

EPA CHEMICAL DATA REPORT (CDR) 2016 | ARE YOU COMPLIANT?

The US EPA requirement for manufacturers and importers to report their activity every four years under the Toxic Substance Control Act (TSCA) can be confusing, and often catches companies off-guard. The following is a brief discussion to assist TRI members and participants in determining their compliance obligations. This discussion is not intended to be an exhaustive guidance document, but instead a type of “litmus test” based on fundamental considerations. We urge the user of this document to contact us directly with any question or concerns.

ELEMENTS TO CONSIDER

2016 CDR Due Date: September 30, 2016

Years Covered: Calendar 2012, 2013, 2014, 2015

Method of Reporting: Electronic via EPA’s CDX System

Essential Steps to Follow to Determine if You Need to Report:

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

- Is your chemical substance manufactured for commercial purposes?
 - a. Natural Occurring Substances are “manufactured” if processed in any way other than heating for the sole purpose/effect of water removal, or certain basic mechanical processes such as grinding and sifting.
 - b. Commercial purposes include any sale, transfer or commercial application other than R&D activity performed by you or another person on your substance in small amounts for a brief test period. Providing your substance to someone else to perform testing on another substance typically constitutes “commercial purpose”.
- Is your chemical substance listed on the EPA Toxic Substance Control Act (TSCA) Inventory?
- Is your chemical substance potentially exempt from reporting?
 - a. Full exemption from reporting:
 - Polymers, Microorganisms, Certain forms of natural gas & water
 - Naturally occurring chemical substances (not affected by TSCA actions)
 - b. Partial exemption from processing & use reporting
 - Listed petroleum process streams
 - Chemicals of low current interest
 - Added via petition process for each specific chemical
 - May be reversed if interest in chemical changes
- Is your chemical substance ineligible for exemption? It is ineligible if subject to consent or test order, significant new use rules or other EPA action

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

- Did you manufacture/import a chemical substance in an amount that exceeded the reporting threshold for the chemical? (25,000 lb. normally, or 2,500 lb. for substances that are subject to certain EPA actions under TSCA)
- Do you qualify for a Small Manufacturer exemption?
- Did you manufacture a chemical substance subject to reporting due to its TSCA regulatory status?
- Do you qualify for any other reporting exemptions?

Step III: Identify the Information to be Reported

- Part I: Site Identification Information
- Part II: Manufacturing Information for each of calendar years 2012 - 2015
- Part III: Processing and Use Information for each of calendar years 2012-2015

We certainly appreciate TSCA is fundamentally a very complex regulation and the CDR reporting requirement adds to this complexity.