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Violations May Put Ski Wax Users at Risk from Illegal Perfluoroalkyl Substances

The U.S. Environmental Protection Agency (EPA) is publishing this enforcement alert (Alert) because EPA has identified several high-performance ski wax consumer products that contained perfluorinated chemicals that were not reviewed by EPA for health risks under TSCA. These wax products are intended for use on sports equipment to enhance the performance of the equipment's slick surfaces that are in contact with snow.

- ◆ EPA is concerned that recently identified violations of the Toxic Substances Control Act (TSCA) may be putting skiers and wax applicators at risk for exposure to certain persistent and bioaccumulative chemicals.
- ◆ EPA advises sellers of ski wax to ensure that the products they sell do not contain certain perfluorinated chemicals that are not on the TSCA Chemical Substance Inventory (TSCA Inventory) or have prohibitions on their use in sporting goods.

Illegal PFAS Chemicals in Ski Waxes

EPA identified several manufacturers, importers and sellers that produced or sold ski wax products that included certain perfluorinated chemicals in violation of TSCA. TSCA prohibits the manufacture, processing or importation of a chemical that is not on the TSCA Inventory or otherwise exempt.

Per- and polyfluoroalkyl substances (PFAS) are a group of thousands of man-made chemicals that include perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). PFAS have been manufactured and used in a variety of industries around the globe, including in the United States, since the 1940s. Certain PFAS are persistent, bioaccumulative, and toxic, and remain in the body for long periods of time which may pose a health risk in extremely small quantities. The most-studied PFAS chemicals are PFOA and PFOS. Studies indicate that PFOA and PFOS can cause reproductive and developmental effects, impair liver and kidney functions, disrupt thyroid hormones (PFOS), impact the immune system in laboratory animals, and cause cancer tumors in animals (PFOA).

To protect the public from exposure to these and other chemicals, TSCA requires anyone who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose to submit a pre-

Did you know?

The U.S. Ski & Snowboard and the Canadian Ski Association have joined the International Ski Federation (FIS) and International Biathlon Union (IBU) in banning the use of fluorinated ski wax in competition from all disciplines in North America beginning with the [2020-21 ski and snowboard season](#). FIS has prohibited any products containing C8 fluorocarbons (including PFOA) at all FIS events from [season 2021/2022 onwards](#).

manufacture notice (PMN) at least 90 days prior to the manufacture, import or processing of the chemical. PMN submissions must include all available data, pursuant to [40 CFR 720.45](#) and [720.50](#) on: chemical identity; structure and formula; production volume; byproducts and impurities; intended use; environmental release; disposal practices; human exposure; and test data on the effect to human health or the environment. EPA risk assessors consider this information during the EPA new chemicals review process. There are a range of actions the Agency can take to ensure that appropriate health and environmental protections are in place prior to the new chemical entering the market. EPA will review the PMN and make one of five affirmative determinations under TSCA Section 5 with respect to the new chemical substance.



Recreational skiers. Photo used with permission.

Find out more about submitting a PMN at <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/filing-pre-manufacture-notice-epa>.

When companies manufacture, process or import a chemical that is not on the TSCA Inventory or otherwise exempt without submitting a PMN, EPA does not have the opportunity to review the health risks associated with the chemical. Review of the risks from PFAS in ski waxes is particularly important in light of the potential for ski wax technicians and recreational skiers who apply waxes to the skis to be exposed to PFAS from handling the waxes and from vapors released when the waxes are melted and applied to skis. Additionally, PFAS may enter the environment from the use of waxed skis and from the ski wax shavings scraped off during application.

Best practices for assessing whether a wax product contains a new chemical substance include: 1) reviewing the product's Safety Data Sheet (SDS) and comparing the chemical substances against the TSCA Master Inventory

(the Non-Confidential Inventory is located at <https://www.epa.gov/tsca-inventory/how-access-tsca-inventory#download>); 2) contacting manufacturers and suppliers for additional chemical identity information where there is uncertainty regarding whether a chemical is on the TSCA Inventory; and 3) contacting the EPA via the TSCA Hotline (<https://www.epa.gov/tsca-inventory/forms/contact-us-about-tsca-chemical-substance-inventory>) in the event it remains unclear whether a chemical substance is on the TSCA Inventory.

Recent Enforcement Actions Related to Ski Wax Products

EPA monitors compliance with TSCA requirements and will take appropriate action if companies are not meeting their legal obligations when they manufacture, import, or process their products. EPA has taken two enforcement actions related to ski wax products and continues to monitor the industry to identify instances of noncompliance.

Swix Sport USA

On May 13, 2020, Swix Sport USA (Swix) settled alleged TSCA violations associated with the importation of noncompliant ski wax products. EPA alleged that Swix imported ski wax products on at least 83 occasions that contained six different PFAS chemicals (specific names claimed confidential business information) that were not included on the TSCA Inventory or otherwise exempt for commercial purposes. Each import of a product with an illegal chemical resulted in a separate and distinct violation of TSCA. Once the chemicals were identified, Swix immediately ceased importation of the products containing the PFAS substances and quarantined products in its control in the United States.



