EPA

Moderator: Tracy Williamson
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OPERATOR: This is Conference # 85463398.

Operator: Good afternoon, thank you for standing by and welcome to the TSCA Inventory Active – Inactive Rule, Discussion in Application Demo Conference Call. All lines have been placed on mute to prevent any background noise.

After the speakers' remarks there will be a question and answer session. If you would like to ask a question, you may do so by pressing star then the number 1 on your telephone keypad. If you would like to withdraw your question press the pound key. Thank you.

Ms. Tracy Williamson, you may begin your conference.

Tracy Williamson: OK, thank you. This is Tracy Williamson, I'm the chief of the industrial chemistry branch in the Office of Pollution Prevention and Toxics at EPA. Welcome to today's webinar, this is our third webinar. This is the last webinar we actually have scheduled but just for your information, we have had some recent requests to possibly provide some additional webinars in the future before the reporting, the first phase of the reporting period ends in February so we are looking into doing that.

On the first this first primary slide, we have a list of acronyms, this is really just for informational purposes. We are – we've been hoping to post these slides on our website, the TSCA inventory website. We're still looking into doing that as well as transcripts from the last and hopefully this current

webinar. So please monitor our website, we'll have links at the end of this presentation and contact information, and hopefully we'll have some additional information posted in the near future.

So again these slides for – of acronyms are just the more commonly used acronyms for this particular TSCA inventory reporting rule. So the agenda for today, we are going to cover – to cover the reporting requirements of the rule that was published in August. This is basically the who, what, when, why and how. So we'll spend quite a bit of the time for the presentation covering the actual reporting requirements.

We are going to be talking also about confidential business information, on how that should be reported. And then we're going to have a demonstration of the electronic reporting application and then there will be time for questions and answers. We're hoping for the presentation to be between maybe an hour and an hour and a half, and then the remainder of the time will be for questions and answers.

We are not going to take a break, so we do suggest that you know folks participating do take a break at your end when you need to, but we will not be providing a formal break during this webinar. So a brief overview and this is the why, of course begins with the enactment of the Frank Lautenberg Chemical Safety for the 21st Century Act in 15 U.S. Code Chapter 53. This is amended TSCA, and it was enacted on June 22nd, 2016.

The sections that are primarily relevant to what we're going to be talking about today are TSCA sections 8(b) (4) and TSCA section 8(b) (5). 8(b) (4) mandated that EPA promulgate a rule and this is the TSCA inventory notification act of enacted requirements rule promulgated at 40 CFR 710.

This was published in August, August 11th of this past summer. And what were the sections in that 710 are Subpart B that's the commercial activity notification that's a new subpart under 710 so that provides the regulatory text for this rule. And the link, there is a link there to that rule published in the Federal Register.

Going back to the statute briefly, TSCA section 8(b) (4)(a), states that in general not later than one year after June 22nd, 2016 again the enactment of the Lautenberg Act, the administrator by role shall require manufacturers and may require processors to notify EPA not later than 180 days after the date on which the final rule is published in the Federal Register.

And manufacturers and maybe processors are required to notify EPA of each chemical substance on the TSCA inventory that were manufactured or processed as applicable during the 10 year reporting period that ended on June 21st, 2016.

So that's really the key mandate in the statute is it requiring again EPA to promulgate a rule requiring this retrospective reporting. And we do refer to this particular mandate as the retrospective reporting requirement, we also refer to it as notice of activity Form A reporting. Section 8(b) (4)(a) does go on to talk about what happens after the reporting, 8(b) (4)(a) (2) talks about active substances and says that the administrator shall designate chemical substances for which notices are received to be active substances on the TSCA inventory.

Talks also about inactive substances; the administrator shall designate substances for which no notices are received – again this is from the retrospective reporting – to be inactive substances on the TSCA inventory. It does go on to talk about a limitation and we did have some questions about this early on after the rule was promulgated. We haven't received questions since but it's still important as a reminder that no chemical substance on the list on the TSCA inventory shall be removed from the list.

So we did again have questions about whether a substance if it's not reported whether it's actually going to be removed from the inventory. No chemicals are being removed from the inventory, they will be designated active if they were – if they were reported during the retrospective reporting. If no – if they are not reported, they will be designated inactive.

Some additional related questions, we've had questions about whether pre-manufacture notice is required for an inactive substance, and a pre

manufacture notice is not required. The chemical stay on the inventory so no PMN under TSCA section 5 is required. There is the future reporting requirement and that's the requirement that then will involve persons that want to put an inactive chemical back into commerce, allow them to notify EPA so that we can switch the designation from inactive to active.

So again we're going to get into all of these specifics in a minute, but again a little bit more background. So TSCA section 8(b) (5)(b) is the passage in this statute that talks about changing the status of the chemical what I just mentioned; if a chemical is an inactive substance, persons are required to notify EPA when they intend, anticipate putting that chemical back into commerce, and they must notify EPA prior to the date that they intend to put that chemical back into U.S. commerce.

So this is again what we refer to as the future reporting requirement and we also refer to it as a notice of activity Form B reporting requirement. And again as I mentioned upon receiving a notice from a person this form notice of activity Form B or future reporting notice, we will change the designation of that chemical on the inventory from inactive to active. On this slide are the implementing regulations again this is 40 CFR Subpart B, this is the new subpart I mentioned that describes the commercial activity notifications.

The new law only required EPA to promulgate a rule for retrospective reporting, but EPA finalized the rule with requirements for future reporting as well because we had proposed to have some structure to that future reporting as well that included things like required electronic reporting and other – other considerations that again we'll get into in a minute. So I'm not going to go through the system in detail, but again these are the sections under 710 Subpart B that spell out the requirements for both the retrospective and the future reporting.

OK, now a little bit more detail about retrospective reporting, again we call this notice of activity or NOA Form A reporting. In terms of what is reported, chemical substances on the TSCA inventory that were in U.S. commerce for non-exempt purpose during the 10 year period ending on June 21st, 2016, those are the chemical substances that are reported. In terms of who reports

manufacturers and that includes importers are required to report and that is by statute. The statute indicated that EPA may require processors to report.

EPA proposed and finalized the rule not requiring processors to report but by rule we had finalized such that processors may report. So reporting is voluntary for processors, but it is mandatory by statute for manufactures and manufacturers under TSCA include importers.

So the reporting period is the 10 years ending on June 21st, 2016. The submission period so when do notices need to come in from manufacturers again including importers, the submission period by statute is 180 days after publication of the rule so that's from 8/12/2017 to February 7th, 2018.

Processors that choose to report have by rule 120 days to report after publication. So processors have from August 12, 2017 to October 5th, 2018. We're going to talk about that in a little bit more detail in a minute. For future reporting in terms of what is reported, chemical substances designated as inactive on the TSCA inventory that are anticipated to be reintroduced into U.S. commerce for not nonexempt purpose. In terms of who reports, manufacturers including importers and processors are required to report by statute.

So that is a difference from retrospective reporting, again the statute requires manufacturers and importers, it did not require processors, it left that up to EPA. But for future reporting, the statute requires manufacturers which include importers again and processors.

So when is the submission period for future reporting? Manufacturers including importers and processors must report an inactive substance. And again this is in advance to reintroducing a commerce into U.S. – a substance into U.S. commerce they must report not more than 90 days prior to that anticipated date and that is by rule.

So again the statute requires the notification to be in advance. The rule requires that notification to be not more than 90 days prior but it could be as little as you know a few minutes an hour. It doesn't have to be several days in

advance, it just has to be in advance of that anticipated point of when a person intends to put a substance back into U.S. commerce.

OK a little bit more on who reports, and this is specific to retrospective reporting. If you manufactured, imported or processed first of all a substance that's listed on the TSCA inventory for nonexempt commercial purpose at any time during the 10 year reporting period again that ends on June 21st, 2016.

So if you manufactured that substance you report as the manufacturer, that submission period is 180 days and that's required reporting. If you imported a substance you report as a manufacturer, again the submission period is 180 days and that's required reporting.

If you process the substance, you need to determine from where you obtained the substance. If you directly obtain – obtained a substance that you processed from a foreign source, you actually are an importer. So you report as a manufacturer which is the same as for an importer and that is 180 days and required.

If you directly obtained a substance that you processed from a domestic source, then you are a processor and you report as a processor. That is a 480 – 20 day submission period and that reporting is voluntary. So it's very important if you processed the substance you must step back and ask – determine where you obtained the substance because even though you process substance, if you first imported it before processing it then you're actually an importer and that is required reporting.

OK, on the next few diagrams we have the timeline shown with a little bit more detail. So on this first slide, we have the timeline for retrospective reporting again NOA Form A reporting. So the manufacturer which includes importer submission period, and processors can start reporting at the beginning of this period as well if they – and that's again voluntary.

That submission period starts on August 12, 2017, and it ends on February 7th, 2018. So it's 180 days submission period for manufacturers, importers.

Processors have a longer period but they can start submitting notices during that phase as well.

The processor only submission period then starts, after the close of the required manufacturing importer submission period and that runs till October 5th, 2018. So that's an additional 240 days for processors only for a total of 420 days for processors.

One of the reasons why EPA offered and extended – proposed and finalized a rule with an extended submission period for processors is to allow time for companies that may be primarily processors. There's a lot of companies that may be manufacturers, importers and processors but there's a lot of companies that are maybe processors only that are typically reporting under other sections of TSCA such as TSCA section 5 or TSCA section 8(a) rules and are likely a lot less familiar with reporting requirements under TSCA.

And so in proposing and finalizing the rule for processors first to be able to voluntarily report and not require processors report, again EPA's proposed and finalized the rule to allow an extended submission period for processors.

One of the things that EPA will be doing to assist processors is after the close of the manu – required manufacturer and importer submission period in February, EPA is going to publish a draft inventory. So it will be the full in – full public inventory that we typically publish every sixth month – months.

This version will have all chemicals marked active or that were either already designated active on the inventory, and then also those chemicals that were reported by manufacturers and importers those will also be marked active. At that point nothing will yet be marked inactive on the inventory because the full retrospective submission period is not yet completed, that will happen after October 5th, 2018.

So we're hoping to publish that draft inventory pretty quickly after the close of the 180 day required submission period in February. So we're hoping around early March will have that draft inventory posted. And again it'll have all

chemicals already designated as active as well as those reported during 180 day submission period also marked active.

So because processor reporting is voluntary, processors can then look at that list and anything that they processed during the reporting period, if they still want to voluntarily report those they really only need to report those that have no designation yet. So anything that is not yet marked active they can choose to report.

So for the future reporting, again the close of the full retrospective submission period is October 5th of 2018. Again shortly after that, EPA is going to publish the initial inventory with substances reported under the full retrospective submission period again that closes on up to October 5th.

We'll have all substances designated as active as they were reported, anything that wasn't reported will at this time be marked inactive. So again we're hoping to publish that pretty quickly after the close of the full retrospective submission period, so we're hoping in possibly early November to have that first initial inventory published with all chemicals with the designation.

Now because the future reporting requirement by statute requires persons that want to put a chemical back into commerce in the future because that must be done in advance, EPA proposed and finalized the rule to delay an – the effective designation of inactive substances by 90 days. So when EPA first publishes that initial inventory, there will be substances designated as inactive but they will not become effectively inactive for 90 days. So the reason is for – there's actually several reasons for that.

Again if a company, a person finds their chemical designated inactive in early November when EPA publishes that list, if they anticipate had planned to put the chemical back into commerce shortly after that, there's just not a lot of time to provide that notice which again must be provided in advance.

So this provides a 90 day period for persons that find themselves in that situation time to prepare a future reporting notice an NOA Form B notice and

provide that to EPA per the requirement which again is – which needs to be in advance of the intended date for re-commercialization.

On this next slide, this is a timeline for all reporting because there's a few other scenarios we want to talk about. So on the top half of this diagram, these the reporting periods and on the bottom half of this diagram are the submission periods plus some other activities and timeframes that fall in between some of these designated time periods. So again on the top half the retrospective reporting period is 10 years from June 21st, 2006 to June 21st, 2016.

Future reporting is not going to begin until around February of 2019. So again EPA is going to publish that initial inventory with all substances designated as active or inactive around November of 2018 because substances are going to be effective, effectively inactive for 90 days until 90 days later, the future reporting period will begin 90 days later so that will be approximately February of 2019. In between those two reporting periods there is this gap period.

