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TUESDAY, AUGUST 2, 1977

PART II



Jan 1, - May 1

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ENVIRONMENTAL PROTECTION AGENCY

PLAINTIFF'S
EXHIBIT

KM-370

TOXIC SUBSTANCES CONTROL

General Provisions and Inventory
Requirements; Public Meeting

KMX 01201

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 700 and 710]

[OTS-081002; FRL 764-1]

TOXIC SUBSTANCES CONTROL

General Provisions and Inventory Reporting Requirements; Supplemental Notice; Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rules; Notice of Public Meeting.

SUMMARY: This notice repropose the inventory reporting regulations first proposed on March 9, 1977 in the Federal Register and supplemented thereafter. Specifically, these repropose regulations would require some manufacturers:

- (1) To report the identity of each chemical substance manufactured (or imported) for a commercial purpose and the site of such manufacture;
- (2) To estimate the amount of each such chemical substance manufactured or imported at each site;
- (3) To indicate whether each such chemical substance is manufactured and used only within one site; and
- (4) To indicate whether the respondent is a manufacturer, processor, and/or importer of each such chemical substance.

In addition, these repropose regulations would authorize certain other persons to report such information at their discretion.

DATES: Written comments must be received on or before September 16, 1977. EPA will hold a public meeting in Washington, D.C. on August 24, 1977 to provide an opportunity for oral comments. Details are provided below.

ADDRESS: Comments should be addressed to the Federal Register Section (WH-557), Office of Toxic Substances, Attention: Vicki Briggs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Comments should be filed in triplicate and bear the identifying notation OTS-081002. All written comments filed pursuant to this notice will be available for public inspection at that office from 8:30 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. John Ritch, Office of Industry Assistance, Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-0535.

SUPPLEMENTARY INFORMATION: These regulations are proposed under the authority of subsection 8(a) of the Toxic Substances Control Act (90 Stat. 2003; 15 U.S.C. 2601 et seq.; hereinafter referred to as TSCA).

On March 9, 1977, EPA first published in the Federal Register (42 FR 13130) proposed inventory reporting regulations to govern reporting of chemical sub-

stances for inclusion on an inventory of chemical substances required by subsection 8(b) of TSCA. On April 12, 1977, EPA published a supplemental notice of proposed rulemaking in the Federal Register (42 FR 19298) providing additional information pertaining to the proposed inventory regulations. This notice set forth instructions for use of a Candidate List of Chemical Substances and specified minerals which EPA proposed to include in the inventory of chemical substances. On April 28, 1977, EPA published a notice of availability of the Candidate List of Chemical Substances for use in reporting chemicals for inclusion on the inventory (42 FR 21639). In addition, on July 8, 1977, the Agency published a notice to amend the procedures for securing a copy of the Candidate List on computer-readable tape (42 FR 35183).

On April 18, 1977, EPA held a public meeting in Washington, D.C. to provide interested persons an opportunity to comment publicly on the proposed regulations. In addition, approximately 200 persons have submitted written comments on the proposed regulations. Both the transcript of the public meeting and the written comments are available for inspection by the public in the Federal Register Office of the Office of Toxic Substances.

As a result of these comments, EPA has decided to repropose the inventory reporting regulations to require additional reporting by some persons and less reporting by others.

PARTICIPATION IN THE PUBLIC MEETING

The public meeting on these proposed regulations will be on Wednesday, August 24, 1977 from 9:00 a.m. to 4:30 p.m. in the Thomas Jefferson Auditorium of the Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. Persons who want to reserve time to present their comments at that meeting should contact Vicki Briggs at the address provided above or telephone 202-426-9819. Each person may request up to 15 minutes although less time may be allotted depending upon the number of participants. EPA will make a transcript of the proceedings for public inspection.

STATUS OF REPROPOSAL

The record of this rulemaking will include all comments received in response to the earlier notices of proposed rulemaking as well as the comments received in response to this notice. The public is encouraged to review the earlier notices of proposed rulemaking if any questions arise concerning the context of these repropose regulations. While EPA would welcome comments on any aspect of these proposed regulations, persons are encouraged to direct their comments to the new provisions proposed here and not duplicate comments submitted earlier on other aspects of the proposed regulations. EPA will respond to all the comments submitted in response to the proposed rulemaking notices in the final inventory reporting regulations.

MODIFICATIONS OF INITIAL REPORTING REQUIREMENTS

The main purpose in revising the proposed approach is to use these initial reporting requirements not only to compile the inventory required by section 8(b) but also to fulfill the Congressional intent, as stated in section 2 of TSCA, that adequate data be developed for implementation of TSCA and other authorities directed to regulating risks associated with chemical substances. Although the regulations proposed on March 9, 1977 would have required manufacturers to report chemical substances manufactured for commercial purposes, the proposed approach would not have required reporting concerning production sites or the quantities produced.

In contrast to EPA's original proposal, the revised version published here would require certain manufacturers not only to identify the chemical substances in commerce but also to report where the chemical substances are manufactured and in what quantities. This information will be valuable for estimating the potential exposure to chemical substances for monitoring, control, and preventive actions. For example, plant site information would be useful in identifying possible sources of hazardous chemicals, especially in an emergency. Data on the quantities of chemical substances in commerce would enable EPA and other agencies to select substances for priority attention among the tens of thousands in commerce.

These amendments would expand the scope of the initial reporting requirements, but would limit the applicability of the requirements to those persons with establishments that are primarily engaged in the manufacture of chemical substances. Accordingly, only the approximately 20,000 establishments in the Standard Industrial Classification Major Group 28 (Basic Chemicals and Allied Products) and Group 2911 (Petroleum Refining) would be required to report each chemical substance manufactured at the production site and the volume of production. Manufacturers outside these groups would not be required to report. These latter persons could choose to report or could authorize a trade association to report to ensure chemical substances which they manufacture are included on the inventory. The hundreds of thousands of chemical processors may report during a limited period following publication of the initial inventory. EPA may require reporting by any of these manufacturers or processors as part of its phased reporting strategy under section 8(a), discussed in the following section.

Other amendments to the March 9, 1977 proposal include a requirement that manufacturers indicate whether a chemical substance is manufactured and processed solely within one site and not distributed for a commercial purpose outside that site. EPA is considering specially designating these chemical substances on the inventory and providing under section 5(a)(2) that any use of

those substances for commercial purposes outside the manufacturing site would be considered a "significant new use." In addition, respondents would be required to indicate whether they manufacture, process, and/or import a chemical substance. Knowing which persons manufacture, import, or process a reported chemical substance would enable EPA to direct any future notice or requirement to appropriate persons and permit the Agency to estimate how much of a substance is manufactured domestically and how much is imported.

Various representatives of the Federal government and environmental groups have urged EPA to amend the initial reporting requirements to include reporting on uses of chemical substances. EPA recognizes the importance of obtaining use information in order to estimate exposure to a chemical substance. However, incorporating use reporting into the initial requirements would substantially delay the publication of the inventory, perhaps for more than a year after the statutory date. Premanufacture notification of new chemicals would be delayed accordingly.

For this and other reasons, EPA decided to postpone use reporting to the second phase of its reporting strategy, as described below.

OVERALL STRATEGY

By reproposing the inventory regulations, EPA recognizes that it will be unable to meet the statutory deadline for publication of the inventory in November 1977. Nonetheless, EPA believes that the proposed delay is warranted by the importance of the data base that would be generated as a foundation for implementation of TSCA. At the same time, EPA will not attempt to develop a comprehensive data base on all chemical substances through the initial reporting requirements. EPA has developed an overall strategy for data development under section 8(a) of TSCA. These initial reporting requirements are the first of three phases.

The second phase of EPA's proposed strategy will be initiated after these regulations are final this fall. In this phase, EPA will address chemical substances selected because of their concern to EPA, the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission (CPSC), as well as to other agencies and interested parties. Manufacturers and processors of those chemical substances may be required to submit use information, including the estimated amounts of a chemical substance manufactured or processed for each use. In addition, EPA would consider asking for information on impurities, byproducts, worker exposure, and other factors as needed for specific chemical substances or categories of chemical substances.

The third phase of EPA's reporting strategy would begin after the inventory is published in 1978. EPA would by regulation require reporting under section 8(a) for additional chemical substances

selected in part on the basis of their relative production volumes as reported under the initial reporting requirements. During this phase, EPA intends to develop the data base for a larger portion of chemical substances in commerce with respect to their use, exposure and other factors. Finally, in addition to such systematic reporting, EPA anticipates that it may ask for information on certain chemical substances as needed by the Department of Labor and others in emergency situations.

In determining what information to require in each of these phases, EPA will of course review alternative sources of data such as information available under Section 308 of the Federal Water Pollution Control Act Amendments of 1972 and other authorities, and will minimize duplicative reporting requirements.

DEFINITIONS OF SMALL MANUFACTURERS FOR THESE REGULATIONS ONLY

In proposing an expanded approach to the inventory reporting requirements, EPA would require certain manufacturers and importers to report information in addition to the identities of chemical substances in commerce. Paragraph 710.5(d) of these proposed regulations outlines this information. Although TSCA section 8(a) provides broad authority to EPA to require information necessary for the administration of the Act, EPA may require "small manufacturers and processors" to submit only information required for compilation of the initial inventory or concerning a chemical substance which is subject to a proposed rule or order under TSCA section 4, 5, or 6, or court action under section 5 or 7.

Some of the additional information outlined in paragraph 710.5(d), such as production volume and the manufacturing sites of a chemical substance, may not be considered necessary for compilation of the initial inventory. Therefore, EPA may not be authorized to require submission of that information from "small manufacturers" under these regulations. Accordingly, EPA is proposing to define which persons qualify as "small manufacturers" for the purpose of these regulations and to exempt small manufacturers from certain of these reporting requirements.

The definition of "small manufacturer" proposed here is a one-time definition intended to apply solely to these regulations. Accordingly, it would only apply to manufacturers in SIC groups 28 and 2911 and to importers of chemical substances. Persons should not interpret this definition as indicative of future definitions which will be proposed for the purpose of subsequent regulations under section 8(a) of TSCA. Those definitions for "small manufacturers" will take into account the burdens of complying with the future reporting and/or record-keeping requirements.

Section 8(a)(3)(B) of TSCA provides that, after consulting with the Small Business Administration, the Administrator shall by rule prescribe standards for determining the manufacturers and

processors which qualify as "small manufacturers and processors." The legislative history of TSCA shows that the Senate bill contained no exemption from the reporting requirements for small manufacturers and processors. The House bill first introduced this provision because reporting and record-keeping requirements "may impose a particularly heavy burden on small manufacturers and processors" (H.R. Rep. No. 94-1341, 94th Cong., 2d Sess. 42 (1976)). The Conference substitute retained the exemption of the House amendment in order to "protect small manufacturers and processors from *unreasonably* burdensome requirements" (*italics added*) (H.R. Rep. No. 94-1679, 94th Cong., 2d Sess. 80 (1976)).

In exempting "small manufacturers and processors" from certain reporting requirements, Congress intended that EPA balance its need for certain information with the burden imposed upon small manufacturers and processors in submitting that information. As discussed above, EPA believes that the information which would be required by these regulations is necessary to establish a data base for implementation of TSCA and other authorities directed to regulating risks associated with chemical substances. In developing the proposed exemption from these reporting requirements, EPA has consulted with the Small Business Administration (SBA) and others in order to assess the administrative and economic burdens for small manufacturers of complying with these reporting regulations.

As proposed in § 710.2 of these regulations, the term "small manufacturer or importer" means "a manufacturer who (a) has only a single manufacturing site, and either (b) has total sales of less than \$100,000, based on the manufacturer's latest complete fiscal year, or (c) has no more than 2,000 pounds annual production (i.e., amount manufactured and imported) of each manufactured chemical substance. In the case of a company which is owned or controlled by another company, such factors would apply to the parent company and all companies owned or controlled by it taken together."

Manufacturers and importers which fall within this definition would be exempt from reporting production volume. They would not be exempt from reporting the following information, which is necessary for compilation of the inventory: The identities of the chemical substances they manufacture or import; the business address; whether a chemical substance is used solely within the manufacturing site; or whether they manufacture, process, and/or import the chemical substance. Any small manufacturer whose chemical substance is not included on the initial inventory would be subject to the premanufacture notification requirements of TSCA section 5.

In considering alternative definitions, EPA is evaluating the burden of complying with the expanded reporting requirements in light of the fact that manufacturers and importers would already be reporting the identities of chemical sub-

stances for the inventory. In promulgating these regulations, EPA will probably define "small" in terms of (a) plant site, and either (b) sales or (c) production levels, incorporating only two parameters in the final definition.

With respect to the alternative of defining the term "small manufacturer" in terms of clauses (a) and (b) above, the number of plant sites is indicative of the management structure of a company and the likelihood that the information required would already exist in a centralized form. Information on the total annual sales of all products is generally available to all manufacturers. It also is a measure of size in terms of dollars and therefore is relevant to the burden imposed by these reporting requirements. EPA considers \$100,000 an appropriate level above which all manufacturers should be able to comply with the additional requirements of this regulation without undue economic burden. If the manufacturer is owned or controlled by another company, the manufacturer should compute both the total annual sales and the number of plant sites on the basis of the sales and number of plants in the United States for that company as a whole.

If "small" is defined in terms of (a) and (b), potentially as many as 20 percent of the firms in Standard Industrial Classification Major Group 28 (SIC 28), Chemicals and Allied Products, would be considered "small manufacturers." However, the exempted manufacturers contribute a very small fraction, less than one percent, of the total sales within SIC 28.

Alternatively, if EPA chose to define "small manufacturer" in terms of clauses (a) and (c) above, one plant site and no more than 2,000 pounds annual production of any chemical substance, the number of establishments which would be exempted from reporting production would probably be far fewer. In fact, the effect of using the criteria in clauses (a) and (c) would be to exempt those persons who only manufacture chemical substances in less than 2,000 pounds from reporting the estimated production levels of those substances. EPA solicits comments on this alternative, especially with respect to the number of pounds selected for setting the exemption.

EPA also solicits comments on this proposed definition of "small manufacturer," including any quantitative data on the estimated costs of compliance, the number, sizes, and types of firms for which it may be a significant additional burden, or other information which describes the impact of these reporting requirements on small manufacturers. For example, EPA anticipates that reporting production may be burdensome for some manufacturers, particularly those who use batch processing to produce a variety of chemicals and keep records of production only on the basis of shipments or customer invoices. EPA would also appreciate any comments on other possible parameters for defining "small manufac-

turer," such as profits, market share, financial assets, or the number of employees.

OTHER DEFINITIONS

As indicated in § 710.2, EPA proposes to revise many of the definitions published in the March 9, 1977 proposed regulations. The definitions are included in § 710.2 rather than § 700.2 so that their applicability will be limited to these regulations and not automatically extend to subsequent regulations under TSCA. While minor proposed changes to the originally proposed terms are included in the new § 710.2, these changes are not discussed here as they will be addressed in the final regulations.

Several definitions included in the March 9, 1977 regulations were taken from other authorities. Specifically, the definitions of "food additive," "drug," "cosmetic," "device," "special nuclear material," "nuclear byproduct material," "nuclear source material," and "pesticide" were incorporated without modification from other regulations. Instead of including these definitions in their entirety in these regulations, EPA would include them by reference. Thus any changes in the other statutes will automatically be reflected in these regulations.

Included in these proposed regulations are three additional terms. EPA is proposing to define "article" as a "manufactured item (a) which is formed to a specific shape or design during manufacture, (b) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (c), which is functional in its end use(s) without change of chemical composition during its end use; except that (d) fluids and particles are not considered articles regardless of shape or design." This definition is added to clarify proposed § 710.4(d)(6) which would exclude from the inventory, and from these reporting requirements, a chemical substance which is the result of a chemical reaction that occurs upon use of curable plastic molding compounds and other chemical substances to manufacture an article destined for the marketplace without further chemical change. Examples of this are chemical substances that form during the thermosetting process in forming plastic articles, firing pottery or enamel products, setting concrete sidewalks, or molding rubber products. This exclusion is discussed further below under the section "Chemical Substances Excluded From the Inventory."

Related to this is the proposed definition of "manufacture, process, or import for commercial purposes" which means to manufacture, process, or import for use by the manufacturer, as well as for distribution in commerce, for use as a catalyst or an intermediate, and for test marketing purposes. This definition is intended to clarify that chemical substances that are used by the manufacturer, not only as an intermediate or catalyst in the manufacture of another

chemical substance, but also in manufacture of a mixture or an article or in any other way, would be subject to these regulations. Accordingly, chemical substances which are manufactured and then converted by the manufacturer into an article should be reported that manufacturer and would not be excluded from reporting for the inventory under § 710.4(d)(6). For example, a person who manufactures a polymer and then converts the polymer into synthetic fiber should report the polymer.

The term "establishment" is defined as "an economic unit, generally at single site, as defined for purposes of the Standard Industrial Classification Establishments. There may be more than one establishment at a single site." This term is necessary to clarify proposed § 710.3(a) which would provide that on manufacturers with establishments in certain Standard Industrial Classification (SIC) groups would be required report.

EPA is proposing to define the term "site" as "each contiguous proper unit where a chemical substance manufactured or processed whether or not such site is independently owned or operated. Property divided only by a public right of way shall be considered or site. For the purposes of imported chemical substances, the site shall be the business address of the importer." While all persons are encouraged to report by site, § 710.5(a)(1) would require only those persons required to report under § 710.3(a) to report by site. EPA solicits comment on these definitions and the clarity of the reporting requirement with respect to articles, establishments and sites.

APPLICABILITY: WHO MUST REPORT; WHO MAY REPORT, WHO MAY NOT REPORT

Section 710.3 is intended to clarify who must report for the inventory under these regulations and for whom reporting is optional. In addition, the section states who may not report. Although these regulations expand the information obtained, EPA is proposing to limit the expanded reporting requirement primarily to those establishments which are the basic manufacturers of chemical substances.

Under the March 9, 1977 proposal every person who currently manufactures a chemical substance for commercial purposes would have had to report that substance for the inventory. Many comments emphasized that this approach would require duplicative reporting by persons who are not generally recognized as part of the chemicals industry but who, for economic reasons or special purposes, manufacture a limited number of chemical substances essential to their processes. For example, in the pulp and paper industry, pulp mills manufacture sodium hydroxide and other chemical substances as part of their recovery processes. If EPA adopted the approach of the March 9, 1977 proposal, there may be more than 400 such establishments re-

porting that they manufacture sodium hydroxide or other chemical substances common to pulp manufacture.

