Title: Frequent Questions about EPA's Mercury Inventory Reporting Rule

The following frequent questions address concerns submitters and the public may raise regarding reporting requirements for EPA's inventory of mercury supply, use, and trade. Reporting is required by Section 8(b)(10)(D) of the Toxic Substances Control Act (TSCA) and the mercury inventory reporting rule. This collection of information is approved under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-0207).

1. What is EPA's mercury inventory?
2. What is the "mercury inventory reporting rule?"
3. Who must report their mercury information to EPA?
4. Who is exempt from reporting to EPA?
5. What if my company only uses a very small amount of mercury?
6. How can I get help figuring out whether I need to report to EPA?
7. What information must companies, organizations, or individuals report to EPA?
8. When do I need to report to EPA?
9. How do I report?
10. What if the information I submit is a trade secret?
11. Will the information provided to the MER application be publicly accessible?
12. Where can I find technical assistance with reporting?
13. Where can I find an explanation of key terms?

---

1. What is EPA's mercury inventory?

TSCA requires EPA to publish an inventory of mercury supply, use, and trade every three years, and defines the term "mercury" to mean "elemental mercury . . . and . . . a mercury compound." Based on the information collected for the inventory, the Agency is directed to identify any manufacturing processes or products that intentionally add mercury. EPA is also directed to recommend actions, including proposed revisions of federal law or regulations, to achieve further reductions in mercury use. Read the section of TSCA on mercury inventory reporting requirements.

EPA published the first inventory of mercury supply, use, and trade on March 29, 2017. The second inventory, expected in 2020, will be the first mercury inventory based on information reported under EPA's final mercury inventory reporting rule.

[TOP OF PAGE]

2. What is the "mercury inventory reporting rule?"

TSCA directed EPA to write a rule establishing requirements for reporting on the supply, use, and trade of mercury in support of EPA's triennial inventories. EPA published the final rule on June 27, 2018. [Read the final rule](#).

3. Who must report their mercury information to EPA?

TSCA requires reporting by "any person" who manufactures or imports mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process ([read the section of TSCA on mercury inventory reporting requirements](#)). These manufacturers and importers can be companies, organizations, or individuals.

4. Who is exempt from reporting to EPA?

You do not need to report if:

- Your mercury activity is not for an immediate or eventual commercial advantage;

- You manufacture or import mercury only as an impurity;

- You are engaged only in the generation, handling, or management of mercury-containing waste, unless you recover mercury to place in commerce;

- The only mercury you import is in assembled products that contain a component that is a mercury-added product (an example of such an assembled product is a car containing a mercury-added light bulb); or

- You manufacture assembled products in the United States that contain a component that is a mercury-added product, but you did not first manufacture or import the component that is a mercury-added product.

5. What if my company only uses a very small amount of mercury?

You must report your mercury to EPA no matter how small the amount of mercury you manufacture, import, or use. There is no "de minimis" amount or reporting threshold.

6. How can I get help figuring out whether I need to report to EPA?

EPA has prepared a compliance guide to help people determine who must report. Find resources on mercury reporting requirements, including the compliance guide.

7. What information must companies, organizations, or individuals report to EPA?

There are different requirements for different types of commercial activity and for companies, organizations, or individuals that report mercury data to EPA's Chemical Data Reporting (CDR) or to the Interstate Mercury Education and Reduction Clearinghouse (IMERC). In general, the data to report are:

- Amount of mercury produced, imported, stored, used, sold, or exported;
- Types of products made;
- Types of manufacturing processes and how mercury is used;
- Business sectors to which mercury or mercury-added products are sold;
- Country of origin of imported mercury or mercury-added products; and
- Destination country for exported mercury or mercury-added products.

For more information on what to report, see additional resources on mercury reporting requirements.

8. When do I need to report to EPA?

By July 1, 2019 for mercury activities that occurred in the calendar year 2018, and every three years thereafter.

9. How do I report?

You must report online by entering information using the Mercury Electronic Reporting (MER) application. The MER application can be accessed through the Agency's Central Data Exchange. Most of the reporting involves entering a number, checking a box, or selecting an item from a drop-down menu. You must have an account with the Central Data Exchange (CDX).

Read the CDX user guide for more information.

10. What if the information I submit is a trade secret?

You must still report the information, but you can claim it as TSCA Confidential Business Information (CBI), which EPA protects. CBI is broadly defined as proprietary information, considered confidential to the submitter, the release of which would cause substantial business injury to the owner. The MER application is designed to allow you to claim some or all data as CBI by checking a box. However, some types of information claimed as CBI must be substantiated at the time you submit it to EPA. At the end of the reporting process, after confirming that you are the submitter, the application will require you to attach a substantiation document or opt out of substantiating your CBI claims (if all selected data elements do not need to be substantiated). After attaching the substantiation or opting-out, the application will then proceed to validate the entire submission, generate PDF copy, and proceed through the remaining submission process. This process is explained within the CBI substantiation page of the MER application. Read more about CBI claims under TSCA.

[TOP OF PAGE]

11. Will the information provided to the MER application be publicly accessible?

EPA will aggregate the data it receives from all submitters for the triennially published inventories. For example, the inventories will report total amounts of mercury manufactured by adding together the quantities from all submissions. The Agency will not publish names or other identifying information of submitters. In addition, the database containing submitters' information is not designed for public access. However, any information not claimed as TSCA Confidential Business Information or otherwise not protected from disclosure by exemptions of the Freedom of Information Act could be subject to a public request for federal agency records. Read more about EPA's Freedom of Information Act process [link to: https://www.epa.gov/foia]. [TOP OF PAGE]

12. How can I get technical assistance with reporting?
For more resources on reporting requirements, visit:
- EPA's CDX site
- CDX User Guide
- MER Application User Guide

For questions concerning CDX or TSCA, contact:
- CDX Help Desk at helpdesk@epacdx.net.
- TSCA Help Desk at tsca-hotline@epa.gov.

[TOP OF PAGE]

13. Where can I find an explanation of key terms?

Explanations of key terms for the mercury inventory can be found in the "Compliance Guide: Reporting Requirements for the Mercury Inventory of the Toxic Substances Control Act." [link to Compliance Guide]