

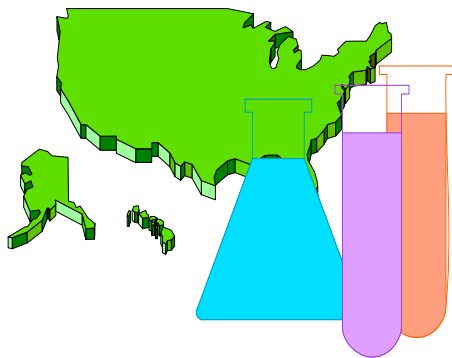


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Toxic Substances Control Act Inventory Update Reporting

Byproducts

April 27, 2007

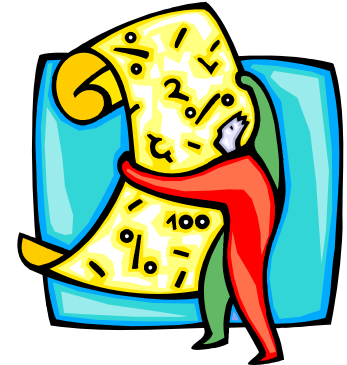


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Reporting completed for 2006:

- 9000 Form Us submitted
- Organic and inorganic chemicals



Exposure-related information:

- Manufacturing
- Processing and use





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2011 IUR

2011

Next submission period
June 1 – Sept 30, 2011

*Submit information on subject chemicals
manufactured, including imported, during
calendar year 2010*

2011

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?

?

Under IUR:

Are Byproducts Reportable?

?

If so, When?

?

?



What is a Byproduct?

A byproduct is...

...a chemical substance produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance(s) or mixture(s).

(40 CFR 704.3)



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Subject to IUR?

When is a chemical potentially reportable?



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Subject to IUR?

When is a chemical potentially reportable?
When it is on the TSCA Inventory.



Subject to IUR?

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§ 710.45 Chemical substances for which information must be reported.

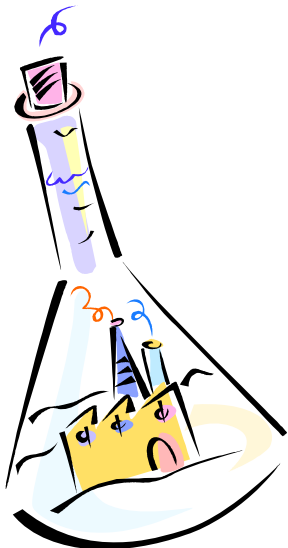
Any chemical substance which is in the Master Inventory File at the beginning of a submission period described in §710.53, unless the chemical substance is specifically excluded by §710.46.



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Who Reports Subject Chemicals?

You do...



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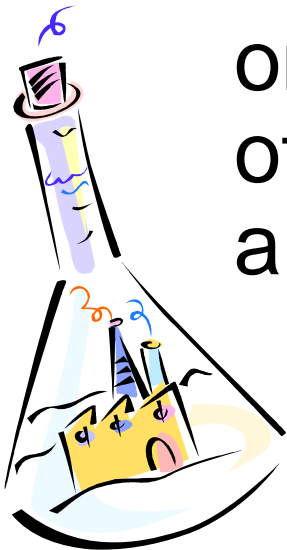


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Who Reports Subject Chemicals?

You do...

...if you manufacture, including import, for commercial purposes, a subject chemical substance listed on the TSCA Inventory, in a volume of 25,000 pounds or greater during a reporting year.



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Persons who must report.

Except as provided in §§710.49 and 710.50, the following persons are subject to the requirements of this subpart. Persons must determine whether they must report under this section for each chemical substance that they manufacture (including import) at an individual site.

(a) *Persons subject to recurring reporting.* Any person who manufactured (including imported) for commercial purposes 25,000 lbs. (11,340 kg) or more of a chemical substance described in §710.45 at any single site owned or controlled by that person at any time during calendar year 2005 or during the calendar year at 5–year intervals thereafter is subject to reporting.



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Manufacture for Commercial Purposes

*Byproducts are generally manufactured
for a commercial purpose*



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§ 704.3 *Manufacture for Commercial Purposes* means:

...(2) Manufacture for commercial purposes also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts that are separated from that other substance or mixture and impurities that remain in that substance or mixture.