What happens during the gap period is first the year that the statute required EPA to promulgate the rule, so again that work began immediately after the law was enacted on June 22nd, 2017 and the final rule was signed on June 20 – I'm sorry it was signed on June 22nd and it was promulgated, published in the Federal Register on August 11th, 2017. The retrospective submission period started the day after so August 12th, 2017 that's a 420 day total retrospective submission period ending on October 5th, 2018.

EPA will then publish, take hopefully about a month to publish that initial inventory, so approximately November of 2018 EPA will publish that initial inventory. So the submission period can start at that time but there's that 90 day delay from when those inactive substances are effectively inactive which then means that the future reporting period looking back at the upper part of the graph begins around February 2019.

So another reason for looking at this sort of combined timeline, another reason why EPA implemented in the final rule the 90 day delay for inactive

substances becoming effectively inactive is there's no requirement to report substances that are put back into commerce during this gap period.

Substances are reported in a notice of activity Form A, again a retrospective notice if they're commerce for nonexempt purpose during that 10 year period that ends on June 21st, 2016. The future reporting period begins – will begin around February of 2019. So companies can introduce the substance back into commerce during that gap period and there's no reporting requirement. However if a company introduces a substance back into commerce and intends to keep that substance back in commerce, if they find that that substance is inactive on that initial inventory that EPA will post around November of 2018, there will be a future reporting requirement for such persons or companies in order to keep that substance in commerce.

And so to prevent companies from having to stop manufacture, importation or processing in order to get the notice in advance, that 90 day delay will allow persons to submit the notice because the future reporting period is delayed by 90 days they can submit that notice, it will – as long as they do that during that 90 day period, it will be done in advance of when that future reporting period actually starts and they don't have to start their activity, whether it be manufacture import or processing. So those are just a couple of scenarios why EPA had finalized a rule with that 90 day delay for making inactive chemicals effectively inactive.

It's a little bit confusing but it was in – with some of these scenarios in mind in particular the gap period for persons that find themselves starting an activity for the gap period and wanting to continue it. It also should assist processors that do not choose to voluntarily report during the retrospective reporting because there's a requirement that processors must report in the future. Processors could also find themselves in a situation where they have a substance that they're processing that is designated as inactive and this gives them also time to get a future notice in without having to stop their activity.

OK switching to more details on chemical substances, there is a number of exemptions in the final rule. There's two definitions in the rule though that I want to start with at this time but these are a little bit of a mouthful. The first

is what is a reportable substance? And that's again in the definitions in 40 CFR 710.23. This basically says that a chemical substance subject to commercial activity designation means a chemical substance that requires a designation as either an active or an inactive substance.

A chemical substance is subject to commercial activity designation if it is not an inactive substance, if it was added to the inventory before joining June 21st, 2006, if it is not a naturally occurring chemical substance it's defined by 710.27B and it has not yet been designated by the administrator as either an active or an inactive substance. That pretty much covers all the different scenarios for a chemical substance subject to commercial activity designation but it is sort of a mouthful, so we're going to dissect that out in a different way in a minute.

The other important definition is reportable chemical substance means a chemical substance that is listed on the inventory and that is either one, a chemical substance subject to commercial activity designation for which notification is required or allowed and that's specified under 710.25 A and B. Two, a chemical substance that was added to the confidential portion of the inventory before the June 26th, 2016 or three, an inactive substance for which notification is required under 710.25 C.

So again it's – when you look at the specific definitions for what is a reportable chemical substance, it is a little bit of a mouthful and it might be a little bit obtuse looking at them by themselves. So want to take a few minutes to dissect out which substances are excluded, which substances are exempt and then we're going to re-summarize substances that are reportable. So first excluded substances, first and for most substances are excluded if they are not listed on the TSCA inventory. So that's a good place to start is if you're substance on the TSCA inventory it may be reportable, if it's not listed it is not reportable.

Also substances that are not included in the TSCA definition of a chemical substance and this includes substances that are listed here so mixtures are not included in the TSCA definition of chemical substance. It's important to note though that the components of mixtures are reportable under TSCA and are

listed individually under TSCA inventory, so mixtures are not reportable as a mixture but the components of mixtures are reportable. And that includes formulations and there's a variety of things that are in that general category.

We get a lot of questions about hydrates, hydrates are considered mixtures under TSCA. They are a mixtures (the anhydrous) form and water. Water is on the inventory so hydrate should be reported as the anhydrous form. So again we do get a lot of questions on that. If you're looking for a chemical in the inventory and you can't find it and if it's a hydrate look for the anhydrous form.

Pesticides are not included in the TSCA definition of chemical substance, also tobacco or any tobacco product but not including derivative products. Source material, special nuclear materials, byproduct materials are not included in the definition. Pistols, firearms, revolver shells, cartridges and the like are not included. Any food, food additive, drug, cosmetic or device when processed when manufactured, processed or distributed for such uses are not included in the definition.

So beyond mixtures all of these other examples, these are all things that are covered by other federal statutes. Pesticides are covered by EPA but a different office in EPA and then the others are covered by other federal statutes administered by other federal agencies. So those are not included under TSCA if they are covered by other federal statutes so they would be excluded from reporting.

Now it's important to note that some of these excluded substances may actually be listed on the TSCA inventory if in addition to being an excluded substance such as for example a common one would be a pesticide, the substance has another use that makes it a TSCA reportable substance. So there are some substances that can function as a pesticide agent but they may have another use that isn't TSCA reportable, make it a TSCA reportable substance. So it's important then to distinguish under the TSCA inventory notification active-inactive rule an inventory listed substance therefore it's not reportable if a person manufactured or processed such a substance as a substance that is excluded from the definition of chemical substance.

So if you record a chemical that's on the inventory solely as a pesticide that's covered under another federal statute, it's not reportable under this rule. But if you are a person that did manufacture that same substance not as a pesticide but (in a use) that is – falls under TSCA jurisdiction then you would need to potentially report that under the rule. Now in terms of exempted substances there's a number of different exemptions in the final rule. The first sort of category of exempted substances are those substances for which EPA already has an equivalent notice and this is specific to retrospective reporting.

In order to talk about this, taking a minute to talk about talk TSCA Section 8(b) 6 which we haven't mentioned up to now but this does require EPA to publish, confirm and publish an interim list of active substances. And it basically states that EPA will designate substances reported under the chemical data reporting or CDR cycle that most closely preceded June 22nd, 2016. EPA will designate those substances as the interim list of active substances for the purpose of TSCA Section 6. So TSCA section 8(b) 6 isn't really specific to retrospective reporting requirements under 8(b) 4, it's really requires EPA to publish this interim list and that's for the purposes of TSCA Section 6.

EPA compiled the interim list of active substances to include those substances reported to both the 2012 and 2016 CDR cycles and designated those substances as active on the TSCA inventory. We included those CDR cycles because the statute did state that the list should be compiled of those that reported in the cycles that most closely preceded the enactment of amended TSCA. So 2012 clearly preceded enacted – enactment of a new law, 2016 CDR reporting had begun but not ended when TSCA was enacted.

So it wasn't entirely clear which of those CDR cycles met the requirements, we proposed the rule and then finalized the rule to include both. Because CDR reporting is for chemicals in commerce and because the reporting period for the 2012 and 2016 CDR cycle falls within that 10 year retrospective reporting period for the TSCA inventory active-inactive rule, EPA felt that the CDR report submitted under 2012 and 2016 could be viewed as equivalent notices to what we would receive in a notice of activity Form A retrospective

NOA notice. And so EPA proposed and finalized that these substances would be designated active and therefore would be exempt from reporting under the TSCA inventory rule.

Additionally, EPA had begun to look into other types of equivalent notices such as notices of commencement received by the agency during the retro – 10 year retrospective reporting period for the inventory rule retrospective requirements. It had not made a determination whether that information could be compiled completely and accurately. At the time we proposed the rule we did receive comment on the possibility of adding substances received during that 10 year time period as an exemption and so we continue to look into that. We were able to compile that data with confidence and so we added those chemicals as an exemption as well.

So chemicals that were reported in a notice of commencement during the 10 year retrospective reporting period, we also view those to be equivalent notices to an NOA Form A. Those substances have all been designated as active on the inventory already and they are exempt from reporting under the inventory rule. So for these two sets of substances, there's about 13,000 chemicals that are already designated effective on the inventory and are exempt from reporting. I'm going to talk about the CBI substances among those in just a minute. But to continue talking about exemptions, the third type of equivalent notice that EPA included in the final rule for retrospective reporting is the CDX receipt exemption.

So we did receive a number of comments about additional exemptions based on reporting that happens during the and particularly during the 180 day manufacturer and importer submission period. So EPA in the final rule included the CDX receipt exemption that basically says that a person is exempt from reporting retrospectively if the person has evidence and it must be in the form of a CDX receipt documenting EPA's receipt of an NOA Form A from another manufacturer which of course can include importer.

A person should keep in mind however that they bear the risk of failing to report if they rely on this exemption, the CDX receipt exemption and that Form A notice on which they are relying and they would have the CDX

receipt for that, if such a notice is later withdrawn that could lead to the substance be designated as inactive. So that's the third equivalent notice exemption in the final rule.

There's another set of exemptions in the rule and these are specified as in CFR 710.27 and I'm going to fairly quickly go through this list. Most of these are people may be familiar with because they are – some of them are similar to TSCA section 5 exemptions, some of them are actually borrowed from the TSCA section 5 regs and 720. So exempt – other exempted substances include the manufacturer, processing of chemical substances in small quantities solely for research and development. It also includes manufacturing or processing of a chemical substance solely for test marketing purposes.

It also includes the manufacture processing of a chemical substance solely for export from the United States and this is as described in 720.30(e) or 721.3. It does go on to say that except where the administrators made a finding described in TSCA section 12.8.2 so there are some conditions with that exemption. Also exempted is the import of processing of chemical substances as part of an article. The manufacturing or processing of naturally occurring chemical substances, this is also exempt from reporting under the TSCA inventory rule and this is further elaborated in 720.30. So this is again referring to the 720, this is TSCA section 5 720.30 regs and specifically .30(g) so there are again conditions for that.

What that is actually 720.30(g) is a series of scenarios that could be exempt from – of substances that can be exempt from reporting. It includes byproducts but again there is – there are conditions. Byproducts are exempt if they're only commercial purpose is for use by public or private organization that burn it as fuel, dispose of it as waste or extract component chemical substances. The last exemption again it's more of a category of exemptions like 720.30(g), 720.30(h) if a chemical substance meets any of those described in that passage are also exempt from reporting under the TSCA inventory rule.

This includes impurities, any byproduct which is not used for commercial purposes. It also includes chemical substance which results from a chemical

reaction that occurs incidental to exposure to another chemical substance or mixture or article to environmental factors such as air and moisture, microbial organisms or sunlight. It also exempts chemical substance which results from a chemical reaction occurs incidental to certain conditions such as storage or disposal of another chemical substance mixture or article. So that's a short summary of these additional exemptions found in 710.27. Again the exemptions described in 720.30(g) and (h) there's quite a bit more information explanation about those in 720 again 30(g) and (h) so it's worth taking a look at those.

This next slide I'm not – this is some of that additional information specific to 720.30(h), I'm not going to take the time to go into these in detail here. These are some of the ones that have a little bit more detailed explanation about the conditions of which some of these other substances can be exempt from reporting under the TSCA inventory rule. So regarding certain exempted substance, again it's important to note that there are some substances that may be exempt from reporting that are listed on the TSCA inventory or they may not be exempt.

So an exempted substance that is listed on the TSCA inventory, if in addition to being an accepted substance in one chemical process for example an impurity, it is also a TSCA reportable substance in another chemical process. So just like with the excluded substances, if – just because it's listed on the inventory it may or may not be subject to reporting. So if a substance is on the inventory but a person generates that substance as an impurity only it would be exempt from reporting.

But it may be on the inventory because that impurity may have a use maybe actually manufactured or imported by a different person or company who may actually have a commercial use for that substance and In that situation that person or company would – may be required to report that substance under the TSCA inventory rule.

