

TSCA Chemical Data Reporting

Fact Sheet: Reporting Thresholds

This fact sheet provides information for persons who may be subject to the Chemical Data Reporting (CDR) rule about regulatory reporting thresholds that are applicable to the reporting period. For example, in 2020, manufacturers must consider production volume from 2016 to 2019 as well as the effect of certain TSCA actions on reporting thresholds when determining whether to report.

The primary goal of this document is to help the regulated community comply with the requirements of the CDR rule. This document does not substitute for the rule, nor is it a rule itself. It does not impose legally binding requirements on the regulated community or on the U.S. Environmental Protection Agency (EPA).

The CDR rule, issued under the Toxic Substances Control Act (TSCA), requires manufacturers (including importers) to give EPA information on the chemicals they manufacture domestically or import into the United States. EPA uses the data, which provides important screening-level exposure related information, to help assess the potential human health and environmental effects of these chemicals. EPA makes the non-confidential business information it receives available to the public.

Reporting guidelines for a given chemical at a single site

Reporting total annual production volume:

If... The annual production volume meets or exceeds the reporting threshold 25,000 lbs for any of the calendar years since the last principal reporting year (e.g., for 2020 CDR, any year 2016 – 2019),

Then... Report the total annual production volume (domestically manufactured plus imported volumes) for **every** year since the last principal reporting year (e.g., for 2020 CDR, all years 2016 – 2019) (40 CFR 711.15(b)).

- **Note on reduced reporting thresholds:** For some chemicals that are the subject of certain TSCA actions, reporting is required if the annual production volume meets or exceeds the reporting threshold of 2,500 lbs (1,134 kg) (40 CFR 711.8(b)). The following TSCA actions trigger the reduced reporting threshold:
 - A rule proposed or promulgated under TSCA sections 5(a)(2), 5(b)(4), or 6;
 - An Order in effect under TSCA sections 4, 5(e) or 5(f); or
 - Relief that has been granted under a civil action under TSCA section 5 or 7.
- For more information see the related CDR Fact Sheet: [TSCA Chemical Data Reporting Fact Sheet: Chemical Substances which are the Subject of Certain TSCA Actions](#).

Reporting manufacturing, processing, and use information:

Report the full manufacturing, processing and use information for the principal reporting year

only (e.g., for 2020 CDR, full information for 2019 only).

- Existing exemptions from reporting information relating to processing and use activities are available under 40 CFR 711.6(b). See the chemical list in Appendix C of the Instructions for Reporting.

Application of the reporting requirements in different scenarios¹

1. A company produces a chemical that is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b). At a site, the chemical was produced in amounts of 30,000 lbs in 2016 and 50,000 lbs in 2018. It was only produced in amounts of 10,000 lbs in 2017 and 5,000 lbs in 2019. What are the reporting obligations for the 2020 CDR?

The 25,000 lbs threshold would be applicable because the chemical is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b). Since the threshold was exceeded at least once between 2016 and 2019 (in this case, in 2016 and 2018), the company would be subject to reporting the total production volumes for 2016, 2017, 2018, and 2019. For the principal reporting year of 2019, the company would report additional manufacturing, processing, and use data based on the 5,000 lbs it produced that year.

2. A company begins producing a chemical in 2016. The chemical is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b). The production volumes at the site are 2,000 lbs in 2016, 25,000 lbs in 2017, and no production for 2018 or 2019. What are the company's reporting obligations for the 2020 CDR?

The 25,000 lbs threshold would be applicable because the chemical is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b). Since the 25,000 lbs threshold was met in 2017, the company would be subject to reporting the total production volumes for 2016, 2017, 2018, and 2019. Because the production volume in 2019 (the primary reporting year) is 0 lbs, there is no manufacturing, processing, and use data to report.

3. A company manufactures a chemical that is subject to a TSCA section 4 test rule with a sunset date of June 30, 2020. The chemical is not the subject of any of the TSCA actions listed in 40 CFR 711.8(b). What is the reporting threshold for the chemical for the 2020 CDR?

The chemical is subject to the 25,000 lbs reporting threshold, because a TSCA section 4 test rule is not a TSCA action which triggers use of the reduced reporting threshold (i.e., it is not one of the actions listed in 40 CFR 711.8(b)).

4. A company manufactures a chemical that is subject to a TSCA section 4 Order that was put in place on January 15, 2020. What is the reporting threshold for the chemical for the 2020 CDR?