Ski wax and skis.

Photo credit: Santeri Viinamäki, April 2, 2018; licensed under the Creative Commons Attribution-Share Alike 4/0 International license.

Under the terms of the settlement, Swix agreed to spend approximately \$1,000,000 to develop and implement an outreach and training program referred to as a Responsible Waxing Project (RWP) and pay a \$375,625 civil penalty. The RWP aims to: (1) educate the ski racing community about PFAS chemicals in racing waxes and their impact on the environment; and (2) promote the use of wax alternatives with lower environmental impact, including but not limited to racing waxes that are PFAS-free. Another objective of the RWP is to educate and motivate the ski racing community to phase out (and ultimately eliminate) the use of PFAS-containing waxes in ski racing, beginning with the 2020 ski season. The U.S. Ski & Snowboard and the Canadian Ski Association have since joined FIS and IBU in banning the use of fluorinated ski wax in competition from all disciplines in North America beginning with the 2020-21 ski and snowboard season (see text box on page 1).

The RWP has several elements including an education and training component for snowboard and ski wax technicians on the proper disposal of racing wax shavings and the use of appropriate personal protective equipment during the waxing process. Other RWP elements include:

- ◆ A PFAS ski wax education program including two on-site presentations at a major ski event that attracts more than 10,000 participants.
- ◆ Training for wax technicians on the proper use of protective personnel equipment, proper ventilation, and proper disposal of wax shavings.
- ◆ An online program for ski wax coaches to be used for on-site presentations.
- ◆ Additional outreach to high school and college racing teams and clubs that educates high school and college level skiers about the RWP content.
- ◆ A dedicated Swix project manager who oversees the RWP project to completion.
- ◆ Development of a website for all videos created as part of the Consent Agreement and Final Order (CAFO) for technicians, coaches, and teams.
- ◆ Distribution of PFAS alternative wax information materials.

To read EPA's Press Release and find a link to the Swix Sport USA CAFO, please visit: <https://www.epa.gov/newsreleases/epa-settlement-swix-sport-usa-resolves-tsca-violations-involving-pfas>



Ski wax, iron, and ski.

Photo credit: Tia Monto, a2c_s_1980 (flickr); licensed under the Creative Commons Attribution-Share Alike 4/0 International license.

TASR Inc.

On August 24, 2021, TASR, Inc (TASR) settled alleged TSCA violations associated with the importation of noncompliant ski wax products.

TASR operated a ski store and sold ski waxes among other products. TASR imported four PFAS chemicals that are not on the TSCA Inventory or otherwise exempt for commercial purposes. TASR self-disclosed its TSCA violations to EPA in January 2019 and immediately ceased importation of the products containing the PFAS substances and quarantined its existing stocks of the products. Under the terms of the EPA's settlement, TASR paid \$12,500.

Absolute Ski, which now operates the ski store, has implemented a TSCA Compliance Management Plan to ensure future compliance with TSCA.

To find the TASR Inc. Consent Agreement, please visit:

[https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Unpublished~Final~Orders/68751FAD173E1D418525873B007837E2/\\$File/TASR%20Inc.%20Combined%20CAFO%20\(002\).pdf](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/Unpublished~Final~Orders/68751FAD173E1D418525873B007837E2/$File/TASR%20Inc.%20Combined%20CAFO%20(002).pdf)

Audit Policy

Regulated entities of any size who voluntarily discover, promptly disclose, expeditiously correct, and take steps to prevent recurrence of potential violations may be eligible for a reduction or elimination of any civil penalties that otherwise might apply. Most violations can be disclosed and processed via EPA's automated online "eDisclosure" system (<https://www.epa.gov/compliance/epas-edisclosure>). To learn more about the EPA's violation disclosure policies, including conditions for eligibility, please review EPA's Audit Policy website at <https://www.epa.gov/compliance/epas-audit-policy>. Many states also offer incentives for self-policing; please check with the appropriate state agency for more information.

Where can I get more information?

For more information, please visit:

<https://www.epa.gov/pfas/basic-information-pfas>

EPA PFAS Strategic Roadmap

The EPA is committed to continuing its investigation for sources of PFAS exposure and using its enforcement resources to ensure compliance with all TSCA requirements. EPA aims to prevent further PFAS releases and the associated health and environmental impacts. PFAS are still used in a wide range of consumer products and industrial applications. Many communities and ecosystems are continuously exposed to PFAS in soil, surface water, groundwater, and air. Areas can be exposed due to their proximity to industrial sites, airports, military bases, land where biosolids containing PFAS have been applied, and other sites where PFAS have been produced or used and disposed of for specific and repeated purposes. EPA's full plan for handling the PFAS contamination is in the EPA PFAS Strategic Roadmap found [here](#).

Disclaimer

This Enforcement Alert addresses select provisions of EPA regulatory requirements using plain language. Nothing in this Enforcement Alert is meant to replace or revise any TSCA requirement, any EPA regulatory provision, or any other part of the Code of Federal Regulations, or the Federal Register.