So again as with the note that we made on the excluded substances, it's important to you know first determine if the substance is on the inventory and then determine what your activity is. Is your activity an exempt, in which

case it's not – you don't need to report that substance, if it's not exempt then you will likely need to report that substance. Important note about TSCA Section 5(h)(4), a substance that was the subject of a TSCA Section 5(h)(4) exemption and this would be a low volume exemption, a (LoRex) exemption, or polymer exemption.

If a substance was subsequently listed on the TSCA inventory via a commenced PMN, these are not exempt from reporting in those TSCA inventory active-inactive rule. So that is included in the preamble and some of the response to comments in the docket with the final rule. So again substances that were submitted to EPA in an LVE, (LoRex) notice, those are not placed on the inventory. Polymers, exempt substances do not need to be reported to EPA in a notice, they are not put on the TSCA inventory either. But another person or company may have reported the same substance in a PMN which resulted in that substance being put on the inventory.

If a substance is on the inventory, then the person that also manufactured, imported or processed such a substance under an LVE, (LoRex) or polymer exemption would be subject to reporting under a TSCA inventory active-inactive rules.

(Catherine Schechter): You should mention the (inaudible).

Tracy Williamson: So a short summary on reportable substances. So I talked for a little while now on substances that are excluded and substances that are exempt. So to summarize, what are reportable substances? Basically chemical substance on the TSCA inventory are reportable if they were or anticipated to be in U.S. commerce for nonexempt purpose during the reporting period specified in the rule. So whether that be the retrospective reporting period or the future reporting period.

So a reportable substance, it's listed on the TSCA inventory first and foremost, it meets the 40 CFR 710.3 definition of chemical substance, if it doesn't it's excluded from reporting, it has not already been reported in an equivalent notice and that's specific to retrospective reporting. So it would not already be designated as active on the TSCA inventory. Has not been documented as

reported in an NOA Form A and that would be the CDX receipt. It also does not mean a 40 CFR 710.27 activity exemption and it does not meet the 40 CFR 71.27 exemption for manufacturing or processing naturally occurring chemical substances.

Now to assist with these substances that are already designated as active, you can download this public version of the TSCA inventory from our website. It's an access or comma separated value file, the access file has two tables. One are for non-CBI. substances on the inventory, those are listed by the CAS number and CAS index name. And then the other table has the non-CBI generic identifiers for substances that are CBI on the inventory and those non-CBI identifiers are PM number or original inventory form number plus an exemption number plus a generic name.

So you can download the current public version of TSCA inventory and you can see which substances are already designated as active, everything else is going to be blank if it's not yet designated as active. To make things maybe a little bit simpler, we took out all of the substances that are already designated as active and we put them in their own list and that's the exception list for this rule, that is also a list that can be downloaded from the website. So again that only has substances that are already designated as active.

Most of those already marked active are non-CBI substances but there are some CBI substances. The interim list of active substances is also available for download from our inventories webpage. That is a subset of the exemption list which is a subset of the inventory. So again the interim list has only the CDR chemicals that are already marked active, the exemption list includes the NOC chemicals that are already marked active. So it's probably most useful to look at the TSCA inventory itself or use the exemption list.

The interim list a number people have been looking for their substances there, they can't find them and it's because they're not on the interim list because they weren't exempt because for CDR purposes but they might have been marked active and therefore exempt already because of an NOC filing and so they would show – they might show up on the exemption list. So again the exemption much is going to be probably more useful than the interim list. So

that's just a recommendation from us is to consult the exemption list or the TSCA inventory itself.

OK we're going to take a couple minutes to talk about confidential business information. A general point regarding retrospective reporting and substances whose chemical identities are CBI, if a person seeks to maintain an existing CBI claim for a chemical substance that is already designated as active on the TSCA inventory, an NOA Form A must be filed that includes such a request. So I had mentioned previously that I'm going to talk a little bit about those substances that are already marked active on the inventory, they're going to be on the exemption list and they are CBI. So you'll find them on the inventory and the interim list by their generic identifiers.

If you wish to request that EPA maintain that confidentiality claim, the means by which you make such a request is to file an NOA Form A and you will check the appropriate talks which you'll see in the demonstration in a minute on how to do that. It's a pretty straightforward process. But again in order to request that claim, CBI claims be maintained those substances do need to report and it's not because we need them reported in NOA per se but that reporting is the means by which you make that request to maintain the CBI claim.

So the procedures for submission of information claim to CBI can be found in 40 CFR 710.37. For retrospective reporting again NOA Form A reporting regarding chemical identity, substantiation may be provided with a notice or may be submitted pursuant to requirements of the CBA review plan described in TSCA section 8(b) 4(c) through (d). Substantiation will be reviewed for the CBI review plan. So there is that section of TSCA that requires EPA to promulgate a CBI review plan rule that will specify how substantiation will be reviewed.

So again for chemical identity, substantiation with maintaining a CBI claim can be provided with the notice or you can wait to provide the substantiation until the CBI review plan rule is published. For all other data elements that are claimed CBI, substantiation must be provided with a notice and that substantiation will be reviewed per TSCA section 14(g) requirements.

For future reporting again NOA Form B reporting, chemical ident – for chemical identity substantiation must be provided within 30 days of submission of a notice or may be provided with a notice. Substantiation will be reviewed per TSCA section 14(g) requirements. For all other data elements as with retrospective reporting, substantiation must be provided with the notice and it will be reviewed per TSCA section 14(g) requirements.

So a little bit more on the CBR review plan, again this is TSCA section 8(b) 4(c) through (d), it basically specifies that not later than one year after the date on which the administrator compiles the initial list of active substances, the administrator shall promulgate a rule that establishes a plan to review all claims to protect the specific chemical identities of chemical substances on the confidential portion of the inventory.

So again it's specific to claim substantiation for maintaining claims for chemical identity only. Timeline completion of reviews, the law indicates that not later than five years after the date on which the administer combines the initial list of active substances, so it does provide a timeframe for that as well. The estimated date for compiling the initial list of active substances as I've mentioned is going to be probably November or December 2018. And so therefore the estimated day for publishing the CBI review plan is expected to be November, December of 2019.

So at this point I'm going to ask a colleague, Scott Sherlock a senior attorney advisor in the Office of Pollution Prevention and Toxics to provide some points to consider regarding confidential business information. Scott.

Scott Sherlock: Thanks Tracy. Can you hear me?

Tracy Williamson: Yes.

Scott Sherlock: Great. Look, we just want to briefly discuss some practical practice issues associated with making CBI claims in the TSCA inventory notification information context. Folks should be aware that CBI and right to know is a very, very big issue nowadays because it's under the new statute. So bear in mind that the statute requires 100 percent reviews of reported chemical names

that have been claimed as CBI and 25 percent of filings containing CBI elements other than chemical name.

The rule of thumb is, or the assumption I would make is that if you file a CBI claim it is most likely that your filing will be reviewed. So we just want to give you some practical help or thoughts when you're making CBI claims. So look, effectively there are four data elements per filing. You've got company name and other identifiers, you've got the authorized official information, you've got the technical contact information, and you've got the chemical name.

Concerning the official's name and the technical contact information, we recognize that there are reasons unique to these data elements for making a CBI claim. And we can discuss those if you could just give me a call we could discuss those or we've been pretty clear in other contexts about some of the unique aspects of those CBI claims. Concerning company name, folks if you are making the CBI claim for company name you are asserting that it is not known, that it is a secret that your company is manufactured, processed or imported this chemical during the look back period, the 10 year period ending on June 21st, 2016.

Additionally even if it's a secret, you must demonstrate why the release of the of the link between company and chemical would substantially injure your company's competitive position. Company, technical contact, authorized official information, must be substantiated at the time of filing in order to be reviewed within 90 days of receipt by the agency. I wish to emphasize the following, CBI claims again for company are only valid if it's a secret that the reporting entity is manufacturing, importing or processing the chemical.

If this is the case, in your substantiation please your very first line say this, it helps us to understand the basis of the CBI claim. We're going to be reviewing a lot of CBI claims, frankly we all like to keep it as simple as possible. So to say that it is a secret, this is very important.

Second point is please if you are saying it is a secret, please make sure that it is in fact a secret, meaning we are going to be looking at public records. So if

we find that it is publicly known that there is a relationship between the company and the chemical, we're going to think that's not a good CBI claim. And we would appreciate if you make the same kind of – do the same kind of review as before you file as we're going to do after you file. Chemical name, CBI claims are authorized only if chemical was on the confidential portion on the inventory at the time of filing.

Chemical names will be reviewed in accordance with the review plans but unspecified at TSCA section 8(b), 4(c) and it is anticipated that the rule as Tracy noted will be published in late 2019. Substantiation requirements are set forth in TSCA section 14, I'm sorry 14 no I'm TSCA 8(b), 4(d) and the requirement is mirrored in the regulations at 40 CFR 710.37 (A1). If you ever have any questions about CBI issues in this context, please feel free to give me a call. Lots of folks do, we try to be responsive as fast as we can. Thank you.

Tracy Williamson: OK, thank you Scott.

Scott Sherlock: All right.

Tracy Williamson: OK, a few more slides in terms of how to report. Electronic reporting is required for the final rule for both retrospective and future. reporting is accomplished using EPA's chemical data exchange or CDX system. This is the system we use for all electronic reporting under TSCA. Registration is required, once you registered you can select you user role for the CSPP which is submissions for chemical safety and pesticide programs and then within the chemical information submission system CISS you choose to file for a TSCA section (b) e-NOA.

The NOA Form A is available for retrospective reporting, the NOA Form B will be available in the future for future reporting when that submission period opens or just prior to that. There are some links here to CDX and also to a TSCA page with some information about how to submit an e-PMN. The bulk of electronic reporting that happens is usually under sub topic section 5 and so there's an explanation for that but there is a section on that page for some inventory reporting such as bona fides and this new NOW reporting.

This next slide shows the bulk of the Form A. These are the data page and again it is just one page. The page (half of it) are your CBI substantiation question pages but the bulk of the data submitted is on this first page. You know typically you would need to provide the name of the authorized official, mailing address, company name address and the technical contact and phone number. The chemical substance identity, you can upload batch, a batch of chemicals which will then be matched against a pick list in the application or you can search the pick list.

Substances that are on the pick list, there's no confidential business information so none CBI substances on the inventory are in there with their full chemical identity. CBI substances are in there with their generic identifiers. So you can either search that information based on the CBI status of the chemical or you can upload a batch of chemicals and it will check it against the pick list.

If you have trouble with any chemical that you search or upload in a batch, if you get a rejection by the system because it's not finding in the pick list please give us a call. Again we'll have contact information at the end of this page. We have found that there are things that are missing from the pick list. The pick list is generated from the public TSCA inventory because we are not including confidential business information on this list.

The confidential or the public version of the TSCA inventory again is generated every six months for publication. There's an algorithm that's very conservative to pull only non-CBI information off the inventory for that public posting and if there's a conflict in doing that the algorithm will bypass chemicals on the inventory.

So we are finding that in some cases the public portion of the inventory again from which the pick list is generated has been missing some chemicals. So call us if you have any trouble with entering or finding through a search a chemical on the pick list.

There can be other reasons why a chemical isn't on the pick list. We occasionally have a chemical that isn't on the master inventory and therefore

won't be on any of the subsequent list. But we will work with you on those scenarios too if the chemical should be on the inventory how we go about getting it on the inventory getting that corrected. But there could be any number of reasons why you're not finding the pick list.

Another common example is if you're looking for a chemical that you think is CBI by its generic non-CBI identifiers the chemical may have been declassified in which case we can let you know that and give you the information to search for it by its non-CBI full identifier (inaudible) number.

So on this form again the form will fill in with the appropriate information whether it's a CBI chemical or not. Again it's (not that) this isn't actually going to contain CBI information. It's as if the chemical CBI on the inventory are not. Part 3 is the status and this is where you're going to check that you're seeking to maintain an existing claim of confidentiality for a specific chemical identity if that chemical is CBI on the inventory or you're not seeking to maintain that existing (kind of) confidentiality again for a chemical that's CBI in the inventory and then there's the certification. So that's Form A.

