

EPA Issues Final TSCA IUR Rule, Renames It "Chemical Data Reporting" Rule

September 17, 2011

A new final rule published in the Federal Register on August 16, 2011 amends the Environmental Protection Agency's (EPA) Toxic Substances Control Act (TSCA) Inventory Update Reporting (IUR) rule. It moves the upcoming reporting period from June 1 through September 30, 2011 to February 1 through June 30, 2012, and renames the rule the "Chemical Data Reporting" (CDR) rule. EPA asserts that the new name better reflects the type of reporting that it requires.

The CDR rule requires chemical manufacturers and importers to report information about the manufacturing, processing and use of covered chemicals, including production volumes, chemical concentrations and potential exposure in industrial, commercial and consumer settings.

The change in the reporting period responds to requests from industry about the significantly delayed publication of the final rule. However, contrary to industry's recommendation, the reporting cycle has been reduced from once every five years to once every four years. And, starting in 2016, production volume information will be required for all intervening years instead of just the principal reporting year.

The practical result of these changes is that facilities manufacturing and/or importing chemicals on the TSCA Inventory in volumes of 25,000 lbs. or more at any single site in 2011 need to start now to determine their reporting obligations for 2012. Some examples of chemicals produced by industry that could require reporting are metals and other inorganic substances and organic compounds and byproducts that are sent for materials reclamation or used for other commercial purposes.

This is only the second reporting cycle applicable to inorganic chemical manufacturers, and the first time that they must report downstream processing and use data. EPA has lowered the 300,000 lbs. manufacturing threshold that triggers processing and use reporting to 100,000 lbs. for 2011. Starting in 2016, the processing and use reporting threshold will be further lowered to 25,000 lbs. to match the threshold that triggers manufacturing reporting. Also in 2016, the reporting threshold for chemicals subject to certain TSCA rules or orders, including Significant New Use Rules will drop to 2,500 lbs.

2012 reports must be submitted electronically to EPA through EPA's e-CDRweb on the Internet. Information reporting requirements are summarized below.

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 lbs. 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.

For CDR reporting instructions and guidance documents, go to <http://www.epa.gov/iur/index.html> .