

# *2020 Chemical Data Reporting Requirements*

*CPMA Regulatory Webinar Series*

*May 14, 2020*



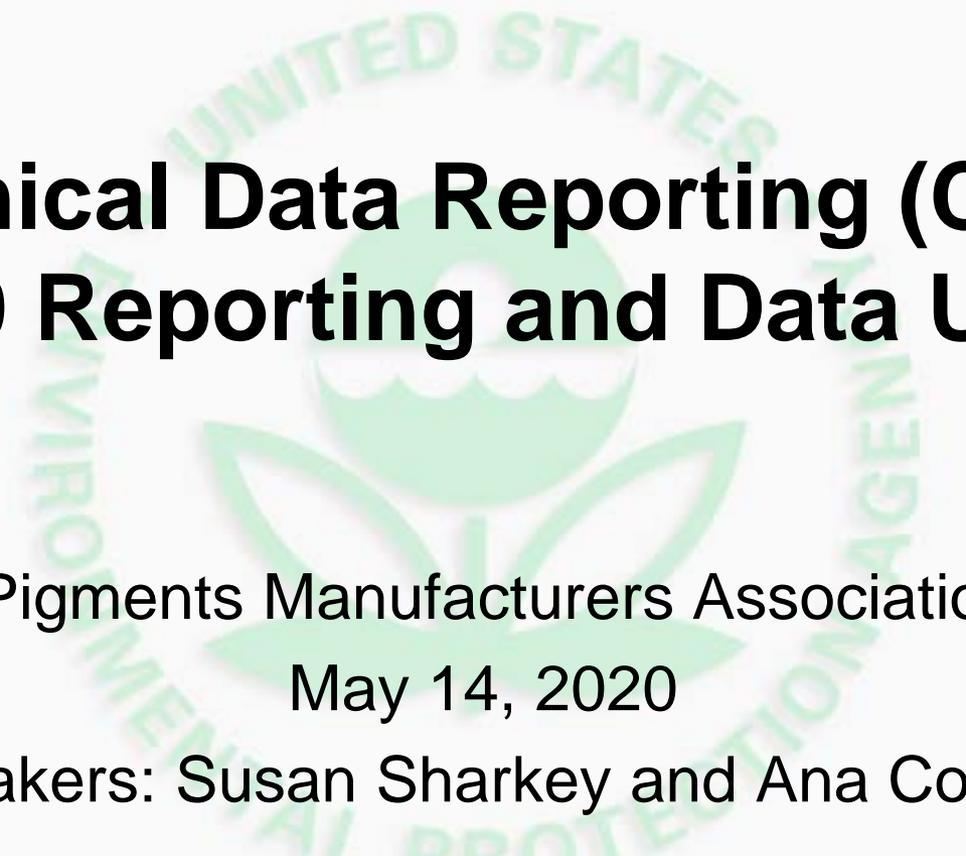
# *Presenters:*

## *Moderator:*

*Jamie Conrad, Conrad Law & Policy Counsel*

## *Panel:*

- *Susan Sharkey, CDR Program Lead, EPA*
- *Ana Corado, Environmental Engineer, EPA*
- *Grace Manarang-Pena, Global Regulatory & ISO Manager, DCL Corp.*
- *Dr. Robert Mott, Regulatory Consultant, Mott Consulting, LLC*



# **Chemical Data Reporting (CDR): 2020 Reporting and Data Uses**

Color Pigments Manufacturers Association, Inc.

May 14, 2020

Speakers: Susan Sharkey and Ana Corado

U.S. Environmental Protection Agency



# Presentation Overview

- Background
  - TSCA
  - CDR
- 2020 Reporting Requirements (Including new changes)
- Uses of CDR data under TSCA



# Background: TSCA and the TSCA Inventory

- **Toxic Substances Control Act (TSCA)**
  - The Toxic Substances Control Act of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures.
  - Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act) amended TSCA on June 22, 2016
  - Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides.
- **TSCA Chemical Substance Inventory (TSCA Inventory)**
  - Comprehensive listing of chemicals in commerce
  - Created in late 1970s and currently lists 86,405 chemical substances with 41,484 of them identified as active in U.S. commerce
  - EPA maintains a public facing version and a non-public master file of the inventory



