

Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR)

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Logistics

- ❑ Thank you for attending!
- ❑ Questions?
 - Please enter questions in the text box
 - We will answer questions at the end
- ❑ Will I get a copy of the slides?
 - Yes, we will post a webinar recording and the slide deck on our website and email a link with access to participants
- ❑ A certificate of attendance will be sent to all attendees.





Agenda

- ❑ What is TSCA?
- ❑ What is CDR?
- ❑ Who needs to report?
- ❑ What information is needed to generate reports?
- ❑ How is the information submitted?
- ❑ What is the information used for?





What is TSCA?

- The Toxic Substances Control Act of 1976
- Frank R. Lautenberg Chemical Safety for the 21st Century Act
 - Testing requirements - Section 4
 - Notification requirements - Section 5
 - **Reporting and recordkeeping requirements - Section 8**
 - Additional requirements for import/export - Section 12(b) and 13
 - Restrictions of use of chemicals substances
 - Also covers production, importation, use, and disposal of polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint





What is CDR?

- Chemical Data Reporting (CDR) rule – Section 8(a)
 - Manufacturers and importers are required to submit information on the use and production of chemicals in commerce to the United States Environmental Protection Agency (U.S. EPA).
 - Information gathered is used to build a database that provides the most comprehensive source of basic screening-level, exposure-related information on chemicals available to U.S. EPA and is used to protect the public from potential chemical risks.
 - Information collection is required every four years.



Who needs to report?

- Applies to manufacturers and importers of chemicals listed within the TSCA Inventory.
- Annual reporting threshold = 25,000 lbs. per calendar year, per site.
 - Some chemicals have reduced reporting threshold = 2,500 lbs.

Who needs to report?

- Reporting is required for all years if any year in the four-year period triggers.

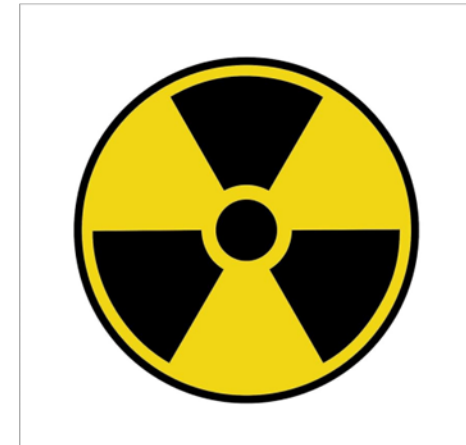
Year	Manufacturing/Production Quantity (lbs)
2020	2,000
2021	3,000
2022	26,000
2023	17,000

- There are reporting and manufacturer exemptions. 😊

What are my potential exemptions?

□ General Exemptions:

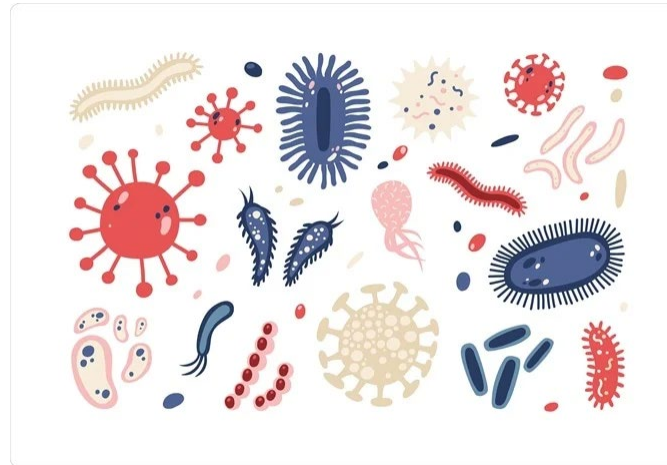
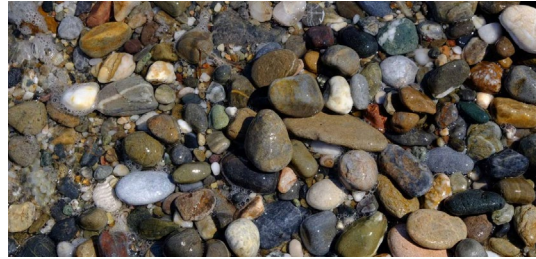
- Inorganics
- Examples
 - Pesticides
 - Foods and food additives
 - Drugs
 - Cosmetics
 - Tobacco and tobacco products
 - Nuclear materials
 - Munitions



What are my potential exemptions?

