

*Tom*

## Interoffice Communication

To Distribution  
From Tom Grumbles  
Date September 29, 1982  
Subject TSCA 8(a) REPORTING

The chemicals that must be reported, as determined by Chemicals' TSL and plant review are below.

| PLANT           | CHEMICAL           | CAS #     |
|-----------------|--------------------|-----------|
| Chocolate Bayou | Ethy Benzene       | 100-41-4  |
|                 | Methyl Benzene     | 108-88-3  |
|                 | Di-Methyl Benzene  | 1330-20-7 |
| Aberdeen        | DOP                | 117-81-7  |
|                 | di-octyl ester     | 117-84-0  |
|                 | di-tri-decyl ester | 119-06-2  |
|                 | decyl-octyl ester  | 119-07-3  |
| Newark          | 2-Methyl Phenol    | 95-48-7   |
|                 | 4-Methyl Phenol    | 106-44-5  |
|                 | 3-Methyl Phenol    | 108-39-5  |
|                 | Methyl Phenol      | 1319-77-3 |
| LCCP            | Methyl Chloride    | 74-87-3   |

*11-3 11-4 11-5 11-6 11-7 11-8 11-9 11-10 11-11 11-12 11-13 11-14 11-15 11-16 11-17 11-18 11-19 11-20 11-21 11-22 11-23 11-24 11-25 11-26 11-27 11-28 11-29 11-30 11-31 11-32 11-33 11-34 11-35 11-36 11-37 11-38 11-39 11-40 11-41 11-42 11-43 11-44 11-45 11-46 11-47 11-48 11-49 11-50 11-51 11-52 11-53 11-54 11-55 11-56 11-57 11-58 11-59 11-60 11-61 11-62 11-63 11-64 11-65 11-66 11-67 11-68 11-69 11-70 11-71 11-72 11-73 11-74 11-75 11-76 11-77 11-78 11-79 11-80 11-81 11-82 11-83 11-84 11-85 11-86 11-87 11-88 11-89 11-90 11-91 11-92 11-93 11-94 11-95 11-96 11-97 11-98 11-99 11-100*

The "official" forms are enclosed for your use. Please return these to my office by November 1 so legal can review the forms and we can get them to EPA before the November 19 deadline.

Also enclosed is information from CMA concerning questions that have been asked regarding completion of the forms. Please call if you have questions.

*Tom*  
Thomas G. Grumbles

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Enclosures

cc w/o enclosures:  
Ralph Ferrell - LCCP  
Gene Chambers - Chocolate Bayou  
John Friend - Aberdeen  
Michelle Malloy - Houston

R. D. Gamblin

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Distribution:  
Sid Pitts - LCCP  
Randy Price - Chocolate Bayou  
Dave Mahler - Aberdeen  
Harry Garrison - Newark



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

AUG 23 1982

OFFICE OF  
PESTICIDES AND TOXIC SUBSTANCES

Re: Questions and Answers About Reporting Under the TSCA Section  
8(a) Preliminary Assessment Information Rule

Dear Manufacturer:

Enclosed is a set of questions EPA has received about reporting under the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information Rule--Manufacturer Reporting published at 47 FR 26992 on June 22, 1982. Each question is followed by EPA's answer. The questions are those that have been most frequently asked and those of potential interest to the most respondents to the rule. We are providing them to you as reporting aids.

If you have additional questions, please call:

Toll free: (800-424-9065)  
In Washington, D.C. (554-1404)  
Outside the U.S.A. (Operator-202-554-1404).

