



EPA

United States
Environmental Protection
Agency

Module 2: Reporting Requirements for the 2012 CDR

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Office of Chemical Safety and Pollution Prevention

PREFACE

Welcome to *Training Module 2:* *Reporting Requirements for the 2012 CDR*

This is the second in EPA's series of seven Training Modules to assist you in complying with the requirements of the Chemical Data Reporting (CDR) rule. This Training Module will cover only the requirements for the 2012 CDR submission period.

Detailed information about the 2012 reporting requirements can also be found in the *Instructions for the 2012 TSCA Chemical Data Reporting* guidance document available on EPA's website at www.epa.gov/cdr.

This Training Module does not substitute for the CDR rule and does not impose legally binding requirements on the regulated community or on the U.S. Environmental Protection Agency.



Training Agenda: Module 2

- Background on TSCA Inventory and CDR Rule
- Do You Need to Report in 2012?
 - Step I: Is Your Chemical Substance Subject to the CDR Rule?
 - Step II: Are You a Manufacturer Who is Required to Report?
 - Step III: What Information Must You Report?
- When Must You Report?
- Information Sources

Background on the TSCA Inventory

- The Toxic Substance Control Act (TSCA) Chemical Substance Inventory (TSCA Inventory) was established in 1979 to provide a comprehensive listing of chemical substances in commerce at the time.
- EPA adds new chemicals to the TSCA Inventory when companies submit a Notice of Commencement of Manufacture or Import following completion of Premanufacture Notification procedures.
(See www.epa.gov/oppt/newchems/ for further information.)
- The TSCA Inventory currently lists approximately 85,000 chemicals in commerce in the United States.
- Some ways to access the TSCA Inventory include:
 - Through EPA's New Chemical website
 - On www.data.gov
 - On www.epa.gov/srs

Background on the Chemical Data Reporting (CDR) Rule

- EPA promulgated the Inventory Update Reporting (IUR) rule in 1986.
- Over the years, EPA has amended the IUR rule to improve its utility to EPA, other governmental agencies, and the public.
- In August 2011, EPA changed the name from IUR to CDR (Chemical Data Reporting).
- Under the CDR rule, EPA collects manufacturing, processing, and use information from chemical manufacturers (including importers) on a subset of chemicals listed on the TSCA Inventory.
- The resulting database is a unique source of exposure-related data needed to put hazard data into context, in order to develop an understanding of potential chemical risks.

Determining Your Need to Report

You should consider the following steps to determine whether you are required to report for each chemical substance that you domestically manufactured (including imported) during calendar year 2011:

Step I: Is Your Chemical Substance Subject to the CDR Rule?

Step II: Are You a Manufacturer (Including Importer) Who is Required to Report?

