

TSCA Chemical Data Reporting

Fact Sheet: Reporting Thresholds for 2016

This fact sheet provides information for persons who may be subject to the Chemical Data Reporting (CDR) rule about regulatory reporting thresholds that are applicable to the 2016 reporting period. For 2016, manufacturers must consider production volume from 2012 to 2015 as well as the effect of certain TSCA actions on reporting thresholds when determining whether to report.

The primary goal of this document is to help the regulated community comply with the requirements of the CDR rule. This document does not substitute for the rule, nor is it a rule itself. It does not impose legally binding requirements on the regulated community or on the U.S. Environmental Protection Agency (EPA).

The CDR rule, issued under the Toxic Substances Control Act (TSCA), requires manufacturers (including importers) to give EPA information on the chemicals they manufacture domestically or import into the United States. EPA uses the data, which provides important screening-level exposure related information, to help assess the potential human health and environmental effects of these chemicals and makes the non-confidential business information it receives available to the public.

The 2016 reporting thresholds

- The submission period for 2016 is June 1, 2016 through September 30, 2016.
- Reporting is now triggered if the annual reporting threshold is met during **any** of the calendar years since the last principal reporting year (2012 – 2015).
- In general, the reporting threshold remains 25,000 lb per site. However, a reduced reporting threshold (2,500 lb) now applies to chemical substances subject to certain TSCA actions. See [TSCA Chemical Data Reporting Fact Sheet: Chemical Substances which are the Subject of Certain TSCA Actions](#).
- For chemical substances that trigger reporting, total annual production volume must now be reported for **each** calendar year since the last principal reporting year (2012 – 2015).
- There is no longer a different reporting threshold for processing and use information. That provision expired after the 2012 CDR. The reporting threshold for processing and use information is the same as the reporting threshold for CDR generally (25,000 lb or 2,500 lb), depending on existence of certain TSCA actions.
 - Processing and use information are reported only for the principal reporting year (2015).
 - Exemptions from reporting processing and use information are available under 40 CFR 711.6(b).

The 2016 reporting years

- Under 40 CFR 711.8(a)(2), meeting the reporting threshold for a chemical substance at a site during any calendar year since the last principal reporting year now requires reporting at that site for that substance, for each of the years 2012, 2013, 2014, and 2015.
- For the 2016 submission period, this involves separately considering the production volumes of a chemical substance at a single site during the calendar years 2012, 2013, 2014, and 2015, because 2011 was the last principal reporting year (for the 2012 submission period).

Reduced reporting threshold in some instances

- Reporting is generally necessary for substances whose manufactured volume was 25,000 lb (11,340 kg) or more at a single site during a calendar year (2012 – 2015).
- However, under 40 CFR 711.8(b), reporting is now required for a chemical substance that is the subject of certain TSCA actions, if the production volume at a site is 2,500 lb (1,134 kg) or more.
- The following TSCA actions trigger the reduced reporting threshold:
 - A rule proposed or promulgated under TSCA section 5(a)(2), 5(b)(4), or 6
 - An order in effect under TSCA section 5(e) or 5(f)
 - Relief that has been granted under a civil action under TSCA section 5 or 7
- Additional information on how 2016 reporting requirements may be affected when chemical substances are the subject of certain TSCA actions is provided in the related CDR Fact Sheet: “Chemical Substances which are the Subject of Certain TSCA Actions.”

Reporting total annual production volume for four different years

- This requirement relates to the data element for total annual production volume at a single site (domestically manufactured plus imported volumes) for calendar years 2012-2015.
- Under 40 CFR 711.15(b), CDR submitters must now report this data element for all four calendar years at each site at which the annual production volume meets or exceeds 25,000 lb for at least one calendar year since the last principal reporting year.
- For 2016, this means reporting total annual production volume per site for each of the past four years, 2012-2015.
- This differs from the 2012 CDR, where the total past production volume was reported for each of the past two years, 2010 and 2011.

Reporting threshold for processing and use activities is the same as that for manufacturing information

- Under 40 CFR 711.15(b), manufacturers now use the same reporting threshold for reporting processing and use information as they use for reporting all manufacturing information.
- Existing exemptions from reporting information relating to processing and use activities are still available under 40 CFR 711.6(b).

- Processing and use information is reported only for the principal reporting year.
- For the 2016 CDR reporting period, 2015 is the principal reporting year.

Application of the reporting requirements in different scenarios

1. Company ABC produces Chemical Q, which is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b). At the site, Chemical Q was produced in amounts of 30,000 lb in 2012 and 50,000 lb in 2014. It was only produced in amounts of 10,000 lb in 2013 and 5,000 lb in 2015. What are the reporting obligations for the 2016 CDR?

Chemical Q is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b). Therefore, the 25,000 lb threshold would still be applicable for Chemical Q. Since the 25,000 lb threshold was exceeded at least once between 2012 and 2015 (in this case, in 2012 and 2014), Company ABC would be subject to reporting and would report all required information, including the total production volumes for 2012, 2013, 2014, and 2015. For the principal reporting year of 2015, Company ABC would report additional manufacturing information and the processing and use data based on the 5,000 lb it produced that year.

2. Company DEF begins producing Chemical Z in 2013. Chemical Z is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b). The production volumes at the site are 2,000 lb in 2013, 25,000 lb in 2014, and no production for 2015. What are Company DEF's reporting obligations for the 2016 CDR?