Form B is almost identical. Some of the explanations and comments are different because the dates are different because the reporting period, submission periods are different. But it's basically the same theme that's going to be gathered. There was a change in the forms for proposed (to final), there were a few extra data elements that were proposed that EPA removed in the final. So the type of activity whether you manufacture process or import it that's just one example of a data element that we had proposed to include in the reporting on the form we removed in the final rule.

A few points to consider on electronic filing, notices can be submitted by corporate office and or by a site or other organizational unit within a company. That is entirely up to you. So we have had some companies in particular larger companies that asked if a corporate office needs to submit or each facility under corporate umbrella can submit their own chemicals and that is entirely up to the company how you want to manage that reporting. I already talked about the pick list, you can select them from the pick list or you can upload a batch of chemicals from a template in the application.

A little bit again reminder about CBI chemicals, so non-CBI substances that are already designated as active are exempt from reporting because they are non-CBI they are not going to be included in the pick list. CBI substances already designated as active are going to be included on the pick list for those that want to report those for the purpose of requesting to maintain the confidentiality claim. Now, a form should only be filed if that substance was in commerce for non-exempt purpose during the reporting period.

So it is not appropriate an NOA Form A for example solely for the purpose of requesting that the CBI claim be maintained. That will result in potentially in erroneous classification of a substance as active. And if it wasn't in commerce during the retrospective period it should not be reported in a notice of activity Form A.

OK, at this point I'm going to turn over control of the webinar to a colleague Dr. (Catherine Schechter) who is going to be doing the demonstration of the reporting application.

(Catherine Schechter): Thank you Tracy. My part of this presentation has to do with the fun stuff, sorry Tracy. What I'm going to do is give you a demonstration of a couple of different things. The first will be a little bit of information on CDX registration and how do you register, what do you register for, what roles you register under?

And then I'm going to give you a demonstration from a primary submission perspective, those would be the main submissions to which everything starts with. I'll give you some examples of uploading chemicals either by a pick list or through a common separated value file. And then I'm going to enter the system as if I was a secondary submission person such as a joint submitter, create a submission and give you an example of what that would look like.

So bear with me while I turn over my screen, hold on. Can you check, OK. All right, let me pull up. Is it pulling up? Hold on. Doesn't work. OK. Yes it's pulling up. OK. So what we need to do is to – the microphone. Does that help? OK I think I may have – I'm just checking to see whether or not the audio is giving – we're getting a little feedback here so. OK, we'll try that.

So the first thing I'm going to do is give you a demonstration of the CDX registration. So if you do not already have a CDX account, go to cdx.epa.gov and register. And during your registration you will sign up, I'm going to go ahead and sign in. Let's see if I forgot my password because I had to change it this morning, sorry about that. And everybody always has these issues. All right.

So once you have a CDX account the first thing you're going to have to do is to sign up for the CSPP program service. If you don't already have the program service you can add it by selecting the add program services button at the bottom of the My CDX screen. During the addition of the CSPP program you will be asked for a user role. The U.S. citizens who are the manufacturers, importers and future processors would need to sign up as primary authorized officials. If you are a third party person who's going to be providing information to a primary submission, then you would sign up as a secondary authorized official.

When you sign up for the user role it will go through a identity proofing section where you are either going to be able to electronically validate your identity or you will have to submit paperwork. So if you have not already done so, please register because if you submit it by paper it may take you up to two weeks to get your account approved. Once your account has been approved then you log into the software by selecting the user role. So I'm going to select the primary authorized official.

Once you sign in as your user role, the dropdown option will give you all of the different sections to which you can submit under previous things like CDR which is not really necessary at this point, the section 5 notices and of course near the bottom is the (e-notice) of activities so that's the one you want to select and then hit OK. If you do not already have a form created, you will select the Create New Form. There is a dropdown option but only the notice of activity Form A is an option to be created at this time. When the reporting cycle for Form A is no longer in process it will be switched over to Form B.

Also on this screen is a set of useful resources, this includes the user guides. We are in the process of getting additional guides necessary. They may actually be up already, they should be up already. We also have templates of the comma separated values to upload multiple chemicals for the Form A and also the future Form B. We have the interim list and we were supposed to have an exemption list but yes, it should also have the exemption list on here as well as the inventory. So these are just some sights in order for you to go to for future reference.

Now what I'm going to do is go ahead and create a new form. And when you create a new form the first thing it'll ask for is a pass phrase. The pass phrase is 20 character letters, numbers and spaces encryption key. It's very, very, very important that you do not forget your encryption key because it cannot be recovered. So they give you all kinds of warnings here, please pay attention to that. And as all good programming you confirm it so that if you types something incorrectly which I did, I know I'm good at making errors today. Actually it's the keyboard not user error, right. OK.

So once you have your pass phrase implemented it will launch into the software where you can now start entering information. The first screen, there are three steps per se where the first one is to enter the technical contact information. The very beginning is this little field called form alias. It defaults to the NAA which is the form to which you're creating and the date time but it allows you to edit this form alias to be whatever you want.

This is useful in the form screen because you're able to organize by the alias so you're able to find your submission a little bit more easily. Sometimes I've talked to companies who have multiple organizations to which they're an umbrella for and said well maybe you can do one submission per unit. It's up to you however you want to split things out but the alias is a good way to separate out the different submissions.

The next thing is to add the technical contact. I'm just going to copy it from CDX because I am going to be the technical contact so that makes it quick and easy, then you select continue. The next step is to add chemical information.

And as I mentioned before, you can upload chemicals either one at a time or you can use a comma separated value file.

So for example I'm going to go through let me add a chemical using our substance registry service otherwise known as SRS and you can either enter in a CAS number, a TSCA CBI chemical name, sorry inventory name, an accession name or a generic name. So for example I'm going to enter in a CAS number and select CAS number and search. If this CAS number is not found check the interim list, check the exemption list. If it's marked active then the software will not allow you to report it, OK. So there's a validation already there; you cannot select a CAS number of something that's already exempt. So I'm going to go ahead and hit OK and save.

Once I do that it now allow me the ability to claim either the authorized official confidential, the company information confidential or the technical contact confidential. Those are my only three choices. If I select the technical contact it comes up with a substantiation question to which you can answer now or as Scott Sherlock mentioned you can answer later. So if I hit the display it comes up with the six questions for you to answer so feel free to go through all of that.

I'm going to go ahead and hit save and when I do that it adds the chemical to the list of substances to which I'm going to report. If my substance is on the confidential inventory I would go through the same process and in this instance I would put in an accession number. So I put in the number, mark the fact that I'm going to search it as an accession number and hit search. And this time it's a older PMN to which I'm going to go ahead and select, hit save. Once again the CBI question at least the substantiation options come up and I also have the identity of the CBI claim whether I'm seeking to maintain the existing claim or I am not seeking to maintain.

If you do choose to maintain the confidentiality you have to answer the CBI substantiation questions either now or later but that is a second set of questions. These are just not questions A but if I scroll down these are questions B which are applicable only to the chemical identity section, OK. So the best thing for you to do is to try it out, put in a chemical, see if you can

find it, select save, add it to the list and then see what happens. It's always a good thing to play around. All right, I'm going to go ahead and hit save.

So at the moment I now have a chemical that's on the non-confidential inventory and I have a chemical that's listed on the confidential inventory. Those are my two options. The other thing that you can do is to upload with a comma separated value. But before that I think I'm going to do the joint. The reason why is because when I upload the CSV file I upload everything so let me go ahead and do a joint chemical.

So for example I select to add a joint submission, you put in the trade product identification if I can spell ABC. Here's my trade product to which I know the information for that which needs to be reported trade product chemical ABC. Then you would select this little pencil icon next to the number of joint submitters. Right now it says zero because I have not entered any persons or companies under this joint submission. You can add multiple joint submitters for a particular trade product.

So let's say for example the trade product is a mixture and you are required to have multiple joint submitters satisfy the requirements for this trade product. In this instance you would have to generate multiple joint submissions so let me go ahead and add one. So select to add the joint submitter, OK I'm going to put in a company XYZ. So what I am going to do is to have company XYZ as far as I know supply the information for this trade product.

You can read through this information but what's really special about this is that you have a unique identifier. This is a very long identifier so the sequence of letters, numbers, dashes et cetera to which you are going to send an e-mail to a person of company XYZ. So I'm going to click here and when I select the click here it generates an e-mail. I'm going to do a to whom I'm going to submit this. it's always good to put yourself as a CC and then put your person to whom you want this joint submission to be filed by (end of the two) section. And at the very bottom there is a space for additional comments. So please provide information for trade product chemical XYZ, ABC. OK well, thank you.

So and this way whoever receives this e-mail will have the unique identifier and will have an instructions as to which chemical to which they need to report for. And then when I hit the send button this will submit the e-mail and it'll tell me that the e-mail has been successfully submitted, OK. Now once I hit save I have now successfully entered one trade product, OK and here's where I'm able to add additional joint submitters if I have only – I'm only going to give one at the moment. So if I hit save, OK.

Now that I've hit save the trade product falls under the first table, the table of chemicals by CAS number even though there is no CAS number and it tells me under the column for joint that it is a substance to which information is going to be provided by a joint submitter. If you need to make updates to any of these chemicals there are action buttons associated with them. The pencil icon is an edit button, the red X is a delete button. The next two icons are the original submission PDF which means the confidential or non-confidential if nothing is confidential and then there's the sanitized preview of the form.

So feel free to click on these buttons to get a PDF rendering of this chemical on the form. It's the same under both tables. You also have the option if you have multiple listings in your tables to export the table information to an XML file, a comma separated value file, a PDF or an Excel spreadsheet. This is very helpful if you have for example 100 chemicals under one submission and you want to keep track of which chemicals fall under that submission then you can always export this information and store that with your file. It's just a quick and dirty way to keep track of everything.

Besides entering substances one by one, we also have the ability to upload a comma separated value file. When you go to the resources page and download the CSV template, it will give you an example of substances and it will tell you how – it kind of gives you a leading example a way of how to fill in all of those components. So for example the first column will be whether or not it's a joint submission, the second column will be the CAS number, the third column will be an accession number, the next column will be your CBI claim and then it'll be your CBU substantiation. They are all in the same order in which it's in the CBI claims on the form so hopefully it'll self-explanatory. It's also in the user guide so feel free to go to the user guide.

So I'm going to go ahead and upload a CSV file. And what I've done is I've made a CSV file with a lot of chemicals and within them I've actually made things to which you might receive errors for. So I'm going to show you what that would look like. So I'm going to go ahead and upload the file, I'm going to hit browse and I actually have a demo file. Make sure that your file that you're pulling in is a CSV file that keeps the format of a CSV file. That way if you open it in Excel the fields will be in their own separate columns. If you open it as a text file it will not have the same format. So comma separated CSV file so make sure your extension is CSV and you don't mess with the column headers please.

So I'm going to go ahead and open that, I'm going to overwrite what I've already done all that hard work and hit upload. Now what it does when you upload is it gives you an indication if there's any errors associated with your CSV file. So for example I show that row 17 of my file and row 32 are duplicate chemicals. And if I go into my CSV file I will see that oh look, 17 and 32 are exactly the same chemical. It does upload one of those chemicals, I'm not sure which one but it does upload one of them probably the first and then it will let you know that there is a duplicate. So you might want to go through and check that chemical to make sure it was uploaded correctly.

It also tells me that row 31 I have not hits that were found in SRS. That means that our internal checklist did not find that chemical. You need to investigate why did it not find that chemical? Is it a substance that's already on the exemption list? Is it a substance that's not even on the TSCA inventory? Is it something that needs to come in as an enquiry to EPA to investigate why it's not on that list? So, this is a very useful guide.

So I'm going to go ahead and hit cancel. All right, let me try that again. I think it overwrites all of those. All right, I'm going to upload it. All right, I think I may have to fix those. The last time I did this I didn't have to fix them so I'm not really sure why it didn't upload at this point in time. But anyway, what it will do is it will – maybe it's because I'm replacing. Let me go ahead and do as not as an override and see what happens, upload.

Yes, it could be row 31 I'd have to go and delete. So let me go delete row 31. I actually have it open here so I can now I'm going to go and delete row 31. Delete, save, keep the CSV format and try and upload again. Browse, demo, open, overwrite, upload. Oh, now I've got other errors. Isn't that the way it always goes? Anyway, so what it will do is it will give me a list of all the chemicals to which the CSV file uploaded. OK.

