

Attachment G: Consultation Responses

Consultation Questions for Chemical Data Reporting (CDR) under the Toxic Substances Control Act (TSCA)

(1) Publicly Available Data

- A. Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency?

To my knowledge, the data that the Agency is seeking are not available from any public source. While some similar information is collected under the EPCRA Toxics Release Inventory (TRI), not all CDR data elements/endpoints appear to be collected by another EPA office or by another federal agency.

- B. If yes, where can you find the data?
(Does your answer indicate a true duplication, or does the input indicate that certain data elements are available, but that they do not meet our data needs very well?)

(2) Frequency of Collection

Can the Agency collect the information less frequently and still produce the same outcome?

A four-year reporting cycle is an appropriate timeframe for data collection.

(3) Clarity of Instructions

The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.

- A. Based on the instructions (regulations, Instructions for Reporting, etc.), is it clear what you are required to do, and how to submit such data? If not, what suggestions do you have to clarify the instructions?

Yes, we are aware of what we are required to do for reporting. It would be appreciated if there was a dedicated area (EPA weblink) where all the then 'current' published TSCA Chemical Data Reporting Fact Sheets or guidance materials would be collected and available (e.g., Non-isolated intermediates, Changes in Company Ownership, Importers, Byproducts, Metals recovered from catalysts, etc.).

Do you understand that you are required to maintain records?

Yes, we understand we must maintain records for a minimum of 5 years after the reports are submitted.

- B. Is the electronic reporting tool associated with reporting under CDR clear, logical, and easy to complete? If not, what suggestions do you have to improve the electronic reporting tool?

Yes, the reports are clear and logical to prepare. However, incorporating thousands separator commas in the production volume numbers within the pdf-file format reports would increase the efficiency and accuracy of final checks, particularly when sites report large figures rounded to two significant digits.

(4) Electronic Reporting and Record keeping

The Government Paperwork Elimination Act requires agencies make available to the public electronic reporting alternatives to paper-based submissions by 2003, unless there is a strong reason for not doing so.

- A. Are you keeping your records electronically? If yes, in what format?

Yes. We keep them in Excel, SAP and PI

- B. What benefits does electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

Paperless submissions allow greater time efficiency – since the data is already available in electronic form; eliminating printing- and mailing-related expenses and it reduces the overall burden of reporting.

(5) Burden and Costs

- A. Are the labor rates accurate? **(Please see question 12 of the supporting statement)**

Yes, the labor rates look accurate.

- B. The Agency assumes there is no capital cost associated with this activity. Is that correct?

Yes, that is correct.

- C. Bearing in mind that the burden and cost estimates include only burden hours and costs associated with the paperwork involved with this ICR, *e.g.*, the ICR does not include estimated burden hours and costs for conducting studies, are the estimated burden hours and labor rates accurate? If you provide burden and cost estimates that are

substantially different from EPA's, please provide an explanation of how you arrived at your estimates.

D. Are there other costs that should be accounted for that may have been missed?

None that we can think of at this time.

Consultation Questions for Chemical Data Reporting (CDR) under the Toxic Substances Control Act (TSCA)

(1) Publicly Available Data

- A. Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency?

To the best of my knowledge, the majority of the information required under the TSCA Chemical Data Reporting (CDR) rule is not publicly available, nor is it collected by other federal agencies in a way that duplicates the breadth or granularity of the CDR requirements. The CDR remains the only mechanism through which EPA obtains comprehensive, site-specific information on the manufacture, import, processing, and use of existing chemical substances at the national scale.

That said, it is important to note that certain elements of CDR-type information are submitted to EPA through other TSCA processes. Specifically:

- Under TSCA §5, companies submitting a Premanufacture Notice (PMN) for a new chemical substance must provide processing and use information, as well as anticipated production volume data, as part of their new chemical application.
- EPA has increasingly issued TSCA §5(e) Consent Orders, many of which require companies to report annual production volume information for the new chemical as part of post-market obligations.

Additional point:

EPA should explicitly leverage CDR Functional Categories to inform use-specific conditions of use during PMN evaluations, rather than treating the entire chemical as a single unit of decision. This change would:

1. Prioritize the PMN use as submitted.
Where the PMN details high-integrity engineering controls and operational practices that prevent exposure, EPA should recognize those controls and approve that use on its own merits, rather than imposing chemical-wide restrictions through a §5(e) Consent Order that assumes unreviewed uses.
2. Route other uses through the SNUR/SNUN framework.
If EPA anticipates additional, materially different conditions of use, those should be designated as significant new uses via SNUR, with any prospective manufacturer or processor submitting a SNUN before commencing those uses. This preserves protection while avoiding overly broad, chemical-level constraints that are misaligned with the PMN's actual use case.
3. Use CDR Functional Categories as an evidentiary anchor.
The CDR's Functional Categories provide an established taxonomy of real-world functional applications across industrial, commercial, and consumer sectors. Integrating these categories into PMN decision logic helps:

- tie conditions of use to actual functional roles observed in commerce,
- reduce duplicative requests for similar P&U information already captured under TSCA programs, and
- enhance consistency between new-chemical PMN reviews and existing-chemical risk evaluations, which also consider conditions of use.
 1. To enhance consistency between new-chemical PMN reviews and existing-chemical risk evaluations under TSCA §6, EPA should evaluate conditions of use (COUs) on a use-by-use basis and explicitly incorporate CDR processing and use information—including Functional Categories—into those determinations. In current practice, TSCA §6 risk evaluations sometimes consider COUs that do not align with a substance’s actual uses. When conducting risk evaluations and risk management, EPA should cross-walk the COUs to the most recent CDR-reported Functional Categories and processing/use codes to ensure COUs reflect real-world applications. Doing so would (1) anchor COUs in observed commerce, (2) reduce mismatches that can lead to unnecessarily broad controls, and (3) improve coherence between PMN decisions and §6 risk evaluations/management for the same substance.

Requested outcome: EPA should approve the PMN-listed use when the submitter demonstrates adequate controls; utilize SNUR/SNUN for any additional uses; and systematically incorporate CDR Functional Categories to align decisions with use-specific risk rather than imposing chemical-wide controls by default.

