

# e-IURweb Webinar – Question & Answer Summary

Environmental Protection Agency

Office of Pollution Prevention and Toxics

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## Introduction

On November 30, 2010, the Environmental Protection Agency (EPA) held a webinar to provide an overview of the draft e-IURweb reporting tool currently under development for the 2011 Inventory Update Reporting (IUR) submission period. This document provides a summary of the questions and answers following EPA's presentation. Please note that this is not a verbatim translation of the webinar Q&A session, and certain corrections or further explanations have been added.

On August 13, 2010, EPA published proposed changes to the IUR; the Agency expects to finalize any changes prior to the 2011 IUR submission period. Because the IUR reporting requirements are not finalized, the e-IURweb presentation focused on the electronic submission process and the general flow of the e-IURweb software itself. The presentation did not necessarily represent the actual reporting requirements for the 2011 IUR.

This document is intended solely as guidance. This guidance is not a regulation, nor is it intended to change any underlying regulatory requirements prescribed by the Toxic Substances Control Act, 15 U.S.C. 2601 et seq and specified in the Premanufacture Notification regulations, 40 CFR part 720 or the TSCA Chemical Inventory Reporting regulations, 40 CFR part 710 (proposed to be moved to 40 CFR 711). This guidance merely documents and clarifies existing regulatory requirements and Agency guidance on Inventory listing, PMN, and IUR requirements.

Nothing in this document serves to supersede or alter existing regulatory requirements, nor to impose any new legally binding requirements on EPA, state/local agencies, or the regulated community. The general description provided in this document may not apply to a particular situation based on the circumstances. Furthermore, interested parties remain free to raise questions or objections about the substance and application of the guidance as they arise in a particular situation. EPA retains the discretion to adopt approaches on a case-by-case basis that differ from those described in this guidance where appropriate. This document may be revised periodically without public notice.

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# 1 Questions & Answers

## 1.1 XML related

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**Question 1:** When will EPA provide the XML schema?

- EPA expects to have a draft XML schema available by the end of 2010. The draft XML schema will reflect the proposed changes to the IUR requirements and will be updated when the IUR requirements are finalized.

**Question 2:** How will the XML upload work? Will companies have the ability to upload an XML file directly into eIUR web tool?

- The e-IURweb tool will have an XML upload button, which will allow the user to upload the XML file into the IUR report. The user can then make any adjustments to the uploaded information, validate it, and submit the report.

**Question 3:** Will companies have the ability to run a mock submission (without real data) to ensure the XML is working correctly?

- Yes, there will be a period of time where Industry will be able to preview the eIURweb tool to ensure the XML is working properly. EPA will work with Industry before the IUR rule is finalized.

**Question 4:** Is the XML feature available for all data elements that need to be reported? For example, will users be able to declare CBI for individual data elements in their XML file?

- Yes, the XML upload will allow the user to populate all of the information needed to complete Form U. Users will be able to declare CBI for individual data elements in their XML file, including providing the required upfront substantiation. Once the information is uploaded to the e-IURweb tool, users will be able to adjust the information as needed.

**Question 5:** Is there a limit to the amount of data you can upload from an XML file? Will the data need to be uploaded in sections?

- No, there is no limit to the amount of data that can be loaded via the XML. You can upload one XML file per IUR reporting form. Once the file is uploaded, you can make changes to the data. If you make changes in your XML file you should start a new IUR reporting form and delete the old form. The upload is done within the facility section of the form; there is no bulk upload to upload multiple facilities. It is facility by facility but the entire form for a facility is uploaded.

**Question 6:** Will EPA provide any further assistance, such as an Excel template, to better enable companies to develop an XML file?

- At this time, EPA does not intend to provide additional assistance in the form of an Excel template. In our discussions with various industry representatives, we have been told that many are developing their own systems to collect the required data. The XML schema provides the information needed to ensure the collected information is in the correct format for the upload.
- EPA will continue to examine other data submission systems, such as those used for REACH, to try to standardize formats with other data submission systems. Such changes

are being taken into consideration for reporting tool upgrades for future submission periods.