# Background: Chemical Data Reporting (CDR)

- CDR is a collection of basic exposure-related information on the types, quantities, and uses of chemical substances manufactured domestically or imported into the United States
  - Chemical substances listed on the TSCA Inventory
  - Certain classes of chemicals, such as polymers, are exempted from reporting
- Information is submitted every four years
  - Most recently submitted in 2016, covering calendar years 2012-2015
  - The current submission period is in 2020, covering calendar years 2016-2019
- In 2016, about 5,660 sites reported approximately 8,700 chemicals, resulting in close to 42,500 chemical reports
- EPA finalized the CDR Revisions Rule (March 2020), and the Small Manufacturer Definition Update Rule (May 2020), which affect the 2020 CDR reporting requirements
- EPA extended the submission period from September 30 to November 30, to provide additional time to reporters to become familiar with these requirements



# 2020 Reporting Requirements (Including Changes or Updates)



# Overview of 2020 CDR Requirements

- **When**: The submission period is June 1 to November 30, 2020
- **Who**: Manufacturers, including importers, of chemical substances that:
  - Are listed on the **TSCA Inventory** as of June 1, 2020
    - Have a **production volume of 25,000 lbs** or greater at a site in at least **one of the years 2016-2019**
  - Unless **subject to certain TSCA regulatory actions**
    - Have a **production volume of 2,500 lbs** or greater
  - Are not eligible for a full exemption from CDR



# Overview of 2020 CDR Requirements

- **What:** Submitters must report for each chemical substance at a single site:
  - Annual production volume for 2016-2019
  - Certain manufacturing information for 2019
  - Processing and use information for 2019
  - Exemptions may reduce reporting, explained later in this presentation
- **How:** Submitters are required to report electronically
- **Where:** Submitters report through EPA's Central Data Exchange (CDX)
  - Register with CDX
  - Access e-CDRweb, the CDR reporting tool
  - Create and submit a separate Form U for each site
  - Submit completed Form U following instructions in e-CDRweb



# Important to Know: Confidentiality Claims

- TSCA amendments (June 2016) required substantiation for most confidentiality claims
- **New Changes (Implementing the 2016 TSCA amendments):**
  - Upfront substantiation is required for all claims of confidentiality at the time they are made, except for:
    - Production volume
    - Supplier identity, trade name, and formulation information associated with joint submissions
  - Updated substantiation questions and certification statement
  - General use data elements cannot be claimed as confidential
    - Industrial: type of processing and use, industrial sectors, functions
    - Commercial/Consumer: product categories, functions, whether consumer or commercial, whether used in products intended for use by children



# What is Reported?

## Site Identification Information

- **Highest level U.S. parent company and, if applicable, the foreign parent company (new definition: “highest level parent company” in 711.3)**
  - Company name and address (Following the naming convention in 40 CFR 711.35)
  - Company Dun & Bradstreet number
- **Manufacturing (including importing) site**
  - Site name and address
  - Site Dun & Bradstreet number
  - Importers must report a U.S. address for the site
  - **NAICS code for the site of manufacturer**
- **Technical contact(s) information**
  - Name and address
  - Telephone number and email address



# What is Reported?

## Manufacturing-Related Data

- Chemical Identity
  - CASRN and Chemical Name
  - Accession Number and Generic Chemical Name for CBI substances
- Production Volume (PV) Related – substantiation provided at submission

2019 Data	2018 Data	2017 Data	2016 Data
Domestically Manufactured PV	Total PV only	Total PV only	Total PV only
Imported PV			
Indicate whether chemical never physically at reporting site			
Volume used at reporting site			
Volume directly exported from reporting site			

- Number of workers that are reasonably likely to be exposed (in ranges)
- Maximum concentration
- Physical form and percent production volume in the form
- Indication of whether a chemical is recycled instead of being treated as a waste
- The percent production volume that is a byproduct (voluntary)



# What is Reported?

## Processing- and Use-Related Data

- Required for production volumes of 25,000 lbs or more, at a site, unless subject to a reduced threshold of 2,500 lbs more at a site, unless otherwise exempted
- Added function category for commercial/consumer products
- Phased-in replacement of the CDR “industrial function and commercial/consumer product” use codes with codes based on the OECD function, product, and article use categories (OECD-based codes)
  - During the 2020 CDR submission period, reporting using the OECD-based codes is required for the chemicals designated by EPA as a high priority for risk evaluation
    - 20 chemicals were designated as high priority in December 2019
    - Full list is at <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/chemical-substances-undergoing-prioritization-high>
  - For all other chemicals, reporters may use either the OECD-based codes or the current CDR codes
  - Reporting using the OECD-based codes will be fully implemented and required for all chemicals during the 2024 CDR submission period



# 20 High Priority Chemicals

**TABLE 9—CASRNs OF CHEMICAL SUBSTANCES DESIGNATED AS HIGH PRIORITY FOR RISK EVALUATION UNDER TSCA SECTION 6(B) ON DECEMBER 30,2019**

