Preparing for the 2016 Chemical Data Reporting Rule

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Managing toxic chemicals is a complex business that requires a robust strategy. With the Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR) Rule, manufacturers and importers of certain chemicals are required to report the volume of their production and importation. This rule is crucial in balancing the need for transparency and ensuring that chemical manufacturers do not exceed their safe limits.

Determining the Need to Report

- **Is your chemical substance listed on the TSCA Inventory?** This can be determined by searching the U.S. EPA's Substance Registry Services (SRS) web page. Chemicals applicable to CDR reporting are identified as "TSCA Inv" in the chemical-specific search tables.
- **Is your chemical substance manufactured or imported for commercial purposes?**
- **Does your chemical company or substance meet an exemption from CDR reporting criteria?**
- **Was your chemical substance manufactured or imported at ≥25,000 lbs in any year 2012 to 2015?**

Small Business and Other Exemptions

- **Small businesses** are exempted if their total annual company sales (combined with parent company sales) are less than $40 million AND import or production is <100,000 lb.
- **Small businesses** are also exempted if their total annual company sales (combined with parent company sales) are less than $4 million, regardless of the quantities of chemicals produced or imported.
- **Full exemptions** from reporting are granted for naturally occurring chemical substances, certain polymers, microorganisms, and specific forms of natural gas and water.
- **Partial exemptions** also exist for small businesses, and the criteria for each of these exemptions are available within the CDR rule (40 C.F.R. § 715).

Chemical Substances Subject to Certain TSCA Actions

- **If your chemical is subject to one or more of these TSCA actions as of June 1, 2016:**
  - Reporting Thresholds
    - Not subject to TSCA action
      - X
    - TSCA section 4 rules (proposed or promulgated)
      - X
    - TSCA section 5(f)(2) TNQS (proposed or promulgated)
      - X
    - TSCA section 5(f)(4) rules (proposed or promulgated)
      - X
    - TSCA section 7(a) orders
      - X
    - TSCA section 7 civil actions
      - X
    - TSCA section 8 rules (proposed or promulgated)
      - X
    - TSCA section 8 civil actions
      - X
    - TSCA section 9 rules
      - X
    - TSCA section 9 civil actions
      - X
    - TSCA section 10 rules
      - X
    - TSCA section 10 civil actions
      - X
  - **Enforceable Consent Agreements (ECAs)**
    - X
  - **Non-Compliance**
    - X
  - **Use of any information**
    - X
  - **Reporting under 40 C.F.R. § 704.3**
    - X
  - **2016 Chemical Data Reporting Rule**
    - X
  - **2016 Chemical Data Reporting Rule**
    - X
  - **2016 Chemical Data Reporting Rule**
    - X
  - **2016 Chemical Data Reporting Rule**
    - X
  - **2016 Chemical Data Reporting Rule**
    - X

EPA's Reporting Tool

- **Previously known as "Form U," EPA's new reporting format is strictly electronic for 2016**
- **Data is reportable only through EPA's Central Data Exchange (CDX)**
- **Establish a CDX account and designate the Primary Authorized Official (AO) who is responsible for submission of CDR data**

Chemical Substances Subject to Certain TSCA Actions

- **Company and Site Identification Information:**
  - Company and plant site information where the chemical or chemicals are produced or imported, and technical contact information.

Manufacturing Information:

- **Identifying name and CAS number for each reportable chemical**
- **Description of whether the chemical is manufactured in the U.S., imported, or both**
- **Total annual production volume of manufactured or imported chemical(s), as well as the volume of the chemical(s) used at a site and exported**
- **Total number of workers likely to be exposed to each reportable chemical at each site**
- **Physical location (i.e., at the reporting site or not) of the chemical(s), and form, and whether it is being recycled, remanufactured, reprocessed, or reused**
- **Maximum concentration of the chemical substance(s)**

Processing and Use Information

Compilation of processing and use information should follow the reporting standard, "known to or reasonably ascertainable by" the reporting authority. Data must include production quantities for calendar years 2012, 2013, 2014 and 2015, as well as the following required manufacturing/processing and use data for the principal reporting year 2015:

- **Industrial Processing and Use Data:**
  - Types of processes/use (up to 10)
  - Indirect use
  - Functional category
  - Percent of production
  - Number of sites
  - Number of workers off site who are likely to be exposed to the chemical
- **Consumer and Commercial Use Data:**
  - Product categories
  - Consumer or commercial use
  - Whether the product is intended for use by children
  - Percent of production
  - Concentration maximum
  - Number of commercial workers likely to be exposed to the chemical

References

- **Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR) Rule:** 40 C.F.R. § 711 and 15 U.S.C. § 2607
- **TSCA CDR information:** https://www.epa.gov/chemical-data-reporting/how-report-under-chemical-data-reporting
- **Search for Chemicals:** https://fpandput.epa.gov/oh_internet/registry/substreg/searchandretrieve/substancessearch/search.do
- **U.S. EPA’s Chemical Data Reporting web page:** www.epa.gov/chemical-data-reporting