

## TSCA IUR

### A Timeline of IPC Engagement with EPA

June 28, 2005 EPA Responses to Follow Up Questions from Neil King

July 12, 2005 Letter from John Festa, American Forest and Paper Association to Susan Sharkey

September 16, 2005 ACC meeting summary

October 27, 2005 letter from Neil Patel, EPA to Lynn Bergeson, Metals Chemistry Forum

Undated (December 2005?) letter from Jim Willis, EPA to John Festa, American Forest and Paper Association

Jan 19, 2006 letter from Neil Patel, EPA to Lynn Bergeson, Metals Chemistry Forum

September 22, 2006 letter from Bob Streiter, The Aluminum Association to Susan Sharkey, EPA

October 19, 2006, Unsigned General Summary of IUR-related Issues for Utilities

October 24, 2006 letter from Susan Sharkey, EPA to Bob Streiter, The Aluminum Association

March 1, 2005 and March 5, 2007 email from Susan Sharkey, EPA to Lee Wilmot (IPC Member)

March 12, 2007 letter from Fern Abrams, IPC to Robert Lee, EPA

April 27, 2007 Presentations by Fern Abrams and Susan Sharkey at SBA Roundtable

June 28 2007 Coalition letter to Charlie Auer, EPA

July 11 2007 industry meeting with EPA, also list of EPA Inconsistencies was prepared for this meeting but not given to EPA. Ad Hoc Inventory Update Reporting Work Group Principles was shared with EPA during the meeting.

July 20, 2007 IPC letter to Robert Lee, EPA

August 2007 reply from EPA on working together

November 30, 2007 letter from Robert Lee, EPA to Fern Abrams, IPC

December 11, 2007 letter from Fern Abrams, IPC to Robert Lee, EPA

Jan 10 2008 Industry letter to EPA –desire to work with EPA

February 12, 2008 letter from Fern Abrams, IPC to Robert Lee, EPA

August 27 2008 letter from Charlie Auer, EPA to Fern Abrams, IPC “must report”

December 18, 2008 Industry letter to Marcus Peacock, EPA

March 9, 2010 email from Keith Holman, SBA to Wendy Cleland-Hammet, contains 2<sup>nd</sup> industry proposal

April 8, 2009 Presentation by Fern Abrams at Global Chem

March 2010 Industry Position Paper

August 2010 CDR rule

October 12, 2010 IPC email to Charlotte Mooney, EPA

May 13, 2010 Presentation to OMB during Industry meeting with OMB

January 26, 2011 email from Stephanie Castorina requesting meeting with OMB

February 10, 2011 IPC meeting with OMB

February 15, 2011, Marci Kinter testifies before the Subcommittee on Environment and the Economy

April 11, 2011 small business meeting with Deputy Administrator Perciasepe, Fern Abrams raises TSCA issue and Perciasepe suggests meeting with Wendy Cleland-Hammet

May 27 2011 email from Fern Abrams to Ward Penberthy discussing an IPC requested meeting with Wendy Cleland-Hammet, EPA subsequently declined (via a voicemail from Penberthy) to hold a meeting

July 2011 EPA publishes draft CDR reporting guidance

August 1, 2011 EPA signs final CDR replacing IUR. Preamble reaffirms byproducts reporting interpretations; published August 15.

October 21, 2011 Kathleen Roberts and Ellie Clark (EPA) present an overview of the CDR rule and the SBA Environmental Roundtable

November 16, 2011 EPA webinar on CDR reporting, EPA unable to answer many questions. At the 1hour 9 minute mark. <http://www.epa.gov/cdr/pubs/guidance/2012CDRule.mp3> EPA states that if extracted using a chemical reaction then the byproduct is reportable.

January 13, 2012 Congressman Fred Upton writes to EPA requesting extension of June 30, 2012 CDR deadline

January 19, 2012 EPA workshop at GWU on TSCA CDR. EPA unable to answer many questions.

January 2012, EPA updates and finalizes reporting guidance

Jan 30, 2012 letter from Jim Jones (acting AA) to Chairman Upton denying request.

Feb 4 2014, Brent Grazman, TTM testifies before the House Environment and the Economy Subcommittee on TSCA reporting.

April 17 2014 IPC Meeting with Wendy-Cleland Hammet, Maria Doa

May 22, 2014 IPC meeting with Maria Doa, Lorraine Passe, following up on our meeting David Berol, Chenise Farquharson, and Betsy Dobbins.

