



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 30 2012

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable Fred Upton  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of January 13, 2012, to the U.S. Environmental Protection Agency's (EPA's) Administrator, Lisa P. Jackson, regarding the reporting date for the EPA's Chemical Data Reporting (CDR) rule. The Administrator has asked that I respond directly to your inquiry.

As you are aware, the EPA published the final CDR rule on August 15, 2011. The rule requires chemical companies to report a range of information on the chemicals they manufacture, use, and process, and establishes a five month window for reporting which begins on February 1, 2012, and concludes on June 30, 2012. Companies may submit their reports at any time during that period. The EPA provided a five month reporting period for this first round of reporting to provide additional time for companies to review and understand changes in the reporting requirements, gather the necessary information, and file through the agency's electronic reporting system.

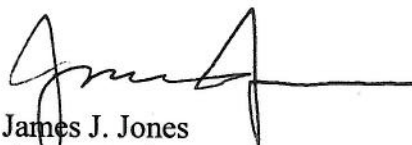
As your letter notes, the agency held a webinar in mid-November with several hundred participants. The EPA made every effort to respond to the questions posed and provide all participants with an opportunity to pose questions. In addition, the EPA has a variety of guidance documents available on its Chemical Data Reporting web page to help companies comply with the reporting requirements (see [www.epa.gov/cdr](http://www.epa.gov/cdr)). Since the November 2011 webinar to assist industry in reporting for the 2012 CDR rule, the agency has posted six on-line training modules designed to walk companies through the Chemical Data Reporting process, as well as a set of frequently asked questions about the 2012 CDR reporting requirements. The training modules address basic information, including an overview of the CDR rule, new reporting requirements and how to complete Form U for 2012, as well as electronic reporting issues (e.g., registering with the EPA's Chemical Data Exchange for CDR reporting) and special topics, such as joint submissions. These training modules provide more detail than the webinar slides and can be viewed at any time.

The EPA has also established a general help email address for CDR questions: [ecdrweb@epa.gov](mailto:ecdrweb@epa.gov). The agency will continue to refine and add guidance materials to the website as necessary. Some of the questions included in your letter were addressed at the webinar in November and in more detail at a January 19, 2012, discussion with industry on issues relating to byproducts. I am also enclosing responses to the specific questions you included in your letter. These Q&As will be also added to the agency's web site so that the answers are publicly available.

We believe that the current five month window for companies to report, along with their ability to engage the agency directly on any questions or issues they may have, provides an adequate opportunity for reporting by June 30, 2012.

Again, thank you for your letter. I hope this information has been helpful to you. If you have additional questions, please contact me, or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read 'James J. Jones', with a long horizontal line extending to the right.

James J. Jones  
Acting Assistant Administrator

Enclosure



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The Honorable John Shimkus  
U.S. House of Representatives  
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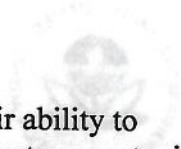
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Sincerely,

James J. Jones  
Acting Assistant Administrator

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## Enclosure: Responses to Committee on Energy and Commerce Questions

Q. 1. Must a manufacturer report on its entire byproduct stream or just on the amount sent for recycling?

Response: If the person generating the byproduct stream did not newly manufacture a chemical substance in that byproduct stream, they do not need to report that substance. For example, where a byproduct is a mixture containing a previously manufactured solvent used in the manufacturing process, the solvent sent for recycling would not be subject to reporting.

Assuming the only post-manufacture commercial purpose of the byproduct stream is to recycle a portion of it, the portion not recycled need not be reported.

Q. 2. Must a metal extracted from a byproduct be reported under the rule?

Response: Typically, extraction of a metal compound is done through a chemical reaction involving that metal compound. If the extraction involves changing one chemical substance (e.g., metal compound) into a different chemical substance, then that different chemical substance has been manufactured and should be reported.

Q. 3. Is double reporting required for extracted substances if sold as individual chemicals?

Response: No. Whenever a substance is manufactured, as defined by TSCA and EPA regulations, it must be reported. EPA does not require double reporting for a single instance of manufacture.

Q. 4. What is an "exporter" under the rule?

Response: The CDR Rule does not define nor reference a definition for exporter because there are no reporting obligations under the Rule for exporting. Manufacturing includes importing, but not exporting.

Q. 5. Is reporting required if the same chemical changes concentration?

Response: No. Change in concentration does not trigger a need to report.

Q. 6. Must a used solvent that is resold be reported?

Response: The act of selling does not constitute manufacture under TSCA, and therefore, would not trigger a CDR reporting obligation.