



Reporting Requirements for the Mercury Inventory of the Toxic Substances Control Act (TSCA)

OFFICE OF POLLUTION PREVENTION AND TOXICS



Overview

1. What is the Mercury Inventory Reporting Regulation?
2. How Will EPA Use My Information?
3. Who Must Report?
4. What Information Is Required?
5. How Do I Comply?
6. When Do I Need to Submit Information?
7. Where Can I Find More Information?

What is the Mercury Inventory Reporting Regulation?

The Frank R. Lautenberg Chemical Safety for the 21st Century Act (2016), which amends the Toxic Substances Control Act (TSCA), requires EPA to triennially publish an “inventory of mercury supply, use, and trade in the United States.”

Amended TSCA:

- Defines mercury for the purpose of this reporting, as both “elemental mercury” and “a mercury compound.”
- Directs EPA to:
 - Identify any manufacturing processes or products that intentionally add mercury;
 - Recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use; and
 - Coordinate with the Interstate Mercury Education and Reduction Clearinghouse (IMERC) to avoid duplication.
- Authorizes EPA to develop a reporting rule to collect information.

What is the Mercury Inventory Reporting Regulation?

- The final rule published on June 27, 2018.
- Reporting requirements under the final rule apply to “any person” who:
 - Manufactures (including imports) mercury;
 - Manufactures (including imports) mercury-added products; and/or
 - Otherwise intentionally uses mercury in a manufacturing process.
- An initial inventory published in the Federal Register on March 29, 2017.
 - Initial inventory noted data gaps with currently available information.
 - Starting in April 2020, the publication of triennial inventories will be supported by the information collected via the reporting rule.

How Will EPA Use My Information?

- EPA will compile the information from submitters to estimate total quantities of mercury in supply, use, and trade in the United States.
 - This information is expected to assist in producing the triennial inventories.
- Interpretations of “supply, use, and trade” under the final rule:



Supply – Manufactured or stored mercury.



Use – Mercury used to manufacture mercury-added products or in other manufacturing processes.



Trade – Mercury or mercury-added products that were imported, exported, or distributed in commerce.

- In general, you must report mercury information to EPA if your company did any of the following with any amount of mercury for the purpose of obtaining an immediate or eventual commercial advantage:
 - Manufactured (recovered) or imported mercury;
 - Manufactured or imported a mercury-added product; and/or
 - Otherwise intentionally used mercury in a manufacturing process.
- Companies, organizations, and individuals who report on mercury to the EPA Chemical Data Reporting (CDR) program or to IMERC during an EPA mercury inventory reporting year must also report.
 - However, the mercury inventory reporting requirements and the Mercury Electronic Reporting (MER) application are designed to prevent overlapping reporting to the extent feasible.

Persons do not need to report who:

- Do not first manufacture, import, or otherwise intentionally use mercury (e.g., distributors, retailers);
- Generate, handle, or manage mercury-containing waste, unless they recover (e.g., manufacture) mercury from the waste;
- Are “domestic product assemblers” who assemble a product in the United States that contains a component that is a mercury-added product and who did not first manufacture or import that component;
- Are “assembled product importers” who import a product that contains a component that is a mercury-added product;
- Manufacture mercury as an impurity; and/or
- Engage in activities not for the purpose of obtaining an immediate or eventual commercial advantage.