□ Chemical Exemptions:

- Water
- Naturally occurring substances
- Polymers (e.g., starches)
- Microorganisms
- Certain forms of natural gas



What are my potential exemptions?

- Chemical Exemptions:
 - Non-isolated intermediates
 - Any intermediate that is not intentionally removed from the equipment in which it is manufactured
 - Examples
 - Sodium sulfates
 - Green liquor
 - Calcium oxide (Quick lime)
 - Carbon dioxide
 - Isolated intermediates
 - Non-connected tanks
 - Storage Vessels

What are my potential exemptions?

□ Chemical Exemptions:

- Imported as part of an article
- Article is defined at 40 CFR 704. 3 as a manufactured item:
 - (1) which is formed to a specific shape or design during manufacture,
 - (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and
 - (3) which has either no change of chemical composition during its end use or only those changes of 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.



What are my potential exemptions?

- Chemical Exemptions:
 - Impurities
 - A chemical substance which is unintentionally present within another chemical substance
 - Examples
 - Chlorine
 - Contaminated turpentine
 - Not an impurity
 - Separated from the main product
 - Commercial gain





What are my potential exemptions?

- Chemical Exemptions:
 - Byproducts
 - Substances produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance or mixture
 - Byproducts destined for certain commercial purpose
 - Fuel combustion
 - Tall oil
 - Non-commercial purposes
 - Disposed sulfuric acid
 - Green liquor used for land enrichment





What are my potential exemptions?

- Small Manufacturer Exemptions:
 - 2023 total sales <\$12 million combined with those of parent company
 - 2023 total sales of the parent company <\$120 million and annual production volume of chemical <100,000 lbs at any individual plant site





What information is needed?

- ❑ Company and site identification information
 - Including parent companies (domestic **and** foreign, if applicable)
- ❑ Chemical substance information
 - Production and import volumes per year
 - Number of workers exposed to chemical
 - Max concentration and physical properties (powder, liquid)
 - Process information including type and category





How is the information submitted?

- ❑ Reporting is completed electronically on the Central Data Exchange (CDX).
- ❑ Reported under the Chemical Safety and Pesticides Programs (CSPP).
 - TSCA CDR is **NOT** named in CDX; you will need to search for CSPP.
- ❑ Review contacts in case of staff turnover
- ❑ Start this process early and use the U.S. EPA helpdesk!
- ❑ Report submitted as a single Form U.





Overview of Form U

- Primary:
 - Register as the Primary Authorized Official
 - Used for most reporting
 - Co-manufactured chemicals are reported on Primary form only
- Secondary:
 - Register as the Secondary Authorized Official
 - Used when chemical is imported, and the importer does not know the identity of the imported



Form U Example

2024 EPA CDR Primary Form U  Form U 2024		U.S. Environmental Protection Agency Washington, DC 20460 Chemical Data Reporting Site Report (Section 8(a) Toxic Substances Control Act, 15 U.S.C. 2607(a))		Included in this submission	
				Original CDR 2024 Submission	X
				Amendment to an Original CDR 2024 Submission	
Submission Date:		01/04/2024	Revised Date:		01/04/2024
Late Submission Explanation					
Cross-Media Electronic Reporting Regulation (CROMERR) Certification					
<p>I certify, under penalty of law, that this document was prepared under my direction of supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.</p>					
TSCA CBI Certification					
<p>I certify that all claims for confidentiality asserted with this submission are true and correct, and all information submitted herein to substantiate such claims is true and correct. Any knowing and willful misrepresentation is subject to criminal penalty pursuant to 18 U.S.C. 1001.</p> <p>I further certify that:</p> <ol style="list-style-type: none"> i. I have taken reasonable measures to protect the confidentiality of the information; ii. I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law; iii. I have a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of my company; and iv. I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering. 					
Signature of Authorized Official		Name (printed)			
Date Signed		01/04/2024	Email Address		
Submitting Official Information					
Name of Authorized Official				CBI:	
Company Name			Position		
Email Address			Phone Number		
Mailing Address 1					
Mailing Address 2					
City			State		
Postal Code			Country		

