The 2020 Chemical Data Reporting Rule (“CDR Rule”)  
Published in the TSCA Compliance Guide™
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¹ The Chemical Data Reporting Rule (“CDR Rule”) is an expansion of EPA’s former TSCA Inventory Update Rule (“IUR”). The CDR Rule replaced the IUR. The CDR Rule became operative every 4 years commencing in 2012.

² For purposes of the CDR Rule, the amount of a chemical that is “produced” at a site is the amount manufactured at the site plus the amount imported at the site.

³ A chemical substance for which information must be reported under the CDR Rule is any chemical substance that is in the TSCA Master Inventory File at the beginning of a CDR Rule submission period, e.g., June 1, 2020, unless the chemical substance is specifically exempted from reporting by 40 CFR §711.6 as described further below in this Explanatory Text.

⁴ Site means a contiguous property unit. Property divided only by a public right-of-way is considered to be one site. More than one manufacturing plant may be located on a single site. The site for an importer who imports a reportable chemical substance is the U.S. site of the operating unit within the person’s organization that is directly responsible for importing the chemical substance. The import site in
2018, or 2019 is required to report certain information to the USEPA regarding the production of that reportable substance at that site.\(^5\)

2. A 2,500 lb. reporting threshold applies to substances that are subject to certain EPA actions under TSCA.\(^6\) These substances will be referred to as “Low Volume Threshold Substances” in this Explanatory Text.

There is a reduced production volume threshold of 2,500 lbs. for reporting in 2020 and in subsequent submission periods with respect to any reportable chemical substance that is the subject of certain EPA rules, orders, or actions under TSCA:

For the 2020 submission period, any person who manufactured (including imported) for commercial purposes any chemical substance that is the subject of a rule proposed or promulgated under TSCA section 5(a)(2), 5(b)(4), or 6, or is the subject of an order in effect under TSCA section 4, 5(e) or 5(f), or is the subject of relief that has been granted under a civil action under TSCA sections 5 or 7 is subject to reporting under the CDR Rule, and the applicable production volume threshold is 2,500 lbs. (1,134 kg). See 40 CFR §711.8 “Persons who must report.”

3. What types of information are required to be reported under the CDR Rule?\(^7\)

If reporting is triggered by either the 25,000 lb. or 2,500 lb. production threshold being met or exceeded at a site during any single year between and including 2016-2019, information is required to be submitted regarding: 1) the company and plant site; 2) production volumes of the reportable substance at that site during each of the four years 2016-2019; and (for 2019 production only) data regarding chemical re-use or recycling, worker exposure, physical states and concentrations of chemical substances, etc. See 2.A. below: Information regarding site identity and site activities.

4. Is the production of certain chemical substances exempt from reporting?

Yes, there are full exemptions and partial exemptions from reporting that apply to certain listed categories of substances as described more fully below. However, even if a category of chemical substance is listed as being fully exempt or partially exempt from the CDR reporting requirements, a substance within those categories is not exempted from any of the CDR Rule reporting requirements if that chemical substance is the subject of a rule proposed or promulgated under TSCA sections 4, 5(a)(2), 5(b)(4), or 6, or is the subject of an enforceable consent agreement (ECA) developed under the procedures of 40 CFR part 790, or is the subject of an order issued under TSCA sections 4, 5(e), or 5(f), or is the subject of relief that has been granted under a civil action under TSCA sections 5 or 7.\(^8\) However, if a substance qualifies as a naturally occurring chemical substance as that term applies to CDR reporting, that substance retains its full exemption from reporting even if it is subject to one or more of the TSCA rules, orders or actions that are listed in this paragraph.

5. Are small manufacturers and small governments exempt from reporting?

Yes; however, this exemption is conditional depending on several factors. Even if a manufacturer (including importer) or government satisfies the criteria in 40 CFR §704.3 of being a small manufacturer or small government, that person is subject to CDR reporting with respect to any chemical substance that is the subject of a rule proposed or promulgated under TSCA section 4, 5(b)(4), or 6, or is the subject of an order in effect in some cases, may be the organization’s headquarters in the United States. If there is no such operating unit or headquarters in the United States, the site address for the importer is the U.S. address of an agent acting on behalf of the importer who is authorized to accept service of process for the importer.

