

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 712.30, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

EFFECTIVE DATE NOTE: At 59 FR 14115, Mar. 25, 1994, in § 712.30 paragraph (x), the chemical substances under the category “propylene glycol ethers esters” and all related dates were stayed, effective Mar. 25, 1994. At 60 FR 31921, June 19, 1995, § 712.30 was amended in part by redesignating paragraph (x) as paragraph (e).

PART 713—REPORTING REQUIREMENTS FOR THE TSCA INVENTORY OF MERCURY SUPPLY, USE, AND TRADE

Sec.

- 713.1 Purpose, scope, and compliance.
- 713.5 Mercury for which information must be reported.
- 713.7 Persons who must report.
- 713.9 General requirements for which information must be reported.
- 713.11 Specific requirements for which information must be reported.
- 713.13 Contextual requirements for which information must be reported.
- 713.15 Reporting information to EPA.
- 713.17 When to report.
- 713.19 Recordkeeping requirements.
- 713.21 Electronic filing.

AUTHORITY: 15 U.S.C. 2607(b)(10)(D).

SOURCE: 83 FR 30073, June 27, 2018, unless otherwise noted.

§ 713.1 Purpose, scope, and compliance.

(a) This part specifies reporting and recordkeeping procedures under section 8(b)(10) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2607(b)(10)) for certain manufacturers (including importers) and processors of mercury as defined in section 8(b)(10)(A) to include elemental mercury and mercury compounds. Hereinafter “mercury” will refer to both elemental mercury and mercury compounds collectively, except where separately identified. Section 8(b)(10)(D) of TSCA authorizes the EPA Administrator to require reporting from any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process to carry out and publish in the FEDERAL REGISTER an inventory of mercury supply, use, and trade in the United States. In administering this mercury inventory, EPA is directed to identify any manufacturing processes or products that inten-

tionally add mercury and to recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use. EPA intends to use the collected information to implement TSCA and shape the Agency’s efforts to recommend actions, both voluntary and regulatory, to reduce the use of mercury in commerce. In so doing, the Agency will conduct timely evaluation and refinement of these reporting requirements so that they are efficient and non-duplicative for reporters.

(b) This part applies to the activities associated with the periodic publication of information on mercury supply, use, and trade in the United States. Except as described at § 713.7, the reporting requirements for mercury supply, use, and trade apply to the following activities:

(1) Activities undertaken with the purpose of obtaining an immediate or eventual commercial advantage:

- (i) Import of mercury;
- (ii) Manufacture (other than import) of mercury;
- (iii) Import of a mercury-added product;
- (iv) Manufacture (other than import) of a mercury-added product; and
- (v) Intentional use of mercury in a manufacturing process.

(2) Activities undertaken in relationship to those activities described in paragraph (b)(1) of this section:

- (i) Distribution in commerce, including domestic sale or transfer, of mercury;
- (ii) Distribution in commerce, including domestic sale or transfer, of a mercury-added product;
- (iii) Storage of mercury (including import);
- (iv) Export of a mercury compound (unless specifically prohibited); and
- (v) Export of a mercury-added product.

(c) Section 15(3) of TSCA makes it unlawful for any person to fail or

Environmental Protection Agency

§ 713.5

refuse to submit information required under this part. In addition, TSCA section 15(3) makes it unlawful for any person to fail to: Establish or maintain records, or permit access to records required by this part. Section 16 of TSCA provides that any person who violates a provision of TSCA section 15 is liable to the United States for a civil penalty and may be criminally prosecuted. Pursuant to TSCA section 17, the Federal Government may seek judicial relief to compel submission of TSCA section 8 information and to otherwise restrain any violation of TSCA section 15.

(d) Each person who reports under this part must certify the accuracy and

maintain records of the information reported under this part and, in accordance with TSCA, permit access to, and the copying of, such records by EPA officials.

§ 713.5 Mercury for which information must be reported.

