#### EPA United States Environmental Protection Agency

# 2020 Chemical Data Reporting Requirements

April 9, 2020

Speakers (EPA):

- Meredith Comnes
- Tom Smith

Office of Chemical Safety and Pollution Prevention

## Agenda

Speakers: Meredith Comnes, Tom Smith

- Welcome and Overview
- TSCA and CDR Background
- CDR 2020 Reporting Requirements
  - Overview and Determining the Need to Report
  - Search EPA's Substance Registry Service
  - What information is Reported
  - Special Topics
- Non-Regulatory Updates
- Additional Resources
- Questions and Answers



## Background: TSCA and the TSCA Inventory

#### Toxic Substances Control Act (TSCA)

- The Toxic Substances Control Act of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures.
- Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act) amended TSCA on June 22, 2016
- Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides.

#### **TSCA Chemical Substance Inventory** (TSCA Inventory)

- Comprehensive listing of chemicals in commerce
- Created in late 1970s and currently lists 86,405 chemical substances with 41,484 of them identified as active in U.S. commerce
- EPA maintains a public facing version and a non-public master file of the inventory



## Background: Chemical Data Reporting (CDR)

- CDR is a collection of basic exposure-related information on the types, quantities, and uses of chemical substances manufactured domestically or imported into the United States
  - Chemical substances listed on the TSCA Inventory
  - Certain classes of chemicals, such as polymers, are exempted from reporting
- Information is submitted every four years
  - Most recently submitted in 2016, covering calendar years 2012-2015
  - The current submission period is in 2020, covering calendar years 2016-2019
- In 2016, about 5,660 sites reported approximately 8,700 chemicals, resulting in close to 42,500 chemical reports
- EPA has finalized the CDR Revisions Rule (March 2020), which affects the 2020 CDR reporting requirements
- EPA has published a final rule to extend the submission period from September 30 to November 30, to provide additional time to reporters to become familiar with these requirements
- EPA is also finalizing the Small Manufacturer Definition (Proposed; not yet final)



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#### **Background: CDR Revisions Rule**

- Goals of CDR Revisions
  - Update CDR to align with new statutory requirements of TSCA
  - Improve the CDR data to support the implementation of TSCA
  - Reduce burden for certain CDR reporters
- Summary of Changes
  - Exemptions for reporting of certain byproducts
  - Changes to claiming confidentiality to align with Lautenberg Act
  - Modifications to reportable data elements
  - Changes to simplify reporting process for co-manufactured chemicals
- Proposed April 2019, Finalized March 2020
  - All new reporting requirements implemented as a result of this rule are indicated in green text in this presentation

# CDR 2020 Reporting Requirements



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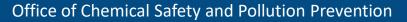
#### **Overview of 2020 CDR Requirements**

- <u>When</u>: The submission period is June 1 to November 30, 2020
- <u>Who</u>: Manufacturers, including importers, of chemical substances that:
  - Are listed on the **TSCA Inventory** as of June 1, 2020
  - Have a production volume of 25,000 lbs or greater at a site in at least one of the years 2016-2019
    - Unless subject to certain TSCA regulatory actions, in which case the production volume is 2,500 lbs or greater
  - Are not eligible for a full or partial exemption from CDR



## **Overview of 2020 CDR Requirements**

- <u>What</u>: Submitters must report for each chemical substance at a single site:
  - Annual production volume for 2016-2019
  - Certain manufacturing information for 2019
  - Processing and use information for 2019
  - Exemptions may reduce reporting, explained later in this presentation
- How: Submitters are required to report electronically
- <u>Where</u>: Submitters report through EPA's Central Data Exchange (CDX)
  - Register with CDX
  - Access e-CDRweb, the CDR reporting tool
  - Create and submit a separate Form U for each site
  - Submit completed Form U following instructions in e-CDRweb



## **2020 CDR: Determining the Need to Report**

To determine whether you are required to report, for <u>each</u> chemical substance that you domestically manufacture and/or import at a single site in any years between 2016-2019, consider the following steps:

**Step I:** Is Your **Chemical Substance** Subject to CDR? **Step II:** Are You a **Manufacturer** Who is Required to Report?



#### **Step I: Is Your Chemical Subject to CDR?**

- Is your chemical substance listed on the **TSCA Inventory**?
- Is your chemical substance manufactured for commercial purposes?
- Is your chemical substance used for only non-TSCA uses, as defined by TSCA Section 3(2)(B)?
- Is your chemical substance potentially exempt from reporting?
- Is your chemical substance **ineligible** for exemption?