CASRN	Chemical Substance
106-46-7	p-Dichlorobenzene
107-06-2	1,2-Dichloroethane
156-60-5	trans-1,2- Dichloroethylene
95-50-1	o-Dichlorobenzene
79-00-5	1,1,2-Trichloroethane
78-87-5	1,2-Dichloropropane
75-34-3	1,1-Dichloroethane
84-74-2	Dibutyl phthalate (DBP) (1,2-Benzene- dicarboxylic acid, 1,2- dibutyl ester)
85-68-7	Butyl benzyl phthalate (BBP) - 1,2-Benzene- dicarboxylic acid, 1- butyl 2(phenylmethyl) ester
117-81-7	Di-ethylhexyl phthalate (DEHP) - (1,2-Benzene- dicarboxylic acid, 1,2- bis(2-ethylhexyl) ester)
84-69-5	Di-isobutyl phthalate (DIBP) - (1,2-Benzene- dicarboxylic acid, 1,2- bis-(2methylpropyl) ester)
84-61-7	Dicyclohexyl phthalate
79-94-7	4,4'-(1-Methylethylidene)bis[2, 6-dibromophenol] (TBBPA)
115-96-8	Tris(2-chloroethyl) phosphate (TCEP)
115-86-6	Phosphoric acid, triphenyl ester (TPP)
106-93-4	Ethylene dibromide
106-99-0	1,3-Butadiene
1222-05-5	1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta [g]-2-benzopyran (HHCB)
50-00-0	Formaldehyde
85-44-9	Phthalic anhydride



# What is Reported?

## Processing- and Use-Related Data

- Required for production volumes of 25,000 lbs or more, at a site, unless subject to a reduced threshold of 2,500 lbs more at a site, unless otherwise exempted
- Industrial Processing and Use

Report up to 10 unique combinations:			For each unique combination, report:		
Industrial function category	Industrial sector	Functional use	Percent production volume	Number of reasonably likely to be exposed workers	Number of sites

- Consumer and Commercial Use

Report up to 10	For each unique category, report:					
Product Categories	Commercial or consumer?	Functional use	Is use a product intended for children?	Percent production volume	Maximum concentration	Number of reasonably likely to be exposed commercial workers



# Example: Function Categories

**TABLE 8—CODES FOR REPORTING FUNCTION CATEGORIES**

**For the 2020 submission period: (1) use column A for chemical substances designated in 2019 as high priority for risk evaluation (those chemicals listed in Table 9) and (2) use either column A or B for chemical substances not listed in Table 9.**

**For the 2024 and future submission periods, use only column A.**

Column A		Column B	
Code	Category	Code	Category
F001	Abrasives	U001	Abrasives.
F002	Etching agent		
F003	Adhesion/cohesion promoter	U002	Adhesives and sealant chemicals.
F004	Binder		
F005	Flux agent		
F006	Sealant (barrier)		
F007	Absorbent	U003	Adsorbents and absorbents.
F008	Adsorbent		
F009	Dehydrating agent (desiccant)		
F010	Drier		
F011	Humectant		



# Importers: Requirements

## Importers are subject to CDR

- Under TSCA, manufacture includes import
- If two or more persons meet the “importer” definition, they may determine who will report (but both are liable)
- Site is defined for importers in 40 CFR 711.3
  - U.S. site of the unit directly responsible for importing
  - Must be a U.S. address, even if it is for an agent acting for the importer
- An importer will indicate whether each imported chemical is never physically present at the reporting site
- If a mixture is imported, the importer reports the individual chemical components of the mixture, including the percent composition
  - A joint submission with the supplier is used when the chemical identity or mixture composition is unknown
  - The secondary submitter of a joint submission reports the function of the chemical within the mixture
- Imported articles are exempt under 40 CFR 711.10(b)



# Byproduct Reporting

## Byproduct chemical substances may be subject to CDR

- Reportable when used for a non-exempt commercial purpose. (40 CFR 720.30(h)(2), referenced by 40 CFR 711.10(c))
- EPA will exempt specifically listed byproducts that are recycled in a site-limited manner under certain circumstances.
  - Industries currently listed: Portland Cement manufacturing and Kraft Pulping Cycle
  - Petition process available to change industries and byproducts
- EPA will exempt byproducts manufactured in non-integral equipment, specifically pollution control and boiler equipment



## Where to Get More Information

- [www.epa.gov/CDR](http://www.epa.gov/CDR)
  - Summary of changes for 2020 CDR
  - Instructions for Reporting- 2020 TSCA Chemical Data Reporting
  - EPA will post updated documents as they are developed
- Send reporting-related questions to [eCDRweb@epa.gov](mailto:eCDRweb@epa.gov)



