



## EPA Issues Proposed Rule Covering Reporting Requirements for Mercury Inventory Under TSCA

US EPA, RULEMAKING, TSCA

By ROGER PEARSON, November 9, 2017

U.S. EPA has released a proposed rule that will carry out the agency's responsibility to create an inventory of activities involving mercury, as required by the new version of the Toxic Substances Control Act (TSCA). Section 8(b)(10)(D) of the new Act requires EPA to establish reporting requirements for applicable individuals to provide information to assist the agency in creating an "inventory of mercury supply, use, and trade in the United States." This reporting rule is required to be finalized by EPA by June 22, 2018.

The proposed rule was published in the **October 26 Federal Register**<sup>1)</sup>.

The reporting rule will cover any person who manufactures or imports mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process. These covered individuals will be required to make periodic reports to EPA to assist in the preparation of the inventory. The initial report will be due on July 1, 2019 covering the one year period from January 1 through December 31 of 2018. Subsequent reporting will be due every three years thereafter covering the preceding three years. Thus the report due July 1, 2022 will cover the period from January 1, 2019 through December 31, 2021.

EPA's proposed rule includes a lengthy list of manufacturers by NAICS code that may be subject to this new requirement. The agency has also requested commenters to provide input on a number of issues that it wishes to consider prior to issuing the final rule next year.

EPA published a preliminary inventory last March based on publicly available data. At that time the agency listed a number of data gaps that it hopes to close through data collected pursuant to this rule. The agency is ultimately supposed to come up with recommended actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use. However, the agency is not making any such recommendations at this time.

Comments on this proposed rule are due by December 26, 2017.

A good **summary of the proposed rule**<sup>2)</sup> was published by the law firm of Bergeson and Campbell.

**Resources for this article**

**1. October 26 Federal Register**

<https://prop65clearinghouse.com/documents/23985>

**2. summary of the proposed rule**

<http://www.tscablog.com/entry/epa-issues-proposed-rule-on-reporting-requirements-for-mercury-inventory-un>