As an alternative, these initial reporting requirements would focus on the chemical and allied products sector of the manufacturing industry and the petroleum refining sector, as defined by SIC Major Group 28 and Group 2911, respectively. Major Group 28 includes the manufacturers of chemicals such as acids, alkalis, and organics; synthetic fibers and plastics; dry colors and pigments; soaps and detergents; and paints and fertilizers. Group 2911, petroleum refining, is the basis of the organic chemicals industry.

Establishments subject to TSCA which fall outside these SIC groups are primarily involved in processing chemical substances, such as fabricating plastic and rubber products or treating articles such as textiles and metals, and would not be required to report. In most cases the chemical substances they manufacture would be reported by establishments in SIC Group 28. To the extent that they manufacture chemical substances for special purposes that may not otherwise be reported for the inventory, they would be responsible for ensuring, either through trade associations or individually, that those substances were included in the inventory. Otherwise, if these substances are not included in the inventory, any person who manufactured or imported the substances would be subject to premanufacture notification requirements under section 5(a)(1)(A) of TSCA.

One advantage of limiting required reporting primarily to manufacturing establishments in the chemical and allied products sectors of industry would be that EPA would be able to direct the reporting requirements to 20,000 establishments rather than to 225,000 or more establishments, most of which primarily process chemical substances, as explained above. Those establishments in SIC group 28 represent approximately 95 percent of chemical production.

Further, if someone identified a hazard associated with the processing of a chemical substance or wanted to know exactly what chemical substances may be manufactured or processed by establishments outside SIC groups 28 and 2911, EPA has authority under section 8(a) to require such detailed reporting. As mentioned in the discussion of EPA's overall strategy, EPA intends to implement this general reporting authority to develop a data base on those substances for which there is significant human or environmental exposure or some other reason for concern.

EPA solicits comments on this proposal to limit required reporting to establishments in SIC groups 28 and 2911. Specifically, EPA assumes that there may be manufacturers who do not know in which SIC group their establishment appropriately belongs. Others may have been categorized in one group five years ago and have since changed their primary economic activity and belong in a different SIC group. EPA intends to no-

tify each establishment which, to the best of EPA's knowledge, should be included in the SIC groups 28 or 2911. If for some reason a person has not been directly notified and would belong in SIC groups 28 or 2911, that person would still be required to report to EPA. Accordingly, it would be useful to EPA to know to what extent manufacturers are familiar with SIC groupings and whether the descriptions provided in the Standard Industrial Classification Manual published by the U.S. Government Printing Office would be adequate for manufacturers to determine in which group they belong.

Section 710.3(a)(2) would modify the original proposal and would only require importers to report those chemical substances imported into the United States for a commercial purpose since January 1, 1977. The March 9, 1977 proposed regulations would have required importers to report not only those chemical substances imported in bulk into the United States but also those chemical substances contained in the articles they import. Comments from industry and trade associations argued that it would be extremely burdensome for importers to identify the chemical substances contained in the articles they import. Moreover, they argued that the proposed regulations would have imposed a burden on importers of articles which was not imposed on domestic manufacturers of articles. The Administrator has decided to revise the original proposal to limit the reporting requirement to imported chemical substances. This includes all chemical substances which are imported in cans, bottles, drums, barrels, packages, tanks, bags, and other devices which are used to contain the substances during importation. EPA solicits comments on this reproposal.

Aside from importers, under this proposal only establishments in SIC groups 28 and 2911 would be required to report the chemical substances they have manufactured since January 1, 1977. Section 710.3(b) provides that in addition to those required to report, any person who has manufactured, imported, or processed a chemical substance for a commercial purpose since January 1, 1975, may report that substance or authorize a trade association or other representative to report on his behalf.

As proposed in § 710.3(c), during a special reporting period, 120 days after the first publication of the inventory, any person who has processed or used a chemical substance (including the manufacture of a mixture or article containing that chemical substance) for a commercial purpose since January 1, 1975 may report that chemical substance if it was not included in the inventory. EPA would like to minimize duplicative reporting of chemical substances by processors during the initial reporting period to facilitate compilation of the initial inventory in a timely way. Many processors and users have expressed concern that the manufacturers of the chemical substances they process may

fail to report. EPA hopes that this proposed provision would reduce the amount of duplicative reporting by processors seeking to ensure that chemical substances are included in the inventory.

As provided by section 5(a)(1)(A) of TSCA, 30 days after publication of the initial inventory any person who manufactures or imports a "new chemical substance must submit premanufacture notification prior to manufacture or importation of the chemical substance. Processors are not subject to the provisions of section 5(a)(1)(A). However, it is a prohibited act under section 15(2) of TSCA for a person to use for commercial purposes a chemical substance which he had reason to know was manufactured in violation of section 5. As a matter of Agency policy, the Agency will not enforce section 15(2) with respect to processors and users of chemical substances (including manufacturers of a mixture or article containing that substance) during the 120-day period proposed in § 710.3(c). The Agency will, however, enforce section 15(2) with respect to all manufacturers and importers of chemical substances during that period, and will enforce sections 15(2) and (3) with respect to all persons after the period expires.

Section 710.3(d) would clarify who may not report chemical substances for the inventory, either because the chemical substances are automatically included in the inventory as provided in § 710.4(b), or because they are excluded from the inventory as provided in paragraphs (c) and (d) of § 710.4. A person should only report those substances which he knows and could verify are chemical substances as defined in the Act. In particular, chemical substances used exclusively as pesticides and drugs may not be reported. In addition, chemical substances manufactured solely in small quantities for research and development may not be reported. If a person does not know whether his customers may use the substance for a TSCA use and does not report, but discovers later that they do, he may add it to the inventory at that time. Any customer who uses the substance could add it to the inventory during the 120-day period provided in § 710.3(c).

SCOPE OF THE INVENTORY

In the March 9, 1977 proposal EPA relied upon certain definitions of terms such as "mixture," "manufacture or process for commercial purposes," and "by-product" to clarify what chemical substances should be reported for the inventory. Because this approach was confusing to many, EPA has redrafted section 710.4 to clarify what substances are eligible for inclusion on the inventory.

Basically, the Act provides in sections 8(b) and (f) that any chemical substance may be included on the inventory if it has been manufactured or processed for a commercial purpose in the United States within three years of the effective date of these regulations. In the regulations proposed on March 9, 1977, EPA anticipated that the regulations would

become effective by July 1, 1977, and that the three-year period would date from July 1, 1974. The decision to repropose means that the final regulations will not be published until sometime in October. In order to define a reporting period that industry can rely upon, regardless of the actual date the final regulations are published, EPA is proposing that the three-year period begin on January 1, 1975. This proposal would satisfy those who have urged that EPA define the period in terms of calendar years. EPA recognizes that some may still prefer to have the period include the full three years from whatever date the regulations are final. EPA specifically solicits comment on this matter.

Section 710.4(a) generally defines which chemical substances are manufactured, imported, or processed "for a commercial purpose." Because the term "manufacture" is defined to include "to import into the customs territory of the United States," chemical substances which are imported into the United States are subject to the same provisions as those which are manufactured in the United States. The provisions in § 710.4(a) are consistent with the definition of the term "manufacture, process, or import for commercial purposes" in § 710.2. Accordingly, any chemical substance manufactured, processed, or imported (1) for distribution in commerce, (2) for use as a catalyst or an intermediate, (3) for use by the manufacturer, or (4) for test market purposes, would be eligible for inclusion on the inventory.

CHEMICAL SUBSTANCES AUTOMATICALLY INCLUDED

Section 710.4(b) specifies that chemical substances which are naturally occurring and are unprocessed or processed only by manual, mechanical, or gravitational means; by dissolution in water; or by heating solely to remove water shall be automatically included on the inventory under the category "Naturally Occurring Chemical Substances." Examples of naturally occurring substances that would be included on the inventory are raw agricultural commodities, water, air, natural gas, crude oil, rocks, ores, and minerals.

In the March 9, 1977 regulations, EPA proposed to automatically include on the inventory the general category "raw agricultural commodities." The revised proposal would incorporate this category. Accordingly, as under the original proposal, manufacturers, importers, and processors of raw agricultural, horticultural, and silvicultural products, such as unprocessed cotton, wood, wool, straw, oat hulls, and raw hides, for example, would not report. For clarity, this proposal also cites water, air, and natural gas, and crude oil as examples of "naturally occurring chemical substances" that need not be reported. With respect to rocks, ores, and minerals, this revised approach would not attempt to list each automatically included mineral separately, but would include all rocks, ores, and minerals under the category

"naturally occurring chemical substances."

In the supplement to the March 9, 1977 regulations published on April 12, 1977 (42 FR 19308), EPA proposed a list of minerals under consideration for inclusion on the inventory without reporting. Persons commenting on that proposal have emphasized the difficulty of knowing precisely all the minerals a company may be extracting from the earth and, accordingly, whether the minerals being mined were included on the inventory or not. Most rocks and ores contain many different substances of varying composition depending upon the geological formation of the mined area. With respect to creating an inventory of where each major mineral is mined, the U.S. Bureau of Mines already has such an inventory. For those minerals, such as asbestos, which may present a risk to human health or the environment, EPA will require information on uses, exposure, and other factors necessary in assessing that risk under section 8(a) of the Act.

EPA solicits comments on the proposed approach to "naturally occurring chemical substances" and any suggestions for clarifying this category.

CHEMICAL SUBSTANCES EXCLUDED BY DEFINITION OR BY TSCA SECTION 8(b)

Section 710.4(c) clarifies those substances which may not be reported for the inventory either because of the definition of "chemical substance" in section 3(2) of the Act or the specific exemption for chemical substances manufactured, imported, or processed solely in small quantities for research in section 8(b) of TSCA. In response to the March 9, 1977, proposal, EPA received extensive comments on the exclusion of chemical substances used in the manufacture of pesticides and drugs and will respond to the comments in the final regulations. Likewise, the final regulations will explain the exemptions for alloys, inorganic glasses, ceramics, frits and cements, including Portland cement.

A chemical substance used as a reagent in quality control testing, where the material tested is distributed in commerce, is itself considered to be distributed in commerce and should be reported to EPA for inclusion on the inventory unless it is known that the "small quantities for research and development" exemption applies. As mentioned above, section 8(b) explicitly exempts from the inventory any chemical substance which is manufactured or processed only in small quantities solely for purposes of research, including analysis of another chemical substance. EPA would define "small quantities for research and development" as quantities that are not greater than reasonably necessary for such purposes and which, after the effective date of premanufacture notification requirements, are used for "research and development that is conducted by, or directly supervised by, a technically qualified individual(s)." Accordingly, unless the persons performing the quality control testing are themselves technically qualified persons, as defined in § 710.2, or

are directly supervised by technically qualified individuals, the chemical substance would not be considered to be manufactured in a "small quantity for research and development" and would be subject to these reporting requirements or the premanufacture notification requirements.

CHEMICAL SUBSTANCES EXCLUDED FROM THE INVENTORY

Section 710.4(d) clarifies that certain chemical substances which are not manufactured for distribution in commerce as chemical substances per se and have no commercial purpose separate from the mixture or article of which they may be a part are excluded from these reporting requirements. Specifically, impurities or chemical substances which are unintentionally present with another chemical substance are excluded. With respect to byproducts, the proposed regulations of March 9, 1977, would have excluded byproducts which have no commercial purpose. However, the proposal left unclear whether manufacturers should report byproducts which are not manufactured for a commercial purpose but are used as a fuel or reprocessed. These regulations would provide that those byproducts whose sole commercial value is to municipal or private organizations who (1) burn it as a fuel, (2) dispose of it as a waste, including as a landfill or for enriching soil or (3) extract component chemical substances which may have some commercial value, may be included on the inventory but that the reporting of such substances, insofar as they are byproducts as defined in § 710.2, is optional.

In proposing to exempt from the reporting requirements such byproducts which have some commercial purpose, EPA intends to encourage conservation and recycling of the energy and resources contained in the waste material that might otherwise be discarded because of reporting burdens under TSCA. Further, insofar as these wastes are hazardous, EPA intends to require reporting of them under the Resource Conservation and Recovery Act (RCRA) next spring or under TSCA section 8(a)(3) during the second or subsequent phases of reporting. EPA explicitly solicits comments on this approach, particularly with respect to the proposed exemptions.

The exclusions in § 710.4(d) (3), (4), and (5) are for chemical substances which result from chemical reactions that occur incidental to exposure to environmental factors, or during storage or end use of a chemical substance or mixture. These exemptions clarify those provided in the March 9, 1977, proposed regulations and are consistent with the legislative history of the Act (H.R. Rep. 94-1341, 94th Cong., 2d Sess. 13 (1976)).

In § 710.4(6), EPA would exclude "any chemical substance which is the result of a chemical reaction that occurs upon use of curable plastic or rubber molding compounds, inks, drying oils, metal finishing compounds, adhesives, paints, or other chemical substances used to manufacture an article destined for the

marketplace without further chemical change of the chemical substance except for those chemical changes that may occur as described elsewhere in this § 710.4(d). This provision expands upon the earlier proposal to exempt chemical substances formed upon use of curable plastic molding compounds. By providing a general exclusion for chemical substances manufactured as articles or parts of articles destined for the marketplace without further chemical change of the chemical substance, EPA intends to exclude from reporting persons who are primarily manufacturers of articles.

Section 710.2 proposes to define "article" as "a manufactured item (a) which is formed to a specific shape or design during manufacture, (b) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (c) which is functional in its end use(s) without change of chemical composition during its end use; except that (d) fluids and particles are not considered articles regardless of shape or design." Under this definition, fluids and particles such as dust, powders, dispersions, granules, lumps, and flakes would not be considered articles.

To illustrate, sodium hypochlorite and particles of titanium dioxide would not be considered "articles" in themselves. The function of sodium hypochlorite as a bleach, for example, depends upon a change of chemical composition during its end use. Similarly, although the distinctive shape of titanium dioxide particles may contribute to their ultimate usefulness, they are particles and would not be considered articles in themselves. Paints containing titanium dioxide particles would not be articles because they are liquids and do not have "shape or design" when manufactured. But automobiles coated with titanium dioxide containing paints are articles under this definition. Other examples of articles which need not be reported for the inventory include plastic films, synthetic fibers, leather goods, nails, iron bars, chrome plated bumpers, jewelry, paper, particle board, furniture, refrigerators, cloth, and clothing. EPA solicits comments on this provision and the clarity of the distinction between articles and chemical substances.

Further, precursors of the compositions covered by the exclusions in § 710.4(d) (5) and (6) may be supplied to users as two or more different products which need to be mixed as a first step in their use because of limited stability of the mixture. Chemical substances formed during such mixing would be excluded.

Finally, § 710.4(d) (7) provides an exemption for chemical substances that may occur as the result of a chemical reaction when a stabilizer, colorant, odorant, antioxidant, filler, solvent, carrier, surfactant, plasticizer, corrosion inhibitor, antifoamer or de-foamer, dispersant, precipitation inhibitor, binder, emulsifier, de-emulsifier, dewatering agent, agglomerating agent, adhesion

promoter, flow modifier, pH neutralizer, sequestrant, coagulant, flocculant, fire retardant, lubricant, chelating agent, quality control reagent, or a chemical substance which is solely intended to impart a specific physico-chemical characteristic functions as intended. This provision expands upon the approach in the March 9, 1977, proposal which would have exempted as "mixtures" the result of chemical reactions that occur when certain chemical substances function as intended.

How to Report

Section 710.5(a) would provide general instructions for reporting chemical substances. As discussed in the earlier sections, only importers and manufacturers with establishments in SIC groups 28 and 2911 would be required to report, and "small manufacturers" in these SIC groups would not have to report certain information. The Agency would encourage any person not required to report all the information, to do so anyway because the information will establish the data base for future actions under TSCA.

Section 710.5(b) outlines how to report the name or specific identity of a chemical substance. In April 1977, EPA published and made available the TSCA Candidate List of Chemical Substances, and on April 12, 1977, published in the Federal Register a guide for using this list. EPA realizes that the Candidate List is not a complete list of chemical substances in commerce and does include some substances which would be excluded from the inventory. In addition, there are some minor errors. On or before the date these reporting requirements are published in their final form in October 1977, EPA intends to revise the guide to the Candidate List and make necessary corrections and certain additions to the List itself.

Section 710.5(c) proposes that any person reporting a polymer for inclusion in the inventory must list in the description of the polymer composition at least those constituent monomers used at greater than two weight percent in the manufacture of the polymer. A person may include as part of the description of the polymer composition those monomers used at two weight percent or less in the manufacture of the polymer. Of course, all monomers themselves must be separate entries on the inventory. EPA received extensive comment on the issue of polymer reporting in response to the March 9, 1977, proposal and will respond to all the comments in the final regulations.

Additional information, which would be required according to the general instructions in § 710.5(a), is outlined in § 710.5(d). As mentioned earlier in this preamble, knowing who is manufacturing, importing, or processing a chemical substance would enable EPA to direct any future notice or requirement to the appropriate person. The reporting forms will provide three check boxes for persons to check any or all of them, as appropriate.

Manufacturers must report according to the site at which the chemical substance is manufactured. As explained earlier, the definition of "site" includes each contiguous property unit where a chemical substance is manufactured or processed whether or not such site is independently owned or operated. There may be more than one establishment, including subsidiaries or branches of a given company, at one site. The chemical substances manufactured at that site may all be reported on one form with the site address provided.

Paragraph (d) (3) of § 710.5 would require manufacturers to designate whether they manufacture and process a chemical substance only within a site and do not distribute the chemical substance, or any mixture or article containing that substance, for commercial purposes outside that site. In most cases these chemical substances would be consumed by chemical reaction in the manufacture of another chemical substance. The exposure to such chemicals would be limited to persons involved in the manufacture, processing, and use at that site and immediate environs. Intermediates and catalysts would most likely form the greatest percentage of these chemical substances. However, this provision would also apply to any other chemical substances which are not distributed in commerce outside that site.

