
Cross-Media Electronic Reporting Rule (CROMERR) Implementation Procedure

Directive No: CIO 2134-P-01.2

*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

**Cross-Media Electronic Reporting Rule (CROMERR) Implementation
Procedure**

1. PURPOSE

This procedure describes how to apply for approval of systems used to receive electronic documents in lieu of paper documents where the report (or other document collection) is made pursuant to requirements or authority codified in Title 40 of the Code of Federal Regulations. The procedure helps ensure that the Cross Media Electronic Reporting Rule (CROMERR), 40 C.F.R. part 3, is implemented consistently for EPA and co-regulator electronic reporting systems.

2. SCOPE

EPA and co-regulator systems that collect documents required or permitted under Title 40 of the Code of Federal Regulations in electronic format in lieu of paper documents.

3. AUDIENCE

EPA programs and co-regulators (including States, Tribes, and local governments) using or planning to use electronic reporting systems to receive electronic documents in lieu of paper documents to satisfy reporting or other collections made pursuant to Title 40 of the Code of Federal Regulations.

4. BACKGROUND

Co-regulators that plan to receive reports or other collections authorized under Title 40 in electronic form, in lieu of paper form, must seek revision to the authorization of the affected programs by submitting an application to the Office of Mission Support - Environmental Information (OMS-EI) that describes the design and operation of the electronic reporting system. EPA programs and Regional systems must also submit an application to OMS-EI for a system by which they propose to collect electronic documents in lieu of paper documents. Authorized, delegated, or approved programs may also revise the affected program(s) to comply with 40 C.F.R. Part 3 using the program revision procedures specific to that program (such as 40 CFR § 123.62 for NPDES program revisions), but the process described herein provides a mechanism to revise one or more programs through a unified application and approval process. Further, revisions through program specific procedures would still go through the CROMERR review process.

CROMERR establishes a set of technology-neutral performance standards for electronic reporting systems. These standards include, among other things, requirements that the system:

- Provide processes necessary for legally defensible nonrepudiation,

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- Collect reliable evidence of the identity to whom electronic signature credentials are issued,
- Ensure that the document bears a valid electronic signature when a signature would be required on a corresponding paper document,
- Create and properly store a forensically robust Copy of Record, and
- Ensure that the electronic document cannot be modified without detection after being signed.

Applications for approval of electronic reporting systems must contain:

- For co-regulators, a certification, signed by the State Attorney General (or the chief administrative official in the case of tribes and local governments), that the co-regulator has sufficient legal authority provided by lawfully enacted or promulgated laws or regulations to implement the electronic reporting component of the affected program for which approval is sought under Section 3.1000(b)(1). Where the co-regulator has previously received CROMERR approval for an existing reporting system and intends to rely on the legal certification from that approved system in a new application, OMS-EI may contact the applicant to determine whether the existing legal certification applies to, or can be extended to, the new system. If the existing legal certification cannot be extended to the new system, a new legal certification will be required. No legal certification is required of EPA applicants under the requirements set forth in Section 3.10 of CROMERR.
- For both EPA programs and co-regulators, the application must include a listing of the electronic document receiving systems for which approval is being requested and a description of how the systems will satisfy the requirements of CROMERR. EPA provides forms for providing this information on its CROMERR website.
- For both EPA Programs and co-regulators, if the system requires upgrades to comply with CROMERR or a future update is planned that requires CROMERR approval, a schedule of when those upgrades will occur is required.

4.1 EPA Programs (Direct Reporting and Direct Implementation of non-delegated Programs)

Under Section 3.10 of CROMERR, documents submitted electronically to EPA must be submitted to a system designated by the Administrator for the receipt of those documents, such as the EPA Central Data Exchange (CDX).

Section 3.2000(b) of CROMERR sets standards for electronic document receiving systems operated by EPA's co-regulators. In the preamble to the CROMERR final rule, EPA set as a goal of meeting those standards for its own electronic reporting receiving systems. In planning to achieve system conformance with the CROMERR standards, EPA programs and Regions must consider the impact of certain government-wide standards and policies governing computer security and electronic authentication. For example, compliance with certain provisions of the National Institute of Standards and Technology Special Publication 800-63 (SP 800-63), "Digital Identity Guidelines," may ensure conformance with certain requirements related to electronic signature under CROMERR Section 3.2000(b)(5).

EPA applications need to contain all of the elements listed in Section 3.1000(b) and should meet the same criteria for demonstrating compliance found in Section 3.2000.