Sincerely,

*Douglas G. Bannerman*

Douglas Bannerman  
Acting Director  
Industry Assistance Office

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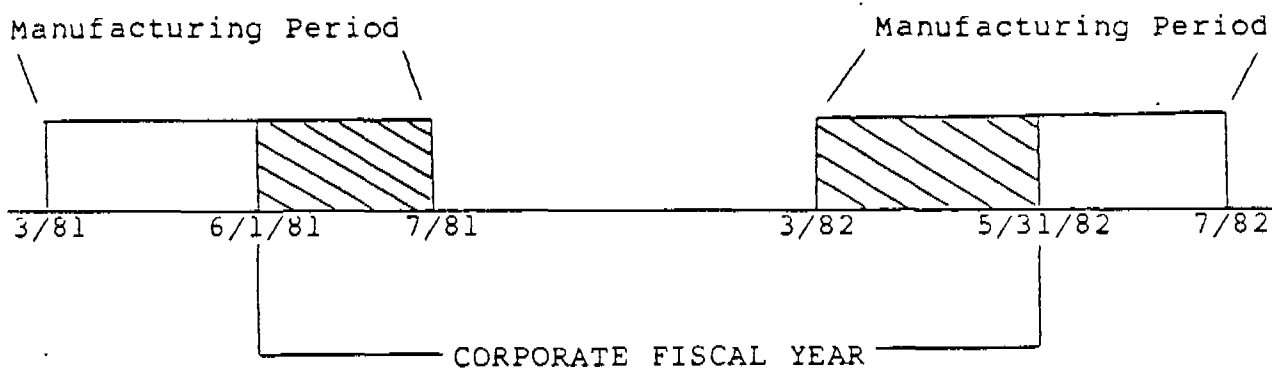
QUESTIONS AND ANSWERS ABOUT REPORTING  
UNDER TSCA §8(a) PRELIMINARY ASSESSMENT INFORMATION RULE  
47 FR 26992

REPORTING YEAR

1. I produce an 8(a) chemical each year from March through July. Our corporate fiscal year is from June 1 to May 31; on which quantities should I report?

Answer

Information should be reported on the latest complete corporate fiscal year. Therefore, in the above example the company should report on the quantity of the chemical produced during the previous June 1 through July 31 period, and that quantity produced from March 1 through May 31 of this year. See diagram below.



In this example, company must report for shaded areas only.

2. I imported an 8(a) chemical during the 1981 fiscal year. Sometime during either that year or the next, I stopped importing the chemical. Will that make any difference in how I fill out the reporting form?

Answer

A company is to report how much of the chemical they manufactured or imported during their latest complete corporate fiscal year that ended prior to the effective date of the rule. Once this period is determined, a company must report only on how much of the chemical was imported during that period. If during this period the company did not import the chemical, they are not subject to this rule.

### PRODUCT IDENTIFICATION

3. We manufacture four different products in "coke batteries." At the time of reporting for the initial TSCA Inventory, EPA allowed us to use generic terms for our products instead of figuring out exactly what chemicals were in our product. We believe that in our production we produce 50 or more 8(a) chemicals as byproducts, but we are not sure. What should we do for 8(a) reporting?

#### Answer

Unless a chemical produced by a company is marketed as an 8(a) subject chemical, it is not reportable. The above example represents merely a product stream which contains one or more of the subject chemicals but is not marketed or used in practice as solely a subject chemical. No reports are required.

4. We manufacture chemicals that are included in the generic groups of chemicals listed for the 8(a) rule. However, we did not claim chemical identity confidential: we claimed production data and plant site information confidential. Do we have to report on these chemicals? Would they be listed by name and CAS # since the chemical identity was not claimed confidential?

#### Answer

If a company produces a chemical which is part of a listed category but did not report it for the inventory with a confidential chemical identity, and it does not appear individually listed, they do not have to report.

### IMPORTATION

5. If a chemical is on the TSCA section 8(a) Preliminary Assessment Information Rule, must a company report if:
- (i) They import it a part of an article?
  - (ii) They import it as part of a mixture?

#### Answer

- (i) Importers of articles are exempt from reporting.
- (ii) Importers should report chemical substances imported in bulk in any grade of purity, in aqueous solution, or containing additives (such as stabilizers or other chemicals) to maintain the integrity or physical form of the substance. This does not include formulated mixtures of other kinds.

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6. If a company imports a chemical in bulk and then further processes it, must they report?

Answer

Yes. The company must report both on the actual importation activity and how they further process the chemical.

7. If a company imports a chemical in a container and merely repackages the chemical and sells it to someone else, is the chemical reportable?

Answer

Yes. Companies that import a chemical are considered manufacturers. Even companies which only import a chemical in bulk form for commercial purposes and do not further process it are required to report for this rule. Note that repackaging is considered a processing activity and should be reported in the appropriate part of the form.