## Chemical-Specific Exemptions (40 CFR 711.6)

- <u>Full exemption from reporting</u>
  - Polymers, microorganisms, certain forms of natural gas & water
  - Naturally occurring chemical substances (not affected by TSCA actions)
- Partial exemption from processing & use reporting
  - Listed petroleum process streams
  - Chemicals for which processing & use information is of low current interest
    - Added via petition process for each specific chemical
    - May be reversed if interest in chemical changes
- Not eligible for exemptions if subject to certain TSCA actions
  - A rule proposed or promulgated under TSCA Sections 4, 5(a)(2), 5(b)(4), or 6
  - Is the subject of an Enforceable Consent Agreement under 40 CFR 790
  - An order in effect under TSCA Section 5(e) or 5(f)
  - An order in effect under TSCA Section 4
  - Relief that has been granted under a civil action under TSCA Sections 5 or 7

#### **Effect of TSCA Actions on Chemical-Specific Exemptions**

	CDR Requirement	
TSCA Action	Not eligible for full <sup>†</sup> or partial exemptions from reporting (40 CFR 711.6)	
Not subject to any TSCA actions below	✓	
TSCA section 4 rules*	✓	
Enforceable Consent Agreements (ECAs)	$\checkmark$	
TSCA section 5(a)(2) SNURs *	✓	
TSCA section 5(b)(4) rules*	✓	
TSCA section 6 rules*	✓	
TSCA section 4 orders	$\checkmark$	
TSCA section 5(e) orders	$\checkmark$	
TSCA section 5(f) orders	✓	
TSCA section 5 civil actions	✓	
TSCA section 7 civil actions	✓	

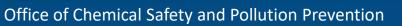
<sup>†</sup>Full exemption for naturally occurring chemicals is not affected. \*Applies to both proposed & promulgated rules



## **Example for 2020: Chemical Specific Exemptions**

#### Chemical D, CASRN: 123-45-6

Statutes/Regulations	
40 CFR 49: Indian Country - Air Quality	
40 CFR 59: National VOC Emission Std.	
40 CFR 302.4: List of Hazardous Substances	
2016 CDR TSCA Inv	
TSCA 6 Unreasonable Risk	
TSCA 8A CAIR	
TSCA 8A PAIR	



## Example from 2016: Chemical Specific Exemptions

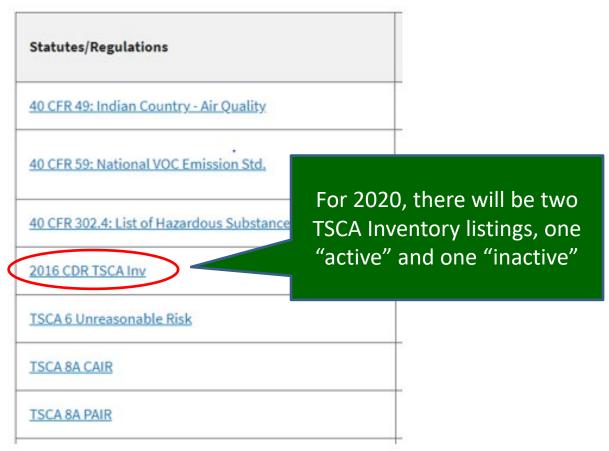
#### Chemical D, CASRN: 123-45-6

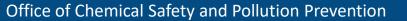
Statutes/Regulations	
40 CFR 49: Indian Country - Air Quality	
40 CFR 59: National VOC Emission Std.	
40 CFR 302.4: List of Hazardous Substan	ices
2016 CDR TSCA Inv	
TSCA 6 Unreasonable Risk	
TSCA 8A CAIR	
TSCA 8A PAIR	



## **Example from 2016: Chemical Specific Exemptions**

#### Chemical D, CASRN: 123-45-6





# Step II: Are You a Manufacturer Who is Required to <u>Report</u>?

- Did you manufacture a chemical substance in an amount that exceeded the **reporting threshold** for the chemical?
  - Production volume (PV) of 25,000 lbs or 2,500 lbs
  - PV must be considered for each year for calendar years 2016, 2017, 2018, and 2019



## **Example: Reporting Threshold**

• ChemIncA Company manufactures the following chemicals:

Chamical		Reporting			
Chemical	2016	2017	2018	2019	required?
Chem A	2,000	5,000	0	26,000	Yes
Chem B	0	34,000	0	0	Yes
Chem C	1,000	2,000	0	0	No



# Step II: Are You a Manufacturer Who is Required to <u>Report</u>?

- Did you manufacture a chemical substance in an amount that exceeded the **reporting threshold** for the chemical?
  - Production volume (PV) of 25,000 lbs or 2,500 lbs
  - PV must be considered for each year for calendar years 2016, 2017, 2018, and 2019
- Did you manufacture a chemical substance subject to reporting due to its **TSCA regulatory status**?



