

Message

From: Sarah Amick [samick@ustires.org]
Sent: 10/30/2017 6:54:31 PM
To: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
CC: Hanley, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58e0d3d52d424d45ae88e4386ae4f8dd-Hanley, Mary]
Subject: RE: USTMA Tire Materials Committee

Nancy,

Thank you for your email! This is a very helpful overview and I appreciate your time in providing this information.

Thank you again,

SARAH E. AMICK

Vice President EHS&S and Senior Counsel

Ex. 6

1400 K Street, NW #900 • Washington, DC 20005

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****Please update your records! Our name, emails and domain have changed.****

From: Beck, Nancy [mailto:Beck.Nancy@epa.gov]
Sent: Friday, October 27, 2017 6:26 PM
To: Sarah Amick <samick@ustires.org>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: USTMA Tire Materials Committee

Sarah,
Apologies for the delayed response.

Regarding your specific question of a trade association filing a joint submission for substances commonly used by industry, EPA would accept an NOA filed by a trade association representative authorized to file the notice on behalf of a specific company. Please be advised that EPA would not view a single NOA filed for a commonly used substance as a joint submission that, just by its filing, would satisfy the reporting obligation of multiple companies that used the same substance, unless the conditions of the CDX receipt exemption are met. For example, a trade association could facilitate reporting of a commonly used substance by establishing an arrangement or agreement among several companies whereby a trade association representative who is authorized to act on behalf of one of the companies, files the NOA for the commonly used substance on behalf of the one company, and the trade association subsequently shares the CDX receipt from the filing with other companies, thus exempting the other companies from filing an NOA for the same substance.

More Background:

TSCA section 8(b)(4)(A)(i) states that the rule shall require manufacturers, and may require processors, to notify EPA of each chemical substance on the Inventory that the manufacturer or processor, as applicable, manufactured or processed for non-exempt commercial purpose during the 10-year period ending the day before the date of enactment of amended TSCA. The statute therefore specifies that it is manufacturers and possibly processors that shall be required

to report. In the final rule, this is reflected in § 710.25 which specifies that persons “who manufactured (including imported) a chemical substance subject to commercial activity designation at any time during the lookback period, except as provided in § 710.27, must submit a Notice of Activity Form A as specified under § 710.29 and § 710.30(a), unless such person has evidence in the form of a CDX receipt, documenting EPA’s receipt of a Notice of Activity Form A from another person, for the same chemical substance, or unless the prior manufacturing of such a substance is not known to or reasonably ascertainable by the person.”

However, as with other TSCA notices (e.g., Premanufacture Notices), persons that have the authority to act on behalf of a manufacturer or processor can submit a Notice of Activity (NOA) for the manufacturer or processor. Such persons are usually representatives within companies as well as agents external to companies (e.g., consultants) that can act on behalf of companies. Although trade groups typically are not submitters, it may be possible for a trade group representative to have an agreement or arrangement with a company in which the representative has authority to act on behalf of the company (act as an agent for the company) and thus submit TSCA notices to EPA on behalf of the company. The distinction is that the trade group representative would be representing the company and not the trade group.

I hope this helps.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273

Ex. 6

beck.nancy@epa.gov

From: Sarah Amick [<mailto:samick@ustires.org>]
Sent: Monday, October 16, 2017 10:46 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>
Subject: Re: USTMA Tire Materials Committee

Nancy,

Thank you for your email! I understand that additional timing is needed to accommodate a request to attend our meeting. We will target early 2018 at our next meeting to possibly have an EPA speaker at our meeting.

In the meantime one question we had pertains to the final TSCA inventory reporting rule. Would EPA accept a joint industry submission from a trade association for common substances used by that industry in order to ensure that substances are on the active inventory?

Thank you again,

SARAH E. AMICK
Vice President EHS&S and Senior Counsel

Ex. 6

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On Oct 10, 2017, at 3:57 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Hi Sarah,

Thanks for thinking of us, however we would need a lot more lead time to get something like this through legal review and then also to make it stick on the calendar. Next week is already packed. If there are specific questions for us that come out of the meeting, please feel free to pass them along or we can set up a meeting in the future with the appropriate staff to help provide needed clarity.

Regards,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSP
P: 202-564-1273

Ex. 6

beck.nancy@epa.gov

From: Sarah Amick [<mailto:samick@ustires.org>]
Sent: Monday, October 9, 2017 9:06 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: USTMA Tire Materials Committee

Nancy,

I hope this email finds you well. We have an upcoming meeting of the USTMA Tire Materials Committee on Tuesday, October 17th from 1pm – 5pm EDT and welcome the opportunity to hear from you or someone on your staff about TSCA implementation. As downstream manufacturers it would be helpful to better understand what information EPA is looking for regarding use and exposure of substances. It would also be helpful to better understand when we should provide this information to the agency. We are also interested in doing a joint submission for the inventory reset rule and welcome the opportunity to learn more from EPA about how you envision this process working. Again, we welcome the opportunity to hear from you or someone on your staff during our meeting on Tuesday, October 17th. The meeting will be held at our offices in Washington, DC which are located right by the McPherson Square metro at 14th and K street, NW.

I look forward to hearing from you.

Thank you,

SARAH E. AMICK
Vice President EHS&S and Senior Counsel
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<image001.png>

*****Please update your records! Our name, emails and domain have changed.*****