For chemical substances manufactured under contract, i.e., by a co-manufacturer, the site is the location where the chemical substance is physically manufactured.

For portable manufacturing units sent to different locations from a single distribution center, the distribution center is considered the site. See 40 CFR §711.3.

\(^5\) See the text on the following pages under “2. CDR Rule Reporting Requirements During 2020.”

\(^6\) The effects of these TSCA actions on CDR reporting are assessed based on the status of the chemical substance as of the beginning of the submission period, June 1, 2020. See the USEPA’s 2020 CDR Reporting Instructions.

\(^7\) For details see 2.A. through 2.C. on the following pages under “2. Details of the 2020 requirements.” In the CDR Rule, the term “principal reporting year” means the latest complete calendar year preceding the submission period. E.g., the principal reporting year for the 2020 submission period is calendar year 2019.

\(^8\) See 40 CFR §711.6, Chemical substances for which information is not required.
under TSCA section 4 or 5(e), or is the subject of relief that has been granted under a civil action under TSCA section 5 or 7.9

6. **What is the level and extent of knowledge that is required with respect to all information under the CDR Rule?**

All information that is required to be reported under the CDR Rule must be reported to the extent that the information is “known to or reasonably ascertainable by” the submitter. “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.”10

B. **Who is subject to the CDR reporting requirements?** Only manufacturers and importers of chemical substances are subject to reporting under the CDR Rule requirements. Small manufacturers, including small importers, and small governments as defined in 40 CFR §704.3 are not subject to reporting under the CDR Rule unless the chemical substance that they manufacture or import is subject to certain proposed or final TSCA rules, orders or actions, and provided that they do not exceed certain production thresholds.11

C. **How and when must the report be submitted?** All information that is required to be reported to EPA in response to the CDR Rule must be submitted during an applicable submission period on EPA’s “Form U.”12 Submission periods are from June 1 to September 30 at 4-year intervals beginning in 2016, except that the 2020 submission period is from June 1, 2020 to November 30, 2020.

D. **What are submission periods and principal reporting years?** In the CDR Rule, the time periods during the years 2016, 2020, 2024, etc. when reports are required to be submitted to EPA are termed “submission periods.” The latest complete calendar year preceding a submission period is termed a “principal reporting year.” Thus, the principal reporting year for the 2016 submission period was 2015, and the principal reporting year for the 2020 submission period is 2019. More information is required to be submitted regarding reportable substances that are produced during principal reporting years. Less information is required to be submitted regarding reportable substances that are produced during the three calendar years preceding a principal reporting year.

E. **What are the chemical substances for which information must be submitted?** Any chemical substance that is in the TSCA Master Inventory File at the beginning of a submission period is subject to CDR reporting, unless the chemical substance is specifically exempt from reporting.

F. **Are there any manufacturing or importing activities regarding which reporting is not required?** Yes. A person who would otherwise be required to report is not subject to the reporting requirements of the CDR Rule with respect to any chemical substance that the person solely manufactured or imported under the following circumstances:

(a) The person manufactured or imported the chemical substance solely in small quantities for research and development.

(b) The person imported the chemical substance as part of an article.13

(c) The person manufactured the chemical substance in a manner described in 40 CFR §720.30(g) or (h).

(d) Under the conditions set forth in 40 CFR §711.10, the person manufactured a specifically-listed byproduct substance when recycled in a site-limited physically enclosed system, or manufactured the substance as a byproduct in non-integral pollution control and boiler equipment.14

G. **What are the chemical substances that are conditionally exempt from reporting?**15 Information is not required to be submitted under the CDR Rule for the following listed groups or categories of chemical substances:

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9 40 CFR §711.9 “Persons not subject to this part.”

10 EPA’s definition of “known to or reasonably ascertainable by” for purposes of reporting for the CDR Rule is in 40 CFR §704.3.

