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CDR RULE REQUIREMENTS

June 1, 2016, through September 30, 2016, is the next submission period for the U.S. EPA's Chemical Data Reporting (CDR) requirement under the Toxic Substances Control Act (TSCA), which covers the 2012 – 2015 reporting years. For the 2016 submission, calendar year 2015 is the principal reporting year. Manufacturers and importers of TSCA inventory-listed chemical substances that exceed, for any calendar year from 2012 through 2015, either the standard reporting threshold (25,000 lbs/yr manufactured or imported for listed chemicals), or the reduced reporting threshold (2,500 lbs/yr for certain chemicals subject to specific TSCA actions) must prepare a CDR report for each manufacturing site and submit to U.S. EPA. A CDR report must be submitted covering all four reporting years if a facility exceeds an applicable threshold in **any** year out of the four in this reporting cycle. For chemicals imported into the U.S., only the primary importer of a chemical (generally the entity responsible for payment of import tariffs) has the TSCA CDR reporting responsibilities. A facility that purchases a chemical that was imported from the primary importer (or other down-stream entity) is **not** responsible for preparation of a TSCA CDR report for that chemical. There are several exemptions from reporting: naturally occurring chemical substances, certain polymers, microorganisms and specific forms of natural gas and water. Partial exemptions exist for listed petroleum process streams, and "low current interest" chemicals. Exemptions also exist for small businesses, and the criteria for each of these exemptions are available within the CDR rule (40 C.F.R. § 711). EPA uses the data collected during CDR to build databases such as ChemView, and to protect human health and the environment. This poster will review the process for identifying reportable chemicals, and collection and submission of the required data during the 2016 CDR period.

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 report submission are identified as "TSCA Inv" in the chemical-specific search tables
- Is your chemical substance manufactured or imported for commercial purposes?
- Does your chemical substance or company meet an exemption from CDR reporting criteria?
- Was your chemical substance manufactured or imported at ≥25,000 lbs in any year 2012 – 2015?*
- Or, ≥2,500 lbs if subject to the TSCA actions listed below?*

*Regulatory status of chemical substances is determined as of June 1, 2016

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 production or import is <100,000 lb for a listed chemical(s) at any individual site
- 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 (from reporting processing and use data) are granted for specific petroleum process streams, and for "low current interest" chemical substances

Chemical Substances Subject to Certain TSCA Actions

Reporting Thresholds	Subject to 25,000 lb reporting threshold	Subject to 2,500 lb reporting threshold	Not eligible for certain full or partial exemptions	Not eligible for small manufacturer exemption
If your chemical is subject to one or more of these TSCA actions as of June 1, 2016:				
Not subject to TSCA action	X			
TSCA section 4 rules (proposed or promulgated)	X		X	X
Enforceable Consent Agreements (ECAs)	X		X	
TSCA section 5(a)(2) SNURs (proposed or promulgated)		X	X	
TSCA section 5(b)(4) rules (proposed or promulgated)		X	X	X
TSCA section 5(e) orders		X	X	X
TSCA section 5(f) orders		X	X	
TSCA section 5 civil actions		X	X	X
TSCA section 6 rules (proposed or promulgated)		X	X	X
TSCA section 7 civil actions		X	X	X

<https://www.epa.gov/chemical-data-reporting/how-report-under-chemical-data-reporting>

CDR Data Collection

The required information for manufacturers or importers to provide is listed below:

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)
- Sectors
- Industrial function categories
- 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
- 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

**40 C.F.R. § 704.3: *Known to or reasonably ascertainable by* means all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.

***Toll manufacturers, or co-manufacturers are under exclusive contract with a primary company, and provide the site, staff, and equipment necessary to manufacture chemical substances. Under the CDR rule, a toll manufacturer and the contracting company who are "co-manufacturers" of a chemical substance, should determine among themselves who submits the required report for the site. Both parties are liable if neither reports.

NOTE
Some claims of confidential business information (CBI) must be made up-front during CDR submission.

Exemptions are detailed in 40 C.F.R. § 711

The reporting standard "...reasonably ascertainable..." is defined in 40 C.F.R. 704.3** (see footnote)

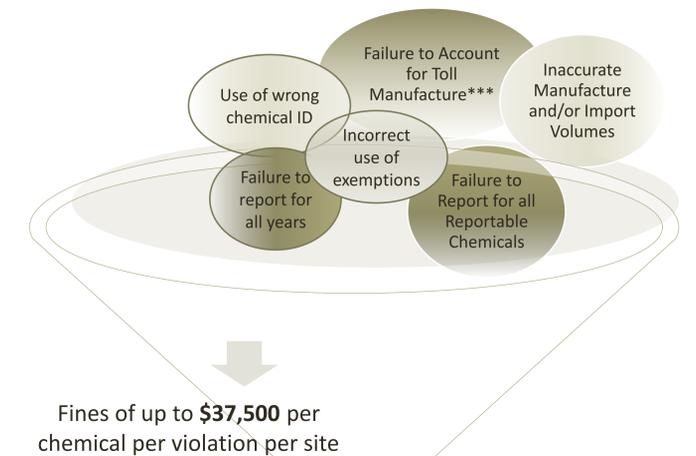
Any volumes must be reported; even if "0" for 2015, in which case P&U information would not be required

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
- e-CDRweb is the free EPA agency-provided electronic reporting tool used to complete "electronic Form U." Once you have registered in CDX, you will be able to access e-CDRweb
- The software will require that claims of confidential business information (CBI) must be substantiated up-front before submission

Compliance Pitfalls

- There are strict Non-Compliance consequences



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>
- SRS chemical searches:** https://ofmpub.epa.gov/sor_internet/registry/substreg/searchandretrieve/substancesearch/search.do
- U.S. EPA's Chemical Data Reporting web page;** www.epa.gov/chemical-data-reporting