**Question 7:** If a company chooses to populate the IUR report via the XML upload, will the Authorized Official (AO) need to create the forms?

- Yes, the AO will need to create the IUR report before the XML file can be uploaded.

## 1.2 eIURweb Tool and Central Data Exchange (CDX) related

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**Question 8:** When can we begin the CDX Registration process for eIUR and how long will that process take per person?

- CDX Registration is available now for general eTSCA registration. However, you will need to return to complete the Facility Management section of your registration. The Facility Management section is where you select your existing site information or add a new site that does not exist in the Facility Registry System (FRS). The Facility Management section is tied closely into the e-IURweb tool and will be available at the same time the eIURweb tool becomes available. The eTSCA registration process, including sending in signature authorization forms to the EPA, takes approximately 5 to 10 days.

**Question 9:** I submitted IUR data via CDX in 2006; is my user information still valid for the 2011 IUR?

- You will need to register under eTSCA. The 2006 IUR registration is not valid.

**Question 10:** If a user is already registered with CDX for PMN submissions as either an AO or Support Registrant (SR), do you need to go through the registration process again for the IUR reporting?

- You will not need to register again. In order to register for the PMN submissions, you were required to register under eTSCA.

**Question 11:** Can you review the different submitter roles for IUR?

- The Primary Authorized Official (AO) is the person legally responsible for the site's IUR submission. The AO is the only person who can create a new submission and the only person who can electronically sign and submit the report. The AO typically is a senior official for the reporting company, often with management responsibility for the person (or persons) completing the form. For IUR purposes, the Primary designation indicates that this is the AO for a U.S. site. In the event that the IUR submission is part of a joint submission, the Primary AO is responsible for initiating the joint submission.
- The Secondary AO is the person legally responsible for the secondary portion of a joint IUR submission. As with the Primary AO, the Secondary AO is the only person who can create a new submission and the only person who can electronically sign and submit the report. The AO typically is a senior official for the secondary company, often with management responsibility for the person (or persons) completing the form.
- The Primary Support Registrant (SR) is the person designated by a Primary AO to provide supporting information on behalf of a company. This individual may be a corporate on-site contact, a technical contact, a paid employee of the company, an outside consultant for the company, or an authorized representative agent for the company. SRs

are not allowed to sign the certification statement required for the IUR submission, but they may enter or modify data for the site for which they are authorized.

- The Secondary SR is the person designated by a Secondary AO to provide supporting information on behalf of the secondary company in a joint submission. This individual may be a corporate on-site contact, a technical contact, a paid employee of the company, an outside consultant for the company, or an authorized representative agent for the company. SRs are not allowed to sign the certification statement required for the initial IUR submission, but they may enter or modify data for the site for which they are authorized.

**Question 12:** If a company uses CDX to report under more than one EPA program and different people are responsible for reporting under these programs. Is it possible to provide different AOs for each program?

- Yes, CDX will allow different AOs to register under different programs. There is no limit to the number of AOs in CDX.

**Question 13:** Is there is limit to the number of Primary SRs in CDX?

- No, there is no limit to the number of Primary SRs in CDX.

**Question 14:** When SRs set up a CDX account, will there be a certification that they have to sign? How will that work with consultants that are acting as SR?

- SRs will be required to sign and submit verification forms to the EPA. When consultants register in CDX they will be required to identify the AOs (or multiple SOs). Consultants should register themselves under the company they work for, not the company they are supporting. The AO for each site will need to designate the consultant as a SR for their site, which will allow access to his or her site's IUR form.

**Question 15:** Will users be able to change the Primary Technical Contacts in CDX?

- Yes, the CDX registration allows the flexibility for any of the contact information to be updated because multiple SRs can be listed. The e-IURweb tool allows a site to change the technical contact either for the full report or on a chemical-by-chemical basis.

