

Section IV – PRELIMINARY ASSESSMENT INFORMATION

NOTE

Mark the box to the left of any item below to claim the answer to the item as confidential. Report all quantities in kilograms (1 kilogram = 2.2 pounds). Enter N/A for any item that does not apply to you; do not leave any blanks.

Part A – Plant Site Activities – Information in part A must be your best estimate from readily obtainable data. For items 3b, 3c, and 3d, specify the accuracy of your answers.

<input type="checkbox"/> 1. Total quantity imported	kg	<input type="checkbox"/> 2. Quantity manufactured for sale or use	kg
<input type="checkbox"/> 3a. Quantity lost during manufacture (3b + 3c + 3d must equal 3a)	kg	<input type="checkbox"/> 3c. Quantity in wastes treated to destroy the chemical	kg ± %
<input type="checkbox"/> 3b. Quantity lost to the environment	kg ± %	<input type="checkbox"/> 3d. Quantity in wastes not treated to destroy the chemical	kg ± %

Activity (1)	Process category (2)	Quantity (kilograms) (3)	Total worker-hours (4)	Total workers (5)
<input type="checkbox"/> 4. Manufacture of the chemical	a. Enclosed			
	b. Controlled release			
	c. Open			
<input type="checkbox"/> 5. On-site use as reactant Total Quantity _____ kg	a. Enclosed			
	b. Controlled release			
	c. Open			
<input type="checkbox"/> 6. On-site nonreactant use of the chemical substance Total Quantity _____ kg	a. Enclosed			
	b. Controlled release			
	c. Open			
<input type="checkbox"/> 7. On-site preparation of products Total Quantity _____ kg	a. Enclosed			
	b. Controlled release			
	c. Open			

8. MANUFACTURER'S PRODUCTS – Report the quantity of the chemical substance that you prepare for each of the following.

INDUSTRIAL PRODUCTS (domestic)	a. Chemical or mixture	kg	CONSUMER PRODUCTS (domestic)	d. Chemical or mixture	kg
	b. Article with some release	kg		e. Article with some release	kg
	c. Article with no release	kg		f. Article with no release	kg
g. Products for export _____				kg	

Part B – Chemical Substance Processing by Customers – Information in part B must be accurate to within ± 50%.

9. CUSTOMERS' USES AND PRODUCTS – Estimate the quantity of the chemical substance that your customers use or prepare for each of the following.

INDUSTRIAL PRODUCTS (domestic)	a. Chemical or mixture	kg	CONSUMER PRODUCTS (domestic)	d. Chemical or mixture	kg
	b. Article with some release	kg		e. Article with some release	kg
	c. Article with no release	kg		f. Article with no release	kg
g. Products for export _____				kg	
h. Quantity of chemical consumed as reactant _____				kg	
i. Unknown customer uses _____				kg	

10. MARKET NAMES – If you report your customers' uses as unknown (9i above) for more than 20% of the total quantity of chemical substance that you manufacture and import (20% of items 1 and 2 above), list the market names under which you distribute the chemical. (If you need more space, attach an additional sheet.)

a.	c.
b.	d.

11. CUSTOMERS' PROCESS CATEGORIES – Based on your knowledge of general industry practices, estimate the quantity of chemical substance that you sell to customers as the chemical and that your customers further process in each of the following categories.

a. Enclosed processes	kg	c. Open processes	kg
b. Controlled release processes	kg	d. Unknown	kg

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.

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.

IV. PRELIMINARY ASSESSMENT INFORMATION

PROCESS CATEGORIES

TSCA Regulable Quantities — Except under items 4 and 5, do not report any quantity of chemical substance that is manufactured or processed solely for use as: a pesticide; tobacco or any tobacco product; any source material, special nuclear material, or byproduct material (as terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act); firearms or ammunition; or food, food additives, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug and Cosmetic Act). The above are not TSCA regulable.

Some chemical substances are manufactured for both TSCA and non-TSCA regulable purposes. Thus, under items 4 and 5, include total production of the chemical stream for both TSCA and non-TSCA regulable quantities.

PART A: PLANT SITE ACTIVITIES

Accuracy — For each item, provide numbers that represent your best estimates based on readily obtainable data.

Item 1 — Enter the total quantity of the chemical substance imported in bulk during the reporting period. If you import, but do not further process the imported quantity or manufacture an additional quantity, answer this item and part B only.