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Manufacture for Commercial Purposes

§ 704.3 *Manufacture for commercial purposes* means:

- (1) To import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer, and includes among other things, such “manufacture” of any amount of a chemical substance or mixture:
 - (i) For commercial distribution, including for test marketing.
 - (ii) For use by the manufacturer, including use for product research and development, or as an intermediate.
- (2) Manufacture for commercial purposes also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts that are separated from that other substance or mixture and impurities that remain in that substance or mixture. Such byproducts and impurities may, or may not, in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.



Are Byproducts Excluded from IUR?

§ 710.50 Activities for which reporting is not required.

A person described in §710.48 is not subject to the requirements of this subpart with respect to any chemical substance described in §710.45 that the person solely manufactured or imported under the following circumstances:

....

(c) The person manufactured the chemical substance described in §710.45 in a manner described in §720.30(g) or (h) of this chapter.



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§720.30(h) Exclusion

*Byproducts not used for
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- 720.30 (h) - The chemical substances described below:
(Although they are manufactured for commercial purposes under the Act, they are not manufactured for distribution in commerce as chemical substances per se and have no commercial purpose separate from the substance, mixture, or article of which they are a part.)
- (1) Any impurity.
 - (2) Any byproduct which is not used for commercial purposes.



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§720.30(g) Exclusion

*Byproducts used for certain specified
commercial purposes are excluded*



§720.30(g) Exclusion

Byproducts used for certain specified commercial purposes are excluded

720.30(g) - Any byproduct if its only commercial purpose is for use by public or private organizations that

- (1) burn it as a fuel,
- (2) dispose of it as a waste, including in a landfill or for enriching soil, or
- (3) extract component chemical substances from it for commercial purposes. (This exclusion only applies to the byproduct; it does not apply to the component substances extracted from the byproduct.)



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Examples



Example 1

Aluminum Dross

Dross is an unavoidable byproduct of aluminum production that forms at the surface of the molten metal. Dross contains free elemental aluminum, aluminum oxide, and salts (depending on the process).





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Possible scenario:

Extract elemental aluminum

Dispose of remaining material as a waste





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Dispose of remaining material as a waste



Do not report

aluminum dross

Report

extracted aluminum

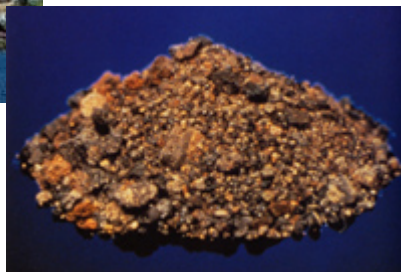


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Example 2

Coal Combustion Product

Utilities often burn coal or wood to produce electricity, typically resulting in the manufacture of several byproducts, including coal ash.



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Example 2

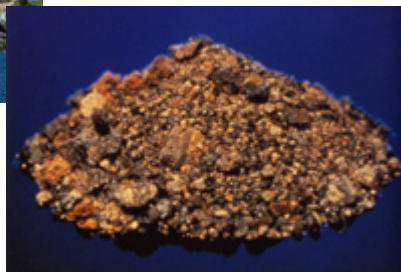
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Sample disposition of coal ash:

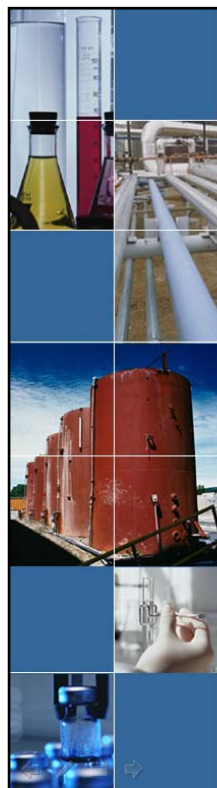
- If disposed of as a waste in a landfill, do not report.
- If used as mine fill, report.
- If used to build road beds, report
- If used to make cement, report.





Example 3 Ammonium Phosphate

Synthetic gypsum, a byproduct of the production of ammonium phosphate, is used to manufacture wallboard and is therefore reportable under IUR.



Instructions for Reporting for the 2006 Partial Updating of the TSCA Chemical Inventory Database

Economics, Exposure and Technology Division
Office of Pollution Prevention and Toxics

The Case Studies document and 2006 IUR Workshop presentation are available on the Documents page of www.epa.gov/oppt/iur





Wrap-up

- Byproducts used for a non-exempt commercial application and listed on the TSCA Inventory are subject to IUR
- 2011 – The next IUR submission period
- EPA plans to provide training prior to the beginning of the submission period
- Questions?
 - Sharkey.susan@epa.gov; 202-564-8789
 - www.epa.gov/oppt/iur