8. We manufacture a chemical that is not on the TSCA section 8(a) list. We also produce an 8(a) chemical as a byproduct which we incinerate. Are we exempt from reporting under section 712.25(d)(1)?

Answer

Yes. If a company produces a chemical without a separate commercial intent during the manufacture of another chemical, it is producing a byproduct (see definition in §712.3(a)). Companies which produce subject chemicals solely as unmarketed byproducts are exempt from reporting.

PROCESSING

9. If our company manufactures an 8(a) chemical and then packages the product in a drum for sale to our customers, how do we report the packaging step?

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Answer

If the chemical substance in the drum will be further processed by the customers, the packaging step is considered part of the manufacturing of the chemical and should be reported as such in Section IV, Part, A question 4. However, if the manufactured substance is not to be further processed by customers then packaging of the chemical is considered preparation of a final product for customers and should be reported in question 7.

10. Our company uses an 8(a) chemical as a reactant to make a dyestuff. After the reaction, the chemical no longer exists. For item 8 on the reporting form (requiring reporting on the quantity of the chemical substance the manufacturer prepares, in various product types, for commercial distribution), does EPA want the amount of (a) the chemical before the reaction, (b) the finished product after the reaction, or (c) the 8(a) chemical after the reaction? (In this case there is no chemical remaining after the reaction.)

Answer

First, the company must also manufacture (or import) the chemical if they are to report at all. If they do manufacture a subject chemical and react it to form a new product, this reaction step should be reported in question 5. The resultant product (dyestuff) does not have to be reported. Question 8 refers to products which contain the chemical substance (and will not be further processed by customers).

REPORTING QUANTITIES

11. During the reporting period I produced 500,000 pounds of an 8(a) chemical. During that same period I processed all of the 500,000 pounds plus 200,000 pounds that was in storage from the previous year. Do I report on the additional 200,000 pounds?

Answer

Yes. In the above example, the quantity processed is 700,000 lbs.

12. It is stated in §712.5 of the rule ("Method of identification of substances for reporting purposes") that substances that are marketed or used in aqueous solution, in the presence of an additive, or in various grades of purity are to be reported as substances, not as mixtures. Does this mean that if we produce 200,000 pounds of a subject chemical and add 100,000 pounds of water to it to make a solution for our customers, we should include the 100,000 pounds of water as a reportable quantity?

Answer

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No. Only report the 200,000 pounds of the substance made and prepared. The statement in §712.5 simply means that, in reporting, a substance conveyed in the presence of additives, or impurities, or in water is still to be classified as a substance, just as it is in commercial practice.

13. My company has three plant sites which all produce the same chemical. I would like to report the quantity processed by customers (section IV, Part B) as one total on a corporate basis. Can I do this?

Answer

A company may report section IV Part B on a corporate total basis if the information is kept only on a corporate basis. If the company has the information for individual plant sites, they should report it individually.

To report section IV Part B totals for all plant sites, a company must report the total figures on one form; all other plant site forms must have this section blank with the exception of question 10a. Use the space under 10a to cross reference the form containing the totals. For example if plant site A's form (control number 808300001) is to contain all customer information for plant sites A, B, and C, then question 10a (Market Names) on the plant site forms of B and C should contain the following notation: "See control number 808300001."

14. If we import a subject chemical, turn it into an alloy and then form it into an electrical wire which we sell to our customers, do we report the wire or the alloy as a final product?

Answer

If a product to be sold to customers is intended to contain the subject chemical (i.e., the chemical was not previously reacted with other substances) then all steps leading to the product formation are to be reported. Thus, in the above example, processing of the alloy is considered part of the preparation of product step (question 7), with the electrical wire representing the final product (question 8).

15. We import a subject chemical into the U.S. and then sell the chemical to various customers. We have very little information about chemical production or use. How can we report this information?

Answer

A company which imports a chemical but does not further process it should report the total quantity imported in Part A, question 1 and whatever information they can provide in Part B. If customer uses are not known to within +/- 50%, report unknown in Part B.

Additional Questions To and  
Responses From EPA Concerning  
Section 8(a) Manufacturer Reporting

Question: My Company manufactures one of the 8a chemicals at one U.S. plant site. This chemical is subsequently shipped in drums or bulk to other U.S. plants owned by us where the chemical is subsequently stored for on-site use as a reactant.

