



EPA

United States
Environmental Protection
Agency

Module 6: Joint Submissions for Chemical Data Reporting

Office of Chemical Safety and Pollution Prevention

PREFACE

Welcome to *Training Module 6:* ***Joint Submissions for Chemical Data Reporting***

This is the sixth in EPA's series of seven Training Modules to assist you in complying with the requirements of the Chemical Data Reporting (CDR) rule. This Training Module will provide information for those who need to prepare Joint Submissions.

Detailed information about 2016 reporting requirements for joint submissions can also be found in the *Instructions for Reporting 2016 TSCA Chemical Data Reporting* guidance document available on EPA's website at www.epa.gov/cdr.

This Training Module does not substitute for the CDR rule and does not impose legally binding requirements on the regulated community or on the U.S. Environmental Protection Agency.

Training Agenda: Module 6

- Overview of Joint Submissions
 - When are Joint Submissions Allowed?
 - When are Joint Submissions Not Allowed?
 - Who participates in Joint Submissions?
- Joint Submission Preparation
 - Use of the Unique Identifier
 - Submitting as a Primary Submitter
 - Submitting as a Secondary or Tertiary Submitter
 - Complete Part IV of Form U

Introduction

This Training Module covers the special instructions unique to the preparation of Joint Submissions. Information presented in the other six Training Modules is not repeated here and so it is recommended that anyone participating in the preparation of a Joint Submission also review the other Training Modules.

In particular, the following Training Modules should be used in conjunction with this one:

- Module 3: Completing Form U for 2016 Chemical Data Reporting
- Module 4: Registering with Central Data Exchange (CDX) for Chemical Data Reporting
- Module 5: Using the e-CDRweb Reporting Tool

Overview of Joint Submissions

When are joint submissions allowed?

- **Joint submissions are allowed only when:**
 - A supplier claims the chemical identity is confidential; **and**
 - The supplier will therefore not disclose to the manufacturer (including importer) the chemical identity
- **Situations where a joint submission would be appropriate:**
 - A company imports a chemical substance or a mixture under a trade name and the foreign supplier refuses to reveal the specific chemical identity of the confidential chemical substance or a confidential component of the mixture.
 - A manufacturer cannot provide the entire chemical identity of a chemical substance it manufactures because the chemical substance is manufactured using a reactant having an identity that the reactant supplier claims as confidential.

Overview of Joint Submissions

When are joint submissions NOT allowed?

- **Joint submissions are NOT allowed if :**
 - A manufacturer (including importer) knows or can reasonably ascertain the chemical identity (e.g., the Chemical Abstracts Service Registry Number (CASRN) or Accession Number (A)) of a chemical substance
- **Situations where a joint submission would be impermissible:**
 - A Primary Submitter actually knows the chemical identity and also knows that the supplier wishes to claim it confidential. In this case, the Primary Submitter must report what he or she knows and can check the Confidential Business Information (CBI) box and provide upfront substantiation
 - A Primary Submitter initiates a Joint Submission and in response, the Secondary Submitter sends the needed chemical information directly to the Primary Submitter, rather than EPA. In this case the Primary Submitter must revert back to a single submission

Overview of Joint Submissions

Who participates in joint submissions?

- **Primary submitter:** Manufacturer, including importer
 - Register as Primary Authorized Officer (AO) or Support
 - Complete as much of Form U as possible + Part 2.A.5-2.A.12
 - Must request that supplier directly provide EPA with Form U, Part IV, as a secondary submitter
 - Not liable for the supplier's ultimate decision to report or not report
- **Secondary submitter:** Supplier
 - Supplier is asked by manufacturer to submit chemical identity
 - Register as Secondary AO or Support
 - May voluntarily complete Form U, Part IV (supplier could also have CDR requirements based on its own manufacturing activity)
 - May request that its own supplier directly provide EPA with Form U, Part IV, as a tertiary submitter

Overview of Joint Submissions

Who participates in joint submissions? – cont.

• Tertiary Submitter: Company providing confidential substance to supplier

- Tertiary company is asked by secondary submitter to submit on its behalf
- Register as Secondary AO or Support
- May voluntarily complete Form U, Part IV (company could also have CDR requirements based on its own manufacturing activity)

Note that all Submitters must register with CDX to access e-CDRweb. See Modules 4 and 5.