The 2,500 lbs threshold would be applicable because as of the beginning of the submission period (e.g., for 2020 CDR, June 1, 2020), the chemical is the subject of a TSCA section 4 Order.

¹ Years given in these scenarios are used only as examples for the particular submission periods.

5. A TSCA section 5(a)(2) significant new use rule (SNUR) is issued for a chemical in 2014. A company produced this chemical in volumes of 1,000 lbs in 2016, 10,000 lbs in 2017, 5,000 lbs in 2018, and 2,000 lbs in 2019. What is the reporting threshold for the chemical?

The 2,500 lbs threshold would be applicable because as of the beginning of the submission period (e.g., for 2020 CDR, June 1, 2020), the chemical is the subject of a TSCA section 5(a)(2) SNUR. Because the 2,500 lbs reporting threshold was exceeded at least once between 2016 and 2019 (in this case in both 2017 and 2018), the company would report total annual production volume for each year from 2016 through 2019, and would report additional manufacturing and processing and use data for the principal reporting year 2019 based on the 2,000 lbs that the company produced that year.

6. A company submitted a Notice of Commencement for a chemical in 2017, and EPA added the chemical to the TSCA Inventory in 2017. A TSCA Section 5(a)(2) SNUR was also issued for this chemical in 2017. If there was manufacture of the chemical in 2016, would the 2016 volume be subject to reporting? What is the reporting threshold for the chemical?

The chemical is not subject to CDR reporting unless it is listed on the TSCA Inventory. However, the TSCA Inventory status of the chemical is evaluated “at the beginning of [the] submission period” (40 CFR 711.5). Since the chemical was listed on the TSCA Inventory as of the beginning of the submission period (e.g., for 2020 CDR, June 1, 2020), the chemical is subject to reporting in the 2020 CDR. Note that production volume for 2017 must be considered, and potentially reported, even though the chemical was not listed on the TSCA Inventory in 2017.

As of the beginning of the submission period, the chemical is the subject of a TSCA section 5(a)(2) SNUR. Therefore, a reduced reporting threshold of 2,500 lbs would be applicable. If the production volume meets or exceeds 2,500 lbs in at least one year from 2016 to 2019, then production volume must be reported for each of those four years.

7. A TSCA section 5(a)(2) SNUR was issued for a chemical in 2016 and revoked in February 2018. The chemical is not currently the subject of any of the TSCA actions listed in 40 CFR 711.8(b). What is the reporting threshold for the chemical for the 2020 CDR?

The 25,000 lbs threshold would be applicable because as of the beginning of the submission period on June 1, 2020, the SNUR is no longer in effect. If the production volume meets or exceeds 25,000 lbs in at least one year from 2016 to 2019, then production volume must be reported for each of those four years.

8. A proposed TSCA section 5(a)(2) SNUR for a chemical is published in the Federal Register on August 1, 2021. The chemical is not currently the subject of any of the other TSCA actions listed in 40 CFR 711.8(b). What is the reporting threshold for the chemical for the 2020 CDR?

The 25,000 lbs threshold would be applicable because as of the beginning of the 2020 submission period on June 1, 2020, the chemical is not the subject of a proposed or promulgated SNUR. Publication of the SNUR after June 1, 2020 would not cause the 2020 CDR reporting threshold to change during the 2020 submission period.

9. A TSCA section 5(a)(2) SNUR is proposed for a chemical in November 2018, with an expectation that all uses will be phased out by December 2019. Is the chemical subject to 2020 CDR reporting?

The 2,500 lbs threshold would be applicable in any year from 2016 through 2019, because at the beginning of the submission period on June 1, 2020, the chemical is listed on the TSCA Inventory and a proposed SNUR has been published. Even if a company phases out manufacture of the chemical by December 2019, if the company manufactured 2,500 lbs or more of the chemical in 2016, 2017, 2018, or 2019, the company would be subject to all reporting. However, if the manufacture and uses of the chemical ended by December 2019 and if the company did manufacture 2,500 lbs or more of the chemical in 2016, 2017, or 2018, then the company would report production volume for those three years, but for 2019 would report a production volume of zero and would not need to report any extra manufacturing information or processing and use information.

For further information:

To access copies of additional fact sheets and other CDR information, log onto www.epa.gov/cdr.

If you have questions about CDR, you can contact the TSCA Hotline by phone at 202-554-1404 or e-mail your question to eCDRweb@epa.gov.