11 A small manufacturer or importer is defined in 40 CFR §704.3.

12 “Form U” must be completed electronically. Completion and submission of Form U is required to be via EPA’s Central Data Exchange (“CDX”).

13 See the definition of Article in 40 CFR §704.3.

14 See 40 CFR §711.10 for exact requirements.

15 See, generally, 40 CFR §711.6 “Chemical substances for which information is not required.”
substances with the following exception: A chemical substance described in paragraph (b), (c), (d), (e) or (f) below under “Full Exemptions” and “Partial Exemptions” is not exempted from any of the reporting requirements of the CDR Rule if that chemical substance is the subject of a rule proposed or promulgated under TSCA sections 4, 5(a)(2), 5(b)(4), or 6, or is the subject of an enforceable consent agreement (ECA) developed under the procedures of 40 CFR part 790, or is the subject of an order issued under TSCA sections 4, 5(e), or 5(f), or is the subject of relief that has been granted under a civil action under TSCA sections 5 or 7.

Subject to the exceptions in the paragraph immediately above, there are full and partial exemptions from reporting:

1. Full Exemptions:

   The following categories of chemical substances are exempt from all reporting requirements of the CDR Rule:
   (a) Naturally occurring chemical substances as described in 40 CFR §710.4(b). 16
   (b) Polymers as described in 40 CFR §711.6(a)(1).
   (c) Microorganisms as described in 40 CFR §711.6(a)(2).
   (d) Water and certain forms of natural gas as described in 40 CFR §711.6(a)(4).

2. Partial Exemptions:

   The following groups of chemical substances are partially exempted from the reporting requirements of the CDR Rule (i.e., “Industrial processing and use information” and “Consumer and commercial use information” need not be reported for these chemical substances). Such chemical substances are not excluded from the other reporting requirements of the CDR Rule.
   (e) The petroleum process streams that are listed in Table 1 of the CDR Rule. 17
   (f) The chemical substances of “low current interest” to EPA that are listed in Table 2 of the CDR Rule. 18

2. Details of the 2020 requirements

A. Information regarding site identity and site activities 19

Persons who manufactured (including imported) a reportable chemical substance in an amount of 25,000 lbs. or greater (or 2,500 lbs. or greater for Low Volume Threshold Substances) at a single site during any of the years 2016, 2017, 2018, or 2019 must report certain information with respect to production in all years 2016-2019.

Generally, any person who produced for commercial purposes 25,000 lbs. or greater (or 2,500 lbs. or greater for Low Volume Threshold Substances) of a reportable chemical substance at any single site that is owned or controlled by that person in any of the years 2016-2019 must report to EPA all of the information described below regarding that substance at that site for every one of those four years. As noted above, for purposes of the CDR Rule, the amount of a chemical substance that is “produced” at a site is the total amount that is manufactured at the site plus the total amount that is imported at that site. For purposes of this Explanatory Text, a “reporting site” is any site of manufacture plus import of a total of 25,000 lbs. (2,500 lbs. for Low Volume Threshold Substances) or greater of a reportable chemical substance during any of calendar years 2016 through 2019.

With regards to each reportable chemical substance meeting or exceeding the 25,000 or 2,500 lb. production threshold in any of the years 2016-2019 at any single site, the information that is required to be submitted with respect to all four years includes:

16 The applicability of this exclusion for naturally occurring chemical substances is determined in each case by the specific activities of the person who manufactures the chemical substance in question. Some chemical substances can be manufactured both as described in 40 CFR §710.4(b) and by means other than those described in 40 CFR §710.4(b). If a person manufactures a chemical substance by means other than those described in 40 CFR §710.4(b), the person must report under the CDR Rule regardless of whether the chemical substance also could have been produced as described in 40 CFR §710.4(b). Any chemical substance that is produced from a naturally occurring chemical substance described in 40 CFR §710.4(b) is reportable unless otherwise excluded. 40 CFR §711.6(a)(3).