**Question 16:** Will Joint Submitters have to register in CDX?

- Yes, Joint Submitters have to register in CDX in order to submit the secondary portion of an IUR submission. See questions 11 and 17-20 for more information on the different registration roles for joint submitters.

**Question 17:** It was stated in the presentation that the AO can limit a SR's access according to a specific site. Can the SR's access be limited to a specific chemical at a site, in particular in the case of joint submissions?

- The AO specifically identifies the SRs that have access to a site's IUR submission, but cannot restrict that access on a chemical-by-chemical basis.
- In the case of a joint submission, the AO or SR identifies, on a chemical-by-chemical basis, the secondary or joint submitter for that substance. A site may have different secondary submitters for different chemicals in its site's submission. For a joint submission chemical, the primary submitter identifies that it is initiating a joint

submission and enters a name for the chemical or mixture (e.g., a trade name). The e-IURweb tool will generate a, identifier unique to that substance and the primary submitter's site and an email, which the primary submitter sends to the secondary submitter requesting that it provide the chemical identification information for that substance. Secondary submitters do not have access to any of the other information submitted to EPA by the primary submitter. Likewise, primary submitters cannot see the information that the secondary submitter reports to EPA. This way, the confidentiality of information for both the primary and secondary submitters is protected.

**Question 18:** If the secondary submitter of a joint submission is reporting information on multiple chemicals at a single site will there be multiple unique identifiers?

- The unique identifier generated by the primary submitter's e-IURweb submission will be unique to that substance at that site. Therefore the secondary submitter may receive multiple unique identifiers from the primary submitter. See question 16 for further discussion.
- The secondary submitter may report multiple chemicals under one unique identifier in the case that the unique identifier refers to a mixture. In that situation, the secondary submitter will be identifying the chemicals that comprise the mixture.

**Question 19:** For joint submissions, the trade name product may contain multiple different substances that the supplier wishes to keep CBI. Does the system have the capability to allow the foreign supplier to enter in multiple chemical substances in their respective weight percents as needed?

- Yes. The secondary submitter (e.g., the foreign supplier) will be able to search in EPA's Substance Registry Services (SRS) database for each substance that is in the mixture/product to identify the chemical name and the CASRN or Accession Number. The secondary submitter also provides the percent composition for each substance.

**Question 20:** What is the email tool in IUR intended for? Why does EPA get a copy of the email?

- The email tool is used for joint submissions, and enables the Primary Submitter to email the Unique Identifier associated with the submission to the Joint Submitter. A copy of the email is sent to EPA and will be maintained as part of the IUR submission for the primary submitter's site, thereby providing a record of a request that the secondary submitter provide the correct chemical identity.

**Question 21:** Is the intent for eIUR to have the AO doing most of the leg work?

- The AO will be required to initiate, electronically sign, and submit the IUR form. In addition, the AO will be responsible for controlling who has access to the form, and can designate multiple SRs for each site. Once so designated, the SRs will be able to complete and validate the submission. This process enables the AO to have full control over the creation and submission of the form.

**Question 22:** What is the minimum amount of information that the Primary AO must enter in order to get a form started?

- To initiate an IUR form, the AO (primary or secondary) needs to log in through CDX and create the form. Part of creating the form is identifying an access question that will be used to limit access to the form to those who have been given permission to access it. This is a protection layer, which protects the companies data while the form is being completed. Please note that EPA will not be able to access a site's form until it is submitted, and cannot reset this question. Also, it is necessary for the AO to give access to the SRs in order to allow them to enter data into the form.

**Question 23:** What web browser platforms will the application be tested on?

- The application will be supported by the EPA's current support standards as specified in CDX. Currently the supported web browser platforms are: Internet Explorer, Mozilla Firefox, and Safari.

**Question 24:** How will CBI claims be made and substantiated in e-IURweb?

- As with past IUR reporting, CBI claims are made by checking a box next to the data element. For those data elements that require upfront substantiation, the user will be redirected to a CBI Substantiation page. This page will contain the appropriate questions and provide text boxes for the responses. If the user chooses to skip substantiation at this point, he or she will be able to continue to complete the IUR form and will be reminded during the validation step that substantiation is incomplete. If substantiation is left incomplete upon submission, the CBI claim would not be substantiated and therefore would not be valid.