Section 710.5(d) (4) would require that manufacturers and importers report the amount of each chemical substance manufactured or imported in calendar year 1976. Alternatively, if the chemical substance was not manufactured or imported during 1976, a manufacturer or importer would either report the amount manufactured or imported during 1975 or the projected amount during 1977. If there has been no manufacture or importation since January 1, 1975, a manufacturer or importer should report the amount distributed to others for any purpose since that date. Processors would not be permitted to report amounts processed in order to avoid double-counting.

EPA is considering requiring that all production amounts be expressed in pounds. EPA would appreciate alternative suggestions for cases where conversion to pounds appears unreasonable.

As one alternative, persons would report amounts above five thousand pounds to only two significant figures. That is, only the first two figures of a six-figure number would be reported, such as 590,000 instead of 588,272. Instead, EPA could use a one-digit code to require reporting of the range of production volume. For example, production levels of 1,000 to 10,000 pounds would be reported by "1"; 10,000 to 50,000 reported by "2"; and so forth. While this approach may be easy to use, the results may not be as valuable since the imprecision of the ranges would be compounded when the production amounts are aggregated. As a third alternative, EPA could require reporting production accurate to within ten

percent of the production. EPA would appreciate comments on these or other possible alternative ways of reporting production.

In addition, the reproposal at § 710.4 (e) would permit an importer to authorize his foreign supplier(s) to report on his behalf. For several reasons, including issues of confidentiality, importers often do not know exactly what they are importing. Because EPA's jurisdiction under TSCA extends only to importers, and not to their foreign suppliers, EPA will hold the importers liable for compliance with these reporting rules. However, the foreign suppliers will be permitted to act as agents for the importers with the latter remaining legally liable for their reports. To do so, the foreign suppliers must sign declarations on the reporting forms, and the importers must endorse these declarations. This approach is similar to that already followed by the U.S. Bureau of Customs in some of its 40 CFR Part 19 regulations.

CONFIDENTIALITY

The expanded scope of these regulations would significantly increase the number of possible claims of confidentiality that persons reporting may make. Section 14 of TSCA provides that EPA must not disclose information which is exempt from mandatory disclosure under the Freedom of Information Act (5 U.S.C. 552(b)(4)). EPA has regulations dealing with the confidentiality of business information in Part 2, Subpart B of Title 40 of the Code of Federal Regulations (40 CFR Part 2; 41 FR 36906, September 1, 1976), which outline the general approach taken by EPA in dealing with confidentiality claims. EPA intends to add a new section to those regulations which will govern how the Agency will deal with claims of confidentiality with respect to information obtained under TSCA. A proposed version of this new section should be published in the *FEDERAL REGISTER* for public comment within the next several months.

With respect to these reporting regulations, § 710.7(a) lists the items of information that may be claimed as confidential. EPA will design its reporting forms to allow all potential confidentiality claims to be asserted on the forms. EPA solicits comments on the various kinds of claims that might be asserted so that EPA can design its reporting forms accordingly.

Paragraphs 710.7 (b), (c), and (d) would provide that any claim of confidentiality must accompany the information at the time it is submitted to the Agency and that failure to make a claim on the reporting form could result in disclosure by EPA. EPA will consider only those claims that are asserted. Moreover, each company should take into account the possibility that EPA (or a court) might determine that some of the information should be released. Thus, if more than one claim applies concerning a particular chemical substance, the company should assert all

those claims. For example, if a company believes that both the production volume of a chemical substance at a particular site or sites and the company-wide production of that substance are confidential, the company should specifically claim both of these items as confidential.

If a company makes a claim in the manner prescribed on the form, the information claimed to be confidential will be treated in accordance with EPA's confidentiality regulations and TSCA section 14, including the 30-day notice prior to release. EPA is considering amending the proposed reporting forms to include statements which a company asserting a confidentiality claim could check to substantiate its claims. This would expedite the process of making final determinations by eliminating the need for obtaining that information at a later date. The success of this approach, however, is dependent upon businesses asserting only justifiable claims. If EPA determines that a particular claim or substantiation from a company is frivolous, EPA will take this into account in making other determinations concerning that company's other claims of confidentiality.

Section 710.7(e) of these proposed regulations modifies the March 9, 1977, proposal which would have required the submission of the following information from a person submitting a claim as to the specific name or identity of a chemical substance: (1) The confidential identity; (2) a proposed name which is only as generic as necessary to protect the substance's confidential identity; (3) a list of the elements of the chemical substance and its molecular weight; and (4) a bibliography identifying any published literature and summaries of any unpublished information concerning the health and ecological effects and environmental behavior of the chemical substance. These proposed regulations would require submission of only items (1) and (2) above at the time the person submits the claim of confidentiality.

Some comments suggested that EPA publish on the inventory only a noninformative code designation instead of a generic name and list of elements of the chemical substance and its molecular weight. As explained in the preamble to the March 9, 1977, proposed regulations, EPA originally proposed that the inventory include these items so that the public would have some indication of the undisclosed substance. Because of the likelihood that someone may be able to discern the identity of a confidential chemical substance from these data, EPA is proposing to publish only a generic name. EPA would either publish the generic name as proposed or, if EPA disagreed with the proposed generic name, consult with the person submitting it before publishing a revised generic name on the inventory.

Many comments recommended that EPA not require submission of a bibliography identifying any published literature because in many cases competitors could learn the identity of a chemical

substance by reading the referenced literature. Others argued that without the specific identity of the chemical substance, the health and safety data would not be particularly useful to the public. Finally, some asserted that development of such a bibliography could be costly to prepare. Many suggested that EPA simply require a brief summary of known data on the health and environmental effects of the chemical substance. Others contended that a summary would not meaningfully contribute to the public understanding of the potential risks presented by the substance. Without the specific identity of the chemical substance, the public could not verify the information and, according to some, there would be a considerable possibility that the summaries would be misleading.

For these and other reasons, EPA is proposing to drop the requirement that persons submit a bibliography or summary of the health and safety studies pertaining to the confidential chemical substance at the time the claim is made. Under section 8, EPA has authority to require submission of such information for any chemical substances in commerce and could request such information after the publication of the inventory. Moreover, TSCA section 8(e) requires submission of information which supports the conclusion that a chemical substance presents a substantial risk of injury to health or the environment. EPA would appreciate comments on this proposal.

ALTERNATIVES FOR HANDLING CONFIDENTIAL INFORMATION

Of the information reported to EPA, only the identity of the chemical substances and perhaps designation of those chemical substances manufactured and used within a single site will be published. The remainder of the information will be used by EPA for various purposes under TSCA. EPA does not anticipate that this remaining information will be routinely released to the public. If EPA proposes to release confidential information, it will do so in accordance with EPA's confidentiality regulations.

EPA will be subject to disclosure requests under the Freedom of Information Act (FOIA, 5 U.S.C. 552). Under the Act, EPA must respond to any request for records by either releasing the records or denying the request because the information is exempted from disclosure. Records may be exempt from disclosure if they are "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Section 14 of TSCA makes it clear that if EPA determines that information is exempt under 5 U.S.C. 552(b)(4), it must be kept confidential by EPA.

If a manufacturer claimed that the chemical name of a particular chemical substance is a trade secret, EPA would be confronted with conflicting statutory provisions. Section 8(b) apparently requires EPA to place the chemical name in the inventory. Section 14 appears to require EPA to keep the name confidential (at least temporarily, until a final

determination is made by EPA or the courts.) In addition, the Freedom of Information Act requires that EPA either release information in response to a request or provide reasons for any denial. EPA cannot refuse to answer the request. Normally, in responding to Freedom of Information requests, EPA would reply either: (1) "We have no records;" (2) "We have such records and are releasing them;" or (3) "We have such records but are denying them because they constitute a confidential trade secret and are exempt from disclosure." However, if the request concerned disclosure of the identity of a chemical substance which was allegedly a trade secret, to reply that EPA had a record but was refusing to release it would inform the requester that such a substance was being manufactured, imported, or processed for commercial purposes. The result would be to reveal the trade secret by denying the request.

Confidentiality assertions also pose a problem under section 5 of TSCA. Section 5 requires anyone who proposes to manufacture a new chemical substance to furnish EPA with a 90-day premanufacture notice, during which time the person may not manufacture the new chemical substance. This delay may be even longer if a testing rule under section 4 requires the manufacturer to develop and submit certain test data. However, if the chemical substance is on the section 8(b) inventory, it is not a "new substance", and the section 5 notice need not be given. If a company asserts that the name or specific identity of a chemical substance is confidential, EPA may not be able to list that substance on the inventory, and all other manufacturers would have to give premanufacture notification.

EPA has not decided how it will deal with these contradictory statutory requirements in the face of a claim that the identity of a chemical substance is confidential. Four issues arise that EPA must consider before deciding which approach to take. The issues are set forth below with a discussion of the options available under each:

1. What chemical substances' identities should be determined by EPA to be entitled to confidential treatment? EPA perceives three positions it could take:

A. No chemical identity is entitled to confidential treatment.

B. Only chemical identities of those chemical substances that are manufactured and used within one site and not distributed for a commercial purpose outside that site may be entitled to confidential treatment.

C. Any chemical identity may be entitled to confidential treatment.

If EPA decided that some or all of the chemical identities claimed as confidential were not entitled to confidential treatment, companies would be given the 30-day notice required in section 14 of the Act. Before determining that a particular chemical identity was entitled to confidential treatment, EPA would have to make a specific determination, in ac-

cordance with 40 CFR Part 2, Subpart B, and the criteria in 40 CFR 2.208, that the particular chemical identity is entitled to confidential treatment.

2. Assuming that some chemical identities are temporarily (because no final determination has been made or because a court has enjoined EPA from disclosing the identity) or permanently (as a result of a final confidentiality determination by EPA or a court order) entitled to confidential treatment, how should EPA treat confidential chemical identities for purposes of the published inventory? EPA perceives four positions it could take:

A. The inventory could be published with only non-confidential chemical substances in it. There would be no mention of confidential chemical identities. This approach would give the public no information concerning confidential chemicals.

B. The inventory could be published with non-confidential chemical identities and generic names for those chemical substances that are entitled to confidential treatment. The use of generic names would inform the public in general terms about what types of confidential chemical substances had been reported.

C. The inventory could be published with non-confidential chemical identities and random code numbers for those chemical substances that are entitled to confidential treatment. The use of a random code number would not give the public any information beyond that which would be available under A, except to acknowledge the existence of confidential chemical substances.

D. The inventory could be published with only non-confidential chemical identities appearing on it and a notice that some chemical substances were reported that are confidential. This approach would give the public no more information than A or C.

3. Assuming that some chemical names are temporarily or permanently entitled to confidential treatment and that EPA is, therefore, unable to publish the chemical identities on the section 8 inventory list, how are present and future manufacturers to be treated under section 5 of TSCA? EPA perceives four positions it could take:

A. If a manufacturer proposed to manufacture a chemical substance that did not appear on the inventory and asked EPA whether it was one of the reported confidential chemical substances, EPA could tell the manufacturer whether the chemical substance had been reported. If it had been reported, the manufacturer would be exempt from requirements of section 5(a), as would the manufacturer that originally reported the chemical substance.

B. If a manufacturer proposed to manufacture a chemical substance that did not appear on the inventory and asked EPA whether it was one of the reported confidential chemical substances, EPA could refuse to answer the question. EPA would require the manufacturer to give premanufacture notification under sec-

tion 5(a), and the manufacturer would not be able to begin manufacturing for at least 90 days. The manufacturer that originally reported the chemical substance would be exempt from section 5(a). This approach would treat the two manufacturers unequally allowing one to manufacture its chemical substance without delay or interruption while requiring the other to undergo premanufacture notification and a 90-day delay. Section 5 speaks in terms of "new chemical substances." This substance would not be "new" since it was already reported for the inventory.

C. If a manufacturer reported a confidential chemical substance for the inventory, EPA could require the manufacturer to give premanufacture notification under section 5(a) and to cease manufacture for at least 90 days. If another manufacturer later proposed to manufacture the same chemical substance, EPA would require that the manufacturer give premanufacture notification and wait at least 90 days before starting manufacture. This approach would treat the two manufacturers equally. However, it would impose a burden on the first manufacturer reporting the chemical substance for the inventory in that it would have to stop manufacturing even though it may have been manufacturing the substance for some time before the inventory.

D. If a manufacturer reported a confidential chemical substance for the inventory, EPA could require the manufacturer to give premanufacture notification. However, EPA would not require the manufacturer to cease manufacture for 90 days. If another manufacturer later proposed to manufacture the same chemical substance, EPA would require that manufacturer to give premanufacture notification and wait at least 90 days before starting manufacture. This approach would give the first manufacturer reporting the chemical substance an advantage by allowing him to continue manufacture. Section 5(a) states that no person may manufacture a new chemical substance without giving notice at least 90 days before beginning manufacture. This approach would violate section 5.

4. Assuming that some chemical identities are temporarily or permanently entitled to confidential treatment, how is EPA to answer Freedom of Information requests for disclosure of records concerning confidential substances? EPA perceives two positions it could take:

A. If a request were made for disclosure of records concerning a reported chemical substance, the chemical identity of which was entitled to confidential treatment, EPA could reply: "EPA has such a record, but the request is denied because the record contains trade secrets that are exempt from disclosure by virtue of 5 U.S.C. 552(b)(4)." If a request were made for disclosure of records concerning a chemical substance that had not been reported, EPA would reply: "EPA has no such record." The result of this type of answer would be to confirm whether a particular chemical sub-

stance had been reported for the inventory and, therefore, was being manufactured, imported, or processed for commercial purposes.

B. If a request were made for disclosure of records concerning a particular chemical substance that did not appear on the inventory by chemical identity, EPA could reply: "The request is denied either because the record in question is exempt from mandatory disclosure by virtue of 5 U.S.C. 552 (b) (4) or because EPA has no such record." This same answer would be given whether or not the chemical substance in question had been reported to EPA. In this way EPA would be able to give an answer that would allow the requester to pursue any judicial remedies under the Freedom of Information Act. At the same time, EPA would not have disclosed whether the particular chemical substance was being manufactured, imported, or processed for commercial purposes.

Any combination of the options under the four issues set forth above might be selected in the final approach taken by EPA. EPA intends to evaluate the advantages and disadvantages of these options before determining how to handle claims of confidentiality under the inventory reporting. EPA would appreciate comments concerning the various alternatives mentioned here and any other possible approaches.

ENFORCEMENT LIABILITY

Because of the great importance of compiling a sound data base on the chemical substances in commerce, the Agency considers violation of these reporting requirements to be a serious violation of TSCA. Section 15(3)(B) of TSCA makes it "unlawful for any person to fail or refuse to submit reports, notices, or other information, as required by this Act or a rule thereunder." Section 16(a) provides for civil penalties of up to \$25,000 for each violation of section 15. Section 16(b) provides that criminal penalties of not more than \$25,000 for each day of violation, or imprisonment for not more than one year, may be imposed on "any person who knowingly or willfully violates any provision of section 15." Section 17(a) authorizes specific enforcement to restrain any violation of section 15 and to compel the taking of any action required by or under this Act.

The Agency considers the most serious violations of these reporting requirements to include the following: (1) Failure to report information required under the regulation; (2) falsification of information reported under the regulation; and (3) reporting of chemical substances which are specifically excluded from the inventory, such as chemical substances manufactured solely in small quantities for research and development.

Enforcement liability attaches to any person submitting a report for the inventory, including (1) those required to report, (2) manufacturers, importers, or processors who are not required to report, but voluntarily do so, (3) trade

associations acting as agents for manufacturers, processors, or importers, and (4) those manufacturers, processors, or importers certifying to trade associations that a given chemical substance was manufactured, imported, or processed for a commercial purpose since January 1, 1975.

ECONOMIC IMPACT ANALYSIS STATEMENT

EPA has determined that the regulation does not require the compilation of an Economic Impact Analysis Statement as required by Executive Order 11821. This determination is based on the cost estimate for compilation of the inventory as originally proposed and an estimate of the additional burden created by the added reporting requirements. EPA has not completed an adequate analysis of the cost of complying with the requirements of this regulation because of the lack of time between the decision to repropose these regulations and the actual date for reproposal of the regulations. EPA is obtaining a better cost estimate at this time and will perform an Economic Impact Analysis if the cost exceeds the criteria for a major action, in general, \$100 million annual cost. A discussion of the cost will accompany the final regulation.

The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis Statement under Executive Order 11821 and OMB Circular A-107.

Dated: July 27, 1977.

DOUGLAS M. COSTLE,
Administrator.

Parts 700 and 710 as previously proposed are withdrawn, and it is proposed to establish a new Part 710 to read as follows:

PART 710—INVENTORY REPORTING

- Sec.
- 710.1 Scope and compliance.
- 710.2 Definitions.
- 710.3 Applicability: Who must report; who may report; who may not report.
- 710.4 Scope of the inventory.
- 710.5 How to report for the inventory.
- 710.6 When to report.
- 710.7 Confidentiality.

AUTHORITY: Subsection 8(a), Toxic Substances Control Act (90 Stat. 2003) (15 U.S.C. 2601 et seq.).

§ 710.1 Scope and compliance.

(a) This part establishes regulations governing reporting by certain manufacturers, processors, and importers of chemical substances under section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607). That subsection requires EPA to issue regulations for the purpose of compiling the inventory of chemical substances manufactured or processed for a commercial purpose, as required by section 8(b) of the Act. In accordance with section 8(b), EPA periodically will amend the inventory to include chemical substances which are manufactured, processed, or imported for commercial purposes; will revise the categories of chemical substances; and

will make other amendments as appropriate.

(b) Section 15(3) of TSCA makes it unlawful for any person to fail or refuse to submit information required under these reporting regulations. In addition, section 15(3) makes it unlawful for any person to fail to keep, and permit access to, records required by these regulations. Section 16 provides that a violation of section 15 renders a person liable to the United States for a civil penalty and possible criminal prosecution. Pursuant to section 17, the Government may seek judicial relief to compel submittal of section 8(a) information and to otherwise restrain any violation of section 8(a).

(c) Each person who reports under these regulations shall permit access to, and the copying of, records that document information reported under these regulations.

§ 710.2 Definitions.

