

Region 6 - Enforcement & Compliance Assurance Division

INSPECTION REPORT

Inspection Date(s):	03/30/2023	
Media Program:	Toxic Substances Control Act (TSCA)	
Regulatory Program(s)	New and Existing Chemicals (NEC) Program, also known as "Core TSCA"	
Company Name:	RTP Company	
Facility Name:	RTP Company	
Facility Physical Location:	1301 Joel East Road	
(city, state, zip code)	Fort Worth, TX, 76140	
Mailing address:	Same	
(city, state, zip code)	Same	
County/Parish:	Tarrant County	
Facility Phone Number	(817)293-5880	
Facility Contact:	Todd Reynolds	VP of Facilities & EHS
	treynolds@rtpcompany.com	
FRS Number:	110000459833	
Identification/Permit Number:	N/A	
Media Identifier Number:	N/A	
NAICS:	325991 – Custom compounding of purchased resins	
SIC:	N/A	
Personnel participating in inspection:		
David Riley	US EPA Region 6 (ECDST)	Inspector
Todd Reynolds	RTP Company	Executive VP/General Manager
Ron Miller	RTP Company	VP, Information Management
David Miller	RTP Company	Commercial/Technical Officer
Randy Nedrelo	RTP Company	Environmental Manager
EPA Lead Inspector Signature/Date	JOHN RILEY Digitally signed by JOHN RILEY DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=JOHN RILEY, 0.9.2342.19200300.100.1.1=68001003655469 Date: 2023.05.30 08:50:47 -05'00'	Date
Supervisor Signature/Date	H STUCKEY Digitally signed by H STUCKEY Date: 2023.06.01 10:04:44 -05'00'	Date
	H. Troy Stuckey	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

The purpose of this inspection is to evaluate RTP Company of Fort Worth, Texas, Federal Registry Service (FRS) Number 110000459833, for compliance with Sections 4, 5, 8, 12, and 13 of the Toxic Substances Control Act (TSCA), also referred to as the New and Existing Chemicals (NEC) program, or “Core TSCA”. These Sections are as follows:

- 4 – Testing of Chemical Substances and Mixtures
- 5 – Manufacturing and Processing Notices
- 8 – Reporting and Retention of Information
- 12 – Exports
- 13 – Entry into Customs Territory of the United States

The inspection was conducted pursuant to Section 11 of TSCA. The Core TSCA program is not delegated to the states; therefore, inspections are conducted by the EPA. This is a “neutral scheme” inspection covering the calendar years 2016 to the present.

EPA initially reviewed information from US Customs & Border Protection, which listed RTP of Ft. Worth, TX as the consignee on several imports of the chemical substance Carbon Black (Chemical Abstract Services Number [CASRN] 1333-86-4) for the years 2016, 2018, and 2019. RTP was selected for an inspection based on further comparisons with customs data for other importers/consignees of carbon black, as well as no record of prior TSCA inspections.

On March 6, 2023, I, David Riley of US EPA Region 6, initially contacted the company by phone. I was called back on March 8 by Todd Reynolds, Vice President of Facilities & EHS, to discuss the focus of the inspection. On March 15, I had a phone call with Randy Nedrelo, Environmental Manager with RTP. Following the call, I sent an inspection notification email to Mr. Nedrelo. The notification included a list of information that the company should prepare for review and collection by the inspector [Appendix 1]. The inspection was scheduled for March 30, 2023.

INSPECTION ENTRY & OPENING CONFERENCE

I, EPA inspector David Riley, arrived at RTP’s office at 9:40am on March 30, 2023. I entered the main office, proceeded to a conference room, and presented my inspector credentials to Todd Reynolds, Ron Miller, and Randy Nedrelo, all of whom are based in Winona, MN; and to David Miller, who is based in Ft. Worth. I informed all present that the inspection would involve a review and discussion of the information requested in Appendix 1. At that time, Mr. Reynolds signed the Notice of Inspection [Appendix 2] and the Inspection Confidentiality Notice [Appendix 3].