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4.2 EPA Co-Regulators

Under CROMERR, EPA co-regulators that wish to allow electronic reporting in lieu of paper reporting for EPA programs that they are authorized to administer must submit applications to modify or revise such programs that address their electronic reporting implementations. Section 3.1000 of CROMERR allows co-regulators to request approval of modifications or revisions to any number of its authorized programs by submitting a single application. Section 3.1000 also sets deadlines for EPA action on applications. It allows 75 calendar days for a determination that an application is complete, and then 180 days to approve or deny the request for program modifications or revisions after the completeness determination. Under Section 3.1000(c)(4), if EPA does not act on an application that has been determined to be complete within the applicable timeframe, and the applicant has not requested an extension, the application is automatically approved. Substantially less time is typically required for review of applications relying on approved CROMERR Government Off-The-Shelf (defined below) or vetted Commercial Off-the-Shelf (defined below) approaches. Section 6 provides information on these streamlined approaches. No matter which approach a co-regulator leverages, the application must contain all of the elements listed in Section 3.1000(b) and must meet the same criteria for demonstrating compliance found in Section 3.2000.

In addition, EPA co-regulators with approved CROMERR systems that make changes to those systems or the underlying laws, regulations, and policies that impact CROMERR compliance must submit a description of those changes for CROMERR review and approval.

5. AUTHORITY

- Cross-Media Electronic Reporting Final Rule (70 FR 59848, October 13, 2005)
- Paperwork Reduction Act (44 U.S.C. 3501 et seq.) and implementing regulations (5 CFR 1320)
- Government Paperwork Elimination Act (44 USC 3504)
- 21st Century Integrated Digital Experience Act (44 USC 3501)
- “Information Collection Policy” (EPA Classification No.: 2134.0)
- Sections 3.10 and 3.1000 of Title 40 of the Code of Federal Regulations.
- Other provisions of USC that govern authorization, delegation, or approval of co-regulator programs (7 U.S.C. 136 to 136y; 15 U.S.C. 2601 to 2692; 33 U.S.C. 1251 to 1387; 33 U.S.C. 1401 to 1445; 33 U.S.C. 2701 to 2761; 42 U.S.C. 300f to 300j–26; 42 U.S.C. 4852d; 42 U.S.C. 6901–6992k; 42 U.S.C. 7401 to 7671q; 42 U.S.C. 9601 to 9675; 42 U.S.C. 11001 to 11050; 15 U.S.C. 7001; 44 U.S.C. 3504 to 3506.)

6. PROCEDURE

This section provides instructions for EPA programs (direct reporting and Regional direct implementation) and co-regulators on submitting CROMERR applications for new or revised electronic receiving systems to OMS-EI, and for transparency, discusses the typical steps that OMS-EI takes in reviewing submissions.

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6.1 Applicability determination: Each EPA program determines, in consultation with OMS-EI, the Office of General Counsel (OGC), and the Office of Enforcement Compliance & Assurance (OECA), which of their systems are subject to CROMERR. The list of programs already determined to contain reporting requirements subject to CROMERR can be found on that last page of the CROMERR [cover sheet](#) discussed in Section 6.2. Co-regulators may contact OMS-EI if they need assistance in making a determination. Contact information is available at the CROMERR Contact Us page:

<https://www.epa.gov/cromerr/forms/contact-us-about-cross-media-electronic-reporting-rule>

6.2 Application development: For purposes of EPA review, electronic reporting systems fall into one of four general categories, which influences what the application must contain. Those four categories are:

- 1. EPA-Developed Off-The-Shelf (EDOTS) Solutions** – Systems that operate on EPA-developed software. There are two categories of EDOTS, CDX integrated and those not integrated by CDX representatives. In CDX-integrated systems, the CDX Team is responsible for the deployment and integration of all business and technical processes associated with the end-to-end software solution. In EDOTS, not integrated by CDX representatives, co-regulators or COTS systems manage at least some aspect of the deployment or integration of the business and technical processes associated with the end-to-end software solution.
- 2. EPA-Vetted Commercially-Developed Off-The-Shelf (COTS) Solutions** – Commercially-offered systems that EPA has previously approved for use under CROMERR.
- 3. Custom-Built System Solutions** – Electronic reporting systems other than categories 1 and 2.
- 4. Hybrid Solutions** – Electronic reporting systems that combine aspects of categories 1, 2, or 3.