B. If yes, where can you find the data?

(Does your answer indicate a true duplication, or does the input indicate that certain data elements are available, but that they do not meet our data needs very well?)

No — no U.S. federal program collects the same combination of manufacturing, processing, and use information at the level of detail required by TSCA CDR. The CDR remains unique in providing national-scale, site-specific data on multi-year production volumes and detailed processing and use categories for existing chemicals.

However, some programs collect related or partially overlapping data, for different purposes, thresholds, and scopes. Below are the closest comparators and where their data or requirements can be found; none of these duplicate CDR.

1. EPCRA §313 – Toxics Release Inventory (TRI)
 - a. What it captures: Facilities that manufacture, process, or otherwise use listed chemicals above thresholds (generally 25,000 lbs for manufacture/process; 10,000 lbs for otherwise use) must report releases and waste management annually.
 - b. What it *doesn’t* capture vs. CDR: No production volumes by year, no detailed processing/use categories, no multi-year histories, and no site-specific manufacturing/use detail at the CDR level.

- c. Where to find it: EPA's TRI program site and reporting overview (TRI-MEweb).
- 2. EPCRA Tier II (Sections 311–312)
 - a. What it captures: On-site hazardous chemical inventory and hazard information (linked to OSHA Hazard Communication), typically reported to state and local authorities for emergency planning.
 - b. What it *doesn't* capture vs. CDR: No manufacturing volume, no processing/use reporting, no national consolidation of production/use data.
 - c. Where to find it: eCFR 40 CFR Part 370 and EPA's EPCRA guidance chapter for §§311–312.
- 3. New Chemicals – TSCA §5 PMNs and §5(e) Consent Orders
 - a. What they capture: PMNs include processing and use information and anticipated production volumes at the time of submission; §5(e) consent orders may require annual production volume reporting post-market.
 - b. What they *don't* provide vs. CDR: Apply only to new chemicals (not existing Inventory substances), are not public, and do not use CDR's standardized industrial/commercial/consumer use categorizations.
 - c. Where to find it: Process and framework under TSCA §5 described in EPA TSCA materials (CDR authority and program pages provide context on how CDR complements TSCA).
- 4. Other programs (for context only)
 - a. RCRA: Tracks hazardous waste generation/management, not production or use.
 - b. OSHA Hazard Communication: Requires SDSs and workplace hazard communication; not manufacturing/use volumes.
 - c. DHS CFATS: Focuses on security-sensitive chemical holdings, not production/use.
 - d. Where to find it: Program regulations and guidance; none of these provide CDR-like manufacturing/processing/use datasets.

(2) Frequency of Collection

Can the Agency collect the information less frequently and still produce the same outcome?

The current reporting frequency for the TSCA Chemical Data Reporting (CDR) rule is once every four years. In general, reducing the frequency of data collection may lower reporting burden; however, extending the interval beyond the current four-year cycle would raise concerns regarding data availability, accuracy, and reasonable ascertainability.

As a general matter, industry typically maintains operational, manufacturing, and related compliance records for approximately five years. While this retention timeframe appears, on its face, to provide sufficient coverage for a five-year reporting interval, in practice it represents the upper bound for reliable data access. Extending the reporting cycle from four to five years would narrow the margin between required reporting and standard record retention periods, increasing the risk that data may be incomplete, archived, or otherwise difficult to retrieve, validate, and certify—particularly for detailed processing and use information.

The CDR reporting process is resource-intensive and often requires reconciliation of data across multiple systems, internal reviews, and quality assurance checks. Experience has also shown that technical issues with the CDX reporting tool can delay submissions and result in additional follow-up or amendments. A longer reporting interval would compound these challenges by requiring companies to reconstruct older historical data, increasing both burden and uncertainty.

For these reasons, while the current four-year reporting cycle does impose a meaningful burden, it represents a reasonable balance between minimizing reporting frequency and ensuring EPA receives accurate, complete, and reasonably ascertainable data. Extending the interval beyond four years would likely diminish data reliability and could undermine EPA's ability to effectively carry out its responsibilities under TSCA, including exposure assessment, risk evaluation, and risk management.

(3) Clarity of Instructions

The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.

- A. Based on the instructions (regulations, Instructions for Reporting, etc.), is it clear what you are required to do, and how to submit such data? If not, what suggestions do you have to clarify the instructions?

Based on my experience with the Chemical Data Reporting (CDR) program, the Instructions for TSCA Chemical Data Reporting and associated guidance documents were clear, well-organized, and highly helpful. The instructions provided sufficient detail on:

- the types of information required,

- how to determine applicability,
- how to correctly categorize processing and use information, and
- how to navigate nuances such as co-manufacturing, byproducts, thresholds, and exemptions.

These materials enabled me to understand what data needed to be submitted and how to classify it within the structure of the CDR rule.

Targeted suggestion for improvement (bulk upload template):

While the written guidance is generally comprehensive, the Instructions do not provide sufficient, step-by-step guidance for the bulk upload template used in e-CDRweb/CDX. During the last reporting period, the template did not consolidate manufacturing and co-manufacturing data as expected after upload, which triggered system errors and required tedious manual rework for all affected substances. To address this recurring pain point, it would be very beneficial if EPA could:

1. Add a dedicated "Bulk Upload Template Guide."
 - Include field-by-field definitions, required formats, valid value sets, and worked examples (e.g., a sample record showing a single substance reported as both manufactured and co-manufactured and how those rows must be structured so the data properly consolidate on import).
 - Provide a common error library (with error codes/messages, root causes, and fixes).
2. Publish a pre-submission validation checklist/tool.
 - Offer a downloadable validator (or an online pre-check) that flags structural or relational issues before upload—especially multi-use and multi-site scenarios and co-manufacturing relationships.
3. Clarify consolidation logic in the Instructions.
 - Document exactly how the import routine consolidates multiple rows for the same CAS/site when reported under manufacture and co-manufacture, including any required key fields (e.g., IDs, codes) that must match for successful consolidation.
4. Enable simple reuse and edits.
 - Where feasible, allow copy/paste and bulk-apply functions for recurring fields (particularly for CBI substantiation narratives and repeated P&U entries), or provide a sanctioned method to reuse prior cycle entries across multiple substances.