Form U Example

Part II. CHEMICAL SUBSTANCE INFORMATION			
Section A. Chemical Substance Identification			
Chemical Alias	Contracted Chemical		
Section B. Technical Contact Information			CBI
Contact Name	test test	Company Name	test
Phone Number	5678901234	Email Address	test@test.com
Mailing Address 1	test		
Mailing Address 2	test		
City	test	State	CA
Postal Code	67890	Country	US
Section C. Manufacturing Information			
Section C.3 Producing Company			
Report CY 2019 Production Volume and Related Information		CBI	CBI
Chemical Alias	Contracted Chemical	CY 2019 Produced Volume	0
Percentage of Total Production Volume (by weight) that is manufactured as a byproduct (optional)			
Report Exposure Related Information		CBI	CBI
Number of Workers	W1	X	Max Concentration
Is the chemical being recycled?			
Report Physical Form for 2019 Production Volume			
Form	CBI	% Production Volume	CBI
Section D. Processing and Use Information			
Section D.1 Industrial Processing and Use			
Total Substance Volume (Manufactured, Imported, Contracted)			
There are no applicable Industrial and Processing Uses for this chemical.			
Section D.2 Consumer and Commercial Use			
Total Substance Volume (Manufactured, Imported, Contracted)			
There are no applicable Consumer and Commercial Uses for this chemical.			



Co-Manufacturing

- ❑ Co-Manufacturing
 - A manufacturing situation in which one company contracts a second company to domestically produce a chemical substance exclusively for the first company.
- ❑ Facilities using co-manufacturing should coordinate early regarding their reporting options.
- ❑ Follow-up emails and calls from U.S. EPA after submittal of the 2020 Form U have taken place to amend forms where communication broke down between parties.



Confidential Business Information

- CDR's final rule modified the CBI requirements under CDR to align with 2016 TSCA Amendment process
 - Upfront substantiation questions
 - Certain CDR data cannot be claimed CBI





Confidential Business Information

- ❑ The CBI substantiation questions were modified from the proposal based on public comments and were codified in 40 CFR §711.30.
- ❑ If your chemical has a TSCA Accession number instead of a CAS Registry Number in the SRS, use it.
- ❑ If you want to claim CBI in those eCDRweb fields where allowed, use substantiation questions to build your case.

Confidential Business Information

Section E. Confidential Business Information Substantiation

Chemical Claim: *Number of Workers*

Applicable Only to General CBI Claims

Yes	No	CBI
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A person may assert a claim of confidentiality for the specific chemical identity of a chemical substance as described in § 711.15(b)(3) of this part only if the identity of that chemical substance is treated as confidential in the Master Inventory File as of the time the report is submitted for that chemical substance. Generic chemical identities and accession numbers may not be claimed as confidential. To assert a claim of confidentiality for the identity of a reportable chemical substance, you must submit with the report detailed written answers to the questions from subsection (b) and to the following questions.

1. Will disclosure of the information claimed as confidential likely cause substantial harm to your business's competitive position? If you answered yes, describe the substantial harmful effects that would likely result to your competitive position if the information is disclosed, including how a competitor could use such information and the causal relationship between the disclosure and the harmful effects.

X		
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test

2. To the extent your business has disclosed the information to others (both internally and externally), has your business taken precautions to protect the confidentiality of the disclosed information? If yes, please explain and identify the specific measures or internal controls your business has taken to protect the information claimed as confidential.

X		X
---	--	---

test

3.A. Is any of the information claimed as confidential required to be publicly disclosed under any other Federal law? If

	X	
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CDR Updates for 2024

- Updated codes have been provided for 2024 processing and use reporting.
 - Update to function codes and process category codes
- Updated codes have been provided for 2024 processing and use reporting.
 - Improved co-manufacturing reporting guidance
 - New Questions and Answers from the 2020 reporting period





CDR Reporting Application Updates for 2024

- Authorized Official substantiations can be completed before the submission process begins.
- An “Additional Information” field has been added for each chemical.
- A description field for “Other” uses has been added (CC980, F999, IS48).