Chemical Z is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b); therefore, the 25,000 lb threshold would be applicable for Chemical Z. Since the 25,000 lb threshold was met in 2014, Company DEF would be subject to reporting. However, since there was no production in 2015, the principal reporting year, the production volume would be reported as zero, the manufacturing information needed to be reported would be limited to the company and plant site information (40 CFR 711.15(b)(2)) and the chemical specific information on identity as well as the production volume for 2013 and 2014 (40 CFR 711.15(b)(3)).

3. Company MNO manufactures Chemical XX, which is subject to a TSCA section 4 test rule with a sunset date of June 30, 2016. Chemical XX is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b). What is the reporting threshold for Chemical XX for the 2016 CDR?

Chemical XX is subject to the 25,000 lb reporting threshold, because a TSCA section 4 test rule is not a TSCA action which triggers use of the reduced reporting threshold (i.e., it is not one of the actions listed in 40 CFR 711.8(b)).

4. A TSCA section 5(a)(2) significant new use rule (SNUR) is issued for Chemical X in 2014. The annual production volumes for Chemical X by Company ABC are 1,000 lb in 2012, 10,000 lb in 2013, 5,000 lb in 2014, and 2,000 lb in 2015. What is the reporting threshold for Chemical X?

As of the beginning of the submission period (June 1, 2016), Chemical X is a chemical substance that is the subject of a TSCA section 5(a)(2) SNUR; therefore, a reduced reporting threshold of 2,500 lb would apply to Chemical X. Because the 2,500 lb reporting threshold was exceeded at least once between 2012 and 2015 (in this case in both 2013 and 2014), Company ABC would report total annual production volume for each year from 2012 through 2015 and

would report additional manufacturing and processing and use data for the principal reporting year 2015 based on the 2,000 lb that Company ABC produced that year.

5. Company PQR submitted a Notice of Commencement for Chemical Y in 2013, and EPA added Chemical Y to the TSCA Inventory in 2013. A TSCA Section 5(a)(2) SNUR was also issued for Chemical Y in 2013. If there was manufacture of Chemical Y in 2012, would the 2012 volume be subject to reporting? What is the reporting threshold for Chemical Y?

Chemical Y is not a chemical substance subject to CDR reporting unless it is listed on the TSCA Inventory. However, under 40 CFR 711.5, the TSCA Inventory status of the chemical is evaluated “at the beginning of [the] submission period.” Since Chemical Y was listed on the TSCA Inventory as of the beginning of the submission period (June 1, 2016), Chemical Y is a chemical substance subject to reporting in the 2016 CDR. Note that production volume for 2012 must be considered, and potentially reported, even though Chemical Y was not listed on the TSCA Inventory in 2012.

As of the beginning of the submission period, Chemical Y is the subject of a TSCA section 5(a)(2) SNUR. Therefore, a reduced reporting threshold of 2,500 lb is used for Chemical Y. If the production volume meets or exceeds 2,500 lb in at least one year between 2012 and 2015, then production volume must be reported for each of those four years.

6. A TSCA section 5(a)(2) SNUR was issued for Chemical D in 2013 and revoked in February 2016. Chemical D is not currently the subject of any of the TSCA actions listed in 40 CFR 711.8(b). What is the reporting threshold for Chemical D?

As of the beginning of the submission period on June 1, 2016, the SNUR is no longer in effect. Therefore, the reporting threshold for Chemical D is 25,000 lb. If the production volume meets or exceeds 25,000 lb in at least one year between 2012 and 2015, then production volume must be reported for each of those four years.

7. A proposed TSCA section 5(a)(2) SNUR for Chemical P is published in the Federal Register on August 1, 2016. Chemical P is not currently the subject of any of the other TSCA actions listed in 40 CFR 711.8(b). What is the reporting threshold for Chemical P?

As of the beginning of the 2016 submission period on June 1, 2016, Chemical P is not the subject of a proposed or promulgated SNUR. Therefore, the 2016 CDR reporting threshold for Chemical P is 25,000 lb. Publication of the SNUR after June 1, 2016 would not cause the 2016 CDR reporting threshold to change during the 2016 submission period.

8. A TSCA section 5(a)(2) SNUR is proposed for Chemical B in November 2014, with an expectation that all uses will be phased out by December 2015. Is Chemical B subject to 2016 CDR reporting?

At the beginning of the submission period on June 1, 2016, Chemical B is listed on the TSCA Inventory and a proposed SNUR has been published; therefore, the reporting threshold is 2,500 lb of Chemical B at a single site, in any year from 2012 through 2015. Even if a company phases out manufacture of Chemical B by December 2015, if the company manufactured 2,500 lb or more of Chemical B in 2012, 2013, 2014, or 2015, the company would be subject to all reporting. However, if the manufacture and uses of Chemical B ended by December 2014 and if the company did manufacture 2,500 lb or more of Chemical B in 2012, 2013, or 2014, then the

company would report production volume for those three years but for 2015 would report a production volume of zero and would not need to report any extra manufacturing information or processing and use information.

For further information:

To access copies of additional fact sheets and other CDR information, log onto www.epa.gov/cdr.

If you have questions about CDR, you can contact the TSCA Hotline by phone at 202-554-1404 e-mail your question to eCDRweb@epa.gov.