#### **Effect of TSCA Actions on Reporting Thresholds**

	CDR Requirement			
TSCA Action		threshold or the other)		
	25,000 lb (40 CFR 711.8(a))	2,500 lb (40 CFR 711.8(b))		
Not subject to any TSCA actions below	✓			
TSCA section 4 rules *	✓			
Enforceable Consent Agreements (ECAs)	✓			
TSCA section 5(a)(2) SNURs *		$\checkmark$		
TSCA section 5(b)(4) rules *		$\checkmark$		
TSCA section 6 rules *		✓		
TSCA section 4 orders		$\checkmark$		
TSCA section 5(e) orders		$\checkmark$		
TSCA section 5(f) orders		$\checkmark$		
TSCA section 5 civil actions		$\checkmark$		
TSCA section 7 civil actions		$\checkmark$		

\*Applies to both proposed & promulgated rules. \*Full exemption for naturally occurring chemicals is not affected.



#### 2016 Example: Chemical Specific Exemptions

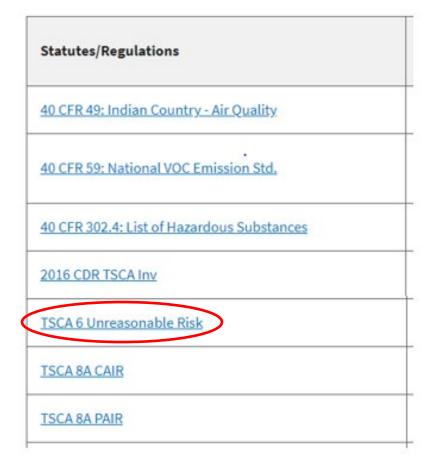
#### Chemical D CASN: 123-45-6

Statutes/Regulations	
40 CFR 49: Indian Country - Air Quality	
40 CFR 59: National VOC Emission Std.	
40 CFR 302.4: List of Hazardous Substances	
2016 CDR TSCA Inv	
TSCA 6 Unreasonable Risk	
TSCA 8A CAIR	
TSCA 8A PAIR	



#### 2016 Example: Chemical Specific Exemptions

#### Chemical D CASN: 123-45-6





## **Example: Reporting Threshold**

• ChemIncA Company manufactures the following chemicals:

Chemical	Production Volumes (lbs)				Reporting
Chemical	2016	2017	2018	2019	required?
Chem A	2,000	5,000	10,000	26,000	Yes
Chem B	0	34,000	0	0	Yes
Chem C	1,000	2,000	0	0	No
Chem D*	1,000	3,000	2,000	1,200	Yes, because TSCA section 6 rule
Chem E**	0	900	2,400	2,100	No
Chem F**	700	1,300	2,700	4,500	Yes, because TSCA section 5 SNUR

\* Chemical D is the subject of a TSCA Section 6 Rule

\*\* Chemicals E & F are both subjects of a Proposed SNUR under TSCA Section 5



# Step II: Are You a Manufacturer Who is Required to <u>Report</u>?

- Did you manufacture a chemical substance in an amount that exceeded the **reporting threshold** for the chemical?
  - Production volume (PV) of 25,000 lbs or 2,500 lbs
  - PV must be considered per year for calendar years 2016, 2017, 2018, and 2019
- Did you manufacture a chemical substance subject to reporting due to its **TSCA regulatory status**?
- Do you qualify as exempt because you are a Small Manufacturer?
- Do you qualify for any other reporting exemptions (Including new byproduct-specific exemptions)?



#### **Small Manufacturer: New Definition**

- EPA proposed a new TSCA Section 8(a) definition for Small Manufacturer
- Total annual sales means annual sales of submitter combined with a parent company, domestic or foreign (if any)
- Proposed rule asked for comment on alternate definitions
- Final rule status: In Interagency review under EO 12866

Current Definition	Proposed Definition
First st	andard
Total annual sales <\$40 million <u>and</u> annual PV ≤ 100,000 lbs at a site	Total annual sales <\$110 million <u>and</u> annual PV ≤ 100,000 lbs at a site
Second	standard
Total annual sales <\$4 million, regardless of PV	Total annual sales <\$11 million, regardless of PV