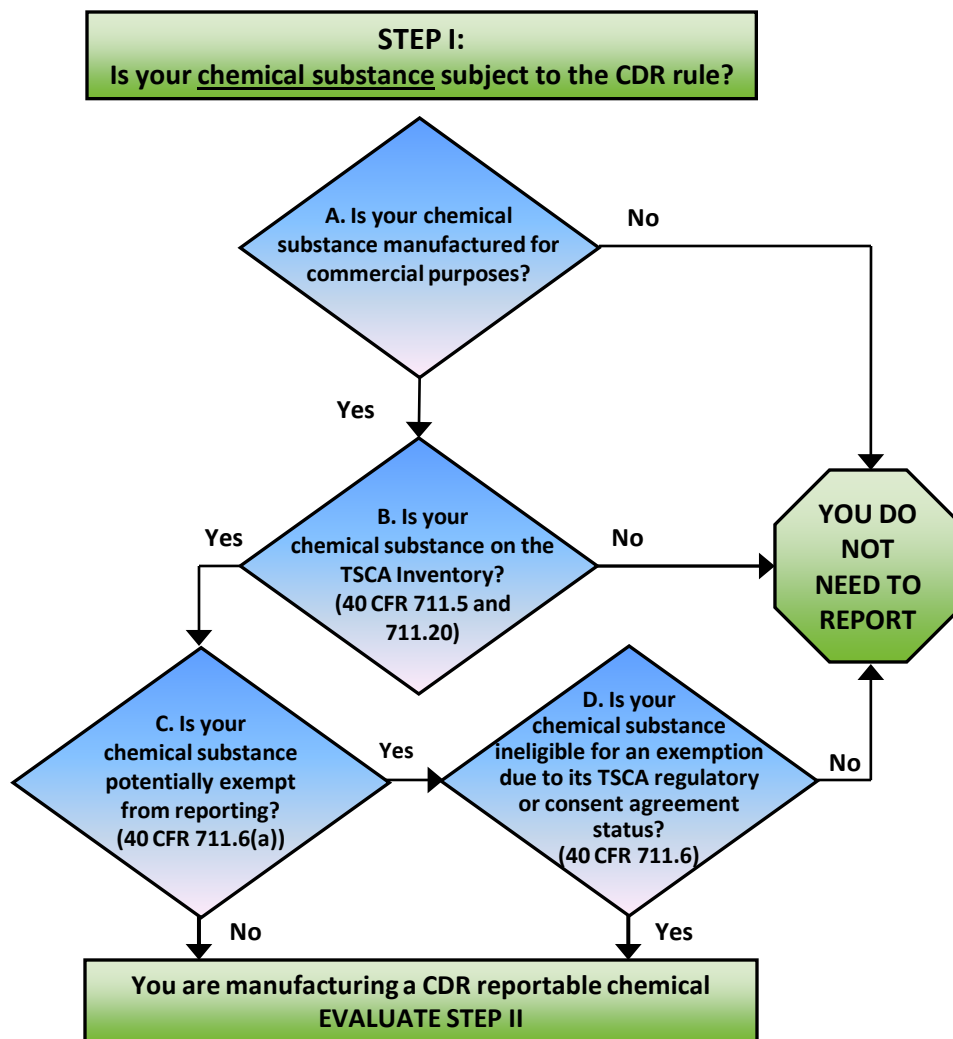
Step III: What Information Must You Report?

Step I: Is Your Chemical Substance Subject to the CDR Rule?

Main Considerations:

Is Your Chemical Substance:

- A. manufactured for Commercial Purposes?
- B. listed on the TSCA Inventory?
- C. potentially Exempt from Reporting?
- D. ineligible for Exemption due to its TSCA Regulatory or Enforceable Consent Agreement Status?



Step I: Is Your Chemical Substance Subject to the CDR Rule?

Question A: Is Your Chemical Substance Manufactured for Commercial Purposes?

Do you meet the definition of manufacture or manufacturer?

- EPA modified the definition of *manufacture* to include:
 - *Extraction of a component chemical substance, and*
 - *Contract (toll) manufacturing.*

Manufacture: To manufacture, produce, or import for commercial purposes. Manufacture includes the **extraction, for commercial purposes, of a component chemical substance** from a previously existing chemical substance or complex combination of chemical substances.

When a chemical substance, manufactured other than by import, is: (1) produced exclusively for another person who **contracts for such production**, and (2) that other person specifies the identity of the chemical substance and controls the total amount produced and the basic technology for the plant process, then that chemical substance is **co-manufactured** by the producing manufacturer and the person contracting for such production.

See 40 CFR 711.3

Step I: Is Your Chemical Substance Subject to the CDR Rule?

Question A: cont'd

- For the purposes of the CDR rule, a chemical substance is subject to reporting only if it is manufactured (including imported) for commercial purposes.

