business* refers to a manufacturer or importer whose annual sales, when combined with those of its parent company (if any) are less than \$30 million.

(j) *Test rule* refers to a regulation ordering the development of data on health or environmental effects or chemical fate for a chemical substance or mixture pursuant to TSCA section 4(a).

**Subpart B—Hearing Procedures****§ 791.20 Initiation of reimbursement proceeding.**

(a) When persons subject to a test rule are unable to reach an agreement on the amount or method of reimbursement for test data development as described in TSCA section 4(c)(3)(A), any of them may initiate a proceeding by filing two signed copies of a request for a hearing with a regional office of the American Arbitration Association and mailing a copy of the request to EPA, and to each person from whom they seek reimbursement, or who seeks reimbursement from them.

(b) The request for hearing must contain the following:

(1) The names and addresses of the filing party and its counsel, if any.

(2) Identification of the test rule under which the dispute arose.

(3) A list of the parties from whom reimbursement is sought or who are seeking reimbursement, a brief description of the attempts to reach agreement and a concise explanation of the issues on which the parties are unable to agree.

(c) The request for a hearing shall be accompanied by the appropriate administrative fee, as provided in a current Fee Schedule of the American Arbitration Association.

**§ 791.22 Consolidation of hearings.**

(a) Promptly upon receipt of the request for a hearing, the Administrator will publish a notice in the FEDERAL REGISTER, advising those subject to the test rule that a request for a hearing has been made.

(b) Any other person wishing to participate in the hearing shall so notify EPA within 45 days of the FEDERAL REGISTER notice. EPA will promptly inform the regional office of the American Arbitration Association where the request has been filed of the additional parties.

**§ 791.27 Pre-hearing preparation.**

(a) *Responses to requests for hearings.* After filing of the request for hearing, if any other party desires to file an answer it shall be made in writing and filed with the American Arbitration Association, and a copy thereof shall