



Regulatory Briefing

TSCA Inventory Update Rule Reporting

July 2006

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Overview

Every four years, companies that either manufacture or import chemicals or mixtures of chemicals on the “TSCA List” must report their activities. The current year, 2006, is a reporting year in which activities during the previous calendar year (2005) need to be evaluated and reported, if TSCA thresholds are exceeded.

The reporting requirement, referred to as the “**Inventory Update Rule**”, or IUR, is only one of several requirements in the Toxic Substances Control Act (TSCA) enacted in 1985. The IUR requirements are the most broadly applicable of all the TSCA requirements.

This Regulatory Update provides some basic information on how the IUR applies, and some of the challenges to on-going compliance, with special emphasis on companies that import chemicals and chemical materials.

Challenges to TSCA IUR Compliance

Historically, compliance with TSCA and the IUR requirements has been a continuing challenge for facilities. Compliance audits will commonly identify findings related to TSCA, and TSCA is one of the most prevalent areas for enforcement action, fines & penalties.

It is somewhat speculation to project why on-going TSCA compliance tends to be more difficult; however, there are some factors which may be an influence:

IUR reporting is required infrequently. IUR reporting has been required every four years (which has been changed to every five years in the future). Without some type of “institutionalized” compliance system, staff changes, etc. can result in loss of the institutional knowledge on reporting requirements.

(continued)

*IUR Report augments, but **does not replace** other similar reporting requirements such as:*

Toxic Release Inventory (TRI)
EPCRA 311/312

Compliance Challenges (cont)

There is no State equivalent to TSCA. Many facilities rely on State or local agencies for compliance updates and information. Because TSCA is not delegated to States, as are many other programs, it tends to become less visible.

Other sections of TSCA regulate the manufacture, import, use & disposal of several specific chemicals including:

PCBs

Asbestos

Lead in Paints

Some Dioxins/Furans

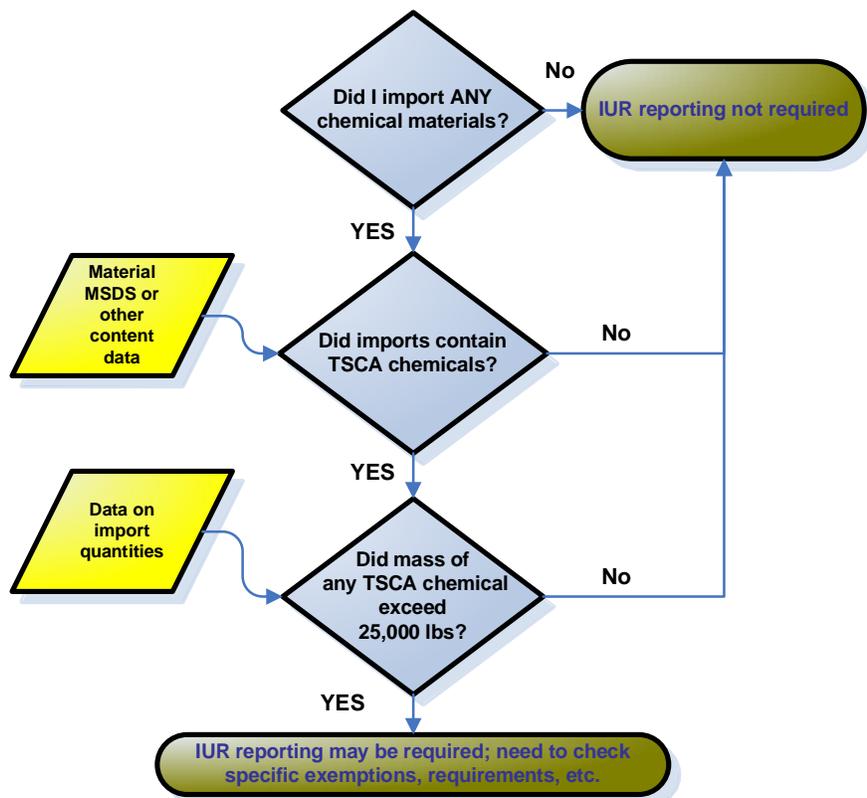
CFCs

Importers of chemicals are equivalent to manufacturers of chemicals. Companies that manufacture chemicals tend to be well versed in TSCA compliance. However, companies that import chemicals have the same reporting requirements. Since suppliers can change, companies can become importers, and potentially subject to IUR, very easily.

Effect of centralized/decentralized purchasing. For companies that utilize a centralized purchasing system for multiple sites, the centralized purchasing site becomes the “reporting site”. Even if the amount of TSCA chemicals shipped to individual sites are all well below the reporting threshold, the total amount imported by the central purchasing site becomes the basis for determining if an IUR report is required.

Determining Applicability

The current threshold for IUR reporting is 25,000 lbs of TSCA chemical manufactured and/or imported in calendar year 2005. For a typical “importer”, a logical process to determine applicability could be:



What Do I Need To Report?

To determine reporting requirements, it may be best to first determine **which locations** within the organization need to report. IUR reporting is based on locations - each location within the organization that exceeds the reporting threshold must report. If some locations within the organization exceed the threshold and others do not, only those that exceed need to be reported.

In determining the appropriate locations to report, it is important to consider who within the organization actually arranged for the import of chemicals. If a central purchasing department arranged for the imports delivered to multiple facilities, the purchasing department may be the reporting location, rather than the individual sites receiving the chemical. In this case, the total amount of TSCA chemical imported by the department

would be the basis for comparing to the 25,000 lb threshold.

Receiving reports has become automated and the submission of electronic reports is preferred by USEPA. For each reporting facility, Form U must be submitted for each TSCA chemical that requires reporting.

For facilities that manufacture and/or import larger quantities of TSCA chemicals (greater than 300,000 lbs in 2005), there are additional reporting requirements apply.

TSCA IUR Reports can be submitted to USEPA between August 25 and December 23, 2006.

Useful Links

You can get more information on the TSCA IUR reports through these links:

<http://www.epa.gov/oppt/iur/index.htm>

-this page provides USEPA summary of the IUR

http://www.epa.gov/oppt/iur/pubs/tsca_cheminv_database.pdf

-this is a DRAFT reporting instruction manual for 2006.

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-24196.pdf>

-on December 19, 2005, USEPA published some revisions to the IUR requirements.

Regulatory Briefings are published periodically by Caltha to highlight new or proposed environmental, health & safety regulations

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TSCA Reporting Technical Services

Caltha provides expert consulting and staffing services to assist chemical manufacturers and imports with TSCA reporting, including

- **SNUR reporting**
- **Inventory Update Reporting rule compliance**
- **Developing chemical tracking systems**

TSCA Services Website:

http://www.calthacompany.com/?page_id=35