So that's a demonstration of the CSV file and next I'm going to go in as a secondary authorized official and show you what a secondary authorized official would look like. So let me go ahead and log out. I'm going to go back into CDX, hopefully remember my passwords. OK, now this time I'm going to log in as a secondary authorized official and then I'm going to choose the electronic notification for e-NOA.

Now when I go to create a new form I only have the joint submission for a notice of activity A to which I can create a new submission. So I'm going to create a new form, enter my pass phrase, select continue. As with the other one I'm going to copy my technical contact information. So I can add that in, hit continue. And then I'm going to go into the page where I enter in the trade product chemical.

So I select to add the trade product, the first thing it's going to do is to ask me to put in the trade product name. So this is trade product chemical ABC. Add chemical, and now I have to enter in all the chemicals to which I am responsible for this joint submission. So I'm going to for example this is going to be an accession number, search, I'm going to find it and then I'm going to – hold on while I get my screen to show what I need to see down at the bottom. Yes, unfortunately it doesn't like the – it doesn't work very well while I have the Adobe Connect on. I zoom out in Adobe Connect?

Male: In the browser.

(Catherine Schechter): That's zooming in.

Male: If you (inaudible).

(Catherine Schechter): Ah, thank you. It's nice to have a programmer her. So I'm going to go ahead and hit save. He was showing me how to hit the control and use the mouse to change the size of the screen. So I'm going to hit save, so now I have my chemical listed here. I'm going to maintain the confidentiality. And then the next thing to do I'm going to hit save. Percent composition, at the moment I'm going to assume that this is 20 percent of the material and hit save.

I'm going to then add my unique identifiers, so go to add the unique identifier and I'm going to go copy one of the unique identifiers to which I had e-mailed to me, all right. I'm going to paste the unique identifier in there and hit populate. Whenever you do copy and paste make sure you do not have any leading spaces or trailing spaces. All right so now I have that in there, let me go ahead and hit the back button and hit save. OK, it's giving me a warning that it's not equal to 100 percent.

So I either have to add another chemical to make it go up to 100 percent or I select the fact that the remaining chemicals to which I'm reporting are non-reportable substances. Those are substances that are either exempt from reporting or non-reportable for other reasons. So I'm going to go ahead and hit save.

So in this instance what I did was I added the chemicals if they are more than one, I added the unique identifiers which you could have more than one. So for example if there are 10 U.S. companies who are asking you to provide information for the same chemical and they each give you an e-mail for that same trade product, you may use that different unique identifiers from each of those persons to be associated with the same trade product, OK.

I think that's all I have for the moment, let me go ahead and switch it back to – all right to give the presentation (inaudible). Let's see, how do I do that? I think I just right click and OK. Do you know how I go back to that Adobe Connect? It's not going full screen. Ah, there it is. OK, hold on a second while I go in and pull up my presentation again. Hold on. OK, all right. So Tracy.

Tracy Williamson: OK. So that concludes the presentation part of the webinar so thank you (Cathy) and also Scott for assisting with important components of it and thank you for your attention during that. On this final slide we do have some links. One is to the federal registry publication of the rule, the TSCA inventory website on EPA's – within EPA's web domain, my contact information, our associate branch chief Myrta Christian her contact information.

If you have questions about any aspect of reporting, please don't hesitate to let us know. Give us a call or e-mail us. We very much prefer that you send e-mail questions to our TSCA inventory e-mail box and it's just tscainventory one word @epa.gov. You know we're getting quite a number of questions every day but it's still a lot easier to manage questions coming through that box than through our personal EPA e-mail boxes which we get you know in order of magnitude more e-mails so things do get buried a little bit in our e-mail boxes, personal e-mail boxes.

So yes, we do suggest that questions specific to NOA reporting, actually any TSCA inventory question the bulk of questions we're getting now of course are about NOA reporting but we do prefer that you send those tscainventory@epa.gov. And we are trying to be as responsive as possible to assist people with your questions. Email to that box if you want the slides and we'll provide a PDF of slides. Again we've been working to post the slides on our website, we're hoping to get that up soon.

We are – we requested to get a recording of this webinar, we're hoping to post that as well and if we can get a transcript of the reporting, the recording we will post that as well too. It does take a little while to get things through the approval process and posted on the EPA website at the moment so we're working on that. But for the time being do e-mail us at the TSCA inventory box and we can certainly send the slides certainly by e-mail to you.

So at this point we will open up the webinar to questions and answers. Now, feel free to send questions through Adobe. It does look like we've got a number of those already. We're going to start the Q&A through the operator assist. So if you have called in to the webinar in addition to connecting to

Adobe, the operator will explain in a minute how we'll handle the operator assist Q&A.

So we will start with Q&A over the phone. If you haven't called in if you're just connected from Adobe, if you go back to our inventory webpage there is a number to call in and the conference code so you can ask your question that way as well. We have …

Male: Sorry.

Tracy Williamson: For Q&A so if we have a break questions answered over the phone through operator assist then we will go back and start looking at some of these questions that people have been posting through Adobe. Just we also have received this was last week, we received from a couple of different organizations some written questions with a request to answer those during the webinar. I think at least one or two of those came in on last Wednesday.

With the holiday we haven't quite finished providing responses to those questions so for if those folks that provided those written questions are on the webinar today and we hope that you are, some people might have raised the same questions today but we're planning on providing a written response to anybody that sends any questions in, in writing. But I don't think we're going to be able to get to those questions that we received last week in writing with the request to try to cover those today.

So at this time I'm going to turn it the webinar over to our operator (Toni).

Operator: As a reminder if you would like to ask a question, please press star then the number 1 on your telephone keypad. That is star 1 to ask a question. We'll pause for just a moment to compile the Q&A roster. And your first question comes from the line of (Linda Santry).

(Linda Santry): Hello, I have a couple of questions. My first one is this came from a foreign supplier, they do not actually import some of their product into the U.S. but their customers do. And they were wondering so they're not technically importers of some of their product, they were wondering if they could still

could go ahead and do a submission in the CDX system so that they can then provide CDX receipt to their customers.

Tracy Williamson: U.S. or?

(Linda Santry): Sorry I didn't hear that.

Tracy Williamson: Sorry. We're discussing real quickly.

(Linda Santry): OK.

Tracy Williamson: That's OK. Does that make sense? OK. According to the regulations, the U.S. importers and manufacturers must report, OK. So even if a supplier overseas submits a chemical as an exported chemical to the U.S. to 20 different companies, each of those 20 companies must report.

(Linda Santry): That's what I thought.

Tracy Williamson: So the exporter, the person that's exporting from another country to the U.S. is not the person responsible for reporting, it's the person receiving the chemical in the U.S. that's importing the chemical into the U.S. is the responsible party. So is that what your question was referring to?

Now you can have it so that one of the importers reports gets a receipt, gives it to the supplier and then the supplier gives that out. that's up to you to work out. But they are all required to have records of either reporting or having somebody else report for them.

(Linda Santry): OK. But they couldn't do it on behalf of all of their customers, they would have to work with (someone) located in the U.S.?

Tracy Williamson: (Inaudible) report. At least one U.S. company has to report.

(Linda Santry): Great, thank you. And so the rest of my questions are about the customer assurance part of this. So my first question on that would be is it OK just to copy the CDX receipt codes like you've got this long string of digits? You know the CDX receipt is an e-mail with this code in it and it seems like the code is the important part. Is it possible just to copy that and paste it into an

e-mail or a letter as proof of active status or do we have to somehow send the e-mail or a PDF or an image of the?

Tracy Williamson: Yes, well the rule was finalized stating that the documentation that supports the equivalent notice is having the CDX receipt so either forwarding it or if you want to PDF it, image it. But the rule is specific about the document that needs to be in hand for somebody to be exempt from reporting is to actually have that receipt.

(Catherine Schechter): So it shows the fact that it was submitted on this particular date et cetera. It's got other factors on it.

Tracy Williamson: So it's a little bit, there's not a lot of information on the CDX receipt but there's enough documentation that shows that the notice was submitted and received by EPA and with the time stamp.

(Linda Santry): OK. So we manufacture some products outside the U.S. and we (import) them into the U.S. in most cases. So most of our customers would be processors, some of our customers however are the importers of very similar you know the same product. So we will be doing some notifications, some of our products they're mixtures so some of our suppliers are giving us their CDX receipts.

And the thing about our products is they're proprietary mixtures, they're all on the non-confidential inventory but they're proprietary. Our customers don't know what they are and they don't know who we're buying from. So the CDX receipt presumably is going to have the name of the addressee. Would it be OK for us to redact that so that we're not disclosing to our customers who our suppliers are because that's really that is (inaudible)?

Tracy Williamson: Yes we don't need to know because it does say company information on there.

(Catherine Schechter): Yes. Again it doesn't have a lot of information but the company name is something you could you know redact because it still has the information that shows that it was a valid submission, complete submission that EPA received.

(Linda Santry): OK. So then for the people who are importing our products, if everything is already active and there is no CDX receipt, presumably we can just give them a letter saying that everything is either exempt or yes, exempt or excluded? Is that sufficient like for products where everything is already active?

Tracy Williamson: OK. Scott, I'm going to ask you is that – can you answer that question?

Scott Sherlock: Could you repeat the question please?

(Linda Santry): OK. So some of our products everything is already active, it's on the exempt list OK. And so we can't get a CDX receipt for those materials. Is it OK just to give our customers who would be the importers into the U.S. a letter saying that everything is already active because we can't get a CDX receipt?

Scott Sherlock: I think that would be – I'll tell you what, but what I'd really like you to do is could you please provide that comment in writing to us so that we can provide you something definitive. And if you do it possibly tonight we'll get you a response tomorrow. I just want to make sure that we've got this exactly right. Does that make sense to you Tracy?

Tracy Williamson: It does.

Scott Sherlock: Yes just, and if you can just copy me or – I'm sorry.

(Linda Santry): It wasn't me talking, sorry.

Scott Sherlock: And you've got my e-mail?

(Linda Santry): I think so, scott.sherlock@?

Scott Sherlock: It should be sherlock.scott.

(Linda Santry): Sherlock.scott, OK. So this isn't an issue for me, I know this is an issue for the entire industry. There's a certain amount of angst around exactly what we have to do for customer assurance. So you do need to get somehow have this published so everybody can see it, OK?

Scott Sherlock: Absolutely and with little luck you'll be getting an e-mail from us that will help allow you to circulate the same information.

(Linda Santry): OK. That's not going to help that many people.

Scott Sherlock: No, no, no.

(Linda Santry): OK my last question, my last question is around the CDX receipt presumably this is a Form A it's a onetime issue for notification and then once we are outside of the Form A notification period that document should not be required anymore for say import certification section 13?

Scott Sherlock: Tracy, are you there Tracy? OK. That is actually a pending question that I think is going to be addressed tomorrow. That was one of the questions that we are dealing with in some written communications and we hope to have a response to that very shortly.

(Linda Santry): And will you be publishing all of these responses on your website somehow like a FAQ or something for everybody to look at?

Scott Sherlock: I you know what, I think that's an awesome suggestion and why don't you include that in the query that you're directing to me?

(Linda Santry): OK thank you very much, that's all my questions yes.

Scott Sherlock: OK? All right, thank you. We appreciate your patience and understanding as we develop these approaches or develop approaches for these queries.

Tracy Williamson: Scott we were just intending – we were just disconnected there briefly so I don't know if there was a lingering question for us in that or are we …

Scott Sherlock: There was a question about TSCA section 13 compliance and this was a question that I know was pending in another context and …

Tracy Williamson: We're developing a response to that, yes.

Scott Sherlock: That's correct, yes.

Operator: Your next question comes from the line of (Jan Carlock).

(Jan Carlock): Hello, hi. Can you hear me?

Tracy Williamson: Yes we can, thank you.

(Jan Carlock): OK, good. First I'd like to say that the first person had absolutely excellent questions. These are the questions that all of us that are importer and manufacturer of chemicals are struggling with and I also really encourage that you publish all of the questions and answers for us because these are all of the you know not straight forward questions. So my first question is very similar.