With these refinements, reporters would be able to avoid upload failures, reduce manual reconciliation, and improve both efficiency and data quality during submission.

At this time, aside from the bulk upload guidance noted above, I do not have additional recommendations for improving the written guidance; EPA's instruction materials are otherwise comprehensive and user-friendly.

B. Do you understand that you are required to maintain records?

Yes, I understand that CDR reporters are required to maintain records supporting their submissions. My organization is fully aware of these obligations and incorporates them into our compliance systems.

C. Is the electronic reporting tool associated with reporting under CDR clear, logical, and easy to complete? If not, what suggestions do you have to improve the electronic reporting tool?

The electronic reporting tool, while functional, presents several difficulties that significantly impact usability and efficiency. My experiences during the most recent reporting cycle highlight several challenges:

1. Bulk Upload Issues for Manufactured and Co-Manufactured Substances

While populating the bulk chemical upload template was straightforward, problems occurred after upload into CDX:

- When a substance was both manufactured and co-manufactured, the data did not consolidate properly in the CDX interface.
- This resulted in system errors that prevented submission.
- I was required to manually open, correct, and reconcile each impacted substance directly within CDX—creating a substantial burden for reporters handling multiple affected substances.

2. Limitations on Copy and Paste Functions

The CDX platform does not allow copying or pasting within many of the data entry fields. This significantly slows down completion of repetitive fields, especially:

- Processing and use codes
- Percent production volumes
- CBI substantiation responses
- Repeated entries for similar chemicals across multiple sites

Allowing standard copy/paste functionality would greatly reduce reporting time and minimize input errors.

3. CBI Substantiation Workflow

The Confidential Business Information (CBI) substantiation process was extremely tedious and time-consuming. Each claim required multiple detailed responses, many of which were highly similar across submissions:

- CDX does not allow copying prior substantiation text.
- CDX does not allow bulk application of identical substantiation rationales.
- Reporters must repeat identical entries chemical-by-chemical.

The result is unnecessary duplication of effort. A feature allowing reporters to reuse, apply, or import prior substantiation text would significantly reduce burden.

4. System Bugs and Late-Identified Issues

CDX continues to experience bugs that often are not discovered until after the reporting window opens. These defects:

- sometimes delay submissions,
- require reporters to re-enter data already uploaded,
- and in some cases force reporters to amend submissions after the system is patched.

It would be beneficial if EPA could conduct more thorough pre-launch system testing or provide early access to a staging environment for reporters to test bulk uploads and data structures prior to the official reporting period.

Summary (Suggested Improvements)

To improve the usability of the CDR electronic reporting tool, EPA may wish to consider enhancements such as:

- Fixing issues where manufactured and co-manufactured information fails to consolidate.
- Enabling standard copy/paste functionality across all fields.
- Allowing reuse or bulk application of CBI substantiation responses.
- Conducting more robust pre-period testing to reduce bugs during active reporting windows.

These improvements would reduce reporting burden, minimize errors, and increase overall efficiency for reporters.

(4) Electronic Reporting and Record keeping

The Government Paperwork Elimination Act requires agencies make available to the public electronic reporting alternatives to paper-based submissions by 2003, unless there is a strong reason for not doing so.

A. Are you keeping your records electronically? If yes, in what format?

Yes. All of our records and data related to TSCA Chemical Data Reporting are maintained

electronically within our company's Enterprise Resource Planning (ERP) system. This includes production volumes, manufacturing data, site-specific information, and relevant processing and use information.

The ERP system allows us to retrieve, export, and validate the data as needed for CDR reporting, ensuring that the information remains accessible, consistent, and traceable.

B. What benefits does electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

Electronic submission provides several significant benefits in terms of burden reduction and efficiency:

1. Bulk Upload Tool Significantly Reduces Burden

The bulk upload functionality within the electronic reporting system substantially decreases the time and effort needed to enter data. Instead of manually inputting individual chemical records, we can compile data into the bulk upload template and submit multiple substances simultaneously.

2. Overall Electronic Reporting is Far More Efficient

Electronic reporting streamlines the entire process by allowing:

- easy extraction and validation of data from our ERP system,
- faster review and correction of data entries, and
- reduced risk of transcription or manual input errors.

3. Major Improvements Over Paper Reporting

Prior to electronic submission, paper-based reporting was extremely time-consuming, required extensive manual data entry, and was more prone to human error.

Electronic submission eliminates these inefficiencies, enables consistent data formatting, and ensures more accurate recordkeeping and reporting.

(5) Burden and Costs

A. Are the labor rates accurate? (Please see question 12 of the supporting statement)

Based on the 2024 wage rate table provided by EPA, the breakdown of wages, fringe benefits, and total compensation for managerial, professional/technical, and clerical labor categories appears reasonable and consistent with industry benchmarks. The EPA values align closely with the U.S.

Bureau of Labor Statistics (BLS) Employer Costs for Employee Compensation (ECEC) data for comparable occupational groups in private industry.

For example, BLS data show total compensation levels for management, professional, and administrative support occupations that are very similar to EPA's wage and benefit assumptions, confirming that EPA's estimates are within the expected range for these labor categories.

B. The Agency assumes there is no capital cost associated with this activity. Is that correct?

Yes, that is correct. There are no capital costs associated with CDR reporting for our organization. We do not need to purchase equipment, software, or other capital assets to meet the reporting requirements.

C. Bearing in mind that the burden and cost estimates include only burden hours and costs associated with the paperwork involved with this ICR, *e.g.*, the ICR does not include estimated burden hours and costs for conducting studies, are the estimated burden hours and labor rates accurate? If you provide burden and cost estimates that are substantially different from EPA's, please provide an explanation of how you arrived at your estimates.

From our experience, the burden hours in the ICR are significantly underestimated.

EPA's ICR estimates an average burden of approximately 170 hours per reporter per year for CDR activities.

However, based on our actual experience during the 2024 CDR reporting cycle, we estimated the burden to be more than three times higher than EPA's estimate.