For the purposes of this part, the following terms shall have the meaning contained in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321, and the regulations issued under such Act: "cosmetic," "device," "drug," "food," and "food additive." In addition, the term "food" includes poultry and poultry products, as defined in the Poultry Products Inspection Act, 21 U.S.C. 453; meats and meat food products, as defined in the Federal Meat Inspection Act, 21 U.S.C. 60; and eggs and egg products, as defined in the Egg Products Inspection Act, 21 U.S.C. 1033. The term "pesticide" shall have the meaning contained in the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136, and the regulations issued thereunder. The following terms shall have the meaning contained in the Atomic Energy Act of 1954, 42 U.S.C. 2014, and the regulations issued thereunder: "nuclear byproduct material," "nuclear source material," and "special nuclear material." In addition, "Act" means the Toxic Substances Control Act, 15 U.S.C. 2601, et seq.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or any employee of the Agency to whom the Administrator may either herein or by order delegate his authority to carry out his functions, or any person who shall by operation of law be authorized to carry out such functions.

An "article" is a manufactured item (a) which is formed to a specific shape or design during manufacture, (b) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (c) which is functional in its end use(s) without change of chemical composition during its end use; except that (d) fluids and particles are not considered articles regardless of shape or design.

"Byproduct" means a chemical substance produced without separate commercial intent during the manufacture or processing of other chemical substance(s) or mixture(s).

"Chemical substance" means any organic or inorganic substance of a par-

icular molecular identity including (a) any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature and (b) any chemical element or uncombined radical, and (c) except that "chemical substance" does not include:

- (1) Any mixture,
- (2) Any pesticide when manufactured, processed, or distributed in commerce for use as a pesticide,
- (3) Tobacco or any tobacco product, but not including any derivative products,
- (4) Any nuclear source material, special nuclear material, or nuclear by-product material,
- (5) Any pistol, firearm, revolver, shells, and cartridges, and
- (6) Any food, food additive, drug, cosmetic, or device, when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

"Commerce" means trade, traffic, transportation, or other commerce (a) between a place in a State and any place outside of such State, or (b) which affects trade, traffic, transportation, or commerce described in clause (a).

"Distribute in commerce" and "distribution in commerce" when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture mean to sell or to transfer the ownership of the substance, mixture, or article in commerce, to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

"EPA" means the U.S. Environmental Protection Agency.

"Establishment" means an economic unit, generally at a single site, as defined for purposes of the Standard Industrial Classification of Establishments. There may be more than one establishment at a single site.

"Importer" means any person who imports any chemical substance into the customs territory of the U.S. and includes: (a) The person primarily liable for the payment of any duties on the merchandise, or (b) an authorized agent acting on his behalf (as defined in 19 CFR 1.11).

"Impurity" means a chemical substance which is unintentionally present with another chemical substance.

"Intermediate" means any chemical substance (a) which is deliberately present in a chemical reaction sequence used to manufacture or process another chemical substance, (b) whose presence is known or reasonably ascertainable, and (c) which could be isolated and identified under conditions which are practically encountered in the environment.

"Manufacture" means to produce or manufacture in the United States or import into the customs territory of the United States.

"Manufacture, process, or import 'for commercial purposes'" means to manufacture, process, or import

- (a) For distribution in commerce,
- (b) For use as a catalyst or an intermediate,
- (c) For use by the manufacturer, or
- (d) For test marketing purposes.

"Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that "mixture" does include (a) any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined, (b) hydrates of a chemical substance or hydrated ions formed by association of a chemical substance with water.

"New chemical substance" means any chemical substance which is not included in the inventory compiled and published under subsection 8(b) of the Act.

"Person" means any natural or juridical person including any individual, corporation, partnership, or association, any State or political subdivision thereof, or any municipality, any interstate body and any department, agency, or instrumentality of the Federal Government.

"Process" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce (a) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or (b) as part of an article containing the chemical substance or mixture.

"Processor" means any person who processes a chemical substance or mixture.

"Site" means each contiguous property unit where a chemical substance is manufactured or processed whether or not such site is independently owned or operated. Property divided only by a public right-of-way shall be considered one site. For the purposes of imported chemical substances, the site shall be the business address of the importer.

"Small manufacturer or importer" means a manufacturer who (a) has only a single manufacturing site, and either (b) has total annual sales of less than \$100,000, based on the manufacturer's latest complete fiscal year or (c) has no more than 2,000 pounds annual production (i.e., amount manufactured and imported) of each manufactured chemical substance. In the case of a company, which is owned or controlled by another company, such factors would apply to the parent company and all companies owned or controlled by it taken together.

"Small quantities for purposes of scientific experimentation or analysis or chemical research on, or analysis of, such substance or another substance, including any such research or analysis for

the development of a product" (hereinafter sometimes shortened to "small quantities for research and development") means quantities of a chemical substance manufactured or processed or proposed to be manufactured or processed that (a) are no greater than reasonably necessary for such purposes and (b) after (the effective date of premanufacture notification requirements), are used by, or directly under the supervision of, a technically qualified individual(s).

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.

"Technically qualified individual" means a person who, because of his education, training, or experience, or a combination of these factors, is capable of appreciating the health and environmental risks associated with exposure to the chemical substance which is used under his supervision, and who (a) is responsible for enforcing appropriate methods of conducting scientific experimentation, analysis, or chemical research in order to minimize such risks and (b) is responsible for the safety assessments and clearances related to the procurement, storage, use, and disposal of the chemical substance as may be appropriate or required within the scope of conducting the research and development activity.

"Test marketing" means the distribution of no more than a predetermined amount of a chemical substance, or mixture or article containing that chemical substance, by a manufacturer or processor to no more than a defined number of potential customers to explore market capability in a competitive situation during a predetermined testing period prior to the broader distribution in commerce.

"United States," when used in the geographic sense, means all of the States, territories, and possessions of the United States.

§ 710.3 Applicability: Who must report; who may report; who may not report.

Paragraphs (a), (b), and (c) of this section identify the persons subject to these requirements with respect to reporting chemical substances in accordance with § 710.4. Paragraph (d) of this section identifies the persons who may not report chemical substances for the inventory.

(a) *Who Is Required to Report*—(1) *Manufacturers*. Any person who manufactures, or has manufactured since January 1, 1977, a chemical substance(s) for a commercial purpose in an establishment included in the Chemical and Allied Products sector (as defined by Standard Industrial Classification (SIC) Major Group 28) or Petroleum Refining sector (as defined by SIC Group 2911) must report concerning the chemical substance(s) manufactured in that establishment.

(2) *Importers*. Any person who imports, or has imported since January 1,

1977, a chemical substance(s) into the United States for a commercial purpose must report concerning that chemical substance(s).

(b) *Who may report.* (1) In addition to those persons required to report by paragraph (a) of this section, any person who has manufactured, imported, or processed a chemical substance for a commercial purpose since January 1, 1975 may report concerning that chemical substance.

(2) If a person manufactured or imported a chemical substance prior to January 1, 1975 but the substance was processed after that date, he may report that substance for the inventory if he certifies that the substance was processed after January 1, 1975.

(3) A trade association may report on behalf of any person who would be permitted to report under paragraphs (b) (1) and (2) of this section. For every chemical substance reported by a trade association, at least one manufacturer, processor, or importer must have certified to that trade association, and be able to document to EPA in accordance with § 710.1(c), that the chemical substance was manufactured, imported, or processed for commercial purposes since January 1, 1975.

(c) *Who may report after publication of the inventory.* During the 120-day period after the first publication of the inventory, any person who has processed or used a chemical substance (including the manufacture of a mixture or article containing that chemical substance) for a commercial purpose since January 1, 1975 may report that chemical substance if it was not included in the inventory.

NOTE.—Premanufacture notification requirements under section 5 for manufacturers and importers of new chemical substances will begin thirty (30) days after the first publication of the inventory and will apply to all chemical substances not included on the first inventory.

(d) *Who may not report.* (1) No person may report any chemical substance which is automatically included in the inventory under § 710.4(b).

(2) No person may report any chemical substance which is excluded from the inventory under paragraphs (c) or (d) of § 710.4.

(3) No person may report any chemical substance which has not been manufactured, processed, or imported for a commercial purpose since January 1, 1975.

§ 710.4 Scope of the Inventory.

(a) *Chemical substances subject to these regulations.* The following chemical substances are manufactured, imported, or processed "for a commercial purpose":

Chemical substances which are manufactured, imported, or processed

- (1) For distribution in commerce,
- (2) For use as a catalyst or as an intermediate,
- (3) For use by the manufacturer, or
- (4) For test marketing purposes.

(b) *Naturally occurring chemical substances automatically included.* Any chemical substance which is naturally occurring and which is either unprocessed or processed only by manual, mechanical, or gravitational means; by dissolution in water; or by heating solely to remove water, shall be automatically included in the inventory under the category "Naturally Occurring Chemical Substances." Examples of such substances are: (1) Raw agricultural commodities; (2) water, air, natural gas, and crude oil; and (3) rocks, ores, and minerals.

(c) *Substances excluded by definition or Section 5(b) of TSCA.* The following substances are excluded from the inventory:

(1) Any substance which is not considered a "chemical substance" as provided in subsection 3(2)(B) of the Act and in the definition of "chemical substance" in § 710.2.

(2) Any mixture as defined in § 710.2. This term will include alloys, inorganic glasses, ceramics, frits, and cements, including Portland cement.

(3) Any chemical substance manufactured, imported, or processed solely in small quantities for research and development, as defined in § 710.2.

(d) *Chemical substances excluded from the inventory.* The following chemical substances are excluded from the inventory insofar as they are not manufactured for distribution in commerce as chemical substances per se and have no commercial purpose separate from the mixture or article of which they may be a part.

NOTE.—In addition, chemical substances excluded here would not be subject to premanufacture notification under section 5 of the Act.

(1) Any impurity.

(2) Any byproduct which has no commercial purpose.

NOTE.—A byproduct which has commercial value to municipal or private organizations who (i) burn it as a fuel, (ii) dispose of it as a waste, including in a landfill or for enriching soil, or (iii) extract component chemical substances which may have some commercial value, may be included on the inventory.

(3) Any chemical substance which is the result of a chemical reaction that may occur incidental to exposure of another chemical substance, mixture, or article to environmental factors such as air, moisture, microbial organisms, or sunlight.

(4) Any chemical substance which is the result of a chemical reaction incidental to storage of a chemical substance or mixture.

(5) Any chemical substance which is the result of a chemical reaction that may occur upon end use of other chemical substances or mixtures such as adhesives, paints, miscellaneous cleansers or other housekeeping products, fuels and fuel additives, water softening and treatment agents, and which is not itself manufactured for distribution in commerce.

(6) Any chemical substance which is the result of a chemical reaction that occurs upon use of curable plastic or rubber molding compounds, inks, drying oils, metal finishing compounds, adhesives, paints, or other chemical substances used to manufacture an article destined for the marketplace without further chemical change of the chemical substance except for those chemical changes that may occur as described elsewhere in this paragraph.

(7) Any chemical substance which occurs as the result of a chemical reaction when a stabilizer, colorant, odorant, antioxidant, filler, solvent, carrier, surfactant, plasticizer, corrosion inhibitor, antifoamer or de-foamer, dispersant, precipitation inhibitor, binder, emulsifier, de-emulsifier, dewatering agent, agglomerating agent, adhesion promoter, flow modifier, pH neutralizer, sequestrant, coagulant, flocculant, fire retardant, lubricant, chelating agent, quality control reagent, or a chemical substance which is solely intended to impart a specific physico-chemical characteristic functions as intended.

§ 710.5 How to report.

(a) *General instructions.* (1) Except for small manufacturers or importers, any person who is required to report under section 710.3(a) shall follow the reporting procedures of paragraphs (b), (c), and (d) of this section.

(2) Any person who chooses to report under § 710.3(b) shall follow the reporting procedures of paragraphs (b), (c), and (d) (3) of this section. In addition, the Agency encourages those persons to report in accordance with paragraphs (d) (1), (d) (2), and (d) (4) of this section. A trade association may report aggregated production data under paragraph (d) (4) of this section.

(3) Any person who is required to report under § 710.3(a) and who is a small manufacturer or importer as defined in § 710.2 shall follow the reporting procedures of paragraphs (b), (c), and (d) (1) and (d) (3) of this section. In addition, the Agency encourages small manufacturers to report in accordance with paragraphs (d) (2) and (d) (4) of this section.

(b) *Reporting the identity of a chemical substance.* (1) To report a chemical substance, a person shall first consult the TSCA Candidate List of Chemical Substances and any amendment to the Candidate List.

(2) To report a chemical substance found in the Candidate List, or in an amendment to the List, a person must complete, sign, and submit EPA inventory reporting Form A (EPA Form No. —).

(3) To report a chemical substance not found in the Candidate List, or in an amendment to the List, a person must complete, sign and submit EPA inventory reporting Form B (EPA Form No. —).

(4) For assistance in using the Candidate List or the reporting forms, consult "Guide to the Use of the TSCA Candidate List of Chemical Substances and

Instructions for Reporting" published in Appendix A of these regulations.

(c) *Reporting polymers.* (1) To report a polymer a person must list in the description of the polymer composition at least those monomers used at greater than two weight percent in the manufacture of the polymer.

(2) Those monomers used at two weight percent or less in the manufacture of the polymer may be included as part of the description of the polymer composition.

(3) For purposes of this paragraph, the "weight percent" of a monomer is the weight of the monomer expressed as a percentage of the weight of the polymeric chemical substance manufactured.

(d) *Reporting other information concerning a chemical substance.* (1) Designate whether the person manufactures, processes and/or imports the chemical substance.

(2) Report the site(s) at which the person manufactures, processes, and/or imports the chemical substance.

(3) Designate whether the person manufactures and processes the chemical substances only within a site and does not distribute the chemical substance, or any mixture or article containing that substance, for commercial purposes outside that site.

(4) Report the amount of the chemical substance which the person manufactured at each site and/or imported during calendar year 1976. If the person did not manufacture or import the chemical substance during 1976, report the amount manufactured and/or imported during 1975 or projected for 1977. If there has been no manufacture or importation

since January 1, 1975, report the amount distributed to others for any purpose since that date.

(e) *Importers.* (1) Any importer who is required to report or who chooses to report a chemical substance for the inventory may authorize the foreign supplier of an imported chemical substance(s) to report to EPA on behalf of the importer if both the foreign supplier and the importer sign the declarations provided on the reporting form.

(2) The importer has the ultimate responsibility for reporting all information required by this part and for the completeness and truthfulness of such information. If certain information is not or cannot be provided by the foreign supplier, it must be provided by the importer.

§ 710.6 When to report.

(a) All reports concerning chemical substances manufactured, processed, or imported for a commercial purpose during the period January 1, 1975 to (the effective date of these regulations) shall be submitted by (90 days after the effective date of these regulations).

(b) All reports concerning chemical substances which are manufactured, processed, or imported for a commercial purpose for the first time during the period (the effective date of these regulations) to (the effective date of premanufacture notification regulations) shall be submitted when such manufacturing, processing, or importation begins.

§ 710.7 Confidentiality.

(a) A manufacturer, importer, or processor may claim that for a particular chemical substance any or all of the

following items of information submitted under this part are entitled to confidential treatment:

(1) Company name.

(2) Site.

(3) The specific chemical name or identity.

(4) Whether the chemical substance is manufactured, imported, or processed.

(5) Whether the chemical substance is manufactured and processed only within one site and not distributed for commercial purposes outside that site.

(6) The quantity manufactured, imported, or processed.

(b) Any claims of confidentiality must accompany the information at the time it is submitted to EPA. The claims must appear on the form on which the information is submitted to EPA and in the manner prescribed on the form.

(c) Any information that is covered by a claim made as specified will be disclosed by EPA only to the extent permitted by, and by means of, the procedures set forth in Part 2 of this title (41 FR 36902).

(d) If no claim accompanies the information at the time it is submitted to EPA, the information may be made public by EPA without further notice to the submitter.

(e) If a claim of confidentiality is asserted concerning the specific chemical name or identity of a particular chemical substance, the person making the claim shall furnish EPA with (1) the specific chemical name and identity and (2) a proposed generic name which is only as generic as necessary to protect the confidential identity of the particular chemical substance.

[FR Doc.77-22107 Filed 7-28-77; 11:02 am]

STANDARD INDUSTRIAL CLASSIFICATIONS GROUPS 28 AND 2911

CHEMICALS AND ALLIED PRODUCTS; PETROLEUM REFINING

2812	Alkalies and chlorine
2813	Industrial gases
2816	Inorganic pigments
2819	Industrial inorganic chemicals
2821	Plastics materials and resins
2822	Synthetic rubber
2823	Cellulosic man-made fibers
2824	Organic fibers, noncellulosic
2831	Biological products
2833	Medicinals and botanicals
2834	Pharmaceutical preparations
2841	Soap and other detergents
2842	Polishes and sanitation goods
2843	Surface active agents
2844	Toilet preparations
2851	Paints and allied products
2861	Gum and wood chemicals
2865	Cyclic crudes and intermediates
2869	Industrial organic chemicals
2873	Nitrogenous fertilizers
2874	Phosphatic fertilizers
2875	Fertilizers, mixing only
2879	Agricultural chemicals
2891	Adhesives and sealants
2892	Explosives
2893	Printing ink
2895	Carbon black
2899	Chemical preparations
2911	Petroleum refining

TOXIC SUBSTANCES CONTROL ACT: PROPOSED INVENTORY REPORTING REGULATIONS

As published in the Federal Register on August 2, 1977
by the U. S. Environmental Protection Agency

(August 4, 1977)

The following are a few questions and answers to explain the major changes in the repropoed inventory reporting regulations published in the Federal Register on August 2, 1977. You should be sure to read the preamble and regulations themselves for complete information. EPA welcomes comments on the proposed regulations and may modify them accordingly before publishing the final regulations around November 1, 1977.

(1) Q. Where can I get a copy of the repropoed regulations?

A. The repropoed regulations were published in the Federal Register on August 2, 1977, volume 42, Part II, beginning on page 39182. Copies are available from EPA's Regional Offices and from Mr. John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460. (202) 755-0535.

(2) Q. How can I get a copy of the Toxic Substances Control Act (TSCA) or be included on a mailing list to receive copies of any future regulations or information published by EPA concerning TSCA?

A. You should contact the Industry Assistance Office at the address provided in question (1).

(3) Q. Why has EPA repropoed the inventory reporting regulations?