We have we import chemicals from foreign manufacturers and the foreign entities would like to register to notify the chemicals for CDX. Can they, can foreign entities notify for example they manufacture and import it through an importer? Can foreign entities register for CDX as a single notifier and also as a joint notifier? So we import some chemicals that are trade name chemicals and they're not sure if they can register for CDX. So that's my first question.

Tracy Williamson: OK. Yes, I think there's a couple of layers to that.

(Jan Carlock): Yes, there are because we have a couple of layers of imports, yes according to the first caller.

Tracy Williamson: (Inaudible) what the software will allow. We'll start with what the software allows.

Scott Sherlock: Currently the software only allows submission by U.S. based authorized officials primary or secondary.

Tracy Williamson: Oh.

(Jan Carlock): OK, all right. So then my question is I my company which you know is Fuji Film so we're a Japanese company and we import many chemicals from Japan, and the U.S. affiliate is the importer of record but it's a trade name chemical. So we start the joint submission but we start it and then we jointly notify a Japanese company and then they're at a loss of what to do.

Basically you know we're into this now three, four months of the notification process and they really don't know what to do. They would like to notify, joint you know trade name chemical XYZ but they can't do it so they want to know how they can do that. They need a U.S. affiliate or entity and then of course they would possibly have to spend quite a bit of money to have to do that.

And my other question after that unfortunately I have to ask is what happens with a joint notification that we submit and no action is taken by the deadline of February 7th because they don't know, they can't register them self for CDX as a foreign company and they you know really don't take any action after they receive the notification as a joint notifier?

So these are the you know I'm throwing out like really real life situations and I've got dozens and dozens of examples of chemicals that we import. It's not just we're dealing one on one with one company here. So you know do you have a response to that right now and how will we handle this you know with the deadline coming up in you know just about two months?

Tracy Williamson: The OK a foreign company, a foreign based company can register in CDX. So if there's any questions, if companies have any questions about doing that foreign or domestic you know let us know so people can you know get registered and get in the system and start getting familiar with it.

(Jan Carlock): I'm sorry, I thought you had just said that only a U.S. entity, the software only allows U.S. entities to register for CDX.

(Catherine Schechter): To submit a notice not to create.

Tracy Williamson: Not to create. But a foreign company can register and create a notice …

(Jan Carlock): Create a notice meaning and NOA as a single notifier or?

Tracy Williamson: No, as a joint.

(Jan Carlock): As a joint? OK. So CDX allows joint notifiers but not single – foreign, allows foreign?

(Catherine Schechter): We are in the process of making sure our software will accommodate your needs and unfortunately that's not the case where a foreigner can submit. We are working on updating either our process or our procedures for this so stay tuned.

Tracy Williamson: We've gotten a number of similar questions recently on this topic. We do encourage people to e-mail us because you know if you can provide a little bit more information in a you know e-mail sent directly to us that can be helpful for us to test the system, cover all the possible scenarios and permutations of a scenario. You know in a webinar like people are you know providing more of a generic scenario but you know as everybody …

(Jan Carlock): Right, right, right, right.

Tracy Williamson: Lots of different permutations of that. So the more information we have you know we can go in and test the software and this will also give us a conduit to who needs to have a response when something has changed.

So yes where specific people can be you know we have a much more, we have much better ability to test the software much more quickly. And we understand that some of these if we need to make some changes as long as we understand the scenarios and test them properly which can be again pretty quick with more information, the code changes are should not be that difficult so we can implement that quickly as well.

(Jan Carlock): OK. I have a co-worker here with me also. (Marie) has a question.

(Marie): Yes. Going back to (Catherine's) example of the joint notification, if we initiate a joint notification and it's one of our foreign suppliers, and you know if you give them that e-mail or whatever it was, (Jan) asked before what happens if they don't respond. But my real question is once we do that and we've satisfied what we're supposed to do, is the EPA going to basically push that or we have responsibility for getting that other party to respond?

Tracy Williamson: Scott?

Scott Sherlock: That question as well is covered by the written communication that was directed to us earlier this week and I think we're going to deal with it in the context of that communication.

(Jan Carlock): OK, all right.

Scott Sherlock: Meaning we're not going to be able to provide you an answer this second.

(Jan Carlock): Well I think that might have also come from me. And there were other people I know that we've discussed in our you know consortium of different chemical companies you know we've all been wondering the same thing. So I thought I'd bring it up again not only the e-mail but also today on the webinar that this is a very common situation where chemical supplier, chemical companies in the U.S. import from foreign chemical suppliers and we don't know really the extent of our responsibilities and where it starts and where it ends.

And how we – and even for the companies that are foreign that do want to fully cooperate they're still not sure how they can cooperate. And then of course you have other companies that aren't really as willing to cooperate especially if it costs them money to get a U.S. affiliate.

So I'll again put my questions in an e-mail clarify and hopefully you'll have an answer soon as I said because we've got quite a few that we've got to deal with with foreign languages and you know third party to translate through. So it's appreciated and just hopefully that you're aware of all of these situations. It's not you know just a manufacturing situation and that we are trying very hard to comply with the law but it's not always that easy.

Tracy Williamson: Yes and this is you know this is the first extensive inventory reporting since the original inventory was compiled (inaudible) years ago so we do understand the breadth and the depth of it. Scott let me just if I can just get clarification from you.

So this is the, you said this is a question we've already received and this is the question I think we received in a little bit broader context about when is the

reporting obligation fulfilled and especially in a joint submission and in particular with more complex joint submission scenarios that we'll this in this question into?

Scott Sherlock: Yes.

Tracy Williamson: OK, thank you.

Scott Sherlock: You're welcome.

(Jan Carlock): Thank you.

Operator: Your next question comes from the line of (Marie Cox).

(Marcia Cox): Yes hi, this is (Marcia Cox). My question is when I go up to the TSCA active-inactive rule website there are three lists. There's the NOA Form A list, there's the exemption list of active substances and there's the interim list of active substances. So if I look at my form year reporting from 2016 and I look at that list of chemicals and it fits on one of those three lists, is there anything that I need to do under this active-inactive rule?

Tracy Williamson: If your chemical so if your 2016 CDR reported chemical it should already be marked active. So you can look on the inventory itself and it should be marked active. It should be on the exemption list, all of those on the exemption list are marked active and it should also be on the interim list which is just the CDR active chemicals. So yes, if you find it on any of those – if you find it on the exemption list or the interim list those are all marked active so it is exempt from reporting.

If you're looking on the TSCA inventory make sure it's marked active there because that includes all chemicals on the inventory including those that are not yet marked active. The only time you will need to report is if that substances is CBI on a TSCA inventory and if you want to request that EPA maintain that confidentiality claim. And those only chemicals that are already CBI can request to maintain that CBI be made in substances that are confidential on the inventory cannot be there's not the request (inaudible),

(Marcia Cox): I don't want to make any CBI claims.

Tracy Williamson: If it's on any of those lists and it's marked active it's exempt from reporting.

(Marcia Cox): OK. So if there is a, I know one chemical is on the NOA Form A list is the first list on the website. So if it's on that list also I don't need to worry about reporting it?

Tracy Williamson: I'm not sure what the – can you, the NOA Form A list I'm not quite sure what that is because the three lists, actually there's four lists now because we just posted a fourth list last week I forgot about that. But the primary lists are the TSCA inventory itself. That is the full TSCA inventory, it has non-CBI substances and for CBI substances on the inventory it has non-CBI identifiers for those.

So it does have every chemical on the inventory on that public posting. Only about 13 of those are currently marked active though and there's about 85,000 chemicals on the current TSCA inventory. The exemption list there's all of those chemicals that are already designated active on the inventory and that's about 13,000 chemicals.

The interim list are just the chemicals that are already marked active because they were reported in 2012 or 2016 CDR. I don't remember how many that list has but it's less than 13,000. I think it might be, actually I'm not even going to say but it's less than 13,000 because the exemption list includes the interim list chemicals plus NOC chemicals. So if you're looking at the exemption list or the interim list, every chemical on the exemption list and the interim list is already marked active and they are all exempt from reporting.

(Marcia Cox): OK. So if all my chemicals are on those two lists there's nothing I need to do?

Tracy Williamson: Correct.

(Marcia Cox): OK.

Tracy Williamson: Yes, I will mention there was a fourth list we posted last week at the request of some industry trade groups and that was to post chemicals that had been reported to date in notices of activity Form A. So that list has I'm not quite sure how many unique chemicals are on that list but we've received more than 15,000 when we compiled that list recently.

So that's for information purposes so that's the you know already reported chemicals. If a chemical's on that list it is not necessarily exempt from reporting unless it's a CBI chemical already marked active unless it meets another exemption. That list was posted for information purposes but there is more information about that list as well on our website.

(Marcia Cox): OK. And one last question, if I have a chemical that's not one of those lists is there a reporting threshold?

Tracy Williamson: There is no reporting threshold. It was in commerce in any amount at any time during the specific period so retrospective reporting, it just had to be in commerce at some point during the 10 year reporting period in any amount. And then for future reporting it's intended to be put back into commerce in any amount.

(Marcia Cox): OK.

Tracy Williamson: Yes so that's you know there are differences between this reporting and CDR reporting and the CDR is a TSCA section 8(a) rule. You know the purpose is to gain additional information on certain chemicals that are subject to reporting.

This is a section 8(b) rule it's really more about maintaining the TSCA inventory and this rule is specific to be able to gather information to mark chemicals either active or inactive on the inventory. So that other information that people might be used to reporting in a CDR report you know are not relevant here so there's no threshold, no production time threshold.

(Marcia Cox): OK, thank you very much.

Operator: Your next question comes from the line of (Tony Tentilow).

(Tony Tentilow): Hi, I have a couple of questions. I did send some questions in in writing or e-mail I should say but one of them seems to come up a little bit from another questioner and that's the about joint submission timeline. February 7th is for manufacturing or importing but can't we assume that it's really October 5th because there's nothing on the joint submission form that says processing or manufacturing?

Tracy Williamson: Well the timeframe, the reporting timeframe required for manufacturers and importers you know that's specific in this statute that's 180 days so that gets you to the February 7th deadline. The processor or the extended period for processor reporting is by rule and that's to October 5th of 2018.

You know our suggestion is that for companies that are you know manufacturers, processors and importers you know focused on manufactured and imported chemicals because they are that's required reporting and that's in the 180 day submission period that's required by the statute and then focus on process chemicals you know if that's possible.

(Catherine Schechter): And any joint submissions that belong with those manufactured or imported chemicals should be received also by February 5th.

Tracy Williamson: Yes, so if a you know if a mixture is imported and the components all need to be reported as imported chemicals and that requires a joint submission that falls under the 180 day statutory mandated deadline.

(Tony Tentilow): But how do I tell that if a customer imports a chemical from Europe or buys it over here in the United States in one case they're a processor and in another case – in the second case they're a processor, in the first case they're actually a both the import they're a manufacturer?

Tracy Williamson: I'm not, can you provide just a little more explanation? I'm not sure I'm quite following. Is that the same chemical that might be …

(Tony Tentilow): Yes, the chemical is sold let's say in Europe where the customer's company buys it and it's also sold here where we're the importer of record.

(Catherine Schechter): Importer of record.

Tracy Williamson: Well the importer of record would have a required reporting obligation and the that's in the 180 day required submission period that's mandated by the statute. So I'm not quite – I'm still not quite following.

(Tony Tentilow): Well if the customer submits a joint submission do we have till February 8th to respond or October 5th?

Tracy Williamson: So if the manufacturer or importer in the United States submits a joint submission request, that request needs to be fulfilled for the manufacturer importer by February 2018.

(Tony Tentilow): Right, but if the customer …

Tracy Williamson: If the customer is a processor and later finds out that it's …

(Catherine Schechter): So I'm not quite so the …

Tracy Williamson: Then that's a different (inaudible).

(Tony Tentilow): Yes. The thing is the customer is going to be submitting the joint submission, us as a company don't know if they are processing it that is they're buying it from us in the states or if they're (inaudible) chemical if they're importing it from Europe and they're the importer, the manufacturer.

Tracy Williamson: OK. So you customer's a downstream processor of a chemical that you're importing?

(Tony Tentilow): Right.

Tracy Williamson: So and so (inaudible) joint submission but you're not …

(Tony Tentilow): Or they yes, OK.