Manufacturer:

A person who manufactures a chemical substance. (40 CFR 711.3)

Manufacture for commercial purposes:

(1) To import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer;

(2) Manufacture for commercial purposes also applies to chemicals that are produced coincidentally during manufacture, processing, use, or disposal of another substance or mixture, including both byproducts that are separated and impurities that remain in a substance or mixture. (40 CFR 704.3)

- This definition was also used for the 2006 IUR.
- A parallel definition of import for commercial purposes is also in 40 CFR 704.3.

Refer to the Code of Federal Regulations (CFR) sections indicated for precise definitions.

Step I: Is Your Chemical Substance Subject to the CDR Rule?

Question B: Is Your Chemical Substance on the TSCA Inventory?

1. The following are suggested methods of determining whether a chemical substance is listed on the TSCA Inventory:
 - Locate the substance on the public section of the TSCA Inventory (available at www.epa.gov/oppt/newchems/);
 - Search the **Substance Registry Services (SRS)** for information on the TSCA Inventory listing status (www.epa.gov/srs);
 - Search company records to determine whether the substance was previously reported to EPA under IUR;
 - Search company records for communication with EPA that confirmed the substance was on the TSCA Inventory; or
 - Search company records for a **Notice of Commencement** of manufacture or Import for a **Premanufacture Notice (PMN)** substance that was submitted to EPA.
2. If you manufacture a mixture, you may be required to report the chemical substances that are components of the mixture. For example:
 - You imported a mixture;
 - You combined substances to form a mixture, and some reacted to form different chemical substances as part of the mixture.

Step I: Is Your Chemical Substance Subject to the CDR Rule?

Question C: Is Your Chemical Substance Potentially Exempt from Reporting?

Five TSCA Inventory substances or groups of substances are largely exempt from reporting under the CDR rule:

- **Polymers:** Broad enough to include most substances generally considered polymers. Defined at 40 CFR 711.6(a)(1).
- **Microorganisms:** Living organism as defined at 40 CFR 725.3.
- **Certain forms of natural gas:** Listed at 40 CFR 711.6(a)(4).
- **Naturally occurring substances:** Naturally occurring substances are described in 40 CFR 710.4(b). The applicability of this exemption depends on the manner in which the chemical substance is produced and isolated. See 40 CFR 711.6(a)(3).
- **Water:** Naturally occurring and manufactured.

Caution: Some of these chemical substances are ineligible for exemption when they are the subject of certain TSCA actions. See **Question D**.

Refer to 40 CFR 711.6(a) for precise definitions of these groups of substances.

Step I: Is Your Chemical Substance Subject to the CDR Rule?

Question D: Is Your Chemical Substance Ineligible for Exemption due to its TSCA Regulatory or Enforceable Consent Agreement Status?

With the exception of naturally occurring substances, chemical substances must be reported if they are the subject of any of the following, even if the chemical substance is otherwise exempt:

- A rule proposed or promulgated under Sections 4, 5(a)(2), 5(b)(4), or 6 of TSCA;
- An order issued under TSCA Sections 5(e) or 5(f);
- Relief that has been granted under a civil action under TSCA Sections 5 or 7; or
- An enforceable consent agreement (ECA) under 40 CFR Part 790.