EPA has developed an application [cover sheet](#) and a [checklist of CROMERR regulatory requirements](#) to assist EPA programs and co-regulators in providing a complete application to OMS-EI. The cover sheet includes fields for basic information about the application, including contact information for the applicant and information about the documents that the system will receive. The checklist identifies the requirements in 40 C.F.R. part 3 and provides fields for the applicant to describe how the software or other automated processes (system functions), business processes, or some combination of the two meets the regulatory requirements. In addition to the standard checklist, EPA developed pre-populated templates for applicants using EDOTS in the non-CDX environment and vendors with previously CROMERR-approved COTS solutions to facilitate application preparation, review, and approval. When using prepopulated templates, applicants might need make modifications to the prepopulated checklist sections to reflect how their system will actually operate, as well as provide additional information for CROMERR business processes and system functions not included in vendor or CDX services. CROMERR is a rule and not a software certification program. So, authorized programs pursuing these solutions must still submit CROMERR applications requesting EPA to take action under 40 CFR part 3. If EPA has previously vetted a COTS system, it does not mean that the COTS has blanket CROMERR approval for any implementation because COTS systems do not cover all CROMERR requirements and might have variations in each implementation. The cover sheet, checklists, and templates can be found at <https://www.epa.gov/cromerr/cromerr-application-tools-and-templates#Application%20forms>.

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Table 1 in this procedure (see below) lists the options for template use according to system type. The table indicates where a checklist is not needed because the system functions and business processes are managed by EPA within a CDX integrated system. It also contains information on where a pre-populated checklist template is likely to be useful in describing an off-the-shelf approach that EPA has already reviewed and approved for use by a prior applicant.

CROMERR at Section 3.1000(b) requires that State co-regulators include in their application a certification from the state Attorney General or their designee that verifies that the co-regulator has sufficient legal authority provided by lawfully enacted or promulgated laws or regulations to implement the electronic reporting component of the affected program for which approval is sought. In the case of an authorized local government or tribal government, CROMERR requires that the chief executive or chief administrative official of the governmental entity or their designee sign the certification. Although not required by CROMERR, providing a “cross walk” between the CROMERR requirements and the relevant provisions of the applicant’s authorities helps EPA evaluate submissions. In some cases, an existing certification for an already approved state system can be expressly extended to a new system in that state by means of a leveraging letter – which is a letter that confirms that the legal analysis and conclusion of the original certification from the state can be properly extended to the system for which approval is now sought. EPA will make decisions on the need for a leveraging letter on a case-by-case basis.

As with other elements of the application, EPA has developed a Template Electronic Signature Agreement that may be found at <https://www.epa.gov/cromerr/cromerr-electronic-signature-agreement-guide>. This template is a standard agreement that sets forth the terms and conditions for use of the system. However, within the parameters of CROMERR, applicants may make modifications to this agreement. To assist EPA’s review, it is helpful for applicants to show such modifications in bold and/or italic. Finally, applicants are invited to include additional information that may assist EPA in evaluating the application for compliance with CROMERR. Examples of these items include screen shots, a schedule of planned system upgrades, an example Copy of Record generated by the system, and flow charts describing system function.

6.3 Submittal: Each EPA program or co-regulator subject to CROMERR must formally submit the application to the EPA Administrator’s designee, OMS-EI. Submissions can be made as directed in the [CROMERR Step-by-Step Guide to Create and Submit a Successful Application](#). [Submission instructions are also described](#) in the FAQs page on the CROMERR website <https://www.epa.gov/cromerr/frequently-asked-questions-about-cromerr#Requirements> under “Where do I send my CROMERR application?”

OMS-EI then sends a notification that the application was received to the Technical Review Committee (TRC, see section 7, below).

CROMERR applicants often submit a draft application for review. In these cases, EPA reviews the application for completeness and approvability, and works with the applicant to resolve any ambiguities or compliance issues identified. Once the application is determined to be complete and approvable, it is then formally submitted to EPA for CROMERR review and approval. EPA encourages this approach.

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Table 1: Application Elements by System Type