(a) Elemental mercury (Chemical Abstracts Service Registry Number 7439-97-6); or

(b) A mercury compound, including but not limited to the mercury compounds listed in Table 1 of this part by Chemical Abstracts Service Registry Number:

TABLE 1—MERCURY COMPOUNDS

Chemical Abstracts Service Registry No.	Mercury compound
10045-94-0	Nitric acid, mercury(2+) salt (2:1).
100-57-2	Mercury, hydroxyphenyl-.
10112-91-1	Mercury chloride (Hg ₂ Cl ₂).
10124-48-8	Mercury amide chloride (Hg(NH ₂)Cl).
103-27-5	Mercury, phenyl(propanoato- κ .O)-.
10415-75-5	Nitric acid, mercury(1+) salt (1:1).
104-60-9	Mercury, (9-octadecenoato- κ .O)phenyl-.
1191-80-6	9-Octadecenoic acid (9Z)-, mercury(2+) salt (2:1).
12068-90-5	Mercury telluride (HgTe).
13170-76-8	Hexanoic acid, 2-ethyl-, mercury(2+) salt (2:1).
13302-00-6	Mercury, (2-ethylhexanoato- κ .O)phenyl-.
1335-31-5	Mercury cyanide oxide (Hg ₂ (CN) ₂ O).
1344-48-5	Mercury sulfide (HgS).
1345-09-1	Cadmium mercury sulfide.
13876-85-2	Mercurate(2-), tetraiodo-, copper(1+) (1:2), (T-4)-.
138-85-2	Mercurate(1-), (4-carboxylatophenyl)hydroxy-, sodium (1:1).
141-51-5	Mercury, iodo(iodomethyl)-.
14783-59-6	Mercury, bis[2-phenyldiazene-carbothioic acid- κ .S] 2-phenylhydrazidato- κ .N ₂]-, (T-4)-.
15385-58-7	Mercury, dibromodi-, (Hg-Hg).
15785-93-0	Mercury, chloro[4-[(2,4-dinitrophenyl)amino]phenyl]-.
15829-53-5	Mercury oxide (Hg ₂ O).
1600-27-7	Acetic acid, mercury(2+) salt (2:1).
1785-43-9	Mercury, chloro(ethanethiolato)-.
19447-62-2	Mercury, (acetato- κ .O)[4-[2-[4-(dimethylamino)phenyl]diazanyl]phenyl]-.
20582-71-2	Mercurate(2-), tetrachloro-, potassium (1:2), (T-4)-.
20601-83-6	Mercury selenide (HgSe).
21908-53-2	Mercury oxide (HgO).
22450-90-4	Mercury(1+), amminephenyl-, acetate (1:1).
24579-90-6	Mercury, chloro(2-hydroxy-5-nitrophenyl)-.
24806-32-4	Mercury, [μ -[2-dodecylbutanedioato(2-), κ .O1: κ .O4]]diphenyldi-.
26545-49-3	Mercury, (neodecanoato- κ .O)phenyl-.
27685-51-4	Cobaltate(2-), tetrakis(thiocyanato- κ .N)-, mercury(2+) (1:1), (T-4)-.
29870-72-2	Cadmium mercury telluride ((Cd,Hg)Te).
3294-57-3	Mercury, phenyl(trichloromethyl)-.
33770-60-4	Mercury, [3,6-dichloro-4,5-di(hydroxy- κ .O)-3,5cyclohexadiene-1,2-dionato(2-)]-.
3570-80-7	Mercury, bis(acetato- κ .O)[μ -.(3',6'-dihydroxy-3oxospiro[isobenzofuran-1(3H),9'-[9H]xanthene]-2',7'diyl)]di-.
537-64-4	Mercury, bis(4-methylphenyl)-.
539-43-5	Mercury, chloro(4-methylphenyl)-.
54-64-8	Mercurate(1-), ethyl[(2-(mercapto- κ .S)benzoato(2-), κ .O)-], sodium (1:1).
55-68-5	Mercury, (nitrato- κ .O)phenyl-.
56724-82-4	Mercury, phenyl[(2-phenyldiazene-carbothioic acid, κ .S) 2-phenylhydrazidato- κ .N ₂]-.
587-85-9	Mercury, diphenyl-.
592-04-1	Mercury cyanide (Hg(CN) ₂).
592-85-8	Thiocyanic acid, mercury(2+) salt (2:1).
593-74-8	Mercury, dimethyl-.
59-85-8	Mercurate(1-), (4-carboxylatophenyl)chloro-, hydrogen.
623-07-4	Mercury, chloro(4-hydroxyphenyl)-.