See 40 CFR 711.6

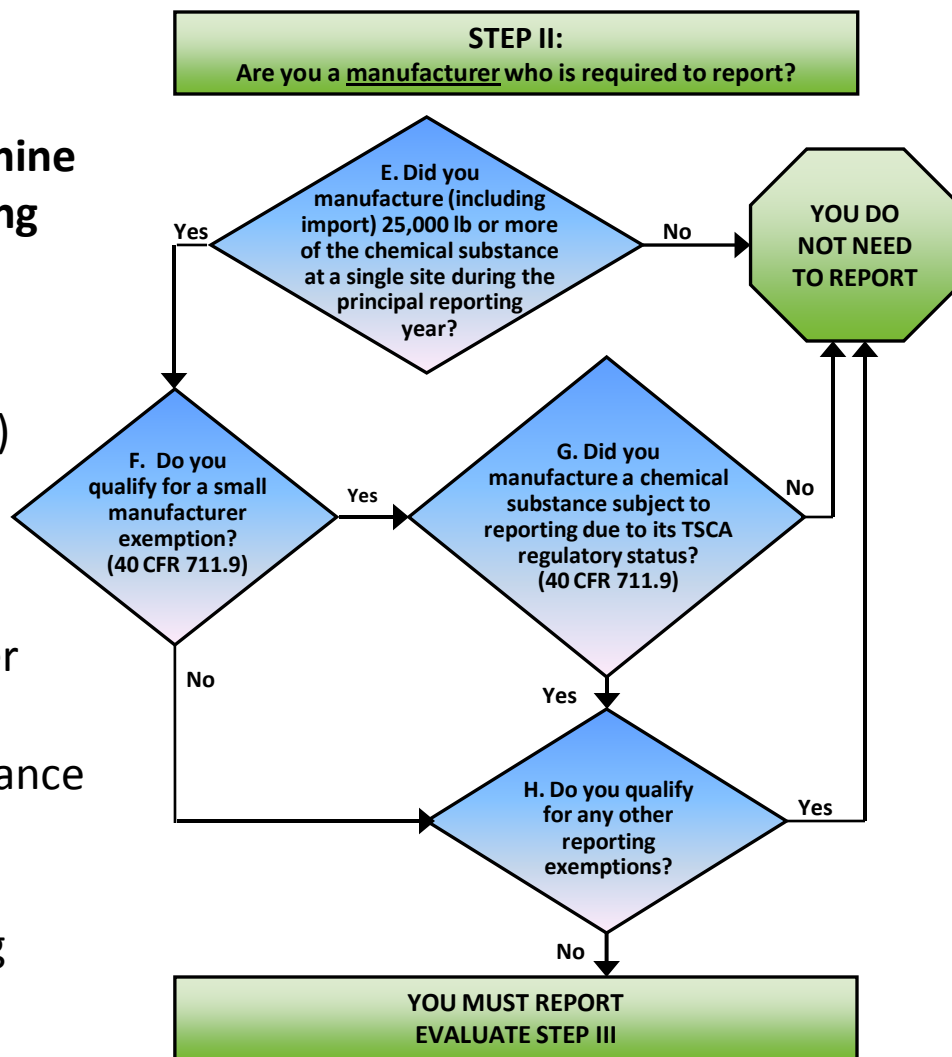
[Instructions for the 2012 TSCA Chemical Data Reporting](#), Appendix B, contains a listing of affected chemical substances.

Step II: Are You a Manufacturer Who is Required to Report?

If you determined from **Step I** that you manufacture (including import) an IUR reportable chemical, in **Step II** you determine whether you are a manufacturer (including importer) who must report.

Main Considerations:

- E. Did You Manufacture (Including Import) 25,000 lb or More of the Chemical Substance at a Single Site During the Principal Reporting Year (2011)?
- F. Do You Qualify for a Small Manufacturer Exemption?
- G. Did You Manufacture a Chemical Substance Subject to Reporting due to its TSCA Regulatory Status?
- H. Do You Qualify for Any Other Reporting Exemptions?



Step II: Are You a Manufacturer Who is Required to Report?

Question E: Did You Manufacture (Including Import) 25,000 lb or More of the Chemical Substance at a Single Site During the Principal Reporting Year (2011)?

- Evaluate each chemical substance separately for each site for which you are reporting.
- Add the domestically manufactured and imported volumes at your site for calendar year 2011 to determine whether the amount of the chemical substance meets or exceeds the 25,000 lb threshold. Do not subtract the volume of chemical directly exported.

EXAMPLE: DETERMINATION OF REPORTING REQUIREMENTS PER SITE

Scenario: Company D has two manufacturing sites for Chemical X. In 2011, Site 1 manufactured 10,000 lb of Chemical X and Site 2 manufactured 150,000 lb of Chemical X.

