



Subpart J: The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Product Schedule

Subpart J is a section of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which stipulates the criteria for listing and managing the use of dispersants and other chemical and biological agents used to mitigate oil spills. Subpart J is found in 40 Code of Regulations Part 300.910. The NCP Product Schedule was a result of a requirement from Section 311(d)(2) of the Clean Water Act and Section 4201(a)(G) of the Oil Pollution Act of 1990 which requires the President to prepare a “schedule of dispersants, other chemicals, and other oil spill mitigating devices and substances, if any, that may be authorized for use on oil discharges...” The Environmental Protection Agency (EPA) prepares and maintains the NCP Product Schedule (Schedule).

What type of oil spill control products are listed on the NCP Product Schedule?

The Schedule includes chemical and biological agents that collect, remove, disperse or bioremediate oil. NCP Product Schedule categories include:

- 1) Dispersants** - used to break up oil on the water's surface, causing it to disperse down into the water column where natural processes can degrade the oil droplets (used in Marine/Coastal waters).
- 2) Surface washing agents** – only used on solid surfaces to lift and float oil to better absorb, vacuum or collect the oil.
- 3) Bioremediation agents** - microbes, nutrients, enzymes, or a combination intended to encourage the degradation of oil.
- 4) Miscellaneous oil spill control agents (MOSCA)** – including chemical based sorbents and solidifiers and products other than above categories.

What are Sorbents?

40 CFR 300.915(g) defines sorbents as products that are comprised of simple organic, mineral, or synthetic materials. Sorbents are inert and insoluble materials used to remove oil from water through absorption or adsorption. After use, all sorbents must be removed from the water and disposed of properly.

Do all sorbents meet the NCP Product Schedule definition of a sorbent?

No. Simple sorbents that are made of organic, mineral, or synthetic materials that meet the definition as defined in 40 CFR 300.915(g) are not always listed

as sorbents on the Schedule. These products are evaluated by EPA to determine if they meet the NCP sorbent definition. Sorbents comprised of more than just simple organic, mineral, or synthetic materials, or are a combination of materials including chemicals, may be considered a Miscellaneous Oil Spill Control Agent (MOSCA) on the Schedule.

If the sorbent components satisfy the regulatory definition of sorbent, EPA sends a letter to sorbent manufacturers stating that the product may be used at an oil spill. The EPA letter should be presented to the FOSC before use. The FOSC may verify the sorbent letter with the EPA Product Schedule Manager.

Where can I find the procedures for listing a product on the NCP Product Schedule?

Data requirements for new products are found at 40 CFR § 300.915. Specific toxicity and effectiveness protocols are found in Appendix C to Part 300 of the NCP (40 CFR § 300.920). For copies of the regulation and the product schedule, visit the EPA Subpart J - NCP Product Schedule Web page at: <http://www.epa.gov/oem/content/ncp/index.htm>.

Who should submit data for a new product listing?

EPA only accepts new product data from the product owner and/or manufacturer or authorized representative.

How does EPA decide whether to list a product?

EPA's NCP Product Schedule Manager conducts a review of the product data to confirm that the required information is complete and valid. The data requirements are designed to provide sufficient information to Federal On-Scene Coordinators (FOSCs) and Regional Response Teams (RRTs) to determine whether, and in what quantities, a product may be used to control an oil discharge. EPA will inform the submitter, in writing within 60 days, after receipt of complete technical product data, of its decision on adding the product to the Schedule. Additional information or a sample of the product may be requested by EPA (40 CFR 300.920(a)(2)).

Who is authorized to use the NCP Product Schedule products during an oil spill?

Only an FOOSC may authorize the use of a product that has been listed on the Schedule. The use of these products without FOOSC approval is a violation of the Clean Water Act. The FOOSC may authorize the use of a product with or without the concurrence of the RRT and local Trustees. RRTs and Area Committees may predetermine the suitability of using a product at a particular location. In some cases, preauthorization zones have been established for designated areas. For spill situations that are not addressed by a preauthorization plan, the FOOSC, RRT and Trustees may determine suitability through case-by-case consultation when an oil spill occurs.

Once a product is listed, the NCP does not mandate the use of that product by the FOOSC, state, industry, or any oil spill response organization.

What requirements are there once new products are listed on the Product Schedule?

To prevent possible misrepresentation or misinterpretation, all product labels, literature, or advertisements that refer to placement on the Schedule must either reproduce the entire EPA letter announcing the placement on the Product Schedule or include the disclaimer set forth in 40 CFR 300.920(e). This

disclaimer stresses that EPA does not endorse the product.

Disclaimer: [Product Name] is on the U.S. Environmental Protection Agency's NCP Product Schedule. This listing does NOT mean that EPA approves, recommends, licenses, certifies, or authorizes the use of the [Product Name] on an oil discharge. The listing means only that data have been submitted to EPA as required by Subpart J of the National Contingency Plan, Section 300.915 [Source: 40 CFR 300.920 (e)].

For More Information on the Subpart J - NCP Product Schedule

Visit the EPA Emergency Management Web Area:
<http://www.epa.gov/oem/content/ncp/index.htm>

Call the NCP Product Schedule Information Line:
(202) 260-2342

Write to the NCP Product Schedule Manager:
U.S. Environmental Protection Agency
Office of Emergency Management
Regulation and Policy Development Division
1200 Pennsylvania Avenue, NW – 5104A
Room 6450CC
Washington, DC 20460
Attn: NCP Product Schedule Manager

To Report an Oil or Chemical Discharge

Contact the National Response Center
(800) 424-8802 or (202) 267-2675
<http://www.nrc.uscg.mil/index.html>