Tracy Williamson: So if they're initiating a joint submission as a manufacturer or as a processor?

(Tony Tentilow): Yes, we don't know that.

Tracy Williamson: That would be (inaudible) you know the chemical that would be, that could possibly be a scenario where you know you know you have 180 days required obligation as an importer, that might be an opportunity to you know share a CDX receipt with them so that you would not have to, you know the joint submission at that point can end. If they're requesting a joint submission on a chemical that you are reporting as an importer and if you showed a CDX receipt that can end that joint submission. They can either withdraw the joint submission if you would share the CDX receipt or you know you could ask them to withdraw it.

(Tony Tentilow): All right.

Tracy Williamson: I mean that could shorten the you know shorten the potential two reporting obligations.

(Tony Tentilow): The thing is a lot of times we don't know whether the customer bought it in, purchased it in Europe or purchased it in the United States.

Tracy Williamson: If you receive an e-mail for a joint submission then you answer that joint submission request no matter whether that person was a processor or a manufacturer if it's within that 180 days (inaudible).

(Tony Tentilow): OK. I'm just curious what is the current wait period for getting chemicals onto the SRS? If we find for example a PMN that we don't have the accession number for it what is the wait period for getting these? I've been presuming that the PMN's been notified in a notice of commencement, what is the wait period for actually getting it into SRS getting a chemical?

Tracy Williamson: Yes. We just I don't remember if it was last week or the week before we had another set of maybe a dozen to two dozen chemicals that either was a change in CBI status or something.

So we did just update recently the both the SRS and then the pick list in the application and the exemption list. It usually takes a few days but when you know there's some QC done then to update those lists, you know updating the SRS is usually pretty quick but the SRS is the agency's main chemical pointer

system and so there is sort of a QC process because any changes that we're requesting to make we can't disrupt you know the broader use of the SRS.

But usually it doesn't take more than a few days but there has been a couple of instances where there's some chemicals that were, questions were raised and we needed to do a little more checks in QCs but for the most part it takes a few days. Usually what takes a little more time is when people do contact us about something that's missing.

Sometimes it does take a little time for us to pull files. You know we've been getting requests about PMN chemicals for example from you know the early 1980s, and so to check the inventory status of chemicals you know sometimes it can take a little bit longer to pull those files to get the information to make sure that we have all the information how the chemical was processed and then if there was something missing you know we can account for that.

So you know we do encourage people to contact us you know right away if you have trouble locating a chemical on the inventory or on any of the lists because in most cases substances have been, the reason why somebody hasn't found a substance is because they're looking for a CBI substance and it was declassified.

Sometimes a substance, there's been some substances that haven't been put on the TSCA, the public version of the TSCA inventory because the algorithm that's used to pull the non-CBI data off the master inventory finds a conflict and then passes over chemicals. But that's something we can usually trace pretty quickly and correct.

There has been a few, a very few cases where somebody has brought a PMN chemical to our attention and we never receive the NOC for that. And those are usually older cases when before things PMNs and NOCs were electronic and things were mailed and you know with the amount, the volume of PMNs and NOCs that EPA used to receive by mail you know occasionally things got lost in the mail but we can correct that too. Unfortunately there's a couple of cases that have, that were discovered recently you know companies had a

copy of the NOC with all the mailing information and we can process that and correct that pretty quickly as well.

But again the earlier you contact us and we do some of that quick research the quicker then we can make the correction and then get it on the inventory, the exemption list, the pick list and then the SRS.

(Tony Tentilow): OK. As I said I did write some questions, I don't want to monopolize time. But maybe (Cathy) if we have a future seminar (Cathy) could demonstrate the joint submission within the joint submission scenario or the tertiary submission scenario.

(Catherine Schechter): OK. We will try to explain that later yes.

(Tony Tentilow): OK.

Operator: And our next question comes from the line of (Lady Declapit).

(Lady Declapit): Good afternoon, thanks so much for holding these webinars and demonstrating the CDX software. The difficulty for industry has been questions often come up in the same, the same questions come up over and over in the webinars and the suggestion is really submit a e-mail to the agency. These are usually not company specific questions but rather industry wide. I really want to reinforce as soon as you could get those Q&As out published and widely available those will be very helpful to industry and it may cut down on your e-mail clutter.

In addition my second question is around the CBI substantiation and in particular for the technical contacts authorized officials and company name, the update of the inventory of you know as outlined in the statute requires just identification of active chemicals in commerce not who was necessarily associated or who manufactured, imported or processed that.

So I'm a little confused on why there needs to be substantiation for the company and authorized official and technical contact in that CDX application. Just you know we totally understand the chemical identity

substantiation but not necessarily the requirements for the company and authorized official.

Scott Sherlock: OK. So Tracy I'll take this.

Tracy Williamson: Thank you.

Scott Sherlock: So the agency has interpreted new TSCA to mandate that there will be up front substantiation on all data elements provided in a TSCA submission with some very limited exceptions. And so as this is a TSCA collection, that interpretation is binding on those collection and so for that reason there would be there's an upfront substantiation requirement for technical contact, authorized official and company.

As you may know parallel to this activity is the TSCA CBI review program for 100 percent of all chemical identities, CBI claims where the chemical was in U.S. commerce and 25 percent of filings that contain CBI. Does that provide an answer to you?

(Lady Declapit): Yes it does, it still doesn't – it doesn't really explain why it is important to have the chemical name authorized official and technical contact on that submission if we're only trying to identify chemicals that have been active commerce over the last 10 years.

Scott Sherlock: So your point's not really one of CBI, it's really how come there is a requirement that this information be provided at all?

(Lady Declapit): Well yes. I could understand why it could be linked to a CDX submission but I'm not – to come up with a CBI substantiation that you know we necessarily don't want particular individuals associated with companies and chemicals and it gets a little complex with large manufacturers, importers or processor. So this is difficult and is an industry burden. I'm trying to understand why it is important that that was on the CDX form?

Scott Sherlock: Your – to make sure that I fully understand your question, you're wondering why you have to report on the CDX form any information other than chemical name?

(Lady Declapit): Yes, right. And I can understand when we're trying to substantiate chemical identity, you know CBI for chemical identity that makes perfect sense. But I'm just not understanding why for general processing, manufacturing and importing why there was any requirement for company name anywhere associated on that form?

Scott Sherlock: Well I guess the very, very short answer which you might find to be not a terribly satisfying answer is that we went through notice and comment rulemaking and in the process of doing this we thought, we proposed these data elements and that was included in the final rule. I can understand why that's not an entirely satisfying response to you.

(Lady Declapit): OK, I just didn't understand the justification for it. It's just a data element that's not necessary for the statute.

Scott Sherlock: No, we appreciate you bringing it to our attention.

(Lady Declapit): OK, thank you.

Scott Sherlock: Thank you ma'am.

Operator: Your next question comes from the line of (Hasham Salamol).

(Hasham Salamol): Yes hello, this is (Hasham) and just on the question that's been raised early on that if there's a substance on the one of the – or actually let's say it's on the NOA the last list that you have just published that notified substances and it shows now active on the substance on the TSCA, is the company that finds that have the same substance and finds that substance active now on the list have to go and (inaudible) because they don't have a CDX receipt for it?

Tracy Williamson: So the list we just published which is a list of chemicals that have been reported as of and I believe it was November 10th, those are so those lists, those chemicals have been reported in an NOA but they are not yet marked active on the inventory. We are getting requests to withdraw notices. So people need to keep in mind that that list is what has been reported but there's a chance that you know any number of those chemicals you know could be

withdrawn and so they will not end up being designated active on the inventory.

Now we don't expect a large number of chemicals to be withdrawn but it's a possibility. So that list is for information purposes only, it's probably going to be most useful to processors. It's almost like a precursor to what we will publish this late winter, early spring that first draft inventory that has substances marked active based on the 180 day submission period for manufacturers and importers. So at that point that inventory will have chemicals marked active because the first phase of the retrospective submission period will have closed.

Now it's still possible for companies that provided a notice during the 180 days to find an error, mistake or otherwise you make a request to withdraw a chemical. So the what's going to be considered the more definitive list will be that first inventory that EPA will publish next fall probably again November of 2018 that will have every chemical marked active or inactive because that will be at the close of the entire retrospective submission period.

So this a request was made to EPA to publish chemicals reported to date and so that list that we just newly published last week that we'll probably update a couple more times before the close of 180 day submission period for manufacturers and processors, that's really for information purposes only.

If a chemical's on that list that is not yet marked active on the inventory, some of those notices may not have been you know QCed not that the QC process is that long for these notices. But there has been a few little issues with some notices that have come in with some data missing. You know we've corrected that.

So these chemicals are not necessarily going to, aren't marked active yet. And most importantly per the final rule a chemical is exempt only if it meets those specified in the final rule and this was not an exemption that was included in the final rule to for EPA to post interim list that would then exempt persons from reporting if they are on these interim lists.

The you the exemptions that are specified in the rule are those that potential reporters can take advantage of but this is not, this is not an exemption that's specified in the rule. So the one the exemption that would, that is most closely related is the CDX receipt exemption. So that is something that's specified in the rule and if companies you know that have you know business relations want to share CDX receipts for chemicals that they reported that somebody that has the CDX receipt is exempt from reporting that chemical provided that that chemical isn't later withdrawn.

So that's it's very important to understand that that this latest this fourth list that we posted and it's the chemicals already reported to date is for information purposes only. If a chemical's on that list it is, it is not exempt from reporting unless it meets an exemption that's specified in the final rule.

(Hasham Salamol): OK. My next question will be is so if you have a substance on the original exempt list OK that the EPA posted the one the June 2017 list and it's marked as active, what would be an answer, the proper answer to your downstream user of that chemical that this is you know it's a good chemical that you can use for manufacturing given that that you know downstream user is not you know he elected not to review the list or to even go to the EPA website to review anything?

Tracy Williamson: If something is marked already marked active on the inventory meaning it will be on the exemption list, those are sent from reporting again the exception is the chemical CBI on the inventory and somebody wants to report it, to request that a confidentiality claim be maintained. If there's a customer that has a question about that substance and maybe doesn't know maybe there's a component that's proprietary to the company and so they might not be aware it's on the exemption list, is that sort of your question?

(Hasham Salamol): No, yes well it's no these have not checked the exemption list or they didn't do anything and they just ask they send you an e-mail and say OK, we buy this and we need you to give us a CDR receipt or give us a response. Now this is active already there is no need for CDR, I mean for CDX receipt or anything. What would be the proper answer to that (inaudible) user?

Tracy Williamson: Well the best answer would be to say it's on the exemption list, it's already marked active and provide the chemical identifying information so the company has what they need to search it themselves. If that information is proprietary and if you know the other company, the second company doesn't want to provide you know if it's not CBI on the inventory and it's marked active and a company doesn't want to provide the CAS number, that refers to the scenario that we talked about previously that we're going to further develop an answer to. You know that gets into what is the extent of reporting obligation when is that fulfilled?

But if the best scenario is if you know a company is requesting another whether a chemical needs to be reported because they don't maybe don't necessarily know what the chemical identifying information is, if the company that does have that information if they can share you know the CAS number and the CAS name if it's not CBI on the inventory if they can share the accession number and generic name if it is CBI on the inventory, then that company, the other company has the information they need to then search themselves and be assured that it marked active. So there's you know two possible scenarios.

Again the best scenario is to provide, you know and you would not have to provide a CDX receipt because it's not reportable so you wouldn't necessarily have a CDX receipt again unless it's the CBI chemical scenario. But you know having that information that the company can receive and be assured that they know that it's on the inventory and it's marked active you know having that chemical identifying information that allows them to do that. That would be the best scenario.

But again you get into proprietary situations and that's when that's not going to work and that's the other scenario that I've already talked about that EPA is going to develop a more detailed response to.

(Hasham Salamol): OK.

Tracy Williamson: Does that answer your question?

(Hasham Salamol): Yes it did but I will wait for your you know posted Q&A on the website as well.

Tracy Williamson: OK, OK.

(Hasham Salamol): Thank you.

Operator: Your next question comes from the line of (Jay Galag).

(Jay Galag): Hello.

Tracy Williamson: Hello.

