

## Ask the 3Expert

### **What does the EPA's approaching deadline for the 2016 TSCA Chemical Data Reporting mean for manufacturers and importers?**

#### *Alert Summary*

The deadline for 2016 Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR) is quickly arriving. Manufacturers and importers of chemical substances into the U.S. must report to the Environmental Protection Agency (EPA) on production volume and other information by 31 October 2016 for volumes over 25,000 pounds. A reduced reporting threshold (2,500 pounds) now applies to chemical substances subject to certain TSCA actions. This lower threshold also triggers reporting obligations if a company manufactured (or imported) this amount, for commercial purposes, at any single site during any calendar year since the last principal reporting year (2012-2015).

#### *3E Review*

The U.S. EPA requires every manufacturer, processor and importer to provide a snapshot of chemicals in commerce in the United States. Under the auspices of the CDR Rule, issued under TSCA, the EPA requires companies to keep a detailed inventory of the listed substances they domestically manufacture, process or import into the United States. Under the CDR, companies are also tasked with reporting the quantities, type and method of use for each site every four years.

The CDR rule, codified at 40 CFR 711, requires companies that manufacture or import 25,000 pounds or more of a chemical that is on the TSCA Inventory from 2012 to now submit production volume and other information to the agency between 1 June and 31 October 2016. The EPA uses this data to help assess potential risks to human health and the environment, and makes non-confidential information available to the public.

Substances which are subject to the reduced reporting threshold of 2,500 pounds include those substances subject to any of the following: TSCA section 5(a) (2) SNURs (proposed or promulgated); TSCA section 5(b)(4) rules (proposed or promulgated); TSCA section 5(e) orders; TSCA section 5(f) orders; TSCA section 5 civil actions; TSCA section 6 rules (proposed or promulgated); and TSCA section 7 civil actions. However, some of these may be eligible for a small manufacturer exemption.

Substances that qualify for the higher (25,000 pounds) reporting threshold are those that are: not subject to any TSCA action; those subject to TSCA section 4 rules (proposed or promulgated); and those subject to Enforceable Consent Agreements (ECAs).

### *3E Analysis*

Manufacturers (including importers) are required under the law to report production volume information for the calendar years 2012, 2013, 2014, and 2015. For the 2016 CDR, the principal reporting year is calendar year 2015; full manufacturing, processing, and use information will be required only for 2015. The EPA has released six guidance documents in 2016 to help companies comply with the CDR rule, including one clarifying obligations for parties involved in toll manufacturing.

3E Company provides expert services related to CDR compliance; more information can be found [here](#), and our white papers on TSCA Reform and CDR requirements can be found [here](#).