A. The repropoed regulations modify the initial proposal by requiring reporting not only of the names of the chemical substances in commerce but also certain other information, such as (1) production quantities, (2) manufacturing sites, and (3) designation of chemical substances manufactured and used solely within the manufacturing site, such as intermediates.

This additional information will enable EPA and other agencies to select chemical substances for further action under TSCA or other authorities at minimal additional reporting burden to industry. In particular, with this information the Agency will be in a position to move forward on several key actions. Firstly, the Administrator has outlined subsequent phases for reporting on selected chemical substances. Selection of these chemicals must

take into account their potential for human and environmental exposure and therefore requires knowledge of production volume and the extent of environmental distribution. Secondly, with the information concerning whether the use of a chemical substance is now limited to one site, EPA could review, by means of a significant new use notice under Section 5 of the Act, any new uses which may result in widespread distribution of that chemical substance. Thirdly, the information will provide a data base that can be used by EPA's Regional Offices, for example, to determine the possible sources of a chemical substance that may be presenting a serious environmental or health hazard due to a spill or other accidental discharge.

Interested persons will have an opportunity to comment on the regulations in writing or orally at a public meeting on August 24, 1977, in Washington, D.C.

(4) Q. How do the newly proposed regulations differ from those published on March 9, 1977?

A. The revised proposed regulations modify the earlier version in several ways. In addition to changes intended to make the regulations easier to understand, EPA made some substantive changes, as follows:

(1) All persons who are required to report must not only identify the chemical substances they manufacture, but report certain additional information, such as (a) production quantities, (b) manufacturing site, and (c) whether a chemical substance is manufactured and used solely within the manufacturing site, i.e. is not distributed as a commercial chemical substance or as part of a mixture or article outside the manufacturing site.

(2) Only manufacturers of chemical substances whose establishments are included among the approximately 20,000 establishments in Standard Industrial Classification Major Group 28 (Basic Chemicals and Allied Products) or Group 2911 (Petroleum Refining) must report.

(3) Manufacturers whose establishments are not within SIC groups 28 or 2911 are not required to report. However, these manufacturers should be sure that their chemical substances are included on the inventory since any chemical substance not included on the initial inventory will be subject to premanufacture notification requirements as a "new" chemical substance. These manufacturers may report or authorize a trade association or other representative to report on their behalf.

(4) There will be a 120-day reporting period after the publication of the initial inventory during which processors and users of chemical substances may report. Thus, if a manufacturer fails to report a chemical substance and it is therefore not included on the inventory, any processor or user of that substance may report that substance during this additional period.

(5) Chemical substances which have been manufactured or processed for commercial purposes in the United States since January 1, 1975 (rather than since July 1, 1974, as originally proposed) may be included on the inventory.

(6) Importers must report chemical substances imported in bulk into the United States since January 1, 1977, but do not have to report chemical substances that are part of the articles which they import, as originally proposed.

(7) All chemical substances which are included in the category of "naturally occurring substances" will be automatically included on the inventory. This category will include any substance which is extracted from nature by mechanical, gravitational, or manual means, by dissolution in water, or by drying solely to remove water. Any substance extracted by these means from a naturally occurring substance will also be included under this category and need not be reported for the inventory. This category includes rocks, ores, and minerals. Under the earlier proposal only those minerals in an appendix to the Candidate List would have been automatically included. Under these proposed regulations, minerals which are extracted from nature by the means described above would be automatically included.

(5) Q. Should I consult the proposed regulations published in the FEDERAL REGISTER on March 9, 1977, as well as those published on August 2, 1977?

A. EPA published the full text of the proposed regulations in the FEDERAL REGISTER on August 2, 1977 (42 FR 39181). However, some provisions of the proposed regulations are not discussed in the preamble of the August 2 publication. If you have any questions concerning provisions that may not be explained in that preamble, you should consult the preamble to the earlier proposal published on March 9, 1977 (42 FR 13130). In addition, you should consult the other notices published in the FEDERAL REGISTER as described in the August 2, 1977 notice under the heading, "Supplementary Information." If you have further questions, you may phone or write to the Industry Assistance Office (See question 1.).

(6) Q. Can I comment on any aspect of the proposed regulations?

A. Yes, EPA welcomes comments on any aspects of the proposed regulations. As stated in the preamble to the August 2, 1977 proposal, EPA encourages persons to direct their comments to the new provisions proposed in the recent version of the regulations and not duplicate comments submitted earlier in response to the March 9, 1977 proposal. EPA will respond to all the comments submitted in response to both proposed rulemaking notices in the final inventory reporting regulations.

(7) Q. When can I start reporting for the inventory?

A. Under the repropoed regulations, the reporting period will begin around November 1, 1977, after the regulations are published in their final form.

INDUSTRY ASSISTANCE OFFICE

(8) Q. How long will I have to report for the inventory?

A. The reporting period will last three months.

(9) Q. Where can I get reporting forms?

A. EPA is now revising the reporting forms that were published in draft form in the March 9, 1977 FEDERAL REGISTER to provide space for reporting production quantities and other information. EPA plans to send copies of the final regulations and reporting forms directly to all the manufacturers in Standard Industrial Classification Groups 28 and 2911 that are included on EPA's master mailing list. This mailing should reach most manufacturers that may be required to report under these regulations. In addition, every manufacturer on the Industry Assistance Office mailing list will receive at least a copy of the final regulations. All of EPA's regional offices as well as the headquarters Industry Assistance Office will have an adequate supply of forms to distribute as needed.

(10) Q. Why do these proposed regulations have a definition of "small manufacturer"? Are "small manufacturers" exempt from reporting for the inventory?

A. As discussed in the preamble to these proposed regulations, some of the information which may be required under these initial reporting regulations may not be considered by some people as necessary for compilation of the inventory. EPA has solicited comment on this issue because under TSCA "small manufacturers" must report information for the inventory but are exempt from most other general reporting requirements.

Any manufacturer who falls within the definition of "small manufacturer" would not be exempt from reporting for the inventory, but only from reporting certain additional information that may not be considered necessary for compilation of the inventory.

(11) Q. A particular substance appears at various places in the Candidate List. At each place the CAS Registry Number is the same, but the code designation is different. Which code designation should I report?

A. All the code designations which may appear for a given substance are valid, and you may use any one of them in completing the reporting form.

(12) Q. Will all chemical substances on the Candidate List be automatically included on the inventory?

A. No. The purpose of the Candidate List is to simplify reporting. EPA made no attempt to limit the Candidate List to those chemical substances that are eligible for inclusion on the inventory under these regulations.

(13) Q. Do all chemical substances on the Candidate List qualify for the inventory?

A. No. The Candidate List was prepared from several existing lists of chemical substances. No attempt was made to delete from the list those substances which are excluded from the inventory under the reporting regulations. For example, the Candidate List contains some hydrates which are excluded from the inventory because they are mixtures. The list also may contain some substances which are used solely as drugs or pesticides and therefore are not eligible for inclusion on the inventory.

(14) Q. Has the TSCA Candidate List of Chemical Substances been changed since it was first published in April?

A. EPA has identified some minor errors and has distributed a correction sheet along with recent mailings of the Candidate List. EPA has been working with certain trade associations to define some particularly complex chemical substances. The Chemical Abstracts Service (CAS) may assign CAS registry numbers to these substances so that they may be easily and consistently reported for the inventory. EPA expects to publish a supplement to the Candidate List which will contain these additional substances sometime this fall.

(15) Q. The "How to Report" section of these proposed regulations, section 710.5(b)(4), refers to a "Guide to the Use of the TSCA Candidate List of Chemical Substances and Instructions for Reporting." How can I obtain a copy of this guide?

A. A proposed version of the "Guide" was published in the FEDERAL REGISTER for comment on April 12, 1977 (42 FR 19298). Copies are available through Mr. John Ritch (See question 1.). The guide with any appropriate changes will be published as Appendix A to the final regulations.

(16) Q. Do I have to obtain a Chemical Abstracts Service (CAS) registry number for a chemical substance that does not appear on the Candidate List before I can report that substance?

A. No. You should provide, however, adequate information so that the Chemical Abstracts Service can assign an appropriate number for that substance. You should read EPA's draft reporting instructions published in the FEDERAL REGISTER of April 12, 1977 (42 FR 19298). You will not have to pay a fee even if a chemical substance is reported without a CAS registry number.

(17) Q. Can I report a chemical substance for the inventory if I import or market the substance for the first time after the close of the reporting period?

A. Yes, you may report chemical substance that you introduce into commerce for the first time after the close of the reporting period but not after the beginning of premanufacture notification requirements for new chemical substances. These requirements will begin thirty days after the publication of the inventory.

(18) Q. Should I report chemical substances which I use only as reactants or catalysts in the manufacture of another chemical substance?

A. You do not have to report catalysts or any other chemical substances which you use or process only in the manufacture of another chemical substance or mixture. You do have to report such substances, however, if you manufacture them.

(19) Q. Am I manufacturing a chemical substance that should be reported for the inventory, or am I manufacturing a mixture or an article?

A. While the basic distinction between chemical substances and mixtures or articles rests on whether there is a chemical reaction used in manufacturing the product, there may be chemical reactions that occur upon manufacturing a mixture or an article. EPA would consider as "mixtures" combinations of chemical substances that are produced by a chemical reaction if they could have been produced for a commercial purpose without a chemical reaction, by physically mixing commercially available substances. Articles, as defined in the regulations to include such manufactured items as synthetic fibers, plastic films, particle board, chrome plated bumpers, and cloth, are excluded from the inventory even if there is a chemical reaction that occurs upon their manufacture. These distinctions are discussed more fully in the preambles to the March 9, 1977 and the August 2, 1977 proposed regulations.

(20) Q. I treat fabrics with dyes and finishes which I think react with the fabrics. Do I have to report the chemical substances that may be formed in this reaction?

A. No. Chemical substances that are formed in the manufacture of an article are excluded from the inventory reporting requirements.

(21) Q. Under the proposed regulations, are foreign manufacturers required, or permitted, to report chemical substances for the inventory?

A. A foreign manufacturer may report for the inventory only if he is authorized to do so by the importer of the chemical substances which he manufactures and exports to the United States. There will be statements on the reporting forms which both the importer and foreign manufacturer must sign to make any report submitted by a foreign manufacturer acceptable.

(22) Q. Do companies which only formulate or otherwise process chemical substances into mixtures, blends, or compounded substances have any reporting responsibility?

A. Companies which only formulate or process mixtures or produce combinations of chemical substances without a chemical reaction need not report under these proposed regulations. However, such companies should be sure that the chemical substances they formulate and process are included in the initial inventory. There will be a 120-day reporting period after the publication of the initial inventory during which processors and users may report. Mixtures, blends, and compounded substances are excluded from the inventory and should not be reported.

(23) Q. Do the proposed regulations or does EPA require that I certify to my customers that I am reporting those chemical substances I sell?

A. No; there is no such requirement. In the past, EPA has encouraged processors to ensure that manufacturers report chemical substances for the inventory as required by the proposed regulations. The revised regulations, however, provide an opportunity for processors to report any chemical substance processed for a commercial purpose which is not included on the inventory after it is published. This provision should greatly reduce the concern by processors to have written certification from manufacturers that the manufacturers intend to report, or have reported, their chemical substances for the inventory.

(24) Q. Under the reporting regulations, are manufacturers required to supply any information concerning the identities of the chemical substances which they may distribute under a trade mark concealing their proprietary identities?

A. No; there is no such requirement. If a manufacturer distributes a chemical substance under a trade mark to his customers, he must submit that trade mark to EPA. The trade mark will then appear on the inventory but with no link to its chemical identity if a manufacturer claims that link to be confidential. Of course, the inventory will not list trade marks which apply to mixtures or chemical substances excluded from the inventory.

(25) Q. How will EPA provide protection for reported information that is claimed to be confidential?

A. EPA is designing reporting forms that will provide persons an opportunity to claim certain information as confidential. The proposed regulations discuss these provisions and various alternatives for handling confidential information reported to EPA. The Agency welcomes comments on these alternatives.

(26) Q. Once the premanufacture notification requirements are in effect, can I manufacture any chemical substance included on the inventory even if I have never manufactured that substance for a commercial purpose myself?

A. Yes. Any one may manufacture, import, or process any chemical substance that is included on the inventory. Those which are not included on the inventory, will be considered "new" chemical substances and will be subject to the premanufacture notification requirements.

**TIMETABLE--IMPORTANT DATES UNDER REPROPOSED REGULATIONS FOR INVENTORY
REPORTING**

**Remember: Some dates may change depending upon when the final
regulations are published.**

August 2, 1977

**Federal Register Notice of
Reproposed Regulations**

August 2 to September 16, 1977

Comment period of 45 days

**Submit written comments to:
Vicki Briggs, EPA
Office of Toxic Substances (WH-557)
401 M Street, S.W., Washington, D.C.
20460
(Submit 3 copies of comments with
identifying notation: OTS-0810002)**

August 24, 1977

**Public Meeting, Jefferson Auditorium,
USDA
14th and Independence Avenue, S.W.
Washington, D.C.**

November 1977

Final regulations published.

November 1977

**Reporting forms mailed to SIC
Groups 28 and 2911 and available
from EPA.**

February 1978

**End of reporting period.
(90 days after the final
regulations are published)**

Summer 1978

**Publication of inventory.
Beginning of 120 day period
during which processors may
report chemical substances not
on the inventory.**

Fall 1978

**Thirty days after publication of
inventory, premarket notification of
begin.**

INDUSTRY ASSISTANCE OFFICE



United States
Environmental Protection Agency
Office of Assistant Administrator
For Toxic Substances (TS-788)
Washington, D.C. 20460
(202) 755-0535

John B. Ritch, Jr., Director

STANDARD INDUSTRIAL CLASSIFICATION

Major Group 28.—CHEMICALS AND ALLIED PRODUCTS

The Major Group as a Whole

This major group includes establishments producing basic chemicals, and establishments manufacturing products by predominantly chemical processes. Establishments classified in this major group manufacture three general classes of products: (1) basic chemicals such as acids, alkalies, salts, and organic chemicals; (2) chemical products to be used in further manufacture such as synthetic fibers, plastics materials, dry colors, and pigments; (3) finished chemical products to be used for ultimate consumption such as drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries such as paints, fertilizers, and explosives. The mining of natural rock salt is classified in mining industries. Establishments primarily engaged in manufacturing nonferrous metals and high percentage ferroalloys are classified in Major Group 33; silicon carbide in Major Group 32; baking powder, other leavening compounds, and starches in Major Group 20; and artists' colors in Major Group 39. Establishments primarily engaged in packaging, repackaging, and bottling of purchased chemical products, but not engaged in manufacturing chemicals and allied products, are classified in trade industries.

Group Industry
No. No.

281 INDUSTRIAL INORGANIC CHEMICALS

This group includes establishments primarily engaged in manufacturing basic industrial inorganic chemicals. Establishments primarily engaged in manufacturing formulated agricultural pesticides are classified in Industry 2879; medicinal chemicals, drugs and medicines in Industry 2833; and soap and cosmetics in Group 284.

2812 Alkalies and Chlorine

Establishments primarily engaged in manufacturing alkalies and chlorine.

Alkalies	Potassium hydroxide
Carbonates, potassium and sodium	Sol soda
Caustic potash	Soda ash
Caustic soda	Sodium bicarbonate
Chlorine, compressed or liquefied	Sodium carbonate (soda ash)
Potassium carbonate	Sodium hydroxide (caustic soda)

2813 Industrial Gases

Establishments primarily engaged in manufacturing gases for sale in compressed, liquid, and solid forms. Establishments primarily engaged in manufacturing fluorine and sulfur dioxide are classified in Industry 2819; household ammonia in Industry 2842, and other ammonia in Industry 2873; and chlorine in Industry 2812. Distributors of industrial gases and establishments primarily engaged in shipping liquid oxygen are classified in trade.

Acetylene	Helium
Argon	Hydrogen
Carbon dioxide	Neon
Dry ice (solid carbon dioxide)	Nitrogen
Gases, industrial: compressed, liquefied, or solid—m/pm	Nitrous oxide
	Oxygen, compressed and liquefied

Standard Industrial Classification Manual
1972, Washington, D.C., Office of Budget
& Management, Superintendent of Documents
U.S. Government Printing, 1972

INDUSTRIAL INORGANIC CHEMICALS—Continued

2816 Inorganic Pigments

Establishments primarily engaged in manufacturing inorganic pigments. Important products of this industry include black pigments (except carbon black, Industry 2895), white pigments and color pigments. Organic color pigments, except animal black and bone black, are classified in Industry 2865.

Animal black	Lithopone
Barium sulfate, precipitated (blanc fixe)	Metallic pigments, inorganic
Barytes pigments	Mineral colors and pigments
Black pigments, except carbon black	Mintum (pigment)
Blanc fixe (barium sulfate, precipitated)	Ochres
Bone black	Paint pigments, inorganic
Chrome pigments: chrome green, chrome yellow, chrome orange, zinc yellow	Pearl essence
Color pigments, inorganic	Pigments, inorganic
Iron blue pigment	Prussian blue pigments
Iron colors	Red lead pigment
Iron oxide, black	Satin white pigment
Iron oxide, magnetic	Siennas
Iron oxide, yellow	Titanium pigments
Lamp black	Ultramarine pigment
Lead oxide pigments	Umbers
Lead pigments	Vermilion pigment
Litharge	White lead pigments
	Whiting
	Zinc oxide pigments
	Zinc pigments: zinc yellow and zinc sulphide

2819 Industrial Inorganic Chemicals, Not Elsewhere Classified

Establishments primarily engaged in manufacturing industrial inorganic chemicals, not elsewhere classified. Important products of this industry include inorganic salts of sodium (excluding refined sodium chloride), potassium, aluminum, calcium, chromium, magnesium, mercury, nickel, silver, tin; inorganic compounds such as alums, calcium carbide, hydrogen peroxide, sodium silicate, ammonia compounds (except fertilizers), rare earth metal salts and elemental bromine, fluorine, iodine, phosphorus, and alkali metals (sodium, potassium, lithium, etc.). Establishments primarily engaged in mining, milling, or otherwise preparing natural potassium, sodium, or boron compounds (other than common salt) are classified in Industry 1474. Establishments primarily engaged in manufacturing household bleaches are classified in Industry 2842; phosphoric acid in Industry 2874; and nitric acid, anhydrous ammonia and other nitrogenous fertilizer materials in Industry 2873.