(Jay Galag): My question is in regards to CBI claims substantiations. I know for CDR the plan for that is transparency and company names are published with activity under CDRs. But I was curious, what is the plan if any to publish the Form As or to publish the company name in association with this CAS number reported under the TSCA reset?

Tracy Williamson: Currently certainly for Form A because EPA is expecting to receive quite a number of them, EPA does not currently have plans to publish them. That does not mean that they may not be published in the future.

(Jay Galag): Would they be subject to FOIA?

Tracy Williamson: They're subject to FOIA so they could be released under FOIA. If there's information claims CBI you know that's either if EPA would decide to publish forms in the future they you know the sanitized version would be published so anything claims CBI would be redacted and FOIA's the sanitized version would be provided in response to any FOIAs that EPA might receive.

(Jay Galag): OK I was just …

Scott Sherlock: Do you have any further questions on that?

(Jay Galag): No, just I know I've been getting questions from the business as to whether or not this is going to be published, if there was a plan to publish this if they need to go through the attempt to claim a CBI for the company name to disassociate

the company name with the chemical identity or if it's you know if it's guaranteed to be published or if it's a chance that it could be published. So that helps.

Scott Sherlock: Well I mean as I said earlier, you know the only valid CBI claim for company name is if it is a secret that your company has manufactured process or imported this chemical during the look back period. So for example if your company, if the chemical name shows up on your company website that's probably a bad CBI claim for company name.

(Jay Galag): Yes, that makes sense. I mean we just have lots of chemicals that we consider secrets that are not on any technical data sheets, are not on chemical safety data sheets, they're not on websites, but some of them aren't as secret as others.

So just because you know if it's part of a product name there's no concentration information that's reported, there's no product name information that's reported, the only thing that would attach our company would be you know the company name. So that's why just out of curiosity there so.

Scott Sherlock: Yes. I mean particularly in this day and age I mean we're getting very, very broad FOIA requests for all sorts of information. So even if the agency does not have an intent or plan to release these raw forms, it is I think you should probably presume that somebody's going to seek the non-confidential information from this collection and post it.

(Jay Galag): OK.

Scott Sherlock: OK.

(Jay Galag): Thank you.

Operator: Your next question comes from the line of (Richard Star).

(Richard Star): Hi yes, thank you. So my question is in a situation where company one submits a Form A for a chemical so it's been notified but is not necessarily published as active by EPA yet, if company two submits in the CDX software

the same a Form A on the same chemical, what happens in the system? Is it rejected?

Tracy Williamson: No it is not, no because the system, the system isn't checking back against the inventory.

(Catherine Schechter): Previous submission by other companies.

Tracy Williamson: Right. So the system is just receiving on you know the pick list in the application and in the SRS. So you know any changes that EPA makes you know at this time on the inventory are not going to be sort of back populated into the pick list in the SRS. And you know there's a number of reasons for that. Again you know cases might be withdrawn, again we are receiving withdrawal requests. There is the CBI issue for the CBI chemicals.

You know we're not – people might continue to want to report those to make the claim. And so companies have you know have, all have the opportunity to make such a request as soon as they wish to do so. So there's a number of reasons why you know the data's kind of going in one direction in terms of reporting.

(Richard Star): Is there a situation in which a submitter would receive a rejection?

Tracy Williamson: Shouldn't be.

(Catherine Schechter): The only thing that the software does a validation so if certain information is not provided it won't allow you to submit. But after it's submitted there is no bounce back that says it's rejected or anything.

Tracy Williamson: Yes. So we have already added some chemical (experts) in the pick list the exemption. When they were missing and should have been on you know any one of those lists or several of those lists, we are not kicking chemicals off.

(Richard Star): OK. So, just one second question and I want to go back a little bit to the submission again. You gave us a demonstration earlier of uploading a CSV file and correcting any errors that the system indicates. Is there any way you

could provide some sort of something on your website that would explain how to fix those errors? Because I think some of them you know might be not very clear as to what you're supposed to do and how you're supposed to fix the CSV file et cetera.

(Catherine Schechter): I don't think so. The CSV file is an example when you go to the resources page to download and it does give you some examples of various types of chemicals to which you can upload. It's pretty self-explanatory if you pull up the CSV file. Most companies if they've had issues they've called me up and I've walked them through it. It's pretty simple to be honest.

(Richard Star): OK, all right.

Tracy Williamson: There are a lot of questions on that so I think …

(Catherine Schechter): There are lot of submissions with 100 plus chemicals.

Tracy Williamson: I have 200 plus chemicals I think …

(Catherine Schechter): Just FYI yes.

Tracy Williamson: And we have gotten a couple of questions on what are the, what is the limit for uploading chemicals? And there isn't really a limit but people need to keep in mind that different browsers can cause timeouts when you're uploading a particularly large file, a batch file.

(Catherine Schechter): Yes, that would be in submitting those batch files because it has to do with, well once you hit the submit button to send it to the agency the software creates PDF and then submits everything and that could be time consuming when there's a quite large number of chemicals. So we're finding about you know 100, 150 usually goes through with no problems but it does depend on your broadband bandwidth and speeds and stuff like that so.

(Richard Star): OK thank you. That's all.

Operator: You do have a follow up question from the line of (Hasham Salamol).

(Hasham Salamol): No I'm sorry I didn't have any questions. I was trying to put myself on mute.

Tracy Williamson: That's all right.

(Hasham Salamol): Thank you.

Tracy Williamson: Yes. (Toni), do we have any more questions through audio?

Operator: We do not have any more questions.

Tracy Williamson: We're going to switch over and start addressing some questions that people have submitted through Adobe. I will mention that if we don't get to your question, when you signed in through Adobe if you provided your name and e-mail address we will be able to respond by e-mail to your question.

If you did not provide an e-mail address, we would encourage you to resubmit your question. If we don't get to it today directly to our TSCA inventory box and that way we'll be assured that we have a way to get a response to you. So start at the bottom.

So a question about what does it mean when a chemical is noted as provisional in the reporting list? Some of the generic names for chemicals that are CBI on the inventory are marked as provisional. A lot of generic names are often negotiated between the submitting company and EPA and for a number of reasons either one or both may not feel like we came to a final conclusion on a best generic name.

And you know at some point the chemical at NOC time for example needs to get processed and get on the inventory and so the negotiation can get to a point where we have something that we think is satisfactory to put on the inventory maybe not the – what we would ultimately like and those chemicals are marked as provisional. So it's just a notation for generic names for those CBI chemicals on the inventory that means that that generic name there's a possibility it can change in the future.

(Catherine Schechter): So a couple of people have asked about the CDX receipts. When submit an application through the system it bounces back with a receipt which is very vague.

It gives you date, time and the fact that you have submitted something for, for example section 5 or in this instance for the section 8(b) reporting and it gives a transaction ID number. It does not give any other information, it may give a company information but that's it. There is no other information associated with that a particular substance.

Tracy Williamson: So it's not a transcript of the actual submission, it's a receipt with an identifying number, a little bit of additional information to document that EPA did receive the notice whether it's a PMN notice or an NOA Form A notice or any other type of electronic submission.

(Catherine Schechter): So if you're going to pass along this receipt, then it's up to you to make sure that the recipient of the receipt understands to which chemical that receipt is for. We're leaving that up to between the two companies as to how that information is conveyed.

Tracy Williamson: Yes, and sharing CDX receipts is entirely between you know a reporting entity and another entity that may have a responsibility to report. It's up to you know the two entities to determine how to share that information. But you know it's assumed that in sharing receipts there is an exchange of you know information about you know chemical A, B and C have already been reporting and here's the CDX receipt for those.

So in the process of communicating about CDX receipt, there is an assumption that there's information shared on which chemicals which then will provide that additional documentation about you know which chemicals the CDX receipts represent.

(Catherine Schechter): So the (inaudible) instructions.

Tracy Williamson: So there's a question about are the step by step instructions on how to submit starting with setting of a primary authorized official. There are several user guides in the application. I believe those are all posted in …

Male: (Inaudible) registration guide.

Tracy Williamson: Yes. There's one for primarily authorized official, I think secondary authorized official …

Male: (Inaudible).

Tracy Williamson: Yes, so they are some of them are very specific to a particular role.

(Catherine Schechter): And if you have not registered in order to receive these user guides, feel free to ask the inventory.

Tracy Williamson: They should all be posted in the docket for the rules. So if you go to the federal that link for the Federal Register publication of the rule, on that page you can click on the docket for the rule and they should be available there as well if you haven't yet registered in CDX or you can as (Cathy) said, shoot us an e-mail and we can (send) them to you outside of the system.

Again there's a number of questions about slides for the webinar. So we're working on getting those posted to the website as well as a recording and a transcript. But particularly for the slides, send us an e-mail to the TSCA inventory e-mail box and we can directly send those slides to you.

There's a couple of questions about if a chemical's, if a customer's asking about a chemical and it's on the active list which would have no receipt before. But I think we did address that, that came through audio. But for those that asked the question through Adobe if you didn't feel that that answer was specific or if there was a different maybe related scenario you're thinking of, send us an e-mail and we can have a more one on one conversation about that.

(Catherine Schechter): (This one) I think we've already answered if you're getting of a chemical not in SRS, yes.

Tracy Williamson: Let me go through (them).

(Catherine Schechter): OK.

Tracy Williamson: There's a question about where your process sort of have a lot of CAS numbers, is there a easy way to screen which has not been reported as active or an exempt? Depending on how expertise you are in Excel or Access there are duplicate functions in at least Access …

(Catherine Schechter): In Access.

Tracy Williamson: And in Excel I think. So you can actually I – there are ways to search a list of CAS numbers against the exemption list in excel. Another option would be to just put them all in a comma separator value file and upload them in the system and the system will tell you if they're not in the pick list and then you could remove them from your badge file, upload those that did not result in an error and process those through as a notice.

And then the ones that may have been rejected by the system you could just limit your searching against the exemption list of those that were rejected and just confirm that they actually are there and marked active. So there's probably a couple of ways you can do that if you have a lot of CAS numbers to check and or accession numbers. (Inaudible).

A question if a processor reports does this mean that the supplier manufacturer importer is in non-compliance for failing to report the ingredient? The processor's processing is active, what is an example of when that would not be the case? If – this is there's a couple of potential scenarios for that so whoever the person that asked that question, you know feel free to contact us directly.

But for example you know one scenario is that the 180 day reporting period elapsed and the manufacturer and or importer did report that chemical and nobody else reported that chemical.

Actually it wouldn't be dependent on others reporting that chemical but there's an obligation for that manufacturer the importer to report during that 180 days. It's not exempt for example doesn't meet any of the exemptions there's an obligation to report, then the manufacturer and importer would be in violation of an NOA reporting.

You know the processor could report at any time during the 180 days or they could report after the 180 days during the extended processor reporting period. If the processor reported during the first 180 days and shared a CDX receipt exemption, then the manufacturer and the importer if they have that CDX receipt exemption and the notice was not withdrawn then the manufacturer and importer would be exempt from reporting because having that CDX receipt is an exemption in the final rule.

But again the processor would have had to report during the 180 days. If the processor reported after the 180 days then again there was not an – if there was not an exemption that the manufacturer importer could take during the 180 days then they would be in violation of an NOA Form A reporting.

So I hope that answers maybe a couple of the possible scenarios that we're thinking could be at play with that situation. But if there's others that you know let us know contact us directly.

At this point (Toni), do we have any more questions that may have come in through audio because I'm noticing we're running a little bit past time? So if we have another question through audio we'd take this but at this point I think we'll start wrapping up.

Operator: We don't have any further questions via audio.

Tracy Williamson: OK. I think with that we'll wrap up. We want to thank everybody very much for participating today. You know keep an eye on our website for more information.

Don't hesitate to contact us you know directly through the contact information that we provided in the presentation today. You know we're happy to work with people one on one to answer your questions, you know to look up chemicals, work with you as you have questions about reporting.

So with that, we'll say thank you very much again for your attendance and participation and again just stay tuned to the webpage. As I mentioned when we started the webinar, this is the last one we have scheduled but we're

looking into scheduling maybe an additional webinar before the close of the 180 days. So with that thank you very much.

Operator: This does conclude today's conference call; you may now disconnect your lines.

END