

## ACC/OMB Meeting: Inventory Update Reporting (IUR) February 3, 2011

ACC submitted extensive comments to the Agency in October 2010 on the TSCA Inventory Update Reporting (IUR) Modifications Proposed Rule (copy provided).

ACC and its members are committed to enhancing the chemical health and safety information provided to EPA on chemicals in commerce. This information provides an important basis for EPA to screen and prioritize chemicals in commerce for additional review. We support the Agency's effort to improve the Inventory Update Reporting (IUR) process but believe the proposed rule can be improved by providing adequate timing for implementation and phasing-in several of the reporting requirements to address concerns with the timing and practicality of the proposed modifications and its resulting impact on data quality.

In light of the President's recent Executive Order on Improving Regulation and Regulatory Review (January 18) – OMB Director Jack Lew stated: "We believe that it is particularly critical now, as our economy continues to recover and create new jobs, that our regulatory strategy be as evidence-based, predictable, cost-effective and carefully targeted as possible to enable American businesses to continue to grow and innovate." ACC agrees.

Specifically, ACC believes that EPA significantly underestimated the effort and resources (4-6x more) required to collect, organize, verify and report IUR data. ACC has concerns with certain proposed modifications and recommended the following:

- 1) **Timing of Submission Period (June 1 – September 30, 2011)** - Extend the reporting schedule and tie it into the effective date of the final IUR rule. The first deadline for submission of 2011 IUR reports should be due no earlier than nine to twelve months after the final rule is published.
  - EPA states (V.1., p. 49676) – *"EPA anticipates promulgating a final rule by the spring of 2011. Recognizing that this would be shortly before the next scheduled submission period... EPA is considering changing the existing 2011 submission period to another 4-month period later in 2011."*
  - Electronic reporting - need more time for interface and validation of e-IURweb reporting tool with company systems.
  - Provide adequate timing for clarification and issuance of guidance documents
  - By contrast, extensive changes made in 2006 IUR reporting cycle were made final in 2003; and were followed by a series of EPA workshops spanning the two years prior to the reporting deadline
- 2) **Retroactive Reporting for Production Volumes (2006-2009)** - EPA should drop the proposed retroactive reporting of production/import volume data from 2006-2009. ACC supports periodic reporting of annual production and import volumes beginning with the next principal reporting year.
  - No prior requirement to collect data from the years between IUR submission periods – 2010 data only
  - Company enterprise systems not in place to capture the data
  - This is especially problematic for imported mixtures
  - This is the most resource intensive with the least benefit – high cost/low benefit
- 3) **Elimination of 300,000 lb. Threshold for Processing and Use Information** - EPA should allow for phased-in approach for reporting processing and use information:
  - a. Substances manufactured or imported at 300,000 lbs. or more would be reported within nine to twelve months after implementation of the final rule;
  - b. Substances manufactured or imported between 25,000 lbs. and 300,000 lbs. would be partially exempted from having to report in 2011, and instead would report in the next reporting cycle in 2015.
  - When EPA provided the inorganic chemical sector an exemption from process and use reporting in 2006, the Agency acknowledged the need to allow time for entities new to IUR reporting to become acquainted with the regulations.
  - EPA should allow for additional time for reporting on certain regulated substances and consider establishing a de minimis threshold.

ACC also provided comments on the electronic reporting, changes to the reporting standard, complexity of imported mixtures, expansion of the use reporting codes, and upfront substantiation of CBI claims.