Item 2 — Enter the quantity of chemical domestically manufactured during the reporting period, not counting the losses reported in item 3a.

Items 3a-3d — In 3a, report the total quantity lost in manufacture of the substance during the reporting period. Report only routine losses. Do not report unusual spills or accidents. In calculating estimates for quantities not recovered you may: (1) use measured losses, if available, or emission factors and other calculated releases from individual sources; or, (2) if these are not available, or only account for a portion of the total loss, you may make a simple mass balance estimate of expected yield minus actual yield, where actual yield is the value reported in item 2. This quantity in 3a should then be broken down into the three categories below (i.e., $3b + 3c + 3d = 3a$). Specify the accuracy you report for 3b, 3c, and 3d, e.g., $1000 \text{ kg} \pm 30\%$.

3b. Quantity lost to the environment — This covers fugitive emissions to the atmosphere and other losses not described in 3c and 3d.

3c. Quantity in wastes treated to destroy the chemical.

3d. Quantity in wastes not treated to destroy the chemical — This includes, for example, any quantity disposed of in any landfill, surface impoundment, municipal sewage, or storage.

Items 4-7 — Items 4-7 in part A require you to describe the manufacturing process and your use of the chemical in terms of the number of workers and quantity of substance associated with three process categories. Three process categories are described below, followed by instructions for calculating quantities, worker-hours, and number of workers. Additional instructions concerning items 4 through 7 are also listed.

Enclosed Process — The process is designed and operated so that there is no intentional release of the chemical. In this process category, only fugitive or inadvertent releases occur and special measures are taken to prevent worker exposure and environmental contamination. "Special measures" refer to procedures and equipment that are monitored and used to prevent worker exposure, and scrubbers and other recovery equipment employed to prevent environmental release. Equipment with emergency pressure relief venting would be allowed in this category; routine venting would not. With regard to handling the manufactured chemical, persons who handle closed packages containing the material would be counted under "enclosed process." Persons who package or transfer the unpackaged chemical would be counted in one of the following categories.

Controlled Release Process — The process is operated in a controlled manner to minimize release of the chemical into the workplace. Releases should generally be within prescribed limits. These limits may be dictated by government regulations or by company guidelines. If the chemical is vented outside the plant, the process is a "controlled release" process. Do not count general space ventilation fans.

Open Process — The chemical is routinely in direct contact with the atmosphere (workplace or outside the plant) and no measures are taken to prevent release. For example, reaction vessels are open vats, the chemical is transported or stored in open containers, or the chemical is freely vented into the workplace atmosphere.

QUANTITIES

Process Category — Enter the greatest quantity that is processed in each process category. If there is more than one process stream, calculate each stream separately and then add the values for each process category. If a quantity of the chemical passes in series through an enclosed process and then passes through an open process, the same quantity would be reported twice, once under each process category. (The sum of these quantities may be greater than 100% of the total quantity manufactured.)

Example 1 — A company manufactures technical grade chemical x in four steps.

350,000 kg → 350,000 kg → 350,000 kg → 200,000 kg
 Open Enclosed Open Enclosed

The company would report:

Enclosed	350,000 kg
Controlled release	0
Open	350,000 kg

Example 2 — A company produces the same chemical in a reagent and technical grade with the following steps.

Technical Grade Process:

350,000 kg → 350,000 kg → 350,000 kg → 200,000 kg
 Open Enclosed Open Enclosed

Reagent Grade Process:

650,000 kg → 600,000 kg → 500,000 kg → 400,000 kg
 Controlled Release Controlled Release Open Open

The company would report:

Enclosed	350,000 kg
Controlled release	650,000 kg
Open	850,000 kg

(The open process amount is the total of the maximum quantity in the open process category from each grade.)

Total Quantity — For items 5, 6, and 7, enter the total quantity processed in all process categories. (This total may be less than the sum of the quantities reported in individual process categories.)

WORKER-HOURS

Worker-hours may be calculated for a given process category by multiplying the average number of full-time employees needed for the operation by the number of hours operating annually. Alternatively, worker-hour information may be taken from preexisting information sources such as resource planning or budget figures.

WORKERS

In reporting number of workers for each process category, count the total number of persons directly involved in manufacturing, processing, and handling the chemical during the reporting period. Count maintenance or inspection workers only if they work with the process on a routine basis. Do not count administrative staff.

Three process categories are described in the form: enclosed, controlled release, and open. A worker should be counted as working with only one process category. If he operates several process types, count him under the one with which he spends the most time. If he spends an equal amount of time with several, count him under the most open process.