17 Table 1 is located in 40 CFR §711.6(b)(1).

18 Table 2 is located in 40 CFR §711.6(b)(2).

19 See 40 CFR §711.15(b)(1)-(b)(3).

20 Chemical substances that are subject to reporting under the Chemical Data Reporting (“CDR”) Rule are those that are on the TSCA Master Inventory File as of June 1, 2020, unless those substances are specifically excluded from reporting as provided in 40 CFR §711.6. To be subject to reporting under the CDR Rule, a chemical substance must be subject to TSCA. See the definition of “Chemical substance” in 40 CFR §710.3 (“Definitions”) on the following grey pages. Also see the TSCA Act Section 3 “Definitions.”
1. a certification statement signed and dated by an authorized official of the submitter company, certifying that the submitted information has been completed in compliance with the requirements of the CDR Rule, and that the confidentiality claims made on the Form U are true and correct;\(^ {21}\)

2. information regarding the company and plant site;\(^ {22}\)

3. the identity of each reportable chemical substance that was manufactured (including imported) at the site at or above the production volume threshold of 25,000 or 2,500 lbs.;\(^ {23}\)

4. a single amount representing the quantity of that substance that was produced, i.e., manufactured plus imported, at the reporting site during each of calendar years 2016-2019.\(^ {24}\)

The Following additional information is required to be submitted with respect to production that occurred at the reporting site during the principal reporting year, i.e., 2019:

1. the total annual domestically manufactured volume and the total annual imported volume must be separately reported,\(^ {25}\)

2. information as to the volume used on-site and the volume directly exported from the site,\(^ {26}\)

3. a designation indicating, for each imported reportable chemical substance at each reporting site, whether the imported substance was physically present at that site,\(^ {27}\)

4. a designation indicating, for each reportable chemical substance at each reporting site, whether the chemical substance was being recycled or otherwise used for a commercial purpose instead of being disposed of as a waste or included in a waste stream,\(^ {28}\)

5. the total number of workers reasonably likely to be exposed to each reportable chemical substance at each reporting site. For each reportable chemical substance at each reporting site, the submitter must select from among the ranges of numbers of workers listed in EPA’s Table 2 in 40 CFR §711.15(b)(3)(vii),\(^ {29}\)

6. information regarding the maximum concentration of each reportable chemical substance at the time it was sent off-site from each reporting site. If the chemical substance was site-limited, submitters must report the maximum concentration of the reportable chemical substance at the time it was reacted on-site to produce a different chemical substance. This information must be reported regardless of the physical form(s) in which the chemical substance was sent off-site/ reacted on-site. EPA’s Table 3 in 40 CFR §711.15(b)(3)(viii) provides codes for ranges of concentration from which submitters must select,\(^ {29}\)

\(^ {21}\) 40 CFR §711.15(b)(1).

\(^ {22}\) The information required includes the legal name and full street address of each site of manufacture and/or import, the six-digit NAICS code for the site, the legal name and address of the highest level parent company, the Dun & Bradstreet numbers of the highest level parent company and of the site, and the identification of a technical contact person who will be able to answer questions that EPA may have regarding the submitted information. 40 CFR §711.15(b)(2). The technical contact can be a different person for each Form U, or can be the same person for all Forms U if the submitting company desires.

\(^ {23}\) Chemical identity must be specified via either 1) CAS Registry Number (“CASRN”) and CA Index name, or 2) EPA TSCA Accession Number. Submitters reporting chemical substances that are listed on the confidential portion of the TSCA Inventory will need to report those substances using their TSCA Accession Numbers. Provisions are made for circumstances in which submitting companies are not aware of specific chemical identities and those identities have been claimed as confidential by the supplier. See 40 CFR §711.15(b)(3)(i).

\(^ {24}\) 40 CFR §711.15(b)(3)(iii). If the 25,000 lb. reporting threshold (2,500 lbs. for Low Volume Threshold Substances) is met or exceeded at a site during any one of the years 2016 through 2019, information is required to be submitted for all four calendar years with respect to that substance produced at that site, whether or not the 25,000 lb. or 2,500 lb. reporting threshold was exceeded at that site in any of the other three calendar years.