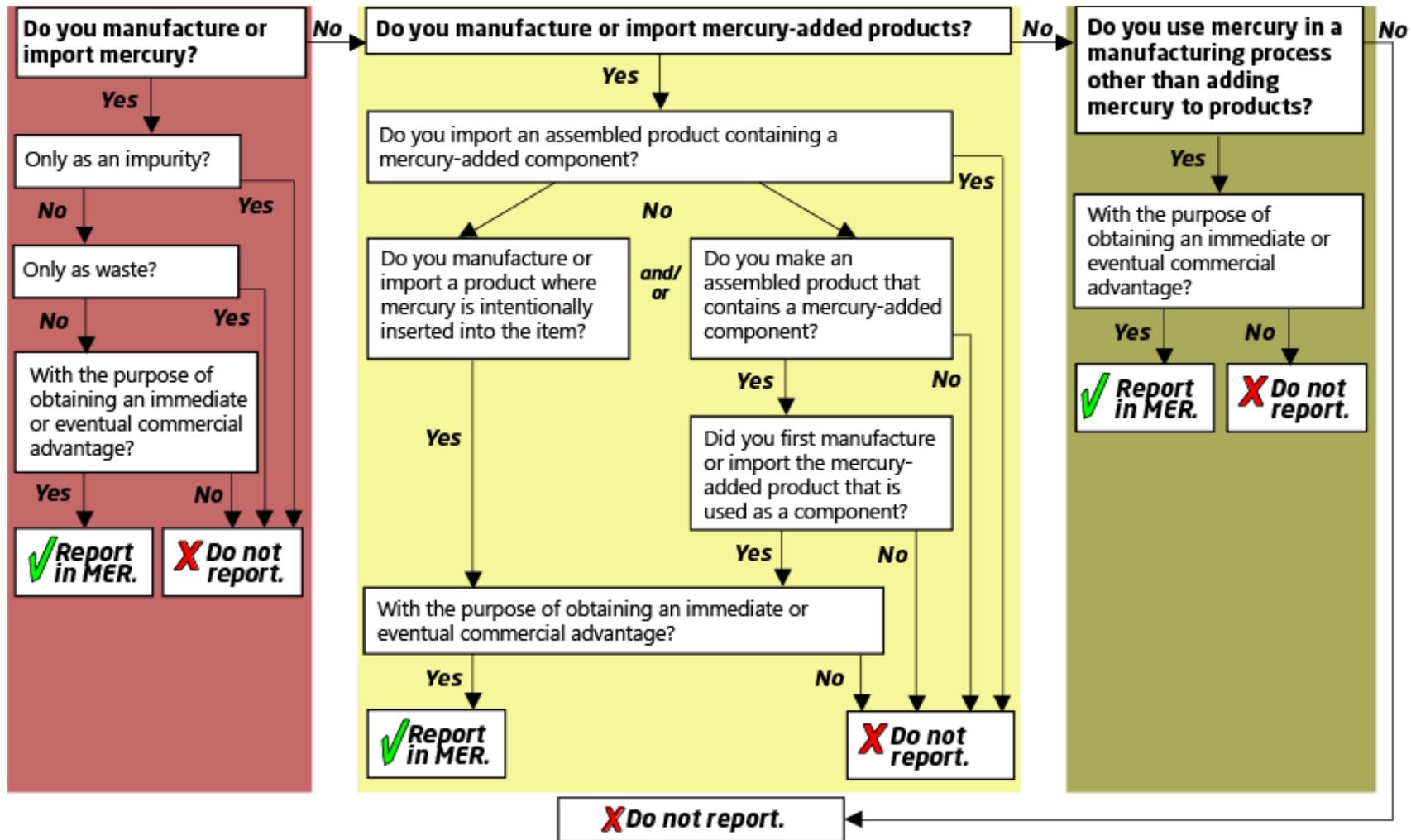
Some examples of persons who must report:

- Mining companies that produce elemental mercury as a byproduct of gold refining and store the mercury as a commodity;
- Waste treatment companies that recover elemental mercury from waste and sell it;
- Commodities brokers in the United States that import elemental mercury and sell it in the United States;
- Chemical manufacturers that manufacture mercury chloride and use it to make another chemical compound;
- Importers of mercury-added batteries using mercury; and
- Companies that use mercury during the polyurethane elastomer manufacturing process.

Some examples of persons who do not report include:

- Companies that recover elemental mercury in the process of clearing natural gas pipelines then manage the elemental mercury as a waste;
- Producers of industrial inputs that include trace amounts of elemental mercury (e.g., coal ash that is beneficially used);
- Companies that import consumer electronics devices with displays lit by fluorescent bulbs; and
- Power plants that use mercury thermometers.

Who Must Report?



What Information Is Required?

