

Message

From: Morris, Jeff [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=55C34872E6EA40CAB78BE910AEC63321-MORRIS, JEFF]
Sent: 4/18/2018 11:31:02 AM
To: Marrapese, Martha [MMarrapese@wileyrein.com]
CC: Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]
Subject: RE: Preliminary WR Process Diagram for TSCA Existing Chemicals Implementation Timeline
Flag: Follow up

Martha,

Thanks. Your chart certainly makes the point that we're in for a couple of busy years! A few comments:

- It looks like you assume prioritization begins January 1, 2019. However, TSCA requires that we finalize designations 3.5 years after TSCA, and that the prioritization process take 9-12 months. If we took only 9 months for a prioritization action, we could hypothetically start ~ March 22, 2019 and still meet our deadline.
- You've built in 30 days after every comment period for EPA to review and incorporate comments. This is reasonable, but not required in the framework rules or TSCA
- You correctly assume that we plan completion of the first 10 risk evaluation by the end of 2019. However, we have the opportunity to extend that deadline 6 months under TSCA. This is a minor point, because completion of the first 10 risk evaluations is irrelevant to our deadline to have 20 High Priority risk evaluations underway by 3.5 years out. If anything, it may be worth noting that we might still be evaluating the first 10 chemicals while prioritizing the next 40.
- The chart appears to suggest final high priority designations at the end of month 8. This is not allowable under the law. TSCA mandates that the process take at least 9 months, no longer than 12 months.
- There's a slight misquote of TSCA 6(b)(4)(d) on timing of final scopes. TSCA actually requires that a final scope be published no later than 6 months after initiation of the risk evaluation, and not less than 12 months after initiation of prioritization. This mistake appears to have translated to the following additional errors in the chart:
 - a. "Last Day for Draft Scopes." The framework rule provided a requirement for a draft scope and associated 45 day public comment period. So, assuming under the most aggressive of EPA timelines, we begin a prioritization action on January 1, 2019 and finalize a high priority chem in 9 months (October 1, 2019), we'd then have until April 2020 to finalize a risk evaluation scope. A draft risk evaluation scope would need published by mid-February 2020, assuming both the reg-required 45 day comment period on a draft scope, and your assumption of a 30-day period for EPA to incorporate comments. If we started the prioritization action later or took the full 12 months to finalize the designation, the draft and final scope deadlines would shift later accordingly. That being said, we did suggest in the Prioritization Rule that draft scoping documents might come earlier – even potentially during the prioritization process itself. But there is no requirement to do so under TSCA or our regs.
 - b. The chart indicates "final scopes and risk evaluations underway" at the end of 2019. But the chart also indicates High Priority designations finalized at the end of month 8. Risk evaluations are legally "underway" upon final designation as high priority, not upon finalization of scope.
- The chart appears to have low priority chemicals on a separate (12 month) track, and sans an initial comment period. This is incorrect. Low priority candidates will follow the same prioritization process that high priority candidates would.

Hope this helps.

All the best,

Jeff

From: Marrapese, Martha [mailto:MMarrapese@wileyrein.com]
Sent: Wednesday, April 04, 2018 4:43 PM
To: Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: Preliminary WR Process Diagram for TSCA Existing Chemicals Implementation Timeline

Jeff, please ignore the second chart, in fact just use this version if you have time to look. Thank you, Martha

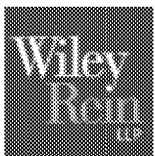
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From: Marrapese, Martha
Sent: Wednesday, April 4, 2018 2:54 PM
To: 'Morris, Jeff' <Morris.Jeff@epa.gov>
Subject: Preliminary WR Process Diagram for TSCA Existing Chemicals Implementation Timeline

Does not contain CBI

Dear Jeff, Attached is the diagram I mentioned previously that we are working on, if you have a chance to look at it, I would appreciate any comments you have.

Sincerely, Martha



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