CDR Reporting: Because there are two separate sites, the amounts of Chemical X are not added together. Therefore, for the 2012 CDR submission period, Company D has the following obligations for Chemical X:

Site 2: Reporting, because at this location production was more than 25,000 lb in 2011.

Site 1: No reporting, because 2011 production was less than 25,000 lb.

Step II: Are You a Manufacturer Who is Required to Report?

Question E: cont'd

- In some cases, reportable chemical substances are components of a mixture. Although mixtures themselves are not reportable, their component chemical substances may be subject to reporting, and therefore the 25,000 lb threshold would be applicable. If you manufacture (including import) chemical substances as part of a mixture, follow Questions A-E for each chemical substance in the mixture.

EXAMPLE: DETERMINATION OF REPORTING FOR MIXTURES

Scenario: Company K imports 100,000 lb of mixture 1 and 50,000 lb of mixture 2 at the same site. Mixture 1 contains 40% Chemical Y and Mixture 2 contains 5% Chemical Y. Chemical Y has been identified as a reportable chemical substance.

CDR Reporting: Chemical Y is subject to reporting for the 2012 submission period, because the total amount of Chemical Y is 42,500 lb, which is greater than the 25,000 lb threshold.

- A complex combination of chemical substances is in most cases considered to be a single Unknown or Variable compositions, Complex reaction products and Biological materials (UVCB) chemical substance, and therefore reporting is based on the volume of the UVCB chemical substance. See the [Instructions for the 2012 TSCA Chemical Data Reporting](#) for further guidance on UVCB versus mixture determination.

Step II: Are You a Manufacturer Who is Required to Report?

Question F: Do You Qualify for a Small Manufacturer Exemption?

You qualify as a *small manufacturer* if you meet either of the following criteria:

- Your total annual sales during 2011, combined with those of your parent company, domestic or foreign (if any), are less than \$4 million, regardless of production volume.
- Your total annual sales during 2011, combined with those of your parent company, domestic or foreign (if any), are less than \$40 million and your annual production volume for the chemical substance does not exceed 100,000 lb at any individual site.
 - If the annual production volume of the chemical substance at any of your sites is more than 100,000 lb, you are required to report only for those sites.
 - Note that under this criterion, it is possible to qualify as a small manufacturer with respect to some chemical substances and not others or with respect to some sites and not others.

*Even if a manufacturer meets one of the “small manufacturer” standards, the manufacturer is required to report for any chemical substance that is the subject of certain TSCA actions. See **Question G**.*

See 40 CFR 711.9 and 40 CFR 704.3

Step II: Are You a Manufacturer Who is Required to Report?

Question F: cont'd

EXAMPLE: SMALL MANUFACTURER STATUS

Scenario: Site 3, which is one of several sites owned by Company C, had a production volume of 200,000 lb of Chemical X in 2011. Site 4, another site owned by Company C, had a production volume of 75,000 lb of Chemical X in 2011. The total annual sales of Company C (all sites combined) were \$30 million in 2011.

CDR Reporting: For the 2012 CDR submission period, Company C has the following reporting obligations for Chemical X:

Site 3: Reporting, because annual production volume at Site 3 exceeded 100,000 lb

Site 4: No reporting, because annual production volume did not exceed 100,000 lb and total annual sales was less than \$40 million.

Step II: Are You a Manufacturer Who is Required to Report?

Question G: Did You Manufacture a Chemical Substance Subject to Reporting due to its TSCA Regulatory Status?

Small manufacturers are exempt from CDR requirements unless they manufacture (including import) a chemical substance that is the subject of any of the following:

- A rule proposed or promulgated under TSCA Sections 4, 5(b)(4), or 6, or
- An order in effect under TSCA Section 5(e), or
- Relief that has been granted under a civil action under TSCA Sections 5 or 7.