# Uses of CDR Data

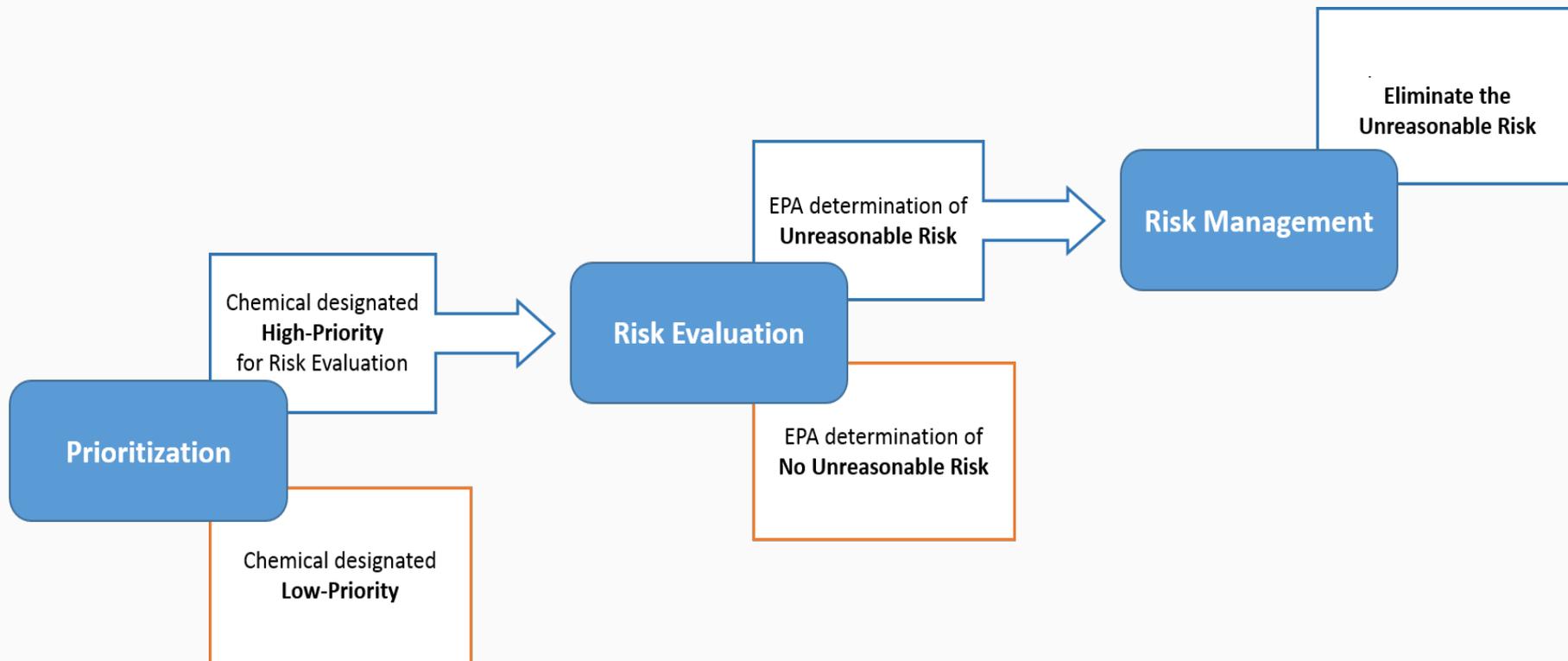


# Office of Chemical Safety and Pollution Prevention Uses of the CDR Data

- Chemical screening and prioritization process
- Risk evaluation
- OECD Emission Scenario Documents (ESD)/generic scenario development
- Insight on production volume trends of chemicals



# Process for Reviewing Existing Chemicals





# Chemical screening and prioritization process (40 CFR 702.9)

- (1) The chemical substance's hazard and exposure potential;
- (2) The chemical substance's persistence and bioaccumulation;
- (3) **Potentially exposed or susceptible subpopulations;**
  - Chemicals intended for use by children
  - Workers, Commercial uses, Consumer uses
- (4) Storage of the chemical substance near significant sources of drinking water;
- (5) **The chemical substance's conditions of use or significant changes in conditions of use;**
  - Industrial functional use, commercial/consumer product categories
  - Last two CDR reporting cycles
- (6) **The chemical substance's production volume or significant changes in production volume;** and
  - Production volume over time
- (7) Other risk-based criteria that EPA determines to be relevant to the designation of the chemical substance's priority.



# Scope of a Risk Evaluation

- The scope of a risk evaluation:
  - hazards,
  - exposures,
  - **conditions of use,**
  - **potentially exposed or susceptible subpopulations**

A **Conceptual Model**, which will describe the relationships between the chemical, under the conditions of use, and humans and the environment.