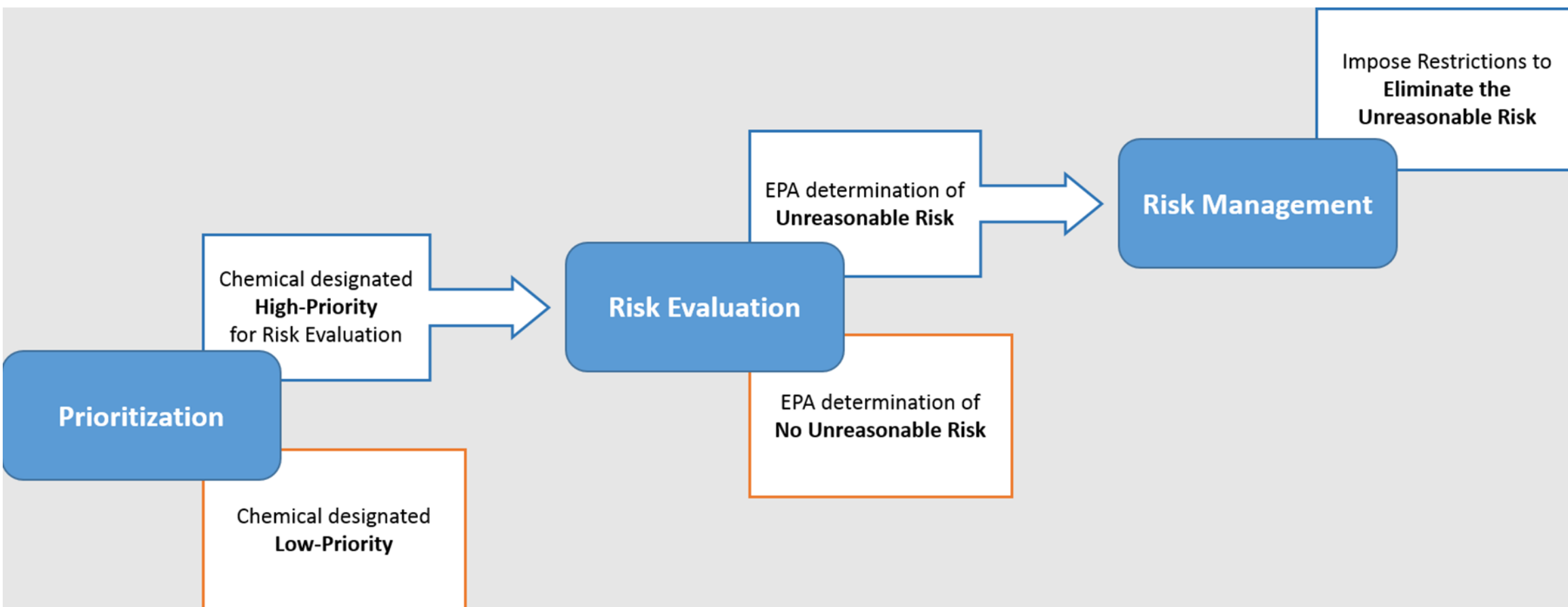


CDR Reporting Application Updates for 2024

- ❑ Percent Production Volume to allow decimal values greater than 0 but smaller than 1 only (e.g., 0.04 but not 1.04).
- ❑ Validation report has been updated to ensure that only 2024 unique IDs can be fused in 2024 reporting.
- ❑ CBI green check mark may only appear on the first page of reported chemicals.

What is the information used for?

- Risk screening, risk assessments, chemical prioritization, risk evaluation, and risk management.





Preparation

- ❑ Industries subject to CDR:
 - Chemical manufacturers
 - Refineries
 - Pulp and paper mills
 - Cement plants

- ❑ Gather the following data:
 - Last four years of production data
 - 2020 CDR report (if applicable)
 - Calculations, process flow diagrams, and customer use information.



Preparation

- If your facility plans to complete the CDR internally, consider obtaining training from U.S. EPA, industry groups, or consultants.
- Reporting season opens June 1, 2024.