# Effect of TSCA Actions on Reporting Thresholds & Some Exemptions

	CDR Requirement				
		l threshold e or the other)		or exemptions e issues)	
TSCA Action	25,000 lb	2,500 lb	Full <sup>+</sup> or partial exemptions from reporting	Small manufacturer exemption	
	(40 CFR 711.8(a))	(40 CFR 711.8(b))	(40 CFR 711.6)	(40 CFR 711.9)	
Not subject to any TSCA actions below	✓				
TSCA section 4 rules *	$\checkmark$		✓	$\checkmark$	
Enforceable Consent Agreements (ECAs)	✓		✓		
TSCA section 5(a)(2) SNURs *		$\checkmark$	✓		
TSCA section 5(b)(4) rules *		✓	✓	✓	
TSCA section 6 rules *		✓	✓	✓	
TSCA section 4 orders		$\checkmark$	$\checkmark$	$\checkmark$	
TSCA section 5(e) orders		✓	✓	$\checkmark$	
TSCA section 5(f) orders		~	✓		
TSCA section 5 civil actions		$\checkmark$	✓	✓	
TSCA section 7 civil actions		$\checkmark$	✓	$\checkmark$	

\*Applies to both proposed & promulgated rules. <sup>+</sup>Full exemption for naturally occurring chemicals is not affected.



#### Searching SRS – www.epa.gov/srs

- Search SRS to research if:
  - Your chemical substance is listed on the TSCA Inventory
  - Your chemical substance is potentially partially or fully exempt from reporting
  - Your chemical substance is the subject of certain TSCA actions which may impact reporting requirements
- Updates specific to the 2020 CDR will be added to SRS prior to the 2020 CDR reporting period



## Searching SRS – www.epa.gov/srs

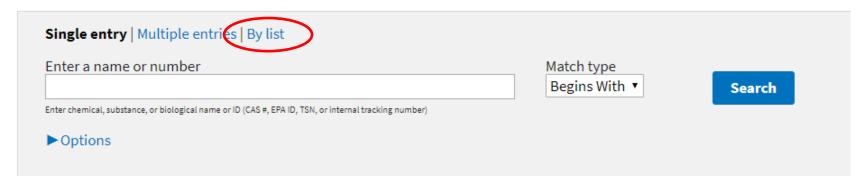


	Environmental Topics	Laws & Regulations	About EPA
Substance Registry Serv	ices (SRS)		

# Substance Registry Services

The Substance Registry Services (SRS) is EPA's authoritative resource for information about chemicals, biological organisms, and otl substance tracked or regulated by EPA. Learn more about SRS

#### Find chemicals or substances





#### **Searching SRS – By List**



Environmental Topics Laws & Regulations About EPA

Substance Registry Services (SRS)

## Substance Registry Services

The Substance Registry Services (SRS) is EPA's authoritative resource for information about chemicals, biological organi others substance tracked or regulated by EPA. Learn more about SRS

#### Find chemicals or substances

Ent	er a name or number		Match type Begins Wit		Searc
	chemical, substance, or biological name or ID (CAS #, EPA ID, or internal tracking ect list to search	number)	Filter all co	lumns	
	List Name 🔶	List Acronym	\$	Entries \$	
	List Name ¢ 2012 Chemical Data Reporting	List Acronym 2012 CDR	\$	Entries \$	<b>.</b>
		-	•		<b>^</b>
	2012 Chemical Data Reporting	2012 CDR	•	14195	



#### **Searching SRS – CDR Partial Exempt**

#### Substance Registry Services (SRS)

<u>< Back to Home</u> • <u>New Search</u>

#### 2016 CDR Partial Exempt- 2016 CDR Partial Exempt

On this page: List Details • Browse Substances

#### **List Details**

List Type	Statute/Regulation	Export Core Metadata for List
List Status	Approved	Export Synonym Info
Number of Entries	723	SRS Information
List Description	This list contains chemicals that are partially exempt from reporting under 2016 Chemical Data Reporting (CDR), as long as they are not also found in certain TSCA actions. Manufacturers (including importers) of partially exempt chemicals are not required to report processing and use information, but are required to report basic identity and manufacturing information. This list contains CASRNs and accession numbers, if applicable, and is based upon the status of a chemical on June 1, 2016, which is the first day of the reporting period for the 2016 CDR.	About SRS     Automated Services     Related Resources
List Steward		
Steward		Search

#### **Browse Substances**

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723	results Adjust Columns (Export options: Excel)	(Export options:  Excel    XML    PDF    RTF)			Filter all columns		
\$	Synonym 🗢	CAS ¢	EPA ID ≑	Molecular Formula 🔶	Active Status +		
	2H-1-Benzopyran-6-ol. 3.4-dihydro-2.5.7,8-tetramethyl-2-[(4R,8R)-4.8,12-trimethyltridecyl](2R)-	59-02-9		C29H50O2	Active		
	2H-1-Benzopyran-6-ol, 3,4-dihydro-2,5,7,8-tetramethyl-2-{(4R,8R)-4,8,12- trimethyltridecyl]-,	58-95-7		C31H52O3	Active		