# Use of CDR Information

- Examples of Potentially exposed or susceptible subpopulations:
  - Number of workers that are reasonably likely to be exposed (in ranges)
  - Products Intended for Use by Children
- Production volume (domestic manufacture, import)
- Industrial Processing and Use Data
  - Functional use of the chemical
  - Industrial sector
- Indication of whether a chemical is recycled
- Consumer and Commercial Use Data



# Function Categories and Product Codes

**Table 4-15. Codes for Reporting Function Categories (FCs)**

For the 2020 submission period: (1) use column A for chemical substances designated in 2019 as high priority for risk evaluation (those chemicals listed in 40 CFR 711.15(b)(4)(i)(C), Table 7) and (2) use either column A or B for chemical substances not listed in Table 7. For the 2024 and future submission periods, use only column A.

Column A		Column B	
Code	Category	Code	Category
F001	Abrasives	U001	Abrasives
F002	Etching agent		
F003	Adhesion/cohesion promoter	U002	Adhesives and Sealant Chemicals
F004	Binder		
F005	Flux agent		
F006	Sealant (barrier)		
F007	Absorbent	U003	Adsorbents and Absorbents
F008	Adsorbent		
F009	Dehydrating agent (desiccant)		
F010	Drier		
F011	Humectant		
F012	Soil amendments (fertilizers)	U004	Agricultural Chemicals (non-pesticidal)
F013	Anti-adhesive/cohesive	U005	Anti-Adhesive Agents
F014	Dusting agent		
F015	Bleaching agent	U006	Bleaching Agents
F016	Brightener		
F017	Anti-scaling agent	U007	Corrosion inhibitors and antiscaling agents
F018	Corrosion inhibitor		
F019	Dye	U008	Dyes
F020	Fixing agent (mordant)		

**Table 4-19. Product Category Codes**

For the 2020 submission period: (1) use column A for chemical substances designated in 2019 as high priority for risk evaluation (those chemicals listed in 40 CFR 711.15(b)(4)(i)(C), Table 7) and (2) use either column A or B for chemical substances not listed in Table 9. For the 2024 and future submission periods, use only column A.

Column A		Column B	
Code	Category	Code	Category
<b>Chemical Substances in Furnishing, Cleaning, Treatment Care Products</b>			
CC101	Construction and building materials covering large surface areas including stone, plaster, cement, glass and ceramic articles; fabrics, textiles, and apparel	C101	Floor coverings
CC102	Furniture & furnishings including plastic articles (soft); leather articles	C102	Foam seating and bedding products
CC103	Furniture & furnishings including stone, plaster, cement, glass and ceramic articles; metal articles; or rubber articles	C103	Furniture and furnishings not covered elsewhere
CC104	Leather conditioner	C104	Fabric, textile, and leather products not covered elsewhere
CC105	Leather tanning, dye, finishing, impregnation and care products		
CC106	Textile (fabric) dyes		
CC107	Textile finishing and impregnating/surface treatment products	C105	Cleaning and furnishing care products
CC108	All-purpose foam spray cleaner		
CC109	All-purpose liquid cleaner/polish		
CC110	All-purpose liquid spray cleaner		
CC111	All-purpose waxes and polishes		
CC112	Appliance cleaners		
CC113	Drain and toilet cleaners (liquid)		

Reference: Instructions for Reporting. 2020 TSCA Chemical Data Reporting

[EPA-HQ-OPPT-2018-0321-0136](https://www.epa.gov/chemical-data-reporting)



# Conditions of Use

Life Cycle	Category	Subcategory
Manufacturing	Domestic manufacturing Import	Domestic manufacturing Import
Processing	<ul style="list-style-type: none"><li>• As a reactant</li><li>• Incorporation into formulation, mixture, or reaction product</li><li>• Incorporation into article</li><li>• Repackaging</li><li>• Recycling</li></ul>	Functional use and industrial sector
Distribution in commerce	Distribution in commerce	Distribution in commerce
Industrial uses	Functional use	Industrial sector
Commercial uses	Product category	Add. Info. (e.g. functional use)
Consumer uses	Product category	Add. Info. (e.g. functional use)
Disposal	Disposal	Disposal

