

The Chemical Data Reporting Rule

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On August 16, 2011 the Environmental Protection Agency (EPA) issued a final rule amending the Inventory Update Reporting (IUR) rule under the Toxic Substances Control Act (TSCA). In the process, the rule has been renamed the Chemical Data Reporting (CDR) rule. The CDR enables the EPA to collect and publish information on the manufacturing, processing and use of commercial chemical substances and mixtures on the TSCA Chemical Substance Inventory (TSCA Inventory). In the past the reporting period was every 5 years; through the updated ruling, data will be reported every 4 years starting in 2012.

Chemicals Subject to Reporting

Chemicals, which are required to be reported, include any chemical substance included on the TSCA Inventory. This not only includes intended commercial products, but also by-products.

Exemptions: Certain classes of materials are fully exempt. These include polymers, enzymes, lignins, polysaccharides, proteins, rubbers, siloxanes and silicones, silsesquioxanes, microorganisms, naturally-occurring substances, certain forms of natural gas and water. Partial exemptions exist for petroleum process streams and for certain substances of low interest (e.g. D-glucose, carbon, nitrogen, hydrogen and certain plant-based oils).

Additionally, if the chemical is imported or manufactured solely for R&D or it is imported as part of an article, it will be exempt.

Who Must Report

The threshold for reporting is based on volumes, which a company manufactures or imports into a specific site.

Sites that manufacture or import 25,000 lb or more of a commercial chemical.

For 2016 onwards there is a lower threshold of 2500 lb for any chemical substance, which is subject to a proposed/promulgated rule, consent order or action under TSCA. NOTE: Small manufacturer's (as defined by the EPA, based on sales) who may be otherwise exempt from reporting are subject to this rule, if they manufacture any of these types of regulated materials.

What Must be Reported

The volumes of imported chemicals shall be reported, if they exceed the noted thresholds. The pertinent reporting years will be phased in.

2012: Only volumes for the principal reporting year of 2011 are required.

2016 onwards: Data must be reported for each proceeding year (e.g. 2012, 2013, 2014 and 2015) if thresholds for any of the years are met or exceeded.

In 2012 manufacturers or importers must report use and processing information if 100,000 lb are met or exceeded. From 2016 onwards all chemicals subject to reporting will need to include use and processing information.

Information, which will generally be required, includes company/site information, chemical identity (Chemical Abstracts name and number), volumes for the reporting year(s) and possibly chemical-specific use and processing information.

Submission Timelines

Submission periods have been established by the EPA for 2012 and then for 2016 going forward. Reporting will be required every 4 years under the CDR.

2012: The submission period is from February 1, 2012 to June 30, 2012.

2016 onwards: The submission period will be from June 1 to September 30.

Confidentiality Claims

Claims for confidentiality may be made for business purposes. Confidentiality claims cannot be made when a response is left blank or designated as not known or reasonably ascertainable.

Confidentiality claims on the chemical identity may only be made if the chemical substance is confidentially listed on the TSCA inventory. These claims must be substantiated.

Confidential claims pertaining to a particular site's use of a chemical may be made, but must also be substantiated. Similarly, processing and use information may be claimed as confidential.

If any information relating to the above points are publicly available, no claim can be asserted.

How To Make A Submission

The EPA will only accept electronic submissions via its e-CDRweb application. This permits submissions to be sent electronically to the EPA through the government's Central Data Exchange (CDX).

Use of the CDX requires registration so that an electronic signature for the company's authorized individual can be verified.

Note: The full regulation at 40 CFR 711 will need to be consulted for some of the required codes, which will be needed to complete some of the fields on Form U (EPA Form 7740-8).

Additional Information

Additional information, as well as links to register for and use the e-CDRweb application (CDX) can be found at the following website:

<http://www.epa.gov/iur>

ChemOne Compliance can also assist in determining applicability and the information, which you may need to file (see below).

About ChemOne Compliance, LLC

ChemOne Compliance, LLC was established in 2005 to serve the needs of the chemical and chemical-related industries, which may require assistance in the management of chemical compliance. The company is located in the heart of New England, specifically in the Mt. Monadnock Region in southwestern New Hampshire, but serves a client-base throughout the US and internationally. The company has expertise in risk and safety assessments, material safety data sheet (MSDS) authoring, new chemical regulations and safety / compliance training. Additional information can be found at www.chemonecompliance.com.



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NOTE: This overview is for general informational use only. It is not intended to be complete or all-inclusive. It is your responsibility to check the complete current regulation relative to a particular need or situation. ChemOne Compliance, LLC assumes no responsibility for the misuse or misinterpretation of this information.