Data required to be reported include:

- Amount of mercury produced, imported, stored, used, sold, or exported (no matter how small the amount);
- Types of mercury-added products made;
- Types of manufacturing processes and how mercury is used;
- Business sectors to which mercury or mercury-added products are sold;
- Country of origin of imported mercury or mercury-added products; and
- Destination country for exported mercury or mercury-added products.

What Information Is Required?

What Information Do I Report as a Mercury Manufacturer or Importer?	
For mercury manufacturers and importers who do not report to CDR:	For mercury manufacturers and importers who report to CDR:
Amount of mercury manufactured (lbs.)	<i>N/A - No reporting required</i>
Amount of mercury imported (lbs.)	<i>N/A - No reporting required</i>
Countries of origin for imported mercury	
Amount of mercury exported (lbs.)	<i>N/A - No reporting required</i>
Countries of destination for exported mercury	
Amount of mercury stored (lbs.)	
Amount of mercury distributed in commerce (lbs.)	
North American Industry Classification System (NAICS) codes for mercury distributed in commerce	
As applicable, identify mercury compound(s)	<i>N/A - No reporting required</i>

What Information Is Required?

Manufacturers & Importers of Mercury-Added Products

What Information Do I Report as a Manufacturer or Importer of Mercury-Added Products?	
For product manufacturers and importers who do not submit mercury information to IMERC:	For product manufacturers and importers who submit mercury information to IMERC:
Amount of mercury in manufactured products (lbs.)	
Amount of mercury in imported products (lbs.)	
Countries of origin for imported products	
Amount of mercury in exported products (lbs.)	
Countries of destination for exported products	
Amount of mercury in products distributed in commerce (lbs.)	<i>N/A - No reporting required</i>
NAICS codes for products distributed in commerce	
As applicable, identify product categories and subcategories	

What Information Do I Report as a Manufacturer that Uses Mercury?

For manufacturers who use mercury other than to make mercury compounds or mercury-added products:

Identify manufacturing process

Identify use of mercury in manufacturing process

Amount of mercury intentionally used (lbs.)

Amount of mercury stored (lbs.)

Countries of destination for exported final products

NAICS codes for mercury in final products distributed in commerce

How Do I Comply?

Submit information to EPA.

- Each company subject to the reporting requirements must report to EPA via the MER application through EPA's Chemical Data Exchange (CDX) at cdx.epa.gov.
- Information must be submitted during the appropriate reporting cycle and can be reported as confidential business information (CBI).

Keep records.

- Each company subject to the reporting requirements must retain records that document any information reported to EPA.
- Records relevant to a reporting year must be retained for a period of 3 years beginning on the last day of the reporting year.
- Submitters are encouraged to retain their records longer than 3 years.

When Do I Need to Submit Information to EPA?

Each company subject to the reporting requirements must report for activities during the designated calendar year once every three years.

Calendar Year 2018			
Reporting	Reporting Deadline	Recordkeeping	Recordkeeping Deadline
Submit mercury information for calendar year 2018	July 1, 2019	Retain records that document information reported in EPA's MER application for reporting year 2018	At least three years following the end of reporting year <i>December 31, 2021</i>
Calendar Year 2021			
Reporting	Reporting Deadline	Recordkeeping	Recordkeeping Deadline
Submit mercury information for calendar year 2021	July 1, 2022	Retain records that document information reported in EPA's MER application for reporting year 2021	At least three years following the end of reporting year <i>December 31, 2024</i>
Calendar Year 2024			
Reporting	Reporting Deadline	Recordkeeping	Recordkeeping Deadline
Submit mercury information for calendar year 2024	July 1, 2025	Retain records that document information reported in EPA's MER application for reporting year 2024	At least three years following the end of reporting year <i>December 31, 2027</i>

Where Can I Find More Information?

Visit EPA's Mercury Inventory Reporting Rule Page:

www.epa.gov/mercury/reporting-requirements-mercury-inventory-toxic-substances-control-act.

Find frequent questions on the final rule:

www.epa.gov/mercury/frequent-questions-about-epas-mercury-inventory-reporting-rule.

Read the compliance guide supporting rule requirements:

www.epa.gov/mercury/resources-mercury-inventory-reporting-rule.