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#### SRS Web Services / APIs

LOGIN FOR EPA & PARTNERS CONTACT US

Export List Information

Substance Search

## Searching SRS – CDR Full Exempt

#### 2016 CDR Full Exempt- 2016 CDR Full Exempt

On this page: List Details • Browse Substances

#### List Details

List Type	Statute/Regulation
List Status	Approved
Number of Entries	1501
List Description	This list contains chemicals that are fully exempt from reporting under 2016 Chemical Data Reporting (CDR), as long as they are not also found in certain TSCA actions. This list contains CASRNs and accession numbers, and is based upon the status of a chemical on June 1, 2016, which is the first day of the reporting period for the 2016 CDR.
List	

Steward

#### **Browse Substances**

The search results returned were too large to display (>1500 records). Please:

1) Refine your search

- or -

2) Select an export option below to export all results



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## Searching SRS – CDR Full Exempt Download

	А	В	С	D	E	F	G	н	I	
1	Internal T	CAS #	EPA ID #	TSN #	Substance	Substance	Registry N	Registry N	Synonym Effective Date	S
2	574426	73018-26-	5		Hexanedi	Chemical	Hexanedi	Chemical	1/15/201	0
3	1811211		E1811211		Glycol diis	Environm	ental Prote	ection Age	ncy Data Systems	
4	495440	68929-20-	4		2-Propend	Chemical	2-Propend	Chemical	1/15/201	0
5	1794241		E1794241		Styrenate	Environm	ental Prote	ection Age	ncy Data Systems	
6	1800837		E1800837		Alkyl fatty	Environm	ental Prote	ection Age	ncy Data Systems	
7	1809215		E1809215		Vinyl alco	Environm	ental Prote	ection Age	ncy Data Systems	
8	1823193		E1823193		Polymer o	Environm	ental Prote	ection Age	ncy Data Systems	
9	568824	72869-59-	1		Amines, c	Chemical	Ámines, c	Chemical	1/20/201	0
10	294504	52292-20-	3		1,4-Butan	Chemical 1,4-Butan Chemical 1/15/2010			0	
11	1794239		E1794239		Polyester	er Environmental Protection Agency Data Systems				
12	242198	26813-14-	9		1,3-Penta	Chemical	1,3-Penta	Chemical	1/15/201	0
13	383745	68015-37-	2		Glyceride	Chemical	Glyceride	Chemical	1/15/201	0
14	441865	68479-62-	9		2-Propend	Chemical	2-Propend	Chemical	1/15/201	0
15	267724	34802-28-	3		Formalde	Chemical	Formalde	Chemical	1/20/201	0
16	574491	73018-34-	5		Poly(oxy-	Chemical	Poly(oxy-	Chemical	1/15/201	0
17	1820339		E1820339		Sulfurized	Environm	ental Prote	ection Age	ncy Data Systems	
18	1811207		E1811207		Hydroxyl	yl fEnvironmental Protection Agency Data Systems				
19	1800831		E1800831		Polymer o	r c Environmental Protection Agency Data Systems				
20	1809211		E1809211		Adipic aci	aci Environmental Protection Agency Data Systems				
21	423574	68399-66-	6		2,5-Furan	Chemical	2,5-Furance	Chemical	1/20/201	0



## Searching SRS – By Substance Name or Number



	Environmental Topics	Laws & Regulations	About EPA
Substance Registry Services (SRS)			

## Substance Registry Services

The Substance Registry Services (SRS) is EPA's authoritative resource for information about chemicals, biological organisms, and others substance tracked or regulated by EPA. Learn more about SRS

Find chemicals or substances	
Single entry   Multiple entries   By list Enter a name or number Match type	
Enter chemical, substance, or biological name or ID (CAS #, EPA ID, TSN, or internal tracking number)  Options	Search
Office of Chemical Safety and Pollution Prevention	31

# Substance Search Results



Enter keyword(s)	below to refine search	
Reset Filter		

2 results found (Export options: Excel | XML | PDF | RTF.)

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•	Substance Name +	Common Name +	CAS Number +	Taxonomic Serial Number
	Ethane, 1,2-dibromo-	Ethylene dibromide	106-93-4	
	Peroxide, dibenzoyl	Benzoyl peroxide	94-36-0	

2 results found (Export options: Excel | XML | PDF | RTF.)

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#### **Program and Regulatory Information**

#### Statutes/Regulations

Below are the EPA applications/systems, statutes/regulations, or other sources that track or regulate this substance. This table shows how each list refers to the substance. To view more metadata about the specific Synonym, click on the Synonym.