Application Element	EDOTS CDX (CDX Integrated)*	EPA-Vetted COTS	EDOTS (Not Integrated by a CDX representative) * & Hybrids	Custom
Cover Sheet	General CROMERR Cover Sheet, Cover Sheet for EDOTS, EPA-Vetted COTS or Cover Sheet for POTWs.			
Legal	Required of co-regulators only: Attorney General or legal representative Certification or leveraging letter.			
Checklist - System Functions Section	CROMERR checklist not needed	May use appropriate pre-approved vendor-specific CROMERR checklist template <i>with any modifications shown in bold and/or italics.</i>	May use appropriate CDX or pre-approved vendor-specific CROMERR template checklist, <i>with any modifications shown in bold and/or italics</i> and provide additional information for CROMERR system functions not included in vendor or CDX services.	May complete a standard CROMERR Checklist in its entirety.
Checklist - Business Process Section	CROMERR Checklist not needed	<ul style="list-style-type: none"> May use pre-approved vendor-specific CROMERR checklist template <i>with any modifications shown in bold and/or italics</i> and provide additional information for CROMERR business processes not included in vendor services, or May complete a standard CROMERR checklist in its entirety 	<ul style="list-style-type: none"> May use appropriate CDX or pre-approved vendor-specific CROMERR template checklist, <i>with any modifications shown in bold and/or italics</i> and provide additional information for CROMERR business processes not included in vendor or CDX services, or May complete a standard CROMERR checklist in its entirety, 	May complete a standard CROMERR Checklist in its entirety.
Other	Template Electronic Signature Agreement (with any customizations shown in bold and/or italics) or Custom Electronic Signature Agreement. Example Copy of Record as produced by the system.			

**In CDX-integrated systems, the CDX Team is responsible for the deployment and integration of all business and technical processes associated with the end-to-end software solution. In EDOTS, not integrated by CDX representatives, co-regulators or COTS systems manage at least some aspect of the deployment or integration of the business and technical processes associated with the end-to-end software solution.*

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6.4 Review process:

- **Initial review & inquiries.**
 - **Approval of new systems.** OMS-EI initially works within a subgroup of the TRC, known as the CROMERR Workgroup, that includes representatives from OMS-EI (including their contractor); the Office of General Counsel; and the Office of Criminal Enforcement, Forensics, and Training to review the application. The CROMERR Workgroup conducts an initial review of every application for completeness and approvability. As part of this review, members of the Workgroup may seek clarification or additional information. The speed with which these clarifications or additional information is provided influences the speed with which EPA can act on a pending application. In addition, OMS-EI normally contacts a co-regulator applicant to determine if EPA may rely on an Attorney General Statement submitted for another electronic reporting system that has already received approval as CROMERR compliant. In other cases, EPA may require that a new Attorney General Statement accompany the application for the new system. This decision will be made on a case-by-case basis in consultation with the Office of General Counsel (OGC) and the Office of Enforcement and Compliance Assurance (OECA).
 - **Modification of approved systems.** For modifications to approved co-regulator CROMERR systems that potentially impact functionality required by CROMERR, the CROMERR Workgroup determines on a case-by-case basis the appropriate steps for review and approval. These determinations are based on the type and extent of modifications to the approved co-regulator system.
- **Review by the TRC.** When the CROMERR workgroup has completed its initial review, it makes a recommendation both regarding the completeness and approvability of the application to the full TRC. With the exception of certain EDOTs system that are CDX-integrated (see 6.7, below), the TRC is then afforded an opportunity to review the application. Unless the CROMERR Workgroup or a TRC member identifies an issue for consideration by the full TRC, the recommendation from the CROMERR Workgroup is forwarded to the Director of the Office of Information Management (OIM) by the CROMERR Program staff to make a final determination both on the completeness and approvability of an application. If the TRC identifies completeness and/or approvability issues with an application, the review continues until the applicant either resolves those issues to the satisfaction of all serving on the TRC or there is a decision by the TRC that the issues cannot be resolved. The TRC then requests that the CROMERR Program Staff forward the TRC recommendation of completeness and approvability or a recommendation that an application cannot be approved to the Director of OIM for a final decision.
- **Final Decision.** The Director of OIM makes the final decision, with concurrences from OGC, OECA, and the affected program and regional offices. When an application includes requests for modifications or revisions to more than one program, EPA may approve or deny each requested modification or revision separately. In the case of POTWs implementing electronic reporting under an authorized pretreatment program, the CROMERR Program Manager will provide a recommendation to the relevant Approval Authority on whether a system meets the requirements of CROMERR. See Section 6.7 (Exceptions) for a description.

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6.4 Application Corrections: For applications that are incomplete or require corrections, OMS-EI provides its comments and/or comments from the Technical Review Committee (TRC) to the EPA program or co-regulator, and the applicant addresses these comments and resubmits the application to OMS-EI. *70 F.R. 59848, 59866 (October 12, 2005).*

6.5 Notification of Application Approvals:

- CROMERR requires that systems for direct reporting to EPA be designated by the Administrator and a notice published in the Federal Register announcing that designation. EPA CDX was designated in an FR notice published concurrently with CROMERR (70 FR 59748). For EPA program application approvals for systems using CDX, no Administrator or designation by the Administrator is required because CDX has already been designated. OMS-EI will notify the applicant from the program office or region of approval of the application. The program office is responsible for notifying its regulated community of the new or modified reporting process in accordance with the Title 40 program for which they collect the information, which may include publication of a Federal Register notice. For new, EPA, non-CDX systems, OMS-EI will assist the program office in publishing a Federal Register notice designating the system.
- For co-regulator application approvals, OMS-EI prepares a Federal Register notice announcing the action taken on the application. In the case of applications that request revision or modification of an authorized public water system program under part 142 of Title 40, the Federal Register notice will announce the action as a “preliminary determination,” and will offer interested persons the opportunity to request a hearing within 30 days. OMS-EI will work with the program applicant to complete the process in cases where a hearing request is received.