This higher burden is due to several factors, including:

- time spent extracting, validating, and reconciling data from internal systems,
- challenges with consolidating manufactured and co-manufactured substances in CDX,
- the manual effort required to correct system upload errors,
- the repetitive and time-intensive nature of CBI substantiations, and
- delays or rework caused by bugs within the CDX platform.

These factors collectively contributed to a significantly higher workload than EPA's burden model anticipates.

D. Are there other costs that should be accounted for that may have been missed?

At this time, I am not aware of any additional costs that EPA has missed. Aside from the labor burden described above, we do not incur other measurable costs related to CDR reporting.

Consultation Questions for Chemical Data Reporting (CDR) under the Toxic Substances Control Act (TSCA)

(1) Publicly Available Data

- A. Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency?

Chemical inventories are available; production data is not available.

- B. If yes, where can you find the data?
(Does your answer indicate a true duplication, or does the input indicate that certain data elements are available, but that they do not meet our data needs very well?)

SARA Tier 2 reports provide inventory data.

(2) Frequency of Collection

Can the Agency collect the information less frequently and still produce the same outcome?

Yes, one year of data every five years is sufficient.

(3) Clarity of Instructions

The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.

- A. Based on the instructions (regulations, Instructions for Reporting, etc.), is it clear what you are required to do, and how to submit such data? If not, what suggestions do you have to clarify the instructions?

Per feedback from staff preparing the report, it is not clear; and the process can be complex and confusing. Make the instructions more user friendly and provide examples specifically for different industries.

- B. Do you understand that you are required to maintain records?

Yes

- C. Is the electronic reporting tool associated with reporting under CDR clear, logical, and easy to complete? If not, what suggestions do you have to improve the electronic reporting tool?

No. For personnel completing TSCA for the first time, it was a learning process that was complex. More user-friendly examples are needed.

(4) Electronic Reporting and Record keeping

The Government Paperwork Elimination Act requires agencies make available to the public electronic reporting alternatives to paper-based submissions by 2003, unless there is a strong reason for not doing so.

- A. Are you keeping your records electronically? If yes, in what format?
Yes, PDF of the report, product inventories, SDS, and supporting excel documents.
- B. What benefits does electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

It reduces paper storage, allows for easier data retrieval, storage, sharing, and validation before submitting, and is searchable.

(5) Burden and Costs

- A. Are the labor rates accurate? **(Please see question 12 of the supporting statement)**

Underestimated.

- B. The Agency assumes there is no capital cost associated with this activity. Is that correct?

Correct.

- C. Bearing in mind that the burden and cost estimates include only burden hours and costs associated with the paperwork involved with this ICR, *e.g.*, the ICR does not include estimated burden hours and costs for conducting studies, are the estimated burden hours and labor rates accurate? If you provide burden and cost estimates that are substantially different from EPA's, please provide an explanation of how you arrived at your estimates.

N/A

- D. Are there other costs that should be accounted for that may have been missed?

Yes, consultant fees.

Consultation Questions for Chemical Data Reporting (CDR) under the Toxic Substances Control Act (TSCA)

(1) Publicly Available Data

- A. Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency? **No, not unless a PMN and NOC were recently submitted.**
- B. If yes, where can you find the data?
(Does your answer indicate a true duplication, or does the input indicate that certain data elements are available, but that they do not meet our data needs very well?) **PMN submitted to EPA.**

(2) Frequency of Collection

Can the Agency collect the information less frequently and still produce the same outcome? **Between CDR cycles the chemical list of reportable substances and the uses do not change drastically which may allow EPA to collect information less frequently and still produce the same outcome. Additionally, only data reported on the principal reporting year helps EPA produce the stated outcome of “identify[ing] chemicals to which the public may be exposed as consumers or as workers in commercial and industrial settings.” Therefore, the volume data for the first 3 years of the reporting cycle are not needed because they do not help EPA meet their stated outcome.**

(3) Clarity of Instructions

The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.

- A. Based on the instructions (regulations, Instructions for Reporting, etc.), is it clear what you are required to do, and how to submit such data? If not, what suggestions do you have to clarify the instructions? **Instructions are clear but EPA should continue to update their guidance documents or confirm that prior dated documents are still relevant to EPA’s current thinking. For example, some of the industry guidance is from 2016 and still is the only relevant guidance on those topics.**

- B. Do you understand that you are required to maintain records? **Yes. However, EPA's current procedures for adding or modifying data elements during the reporting lookback period do not give companies sufficient advance notice about what additional records they may need to maintain. As a result, companies may be required to report data elements they did not know needed to be retained. EPA can add new data elements after the lookback period has already passed, and companies are not aware of future CDR updates until the CDR rule is proposed and/or finalized. For example, byproduct information was added in April 2020 for the 2020 CDR cycle.**
- C. Is the electronic reporting tool associated with reporting under CDR clear, logical, and easy to complete? If not, what suggestions do you have to improve the electronic reporting tool? **At first glance the electronic reporting tool appears clear and logical, however, technical glitches make reports very difficult to complete. For example, glitches in the system often prevent data input and take a long time to repair or illogical workarounds to complete. Additionally, the ability to import or copy prior years data would provide significant time savings. The ability to report for multiple sites in one effort, for example in a single bulk upload form, would also provide significant time savings.**

(4) Electronic Reporting and Record keeping

The Government Paperwork Elimination Act requires agencies make available to the public electronic reporting alternatives to paper-based submissions by 2003, unless there is a strong reason for not doing so.

- A. Are you keeping your records electronically? If yes, in what format? **Yes, our manufacturing sites keep electronic records within their manufacturing and operating systems which we convert to usable Excel workbooks.**
- B. What benefits does electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information? **Electronic submission does not provide any significant burden reduction or efficiency as all raw data is created and stored electronically.**

(5) Burden and Costs

- A. Are the labor rates accurate? **(Please see question 12 of the supporting statement) Professional/technical and managerial wage rates are lower than industry standards. Additionally, little to no work is appropriate for the clerical level and these labor rates**

should not be included. The labor rates do not account for other functions required to support the data collection effort such as legal and data analytics.

