

FACT SHEET: Recycling and the TSCA Inventory of Chemical Substances Premanufacture Notification and Inventory Update Reporting Requirements¹

My manufacturing process results in the production of waste chemicals. If I recycle these chemicals, do I need to be concerned with whether the waste chemicals are listed on the TSCA Chemical Substance Inventory or, if they are listed, with Inventory Update Reporting requirements?

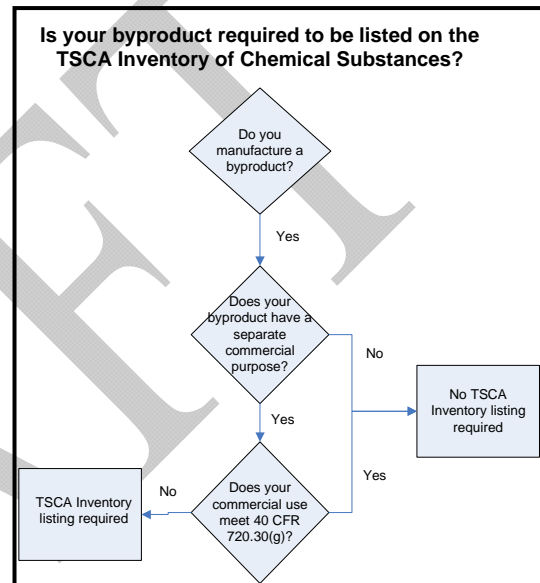
Perhaps. If any part of the waste chemicals is to be used for a commercial purpose under TSCA, you should examine the TSCA Chemical Substance Inventory (Inventory) listing and Inventory Update Reporting (IUR) requirements associated with your production of waste chemicals. This commercial purpose is likely to happen if you reuse or recycle the waste chemicals, even if you send them off your site, such as to a recycler.

Should my waste chemicals and other byproduct chemicals (byproducts) be listed on the TSCA Inventory?

Perhaps. If you manufacture chemical substances or use chemical substances in a manufacturing or processing activity, then you need to consider whether your byproducts should be listed on the TSCA Inventory. If your byproduct is to be used for a non-exempt commercial purpose, then it must be listed on the TSCA Inventory.² Exempt commercial uses of byproducts are described at 40 CFR 720.30(g). Additional details are provided in the Recycling Q&A document.

My waste chemical or byproduct is listed on the TSCA Inventory. Am I subject to IUR requirements?

If your waste chemical or byproduct is used for a commercial purpose, such as may occur if you recycle those substances, then you may be subject to IUR. In general, if at your site 25,000 pounds or more of the chemical are manufactured or imported during the principal reporting year (i.e., during 2010 for the 2011 submission period), then you may be required to submit information for IUR.³ Certain uses are exempted from IUR. You are not required to report a waste chemical or byproduct if its only commercial purpose is to burn as a fuel, to dispose of as a waste (including in a landfill or for enriching soil), or to extract component chemical substances from it for commercial purposes. (See 40 CFR 711.10(c) and 720.30(g)) Note that this exclusion applies only to the byproduct and not to the component substance(s) extracted from the byproduct. If your waste or byproduct is used to manufacture another chemical substance for a commercial purpose, then your waste or byproduct may be subject to IUR. For further information, please see the Recycling Q&A document.



¹ This document is intended to provide guidance for reporting for the Premanufacture and Inventory Update Reporting requirements prescribed by the Toxic Substances Control Act, 15 U.S.C. 2601 et seq. and is not a substitute for the Toxic Substances Control Act, the Premanufacture Notification regulations, 40 CFR part 720, or the TSCA Chemical Inventory Reporting regulations, 40 CFR part 711. In the event of conflict of this document with either TSCA or the regulations, TSCA and/or the regulations shall prevail.

² If your byproduct must be on the TSCA Inventory and it is not, you need to contact the Agency concerning TSCA Section 5 Premanufacture Notice (PMN) obligations.

³ Note, however, that per 40 CFR 711.8(b), any person who manufactured (including imported) for commercial purposes any chemical substance that is the subject of certain actions under TSCA is subject to reporting for that chemical, regardless of the production volume.