Joint Submission Preparation

Use of the Unique ID Number

- A unique ID number is generated by e-CDRweb for each chemical substance
- A Secondary AO may receive multiple ID numbers from a Primary AO or Support
- When the ID number is for a mixture, a Secondary AO may report the multiple chemical substances that comprise that mixture under that one ID number
- The e-CDRweb will also provide an email for the Secondary AO and
 - Contain boilerplate language to notify the Secondary AO of the partial CDR submission containing information for the trade product
 - Request that the secondary AO report the correct chemical identity information to EPA using e-CDRweb
 - Refer the secondary AO to the CDR website for guidance on registering with CDX and completing Part IV of Form U
- The unique ID number will allow the reporting tool to match the completed parts of the same Form U sent by the Primary, Secondary, and Tertiary Submitters
 - This will protect the confidentiality of information in the different parts of the Form U
 - The information provided by all submitters will be combined and processed as one joint submission when received by EPA

Joint Submission Preparation

Submitting as a Primary Submitter

- **Register with CDX as a Primary AO or Support**
- **Click the “Add Joint Submission” button, and**
 - Identify the Secondary AO; a site may have different Secondary AOs for different chemical substances
 - Ask the Secondary Submitter to complete Form U, Part IV and send it to EPA
 - Include a copy of the request to the Secondary Submitter with his/her Form U
- **Click the “Add Joint Submission” button**
 - Click “Chemical Identification (2.A)” to complete Blocks 2.A.5-2.A.12
 - Use the “Add Chemical” tab for additional CBI chemical substances
 - Enter the trade name or other name to identify the CBI chemical substance
 - Enter Secondary Submitter’s company name and mailing address
 - Provide any additional information about the CBI chemical substance
 - Follow instructions in box “Unique Identifier for Joint Submission” to request by e-mail that the Secondary Submitter report the chemical identity to EPA
- **Complete the rest of Form U and submit it to EPA**

See Module 3 for complete Form U information.



Joint Submission Preparation

Submitting as a Secondary or Tertiary Submitter

- **Register with CDX as a Secondary AO or Support**
 - If U.S. or foreign suppliers wish to provide a secondary submission, they are required to use CDX and e-CDRweb to prepare and submit their portions of Form Us
 - **However, foreign suppliers cannot submit the Electronic Signature Agreement (ESA) electronically; instead they must complete and mail the ESA to EPA**
 - Allow a minimum of five business days for mailing and processing
 - Secondary or Tertiary Submitters who are already registered with CDX for another TSCA program do not need to register again
 - Log into CDX with current user ID and password and add CDR as a new program
- **Use the Unique Identifier for Joint Submissions to access Part IV of Form U**

Joint Submission Preparation

Complete Part IV of Form U

- **Section A: Secondary Company Information** (Blocks 4.A.1-4.A.8)
 - Company information provided during Central Data Exchange (CDX) registration will populate Section A.
 - Review to ensure completeness and accuracy
- **Section B: Secondary Technical Contact Information** (Blocks 4.B.1-4.B.10)
 - Designate a Technical Contact by selecting from the SR drop down list or entering new information (*See Module 3*)
- **Section C: Primary Company Information**
 - Enter the Unique Identifier for Joint Submissions number provided by the Primary Submitter
 - Click “Populate” to generate trade product name provided by the Primary Submitter
 - Review to ensure completeness and accuracy
- **Section D: Trade Product Information** (*see next slide*)
- **Submit the Form U to EPA**

See Module 3 for complete Form U information



Joint Submission Preparation

Complete Part IV of Form U -- cont.

Section D: Trade Product Identification Information (Blocks 4.D.1-4.D.3)

- **Enter trade product name** (Block 4.D.1.)
- **Click on magnifying glass to be linked to SRS for chemical identity** (Block 4.D.2.)
 - For a chemical substance on the nonconfidential portion of the TSCA Inventory, select the correct CA Index Name and CASRN
 - For a chemical substance on the confidential portion of the TSCA Inventory, select the correct Accession Number and generic name
- **Special CBI presumptions for Secondary and Tertiary Submitters**
 - EPA will presume that the chemical identity associated with an Accession Number is subject to a CBI claim and the Secondary or Tertiary Submitter **does not need to claim** underlying chemical identity, CBI or provide upfront substantiation
 - EPA will also presume that the information reported in Section 4.D. of Form U and the connection between the chemical identity and the primary company in a joint submission is subject to a CBI claim when it is reported by a Secondary or Tertiary Submitter
- **For a mixture, enter the % composition of each component chemical substance**
- **Provide any additional information in Block 4.D.3**



Helpful Documents and References

[Instructions for Reporting 2016 TSCA Chemical Data Reporting Rule](#)

[Fact Sheet: Importers](#)

[Fact Sheet: Imported Articles](#)

[2016 Chemical Data Reporting Frequently Asked Questions](#)

Training Modules for CDR Rule

There are seven Training Modules for the CDR rule. The Training Module you have just completed is highlighted below in the list of all seven Training Modules. Select another Training Module if you wish to continue your review of the CDR.

Module 1: New Requirements for 2016 Chemical Data Reporting

Module 2: Reporting Requirements for the 2016 Chemical Data Reporting

Module 3: Completing Form U for 2016 Chemical Data Reporting

Module 4: Registering with CDX for Chemical Data Reporting

Module 5: Using the e-CDRweb Reporting Tool

Module 6: CDR Joint Submissions for Chemical Data Reporting

Module 7: Byproducts and Chemical Data Reporting