COMPANY HISTORY & FACILITY DESCRIPTION

RTP Company's history extends back to the late 1800s. In 1923, founder Joe Miller established Miller Waste Mills, a company that processed fabric used to lubricate railroad wheels. In 1948, the company expanded into thermoset plastics with the establishment of Fiberite, which was sold to Beatrice Foods in 1980. The thermoplastics portion of the business was sold back to the Miller family in 1982 and became RTP Company (RTP = Reinforced ThermoPlastics). RTP Company is headquartered in Winona, MN, and has manufacturing operations in the U.S., Mexico, Europe, and Asia. It manufactures products for various markets such as electronics, business machines, automotive, appliance, consumer, medical, sports and leisure, and industrial.

The Ft. Worth, TX facility is located at 1301 Joel East Road. A warehouse is located to the west at 1125 Joel East Road. The FRS contains an additional listing for Miller Waste Mills at the 1301 address, with ID # 110034601223

Miller Waste Mills has 1,826 employees globally (2023), with sales exceeding \$1 billion (2022). The RTP Company Ft. Worth facility has 146 employees (2023), with sales exceeding \$124 million (2022).

Section II – OBSERVATIONS

DISCUSSION

The inspection began with a slide presentation on company specifics, and another presentation on process flow. A thermoplastic is a plastic polymer material that becomes pliable or moldable at a certain elevated temperature and solidifies upon cooling. The facility purchases raw materials from domestic and foreign suppliers. The raw materials used are based on specifications from either RTP or the customer for critical properties of the resulting material.

Carbon black adds color to the material and improves physical properties. RTP purchases carbon black from several suppliers, including Birla Carbon, which has manufacturing locations throughout the world.

FACILITY TOUR

At approximately 10:40am, company representatives led the inspector on a tour of the raw material receiving area, process area, and quality control/laboratories. RTP receives the dry raw material and blends it based on customer specifications. The blend is then heated and extruded, cooled, and pelletized. There are no chemical reactions occurring between the raw materials to form new chemical substances.

RTP does export product to customers.

FACILITY DOCUMENTATION

No documents were collected at this time. RTP was in the process of organizing their raw material and import data in the requested format. It was agreed that RTP would keep me informed of their progress and submit the information later.

The company did not have any documentation relevant to TSCA Sections 4, 5, or 8.

Section III – AREAS OF CONCERN

I observed no areas of concern at the time of the inspection.

CLOSING CONFERENCE

At 12:25pm, I conducted a closing conference with the company and facility representatives, indicating that I would follow up with any questions, and that an inspection report would be finalized in approximately two months. We discussed additional modifications to the deliverables specified in the inspection notification email. Company representatives did not sign the Declaration of Confidential Business Information (CBI), as they had nothing to declare [Appendix 4], but they did sign the Receipt for Samples and Documents [Appendix 5], indicating that nothing was collected. The TSCA Notice of Inspection, TSCA Inspection Confidentiality Notice, Declaration of CBI, and Receipt for Samples and Documents were then copied, and the originals were returned to me. I exited the facility at 12:55pm.

Section IV – FOLLOW UP

On the afternoon of 3/31/23, I received an email from Todd Reynolds with the slide presentations as attachments.

On 4/11/23, I received an email from Mr. Reynolds with a summary of modifications to the deliverables listed in the original information request, based on the closing conference discussion

On 4/27/23, RTP submitted raw materials information and safety data sheets (SDS) via EPA's Central Data Exchange (CDX) system. The information was identified as non-confidential.

On 5/9/23, RTP submitted imports information and SDS's via EPA's Central Data Exchange (CDX) system. The information was identified as non-confidential.

Some of the information gathered from the emails has been incorporated into the body of this report.

Section V – LIST OF APPENDICES

- Appendix 1 – Inspection Notification Email
- Appendix 2 – Notice of Inspection
- Appendix 3 – TSCA Inspection Confidentiality Notice
- Appendix 4 – Declaration of Confidential Business Information
- Appendix 5 – Receipt for Samples and Documents

Appendix 1

Inspection Notification Email

Riley, David

From: Riley, David
Sent: Wednesday, March 15, 2023 5:43 PM
To: rnedrelo@rtpcompany.com
Subject: TSCA inspection of RTP Company; Ft. Worth, TX

Hello Mr. Nedrelo,

This email is a follow up to our communication of March 15, 2023. Please reply to this email acknowledging its receipt. Pursuant to Section 11 of the Toxic Substances Control Act (TSCA), the EPA will conduct an inspection of the RTP Company facility in Ft. Worth, TX, on Thursday, March 30, 2023. The purpose of the inspection is to evaluate compliance with TSCA Sections 4, 5, 8, 12, and 13.