Example 3 — A company manufactured 1,000,000 kg of a chemical substance in 1980. It manufactured the chemical for all twelve months of the year and did so in an enclosed process.

In order to run the production line, ten (10) workers were present working 40 hour weeks; thus over the course of the year 20,800 worker-hours were used to run the production line.

Over the course of the year, twelve (12) different workers worked on the production of the chemical.

The form would then be filled out as follows:

Process category	Quantity (kg)	Worker-hours	Total workers
Open	0	0	0
Controlled release	0	0	0
Enclosed	1,000,000 kg	20,800	12

Example 4 — A company manufactured 1,000,000 kg of a chemical substance in 1980. It manufactured the chemical for the entire year in a 24 hour/day process consisting of three steps in the open, controlled release, and open process categories. The production line was shut down for maintenance for 2 weeks of the year. The production line had three 8-hour shifts. Each shift in step 1 required 5 workers, while 7 and 10 workers were needed per shift in steps 2 and 3, respectively. The total worker-hours required for each step follows:

Process category	(Shifts/day x hours/shift x workers x days/week x weeks/year)	Workers-hours
Open (Step 1)	(3 x 8 x 5 x 7 x 50)	42,000
Controlled (Step 2)	(3 x 8 x 7 x 7 x 50)	58,800
Open (Step 3)	(3 x 8 x 10 x 7 x 50)	84,000

Analysis of the personnel records showed that a total of 75 individuals worked on the production of the chemical during 1980. After examining the personnel records, the company was able to fill in the following table:

Process category	Total workers
Open (Step 1)	21
Controlled (Step 2)	19
Open (Step 3)	35
	75

Note that workers are not double counted or "split" even though some jobs may require moving from one step of the process to another step of the same process. An employee working on both step 1 and step 2 is counted only in step 1 if he/she spends most of his time at that step. After adding together steps in the same process category, the company would report as follows:

Process category	Quantity (kg)	Worker-hours	Total workers
Open	1,000,000	126,000	56
Controlled release	1,000,000	58,800	19
Enclosed	0	0	0

Item 4 — This item applies to the manufacture of the chemical substance and includes all steps to ready the chemical for further processing or use.

Item 5 — This item applies to use of the chemical at your plant site as a reactant in the manufacture of another chemical substance, where the molecular structure of the chemical is altered by breaking chemical bonds or making new chemical bonds between the original substance and some other substance. Report on all processing up to and including the actual reaction step and any ancillary steps which recycle unreacted chemicals back to the reactor vessel. Do not report on subsequent activities in this question.

Item 6 — Report the quantity of the chemical substance that you use on site. Examples include cleaning solvents, dielectric fluids, emulsifiers, and lubricants. Do not include any quantity that you react to make a product.

Item 7 — Report the quantity of the chemical substance that you process at the manufacturing site into products for on site use or sale. (Note that this does not include manufacture of the chemical substance; this is reported in item 4 above.) This item does include the quantity of chemical substance that you incorporate in a mixture or article. Report the steps up to and including incorporation of the chemical into an article; do not include any further processing of the article.

Item 8 — Report the quantity of the chemical substance that you prepare for commercial distribution in each of the product types in 8a to 8g. Do not include any quantity of chemical substance that your customers will further process. This will be reported in item 9.

In items 8a to 8f, report the quantity of the chemical substance in products that are for domestic use. If you are uncertain about whether your products are for domestic or foreign use, report them as domestic.

The products are divided into industrial and consumer products. "Industrial" means the manufacturing and service industries covered by the Standard Industrial Codes. Products meant to be used primarily by the general population are considered to be "consumer" products. The following definition from the Consumer Product Safety Act can be used as a guide (15 U.S.C. 2052(a)(1)): "The term 'consumer product' means any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in

recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise." If you are uncertain about whether your products are industrial or consumer, report them as consumer.

Three types of industrial and consumer product types are described below.

"Chemical substance or mixture" means a chemical, or mixture containing the chemical, that is used directly by the persons using the product, e.g., cleaners, paints, inks, deodorizers, solvents, etc. This includes chemicals or mixtures in containers or other articles whose purpose is to release the chemical (e.g., cans of spray paint, ink pens, and other applicators).

"Articles or products with no release" are articles constructed to prevent human exposure to or release to the environment of the chemical substance during normal use and storage (e.g., chemical coatings on internal components, and chemicals inside sealed articles as in thermometers and batteries).

