

FACT SHEET

TSCA Inventory Update Reporting Modifications; Chemical Data Reporting; Final Rule

What Action Is EPA Taking?

EPA is amending the reporting requirements of the Toxic Substances Control Act (TSCA) Inventory Update Reporting (IUR) rule and changing its name to the Chemical Data Reporting (CDR) rule. The CDR rule requires manufacturers (including importers) of certain chemical substances listed on the TSCA Chemical Substances Inventory to report information about the manufacturing (including importing), processing, and use of those chemical substances. The amendments will provide improved information for EPA to better identify and, where appropriate, take steps to manage risks associated with chemical substances.

Why Did EPA Change The Name of The Rule?

As part of the IUR Modifications final rule, EPA changed the identification of the regulation from Inventory Update Reporting (IUR) to Chemical Data Reporting (CDR). The name change is intended to better reflect the distinction between the next data collection (which includes exposure-related data) and the TSCA Inventory itself (which only involves chemical identification information). Identifying the next data collection as “CDR” will make it easier for the public to understand what information is available to them through the data collection. The name change thereby contributes to the Agency’s current chemicals management program by increasing transparency and facilitating public access to information about chemical substances.

Why Is EPA Modifying The IUR Rule?

EPA is modifying the IUR rule to meet four primary goals: (1) To obtain new and updated information relating to potential exposures to a subset of chemical substances listed on the TSCA Inventory; (2) To increase the frequency in which these data are reported; (3) To increase the Agency’s ability to effectively provide public access to the information; (4) To tailor the information collected to better meet the Agency’s overall information needs; and (5) To improve the usefulness of the information reported.

Who Is Required To Report?

You may be affected by this action if you manufacture (including manufacture as a byproduct or import) for commercial purposes chemical substances listed on the TSCA Inventory and produced in volumes of 25,000 lb or more during the principal reporting year (i.e., calendar year 2011). Potentially affected entities may include, but are not limited to:

- Chemical substance manufacturers and importers (North American Industry Classification System (NAICS) code 325 and 324110; e.g., chemical substance manufacturing and processing and petroleum refineries).
- Chemical substance users and processors who may manufacture a byproduct chemical substance (NAICS codes 22, 322, 331, and 3344; e.g., utilities, paper manufacturing, primary metal manufacturing, and semiconductor and other electronic component manufacturing).

When Is Reporting Required?

The 2012 submission period, during which 2011 manufacturing, processing and use and 2010 production volume information would be reported, is scheduled to occur February 1, 2012 to June 30, 2012. Subsequent recurring submission periods are from June 1 to September 30 at 4-year intervals, beginning in 2016.

Has The Reporting Frequency Changed?

- The reporting frequency has been changed to every four years. After the 2012 submission period, the next submission period will occur in 2016. Subsequent recurring submission periods are from June 1 to September 30 at 4-year intervals, beginning in 2016.

What Are Some Of The Changes For 2012?

Under the final rule, manufacturers (including importers) are:

- Required to report if the production volume of a chemical substance meets or exceeds the 25,000 lb threshold during the principal reporting year (i.e., calendar year 2011).
- Required to provide upfront substantiation for each processing and use data element claimed as confidential business information (CBI). Submitters cannot claim those data elements as confidential when they are identified as “not known to or reasonably ascertainable by.”
- Required to use e-CDRweb, EPA’s electronic reporting tool, to submit all CDR information through the Internet.

Manufacturing-related information required to be reported:

- The production volume only for calendar year 2010.
- For the principal reporting year (i.e., 2011)
 - The production volume of a chemical substance manufactured (including imported) at a reporting site.
 - Whether an imported chemical substance is physically at the reporting site.
 - The volume of the chemical substance directly exported and not domestically processed or used.
 - Whether a manufactured chemical substance, such as a byproduct, is being recycled, remanufactured, reprocessed, or reused.

Processing and use-related information required to be reported:

- For the principal reporting year only (i.e., 2011)
 - Report processing and use information of all reportable chemical substances manufactured at 100,000 lb or more, unless otherwise exempted.
 - Report processing and use information using the reporting standard “known to or reasonably ascertainable by”, instead of the “readily obtainable” standard used in 2006.

- Report industrial processing and use information using a revised list of industrial function categories and a list of 48 Industrial Sectors (IS) which replace the five-digit North American Industrial Classification System (NAICS) codes.
- Report consumer and commercial product categories separately to distinguish between the use types.
- Report consumer and commercial use information using a revised list of consumer and commercial product category codes.

Are Any Chemicals Exempt?

- Certain chemicals – naturally occurring substances, microorganisms, polymers, certain forms of natural gas, and water – are exempt unless they are subject to another TSCA rule. In addition, certain chemicals are partially exempt, and manufacturers of such chemicals are only required to report identification and manufacturing information for those chemicals. The partially exempt chemicals are listed in the CDR regulations at 40 CFR 711.6(b).
- Chemical substances that are the subject of an enforceable consent agreement are no longer exempt from reporting (40 CFR 711.6).

Are There Changes That Will Be Phased-In For The 2016 CDR?

- Yes. The implementation of certain requirements is delayed until the 2016 submission period. For the 2016 CDR:
 - The determination of the need to report will be based on whether, for any calendar year since the last principal reporting year, a chemical substance was manufactured (including imported) at a site in production volumes of 25,000 lb or greater.
 - Manufacturers (including importers) will be required to report the production volume for each of the years since the last principal reporting year.
 - The reporting threshold for processing and use information will be 25,000 lb.
 - The reporting threshold for chemical substances that are the subject of a rule proposed or promulgated under TSCA section 5(a)(2), 5(b)(4), or 6, the subject of an order issued under TSCA section 5(e) or 5(f), or the subject of relief that has been granted under a civil action under TSCA section 5 or 7 will be 2,500 lb.

Will EPA Provide Reporting Instructions?

EPA will conduct a webinar to help potential CDR submitters become familiar with the revised reporting form (Form U) and amended reporting requirements prior to the start of the 2012 submission period.

EPA will also provide guidance materials with reporting instructions, questions and answers, and case studies prior to the start of the submission period. Two documents that provide detailed instructions for reporting chemical information, including the requirements for reporting byproduct chemicals, are included in the docket (EPA-HQ-OPPT-2009-0187) for the final rule.

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For More Information:

For general information, contact Chenise Farquharson by phone at 202-564-7768 or via e-mail at farquharson.chensie@epa.gov.

Visit the CDR Web site (<http://www.epa.gov/cdr>) for program updates, announcements, and guidance materials for 2012 reporting. To access the docket (Docket Control number EPA-HQ-OPPT-2009-0187) for the final rule, visit <http://www.regulations.gov>.