\(^ {26}\) 40 CFR §711.15(b)(3)(iv).

\(^ {27}\) 40 CFR §711.15(b)(3)(v).

\(^ {28}\) 40 CFR §711.15(b)(3)(vi).

\(^ {29}\) 40 CFR §711.15(b)(3)(viii).
7. the physical form(s) of the reportable chemical substance as it was sent off-site from each reporting site. If the chemical substance is site-limited, submitters must report the physical form(s) of the reportable chemical substance at the time it was reacted on-site to produce a different chemical substance. Submitters must report as many physical forms as are applicable, selecting from a list of physical forms that is provided by EPA in the CDR Rule, and

8. with respect to production in 2019, the percentage, rounded off to the closest 10%, of total production volume of the reportable chemical substance, reported in response to 40 CFR §711.15(b)(3)(iii), that was associated with each physical form that is reported.

B. Chemical-specific information relating to processing and use (“processing and use information”)

Persons who manufactured (including imported) a reportable chemical substance in an amount of 25,000 lbs. or greater (or 2,500 lbs. or greater for Low Volume Threshold Substances) at a single site during any of the years 2016, 2017, 2018, or 2019 must report certain additional information related to processing and use of that substance with respect to production at that site during 2019.

Persons who are subject to reporting processing and use information must report such information for each reportable chemical substance at sites under their control and at sites that receive a reportable chemical substance from the submitter directly or indirectly (including through a broker/distributor, from a customer of the submitter, etc.). If processing and use information is required to be reported, it must be reported for the principal reporting year only and only to the extent that it is known to or reasonably ascertainable by the submitter. Processing and use information required to be reported is limited to domestic (i.e., within the customs territory of the United States) processing and use activities. If information responsive to a given data requirement, including information in the form of an estimate, is not known or reasonably ascertainable, the submitter is not required to respond to the requirement.

Submitters are required to report the following types of processing and use information:

1. Industrial processing and use information
   A. A designation indicating the type of industrial processing or use operation(s) at each site that receives a reportable chemical substance from the submitter site directly or indirectly (whether the recipient site(s) are controlled by the submitter site or not). EPA has provided a table of codes for reporting the type of industrial processing or use operation.
   B. A code indicating the industrial sector(s) that best describe the industrial activities that are associated with each industrial processing or use operation reported under paragraph A. immediately above.
   C. For each industrial sector reported under paragraph B. immediately above, code(s) from Table 6 of the CDR Rule must be selected to designate the industrial function category(ies) that best represents the specific manner in which the chemical substance is used. Note that there is a choice whether to use OECD codes; however, for the 2020 CDR submission period, OECD-based codes are required for the 20 substances that were designated by EPA on December 30, 2019 as “high priority” for risk evaluation. Table 7 to 40 CFR

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33 EPA’s definition of “known to or reasonably ascertainable by” for purposes of CDR reporting is in 40 CFR §704.3.
34 40 CFR §711.15(b)(4) introductory text.
35 See 40 CFR §711.15(b)(4)(i)(A) for the specific regulatory requirements and see EPA’s “Table 4” which provides the codes for reporting industrial processing or use operations.
36 See 40 CFR §711.15(b)(4)(i)(B) for the specific regulatory requirements and EPA’s “Table 5” which provides the codes for reporting industrial sectors.
37 See 40 CFR §711.15(b)(4)(i)(C) for the specific regulatory requirements and EPA’s “Table 6” which provides the codes for reporting industrial function categories. A particular industrial function category may need to be reported more than once, to the extent that a submitter reports more than one industrial processing or use operation/sector combination that applies to a given industrial function category.
§711.15(b)(4)(i)(C) lists those 20 substances. OCED codes will be required for all substances beginning with the 2024 submission period.

D. The estimated percentage, rounded off to the closest 10 percent, of total production volume of the reportable chemical substance associated with each combination of industrial processing or use operation, sector, and function category.