Example



PNG image

U.S. Environmental Protection Agency

# Life Cycle Diagram

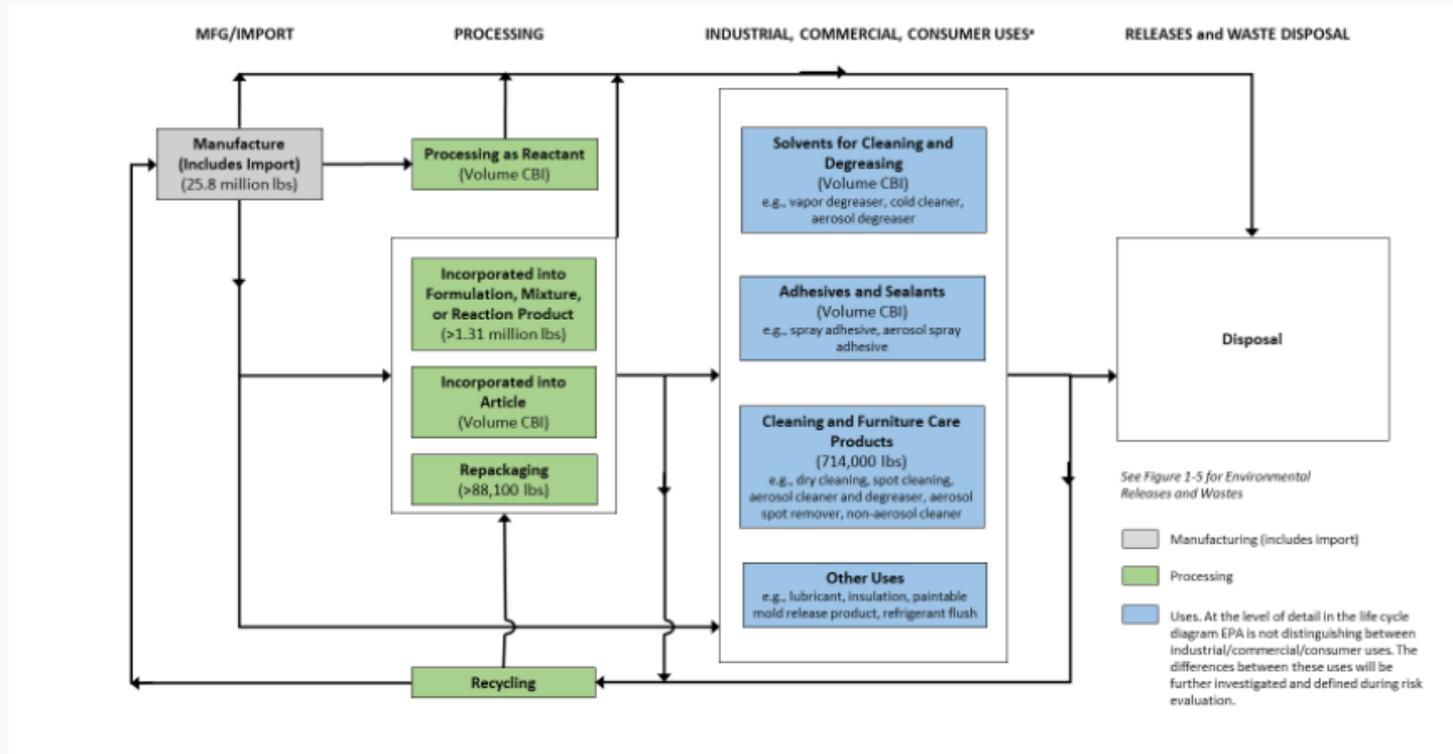


Figure 1-2. 1-BP Life Cycle Diagram

<sup>a</sup> See Table 1-4 for additional uses not mentioned specifically in this diagram.

