



U.S. EPA releases new chemical data reporting rule

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U.S. EPA released a new rule under the Toxic Substances Control Act (TSCA) governing reporting of chemical use, manufacturing, and processing on August 2, 2011. The new "Chemical Data Reporting" (CDR) rule (formerly known as the Inventory Update Reporting (IUR) rule) alters the thresholds for, frequency of, and manner of reporting manufacture, import, use, and processing information to the Agency for commercial chemicals listed on the TSCA Chemical Substances Inventory. Some of the most significant changes under the new Rule include:

- ▶ Reporting required for manufacturing/import volume meeting or exceeding 25,000 lbs during a reporting year;
- ▶ Reporting required for processing/use volume exceeding 100,000 lbs (previously 300,000 lbs) during reporting year 2012, and 25,000 lbs in subsequent reports;
- ▶ Reporting threshold for specific chemical substances subject to special TSCA rules/orders reduced from 25,000 lbs to 2500 lbs (beginning with 2016 reports);
- ▶ Elimination of exemption for chemicals subject to enforceable consent agreements requiring testing;
- ▶ Exemptions for water and polymers;
- ▶ Increased frequency of reporting period from every 5 years to every 4 years (after 2012 reports);
- ▶ Limiting claims of confidential business information to require "upfront substantiation" of CBI claims and elimination of not "known or reasonably ascertainable" CBI claim for processing and use data elements; and
- ▶ Electronic submission of reports now required (paper copies no longer allowed).

The first reports under the new rule will be due between February 1 and June 30, 2012 (for the 2010-11 time period), with subsequent reports due every 4 years, beginning in 2016.

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