E. For each combination of industrial processing or use operation, sector, and function category, the submitter must estimate the number of sites at which each reportable chemical substance is processed or used. For each combination associated with each chemical substance, the submitter must select from among the ranges of sites that are listed in Table 8 of the CDR Rule.38

F. For each combination of industrial processing or use operation, sector, and function category, the submitter must estimate the number of workers reasonably likely to be exposed to each reportable chemical substance, selecting from a table of ranges of numbers of workers..39

2. Consumer and commercial use information40

A. Submitters are required to use the applicable codes listed in Table 9 to paragraph (b)(4)(ii)(A) to designate the consumer and commercial product category(ies) that best describe the consumer and commercial products in which each reportable chemical substance is used (whether the recipient site(s) are controlled by the submitter site or not). Table 9 contains a Column A and a Column B. For 2020 CDR submissions, the codes in Column A must be used for chemical substances designated in 2019 as high priority for risk evaluation (those chemicals are listed in Table 7 to paragraph (b)(4)(i)(C)). The codes in either Column A or Column B can be used for chemical substances that are not listed in that Table 7. For the 2024 and future submission periods, only Column A in Table 9 may be used.41

B. For each consumer and commercial product category reported under paragraph (b)(4)(ii)(A), the applicable code(s) described in paragraph (b)(4)(i)(C) must be selected to designate the function category(ies) that best represents the specific manner in which the chemical substance is used.42

C. Submitters are required to indicate, within each consumer and commercial product category reported under paragraph (b)(4)(ii)(A), whether the use is a consumer or a commercial use.43

D. Submitters must determine, within each consumer and commercial product category, whether any amount of each reportable chemical substance manufactured (including imported) by the submitter is present in (for example, a plasticizer chemical substance used to make pacifiers) or on (for example, as a component in the paint on a toy) any consumer products intended for use by children age 14 or younger, regardless of the concentration of the chemical substance remaining in or on the product.44

E. Submitters are required to provide the estimated percentage, rounded off to the closest 10 percent, of the submitter's site's total production volume of the reportable chemical substance that is associated with each consumer and commercial product category.45

F. Where the reportable chemical substance is used in consumer or commercial products, submitters are required to estimate typical maximum concentration, measured by weight, of the chemical substance in each consumer and commercial product category reported under paragraph (b)(4)(ii)(A).46

38 See 40 CFR §711.15(b)(4)(i)(E) for the specific regulatory requirements, and see Table 8 “Codes for Reporting Numbers of Sites.”

39 See 40 CFR §711.15(b)(4)(i)(F) for the specific regulatory requirements.

40 Submitters are required to report “consumer and commercial use information” only to the extent that it is known to or reasonably ascertainable by the submitter. 40 CFR §711.15(b)(4) introductory text.

41 40 CFR §711.15 (b)(4)(ii)(A)

42 40 CFR §711.15 (b)(4)(ii)(B)

43 40 CFR §711.15(b)(4)(ii)(C)

44 40 CFR §711.15(b)(4)(ii)(D)

45 40 CFR §711.15(b)(4)(ii)(E)

46 40 CFR §711.15(b)(4)(ii)(F)
G. Where the reportable chemical substance is used in a commercial product, the submitter must estimate the number of commercial workers reasonably likely to be exposed to each reportable chemical substance.47

C. Reporting when more than one company is involved

1. Import Transactions

Import transactions frequently involve more than one entity. For instance, one company may arrange for the import of a chemical product, but the product may be shipped upon import directly to another company (its customer) without the first company taking physical possession of the product. These and other types of situations raise the question of which entity has responsibility for reporting imported chemical products under the CDR Rule. When two or more persons are involved in a particular import transaction and each person meets the Agency's definition of "importer" as set forth in 40 CFR §704.3, those persons may determine among themselves who should submit the required report; if no report is submitted as required under the CDR Rule, EPA intends to hold each such person liable for failure to report.48