- B. The Agency assumes there is no capital cost associated with this activity. Is that correct? No, capital investment into electronic systems and maintenance is required to handle large amounts of data. Computer systems, especially those from 3rd party vendors, change over time. The ability to run reports for CDR-specific data and convert the data into a usable Excel format requires capital investment to maintain software and personnel hours from other functions to build and maintain data systems.
- C. Bearing in mind that the burden and cost estimates include only burden hours and costs associated with the paperwork involved with this ICR, *e.g.*, the ICR does not include estimated burden hours and costs for conducting studies, are the estimated burden hours and labor rates accurate? If you provide burden and cost estimates that are substantially different from EPA's, please provide an explanation of how you arrived at your estimates.
- Hourly wage used for calculating labor rates (equivalent to GS12/13) is significantly lower than industry average where typical industry wage for professionals with adequate skills and experience to complete CDR is equivalent to GS14/15 wage band.
 - The burden and cost for Rule Familiarization is severely underestimated by EPA because it assumes new reporters can become familiar with the full CDR reporting framework in less than 4 hours. In reality, this number sounds more appropriate for seasoned TSCA experts who are already intimately familiar with historical CDR rules and guidance, who only need to familiarize themselves with differences between current and prior years CDR rules.
 - Total burden hours estimated by EPA are significantly lower than actual hours calculated for our company. We calculated approximately 85 hours per substance for professional/technical staff with adequate skills and experience to complete CDR. These professional/technical staff were tasked with data collection and reporting and this estimate does not include all other supporting functions including legal, managerial, data analytics support, or sales and site personnel whose hours were not explicitly tracked. EPA's estimate of ~71 hours for average multi-chemical form completion including function category data

elements appears to only include managerial, professional/technical, and clerical hours.

- Feedback on these burden and cost estimates are based on internal calculations of professional/technical and managerial hours. Hours outside of this function were not explicitly tracked.

D. Are there other costs that should be accounted for that may have been missed? Capital investment in computer systems and long-term maintenance of data covered in 5A-C. Wages and labor/burden costs for supporting functions outside those specifically tasked with collecting data for CDR do not appear to be accounted for in the burden and cost estimates.

Submitted Electronically to: EPA-HQ-OPPT-2013-0721, regulations.gov

April 27, 2026

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Re: American Chemistry Council Comments on Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Chemical Data Reporting Under the Toxic Substances Control Act (TSCA), 91 Fed. Reg. 8872-73 (February 24, 2026); EPA-HQ-OPPT-2013-0721; FRL 12917-01-OCSP

Dear Ms. Lewis:

The American Chemistry Council (ACC)¹ appreciates the opportunity to submit comments in response to Agency Information Collection Activities; Proposed Renewal Collection and Request for Comment; Chemical Data Reporting Under the Toxic Substances Control Act (TSCA).

These comments are informed by a voluntary survey of ACC members with recent experience preparing and submitting CDR information. Survey respondents represent a cross-section of the regulated community, ranging from small entities employing fewer than 500 workers in the United States to large manufacturers with workforces exceeding 10,000 employees and annual revenues greater than \$1 billion. Most respondents were medium to large companies reporting annual revenues of \$500 million or more. Respondents reported that CDR submissions typically involve multiple reporting sites per cycle, generally ranging from approximately six to more than thirty sites, and may include joint submissions or reporting conducted in coordination with downstream customers. Respondents further indicated that preparation and submission of CDR reports require the involvement of multiple employees, with reported staffing levels ranging from approximately six to fifty personnel per reporting cycle. These responses provide context regarding the scope, complexity, and resource requirements associated with compliance with CDR

¹ The American Chemistry Council's mission is to advocate for the people, policy, and products of chemistry that make the United States the global leader in innovation and manufacturing. To achieve this, we: Champion science-based policy solutions across all levels of government; Drive continuous performance improvement to protect employees and communities through Responsible Care®; Foster the development of sustainability practices throughout ACC member companies; and Communicate authentically with communities about challenges and solutions for a safer, healthier and more sustainable way of life. Our vision is a world made better by chemistry, where people live happier, healthier, and more prosperous lives, safely and sustainably—for generations to come.

reporting obligations and are relevant to the Agency's evaluation of burden and practical implementation considerations under the ICR.

The chemical industry is committed to helping EPA meet its goals to enhance the quality of information available on chemicals in commerce. As part of EPA's efforts to improve and inform the development of changes to the CDR program for the 2028 CDR cycle, it is important that EPA consider key information regarding industry's burden under current program requirements.

In comments submitted during the 2023 ICR renewal process, ACC² addressed the practical utility of the proposed collection of information, the burden estimate being conditional on an overhaul of the CDX reporting system, enhancing the quality, utility, and clarity of information collected, and minimizing burden of collection. ACC's comments on this ICR Renewal reiterate several of those key comments and provide updates to issues raised.

1. Necessity, Frequency, and Practical Utility of the Proposed Collection of Information

ACC continues to support both EPA's need to collect relevant information on chemicals in commerce and the practical use of the data collected to assist in the agency's implementation of the Toxic Substances Control Act (TSCA). ACC also believes that the current four year cadence of reporting CDR data is adequate given the reporting obligations under the current reporting regimen. Many companies maintain operational and manufacturing records on a five year retention cycle, and the intensive nature of CDR data compilation, combined with repeated CDX reporting-tool issues, suggests that a five year reporting interval could also align with real-world data availability and resource constraints. A five year reporting cycle would, however, increase the amount of information to input into the online portal, which would increase the burden given current difficulties with CDX. Extending the interval beyond five years could compromise data quality and EPA's ability to obtain reasonably ascertainable information.

EPA's continued use of CDR data is helpful to inform prioritization and risk evaluation activities, helping them to be grounded in accurate and representative data. Because CDR reflects real-world manufacturing, import, and use patterns, its integration into TSCA decision-making helps support evaluations that are both scientifically robust and reflective of current commercial practices.

