

2018 Current Fiscal Year Report: TSCA Chemical Data Reporting Negotiated Rulemaking Committee

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1. Department or Agency

Environmental Protection Agency

2. Fiscal Year

2018

3b. GSA

Committee

No.

3. Committee or Subcommittee

TSCA Chemical Data Reporting Negotiated
Rulemaking Committee

2615

4. Is this New During Fiscal Year?

No

5. Current Charter

06/05/2017 06/05/2019

6. Expected Renewal Date

06/01/2019

7. Expected Term Date

Yes

8a. Was Terminated During Fiscal Year?

12/20/2017

8b. Specific Termination Authority

12/20/2017

8c. Actual Term Date

Yes

9. Agency Recommendation for Next Fiscal Year

Terminate

No

10a. Legislation Req to Terminate?

Not Applicable

10b. Legislation Pending?

11. Establishment Authority

15 U.S.C. 2607

12. Specific Establishment Authority

06/22/2016

13. Effective Date

Continuing

14. Committee Type

No

14c. Presidential?

15. Description of Committee

Regulatory Negotiations Committee

16a. Total Number of Reports

No Meetings

No Reports for
this Fiscal Year

17a. Open

0 17b. Closed 0 17c. Partially Closed 0 Other Activities 0 17d. Total 0

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$0.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$0.00	\$0.00
19. Federal Staff Support Years (FTE)	0.00	0.00

20a. How does the Committee accomplish its purpose?

The purpose of the Committee was to negotiate a proposed rule that would limit chemical data reporting requirements under section 8(a) of the Toxic Substances Control Act (TSCA), as amended by the Frank. R. Lautenberg Chemical Safety for the 21st Century Act, for manufacturers of any inorganic byproduct chemical substances, when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. In October 2017, the Committee determined that it was not able to reach consensus on regulatory approaches and concluded its negotiations.

Though the Committee concluded its discussions, EPA provided an opportunity for the public to offer input on where there is opportunity to reduce burden for the reporting of inorganic byproducts while maintaining the Agency's ability to receive the information it needs to understand exposure. EPA has determined that the Committee should be terminated because the Committee has ended its negotiations and EPA has fulfilled its obligations under TSCA section 8(a)(6) to conduct a negotiated rulemaking.

20b. How does the Committee balance its membership?

The Committee was composed of approximately 35 representatives with interests that could be significantly affected by the proposed rule the Committee was charged with negotiating, including at least one member who represented the EPA. Members were persons who represented groups or organizations with interests relevant to chemical data reporting for inorganic byproduct chemical substances, when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. Representatives also had the necessary authority to negotiate and reach an agreement on behalf of their organization. In selecting members, EPA considered candidates from industry, environmental advocacy groups, state and tribal governments, and environmental justice advocacy groups.

20c. How frequent and relevant are the Committee Meetings?

The Committee met three times in June, August and September 2017 before the Committee determined that it was not able to reach consensus on regulatory approaches and concluded its discussions.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

This negotiation process was required by section 8(a)(6) of TSCA.

20e. Why is it necessary to close and/or partially closed committee meetings?

Not Applicable

21. Remarks

The TSCA Chemical Data Reporting Negotiated Rulemaking Committee has been terminated because the Committee has ended its negotiations and EPA has fulfilled its obligations under TSCA section 8(a)(6) to conduct a negotiated rulemaking.

Designated Federal Officer

Jonah Richmond DFO

Committee Members	Start	End	Occupation	Member Designation
Abrams, Fern	06/05/2017	12/20/2017	Tier 1, Director Regulatory Affairs, IPC, Washington, DC	Representative Member
Blake, Uni	06/05/2017	12/20/2017	Tier 1, Scientific Advisor, API, Washington, DC	Representative Member
Bruhn, Bret	06/05/2017	12/20/2017	Tier 1, Environmental Operations Manager, TTM Technologies, Portland, OR	Representative Member
Cooper, Jim	06/05/2017	12/20/2017	Tier 1, Senior Petrochemical Advisor, American Fuel and Petrochemical Manufacturers, Washington, DC	Representative Member

Dunlap, David	06/05/2017	12/20/2017	Tier 1, Koch Companies Public Sector, LLC Director Environmental & Regulatory Affairs, Washington, DC	Representative Member
Fawal, Margaret	08/29/2017	12/20/2017	Tier 1, Associate Attorney, Venable LLP, Washington, DC	Representative Member
Gilkeson, John	06/05/2017	12/20/2017	Tier 1, Principal Planner, Resource Management and Assistance Division, Saint Paul, MN	Representative Member
Glover, Dwight	06/05/2017	12/20/2017	Tier1, President, Phibro-Tech, Inc., Teaneck, NJ	Representative Member
Gray, Danny	06/05/2017	12/20/2017	Tier 1, Executive Vice President - Governmental and Environmental Affairs, Charah, LLC, Louisville, KY	Representative Member
Green, Joseph	06/05/2017	12/20/2017	Tier 1, Special Counsel, Kelley Drye & Warren, LLP, Washington, DC	Representative Member
Hollis, Adrienne	06/05/2017	12/20/2017	Tier 1, Director of Federal Policy, We Act, Washington, DC	Representative Member
Jones, Martin	06/05/2017	12/20/2017	Tier 1, Senior Counsel, Freeport-McMoRan Inc., Phoenix, AZ	Representative Member
K'eit, Kristin	06/05/2017	12/20/2017	Tier 1, Senior Environmental Scientist, Zender Environmental Health and Research Group, National Tribal Toxics Council, Anchorage, AK	Representative Member
Kyle, Amy	06/05/2017	12/20/2017	Tier 1, Adjunct Professor, Retired, University of California Berkeley School of Health, Berkeley, CA	Representative Member