2. Toll Manufacturing ("co-manufacturing")

The CDR Rule requires that only one report per site be submitted regarding each chemical substance that is subject to reporting. However, EPA has stated that both the contracting company and the producing company are liable if no report is made. When a company contracts with a producing company to manufacture a chemical substance, and each party meets EPA's definition of "manufacturer" as set forth in 40 CFR §711.3, reporting of the co-manufactured chemical can be performed by one of the following methods:

(1) The contracting company initiates the required report for that site as the primary submitter. The contracting company must indicate on the report that this is a co-manufacturing situation, notify the producing company, and record the production volume domestically co-manufactured as set forth in §711.15(b)(3) and processing and use information set forth in §711.15(b)(4). Upon notification by the contracting company, the producing company must also record the production volume domestically co-manufactured and complete the rest of the report as prompted by e-CDRweb.

(2) Upon written agreement between the contracting company and the producing company, the producing company completes the full report for the co-manufactured chemical. The contracting company supplies the information not otherwise known to or reasonably ascertainable by the producing company.

D. Previously Reported Information

Any person who is subject to the requirements of the CDR Rule who previously has complied with reporting requirements of a rule under TSCA Section 8(a) by submitting the information described in 40 CFR §711.15 for a chemical substance described in 40 CFR §711.5 to EPA, and has done so within 1 year of the start of a submission period, is not required to report again on the manufacture of that chemical substance at that site during that submission period.

E. Claiming Confidentiality of Reported Information

In its effort to make more data on chemical production and use available to the general public, and to conform with the requirements of the 2016 Lautenberg amendments to TSCA, the USEPA has tightened its requirements with respect to making certain claims of business confidentiality regarding information that is submitted pursuant to the CDR Rule. The following principles apply:49

1) Any person submitting information pursuant to the CDR Rule may assert a claim of business confidentiality for the information at the time it is submitted except for:

   a) chemical identities that are listed on the public portion of the TSCA Inventory
   b) certain processing and use data elements
   c) when a response is left blank or designated as "not known or reasonably ascertainable."

2) Any such confidentiality claims must be asserted at the time that the information is submitted.

48 40 CFR §711.22(b).
49 See 40 CFR §711.30 for the precise regulatory requirements. Submitters of information under the CDR Rule are encouraged to consult with legal counsel regarding their rights and responsibilities regarding claiming confidentiality of submitted information.
3) The claims apply only to the information submitted with the claim.
4) With only a few very limited exceptions, all confidentiality claims must be substantiated at the time of submission by answering several specific questions and providing required information. See 40 CFR §711.30.
5) All information that is claimed as confidential, including information contained in the answers to questions substantiating claims of confidentiality, must be clearly identified.
6) An authorized official representing a person asserting a claim of confidentiality must certify that the submission complies with all requirements by signing and dating a specified certification statement.
7) A submitter may assert a claim of confidentiality for a site, company, or technical contact identity to protect the link between that information and the reported chemical substance. Such claim may be asserted only when the linkage of that information to a reportable chemical substance is confidential and not publicly available.
8) With respect to processing and use information, a submitter may assert a claim of confidentiality for certain data elements to protect the link between that information and the reported chemical substance. Such a claim may be asserted only when the linkage of that information to a reportable chemical substance is confidential and not publicly available.

See 40 CFR §711.30 “Confidentiality claims” for the regulatory text of requirements for claiming confidentiality.

F. Recordkeeping Requirements

Each person who is subject to the CDR reporting requirements is required to retain records that document any information reported to EPA. Records relevant to reporting during a submission period must be retained for a period of 5 years beginning on the last day of the submission period. EPA encourages submitters to retain their records longer than 5 years to ensure that past records are available as a reference when new submissions are being generated.50

G. How to submit CDR Rule Reports

Submitters must use e-CDRweb51 to complete and submit EPA’s “Form U”. All CDR Rule submissions must be sent electronically to EPA via CDX.52

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50 40 CFR §711.25.
51 e-CDRweb is the electronic web-based tool that is provided by EPA for completion and submission of CDR data.
52 “CDX” or “Central Data Exchange” is EPA’s centralized electronic document receiving system.