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**From:** Andy O'Hare [aohare@tfi.org]  
**Sent:** 8/22/2017 7:20:56 PM  
**To:** Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]  
**Subject:** Thank you

Byron,

Thank you for meeting this afternoon with my members and myself on the CERCLA 108 issue. We believe the comments we filed for the record support an exclusion from the scope of the rule for both phosphate and potash. We also believe that a definitive statement supporting a low/no risk finding for these minerals in the final rule preamble would be most helpful and would have the benefit of removing a least one party (TFI) from any future litigation on an eventual final rule. Please let me know if there is any additional information that you believe would be helpful to have in the record to support our desired outcome.

Regarding the other issue I mentioned, it is a reconsideration of the phosphate fertilizer risk and technology review (NESHAP), which was promulgated in August 2015 (80 Fed. Reg. 50386). TFI filed a petition for reconsideration, which EPA agreed to consider and I believe a final rule is now sitting somewhere in the Administrator's office (perhaps under the review of Brittany Bolen). I would appreciate the opportunity to discuss the status of this reconsideration. It would be a rule that could be added to the "de-regulatory" column.

Regards,  
Andy O'Hare

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