**Question 25:** Is a CAS Registry Number (CASRN) required in order to report a substance using e-IURweb?

- The current IUR rule requires the manufacturer to report one of three identification numbers for each chemical substance: the CASRN, the Accession Number, or the PMN number. The proposed IUR rule, if finalized, would require that either the CASRN or Accession number be provided.

**Question 26:** Is there an Industrial Processing & Use section in the e-IURweb tool?

- Yes, the Industrial Processing & Use is part of the Chemical Report section of the e-IURweb tool. The page contains dropdown menus that the user can use to select the appropriate code. There will be additional information available in the tool so that the user will be able to interpret the codes.

**Question 27:** Is it possible for more than one person to be using the e-IURweb tool at the same time and entering data into the same form?

- Yes. However, only one user can be editing a page of the form at a time; that page will be locked from editing by other users. If a user accesses a page that is being edited by another individual, he or she will be able to view the most updated version of the form, but will not be able to edit any information. Multiple people can be editing different pages of the form at the same time.

**Question 28:** After the form has been electronically submitted, can the submission be viewed and printed? How long does it take to get a copy?

- The user can select the “Copy of Record” in the e-IURweb tool to view and print out a draft copy of the submission. Depending on the user’s internet connection speed, the Copy of Record should be available shortly after the submission is completed.
- Users can print a copy of the IUR form at any point. If the IUR form is printed prior to submission, it will contain a watermark identifying that it is draft and not for submission to the EPA.

### 1.3 IUR Rule & Reporting related

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**Question 29:** Has the reporting window been extended?

- No, reporting will begin on June 1<sup>st</sup> 2011 and will go until September 30<sup>th</sup> 2011. If there is an extension, it will be done through a Regulatory action.

**Question 30:** Can you review the overall schedule for finalizing the rule, submission period, reporting software testing, and providing guidance documents?

- The submission period begins June 1<sup>st</sup> 2011. The finalized IUR rule, along with the Instruction Manual and other guidance documents, will be published at least 30 days prior to the beginning of the submission period. EPA plans to conduct beta testing of the e-IURweb reporting tool in early April, and are looking for industry participants. Please contact us if you would like to participate.
- Additional guidance and training will be made available prior to the submission period. The training will include a webinar (date not yet determined) and on-line training materials. In addition to the Instruction Manual, EPA is developing Q&A Documents and case studies.

**Question 31:** Can you clarify what the Trade Name is?

- The Trade Name is an alternate name for a chemical or mixture, and is most likely the name by which the substance was known upon import. A submitter can only report a Trade Name in Joint Submissions, for instance when the submitter is reporting for an imported chemical or mixture for which the supplier is holding as confidential the name of the chemical (or the name of a component of the mixture). In such a circumstance, the foreign supplier provides the correct chemical identity associated with the Trade Name directly to EPA. (See also question 17)

**Question 32:** In the case of a joint submission, where the foreign supplier considers the identity of their chemical to be trade secret, does the foreign supplier need to provide substantiation in order to maintain confidentiality?

- As described in question 31, the submitter of the imported substance provides to EPA the trade name used to import the chemical. The foreign supplier, as the secondary submitter of the joint submission, provides the specific chemical identity, as required by the IUR rule. Because the foreign supplier would not release the chemical identity information to their customer (i.e., the U.S. importer), EPA will automatically treat such information as confidential.

**Question 33:** In the case of a joint submission, it is possible for a Secondary Submitter, who is serving as the foreign supplier for a U.S. importer, to itself have a supplier who considers the identity of the chemical substance or mixture to be Trade Secret. The foreign supplier may be reluctant to tell the U.S. importer the name of their supplier. Can the foreign supplier, who would normally be considered the secondary submitter of the joint submission, make its supplier the actually secondary submitter?