2. EPA Underestimates the Burden Associated with CDR Reporting

Companies consistently report that the actual burden of complying with the ICR is far higher than EPA's annual burden estimate of 170 hours and \$16,983 per respondent. The majority of survey respondents stated that their annual burden is over 210 hours, with a burden of over 850 hours per reporting cycle. This discrepancy reflects the reality that EPA's national average does not capture the complexity of larger or multi-facility operations. Many companies operate multiple U.S. sites and manage numerous substances at each location, including manufactured chemicals,

² <https://www.regulations.gov/comment/EPA-HQ-OPPT-2013-0721-0029>; Submitted July 27, 2023

imported substances, and mixtures. When fully functional and updated to meet the requirements of that particular reporting period, the bulk upload template is much appreciated and provides major efficiency benefits. Even so, each site must be reported individually, requiring separate data pulls, validation, organization, and preparation of bulk upload templates. Companies with hundreds of reportable chemicals per site face a substantially higher burden than those with only a few. For companies that import mixtures, additional effort is required to extract and consolidate single-substance data from those mixtures, and in some cases to assist customers in meeting their own reporting obligations.

The data required for reporting often resides across multiple, non-integrated systems. Companies may have different systems in place over the reporting period due to acquisitions, divestitures, or system upgrades, creating complexity in tracking volumes and retrieving data. Differences in how plant sites organize manufacturing data also increase the time needed to validate and standardize information. These factors require extensive manual data mapping, reconciliation, and verification to maintain traceability to source records.

Companies apply enhanced internal QA/QC procedures, legal review, and audit-ready documentation practices to improve accuracy and consistency across facilities. Although these steps exceed EPA's minimum requirements, they are necessary for internal risk management and compliance. These internal controls add significant time to the overall reporting burden.

CBI substantiation is highly time-consuming because responses cannot be copied or pasted and must be entered manually. Companies report that CBI substantiation alone can require roughly 40 hours. Additional time is needed to make sure that CBI designations are accurately reflected in the Copy of Record.

3. Challenges Remain with Electronic Reporting

Based on lessons learned from the 2020 CDR, several key improvements led to fewer issues in the 2024 reporting period, with the process of beta testing also working to support that outcome. ACC appreciates EPA's work to advance these initiatives and improve the systems which support data submission to EPA. During this CDR reporting period, ACC and its members were again actively engaged with EPA and its Central Data Exchange (CDX) contractor to identify and resolve issues that impacted reporting. With that said, there were still many issues identified during the 2024 CDR reporting cycle that led to a much higher burden to report than if the system had been fully functional, such as the system not being close to fully operational until nearly the end of the original reporting due date.

A significant amount of time was spent by members who elected to participate in beta testing to encourage optimal functionality of the system when the reporting period began. Despite finding numerous issues with the system at the beta test stage of the process, many of those issues remained unresolved into the second beta test period or well into the live reporting environment.

Companies with complex manufacturing operations, integrated streams, and multiple sites require many hours to develop validated data sets that accurately reflect manufacturing and

importing activities. Determining end-use data requires manual evaluation of sales information. Once compiled, entering data into CDX and ensuring that the Copy of Record matches the bulk upload file requires substantial effort. Companies note that EPA's estimate is unrealistic for larger chemical companies and does not reflect the challenges they experienced, including technical difficulties with CDX. Several other issues identified with the reporting platform may be found in Appendix 1.

ACC recommends that the Agency begin working on improvements to the reporting platform well in advance of the 2028 reporting cycle and again include two rounds of beta testing, starting at least 9 months before the start of the live reporting period, to allow enough time to identify issues and adequately fix them. Known CDX issues should also be implemented well in advance of the beta testing. Eliminating as many technical barriers as possible will help reduce unnecessary burden on those subject to reporting.

4. Options for Reducing Burden

ACC supports EPA exploring options to reduce the burden associated with reporting CDR data without compromising the integrity of the data itself. Steps to reduce reporting burden include improving CDX functionality, up to date guidance, a streamlined CBI substantiation process, and simplified reporting thresholds. While the written guidance is generally comprehensive, the instructions do not provide sufficient, step-by-step guidance for the bulk upload template used in CDX. During the last reporting period, the template did not consolidate manufacturing and co-manufacturing data as expected after upload, which triggered system errors and required tedious manual re-work for all affected substances. It would also reduce burden to have a bulk upload template for CBI substantiation, which currently must be entered manually and takes a significant amount of time. Allowing for beta testing earlier in the process would also be helpful to allow for necessary fixes to be reflected in the reporting environment before the active reporting period. Please see Appendix 1 for further recommendations sent to the Agency following the 2024 reporting period.

5. Conclusion

It is essential that EPA fully account for the substantial burden companies experience under current reporting requirements, particularly for large, multi-site operations and those managing complex data systems. ACC supports EPA's use of CDR data to inform TSCA implementation and remains committed to providing high-quality information. However, meaningful burden reduction is needed through improving CDX functionality, providing clearer guidance for bulk uploads, and a streamlined CBI substantiation process. Early beta testing and timely system improvements are critical for a functional reporting environment ahead of the 2028 cycle. By addressing these issues proactively, EPA can strengthen data quality while reducing unnecessary reporting challenges. ACC looks forward to continued collaboration to support a CDR program that is both scientifically robust and operationally feasible.

We appreciate the opportunity to submit comments in response to the Agency's request. If you have any questions or need further clarification, please feel free to contact me at joseph_daniels@americanchemistry.com or (202) 249-6132.

Sincerely,

Joe Daniels

Director, Chemical Management
American Chemistry Council

Enclosure: Appendix 1 "TSCA Section 8(a) Chemical Data Reporting; American Chemistry Council Feedback to Environmental Protection Agency on 2024 Chemical Data Reporting"

Appendix 1



March 6, 2025

Kevin DeBell
Data Gathering, Management, and Policy Division (7406M)
Office of Pollution Prevention and Toxics
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Submitted via email to: debell.kevin@epa.gov

Re: TSCA Section 8(a) Chemical Data Reporting; American Chemistry Council Feedback to Environmental Protection Agency on 2024 Chemical Data Reporting

Dear Mr. DeBell:

The American Chemistry Council (ACC)¹ and its members are committed to enhancing the quantity and quality of data and information provided to EPA on chemicals in commerce. ACC supports EPA's commitment to strengthen chemical management in the US and is dedicated to the overall success of the Chemical Data Reporting (CDR) effort. We fully recognize that information gathered in the CDR supports the agency's mission to protect the health and safety of the public and environment.