# Conceptual Model

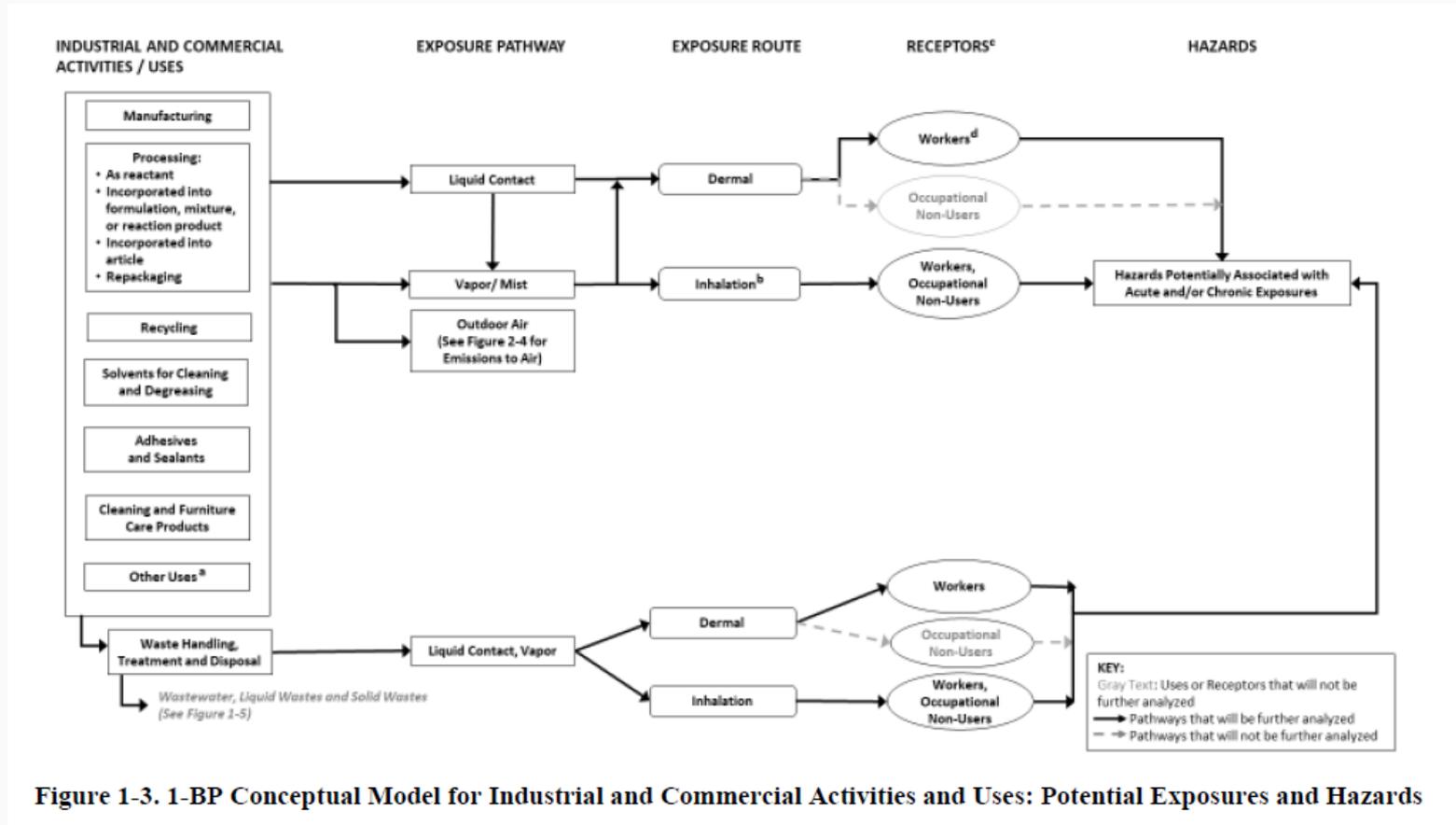


Figure 1-3. 1-BP Conceptual Model for Industrial and Commercial Activities and Uses: Potential Exposures and Hazards



# CDR Information – Exposure Scenarios

Examples of CDR information used in Exposure Scenarios:

- Physical form and percent production volume in the form
- Chemical present at site
- Number of sites
- Maximum concentration
- Numbers of workers potentially exposed



# Questions and Answers

# *CDR Reporting Considerations for the Color Pigments Industry*

*Speakers: Grace Manarang-Pena & Dr. Robert Mott*



# Definitions! Definitions! Definitions!

**Manufacture:** means 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 substances.

→ A chemical substance is **co-manufactured** by the person who physically performs the manufacturing and the person contracting for such production when that chemical substance, manufactured other than by import, is: (1) produced exclusively for another person who contracts for such production, and (2) that other person dictates the specific identity of the chemical substance and controls the total amount produced and the basic technology for the manufacturing process.

# More Definitions

- **Known to or reasonably ascertainable by** means all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know. (40 CFR 704.3)
- **Reasonably likely to be exposed** means an exposure to a chemical substance which, under foreseeable conditions of manufacture, processing, distribution in commerce, or use of the chemical substance, is more likely to occur than not to occur. Such exposures would normally include, but would not be limited to, activities such as charging reactor vessels, drumming, bulk loading, cleaning equipment, maintenance operations, materials handling and transfers, and analytical operations. Covered exposures include exposures through any route of entry (inhalation, ingestion, skin contact, absorption, etc.), but excludes accidental or theoretical exposures (40 CFR 711.3). Workers involved solely with transporting chemical substances in sealed containers that are totally enclosed with no potential for exposure should not be included
- **Intended for use by children** means the chemical substance or mixture is used in a product that is specifically intended for use by children age 14 or younger. A chemical substance or mixture is intended for use by children when the submitter answers "yes" to at least one of the following questions for the product into which the submitter's chemical substance or mixture is incorporated:
  - (1) Is the product commonly recognized (i.e., by a reasonable person) as being intended for children age 14 or younger?
  - (2) Does the manufacturer of the product state through product labeling or other written materials that the product is intended or will be used by children age 14 or younger?
  - (3) Is the advertising, promotion, or marketing of the product aimed at children age 14 or younger?