Statutes/Regulations	Synonym	Synonym Quality	Effective Date	End Date
<u>2016 CDR Partial</u> <u>Exempt</u>	Fatty acids, C14�18 and C16�18 unsaturated, methyl esters	Unknown		
2016 CDR TSCA Inv	Fatty acids, C14-18 and C16-18-unsatd., Me esters	Valid		
TSCA Inv	Fatty acids, C14-18 and C16-18-unsatd., Me esters	Valid		



# SRS – Searching for Hydrofluoric Acid (7664-39-3)

#### Statutes/Regulations

Below are the EPA applications/systems, statutes/regulations, or other sources that track or regulate this substance. This table shows how each list refers to the substance. To view more metadata about the specific Synonym, click on the Synonym.

Statutes/Regulations	Synonym	Synonym Quality	Effective Date	End Date
40 CFR 302.4: List of Hazardous Substances	<u>Hydrofluoric acid</u> .	Unknown		
2016 CDR TSCA Inv	<u>Hydrofluoric acid</u>	Valid		
<u>CAA112(b) HAP</u>	<u>Hydrofluoric acid</u>	Valid		
<u>CAA112(b) HAP</u>	<u>Hydrogen fluoride</u>	Valid		
<u>CAA 112R</u>	<u>Hydrofluoric acid (conc 50%</u> or greater)	Valid	01/31/1994	
<u>CAA 112R</u>	<u>Hydrogen fluoride (conc 50%</u> or greater)	Valid	01/31/1994	
CERCLA	<u>Hydrogen fluoride</u>	Valid		



#### What is Reported?

#### **Site Identification Information**

- Highest level U.S. parent company and, if applicable, the foreign parent company (new definition: "highest level parent company" in 711.3)
  - Company name and address (Following the naming convention in 40 CFR 711.35)
  - Company Dun & Bradstreet number
- Manufacturing (including importing) site
  - Site name and address
  - Site Dun & Bradstreet number
  - Importers must report a U.S. address for the site
  - NAICS code for the site of manufacturer
- Technical contact(s) information
  - Name and address
  - Telephone number and email address

## What is Reported?

#### **Manufacturing-Related Data**

- Chemical Identity
  - CASRN and Chemical Name
  - Accession Number and Generic Chemical Name for CBI substances
- Production Volume (PV) and other Volumes

2019 Data	2018 Data	2017 Data	2016 Data
Domestically Manufactured PV	Total PV	Total PV	Total PV
Imported PV	only	only	only
Indicate whether chemical never physically at reporting site			
Volume used at reporting site			
Volume directly exported from reporting site			

- Number of workers that are reasonably likely to be exposed (in ranges)
- Maximum concentration
- Physical form and percent production volume in the form
- Indication of whether a chemical is recycled instead of being treated as a waste
- The percent production volume that is a byproduct (voluntary)

# **Example: Reporting Specific Chemicals**

• ChemIncA Company manufactures the following chemicals:

Chamical	Production Volumes (lbs)				Reporting	Report Processing &	
Chemical	2016	2017	2018	2019	required?	Use?*	
Chem A	2,000	5 <i>,</i> 000	10,000	26,000	Yes	Yes, on 26,000	
Chem B	0	34,000	0	0	Yes	No, because 2019 PV=0	
Chem C	1,000	2,000	0	0	No	No, because 2019 PV=0	
Chem D	1,000	3,000	2,000	1,200	Yes, because TSCA 6 rule	Yes, on 1,200	

\* Includes Manufacturing information beyond production volume, such as physical form.

#### **Processing- and Use-Related Data**

- Required for production volumes of 25,000 lbs or more, at a site, unless subject to a reduced threshold of 2,500 lbs or more at a site, unless otherwise exempted
- Added function category for commercial/consumer products
- Phased-in replacement of the CDR "industrial function and commercial/consumer product" use codes with codes based on the OECD function, product, and article use categories (OECD-based codes)
  - During the 2020 CDR submission period, reporting using the OECD-based codes is required for the chemicals designated by EPA as a high priority for risk evaluation
    - 20 chemicals were designated as high priority in December 2019
    - Full list is at <a href="https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/chemical-substances-undergoing-prioritization-high">https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/chemical-substances-undergoing-prioritization-high</a>
  - For all other chemicals, reporters may use either the OECD-based codes or the current CDR codes
  - Reporting using the OECD-based codes will be fully implemented and required for all chemicals during the 2024 CDR submission period



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## What is Reported?