Based on lessons learned from the 2020 CDR, several key improvements led to fewer issues in the 2024 reporting period and the process of beta testing also worked to support that outcome. ACC appreciates EPA's work to advance these initiatives and improve the systems which support data submission to EPA.

During this CDR reporting period, ACC and its members were again actively engaged with EPA and its Central Data Exchange (CDX) contractor to identify and resolve issues that impacted reporting. ACC and our member companies have undertaken a review of the issues that arose during the reporting cycle, and developed recommendations to improve the overall efficiency of the process for the upcoming 2028 CDR.

To further strengthen and improve CDR reporting, it will be important for EPA and industry to work together starting in 2026. ACC appreciates the opportunity to provide comments to the Agency and hopes that by sharing this information with you we can work to ensure a robust data set for the 2028 CDR.

¹ ACC represents the leading companies engaged in the multibillion-dollar business of chemistry. ACC members apply the science of chemistry to make innovative products, technologies and services that make people's lives better, healthier and safer. ACC champions science-based solutions; and drives continuous improvement in environmental, health, safety and security performance through Responsible Care®. ACC members and chemistry companies are among the largest investors in research and development, and are advancing products, processes and technologies to address climate change, enhance air and water quality, and progress toward a more sustainable, circular economy.



What Worked Well

ACC and its members appreciate the effort by EPA and its contractors that went into the preparation for the 2024 CDR reporting period, which resulted in a more robust system with fewer issues and smoother reporting than the previous two reporting cycles. A few specific items that worked well:

- Based on issues experienced during the 2020 CDR reporting period, beta testing was initiated four months before the start of reporting. This resulted in the early identification of many issues. A second round of beta testing was run a month before the start of reporting, which helped to confirm the resolution of some issues while also emphasizing where additional changes might be needed.
- Throughout the reporting period, the CDX Help Desk was very responsive, reacting quickly and communicating with stakeholders regarding issues that were encountered. EPA staff closely monitored reporting progress and were very responsive and helpful in communicating the status of the overall effort.
- The creation of the CDR GuideMe webpage, a centralized location where all information and guidance could be accessed, was a helpful resource for those subject to reporting.

Challenges that Still Exist

A. Delays with Correcting Identified Issues with the CDX

During the first beta testing period, serious deficiencies were identified in the reporting system that prevented accurate reporting. Many of those deficiencies continued in the second beta testing period. Some of those issues were not resolved until 6 weeks after the start of the reporting period. Several major concerns continued and were not resolved until ten days before reporting was originally supposed to have ended.

Some system updates occurred midweek, interfering with typical Monday-Friday work week reporting. One update occurred in the last hours of the last day of the extended reporting period.

B. System Issues

Beta testing was initiated in February 2024, four months before the start of reporting. Many serious issues with fields that are fundamental to reporting or were features introduced in previous cycles to support accurate, high-quality and efficient reporting were identified in the beta environment. For example:

- Company sites/facilities could not be added to the system.
- In some cases, TSCA inventory checks for chemicals to be submitted were incorrect.
- The bulk upload template, critical to large facility reporting, was not updated to 2024 requirements. Function code dropdowns were not available. During template submission, some chemicals were dropped.
- CBI capabilities were lacking - the critical function of CBI copy/paste was not reliably available.



- The function for adding co-manufacturers did not reliably work.
- PDF Previews, which are essential to confirming accurate, high-quality reporting, could not be generated.
- Following submission, validation would indicate no errors, however errors would show up at the next login. Dates were not converted to 2024, instead indicating 2020.

Due to the serious issues identified in the first beta testing period a second round was initiated in May 2024, a month prior to the scheduled start of reporting. The most serious issues remained unresolved in the beta environment, including:

- TSCA Inventory checks for chemicals to be submitted
- Bulk upload template
- Copy all for CBI Substantiation
- PDF Preview
- Validation

Due to insufficient resolution time between the second beta testing period and the June 1st start of reporting, these remaining issues continued into the live environment and were unresolved for at least 6 weeks into the scheduled 18-week reporting period. In particular, the lack of the PDF Preview function made it impossible to confirm accurate, high-quality submissions. Members were unable to begin reporting until at least the second half of July. A 6-week extension was requested at that point but denied by EPA.

In early September, 15 weeks into the original 18-week reporting period, there were still serious issues with the system. Including problems with completing:

- CBI Substantiation
- Validation
- Inability to report CAS RN with 7 or more leading digits
- Indication of some Section 6 Lower Reporting Thresholds
- Not processing submissions due to no production in the principal year
- Joint Submissions
- Display of Secondary submitter CBI claims.

These issues were not scheduled to be fixed until the second half of September, even with an original due date of September 30th. It was not until September 20th that EPA finally announced a 7-week extension. While the extension was appreciated, the last-minute nature of the decision was extremely challenging for those with reporting compliance responsibilities.

Recommendations for Improvements

During the previous reporting cycle, the system was not fully operational until three and a half months into the reporting period. With the objective of users being able to submit accurate high-quality reports on the first day of the reporting period, all preparations, system updates and process changes for 2028 reporting should begin significantly earlier than those that were scheduled for 2024 reporting. We recommend:

- Any system updates should be prepared, scheduled and implemented well in advance of beta testing and reporting periods.
- Two rounds of beta testing proved to be helpful in identifying issues; however, they occurred too close together and too close to the start of reporting to allow sufficient time to resolve the issues identified. Scheduling the initial beta testing 9 months ahead of reporting, with a second beta test 4 months ahead of reporting would allow sufficient time to test the system, identify issues, resolve them, and confirm system operability prior to the start of the reporting period.
- New issues showed up in the move from the beta testing environment to the live reporting environment. EPA should consider opening the live reporting tool to data entry before the start date of the rule, even if data submissions would not be allowed until the official start date of the reporting period. This would allow for an additional opportunity to identify issues in the live reporting environment.
- EPA should proactively provide an extension commensurate to the amount of time it takes to fix major issues identified during the reporting period. An “extension clock” should be started when a serious issue arises during reporting and run until the issue is resolved.
- If possible, avoid major updates to the larger CDX platform during large reporting rules. For necessary system updates in the reporting period, perform those over the weekend, minimizing the impact on user reporting during the week.