Activated carbon and charcoal	Bromine, elemental
Alkali metals	Caesium metal
Alumina	Calcium carbide, chloride, and hypochlorite
Aluminum chloride	Calcium compounds, inorganic
Aluminum compounds	Calcium metal
Aluminum hydroxide (alumina trihydrate)	Calomel
Aluminum oxide	Carbide
Aluminum sulfate	Catalysts, chemical
Alums	Cerium salts
Ammonia alum	Charcoal, activated
Ammonium chloride, hydroxide, and molybdate	Chlorosulfonic acid
Ammonium compounds, except for fertilizer	Chromates and bichromates
Ammonium perchlorate	Chromic acid
Ammonium thiosulfate	Chromium compounds, inorganic
Barium compounds	Chromium salts
Bauxite, refined	Cobalt chloride
Beryllium oxide	Cobalt 60 (radioactive)
Bleaching powder	Cobalt sulfate
Borax (sodium tetraborate)	Copper chloride
Boric acid	Copper iodide and oxide
Boron compounds, not produced at mines	Copper sulfate
Borosilicate	Cyanides
Brine	Desiccants, activated: silica gel
	Dichromates
	Ferric chloride
	Ferrocyanides

INDUSTRIAL INORGANIC CHEMICALS—Continued

2819 Industrial Inorganic Chemicals, Not Elsewhere Classified—Continued

Fissionable material production	Potassium iodide
Fluorine, elemental	Potassium metal
Fuel propellants, solid: inorganic	Potassium nitrate and sulfate
Fuels, high energy: inorganic	Potassium permanganate
Glauber's salt	Propellants for missiles, solid: inorganic
Heavy water	Radium chloride
High purity grade chemicals, inorganic: refined from technical grades	Radium luminous compounds
Hydrated alumina silicate powder	Rare earth metal salts
Hydrochloric acid	Reagent grade chemicals, inorganic: refined from technical grades
Hydrocyanic acid	Rubidium metal
Hydrofluoric acid	Salt cake (sodium sulfate)
Hydrogen peroxide	Salts of rare earth metals
Hydrogen sulfide	Scandium
Hydroxides	Silica, amorphous
Hypophosphites	Silica gel
Iodine chloride	Silicones
Inorganic acids, except nitric or phosphoric	Silver bromide, chloride, and nitrate
Iodides	Silver compounds, inorganic
Iodine, elemental	Soda alum
Iodine, resublimed	Sodium aluminate
Iron sulphate	Sodium aluminum sulfate
Isotopes, radioactive	Sodium antimonate
Laboratory chemicals, inorganic	Sodium bichromate and chromate
Lead oxides, other than pigments	Sodium borates
Lead silicate	Sodium borohydride
Lime bleaching compounds	Sodium bromide, not produced at mines
Lithium compounds	Sodium chlorate
Lithium metal	Sodium compounds, inorganic
Luminous compounds, radium	Sodium cyanide
Magnesium carbonate	Sodium hydrosulfide
Magnesium chloride	Sodium, metallic
Magnesium compounds, inorganic	Sodium molybdate
Manganese dioxide powder, synthetic	Sodium perborate
Mercury chlorides (calomel, corrosive, sublimate), except U.S.P.	Sodium peroxide
Mercury compounds, inorganic	Sodium phosphate
Mercury oxides	Sodium polyphosphate
Mercury, redistilled	Sodium silicate
Metals, liquid	Sodium silicofluoride
Mixed acid	Sodium stannate
Muriate of potash, not produced at mines	Sodium sulfate—bulk or tablets
Nickel ammonium sulfate	Sodium tetraborate, not produced at mines
Nickel carbonate	Sodium thiosulfate
Nickel compounds, inorganic	Sodium tungstate
Nickel sulfate	Sodium uranate
Nuclear cores, inorganic	Stannic and stannous chloride
Nuclear fuel reactor cores, inorganic	Strontium carbonate, precipitated, and oxide
Nuclear fuel scrap reprocessing	Strontium nitrate
Oilum (fuming sulfuric acid)	Sublimate, corrosive
Oxidation catalyst made from porcelain	Sulfate of potash and potash magnesia, not produced at mines
Perchloric acid	Sulfides and sulfites
Peroxides, inorganic	Sulfocyanides
Phosphates, except defluorinated and ammoniated	Sulfur chloride
Phosphorus and phosphorus oxychloride	Sulfur dioxide
Potash alum	Sulfur hexafluoride gas
Potassium aluminum sulfate	Sulfur, recovered or refined, including from sour natural gas
Potassium bichromate and chromate	Sulfuric acid
Potassium bromide	Tanning agents, synthetic inorganic
Potassium chlorate	Thiocyanates, inorganic
Potassium chloride and cyanide	Tin chloride
Potassium compounds, inorganic: except potassium hydroxide and carbonate	Tin compounds, inorganic
Potassium cyanide	Tin oxide
Potassium hypochlorite	Tin salts
	Uranium slug, radioactive
	Water glass
	Zinc chloride

Group Industry
No. No.
282

PLASTICS MATERIALS AND SYNTHETIC RESINS, SYNTHETIC RUBBER, SYNTHETIC AND OTHER MAN-MADE FIBERS, EXCEPT GLASS

This group includes chemical establishments primarily engaged in manufacturing plastics materials and synthetic resins, synthetic rubbers, and cellulose and man-made organic fibers. Establishments primarily engaged in the manufacture of rubber products, and those primarily engaged in the compounding of purchased resins or the fabrication of plastics sheets, rods, and miscellaneous plastics products, are classified in Major Group 30; and textile mills primarily engaged in throwing, spinning, weaving, or knitting textile products from manufactured fibers are classified in Major Group 22.

2821 Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers

Establishments primarily engaged in manufacturing synthetic resins, plastics materials, and nonvulcanizable elastomers. Important products of this industry include: cellulose plastic materials; phenolic and other tar acid resins; urea and melamine resins; vinyl resins; styrene resins; alkyd resins; acrylic resins; polyethylene resins; polypropylene resins; rosin modified resins; coumarone-indene and petroleum polymer resins; and miscellaneous resins including polyamide resins, silicones, polyisobutylenes, polyesters, polycarbonate resins, acetal resins, fluorohydrocarbon resins; and casein plastics. Establishments primarily engaged in manufacturing fabricated plastics products or plastics film, sheet, rod, nontextile monofilaments and regenerated cellulose products, and vulcanized fiber are classified in Industry 3079, whether from purchased resins or from resins produced in the same plant. Establishments primarily engaged in compounding purchased resins are also classified in Industry 3079. Establishments primarily manufacturing adhesives are classified in Industry 2891.

Acetal resins	Nylon resins
Acetate, cellulose (plastics)	Petroleum polymer resins
Acrylic resins	Phenol-furfural resins
Acrylonitrile-butadiene-styrene resins	Phenolic resins
Alcohol resins, polyvinyl	Phenoxy resins
Alkyd resins	Phthalic alkyd resins
Allyl resins	Phthalic anhydride resins
Butadiene copolymers, containing less than 50% butadiene	Polyacrylonitrile resins
Carbohydrate plastics	Polyamide resins
Casein plastics	Polycarbonate resins
Cellulose nitrate resins	Polyesters
Cellulose propionate (plastics)	Polyethylene resins
Coal tar resins	Polyhexamethylenediamine adipamide resins
Condensation plastics	Polyisobutylenes
Coumarone-indene resins	Polymerization plastics, except fibers
Cresol-furfural resins	Polypropylene resins
Cresol resins	Polystyrene resins
Dicyandiamine resins	Polyurethane resins
Diisocyanate resins	Polyvinyl chloride resins
Elastomers, nonvulcanizable (plastics)	Polyvinyl halide resins
Epichlorohydrin bisphenol	Polyvinyl resins
Epichlorohydrin diphenol	Protein plastics
Epoxy resins	Pyroxylin
Ester gum	Resins, phenolic
Ethyl cellulose plastics	Resins, synthetic: coal tar and non-coal tar
Ethylene-vinyl acetate resins	Rosin modified resins
Fluorohydrocarbon resins	Silicone fluid solution (fluid for some transducers)
Ion exchange resins	Silicone resins
Ionomer resins	Soybean plastics
Isobutylene polymers	Styrene resins
Lignin plastics	Styrene-acrylonitrile resins
Melamine resins	Tar acid resins
Methyl acrylate resins	Urea resins
Methyl cellulose plastics	Vinyl resins
Methyl methacrylate resins	
Molding compounds, plastics	
Nitrocellulose plastics (pyroxylin)	

Group Industry
No. No.
282

PLASTICS MATERIALS AND SYNTHETIC RESINS, SYNTHETIC RUBBER, SYNTHETIC AND OTHER MAN-MADE FIBERS, EXCEPT GLASS—Continued

2822 Synthetic Rubber (Vulcanizable Elastomers)

Establishments primarily engaged in manufacturing synthetic rubber by polymerization or copolymerization. An elastomer for the purpose of this classification is a rubber-like material capable of vulcanization, such as copolymers of butadiene and styrene, or butadiene and acrylonitrile, polybutadienes, chloroprene rubbers, and isobutylene-isoprene copolymers. Butadiene copolymers containing less than 50% butadiene are classified in Industry 2821. Natural chlorinated rubbers and cyclized rubbers are considered as semifinished products and are classified in Industry 3069.

Acrylate type rubbers	Isoprene rubbers, synthetic
Acrylate-butadiene rubbers	Neoprene
Acrylic rubbers	Nitrile-butadiene rubbers
Adiprene	Nitrile-chloroprene rubbers
Butadiene-acrylonitrile copolymers (over 50% butadiene)	Nitrile type rubber
Butadiene rubbers	N-type rubber
Butadiene-styrene copolymers (over 50% butadiene)	Polybutadienes
Butyl rubber	Polyethylenes, chlorosulfonated
Chlorinated rubbers, synthetic	Polyisobutylene-isoprene elastomers
Chloroprene type rubbers	Polyisobutylene (synthetic rubber)
Chlorosulfonated polyethylenes	Polyethylene rubbers
Cyclo rubbers, synthetic	Polyulfides
EPDM polymers	Pyridine-butadiene copolymers
Elastomers, vulcanizable (synthetic rubber)	Pyridine-butadiene rubbers
Epichlorohydrin elastomers	Rubber, synthetic
Ethane	Silicone rubbers
Ethylene-propylene rubbers	S-type rubber
Fluoro rubbers	Stereo regular elastomers
Fluorocarbon derivative rubbers	Styrene-butadiene rubbers (50% or less styrene content)
Hypalon	Styrene-chloroprene rubbers
Isobutylene-isoprene rubbers	Styrene-isoprene rubbers
Isocyanate type rubber	Thiol rubbers
	Urethane rubbers
	Vulcanized oils

2823 Cellulosic Man-Made Fibers

Establishments primarily engaged in manufacturing cellulosic fibers (including cellulose acetate and regenerated cellulose such as rayon by the viscose or cuprammonium process) in the form of monofilament, yarn, staple or tow suitable for further manufacturing on spindles, looms, knitting machines or other textile processing equipment. Establishments primarily engaged in manufacturing textile glass fibers are classified in Industry 3329.

Acetate fibers	Rayon primary products: fibers, straw, strips, and yarn
Cellulose acetate monofilament, yarn, staple, or tow	Rayon yarn, made in chemical plants (primary products)
Cellulose fibers, man-made	Regenerated cellulose fibers
Cigarette tow, cellulosic fiber	Tricetate fibers
Cuprammonium fibers	Viscose fibers, bands, strips, and yarn
Fibers, cellulose man-made	Yarn, cellulosic: made in chemical plants (primary products)
Fibers, rayon	
Horsehair, artificial: rayon	
Nitrocellulose fibers	

Group Industry
No. No.
282

PLASTICS MATERIALS AND SYNTHETIC RESINS, SYNTHETIC RUBBER, SYNTHETIC AND OTHER MAN-MADE FIBERS, EXCEPT GLASS—Continued

2824 Synthetic Organic Fibers, Except Cellulosic

Establishments primarily engaged in manufacturing synthetic organic fibers, except cellulosic (including those of regenerated proteins, and of polymers or copolymers of such components as vinyl chloride, vinylidene chloride, linear esters, vinyl alcohols, acrylonitrile, ethylenes, amides, and related polymeric materials) in the form of monofilament, yarn, staple or tow suitable for further manufacturing on spindles, looms, knitting machines or other textile processing equipment. Establishments primarily engaged in manufacturing textile glass fibers are classified in Industry 3229.

Acrylic fibers
Acrylonitrile fibers
Anidex fibers
Casein fibers
Elastomeric fibers
Fibers, man-made: except cellulosic
Fluorocarbon fibers
Horsehair, artificial: nylon
Linear esters fibers
Modacrylic fibers
Nylon fibers and bristles
Olefin fibers
Organic fibers, synthetic: except cellulosic

Polyester fibers
Polyvinyl ester fibers
Polyvinylidene chloride fibers
Protein fibers
Saran fibers
Sorban fibers (man-made textile materials)
Vinal fibers
Vinylidene chloride fibers
Yarn, organic man-made fiber except cellulosic
Zeln fibers

283

DRUGS

This group includes establishments primarily engaged in manufacturing, fabricating, or processing medicinal chemicals and pharmaceutical products. Also included in this group are establishments primarily engaged in the grading, grinding, and milling of botanicals.

2831 Biological Products

Establishments primarily engaged in the production of bacterial and virus vaccine, toxoids and analogous products (such as allergenic extracts), serums, plasmas, and other blood derivatives for human or veterinary use.

Agar culture media
Aggressins
Allergenic extracts
Allergens
Antigens
Anti-hog-cholera serums
Antiserums
Antitoxins
Antivenom
Bacterial vaccines
Bacterins
Bacteriological media
Biological and allied products: anti-toxins, bacterins, vaccines, viruses
Blood derivatives, for human or veterinary use

Culture media or concentrates
Diagnostic agents, biological
Diphtheria toxin
Plasmas
Pollen extracts
Serobacterins
Serums
Toxins
Toxoids
Tubercullins
Vaccines
Venoms
Viruses

2833 Medicinal Chemicals and Botanical Products

Establishments primarily engaged in (1) manufacturing bulk organic and inorganic medicinal chemicals and their derivatives; and (2) processing (grading, grinding, and milling) bulk botanical drugs and herbs. Establishments primarily engaged in manufacturing agar-agar and similar products of natural origin, endocrine products, manufacturing or isolating basic vitamins, and isolating active medicinal principals such as alkaloids from botanical drugs and herbs are also included in this industry.

Adrenal derivatives: bulk, uncompounded
Agar-agar (ground)
Alkaloids and salts
Anesthetics, in bulk form
Antibiotics: bulk uncompounded

Atropine and derivatives
Barbituric acid and derivatives: bulk, uncompounded
Botanical products, medicinal: ground, graded, and milled
Brucine and derivatives

DRUGS—Continued

2833 Medicinal Chemicals and Botanical Products—Continued

Caffeine and derivatives
Chemicals, medicinal: organic and in-
organic—bulk, uncompounded
Cinchona and derivatives
Cocaine and derivatives
Codeine and derivatives
Digitoxin
Drug grading, grinding, and milling
Endocrine products
Ephedrine and derivatives
Ergot alkaloids
Fish liver oils, refined and concen-
trated for medicinal use
Gland derivatives: bulk, uncom-
pounded
Herb grinding, grading, and milling
Hormones and derivatives
Insulin: bulk, uncompounded
Kelp plants
Mercury chlorides, U.S.P.
Mercury compounds, medicinal: or-
ganic and inorganic
Morphine and derivatives
N-methylpiperazine

Oils, vegetable and animal: medicinal
grade—refined and concentrated
Opium derivatives
Ox bile salts and derivatives: bulk,
uncompounded
Penicillin: bulk, uncompounded
Physostigmine and derivatives
Pituitary gland derivatives: bulk, un-
compounded
Procaine and derivatives: bulk, un-
compounded
Quinine and derivatives
Reserpines
Salicylic acid derivatives, medicinal
grade
Strychnine and derivatives
Sulfa drugs
Sulfonamides
Theobromine
Vegetable gelatin (agar-agar)
Vegetable oils, medicinal grade: re-
fined and concentrated
Vitamins, natural and synthetic: bulk,
uncompounded

2834 Pharmaceutical Preparations

Establishments primarily engaged in manufacturing, fabricating, or processing drugs in pharmaceutical preparations for human or veterinary use. The greater part of the products of these establishments are finished in the form intended for final consumption, such as ampule, tablets, capsules, vials, ointments, medicinal powders, solutions, and suspensions. Products of this industry consist of two important lines, namely: (1) pharmaceutical preparations promoted primarily to the dental, medical, or veterinary professions; and (2) pharmaceutical preparations promoted primarily to the public.

Adrenal pharmaceutical preparations
Analgesics
Anesthetics, packaged
Antacids
Anthelmintics
Antibiotics, packaged
Antihistamine preparations
Antipyretics
Antiseptics, medicinal
Astringents, medicinal
Barbituric acid pharmaceutical prepa-
rations
Belladonna pharmaceutical prepara-
tions
Botanical extracts: powdered, pillular,
solid, and fluid
Chapsticks
Chlorination tablets and kits (water
purification)
Cold remedies
Cough medicines
Cyclopropane for anesthetic use (U.S.P.
per N.F.), packaged
Dextrose and sodium chloride injection,
mixed
Dextrose injection
Digitalis pharmaceutical preparations
Diuretics
Druggists' preparations (pharmaceuti-
cals)
Effervescent salts
Emulsifiers, fluorescent inspection
Emulsions, pharmaceutical
Ether for anesthetic use
Fever remedies
Galenic preparations
Hormone preparations
Insulin preparations
Intravenous solutions

Iodine, tincture of
Laxatives
Liniments
Lozenges, pharmaceutical
Medicines, capsuled or ampuled
Nitrofurantoin preparations
Nitrous oxide for anesthetic use
Ointments
Parenteral solutions
Penicillin preparations
Pharmaceuticals
Pills, pharmaceutical
Pituitary gland pharmaceutical prepa-
rations
Poultry and animal remedies
Powders, pharmaceutical
Procaine pharmaceutical preparations
Proprietary drug products
Remedies, human and animal
Syrups, pharmaceutical
Sodium chloride solution for injection,
U.S.P.
Sodium salicylate tablets
Solutions, pharmaceutical
Spirits, pharmaceutical
Suppositories
Tablets, pharmaceutical
Thyroid preparations
Tinctures, pharmaceutical
Tranquilizers and mental drug prepa-
rations
Vermifuges
Veterinary pharmaceutical prepara-
tions
Vitamin preparations
Water decontamination or purification
tablets
Water, sterile: for injections
Zinc ointment

Group Industry
No. No.
284

SOAP, DETERGENTS, AND CLEANING PREPARATIONS, PERFUMES, COSMETICS, AND OTHER TOILET PREPARATIONS

This group includes establishments primarily engaged in manufacturing soap and other detergents and in producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; and surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations.