#### **Processing- and Use-Related Data**

- Required for production volumes of 25,000 lbs or more, at a site, unless subject to a reduced threshold of 2,500 lbs or more at a site, unless otherwise exempted
- Industrial Processing and Use

Report up to 10 unique combinations:			For each unique combination, report:			
Type of operation	Industrial sector	Functional use	Percent production volume	Number of reasonably likely to be exposed workers	Number of sites	

#### <u>Commercial and Consumer Use</u>

Report up to 10 unique combinations:				For each unique category, report:		
Product Categories	Commercial or consumer?	Functional use	Is use in a product intended for children?	Percent production volume	Maximum concentration	Number of reasonably likely to be exposed commercial workers



### **Example Table: Function Categories**

#### TABLE 8—CODES FOR REPORTING FUNCTION CATEGORIES

For the 2020 submission period: (1) use column A for chemical substances designated in 2019 as high priority for risk evaluation (those chemicals listed in Table 9) and (2) use either column A or B for chemical substances not listed in Table 9.

Column A Column B Code Code Category Category F001 Abrasives U001 Abrasives. F002 Etching agent F003 U002 Adhesion/cohesion Adhesives and sealant chemicals promoter F004 Binder F005 Flux agent F006 Sealant (barrier) F007 Absorbent U003 Adsorbents and absorbents F008 Adsorbent F009 Dehydrating agent (desiccant) F010 Drier F011 Humectant

For the 2024 and future submission periods, use only column A.



### Example: 20 High Priority Chemicals

#### TABLE 9—CASRNS OF CHEMICAL SUBSTANCES DESIGNATED AS HIGH PRIORITY FOR RISK EVALUATION UNDER TSCA SECTION 6(B) ON DECEMBER 30,2019

÷ CASRN Chemical Substance 106-46-7 p-Dichlorobenzene 107-06-2 1.2-Dichloroethane 156-60-5 trans-1.2- Dichloroethylene 95-50-1 o-Dichlorobenzene 79-00-5 1.1.2-Trichloroethane 78-87-5 1,2-Dichloropropane 75-34-3 1.1-Dichloroethane 84-74-2 Dibutyl phthalate (DBP) (1,2-Benzene- dicarboxylic acid, 1,2- dibutyl ester) 85-68-7 Butyl benzyl phthalate (BBP) - 1,2-Benzene- dicarboxylic acid, 1- butyl 2(phenylmethyl) ester 117-81-7 Di-ethylhexyl phthalate (DEHP) - (1,2-Benzene- dicarboxylic acid, 1,2- bis(2ethvlhexvl) ester) Di-isobutyl phthalate (DIBP) - (1,2-Benzene- dicarboxylic acid, 1,2- bis-84-69-5 (2methylpropyl) ester) 84-61-7 Dicyclohexyl phthalate 79-94-7 4.4'-(1-Methylethylidene)bis[2, 6-dibromophenol] (TBBPA) 115-96-8 Tris(2-chloroethyl) phosphate (TCEP) 115-86-6 Phosphoric acid, triphenyl ester (TPP) 106-93-4 Ethvlene dibromide 1.3-Butadiene 106-99-0 1.3.4.6.7.8-Hexahvdro-4.6.6.7.8.8-hexamethylcyclopenta [g]-2-benzopyran 1222-05-5 (HHCB) 50-00-0 Formaldehvde 85-44-9 Phthalic anhydride



#### **Important to Know**

- Reporting is site-specific:
  - One Form U per site
  - One or more chemical substance reports on each Form U
- Reporting standard is "known to or reasonably ascertainable by" for all data



#### Important to Know: Confidentiality Claims

- TSCA amendments (June 2016) required substantiation for most confidentiality claims
- New Changes (Implementing the 2016 TSCA amendments):
  - Upfront substantiation is required for all claims of confidentiality at the time they are made, except for:
    - Production volume
    - Supplier identity, trade name, and formulation information associated with joint submissions
  - Updated substantiation questions and certification statement
  - General use data elements cannot be claimed as confidential
    - Industrial: type of processing and use, industrial sectors, functions
    - Commercial/Consumer: product categories, functions, whether consumer or commercial, whether used in products intended for use by children



#### **Importers: Requirements**

#### Importers are subject to CDR

- Under TSCA, manufacture includes import
- If two or more persons meet the "importer" definition, they may determine who will report (but both are liable)
- Site is defined for importers in 40 CFR 711.3
  - U.S. site of the unit directly responsible for importing
  - Must be a U.S. address, even if it is for an agent acting for the importer
- An importer will indicate whether each imported chemical is never physically present at the reporting site
- If a mixture is imported, the importer reports the individual chemical components of the mixture, including the percent composition
  - A joint submission with the supplier is used when the chemical identity or mixture composition is unknown
  - The secondary submitter of a joint submission reports the function of the chemical within the mixture
- Imported articles are exempt under 40 CFR 711.10(b)



