



CROMERR Overview for States, Tribes and Local Governments

Purpose

The Cross-Media Electronic Reporting Regulation (CROMERR) provides the legal framework for electronic reporting to the Environmental Protection Agency (EPA) and states, tribes, and local governments that are authorized to administer EPA programs. CROMERR is intended to reduce the cost and burden of electronic reporting while maintaining the level of corporate and individual responsibility and accountability that exists in the paper environment.

Background

EPA published a final rule on October 13, 2005, establishing a framework by which it will accept electronic reports from regulated entities. CROMERR could apply to any document submissions required by or permitted under any EPA or authorized program governed by EPA's regulations in Title 40 of the Code of Federal Regulations (CFR), if it is submitted electronically.

Under CROMERR, both new and existing electronic reporting systems require EPA approval. The regulation provides a framework for applying for, and obtaining such approval. EPA approval will be based primarily on an assessment of how an authorized program's electronic reporting systems meet performance-based criteria, which were included in the regulation. The criteria are technology-neutral

How & When Does It Apply?

CROMERR Applies To:

- Persons or entities that submit electronic reports or documents to EPA.
- Authorized programs that receive electronic reports or documents.

CROMERR Does Not Apply To:

- Documents submitted by fax, magnetic media such as floppy disks, or optical media such as CDs.
- Submissions not under 40 CFR.

Compliance Date:

- New electronic document receiving systems must receive EPA approval before they begin receiving electronic documents.
- Existing systems must submit applications by October 13, 2008.

For More Information

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so that authorized programs can determine the most appropriate technology for their program. In addition to including criteria for electronic reporting systems, the regulation also establishes an alternate approval process for such systems.

Current Activities

Under CROMERR, authorized programs that are currently, or plan to receive electronic reports, may apply for approval of electronic reporting for one or multiple programs through one application process. When multiple systems are addressed in one application, the approval process is streamlined, providing for a single EPA review, with deadlines for EPA to take action on the application written into the regulation. Authorized programs may also choose to apply for approval of electronic reporting for a specific program by using the applicable regulatory program approval or revision processes under other Parts of 40 CFR.

Once an application is received, EPA's first step is to review the application for completeness, a process that can take up to 75 days. Once the application is determined to be complete, EPA then has up to 180 days to approve or deny the application. However, EPA approval of applications for existing systems received after July 30, 2007, could take up to 360 days. The approval becomes effective when EPA publishes a notice of the approval in the Federal Register.

CROMERR is a performance-based regulation. The performance-based criteria used to evaluate electronic reporting systems address a number of topics, including, among other things:

- Criteria for establishing a copy of record
- Integrity of electronic document
- Opportunity to review and repudiate copy of record
- Validity of electronic signature
- Determination of the identity of the individual uniquely entitled to use a signature device

Applications for approval of electronic reporting systems must contain:

- A certification, signed by the State Attorney General (or the chief administrative official in the case of tribes and local governments), that existing laws or regulations provide the legal authority to implement and enforce electronic reporting;
- A listing of the electronic document receiving systems for which approval is being requested and a description of how the system will satisfy the requirements of CROMERR; and
- A schedule of upgrades that may affect CROMERR compliance.

For More Information

Visit EPA's CROMERR Exchange Network Web Site: <http://www.epa.gov/cromerr/>