May 23, 2014 IPC thank you note to Maria Doa

May 27, 2014 email from Maria Doa, stating, “We will discuss the issues you raised with Wendy and will get back to you.” No subsequent email.

July 15, 2014 IPC follow up email to Maria Doa. No response received.

October 8, 2014 Congressman Bill Johnson (R-OH) sent a letter to EPA Administrator Gina McCarthy asking about the CDR data analysis.

December 30, 2014 EPA letter to Congressman Johnson, promises to complete the CDR data analysis by “early 2015.”

June 23, 2015. Byproducts recycling mentioned in house report HR 114-176 on TSCA HR 2576.

March 31, 2015 IPC letter to Sen. Inhofe, Udall, and Vitter in support of S 697 and highlighting our concerns re byproduct recycling, articles, and preemption.

April 8 2015 IPC letter to Congressmen Shimkus and Tonko supporting TSCA reform and highlighting our concerns re byproduct recycling, articles, and preemption.

July 16, 2015 Lee Wilmot participates in House Environment and the Economy Subcommittee Roundtable on TSCA Section 8 Reporting Issues.

July 21, 2015 IPC Letter from to Jim Jones requesting a meeting, as suggested by Chairman Shimkus.

August 7, 2015 IPC letter from IPC President John Mitchell to Jim Jones, highlighting our issues for the upcoming meeting.

August 11, 2015 IPC meeting with Jim Jones, TTM, and Honda North America

August 14, 2015 IPC Thank you note to Jim Jones

October 13, 2015, IPC President John Mitchell receives undated response from Jim Jones.

November 30, 2015 letter from IPC President John Mitchell to Jim Jones

March 9, 2016 letter from IPC VP John Hasselmann to Wendy Cleland Hammet regarding EPA CDR fact sheet for Printed Circuit Boards

June 2016 – Lautenberg Chemical Safety Act enacted with provision [Section 8(a)6] requiring the Administrator to:

*enter into a negotiated rulemaking pursuant to subchapter III of chapter 5 of title 5, United States Code, to develop and publish, not later than 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a proposed rule providing for limiting the reporting requirements, under this subsection,*

*for manufacturers of any inorganic byproducts, when such byproducts, whether by the byproduct manufacturer or by any other person, are subsequently recycled, reused, or reprocessed.*

The law gives EPA three and half years after the law's enactment to "publish a final rule resulting from such negotiated rulemaking."

December 13, 2016 letter to Administrator-designee Pruitt congratulating him on his appointment and requesting his help in addressing TSCA byproducts reporting issue.

January 17, 2017 IPC comments submitted to EPA on CDR reporting requirements for byproducts and EPA's intent to establish a stakeholder committee for a negotiated rulemaking. (EPA-HQ-OPPT-2016-0597; FRL-9954-68]

March 29, 2017 IPC comments submitted to EPA consultants for negotiated rulemaking

May 2, 2017 IPC meeting with Administrator Pruitt on TSCA byproducts reporting; Administrator Pruitt offers to provide support

May 2017 – Byproducts negotiating committee begins its work; IPC selected as committee member

September 2017 – Byproducts negotiating committee dissolves without consensus and without a commitment to advance a rulemaking to reduce reporting burden

September 25, 2017 IPC call with EPA Deputy Chief of Staff Byron Brown and OCSPP Deputy Assistant Administrator Dr. Nancy Beck to provide industry update on dissolution of negotiating committee and to ask for EPA regulatory action to address TSCA reporting burden and risk.

December 2017 industry comments to EPA on dissolution of negotiated rulemaking committee; asserts that EPA is still obligated by Section 8(a)6 to propose and publish a rule limiting the reporting of inorganic byproducts that are recycled.

March 2018 phone call from IPC VP Chris Mitchell to Susan Sharkey seeking update on rulemaking and expressing a desire to work cooperatively with EPA to find ways to reduce reporting burden and risk for industry. Ms. Sharkey said that EPA could integrate ideas from the negotiated rulemaking into a potential CDR rulemaking in fall of 2018, but reaffirmed EPA's position that these byproducts are considered new chemicals under TSCA, that this reporting data is important, and that EPA is not obligated to issue a rulemaking.

May 23, 2018 IPC meeting with Deputy Administrator Andrew Wheeler to express a desire for EPA to address reporting concerns, including those related to TSCA