- There are a variety of ways to address this particular concern, depending upon the particulars of the situation. Here are two options:
  - The foreign supplier could provide the U.S. importer with the contact name of the source of the imported substance. The U.S. importer would then initiate a joint submission with that source company, so that the correct chemical identity can be provided to EPA.
  - The source company could provide its customer, the company that received the initial request from the U.S. importer (i.e., the foreign supplier), with the correct chemical identity information. The foreign supplier could accomplish this by identifying a person from the source company as an SR for their IUR form and requesting that person to complete the form.

**Question 34:** What is the role of Processors?

- Under the current IUR rule, only the manufacturer (including importer) or a chemical substance is subject to reporting. The proposed changes to the IUR included a request for comment on requiring processors to report, and the reporting requirements will be finalized at least 30 days prior to the beginning of the submission period. If you consider your company to be a processor of chemical substances, you should consider any byproduct chemicals that you may be manufacturing. EPA currently has draft byproduct guidance in the docket for the proposed rule. In general, a company that is simply using a chemical has no reporting obligation for that substance.

**Question 35:** There was a proposal to reduce the reporting threshold from 300,000 lb. to 25,000 lb. Has there been any progress in defining what the chemical threshold will be in the IUR rule?

- The proposed rule did propose that the reporting threshold will be reduced from 300,000 lb. to 25,000 lb.; however, there will not be any comments regarding the contents of the final IUR rule until it is actually finalized.

**Question 36:** EPA proposed reporting production volumes from prior years (2006-2009), in addition to volumes from this year (2010). Is this still the case and will the system be able to handle that reporting?

- The EPA received many comments regarding the proposal to report production volumes for all years since the last reporting year, and are taking them into consideration before finalizing the IUR rule. We are not able to provide further information on the status of the proposed changes until the rule actually finalized. The electronic reporting system will be able to handle all of the requirements to the final IUR rule.

**Question 37:** Is there a list of which CBI data fields will require upfront substantiation?

- Under the current rule, the data elements that require upfront substantiation of CBI claims are “Chemical Identity” and “Site Identity.” The proposal added upfront substantiation

requirements for all data elements in Part 3, Processing & Use Information, of Form U. For any CBI claim that does not require upfront substantiation, the submitter may need to substantiate that claim if it is challenged.

**Question 38:** Will the SRS Search include the chemicals on the confidential inventory list?

- Yes and no. The SRS lists only non-confidential information from the TSCA Inventory. Chemicals on the confidential Inventory list are identified in SRS by the Accession Number and the Generic Chemical Name associated with the confidential chemical. Companies are also able to search by PMN Number.

**Question 39:** If a company purchases chemicals from manufacturers and then mix it for their own use, do they need to report on the mixture?

- A company only reports on the chemicals that it actually manufactures. If no other chemical is manufactured when the chemicals are mixed together, then there is no obligation to report.

#### 1.4 Miscellaneous

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**Question 40:** What are the steps to remove a substance from the TSCA Inventory of Chemical Substances? In particular, to remove portland cement and chemicals contained therein.

- The TSCA Inventory is a definitive listing of the chemical substances in commerce in the United States. In order for a chemical substance to be removed from this listing, it would need to be not in commerce in the United States or to be erroneously listed. To date, the Agency has not required notification that a chemical substance is no longer in commerce in the United States. Regarding chemicals that are erroneously on the TSCA Inventory, a correction to the listing can be identified, reviewed, and, if found to be acceptable, processed. Such a correction may or may not remove the substance from the Inventory. The Agency would need to propose delisting the substance in a Federal Register notice. Pending the response to such a notice, EPA may or may not be able to remove the substance from the TSCA Inventory. Occasionally the Agency identifies a listing which is properly identified as a mixture. The TSCA Inventory is a listing of individual chemicals substances (Class 1 and Class 2, or UVCB substances), and a mixture should not be listed (although its component chemical substances should be, because those components are chemicals in commerce).