Key take aways

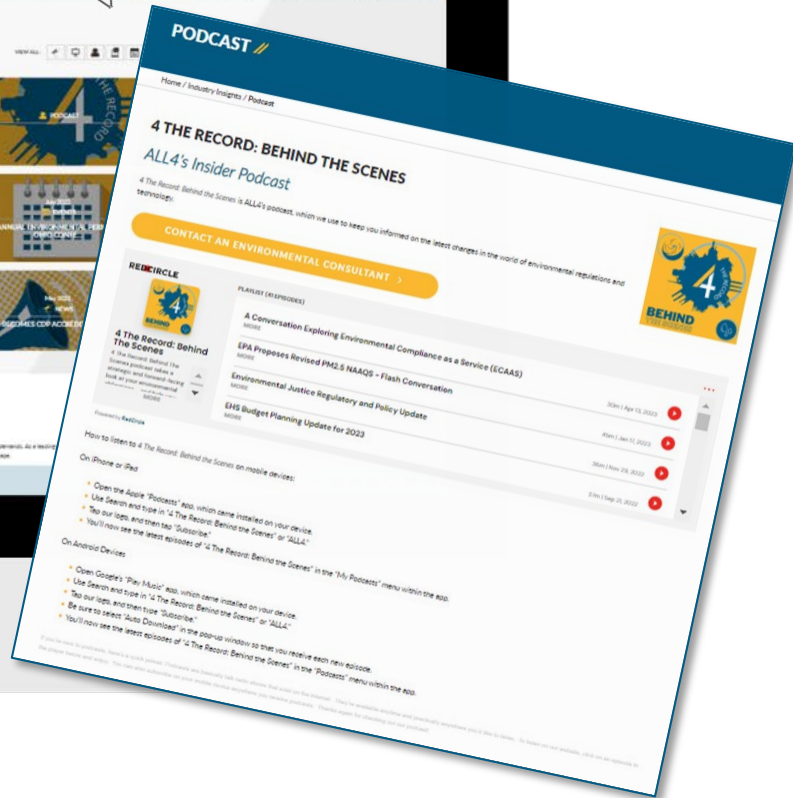
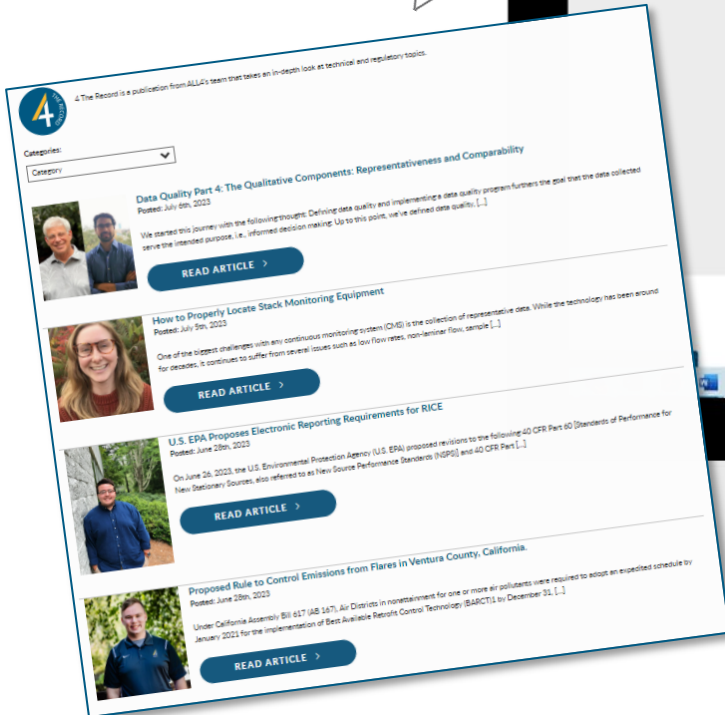
- ❑ Reporting due = June 1st - September 30th, 2024
- ❑ Reporting period = Calendar years 2020 through 2023
- ❑ To-Do List:
 - Register with CDX and CSPP
 - Evaluate and document reporting/non-reporting determinations
 - Gather reporting information
 - Complete Form U



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STRATEGY WITH SOLUTION.

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Questions or Comments?

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