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SPECIFIC CHEMICAL MANUFACTURERS ASSOCIATION
COMMENTS ON THE LANGUAGE OF H.R. 3070

The Chemical Manufacturers Association (CMA) PCB Program Panel understands that the intent behind H.R. 3070 is not to change existing definitions and regulatory controls under the Toxic Substances Control Act (TSCA) regulations for PCB disposal, 40 C.F.R. Part 761, but rather to supplement those regulations. Supplementary regulations would be enacted in three areas: (1) manifesting, (2) permitting of intermediate activities, and (3) financial responsibility requirements for permittees. In furtherance of this aim, we would like to bring to the Committee's attention three areas of clarification.

First, we assume that the exception from the manifest requirement in Section 1(a)(6)(C) would cover not only the defined generators but also transporters of materials from such generators.

Second, we would recommend that the provision in Section 1(a)(8)(E) allowing already-permitted activities to continue without obtaining additional permits should cover persons with approval from the Administrator to "treat or" dispose covered polychlorinated biphenyls. The addition of the phrase "treat or" would clarify that this provision covers all persons EPA has granted TSCA PCB disposal permits whether the activity is considered treatment or disposal. EPA has under TSCA used its disposal permitting authority to cover both types of activities and, on occasion, has even indicated that incineration is treatment rather than didposal.

Third, we would recommend that the definition of "covered polychlorinated biphenyls" in Section 1(a)(9)(A) be worded in terms of "polychlorinated biphenyls that are subject to the disposal regulations issued by the Administrator as of July 1, 1987." This wording clarifies that the PCBs subject to the disposal rules both now and after the legislation passes are those materials with concentrations of 50 ppm or greater.

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