

Office of Information Collection:

CROMERR Fact Sheet For EPA Program and Regional Offices

Purpose

The Cross-Media Electronic Reporting Regulation (CROMERR) provides the legal framework for electronic reporting to the Environmental Protection Agency (EPA) and states, tribes, and local governments that are authorized to administer EPA programs. CROMERR is intended to reduce the cost and burden of electronic reporting while maintaining the level of corporate and individual responsibility and accountability that exists in the paper environment.

Background

Published on October 13, 2005, the final rule established a framework by which it will accept electronic reports from regulated entities.

CROMERR could apply to any document submissions required by or permitted under any EPA or authorized program governed by EPA's regulations in Title 40 of the Code of Federal Regulations (CFR), if it is submitted electronically.

Under CROMERR, reports submitted electronically to EPA must be submitted to the Central Data Exchange (CDX), or to a system designated by the Administrator for the receipt of those reports. On October 13, 2005, EPA also published a Federal Register Notice (70 FR 59748) designating as acceptable all EPA systems that were receiving electronic reports as of that date to continue receiving those reports until October 13, 2007. To receive electronic reports after October 13, 2007, systems other than CDX must be re-designated by the Administrator.

EPA's CROMERR Policy Applies To:

- EPA Programs and Regions with existing or planned information collection systems.

Electronic Reporting Affected:

- CROMERR could apply to any submissions required by or permitted under any EPA or authorized delegated program governed by EPA's regulations in Title 40 of the Code of Federal Regulations.

CROMERR Does Not Apply To:

- E-reporting that does not *replace* reports submitted on paper.
- Documents submitted fax, magnetic/optical media.
- Submissions not under 40 CFR.

Section 3.2000(b) of CROMERR sets standards for electronic report receiving systems operated by states, tribes, and local governments under their authorized programs. In the Preamble to the rule, EPA commits to meeting those standards for its own electronic report receiving systems. The Preamble states:

EPA's goal is that all its systems for receiving electronic reports be consistent with the CROMERR standards for electronic document receiving systems set forth in Sec. 3.2000(b) of today's rule. EPA generally hopes to achieve this consistency within a two-year transition period for existing EPA systems; however, EPA is not bound by the Sec. 3.2000(b) standards of today's rule or the two-year period. This two-year period is similar to the two-year transition period provided under Sec. 3.1000(a)(3) for systems operated under EPA-authorized programs. In a number of cases, EPA may work toward

this goal by migrating existing electronic reporting to CDX or to other, new CROMERR-consistent systems.

Program Impact

EPA Programs and Regions operating systems, including CDX data flows, that receive electronic reports (including via email) must document their system's conformance with CROMERR and apply to the EPA Technical Review Committee (TRC) for certification of system conformance as soon as possible, but no later than June 1, 2007. All *existing* non-CDX systems that receive electronic reports must also get Administrator designation to continue operating for specified submissions after October 13, 2007. All *new* systems (both CDX and non-CDX) must be certified before they begin receiving electronic reports; non-CDX systems must also be designated by the Administrator to operate for specific submissions. Programs and Regions that do not have certified conformance of an existing system by September 15, 2007, or have an approved conformance plan for the system by that date, will need to appeal directly to the Administrator for re-designation of the system.

Procedures for Implementing CROMERR for EPA Systems

Each Program or Region is responsible for determining, in consultation with the Office of Information Collection (OIC), which of their systems are subject to CROMERR. The Program or Region is also responsible for preparing proposals demonstrating that the subject systems will conform to the CROMERR standards. Proposals for existing systems must demonstrate that CROMERR conformance will be achieved by October 13, 2007. Proposals for new systems must demonstrate that CROMERR conformance will be achieved before the systems begin receiving electronic reports. For existing systems that cannot achieve CROMERR conformance by October 13, 2007, the Program Office or Region is responsible for preparing a conformance plan that describes in detail the activities, milestones and resources that will be used to achieve conformance. Both proposals demonstrating system conformance and conformance plans are submitted for review and assessment to the EPA Technical Review Committee (TRC).

Convened in December 2005, the TRC reviews EPA system proposals and authorized program applications submitted under CROMERR. The TRC reflects an Agency-wide perspective, with representatives from each of the EPA Regions and Program Offices. To ensure timely review, proposals and conformance plans must be submitted to the TRC no later than June 1, 2007. Early submissions are strongly encouraged.

By September 15, 2007, each existing system must have certified conformance with CROMERR or have an approved conformance plan. New systems must certify conformance with CROMERR before they begin receiving electronic reports. For existing systems with an expiring CROMERR designation that certify conformance or get conformance plan approval by September 15, 2007, OIC will prepare a *Federal Register* notice for the Administrator's signature re-designating the systems for receipt of electronic reports. The notice will be published no later than October 13, 2007. The Program or Region is responsible for preparing any other Federal Register notice needed to use a system to receive electronic reports under CROMERR.

The Program or Region is responsible for implementing approved proposals and conformance plans. Once a system achieves conformance in accordance with the proposal or plan, the Information Management Officer for the Program or Region certifies system conformance to OIC. Also, once a system is certified, the Program or Region must address any changes that could affect the system's conformance status in a new proposal. The proposal must demonstrate that the changes will preserve the system's conformance with CROMERR, and must be submitted to and reviewed by the TRC before the changes are implemented.

Criteria used to evaluate electronic reporting systems

System certification will be based on an assessment of how electronic reporting systems meet the technology-neutral, performance-based criteria in CROMERR. CROMERR's criteria to evaluate electronic reporting systems are based, in part, on the need to be able to prove in enforcement proceedings the following: electronic reports are what they purport to be, their content is unchanged, and any electronic signatures were actually executed by the designated signatories. The performance-based criteria address a number of topics, including, among other things:

- Criteria for establishing a copy of record
- Integrity of electronic document
- Opportunity to review and repudiate copy of record
- Validity of electronic signature
- Determination of the identity of the individual uniquely entitled to use a signature device

More Information

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