TABLE 1—MERCURY COMPOUNDS—Continued

Chemical Abstracts Service Registry No.	Mercury compound
62-38-4	Mercury, (acetato-kappa.O)phenyl-
62638-02-2	Cyclohexanebutanoic acid, mercury(2+) salt (2:1).
627-44-1	Mercury, diethyl-
6283-24-5	Mercury, (acetato-kappa.O)(4-aminophenyl)-
628-86-4	Mercury, bis(fulminato-kappa.C)-
629-35-6	Mercury, dibutyl-
63325-16-6	Mercurate(2-), tetraiodo-, (T-4)-, hydrogen, compd. with 5-iodo-2-pyridinamine (1:2:2).
63468-53-1	Mercury, (acetato-kappa.O)(2-hydroxy-5-nitrophenyl)-
63549-47-3	Mercury, bis(acetato-kappa.O)(benzenamine)-
68201-97-8	Mercury, (acetato-kappa.O)diamminephenyl-, (T-4)-
72379-35-2	Mercurate(1-), triiodo-, hydrogen, compd. with 3-methyl2(3H)-benzothiazolimine (1:1:1).
7439-97-6	Mercury.
7487-94-7	Mercury chloride (HgCl ₂).
7546-30-7	Mercury chloride (HgCl).
7616-83-3	Perchloric acid, mercury(2+) salt (2:1).
7774-29-0	Mercury iodide (HgI ₂).
7783-33-7	Mercurate(2-), tetraiodo-, potassium (1:2), (T-4)-
7783-35-9	Sulfuric acid, mercury(2+) salt (1:1).
7783-39-3	Mercury fluoride (HgF ₂).
7789-47-1	Mercury bromide (HgBr ₂).
90-03-9	Mercury, chloro(2-hydroxyphenyl)-
94070-93-6	Mercury, [.mu.-{(oxydi-2,1-ethanediyl 1,2benzenedicarboxylato-kappa.O ₂)(2-)}]diphenyldi-

§713.7 Persons who must report.

(a) Any person who manufactures (including imports) mercury, except:

(1) A person who does not manufacture (including import) mercury with the purpose of obtaining an immediate or eventual commercial advantage;

(2) A person who manufactures (including imports) mercury only as an impurity; or

(3) A person engaged only in the generation, handling, or management of mercury-containing waste, including recovered mercury that is discarded or elemental mercury that is managed for long-term storage and management under section 6939f(g)(2) of the Resource Conservation and Recovery Act;

(b) Any person who manufactures (including imports) a mercury-added product, except:

(1) A person who does not manufacture (including import) a mercury-added product with the purpose of obtaining an immediate or eventual commercial advantage; or

(2) A person engaged only in the manufacture (other than import) of a product that contains a component that is a mercury-added product who did not first manufacture (including import) the component that is a mercury-added product; and

(c) Any person who otherwise intentionally uses mercury in a manufac-

turing process, except a person who does not intentionally use mercury in a manufacturing process with the purpose of obtaining an immediate or eventual commercial advantage.

[83 FR 30073, June 27, 2018, as amended at 86 FR 61712, Nov. 8, 2021]

§713.9 General requirements for which information must be reported.

Except as described at §713.7:

(a) Persons who manufacture (including import) mercury in amounts greater than or equal to 2,500 pounds (lbs.) for elemental mercury or greater than or equal to 25,000 lbs. for mercury compounds for a specific reporting year must report, as applicable:

(1) Amount of mercury stored (lbs.); and

(2) Amount of mercury distributed in commerce (lbs.).

(b) All other persons who manufacture (including import) mercury must report, as applicable:

(1) Amount of mercury manufactured (other than imported) (lbs.);

(2) Amount of mercury imported (lbs.);

(3) Amount of mercury exported (lbs.), except mercury prohibited from export at 15 U.S.C. 2611(c)(1) and (7);

(4) Amount of mercury stored (lbs.); and

Environmental Protection Agency

§ 713.11

(5) Amount of mercury distributed in commerce (lbs.).