"Articles or products with some release" are articles whose material components are made of chemicals which come in direct contact with persons using the article, the atmosphere, land, or water; e.g., exposure can come from leaching, evaporation, or surface contact. This includes such articles as plastic containers, chemically treated textiles, printed paper, coated appliances, etc. If the chemical itself is sold in a bottle or other container it should be reported under "Chemical substance or mixture," not as an article. Only the container itself is an article for purposes of this form; the substance it contains is not a component of an article.

In item 8g, report the quantity of chemical substance that you export directly either as the chemical or contained in mixtures or articles.

Item 9 - Estimate the quantity of the chemical substance that your customers process for each of the uses listed in items 9a to 9h. (Do not include the quantity of chemical substances that your customers will use without further processing; that quantity should be reported in item 8a or 8d.)

For items 9a to 9g, follow the same directions as for items 8a to 8g.

For item 9h, report the quantity of chemical substance that your customers will react to make products that do not contain the chemical substance itself.

For item 9i, report the quantity of chemical substance for which your customers' uses are unknown.

Report your best estimate for items 9a to 9h within $\pm 50\%$. If you cannot estimate an item to this degree of accuracy, include the quantity in item 9i. You may report "unknown" if the data would reveal information subject to a confidentiality agreement between you and your customers.

Item 10 - If you report your customers' uses as unknown (item 9i above) for more than 20% of the total quantity that you manufacture and import (items 1 and 2 above) list the names under which you distribute the chemical substance.

This item will allow EPA, if necessary, to find out about chemical uses you have reported as "unknown" by requiring processors of your products to report directly to us.

Item 11 - This item addresses your general knowledge of the process types your customers use to process the chemical. Estimate the quantity of the chemical that your customers process in each of the three process categories. Specify "unknown" if you do not know to within $\pm 50\%$.

OMB Control No. 2070-0054
NOTICE TO SUBMITTERS

This notice is provided to submitters of EPA Form 7710-35, “Manufacturer’s Report -- Preliminary Assessment Information,” in accordance with the Paperwork Reduction Act (E.O. 2291), to disclose public reporting burden information. In additional, EPA wishes to inform submitters that the reporting requirements on EPA Form 7710-35 have not changed with this notice. For further information on Preliminary Assessment Information reporting, refer to the Code of Federal Regulations - Title 40 - Part 712.

The public reporting and record keeping burden for this collection is estimated to average 29.57 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (Mail Code 2137), 401 M Street S.W., Washington, D.C. 20460. Include the OMB control number in any correspondence, but do not submit the form or report to this address. The actual information or form should be submitted in accordance with the instructions accompanying the information or form, specified in the corresponding regulation.

SUPPLEMENTAL INSTRUCTIONS

What chemicals to report -- Do not report on listed chemical substances if these are manufactured or imported incidentally as a byproduct, non-isolated intermediate, or impurity.

A byproduct or co-product must be reported if it's marketed or used as a subject (listed) chemical.

Do not report a listed chemical substance if it is a component of a mixture (imported or manufactured). Note, though, that the mixture itself may be listed as a reportable substance. Reporting is required, however, if the chemical is manufactured separately by a given company, and then blended into a mixture. In such a case, the blending step(s) would be reported as processing activities. Reporting is also required if the manufactured or imported chemical is (1) in aqueous solution; (2) in a solution containing an additive (such as a stabilizer or other chemical) to maintain the integrity or physical form of the substance; or (3) present in any grade or purity.

Reporting -- Enter the month and year beginning and ending the 12month period for which you report, for example, July 81 -June 82. This reporting period is listed with the chemical substance in 40 CFR 712.50.

Who must report -- In addition to the actual synthesis of a compound, all refining, extracting, and purifying activities of a listed chemical substance are considered manufacturing activities under Section 3(7) of TSCA. Reporting is required for all companies involved in any of these activities.

Repackaging is considered a processing activity and should not be reported as manufacture. A company that only repackages a listed chemical substance is considered only a processor. Note, however, that if the company imports the chemical prior to repackaging it is considered a manufacturer and must report.

1. CERTIFICATION

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. Remember: To claim confidentiality, both the appropriate box must be marked and the confidentiality certification must be signed by personnel with designated authority (e.g., general counsel or corporate office in charge).