If you have any questions, please contact Joseph Daniels at Joseph_Daniels@americanchemistry.com.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Daniels", written over a light blue rectangular background.

Joseph Daniels
Director, Chemical Management
American Chemistry Council

cc: Susan Sharkey: Sharkey.Susan@epa.gov
Stephanie Griffin: Griffin.Stephanie@epa.gov
David Turk: Turk.David@epa.gov



Alkylphenols & Ethoxylates Research Council
Comments on
EPA Information Collection Activities: Proposed Renewal and Request for Comment on
Chemical Data Reporting under the Toxic Substances Control Act

Submitted to Docket EPA–HQ–OPPT– 2013–0721

April 27, 2026

The Alkylphenols & Ethoxylates Research Council (APERC) appreciates this opportunity to provide comments in response to the Information Collection Request (ICR) that EPA published related to the Chemical Data Reporting (CDR) under section 8(a) (15 U.S.C. 2607 of the Toxic Substances Control Act (TSCA)).¹

APERC is comprised of manufacturers of alkylphenols, including 4-tert-Octylphenol (4tOP) and nonylphenol (NP) and their derivatives. For more than thirty years, APERC, its predecessor organization, and its member companies have been actively engaged in the review of uses, exposure and toxicological and environmental fate and effects research regarding these compounds. APERC has shared this type of information with EPA for its use in the assessment of these compounds under TSCA and other programs such as the Clean Water Act (CWA) and Safe Drinking Water Act (SDWA).

Data collected under the CDR are used by EPA to inform the prioritization of chemicals for risk evaluation under TSCA. Since 4tOP is a candidate for high-priority designation under TSCA and

¹ 91 Fed. Reg. 8873 (February 24, 2026)

NP is listed on the 2014 TSCA Work Plan, APERC has a particular interest in the use of CDR data for prioritization.^{2, 3}

APERC member companies have submitted volume, use and exposure information for the chemicals they manufacture and/or import over the years as required under the various iterations of reporting requirements under the TSCA CDR and previously under the Inventory Update Rule (IUR). The CDR reporting requirements have been modified with the most recent major changes occurring in 2020 (85 FR 20122, April 9, 2020 (FRL–10005–56). The 2020 CDR Revisions Rule phased in some new provisions and all changes were fully implemented with the 2024 CDR.

This ICR addresses the paperwork and reporting requirements contained in the current CDR rule. Under TSCA section 8(a) (15 U.S.C. 2607), the EPA is authorized to collect certain information on chemical substances manufactured (including imported) or processed in the United States. The CDR collection provides chemical manufacture, processing, and use information that helps EPA identify chemicals to which the public may be exposed as consumers or as workers in commercial and industrial settings. The data also helps EPA assess routes of potential exposure to those chemicals. The CDR data collection is on a four- year reporting cycle and contains detailed manufacturing, processing, and use information drawn from the principal reporting year; as well as basic information on production volume, by year, for the three years prior to the principal reporting year.

APERC supports EPA’s intention to enhance the quality and detail of information available on chemicals in commerce through CDR reporting and its use of such data to inform prioritization and risk evaluation of chemicals under TSCA. However, the process currently is extremely burdensome and requires a big drain on internal company resources.

APERC offers the following comments on the current ICR and for EPA’s consideration as it prepares for the next round of CDR reporting in 2028.

² EPA (2024, December 18). Notice: Initiation of Prioritization under the Toxic Substances Control Act (TSCA). Federal Register Vol. 8, No. 243 102905-102908.

³ U.S. EPA (2014, October). TSCA Work Plan for Chemical Assessments:2024 Update

1.0 EPA Underestimates the Burden Associated with CDR Reporting

APERC member companies report that the actual burden of complying with the CDR is far higher than EPA's estimate of 170 hours and \$16,983 per respondent. Depending on the company, reporting may require multiple employees and even consultants or contractors to compile the data. CDR reporting can involve multiple reporting sites per cycle and the involvement of multiple employees across a range of functions to collect and confirm the data for CDR submissions. In the case of smaller companies, the entire burden can fall to a single employee. In addition, substantiation of Confidential Business Information (CBI) is time consuming and must be entered manually for each entry.

APERC is aware that the American Chemistry Council (ACC) is also submitting comments regarding the underestimation of burden in the ICR. We understand that ACC is including the results of a voluntary survey of ACC members regarding the resources required to prepare CDR submissions and support EPA's use of those survey results to better inform the calculation of burden associated with CDR reporting.

2.0 Challenges Remain with Electronic Reporting

APERC appreciates the initiative that EPA has taken to work with the chemical industry to improve the electronic reporting experience with the Central Data Exchange (CDX), including conducting beta testing. However, technical issues remain with the CDX interface. Eliminating technical barriers will help to reduce reporting burden as well as improve data quality.

3.0 The Use of Real-world Information from CDR reporting is Helpful to Inform the Prioritization and Risk Evaluation of Chemicals under TSCA.

EPA's continued use of CDR data is helpful to inform prioritization and risk evaluation activities under TSCA. CDR data reflects real-world manufacturing, import, and use patterns and its

integration into TSCA decision-making helps support evaluations that are both scientifically robust and reflective of current commercial practices.

As an example, the 2020 CDR confirmed that 4-tOP, CAS RN 140-66-9 is used exclusively as an intermediate or reactant in the synthesis of other chemical compounds. It is not used directly in any products, industrial, commercial, or consumer. Even such high-level information represents reasonably available information, which is useful to inform prioritization. This corrects the assumption in the 2014 TSCA Work Plan that 4-tOP is used in consumer products.⁴

⁴ U.S. EPA (2014, October). TSCA Work Plan for Chemical Assessments:2024 Update