# Identifying Your Imported Chemical Substance: Requirements

- Sources of composition information include:
  - MSDS or SDS
  - Supplier provided composition information
- If composition information claimed as confidential
  - Ask your supplier to provide the information directly to EPA
  - Both the primary and secondary submitters are able to identify parts of their submission as confidential
- Use known or reasonably ascertainable information to determine whether your production volume triggers reporting
  - Overall production volume for imported mixture(s)
  - Available composition information from MSDS or SDS
  - Ask your supplier

# **Byproducts: Requirements**

#### Byproduct chemical substances may be subject to CDR

- Defined as: A chemical substance produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance or mixture. (40 CFR 704.3)
- Typically manufactured for a commercial purpose. (40 CFR 704.3)
- Reportable when used for a non-exempt commercial purpose. (40 CFR 720.30(h)(2), referenced by 40 CFR 711.10(c))



### **Byproducts: New Exemptions**

- EPA will exempt specifically listed byproducts that are recycled in a site-limited manner when:
  - the substance is recycled or used in physically enclosed systems; and
  - the substance remains on site; and
  - the site is reporting the byproduct substance or another substance from the same overall manufacturing process
  - Listed industries and byproducts:
    - Portland Cement manufacturing: *cement kiln dust*
    - Kraft pulping cycle: *black liquor, oxidized black liquor,* and *calcium carbonate*

### **Petition Process to add Industries and Byproducts**

- EPA implemented a petition process for the public to request changes to the list of exempted manufacturing processes and related byproduct substances
- Petitions are due December 31, 2022, for consideration for the 2024 submission period
- Reporters must identify how the process and byproduct substances meet the requirements for the petition. For example:
  - Is the byproduct recycled or otherwise used
    - to manufacture another chemical substance within an enclosed system,
    - within the same overall manufacturing process, and
    - on the same site as that byproduct was originally manufactured?
  - Is the site reporting a different chemical substance that was manufactured from the byproduct or in the same overall manufacturing process?
  - Does EPA have a current interest in the byproduct?



#### **Byproducts: New Exemptions**

- EPA will exempt byproducts manufactured in non-integral equipment
  - Meaning, byproducts that are generated in equipment that is not integral to the chemical manufacturing process of the site; specifically:
    - pollution control and
    - boiler equipment
  - An integral process is the portion of the manufacturing process that is chemically necessary or provides primary operational support for the production of the intended product



#### **Co-Manufactured Chemicals: First Reporting Procedure**

- First new reporting methodology
  - Contracting company initiates the co-manufactured chemical report and notifies the producing company using the e-CDRweb reporting tool
  - Reporting responsibilities:

Data Elements	Contracting Company	Producing Company
Chemical Identity	$\checkmark$	
Production Volume	$\checkmark$	$\checkmark$
Manufacturing Information		$\checkmark$
Processing and Use Information	$\checkmark$	



- Second new reporting methodology
  - Contracting and producing company, upon written agreement, work together to complete the reporting
  - Producing company (instead of the contracting company) initiates and completes the reporting
    - Provides exposure information from manufacturing site
  - Contracting company provides additional information
  - Although the producing company submits the report, both parties are responsible for the report



# Non-Regulatory Updates



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## **Non-Regulatory Updates**

- IT Enhancements
  - New application platform resulting in better functionality and less lag and faster validations
  - Application-integrated CBI substantiations
  - Ability to reuse some or all of the CBI substantiations
- Functionality Improvements
  - Improving uploading data:
    - XML upload failure explanations
    - Spreadsheet (CSV file) upload enabled
  - Auto-filling submission data from 2016 submissions to reduce time completing electronic submission
  - Agent role: Improved function for e-CDRweb management



### **Planned Non-Regulatory Updates**

#### e-CDRweb Management and User Roles

	E-CDRweb User Roles			
e-CDRweb Activities	Authorized Official (AO)	Agent <b>(new)</b>	Support	
Create Form	Х			
Creates Passphrase	Х			
Generate Joint Submission Unique ID	Х	Х		
Generate Producing Company Unique ID	Х	Х		
Edit Form	Х	Х	Х	
Submit an original Form	Х			
Unlock Form Submission (Create an amendment)	Х	Х		
Submit an Amendment of a Form	Х	Х		
Assign Supports	Х			



# Additional Resources



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#### Where to Get More Information

- www.epa.gov/CDR
  - EPA will post updated information as it is developed
- Send reporting-related questions to <u>eCDRweb@epa.gov</u>
- Instructions for Reporting- 2020 TSCA Chemical Data Reporting



# Questions and Answers



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# CDR 2020 Reporting Tool Demo



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