Lennett, David	06/05/2017	12/20/2017	Tier 1, Senior Attorney, Natural Resources Defence Council, Washington, DC	Representative Member
Minkara, Rafic	06/05/2017	12/20/2017	Tier 1, Headwaters Resources, Inc. Vice President - Research and Development, South Jordan, UT	Representative Member
Mintzes, Aaron	06/05/2017	12/20/2017	Tieri, Policy Advocate, Earthworks, Washington, DC	Representative Member
Pulleyn, Schuyler	06/05/2017	12/20/2017	Tier 1, The Chemours Company, Wilmington, DE	Representative Member
Reibstein, Rick	06/05/2017	12/20/2017	Tier 1, Lecturer, Environmental Law and Policy, National Pollution Prevention Roundtable, Washington, DC	Representative Member
Riley, James	06/05/2017	12/20/2017	Tier 1, Environmental Program Manager, Gaurdian Industries Corp, Auburn Hills, MI	Representative Member
Roberts, Kathleen	06/05/2017	12/20/2017	Tier 1, Executive Director, B&C Consortia Management L.L.C., Washington, DC	Representative Member
Roewer, Jim	06/05/2017	12/20/2017	Tier 1, Executive Director, Utility Solid Waste Activities Group, Washington, DC	Representative Member
Rosso, JP	06/05/2017	12/20/2017	Tier 1, President-CEO, International Precious Metals Institute, Pensacola, FL	Representative Member
Ruggiero, Gus	06/05/2017	12/20/2017	Tier 1, Industrial Hygiene Manager, Johnson Matthey Inc., Wayne, PA	Representative Member

Schmidt, Karyn	06/05/2017	12/20/2017	Tier 1, Senior Director, Regulatory & Technical Affairs, American Chemistry Council, Washington, DC	Representative Member
Schon, Michael	06/05/2017	12/20/2017	Tier 1, Vice President and Counsel, Government Affairs, Portland Cement Association, Washington, DC	Representative Member
Sharkey, Susan	06/05/2017	12/20/2017	Tier 1, Existing Chemicals Branch, Office of Pollution Prevention and Toxics, EPA, Washington, DC	Regular Government Employee (RGE) Member
Smith, Mark	06/05/2017	12/20/2017	Tier 1, Director, Office of Research and Standards, Massachussetts and Environment Council of the States, Boston, MA	Representative Member
Swick, Derek	06/05/2017	12/20/2017	Tier 1, Manager, Regulatory and Scientific Affairs, API, Washington, DC	Representative Member
Vendinello, Lynn	06/05/2017	12/20/2017	Tier 1, Deputy Director, Chemical Control Division, Office of Pollution Prevention and Toxics, EPA, Washington, DC	Regular Government Employee (RGE) Member
Waggoner, David	06/05/2017	12/20/2017	Tier 1, Chief Scientist and Director of Environmental Management, Institute of Scrap Recycling Industries, Washington, DC	Representative Member
Willis, James	06/05/2017	12/20/2017	Tier 1, Director Corporate Environmental, Titan America LLC, Roanoke, VA	Representative Member

Number of Committee Members Listed: 32

Narrative Description

The Committee was established to negotiate a proposed rule that would limit chemical data reporting requirements under section 8(a) of the Toxic Substances Control Act (TSCA), as amended by the Frank. R. Lautenberg Chemical Safety for the 21st Century Act, for manufacturers of any inorganic byproduct chemical substances, when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. In October 2017, the Committee determined that it was not able to reach consensus on regulatory approaches and concluded its negotiations. Though the Committee concluded its discussions, EPA provided an opportunity for the public to offer input on where there is opportunity to reduce burden for the reporting of inorganic byproducts while maintaining the Agency's ability to receive the information it needs to understand exposure. EPA has determined that the Committee should be terminated because the Committee has ended its negotiations and EPA has fulfilled its obligations under TSCA section 8(a)(6) to conduct a negotiated rulemaking.

What are the most significant program outcomes associated with this committee?

	Checked if Applies
Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Outcome Comments

Though the Committee concluded its discussions, EPA provided an opportunity for the public to offer input on where there is opportunity to reduce burden for the reporting of inorganic byproducts while maintaining the Agency's ability to receive the information it

needs to understand exposure.

What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

Cost Savings Comments

Not Applicable

What is the approximate Number of recommendations produced by this committee for the life of the committee?

0

Number of Recommendations Comments

The Committee determined that it was not able to reach consensus on regulatory approaches and concluded its negotiations.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

Not Applicable

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

Not Applicable

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☐ No ☐ Not Applicable ☒

Agency Feedback Comments

Not Applicable

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Action Comments

Though the Committee concluded its discussions, EPA provided an opportunity for the public to offer input on where there is opportunity to reduce burden for the reporting of inorganic byproducts while maintaining the Agency's ability to receive the information it needs to understand exposure.

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

Not Applicable

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Access Comments

Committee documents and public comments can be viewed in docket EPA-HQ-OPPT-2016-0597 on www.regulations.gov.