In order to expedite the process, the EPA is requesting information from RTP Company. It is preferred that this information be provided in advance of the actual site visit; however, if more time is needed, please let me know. Specifically, the EPA is seeking the following information:

1. **General Background information**

- Brief company history of ownership and business.
- Corporate structure (including foreign and domestic parent companies).
- Listing of all U.S. facilities owned by the company, including subsidiaries, and their locations.
- Number of employees at the facility and corporate level.
- Gross annual sales at the facility and corporate level for the last two complete years or accounting cycles (note the fiscal cycle) rounded to at least three significant figures.
- Identifying information for the facility and U.S. parent company, including data universal numbering system (DUNS) number.
- Importer of Record ID for all sites that import into the U.S. that are owned by the U.S. parent company.
- Scope of business, main North American Industry Classification System (NAICS) codes under which the site operates, and main industries that the company and site supply.
- Facility and/or corporate policies developed to ensure compliance with TSCA Sections 4, 5, 8, 12, and 13.

2. **Imported and/or Manufactured Chemical Substances.** Prepare a separate spreadsheet of chemical substances that were manufactured (including those imported) by the facility for the current calendar year and the past 7 calendar years (**2016** – present). If a chemical substance is a hydrate under the definition of *mixture* pursuant to 40 C.F.R. § 710.3, please include Chemical Abstracts Service Registry Number (CASRN) of both the hydrate and the anhydrous forms of the chemical substance. The spreadsheet should include the following information:

- Chemical Abstracts Service (CAS) number or the EPA Accession Number;
- Accepted Chemical Name
- Product or Trade name;
- Dates of manufacture, including import;
- Quantity manufactured per batch, including quantity imported per shipment and shipment number;
- Whether the chemical substance is Manufactured or Imported, or both;
- HTS Code used if imported.

- If applicable, indicate if the chemical substance is being manufactured/imported under an exemption [*e.g.* R&D, Low Volume Exemption (LVE), Test Marketing Exemption (TME), Polymer Exemption (PE), or Low Release/Low Exposure (LoREX)].

Also, please provide Safety Data Sheets (SDS) for all products listed in the spreadsheets.

3. **Domestically Acquired Raw Materials.** Prepare a separate spreadsheet listing the raw materials (including mixtures) acquired from domestic suppliers that were used or processed by the facility for the current calendar year and the past 5 calendar years (**2018** – present). The spreadsheet should include the following information:
 - CAS number or EPA Accession Number; and
 - The suppliers name and address
4. **Process Flow Diagrams.** Provide manufacturing and processing flow diagrams for substances either manufactured or processed at the facility.
 - List each raw material input and the resulting products (by Chemical Abstracts Service Registry Number (CASRN) or EPA Accession Number) for each step between the particular raw material and the commercial product, including intermediates, byproducts, and catalysts, that are part of the commercial production but are not intended for sale or distribution.
 - Indicate all steps including on-site use, transfer, recycling, and waste disposal.
5. **Exported Chemical Substances.** Prepare a separate spreadsheet of chemical substances and the components of each mixture of the products that were exported from the United States by the facility for the current calendar year and the past 5 calendar years (**2018** – present). List each unique CASRN only once and only if the chemical substance makes up one percent or greater of the volume of the product. The spreadsheet should include the following information:
 - CAS number or the EPA accession number for each chemical substance;
 - Accepted chemical name(s) of each component;
 - Export date;
 - Final destination (foreign country);
6. **Documentation Pursuant to TSCA Sections 4, 5, and 8.** Provide the following documents and information, if applicable:
 - Letters of intent to conduct testing and proof of data submittal, or requests for exemption from testing, for chemicals manufactured or used at the facility that are subject to an active TSCA Section 4 final test rule, Consent Agreement and/or test order.
 - Records demonstrating compliance with TSCA Section 5(e)/(f) Consent Orders;
 - Records documenting compliance with any Significant New Use Rules. Please refer to 40 C.F.R. § 721.125 to ensure submission to EPA of all required information;
 - TSCA Section 8(e) substantial risk information not known to EPA or previously submitted to EPA by your company. The TSCA Section 8(e) information includes among other items: toxicity or exposure data, full reports, summarized results, limited studies (*e.g.*, range-finding studies), preliminary results, and draft reports that constitute sufficient evidence for Section 8(e) reporting.