6.6 Implementation of System Changes: Once EPA determines that a program or co-regulator system conforms to CROMERR, the approved applicant must address any system changes to conform to the statements in the approved CROMERR application.

6.7 Exceptions:

- **POTWs.** For Publicly Owned Treatment Works (POTWs) implementing electronic reporting under a state authorized pretreatment program, OMS-EI will consult with the POTW on whether a system meets CROMERR, but the Approval Authority will provide actual approval based on the OMS-EI review and recommendation. See 40 C.F.R. §§ 403.3, 403.11.
- **CDX-integrated EDOTs.** If a system for which an application is received would rely entirely on existing CDX-integrated services, the TRC is only provided notice of the approval recommendation from the CROMERR Workgroup. This is because the system functions and business processes upon which that new system will rely will already have been reviewed and approved in the development and deployment of the underlying CDX-integrated services.

7. ROLES AND RESPONSIBILITIES

Co-Regulators – Co-regulators prepare and submit for EPA review applications for electronic receiving systems under authorized EPA programs. Co-regulators ensure that electronic receiving systems adhere to all design and process requirements that were approved in their applications.

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Office of Mission Support – Environmental Information – OMS-EI coordinates the review of each application. OMS-EI chairs the TRC and facilitates communication between the TRC and the applicant, and between the TRC and any affected programs and EPA Regions.

When applications are submitted under CROMERR Section 3.1000, OMS-EI prepares notifications to the TRC related to application completeness and approval, and Federal Register notices announcing approvals for co-regulators' systems.

EPA Programs (Direct Reporting and Regional Direct Implementation) – Programs or Direct Implementation Programs in EPA Regions preparing applications concerning electronic reporting send a copy of the application to OMS-EI and communicate to OMS-EI their schedule for implementing electronic reporting. Programs/Regions publish required Federal Register notices in accordance with CROMERR and other applicable Title 40 provisions.

Technical Review Committee (TRC) – The TRC reviews applications submitted by co-regulators, Program Offices, and Regions for approval under Section 3.1000 and forwards applications with recommendations for approval/disapproval to OMS-EI. The TRC consists of staff from OMS-EI, OGC, OECA, and the program and EPA Regional offices.

Director, EPA Office of Information Management (OIM) – Under § 3.1000 (a)(2)-(4) of CROMERR, co-regulators must receive approval from EPA for electronic document receiving systems for reports required under 40 CFR. § 3.1000 (c)(1) directs the EPA Administrator to approve or deny CROMERR applications. The approval and denial of CROMERR applications has been delegated to the Director of EPA's Office of Information Management.

8. RELATED INFORMATION

- "Data Exchange Procedure" (CIO Transmittal No. 11-002)
- "Interim Records Management Policy" (CIO Transmittal No. 18-007)

9. DEFINITIONS

- **Co-regulator** - Any state, tribe, territory, locality or other federally recognized governing entity authorized by EPA to administer environmental programs under Title 40 of the Code of Federal Regulations.
- **Copy of record** - A true and correct copy of an electronic document received by an electronic document receiving system, which copy can be viewed in a human-readable format that clearly and accurately associates all the information provided in the electronic document with descriptions or labeling of the information. A copy of record includes:
 - All electronic signatures contained in or logically associated with that document,
 - The date and time of receipt, and
 - Any other information used to record the meaning of the document or the circumstances of its receipt.

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- **System** - Any computer system used to receive electronic documents.
 - **Electronic Signature Agreement** - defined in full at 40 C.F.R. § 3.3, this agreement sets forth the terms and conditions for users of the electronic reporting system. When signed on paper, this agreement is known as a “Subscriber Agreement”.
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10. WAIVERS

None.

11. MATERIAL SUPERSEDED

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12. CONTACTS

For further information about CROMERR for EPA systems, contact the EPA Office of Mission Support – Environmental Information, Information Exchange and Services Division and visit the CROMERR Web Site: <https://www.epa.gov/cromerr>.

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