(c) Persons who report sales of mercury-added products to the Interstate Mercury Education and Reduction Clearinghouse (IMERC) must report, as applicable:

(1) Amount of mercury in manufactured (other than imported) products (lbs.);

(2) Amount of mercury in imported products (lbs.); and

(3) Amount of mercury in exported products (lbs.).

(d) All other persons who manufacture (including import) mercury-added products must report, as applicable:

(1) Amount of mercury in manufactured (other than imported) products (lbs.);

(2) Amount of mercury in imported products (lbs.);

(3) Amount of mercury in exported products (lbs.); and

(4) Amount of mercury in products distributed in commerce (lbs.).

(e) Persons who otherwise intentionally use mercury in a manufacturing process must report, as applicable:

(1) Amount of mercury otherwise intentionally used (lbs.) in a manufacturing process; and

(2) Amount of mercury stored (lbs.).

§ 713.11 Specific requirements for which information must be reported.

Except as described at § 713.7:

(a) Any person who manufactures (including imports) mercury must specify, as applicable, the specific mercury compound(s) from a pre-selected list (as listed in Table 1 of this part).

(b) Any person who manufactures (including imports) a mercury-added product must specify as applicable, the specific category(ies) and subcategory(ies) from a pre-selected list, as listed in Table 2 of this part:

TABLE 2—CATEGORIES AND SUBCATEGORIES OF MERCURY-ADDED PRODUCTS

Category	Subcategory
Batteries	<ul style="list-style-type: none"> —Button cell, silver. —Button cell, zinc-air. —Button cell, alkaline. —Stacked button cell batteries. —Manganese oxide. —Silver oxide. —Mercuric oxide, non-button cell. —Button cell, mercuric oxide. —Button cell, zinc carbon. —Other (specify).
Dental amalgam	[No subcategories].
Formulated products (includes uses in cosmetics, pesticides, and laboratory chemicals).	<ul style="list-style-type: none"> —Skin-lightening creams. —Lotions. —Soaps and sanitizers. —Bath oils and salts. —Topical antiseptics. —Preservatives (e.g., for use in vaccines and eye-area cosmetics when no preservative alternatives are available). —Pharmaceuticals (including prescription and over-the-counter drug products). —Cleaning products (not registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act). —Pesticides. —Paints. —Dyes. —Reagents (e.g., catalysts, buffers, fixatives). —Other (specify).
Lighting, lamps, bulbs	<ul style="list-style-type: none"> —Linear fluorescent. —Compact fluorescent. —U-tube and circular fluorescent. —Cold cathode fluorescent. —External electrode fluorescent. —Mercury vapor. —Metal halide. —High pressure sodium. —Mercury short arc. —Neon. —Other (specify).

TABLE 2—CATEGORIES AND SUBCATEGORIES OF MERCURY-ADDED PRODUCTS—Continued

Category	Subcategory
Measuring instruments	—Barometer. —Fever thermometer. —Flow meter. —Hydrometer. —Hygrometer/psychrometer. —Manometer. —Non-fever thermometer. —Pyrometer. —Sphygmomanometer. —Other (specify).
Pump seals	[No subcategories].
Switches, relays, sensors, valves	—Tilt switch. —Vibration switch. —Float switch. —Pressure switch. —Temperature switch. —Displacement relay. —Wetted reed relay. —Contact relay. —Flame sensor. —Thermostat. —Other (specify).
Miscellaneous/novelty mercury-added products	—Wheel weights. —Wheel rotation balancers/stabilizers. —Firearm recoil suppressors. —Carburetor synchronizers. —Joint support/shock absorption bands. —Other (specify).

(c) Any person who otherwise intentionally uses mercury in a manufacturing process, other than the manufacture of a mercury compound or a mercury-added product, must identify, as applicable:

(1) The specific manufacturing process for which mercury is otherwise intentionally used from a pre-selected list, as listed in Table 3 of this part:

TABLE 3—MANUFACTURING PROCESS FOR WHICH MERCURY IS OTHERWISE INTENTIONALLY USED

Chlorine production (<i>e.g.</i> , mercury-cell chlor-alkali process).
Acetaldehyde production.
Sodium/potassium methylate/ethylate production.
Polyurethane/plastic production.
Other (specify).

