

5. Recordkeeping and Reporting Requirements

With the designation of CBM as a class I ODS, existing recordkeeping and reporting requirements in 40 CFR 82.13 will apply to production, importation, destruction, transformation, transshipments, export, or essential uses of CBM. Potentially affected parties are urged to consult the relevant regulatory paragraphs in 40 CFR 82.13, subpart A. In addition, guidance and reporting forms for these requirements are available from EPA's Stratospheric Ozone Hotline ((800) 296-1996).

(a) Producers

Entities that produce CBM, as for other class I controlled substances, must submit a report to the EPA Administrator within 120 days of publication of this rule, describing in detail how daily production quantities are measured and recorded, including how fugitive losses are accounted for and the estimated percent efficiency of the production process. These entities must also maintain detailed records pertaining to (i) the quantity of controlled substances produced at each facility and the purposes for which they are produced, used, and sold, with certain written verifications; (ii) quantities of other chemicals produced within each facility and quantities of inputs used in the production of controlled substances; and (iii) shipments of controlled substances produced at each facility. These entities must, in addition, submit a quarterly report identifying quarterly production amounts and amounts sold, transferred, or exported (and specifying amounts transformed or destroyed by the producer or recipient), with appropriate verifications; and a list of the essential-use (including laboratory essential use) allowance holders from whom orders were placed and the quantity of essential-use controlled substances requested and produced, with appropriate verifications. See 40 CFR part 82, subpart A (§ 82.13) for the complete reporting and recordkeeping requirements.

(b) Importers

According to EPA's existing requirements for ODSs, a person may import a used class I controlled substance if they comply with the petition process described in 40 CFR 82.4(j), 40 CFR 82.13(g)(2), and (3), and the revisions to this process published in a final rule in the **Federal Register** on December 31, 2002 (67 FR 79861), entitled "Protection of Stratospheric Ozone: Additional Reconsideration of Petition Criteria and Incorporation of

Montreal Protocol Decisions." Under the Protocol and the CAA, the import of "used controlled substances" does not count against a country's obligation to completely phase out import. Therefore, with the listing of CBM as a class I controlled substance, an importer of used, recycled, or reclaimed CBM is subject to the requirements specified in these sections. Specifically, importers of used, recycled, or reclaimed controlled substances and transshipments would need to fulfill the import petition process.

The revised petition process for Class I substances (67 FR 79861, 12/31/02) now requires that for each individual shipment of greater than five lbs, at least 40 working days before the shipment leaves the foreign port of export, the importer must submit to EPA a petition including the identity and quantity of the controlled substance; information pertaining to the source, foreign owner, and exporter of the controlled substance, information regarding the previous use and identity of any domestic or foreign reclaimer; information on the equipment from which the substance was recovered at each source, information on import port of entry, vessel, and dates of shipment; the intended use of the controlled substance, an export license from the appropriate government agency in the country of export, and certification of the accuracy of the information included in the petition.

Entities that import CBM are also subject to the standard recordkeeping and reporting requirements for importers of class I substances. These include the requirement to maintain detailed records of the quantity of each controlled substance, including information and documentation pertaining to the amounts that may be in mixtures, that are used, recycled or reclaimed, that are for use or sold for use in processing resulting in their transformation or destruction, and that are imported for essential uses; and including documentation and/or certification relating to port of entry, country from which the substance was imported, bill of lading, the U.S. customs entry form, and intended use of the imported substance. Such entities must also submit to EPA a quarterly report summarizing the records described above and including certifications regarding the intended use of controlled substances (e.g., transformation, destruction, essential uses). In the case of imports of used (including recycled or reclaimed) controlled substances, or heels of controlled substances, bills of lading or invoices must be labeled, indicating that

the controlled substance is used, recycled, reclaimed, or a heel, as appropriate. See 40 CFR part 82, subpart A (§ 82.13) for complete reporting and recordkeeping requirements.

(c) Exporters

Exporters of CBM, as for other class I controlled substances, must submit information within 45 days after the end of the control period, including the names and addresses of the exporter and the recipient of the exports, the type and quantity of the controlled substances exported, percentage which is used, recycled, or reclaimed, date/port of export, amount exported to Article 5 countries, and documentation or certification relating to purchaser's or importer's intent to transform or destroy the controlled substance. Exporters of class I controlled substances must also label, in the case of exports of used (including recycled or reclaimed) controlled substance, bills of lading or invoices, indicating that the controlled substance is used, recycled, or reclaimed. See 40 CFR part 82, subpart A (§ 82.13) for the complete reporting and recordkeeping requirements.

(d) Destroyers

Entities that destroy CBM, as with other class I controlled substances, must submit a one-time report stating the destruction unit's efficiency and the methods used to determine destruction efficiency and to record the volume destroyed. Changes to these methods must be reported within 60 days of the change. The report must also include names of other regulations applicable to the destruction process. Such entities must also provide the producer or importer from whom they purchased or received the controlled substances with a verification that controlled substances will be used in processes that result in their destruction. Destroyers of class I controlled substances must also report the names and quantities of class I controlled substances destroyed for each control period within 45 days of the end of the control period. See 40 CFR part 82, subpart A (§ 82.13) for the complete reporting and recordkeeping requirements.

(e) Transformers

Entities that transform CBM, as for other class I controlled substances, must provide the producer or importer of the controlled substances the IRS certification that the controlled substances are to be used in processes resulting in their transformation, and report the names and quantities of class I controlled substances transformed for each control period within 45 days of