IV. PRELIMINARY ASSESSMENT INFORMATION

TSCA Regulable Quantities -- Eliminate second sentence of second paragraph and replace with following:

If a chemical from a given manufacturing stream is solely for a non-TSCA use, no reporting is required. However, if a company produces a chemical from the same stream that will be used for both TSCA and non-TSCA purposes, the total quantity must be reported under items 4 and 5. Note that the quantity produced for TSCA purposes only is entered under item 2.

PART A: PLANT SITE ACTIVITIES

Item 1 -- **Change second sentence.**

For a given compound, if a company is not involved in any manufacturing activity, and imports a chemical at one site and processes it at another facility, answers need to be provided only for item 1 and items 9 through 11 (Part B). Note that the transfer of chemical to another site of the same company for processing

is treated as if it were a customer use.

Item 2 -- Change to:

Enter the total quantity of chemical domestically manufactured for TSCA use during the reporting period, not counting the losses reported in item 3.

PROCESS CATEGORIES

Open Process -- Change the second sentence.

Routine direct contact would be associated, for example, with reaction vessels that are open vats, the transport or storage of the chemical in open containers (even in an otherwise enclosed process), and the venting of a chemical freely into the workplace atmosphere.

WORKERS

Change the first paragraph to the following:

Report the total number of workers for each process category. Workers are counted in a process category if (1) they are directly involved in manufacturing, processing, and handling the chemical during the reporting period or (2) they are regularly assigned maintenance or inspection personnel who work with the process from a remote control room, and who do not regularly come in contact with the actual chemical stream, are not to be counted unless their exposure to the chemical stream is greater than or equal to that of regularly assigned inspection and maintenance workers. If only control room workers are associated with a process, and their exposure to the chemical stream is less than that of regularly assigned inspection and maintenance workers, the company must nevertheless report the process categories associated with the manufacture and on-site use of the chemical (column 3 in items 4 through 7). The number of workers and total worker-hours however may be listed as zero.

**QUESTIONS AND ANSWERS ABOUT REPORTING
UNDER TSCA SECTION 8(a) PRELIMINARY ASSESSMENT**

INFORMATION RULE 47 FR 2699

1. I manufacture a chemical at one company plant site and then ship it to another plant site (within the same company) where it is processed into another product. Do I separately report the activities of both plant sites?

Answer

No Report on only one form for the plant site where manufacturing actually occurs, and treat the second plant site's activities as customer activities on that form.

2. I buy a subject chemical in an impure form and purify it, package it and then sell it as a subject chemical. Should I report this activity?

Answer

Yes. Any company which extracts, refines, separates or purifies a listed chemical substance is considered to be a manufacturer for the purposes of this rule. Thus in the above example, both the company that manufactured and sold the impure subject chemical and the company that further refined it are to report as manufacturers.

3. In the process of producing a non-listed chemical substance, I produce a listed chemical substance as a "byproduct." This waste is shipped to another company plant site where the subject chemical is separated out and sold. Do I report on the byproduct?

Answer

If a company produces a chemical with commercial intent (i.e., the company does not merely intend to dispose of the chemical as waste), then that chemical is a product for purposes of the reporting rule regardless of whether that chemical was a primary or secondary product of the production stream. In the above example, the "byproduct" subject chemical is shipped to another site where it is purified and ultimately distributed commercially. This subject chemical is in fact a product, because it is ultimately put to use. The first plant site should therefore report on its production of this subject chemical, since the company considers it to be a listed chemical.

(Note: If a company produces a mixture of a subject chemical plus other substances (e.g., water) as a "byproduct" with commercial intent, and the company refers to that "byproduct" as a subject chemical during commercial sales or intra-company transfers (for commercial use), then the manufacturer should report only on the quantity of the listed chemical in the total "byproduct." In addition, reporting is not necessary if the quantity of the listed chemical is less than 500 kg.

**QUESTIONS AND ANSWERS ABOUT REPORTING
UNDER TSCA 8(A) PRELIMINARY ASSESSMENT INFORMATION
RULE**

REPORTING YEAR

1. I produce an 8(a) chemical each year from March to July. Our corporate 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.

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 from the effective date of the rule. Once this period is determined, a company must report only on how much of the chemical was imported at that time. If during this period the company did not import the chemical, they are not subject to this rule.

PRODUCT IDENTIFICATION

3. Should we use the list of chemicals we reported for the TSCA Inventory to determine our reporting obligations under the section 8(a) rule?

