

EPA Requires Chemical Manufacturers to Report More Information

On January 7, 2003, the United States Environmental Protection Agency (EPA) amended its Inventory Update Rule under the Toxic Substances Control Act to require manufacturers and importers of certain chemicals to report substantially more information to EPA regarding certain chemicals. The amendments to the rule are effective February 6, 2003. EPA had proposed the amendments in August, 1999.

The amendments increase production volume reporting threshold from 10,000 pounds per year to 25,000 pounds per year. This change may slightly reduce the reporting burden on some chemical manufacturers and importers.

The amendments will require chemical manufacturers and importers to report for the first time information intended to help EPA estimate the degree to which workers and the general public are exposed to chemicals. Manufacturers and importers will now be required to report: the number of workers who may likely be exposed to the chemical; the physical forms (*i.e.*, gas, solid, or liquid) in which the chemical is shipped; the percentage of total production in each physical form; and either the maximum concentration of the chemical as it leaves the manufacturers, or the maximum concentration of the chemical when it is used to produce a different chemical.

The amended rule requires companies that manufacture or import more than 300,000 pounds of a chemical annually to report information concerning how the chemicals are processed or used by their customers and others, to the extent the information is obtainable. The information to be reported includes: the industrial processes or other uses of the chemical; the kinds of industries that process or use the chemical; the percentages of production volume used in each such industrial category; the number of workers who may likely be exposed to the

chemical in each operation; and the maximum concentration of the chemical in each commercial and consumer product category.

The amended rule revokes an exemption for inorganic chemical substances, and phases in reporting requirements for inorganic chemicals that were previously exempt from such reporting. The reporting requirements will be phased in beginning in 2006.

The amendments also make other changes, including a partial exemption for petroleum process streams, a partial exemption for specific chemical substances for which EPA considers processing and use information not to be needed at this time, and an exemption for certain forms of natural gas.

EPA estimates that 3,000 chemical manufacturers or importers will be required to submit reports under the amended rule, and that they will have to devote approximately 414,000 hours to make the required reports. In comparison, EPA estimates that the same 3,000 manufacturers and importers spend only 65,000 hours to comply with the existing rule.

TSCA Inventory Update Rule Amendments, Final Rule, 68 Fed. Reg. 847 (Jan. 7, 2003).

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