2841 Soap and Other Detergents, Except Specialty Cleaners

Establishments primarily engaged in manufacturing soap, synthetic organic detergents, inorganic alkaline detergents, or any combination thereof, and establishments producing crude and refined glycerin from vegetable and animal fats and oils. Establishments primarily engaged in manufacturing shampoos or shaving products, whether from soap or synthetic detergents, are classified in Industry 2844; and synthetic glycerin in Industry 2869.

Detergents, synthetic organic and inorganic alkaline
Dye removing cream, soap base
Foots soap
Glycerin, crude and refined: from fats—except synthetic

Mechanics' paste
Scouring compounds
Soap: granulated, liquid, cake, baked, and chip
Textile soap
Washing compounds

2842 Specialty Cleaning, Polishing, and Sanitation Preparations

Establishments primarily engaged in manufacturing furniture, metal, and other polishes; waxes and dressings for fabricated leather and other materials; household, institutional and industrial plant disinfectants, deodorants; dry cleaning preparations; household bleaches; and other sanitation preparations. Establishments primarily manufacturing household pesticidal preparations are classified in Industry 2879.

Ammonia, household
Aqua ammonia, household
Beeswax, processing of
Belt dressing
Blackings
Bleaches, household: liquid or dry
Burnishing ink
Chlorine bleaching compounds, household: liquid or dry
Cleaning and polishing preparations
Cloths, dusting and polishing: chemically treated
Degreasing solvent
Deodorants, nonpersonal
Disinfectants, household and industrial plant
Drain pipe solvents and cleaners
Dressings for fabricated leather and other materials
Dry cleaning preparations
Dust mnts, gelatin
Dusting cloths, chemically treated
Dye removing cream, petroleum base
Floor wax emulsion
Floor waxes
Furniture polish and wax
Harness dressing

Household bleaches, dry or liquid
Industrial plant disinfectants and deodorants
Ink, burnishing
Ink eradicators
Leather dressings and finishes
Lye, household
Paint and wallpaper cleaners
Polishes: furniture, automobile, metal, shoe, and stove
Polishing and cleaning preparations
Re-refining dry-cleaning fluid
Rug, upholstery, and dry cleaning detergents and spotters
Rust removers
Saddle soap
Sanitation preparations
Shoe cleaners and polishes
Sodium hypochlorite
Stain removers
Starches, plastic
Sweeping compounds, oil and water absorbent, clay or sawdust
Wallpaper cleaners
Wax removers
Waxes for wood, fabricated leather, and other materials

Group Industry
No. No.
284

SOAP, DETERGENTS, AND CLEANING PREPARATIONS, PERFUMES, COSMETICS, AND OTHER TOILET PREPARATIONS—Continued

2843 Surface Active Agents, Finishing Agents, Sulfonated Oils and Assistants

Establishments primarily engaged in producing surface active preparations for use as wetting agents, emulsifiers, and penetrants. Establishments engaged in producing sulfonated oils and fats and related products are also included.

Assistants, textile and leather processing	Penetrants
Calcium salts of sulfonated oils, fats, or greases	Sodium salts of sulfonated oils, fats, or greases
Cod oil, sulfonated	Softeners (textile assistants)
Emulsifiers, except food and pharmaceutical	Soluble oils and greases
Finishing agents, textile and leather	Sulfonated oils, fats and greases
Leather finishing agents	Surface active agents
Mordants	Textile processing assistants
Oil, turkey red	Textile scouring compounds and wetting agents
Oils, soluble (textile assistants)	Thin water (admixture)

2844 Perfumes, Cosmetics, and Other Toilet Preparations

Establishments primarily engaged in manufacturing perfumes (natural and synthetic), cosmetics, and other toilet preparations. This industry also includes establishments primarily engaged in blending and compounding perfume bases; and those manufacturing shampoos and shaving products, whether from soap or synthetic detergents. Establishments primarily engaged in manufacturing synthetic perfume and flavoring materials are classified in Industry 2869, and essential oils in Industry 2899.

Bath salts	Lipsticks
Bay rum	Manicure preparations
Body powder	Mouth washes
Colognes	Perfume bases, blending and compounding
Concentrates, perfume	Perfumes, natural and synthetic
Cosmetic creams	Powder: baby, face, talcum, and toilet
Cosmetic lotions and oils	Rouge, cosmetic
Cosmetics	Sachet
Cupranol	Shampoos
Dentifrices	Shaving preparations: cakes, creams, lotions, powders, tablets, etc.
Denture cleaners	Talcum powders
Deodorants, personal	Toilet creams, powders, and waters
Depilatories (cosmetic)	Toilet preparations
Dressings, cosmetic	Tooth pastes and powders
Face creams and lotions	Washes, cosmetic
Face powders	
Home permanent kits	

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PAINTS, VARNISHES, LACQUERS, ENAMELS, AND ALLIED PRODUCTS

2851 Paints, Varnishes, Lacquers, Enamels, and Allied Products

Establishments primarily engaged in manufacturing paints (in paste and ready mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers and sealers; paint and varnish removers; paint brush cleaners and allied paint products. Establishments primarily engaged in manufacturing carbon black are classified in Industry 2893; bone black, lamp black, and inorganic color pigments in Industry 2816; organic color pigments in Industry 2863; plastics materials in Industry 2821; printing ink in Industry 2893; caking compounds and sealants in Industry 2891; and artists' paints in Industry 3952.

Calcimines, dry and paste	Kalsomines, dry or paste
Cleaners, paint brush	Lacquer bases and dopes
Coatings, air curing	Lacquer, clear and pigmented
Colors in oil, except artists'	Lacquer thinner
Dispersions, thermoplastic and colloidal: paint	Lacquers, plastic
Dopes (paint)	Lead-in-oil paints
Driers, paint	Linoleates (paint driers)
Enamels, except dental and china painting	Lithographic varnishes
Epoxy coatings, made from purchased resin	Marine paints
Fillers, wood: dry, liquid, and paste	Naphthanate driers
Intaglio ink vehicle	Oleate driers
Japans, baking and drying	Paint brush cleaners
	Paint driers
	Paint removers
	Paints, asphalt and bituminous

PAINTS, VARNISHES, LACQUERS, ENAMELS, AND ALLIED PRODUCTS—Con.

2851. Paints, Varnishes, Lacquers, Enamels, and Allied Products—Continued

Paints: oil and alkyd vehicle, and water thinned	Soyate driers
Paints, plastic texture: paste and dry	Stains: varnish, oil, and wax
Paints, waterproof	Tallate driers
Phenol formaldehyde coatings, baking and air curing	Undercoatings, paint
Plastics base paints and varnishes	Varnish removers
Plastisol coating compound	Varnishes
Polyurethane coatings	Vinyl coatings, strippable
Primers, paint	Vinyl plastisol
Putty	Water paints
Resinate driers	Wood fillers and sealers
Shellac (protective coating)	Wood stains
	Zinc oxide in oil (paint)

INDUSTRIAL ORGANIC CHEMICALS

Establishments primarily engaged in manufacturing industrial organic chemicals. Important products of this group include: (1) non-cyclic organic chemicals such as acetic, chloroacetic, adipic, formic, oxalic and tartaric acids and their metallic salts; chloral, formaldehyde and methylamine; (2) solvents such as amyl, butyl, and ethyl alcohols; methanol; amyl, butyl and ethyl acetates; ethyl ether, ethylene glycol ether and diethylene glycol ether; acetone, carbon disulfide and chlorinated solvents such as carbon tetrachloride, perchloroethylene and trichloroethylene; (3) polyhydric alcohols such as ethylene glycol, sorbitol, pentaerythritol, synthetic glycerin; (4) synthetic perfume and flavoring materials such as coumarin, methyl salicylate, saccharin, citral, citronellal, synthetic geraniol, ionone, terpineol, and synthetic vanillin; (5) rubber processing chemicals such as accelerators and antioxidants, both cyclic and acyclic; (6) plasticizers, both cyclic and acyclic, such as esters of phosphoric acid, phthalic anhydride, adipic acid, lauric acid, oleic acid, sebacic acid, and stearic acid; (7) synthetic tanning agents such as naphthalene sulfonic acid condensates; (8) chemical warfare gases; (9) esters, amines, etc. of polyhydric alcohols and fatty and other acids; (10) cyclic crudes and intermediates; (11) cyclic dyes and organic pigments; and (12) natural gum and wood chemicals. Establishments primarily engaged in manufacturing plastics materials and nonvulcanizable elastomers are classified in Industry 2821; synthetic rubber in Industry 2822; essential oils in Industry 2899; rayon and other synthetic fibers in Industries 2823 and 2824; specialty cleaning, polishing and sanitation preparations in Industry 2842; paints in Industry 2851; and inorganic pigments in Industry 2816. Distilleries engaged in the manufacture of grain alcohol for beverage purposes are classified in Industry 2085.

2861 Gum and Wood Chemicals

Establishments primarily engaged in manufacturing hardwood and softwood distillation products, wood and gum naval stores, charcoal, natural dyestuffs, and natural tanning materials. Establishments primarily engaged in manufacturing synthetic tanning materials and synthetic organic chemicals are classified in Industry 2869, and synthetic organic dyes in Industry 2865.

Acetate of lime, natural	Fustic wood extract
Acetone, natural	Gambler extract
Annatto extract	Gum naval stores, processing but not gathering or warehousing
Brazilwood extract	Hardwood distillates
Brewers' pitch, product of softwood distillation	Hemlock extract
Calcium acetate, product of hardwood distillation	Logwood extract
Charcoal, except activated	Mangrove extract
Chestnut extract	Methanol, natural (wood alcohol)
Dragon's blood	Methyl acetone
Dyeing materials, natural	Methyl alcohol, natural (wood alcohol)
Dyestuffs, natural	Myrobalans extract
Ethyl acetate, natural	Naval stores, gum: processing but not gathering or warehousing
Extracts, dyeing and tanning: natural	Naval stores, wood

INDUSTRIAL ORGANIC CHEMICALS—Continued

2861 Gum and Wood Chemicals—Continued

Oak extract	Softwood distillates
Oil, pine: produced by distillation of pine gum or pine wood	Sumac extract
Oils, wood: product of hardwood distillation	Tail oil, except skimmings
Pine oil, produced by distillation of pine gum or pine wood	Tanning extracts and materials, natural
Pit charcoal	Tar and tar oils, products of wood distillation
Pitch, wood	Turpentine, produced by distillation of pine gum or pine wood
Pyroigneous acid	Valonia extract
Quebracho extract	Wattle extract
Quercitron extract	Wood alcohol, natural
Rosin, produced by distillation of pine gum or pine wood	Wood creosote
	Wood distillates

2865 Cyclic (Coal Tar) Crudes, and Cyclic Intermediates, Dyes, and Organic Pigments (Lakes and Toners)

Establishments primarily engaged in manufacturing coal tar crudes and cyclic organic intermediates, dyes, color lakes and toners. Important products of this industry include: (1) derivatives of benzene, toluene, naphthalene, anthracene, pyridine, carbazole, and other cyclic chemical products; (2) synthetic organic dyes; (3) synthetic organic pigments; and (4) cyclic (coal tar) crudes, such as light oils and light oil products; coal tar acids; and products of medium and heavy oil such as creosote oil, naphthalene, anthracene, and their higher homologues, and tar. Establishments primarily engaged in manufacturing coal tar crudes in chemical recovery ovens are classified in Industry 3312, and petroleum refineries which produce such products in Industry 2911.

Acid dyes, synthetic	Cyclohexane
Acids, coal tar: derived from coal tar distillation	Diphenylamine
Alkylated diphenylamines, mixed	Drug dyes, synthetic
Alkylated phenol, mixed	Dye (cyclic) intermediates
Aminoanthraquinone	Dyes, food: synthetic
Aminoazobenzene	Dyes, synthetic organic
Aminonrotoluene	Eosine toners
Aminophenol	Ethylbenzene
Aniline	Hydroquinone
Aniline oil	Isocyanates
Anthracene	Lake red C toners
Anthraquinone dyes	Leather dyes and stains, synthetic
Azine dyes	Lithol rubine lakes and toners
Azo dyes	Maleic anhydride
Azobenzene	Methyl violet toners
Azoic dyes	Naphtha, solvent: product of coal tar distillation
Benzaldehyde	Naphthalene chips and flakes
Benzene hexachloride (BHC)	Naphthalene, product of coal tar distillation
Benzene, product of coal tar distillation	Naphthol, alpha and beta
Benzoic acid	Nitro dyes
Benzol, product of coal tar distillation	Nitroaniline
Biological stains	Nitrobenzene
Chemical indicators	Nitrophenol
Chlorobenzene	Nitroso dyes
Chloronaphthalene	Oil, aniline
Chlorophenol	Oils: light, medium, and heavy—product of coal tar distillation
Chlorotoluene	Organic pigments (lakes and toners)
Coal tar crudes, derived from coal tar distillation	Orthodichlorobenzene
Coal tar distillates	Paint pigments, organic
Coal tar intermediates	Peacock blue lake
Color lakes and toners	Pentachlorophenol
Color pigments, organic: except animal black and bone black	Persian orange lake
Colors, dry: lakes, toners, or full strength organic colors	Phenol
Colors, extended (color lakes)	Phloxine toners
Cosmetic dyes, synthetic	Phosphomolybdic acid lakes and toners
Creosote oil, product of coal tar distillation	Phosphotungstic acid lakes and toners
Cresols, product of coal tar distillation	Phthalic anhydride
Cresylic acid, product of coal tar distillation	Phthalocyanine toners
Cyclic crudes, coal tar: product of coal tar distillation	Pigment scarlet lake
Cyclic intermediates	Pitch, product of coal tar distillation
	Pulp colors, organic
	Quinoline dyes
	Resorcinol
	Scarlet 2 R lake

Group Industry
No. No.
286

INDUSTRIAL ORGANIC CHEMICALS—Continued

2865 Cyclic (Coal Tar) Crudes, and Cyclic Intermediates, Dyes, and Organic Pigments (Lakes and Toners)—Continued

Stains for leather
Stilbene dyes
Styrene
Styrene monomer
Tar, product of coal tar distillation
Toluene, product of coal tar distillation

Toluidines
Toluol, product of coal tar distillation
Vat dyes, synthetic
Xylene, product of coal tar distillation
Xylo, product of coal tar distillation

2869 Industrial Organic Chemicals, Not Elsewhere Classified

Establishments primarily engaged in manufacturing industrial organic chemicals, not elsewhere classified. Important products of this industry include: (1) non-cyclic organic chemicals such as acetic, chloroacetic, adipic, formic, oxalic and tartaric acids and their metallic salts; chloral, formaldehyde and methylamine; (2) solvents such as amyl, butyl, and ethyl alcohols; methanol; amyl, butyl and ethyl acetates; ethyl ether, ethylene glycol ether and diethylene glycol ether; acetone, carbon disulfide and chlorinated solvents such as carbon tetrachloride, perchloroethylene and trichloroethylene; (3) polyhydric alcohols such as ethylene glycol, sorbitol, pentaerythritol, synthetic glycerin; (4) synthetic perfume and flavoring materials such as coumarin, methyl salicylate, saccharin, citral, citronellal, synthetic geraniol, ionone, terpineol, and synthetic vanillin; (5) rubber processing chemicals such as accelerators and antioxidants, both cyclic and acyclic; (6) plasticizers, both cyclic and acyclic, such as esters of phosphoric acid, phthalic anhydride, adipic acid, lauric acid, oleic acid, sebacic acid, and stearic acid; (7) synthetic tanning agents such as naphthalene sulfonic acid condensates; (8) chemical warfare gases; and (9) esters, amines, etc. of polyhydric alcohols and fatty and other acids. Establishments primarily engaged in manufacturing plastics materials and nonvulcanizable elastomers are classified in Industry 2821; synthetic rubber in Industry 2822; essential oils in Industry 2899; wood distillation products, naval stores, and natural dyeing and tanning materials in Industry 2861; rayon and other synthetic fibers in Industries 2823 and 2824; specialty cleaning, polishing and sanitation preparations in Industry 2842; paints in Industry 2851; urea in Industry 2873; organic pigments in Industry 2865; and inorganic pigments in Industry 2816. Distilleries engaged in the manufacture of grain alcohol for beverage purposes are classified in Industry 2085.