Our Corporate Headquarters receives all customer export orders and places these orders to be shipped from the plant closest to the destination point. The shipping point could be from the manufacturing site or from any of the user plant sites. Should export shipments from user plant sites be reported in Part A 8g or in Part B 9g?

Answer: All export shipments from the manufacturing site or from user plant sites should be reported in Part A 8g.

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## INSTRUCTIONS FOR MANUFACTURER'S REPORT FORM PRELIMINARY ASSESSMENT INFORMATION

**What chemicals to report** — This form applies to chemical substances that are listed in 40 CFR 712.30.

**Reporting period** — Enter the months and years beginning and ending the 12-month period for which you report. This reporting period is listed with the chemical substance in 40 CFR 712.30.

**Who must report** — Manufacturers and importers must report. See 40 CFR 712.25 for exemptions from reporting.

**How many forms to complete** — For each chemical, complete a separate form for each plant site that manufactured the chemical.

If a site manufactured and imported the chemical, report both manufacture and import data for the site on a single form.

A company that imported the chemical, but did not process the imported quantity or manufacture an additional quantity, may submit a separate form for each import site or may submit a single form with the total data for all import sites.

**Who may submit forms** — Companies may choose to complete and submit forms to EPA from each plant site directly, or through company headquarters.

**Retention of forms** — You should keep a copy of each completed form. Refer to the preprinted Control Number (shown in the upper right corner on the front of the form) when communicating with EPA.

**EPA assistance** — For further information or to obtain copies of the Manufacturer's Report form, contact:

Industry Assistance Office (TS-799)  
Office of Pesticides and Toxic Substances  
Environmental Protection Agency  
401 M Street, SW.  
Washington, D.C. 20460  
Toll free: (800) 424-9065  
In Washington, D.C.: 554-1404  
Outside the USA: Operator (202) 554-1404

### I. CERTIFICATION

**Technical certification** — Certify the technical accuracy of data you report on the form by signing and dating the Technical Certification Statement. Print or type the name and title of the person who signs this statement.

**Confidentiality certification** — You may claim information confidential by marking appropriate boxes in sections III and IV. If you claim any information confidential, you must certify that the Confidentiality Statements are true for all information claimed confidential on the form. Do this by signing and dating the Confidentiality Certification Statement. Print or type the name and title of the person who signs this statement.

EPA Form 7710-35 (9-81)

### II. CHEMICAL IDENTIFICATION (Complete A or B)

**Item A** — If you are reporting on a chemical that has its CAS Number and Chemical Name listed in 40 CFR 712.30, enter the CAS Number and first fifteen (15) characters of the listed Chemical Name.

Enter N/A in section II, part B, in the spaces for Category Name and Inventory Form C Number.

**Item B** — If you are reporting a confidential chemical that is in a category listed in 40 CFR 712.30, enter the Category Name as listed, and enter the number of the Inventory Reporting Form C on which you reported the chemical for the TSCA Inventory. (If the Inventory Form C Number is not available, contact the Industry Assistance Office.)

In section II, part A, enter N/A in the spaces for CAS Number and Chemical Name.

### III. RESPONDENT IDENTIFICATION

**Confidentiality** — Mark this box to claim confidential all Respondent Identification in section III. Note that you may not claim your identity confidential if you reported this chemical for the Inventory and did not claim your identity confidential at that time.

**Item A** — Enter the name, physical location address, and Dun and Bradstreet number of the plant site for which the data are reported.

If your company imported but did not further process or manufacture additional chemicals, and you choose to submit data for all import sites on a single form, enter N/A.

If the plant site does not have a Dun and Bradstreet number, enter N/A in that space.

**Item B** — Mark the appropriate box to show whether the plant site or corporate headquarters is submitting this form. Enter the corresponding name and mailing address.

If corporate headquarters submits this form, enter its Dun and Bradstreet number. If it does not have a Dun and Bradstreet number, or if the plant site submits this form, enter N/A in the space for Dun and Bradstreet number.

EPA will send all correspondence regarding the form to this address.

**Item C** — Enter the name, title, and telephone number (including area code) of a person for EPA to contact if there are questions about data reported on this form.

**Item D** — EPA will acknowledge receipt of the form to the person named in this item.

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