A listing of these chemicals is provided in the *Instructions for the 2012 TSCA Chemical Data Reporting* and on EPA's website at www.epa.gov/cdr.

See 40 CFR 711.9 and TSCA § 8(a)(3)(A)(ii)

Step II: Are You a Manufacturer Who is Required to Report?

Question H: Do You Qualify for Any Other Reporting Exemptions?

If you manufacture a reportable chemical substance solely under any of the following circumstances, you are not required to report for those chemical substances under the CDR rule:

1. The chemical substance is manufactured solely in small quantities for research and development. *(40 CFR 711.10(a))*
2. The chemical substance is imported as part of an article, as defined under Question H.2 below. *(40 CFR 711.10(b))*
3. The chemical substance is manufactured under any of the circumstances identified in *40 CFR 720.30(g) and (h) relating to byproducts and chemicals without commercial purpose*. *(40 CFR 711.10(c))*
4. If between February 1, 2011, and January 31, 2012, you submitted all of the information required by the CDR rule in response to another rule promulgated under section 8(a) of TSCA, you are not required to report the same information under CDR for the same chemical substance during 2012. *(40 CFR 711.22(a))*

Step II: Are You a Manufacturer Who is Required to Report?

Question H: cont'd

EXAMPLE: DETERMINATION OF NON-ISOLATED INTERMEDIATE STATUS

Scenario: Company B manufactures 400,000 lb of a chemical intermediate called Chemical Y during the production of a polymer. Chemical Y is manufactured in Reactor 1 and transferred to a storage tank until needed. Chemical Y is then transferred to Reactor 2 where it is mixed with other reactants to form the desired polymer, at which point Chemical Y is destroyed. Chemical Y never leaves this production site.

CDR Reporting: For the 2012 CDR submission period, Company B is required to report Chemical Y. Although Chemical Y is an intermediate, it does not qualify for the non-isolated intermediate exemption listed at 40 CFR 720.30(h)(8). When Chemical Y was transferred to the storage tank, it was isolated, and thus does not meet the definition for “non-isolated intermediate” and its production volume is more than 25,000 lb.

Step II: Are You a Manufacturer Who is Required to Report?

Question H.2: Do You Import the Chemical Substance as Part of an Article?

You are not required to report if the chemical substance is imported as part of an **Article**. See 40 CFR 711.10(b). An **article** is a manufactured item which:

1. Is formed to a specific shape or design during manufacture;
2. Has end-use function(s) dependent in whole or in part upon its shape or design during end use; and
3. Has either no change of chemical composition during its end use or only those changes resulting in composition which have no commercial purpose separate from that of the article, and that result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles; except that fluids and particles are not considered articles regardless of shape or design. (40 CFR 704.3)

EXAMPLE: EXEMPTION FOR IMPORTING A SUBSTANCE AS PART OF AN ARTICLE

Scenario: Company C imports 10 million lb of Chemical Z in the form of thin sheets. Company C cuts these sheets into the desired size and shape, which are sold to customers.

CDR Reporting: For the 2012 CDR submission period, Company C is not required to report Chemical Z, because it is considered to be an article and therefore exempt from reporting.