Accelerators, rubber processing: cyclic and acyclic
Acetaldehyde
Acetates, except natural acetate of lime
Acetic acid, synthetic
Acetic anhydride
Acetin
Acetone, synthetic
Acid esters, amines, etc.
Acids, organic
Acrolein
Acrylonitrile
Adipic acid
Adipic acid esters
Adiponitrile
Alcohol, aromatic
Alcohol, fatty: powdered
Alcohol, methyl: synthetic (methanol)
Alcohols, industrial: denatured (non-beverage)
Algin products
Amyl acetate and alcohol
Antioxidants, rubber processing: cyclic and acyclic
Bromochloromethane
Butadiene, from alcohol
Butyl acetate, alcohol, and propionate
Butyl ester solution of 2, 4-D

Calcium oxalate
Camphor, synthetic
Carbon bisulfide (disulfide)
Carbon tetrachloride
Casing fluids, for curing fruits, spices, tobacco, etc.
Cellulose acetate, unplasticized
Chemical warfare gases
Chloral
Chlorinated solvents
Chloroacetic acid and metallic salts
Chloroform
Chloropicrin
Citral
Citric acid
Citronellal
Coumarin
Cream of tartar
Cyclopropane
DDT, technical
Decahydronaphthalene
Dichlorodifluoromethane
Diethylcyclohexane (mixed isomers)
Diethylene glycol ether
Dimethyl diisopropyl acetylene (di-isopropenyl acetylene)
Dimethylhydrazine, unsymmetrical
Embalming fluids

INDUSTRIAL ORGANIC CHEMICALS—Continued

2869 Industrial Organic Chemicals, Not Elsewhere Classified—Continued

Enzymes	Normal hexyl decalin
Esters of phosphoric, adipic, lauric, oleic, sebacic, and stearic acids	Nuclear fuels, organic
Esters of phthalic anhydride	Oleic acid esters
Ethanol, industrial	Organic acid esters
Ether	Organic chemicals, acyclic
Ethyl acetate, synthetic	Oxalates
Ethyl alcohol, industrial (non- beverage)	Oxalic acid and metallic salts
Ethyl butyrate	Pentaerythritol
Ethyl cellulose, unplasticized	Perchloroethylene
Ethyl chloride	Perfume materials, synthetic
Ethyl ether	Phosgene
Ethyl formate	Phthalates
Ethyl nitrite	Plasticizers, organic: cyclic and acyclic
Ethyl perhydrophenanthrene	Polyhydric alcohol esters, amines, etc.
Ethylene	Polyhydric alcohols
Ethylene glycol	Potassium bitartrate
Ethylene glycol ether	Propellants for missiles, solid: organic
Ethylene glycol, inhibited	Propylene
Ethylene oxide	Propylene glycol
Fatty acid esters, amines, etc.	Quinuclidinol ester of benzylic acid
Ferric ammonium oxalate	Reagent grade chemicals, organic: re- fined from technical grades
Flavors and flavoring materials, syn- thetic	Rocket engine fuel, organic
Fluorinated hydrocarbon gases	Rubber processing chemicals, organic: accelerators and antioxidants
Formaldehyde (formalin)	Saccharin
Formic acid and metallic salts	Sebacic acid
Freon	Silicones
Fuel propellants, solid: organic	Soaps, naphthenic acid
Fuels, high energy: organic	Sodium acetate
Geraniol, synthetic	Sodium alginate
Glycerin, except from fats (synthetic)	Sodium benzoate
Grain alcohol, industrial (nonbever- age)	Sodium glutamate
Hexamethylenediamine	Sodium pentachlorophenolate
Hexamethylenetetramine	Sodium sulfoxalate formaldehyde
High purity grade chemicals, organic: refined from technical grades	Solvents, organic
Hydraulic fluids, synthetic base	Sorbitol
Hydrazine	Stearic acid salts
Industrial organic cyclic compounds	Sulfonated naphthalene
Ionone	Tackifiers, organic
Isopropyl alcohol	Tannic acid
Ketone, methyl ethyl	Tanning agents, synthetic organic
Ketone, methyl isobutyl	Tartaric acid and metallic salts
Laboratory chemicals, organic	Tartrates
Lauric acid esters	Tear gas
Lime citrate	Terpineol
Malononitrile, technical grade	Tert-butylated bis (p-phenoxyphenyl) ether fluid
Metallic salts of acyclic organic chem- icals	Tetrachloroethylene
Metallic stearate	Tetraethyl lead
Methanol, synthetic (methyl alcohol)	Thioglycolic acid, for permanent wave lotions
Methyl chloride	Trichloroethylene
Methyl perhydrofluorine	Trichloroethylene stabilized, degreas- ing
Methyl salicylate	Trichlorophenoxyacetic acid
Methylamine	Trichlorotrifluoroethane tetrachlorodi- fluoroethane isopropyl alcohol
Methylene chloride	Tricresyl phosphate
Monochlorodifluoromethane	Tridecyl alcohol
Monomethylparaminophenol sulfate	Trimethyltrithiophosphite (rocket pro- pellants)
Monosodium glutamate	Triphenyl phosphate
Mustard gas	Vanillin, synthetic
Naphthalene sulfonic acid condensates	Vinyl acetate
Naphthenic acid soaps	

AGRICULTURAL CHEMICALS

This group includes establishments primarily engaged in manufacturing nitrogenous and phosphatic basic fertilizers, mixed fertilizers, pesticides, and other agricultural chemicals. Establishments primarily engaged in manufacturing basic chemicals, which require further processing or formulation before use as agricultural pest control agents, are classified in Group 281 or 286.

Group Industry
No. No.
287

AGRICULTURAL CHEMICALS—Continued

2873 Nitrogenous Fertilizers

Establishments primarily engaged in manufacturing nitrogenous fertilizer materials or mixed fertilizers from nitrogenous materials produced in the same establishment. Included are ammonia fertilizer compounds and anhydrous ammonia, nitric acid, ammonium nitrate, ammonium sulfate and nitrogen solutions, urea, and natural organic fertilizers (except compost) and mixtures.

Ammonia liquor
Ammonium nitrate and sulfate
Anhydrous ammonia
Aqua ammonia, made in ammonia plants
Fertilizers: natural (organic), except compost

Nitric acid
Nitrogen solutions (fertilizer)
Plant foods, mixed: made in plants producing nitrogenous fertilizer
Urea

2874 Phosphatic Fertilizers

Establishments primarily engaged in manufacturing phosphatic fertilizer materials, or mixed fertilizers from phosphatic materials produced in the same establishment. Included are phosphoric acid; normal, enriched, and concentrated superphosphates; ammonium phosphates; nitro-phosphates; and calcium meta-phosphates.

Ammonium phosphate
Calcium meta-phosphate
Defluorinated phosphate
Diammonium phosphate
Fertilizers, mixed: made in plants producing phosphatic fertilizer materials

Phosphoric acid
Plant foods, mixed: made in plants producing phosphatic fertilizer
Superphosphates, ammoniated and not ammoniated

2875 Fertilizers, Mixing Only

Establishments primarily engaged in mixing fertilizers from purchased fertilizer materials.

Compost
Fertilizers, mixed: made in plants not manufacturing fertilizer materials

Potting soil, mixed

2879 Pesticides and Agricultural Chemicals, Not Elsewhere Classified

Establishments primarily engaged in the formulation and preparation of ready-to-use agricultural and household pest control chemicals, including insecticides, fungicides and herbicides from technical chemicals or concentrates; and the production of concentrates which require further processing before use as agricultural pesticides. This industry also includes establishments primarily engaged in manufacturing or formulating agricultural chemicals, not elsewhere classified, such as minor or trace elements and soil conditioners. Establishments primarily engaged in manufacturing basic or technical agricultural pest control chemicals including insecticides, fungicides, and herbicides such as lead and calcium arsenates, and copper sulfate are classified in Group 281, and DDT, BHC, 2,4-D carbamates, etc., in Group 286. Establishments primarily engaged in manufacturing agricultural lime products are classified in Major Group 32.

Agricultural disinfectants
Agricultural pesticides
Arsenates: calcium, copper, and lead—formulated
Arsenites, formulated
Bordeaux mixture
Calcium arsenate and arsenite, formulated
Cattle dips
Copper arsenate, formulated
DDT (insecticide), formulated
Defoliants
Elements, minor or trace (agricultural chemicals)
Exterminating products, for household and industrial use
Fly sprays
Fungicides
Growth regulants, agricultural
Herbicides

Hormones, plant
Household insecticides
Insect powder, household
Insecticides, agricultural
Lead arsenate, formulated
Lime-sulfur, dry and solution
Lindane, formulated
Moth repellants
Nicotine and salts
Nicotine bearing insecticides
Paris green (insecticide)
Pesticides, household
Phytoactin
Plant hormones
Poison: ant, rat, roach, and rodent—household
Pyrethrin bearing preparations
Pyrethrin concentrates
Rodenticides
Rotenone bearing preparations

Group Industry
No. No.

287 AGRICULTURAL CHEMICALS—Continued

2879 Pesticides and Agricultural Chemicals, Not Elsewhere Classified—Continued

Rotenone concentrates	Thiocyanates, organic (formulated)
Sheep dips, chemical	Trace elements (agricultural chemicals)
Sodium arsenite (formulated)	Xanthone (formulated)
Soil conditioners	
Sulfur dust (insecticide)	

289 MISCELLANEOUS CHEMICAL PRODUCTS

2891 Adhesives and Sealants

Establishments primarily engaged in manufacturing industrial and household adhesives, glues, calking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials, purchased or produced in the same establishment. Establishments primarily engaged in manufacturing gelatin and sizes are classified in Industry 2899, and vegetable gelatin or agar-agar in Industry 2833.

Adhesives	Laminating compounds
Adhesives, plastic	Mucilage
Calking compounds	Paste, adhesive
Cement (cellulose nitrate base)	Porcelain cement, household
Cement, linoleum	Rubber cement
Cement, mending	Sealing compounds for pipe threads and joints
Cement, rubber	Sealing compounds, synthetic rubber and plastic
Epoxy adhesives	Wax, sealing
Glue, except dental: animal, vegetable, fish, casein, and synthetic resin	
Iron cement, household	

2893 Explosives

Establishments primarily engaged in manufacturing explosives. Establishments primarily engaged in manufacturing ammunition for small arms are classified in Industry 3482 and fireworks in Industry 2899.

Amatol (explosive)	Lead azide (explosive)
Asides (explosives)	Mercury azide (explosive)
Blasting powder and blasting caps	Nitrocellulose powder (explosive)
Carbohydrates, nitrated (explosives)	Nitroglycerin (explosive)
Cordeau detonant (explosive)	Nitromannitol (explosive)
Cordite (explosive)	Nitrostarch (explosive)
Detonating caps for safety fuses	Nitrosugars (explosives)
Detonators (explosive compounds)	Pentolite (explosive)
Dynamite	Permissible explosives
Explosive cartridges for concussion forming of metal	Picric acid (explosive)
Explosive compounds	Powder: pellet, smokeless, and sporting (explosive)
Explosives	RDX (explosive)
Fulminate of mercury (explosive compound)	Squibbs, electric
Fuse powder	Styphnic acid
Fuses, safety	Tetryl (explosive)
Gunpowder	TNT (trinitrotoluene)
High explosives	Well shooting torpedoes (explosives)

2893 Printing Ink

Establishments primarily engaged in manufacturing printing ink, gravure ink, screen process ink, and lithographic ink.

Bronze ink	Ink, printing: base or finished
Gold ink	Lithographic ink
Gravure ink	Printing ink
Ink, duplicating	Screen process ink

2895 Carbon Black

Establishments primarily engaged in manufacturing carbon black (channel and furnace black).

Carbon black	Furnace black
Channel black	

MISCELLANEOUS CHEMICAL PRODUCTS—Continued

2899 Chemicals and Chemical Preparations, Not Elsewhere Classified

Establishments primarily engaged in manufacturing miscellaneous chemical preparations, not elsewhere classified, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry soaps, writing and stamp pad inks; industrial compounds, such as boiler and heat insulating compounds, metal, oil and water treating compounds, water-proofing compounds and chemical supplies for foundries. Establishments primarily engaged in manufacturing vegetable gelatin (agar-agar) are classified in Industry 2833; and dessert preparations based on gelatin in Industry 2099.

Acid, battery	Heat treating salts
Acid resist for etching	Hydrofluoric acid compound, for etching and polishing glass
Anise oil	Igallite grains, boron potassium nitrate
Antifreeze compounds, except industrial alcohol	Incense
Bay oil	Industrial sizes
Binders (chemical foundry supplies)	ink and writing fluids, except printing
Bluing	Inspection oil, fluorescent
Boiler compounds, antiscaling	Insulating compounds
Bombs, flashlight	Jet fuel igniters
Caps, for toy pistols	Laundry soaps
Carbon removing solvent	Lemon oil
Chemical cotton (processed cotton linters)	Lighter fluid
Chemical supplies for foundries	Magnetic inspection oil and powder
Citronella oil	Margaric acid
Concrete curing compounds (blends of pigments, waxes, and resins)	Metal drawing compound lubricants
Concrete hardening compounds	Metal treating compounds
Core oil and binders	Military pyrotechnics
Core wash	Napalm
Core wax	Oil, red (oleic acid)
Corrosion preventive lubricant, synthetic base: for jet engines	Oil treating compounds
Defrosting fluid	Oleic acid (red oil)
De-icing fluid	Orange oil
Dextrine sizes	Orris oil
Desalter kits, sea water	Oxsein
Drilling mud	Oxidizers, inorganic
Dyes, household	Packers' salt
Essential oils	Packing compounds (chemical foundry supplies)
Eucalyptus oil	Patching plaster, household
Exothermics for metal industries	Penetrants, inspection
Facings (chemical foundry supplies)	Peppermint oil
Fatty acids: margaric, oleic, and stearic	Plastic wood
Fire extinguisher chargers	Plating compounds
Fire retardant chemicals	Pyrotechnic ammunition: fares, signals, flashlight bombs, and rockets
Fireworks	Railroad torpedoes
Flares (all kinds)	Red oil (oleic acid)
Fluidifier (retarder) for concrete	Rifle bore cleaning compounds
Fluorescent inspection oil	Rosin sizes
Fluxes: brazing, soldering, galvanizing, and welding	Rust resisting compounds
Foam charge mixtures	Salt
Food contamination testing and screening kits	Signal fares, marine
Foundry supplies	Sizes: animal, vegetable, and synthetic plastics materials
Frit	Sodium chloride, refined
Fuel tank and engine cleaning chemicals, automotive and aircraft	Soil testing kits
Fuses: highway, marine, and railroad	Spearmint oil
Gelatin capsules, empty	Spirit duplicating fluid
Gelatin: edible, technical, photographic, and pharmaceutical	Stearic acid
Glue size	Stencil correction compounds
Gum sizes	Tints and dyes, household
Grapefruit oil	Torches (fireworks)
Grooving material (concrete mending compound)	Torpedoes, railroad
Gun flushing compounds	Vegetable oils, vulcanized or sulfurized
Heat insulating compounds	Water, distilled
	Water treating compounds
	Waterproofing compounds
	Wax, core
	Wintergreen oil
	Writing ink and fluids

Major Group 29.—PETROLEUM REFINING AND RELATED INDUSTRIES

The Major Group as a Whole

This major group includes establishments primarily engaged in petroleum refining, manufacturing paving and roofing materials, and compounding lubricating oils and greases from purchased materials. Establishments manufacturing and distributing gas to consumers are classified in public utilities industries, and those primarily engaged in producing coke and byproducts in Major Group 33.

Group Industry
No. No.

291 PETROLEUM REFINING

2911 Petroleum Refining

Establishments primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants and other products from crude petroleum and its fractionation products, through straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes. Establishments primarily engaged in producing natural gasoline from natural gas are classified in mining industries. Those manufacturing lubricating oils and greases by blending and compounding purchased materials are included in Industry 2992. Establishments primarily re-refining used lubricating oils are classified in Industry 2992.

Acid oil
Alkylates
Aromatic chemicals, made in petroleum refineries
Asphalt and asphaltic materials: liquid and solid—produced in refineries
Benzene, produced in petroleum refineries
Benzol, produced in petroleum refineries
Butadiene, from petroleum
Coke, petroleum: produced in petroleum refineries
Fractionation products of crude petroleum
Gas, refinery or still oil: produced in petroleum refineries
Gases, liquefied petroleum
Gasoline blending plants
Gasoline, except natural gasoline
Greases: lubricating, produced in petroleum refineries
Hydrocarbon fluid, made in petroleum refineries
Jet fuels

Kerosene
Mineral jelly, produced in petroleum refineries
Mineral oils, natural
Mineral waxes, natural
Naphtha, produced in petroleum refineries
Naphthenic acids
Oils: fuel, lubricating, and illuminating—produced in petroleum refineries
Oils, partly refined: sold for rerunning—produced in refineries
Paraffin wax, produced in petroleum refineries
Petrolatums, nonmedicinal
Petroleum refining
Road materials, bituminous: produced in petroleum refineries
Road oils, produced in petroleum refineries
Solvents, produced in petroleum refineries
Tar or residuum, produced in petroleum refineries

EPA PUBLIC MEETING FOR ORAL COMMENTS ON INVENTORY REGULATIONS.

AUGUST 24, 1977

9:00 a.m. to 4:30 p.m.

Thomas Jefferson Auditorium

Department of Agriculture

14th and Independence Avenue, S.W.

Washington, D.C.

ORAL COMMENTS

IF YOU WISH TO RESERVE TIME TO SPEAK AT THIS PUBLIC MEETING, CONTACT VICKI BRIGGS--(202) 462-9818--ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF TOXIC SUBSTANCES (WH-557), 401 M STREET, S.W., WASHINGTON, D.C. 20460. Each person may request up to 15 minutes to present comments although less time may be allotted depending upon the number of participants. EPA will make a transcript of the proceedings for public inspection.

WRITTEN COMMENTS

Written comments must be received on or before September 16, 1977. While EPA would welcome comments on any aspect of these proposed regulations, persons are encouraged to direct their comments to the new provisions proposed and not duplicate comments submitted earlier. Comments should be filed in triplicate and bear the identifying notation OTS-081002. They may be mailed to Vicki Briggs at the above address. EPA will respond to all the comments submitted in response to the proposed rulemaking notices in the final inventory reporting regulations.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF TOXIC SUBSTANCES

The purpose of this letter is to alert you to the importance of the attached documents. Please read the enclosed FEDERAL REGISTER notice and other material carefully as they contain information helpful for understanding the proposed inventory reporting requirements under the Toxic Substances Control Act.

This package contains the following documents of interest to manufacturers, importers, and processors of chemical substances.

1. August 2 FEDERAL REGISTER, containing repropoed regulations under Section 8(a) of the Toxic Substances Control Act. (Tab A).
2. Questions and answers concerning the repropoed inventory reporting regulations. (TAB B)
3. Timetable for inventory reporting under repropoed regulations. (TAB C)
4. Standard Industrial Classification Major Group 28 and Group 2911 (Standard Industrial Classification Manual 1972, Washington, D.C., Office of Management & Budget, Superintendent of Documents, U.S. Government Printing, 1972. (TAB D)
5. Notice of public meeting in Washington, D.C. on August 24, 1977 (TAB E)

After you read through the enclosed documents, if you have questions you may call the Industry Assistance Office, (202) 755-0535.

Sincerely yours,

John B. Ritch, Jr.
John B. Ritch Jr., Director
Industry Assistance Office