# Keeping in Scope

## **Substance lists:**

- TSCA Inventory as of June 1 2020 (other than polymers, microorganisms, naturally occurring chemical substances, water, and certain forms of natural gas (40 CFR 711.5 and 711.6))
- Chemical substances designated in 2019 as high priority for risk evaluation (those chemicals listed in 40 CFR 711.15(b)(4)(i)(C), Table 7)

## **Reporting years:**

- 2019: annual production volume, certain manufacturing information, processing & use information
- 2016/2017/2018: annual production volumes

## **Thresholds/production volumes at a site in at least one of the years 2016-2019:**

- 25,000 lbs or greater
- 2,500 lbs or greater if subject to certain TSCA regulatory actions

Report in pounds the total volume of the chemical substance manufactured (includes domestically manufactured and imported volumes). Report the production volume to at least two significant figures; it should be accurate to the extent known to or reasonably ascertainable by you.

## **CDX:**

- CDR reporting tool
- One Form U per site

**Submission period: June 1, 2020 to November 30, 2020**

# Where to get information

## Regulatory & Legal

- Complete listing of 2020 CDR substances & high priority for risk evaluation substances
- Form U for each reporting site and Secondary Form U for joint submissions
- Identify relevant products and substances
- Address Confidential business information and prepare CBI substantiation

## Procurement

- Request Safety Data Sheet to verify CASRN, chemical names, composition, concentrations, physical form
- Review Purchasing records & import records to determine volumes within the reportable years

## Operations

- Review Formulations & production volumes
- Determine Use function for each substance i.e. U021 Pigments
- Assess number of sites, number of workers reasonably likely to be exposed
- Identify recycled substances & by-products

## Sales & Marketing

- Review call reports, marketing literature & training materials for:
- Consumer and Commercial Use Data i.e. C202 Paints and coatings, U306 ink, toner and colorant products
- Use of Product(s) Intended for Use by Children
- Production volume attributed to each end use, max. concentration, # workers reasonably likely to be exposed

## Other

- Review previous CDR report submissions
- Associations, EPA Guidance documents

# Reporting Uses & Assumptions

## ***Reporting Uses:***

- CAS 5281-04-9
  - D&C Red 7
  - C.I. Pigment Red 57:1
- CAS 147-14-8

## ***Be careful of your assumptions:***

- A chemical produced is not on TSCA?
  - Is it covered by a confidential PMN?
  - $\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$
- A product is a polymer and is exempt from reporting, is it covered by a PMN?
- The reporting limit for all chemicals is 25,000 pounds
- A site only manufactures 20,000 pounds, must it report?
- Manufacturing tells you that they made the following:
  - Nitrobenzene was reacted with Iron to produce Iron Oxide and aniline.
  - What are the reporting requirements for this process?



# TSCA Codes

Example TSCA Codes impacting Reporting levels and SME's

- 5E - indicates a substance that is the subject of a TSCA section 5(e) order.
- 5F - indicates a substance that is the subject of a TSCA section 5(f) rule.
- R - indicates a substance that is the subject of a proposed or final TSCA section 6 risk management rule.
- S - indicates a substance that is identified in a final Significant New Use Rule.
- T - indicates a substance that is the subject of a final TSCA section 4 test rule.
- XU - indicates a substance exempt from reporting under the Chemical Data Reporting Rule, (40 CFR 711).

If you see a code you don't recognize, Check.



Questions

# About CPMA

*Formed in 1925, the Color Pigments Manufacturers Association is the only U.S.-based trade association dedicated to serving the color pigments sector in North America.*



*Legislative & regulatory advocacy*



*Compliance support & technical expertise*



*Industry network & value chain insights*



# Upcoming Events

## ***CPMA Town Hall Series: Value Chain Trends***

Wednesday, May 27 | 11:00am-11:30pm EST

Join CPMA and key industry sectors for a discussion on value chain trends and COVID-19 impact. [Register](#).

### ***Featured:***

- The Adhesives & Sealant Council
- American Cleaning Institute



## ***CPMA Regulatory Webinar Series***

*Stay tuned for our next quarterly webinar!*

*Topics include policy trends & regulatory compliance impacting the color pigments industry in North America.*



Thank you!

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