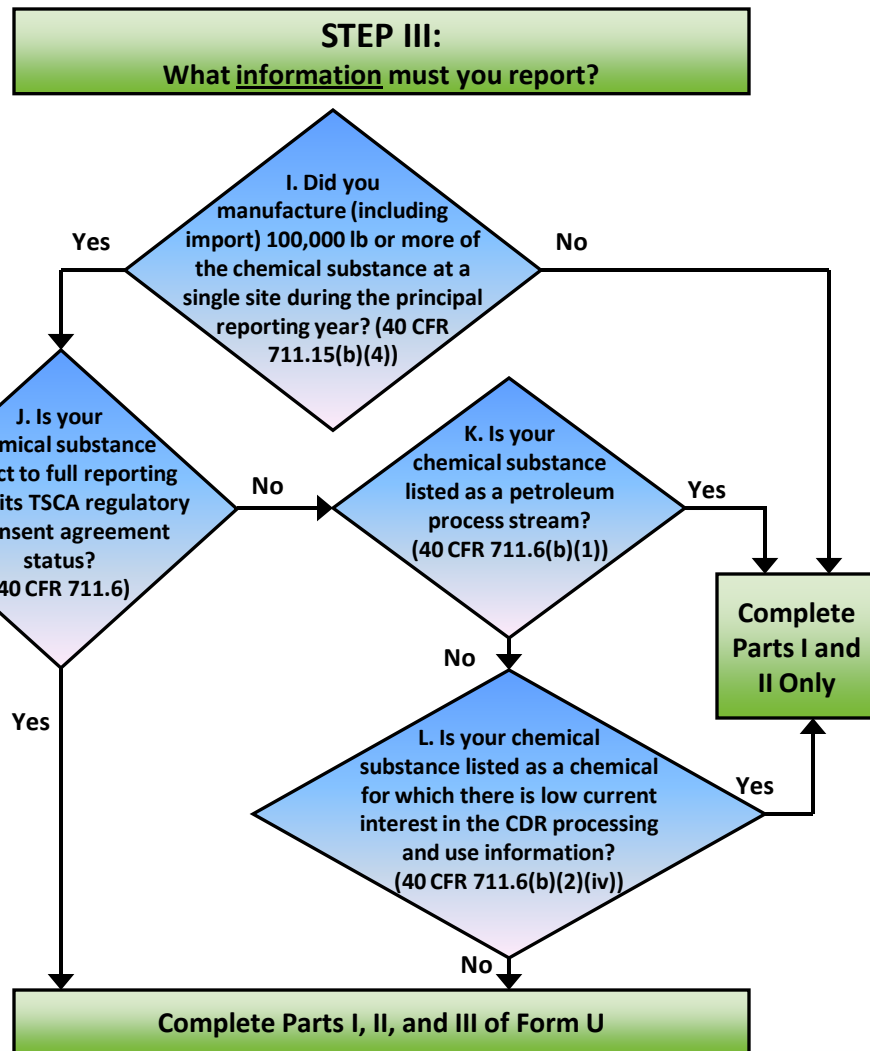
Step III: What Information Must You Report?

Once you have determined from Steps I and II that you are a manufacturer (including importer) of an CDR reportable chemical and are required to report, in **Step III** you must determine what information you must report.

Main Considerations

Is your chemical substance:

- I. manufactured (Including Imported) in Amounts of 100,000 lb or More at a Single Site During the Principal Reporting Year?
- J. subject to Full Reporting due to its TSCA Regulatory or Consent Agreement Status?
- K. listed as a Petroleum Process Stream?
- L. listed as a Chemical for Which There is Low Current Interest in the CDR Processing and Use Information?



Step III: What Information Must You Report?

Question I: Did You Manufacture (Including Import) 100,000 lb or More of the Chemical Substance at a Single Site During the Principal Reporting Year (2011)?

- If you manufacture (including import) 100,000 lb or more of a reportable chemical substance at a single site in calendar year 2011, you are subject to full reporting (Parts I, II, and III of Form U).
- Evaluate each chemical substance separately for each site you are reporting.
- Part III of Form U collects information on industrial processing and use and commercial and consumer uses of the chemical substance.

See 40 CFR 711.15(b)(4)

EXAMPLE: DETERMINATION OF INFORMATION REQUIRED TO REPORT

Scenario: Company D has three manufacturing sites for Chemical X. In 2011, Site 1 manufactured 10,000 lb of Chemical X, Site 2 manufactured 30,000 lb of Chemical X, and Site 3 manufactured 350,000 lb of Chemical X.