Answer

No. All chemicals which are listed in the section 8(a) Preliminary Assessment Information Rule also appeared on the TSCA Inventory. However, the chemicals that any individual company reported for the Inventory may not dictate that company's reporting obligations under the section 8(a) reporting rule.

The Inventory contains data reported by manufacturers prior to 1977.. The section 8(a) reporting rule requires reporting on chemicals produced during a company's latest complete fiscal year (which would be later than 1980). Some companies may no longer produce chemicals that they reported for the Inventory, and thus should not report on those chemicals for the section 8(a) rule. Alternatively, some companies may now produce chemicals listed in the section 8(a) reporting rule that they did not manufacture prior to the Inventory. In this second example, the company would not have reported for the Inventory, yet would be required to report on these chemicals under the section 8(a) rule. In either case, a manufacturer's reporting obligations under the section 8(a) rule would be different from what they were at the time of the Inventory.

4. 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.

5. I buy a subject chemical in an impure form and purify it, package it and then sell it as a subject chemical. Should I report this activity?

Answer

Yes. Any company which extracts, refines, separates or purifies a listed chemical substance is considered to be a manufacturer for the purposes of this rule. Thus in the above example, both the company that manufactured and sold the impure subject chemical and the company that further refined it are to report as manufacturers.

IMPORTATION

6. If a chemical is on the TSCA section 8(a) Preliminary Assessment Information Rule, must a company report if: (i) they import it as 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 other chemicals) to maintain the integrity or physical form of the substance. This does not include formulated mixtures of other kinds.

7. 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.

8. 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.

9. 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 section 712.3(a)). Companies which produce subject chemicals solely as unmarketed byproducts are exempt from reporting.

PROCESSING

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

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.

11. 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, 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 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

12. 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 pounds.

13. It is stated in section 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 1 00,000 pounds of water to it to make a solution for our customers, we should include the 1 00,000 pounds of water as a reportable quantity.

Answer

No. Only report the 200,000 pounds of the substance made and prepared. The statement in section 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.

14. 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 individual plant sites have the information, 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 form for B and C should contain the following notation:

See control number 808300001

15. 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 sire 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 formulation 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).

16. 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.

17. I manufacture a chemical at one company plant site and then ship it to another plant site (within the same company) where it is processed into another product. Do I separately report the activities of both plant sites?

Answer

No. Report on only one form for the plant site where manufacturing actually occurs, and treat the second plant site's activities as customer activities on that form.

18. In the process of producing a non-listed chemical substance, I produce a listed chemical substance as a "byproduct." This waste is shipped to another company plant site where the subject chemical is separated out and sold. Do I report on the byproducts?

Answer

If a company produces a chemical with commercial intent (i.e., the company does not merely intend to dispose of the chemical as waste), then that chemical is a product for purposes of the reporting rule regardless of whether that chemical was a primary or secondary product of the production stream. In the above example, the "byproduct" subject chemical is shipped to another site where it is purified and ultimately distributed commercially. This subject chemical is in fact a product, because it is ultimately put to use. The first plant site should therefore report on its production of this subject chemical, since

the company considers it to be a listed chemical.

(Note: If a company produces a mixture of a subject chemical plus other substances (e.g., water) as a "byproduct" with commercial intent, and the company refers to that "byproduct" as a subject chemical during commercial sales or intra-company transfers (for commercial use), then the manufacturer should report only in the quantity of the listed chemical in the total "byproduct." In addition, reporting is not necessary if the quantity of the listed chemical is less than 500 kg.)

19. Should we use the list of chemicals we reported for the TSCA Inventory to determine our reporting obligations under the section 8(a) rule?

Answer

No. All chemicals which are listed in the section 8(a) Preliminary Assessment Information Rule also appeared on the TSCA Inventory. However, the chemicals that any individual company reported for the Inventory may not dictate that company's reporting obligations under the section 8(a) rule.

The Inventory contains data reported by manufacturers prior to 1977. The section 8(a) reporting rule requires reporting on chemicals produced during a company's latest complete fiscal year (which would be later than 1980). Some companies may no longer produce chemicals that they reported for the Inventory, and thus should not report on those chemicals for the section 8(a) rule. Alternatively, some companies may now produce chemicals listed in the section 8(a) reporting rule that they did not manufacture prior to the Inventory. In this second example, the company would not have reported for the Inventory, yet would be required to report on these chemicals under the section 8(a) rule. In either case, a manufacturer's reporting obligations under the section 8(a) rule would be different from what they were at the time of the Inventory.