(2) The specific use of mercury in a manufacturing process from a pre-selected list, as listed in Table 4 of this part:

TABLE 4—SPECIFIC USE OF MERCURY IN A MANUFACTURING PROCESS

Catalyst.
Cathode.
Reactant.
Reagent.
Other (specify).

§ 713.13 Contextual requirements for which information must be reported.

Except as described at § 713.7:

(a) Persons who manufacture (including import) mercury in amounts greater than or equal to 2,500 lbs. for elemental mercury or greater than or equal to 25,000 lbs. for mercury compounds for a specific reporting year must report, as applicable:

- (1) Country(ies) of origin for imported mercury;
- (2) Country(ies) of destination for exported mercury; and
- (3) NAICS code(s) for mercury distributed in commerce.

(b) All other persons who manufacture (including import) mercury must report, as applicable:

- (1) Country(ies) of origin for imported mercury;

Environmental Protection Agency

§ 713.21

(2) Country(ies) of destination for exported mercury; and

(3) NAICS code(s) for mercury distributed in commerce.

(c) Persons who report sales of mercury-added products to IMERC must report, as applicable:

(1) Country(ies) of origin for imported products;

(2) Country(ies) of destination for exported products; and

(3) NAICS code(s) for products distributed in commerce.

(d) All other persons who manufacture (including import) mercury-added products must report, as applicable:

(1) Country(ies) of origin for imported products;

(2) Country(ies) of destination for exported products; and

(3) NAICS code(s) for products distributed in commerce.

(e) Persons who otherwise intentionally use mercury in a manufacturing process, other than the manufacture of a mercury compound or a mercury-added product, must report, as applicable:

(1) Country(ies) of destination for exported final product(s); and

(2) NAICS code(s) for mercury in final product(s) distributed in commerce.

§ 713.15 Reporting information to EPA.

Any person who must report under this part must report for the submission period described at § 713.17:

(a) Quantities of mercury in pounds per applicable activity listed under the general requirements for which information must be reported described at § 713.9;

(b) Specific requirements for which information must be reported described at § 713.11;

(c) Contextual requirements for which information must be reported described at § 713.13; and

(d) According to the procedures described at § 713.21.

§ 713.17 When to report.

(a) Any person who must report under this part must report for the reporting year described as follows. A reporting year is the year during which mercury activity, required to be reported by this rule, has occurred. The 2018 reporting year is from January 1,

2018 to December 31, 2018. Subsequent reporting years are from January 1 to December 31 at 3-year intervals, beginning in 2021.

(b) All information reported for an applicable reporting year must be submitted on or before the first day of July following the reporting year. The submission deadline for the 2018 reporting year is July 1, 2019. Subsequent submission deadlines are on or before the first day of July following the reporting year, in 3-year intervals, beginning in 2022.

(c) The data from the 2018 reporting year will be used for the 2020 mercury inventory, the data from the 2021 reporting year will be used for the 2023 mercury inventory, and so forth at three-year intervals.

§ 713.19 Recordkeeping requirements.

Each person who is subject to the reporting requirements of this part must retain records that document any information reported to EPA. Records relevant to a reporting year must be retained for a period of 3 years beginning on the last day of the reporting year. Submitters are encouraged to retain their records longer than 3 years to ensure that past records are available as a reference when new submissions are being generated.

§ 713.21 Electronic filing.

(a) You must use the Mercury Electronic Reporting (MER) application to complete and submit required information as set forth in § 713.17. Submissions may only be made as set forth in this section.

(b) Submissions must be sent electronically to EPA via CDX.

(c) Access MER and instructions, as follows:

(1) By website. Access MER via the CDX homepage at <https://cdx.epa.gov/> and follow the appropriate links.

(2) By phone or email. Contact the EPA TSCA Hotline at (202) 554-1404 or TSCA-Hotline@epa.gov.