CDR Reporting: For the 2012 submission period, Company D has the following reporting obligations for Chemical X:

Site 1: No reporting, because 2011 production was less than 25,000 lb.

Site 2: Complete Parts I and II, because at this location production was 25,000 lb or more in 2011.

Site 3: Complete Parts I, II, and III, because 2011 production was more than 100,000 lb.

Step III: What Information Must You Report?

Question J: Is Your Chemical Substance Subject to Full Reporting due to its TSCA Regulatory or Consent Agreement Status?

Chemical substances, with the exception of naturally occurring substances, manufactured in amounts of 100,000 lb or more are subject to full reporting (Parts I, II, and III of Form U), regardless of any exemptions for which the chemical substances would otherwise qualify, if they are the subject of any of the following:

- A rule proposed or promulgated under TSCA Sections 4, 5(a)(2), 5(b)(4), or 6;
- An order issued under TSCA Sections 5(e) or 5(f);
- Relief that has been granted under a civil action under TSCA Sections 5 or 7; or
- An enforceable consent agreement (ECA) under 40 CFR Part 790.

See 40 CFR 711.6

Step III: What Information Must You Report?

Question K: Is Your Chemical Substance Listed as a Petroleum Process Stream?

If your chemical substance is listed as a *petroleum process stream* at 40 CFR 711.6(b)(1), it is partially exempt from CDR requirements.

Partial exemption means that only Parts I and II of Form U must be completed.

See 40 CFR 711.6(b)(1)

Question L: Is Your Chemical Substance Listed as a Substance for Which There Is Low Current Interest in the CDR Processing and Use Information?

If your chemical substance is listed at 40 CFR 711.6(b)(2)(iv), it is partially exempt from CDR requirements.

- EPA created a partial exemption for certain chemical substances for which EPA has identified a low current interest in their processing and use information.
- *Partial exemption* means that only Parts I and II of Form U must be completed.

See 40 CFR 711.6(b)(2)(iv)

When Must You Report?

The 2012 CDR submission period begins February 1, 2012, and ends June 30, 2012.

- **Calendar Year 2011 Data:** Manufacturing information, as well as processing and use information (if required), pertaining to calendar year 2011 must be submitted during this submission period.
- **Calendar Year 2010 Data:** Production volume only must be submitted for calendar year 2010.
- **Electronic Reporting Required:** Your submissions for the 2012 reporting cycle must be submitted to EPA via the *Central Data Exchange* (CDX) using the *e-CDRweb* reporting tool. [See Modules 4 and 5 (to come) for information on CDX and e-CDRweb, respectively.]

If you are required to report, failure to file your report during the submission period is a violation of TSCA sections 8(a) and 15 and may subject you to penalties.

See 40 CFR 711.20 and 40 CFR 711.1(c)

Information Sources

In addition to the Training Modules, the following are also sources for information about the CDR rule:

- EPA's CDR website at www.epa.gov/cdr has documents such as
 - *Instructions for the 2012 TSCA Chemical Data Reporting*
 - Copies of Federal Register notices
- Copies of TSCA Regulations or additional assistance on the CDR requirements can be obtained by contacting the TSCA Hotline:
 - (202) 554-1404
 - tsca-hotline@epa.gov
- Additional assistance with electronic reporting can be obtained by contacting:
 - CDX Help Desk
 - (888) 890-1995
 - helpdesk@epa.cdx.net

Training Modules for CDR Rule

There are seven Training Modules for the CDR rule. The Training Module you have just completed is highlighted below in the list of all seven Training Modules. You may select another Training Module if you wish to continue your review of the CDR.

Module 1: IUR Modifications and CDR Final Rule (August 2011)

Module 2: Reporting Requirements for the 2012 CDR

Module 3: Completing Form U for 2012

Module 4: Registering with CDX for CDR Reporting

Module 5: Using the e-CDRweb Reporting Tool

Module 6: Joint Submissions

Module 7: Byproducts