On the last page of the company's response, the following certification should be signed by an officer or other responsible corporate official (*e.g.*, president, secretary, treasurer, or vice president) in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions for the Facility when it was in operation:

“I certify that I am fully authorized by RTP Company to provide the above information on its behalf to the U.S. Environmental Protection Agency (EPA) in response to EPA’s email dated March 15, 2023. I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fines and imprisonment for knowing violations.”

Signature _____
Name _____
Title _____

If none of the requested information is subject to claims of confidential business information (CBI) by RTP Company, please email the information to the inspector. If RTP Company is making claims of CBI on any of the requested information, please inform the inspector via email, and further instructions will be provided. **Do Not Email CBI.**

Notice Regarding CBI Collected in Connection with a Compliance Monitoring Activity.

Under Section 14(a) of TSCA, 15 U.S.C. § 2613(a), submitters may claim information submitted to the EPA under TSCA as Confidential Business Information (CBI). TSCA CBI claims must be asserted and **substantiated** concurrently with the submission of the information, except for those types of information exempt under TSCA Section 14(c)(2). There are several procedural requirements that must be followed when asserting CBI claims in TSCA submissions. The authorized official submitting TSCA CBI claims must make several assertions as well as certify that information submitted to substantiate a TSCA CBI claim is true and correct, as required by Sections 14(c)(1)(B) and 14(c)(5) of TSCA, 15 U.S.C. § 2613(c)(1)(B) and (c)(5), and 40 C.F.R. § 2.208. The certification statement provided below will satisfy these requirements. General guidance for what to include in TSCA CBI substantiations, including several sample substantiation templates, are available here: <https://www.epa.gov/tsca-cbi/what-include-cbi-substantiations#substantiationtemplates>

- For information claimed CBI, provide the certification statement below.
- For information that is not exempt from the substantiation requirements, please provide a written substantiation statement.
- EPA strongly recommends including a sanitized version of any CBI documents. EPA has observed that a company-sanitized version most accurately indicates the company’s CBI claims and the intended scope of each claim, and avoids misunderstandings that might arise in the event EPA must prepare a sanitized version in response, for example, to a FOIA request.
- All information claimed as CBI must be clearly identified as such.

CERTIFICATION STATEMENT FOR TSCA CBI CLAIMS

I hereby certify to the best of my knowledge and belief that all information claimed as TSCA CBI provided with this statement is complete and accurate. I also understand that I must submit a substantiation statement for any information which I claim to be TSCA CBI which is not exempt from the substantiation requirements. I further certify that, pursuant to 15 U.S.C. section 2613(c) and 40 C.F.R. 2.208, for all claims for confidentiality made with this submission, all information submitted to substantiate such claims is true and correct, and that it is true and correct that:

- i. My company has taken reasonable measures to protect the confidentiality of the information;

- ii. I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;
- iii. I have a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of my company; and
- iv. I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering.

This request for submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section, 3501 *et seq.*

If you have any questions regarding this request, please contact me.

Thank you,

David Riley
Inspector/Enforcement Officer
Core TSCA, EPCRA 313
US EPA Region 6 (ECDST)
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

Phone: (214) 665-7298
e-mail: riley.david@epa.gov

Appendix 2

Notice of Inspection



United States
ENVIRONMENTAL PROTECTION AGENCY

Washington, DC 20460

Notice of Inspection
Office of Enforcement and Compliance Assurance

1. Investigation Identification			3. Facility Name
Date	Inspection Number	Daily Seq. Number	RTP Company
Mar 30, 2023	1	1 of 1	
2. Inspector's Address			4. Facility Address
EPA Region 6, 1201 Elm Street., Dallas, TX 75270 (Mail Code ECDST)			1301 1125 Joel East Rd, Fort Worth, TX 76140 JDR 3/30/23

For Internal EPA Use. Copies may be provided to the recipient as acknowledgment of this notice.

Reason for Inspection

Under the authority of Section 11 of the Toxic Substances Control Act

For the purpose of inspecting (including taking samples, photographs, statements and other inspection activities) an establishment, facility or other premises in which chemical substances or mixtures, articles containing same are manufactured, processed, stored or held before or after their distribution in commerce (including records, files, papers, ☒ processes, control and facilities) and any conveyances being used to transport chemical substance, mixtures or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls and facilities) bearing on whether the requirements of the Act are applicable to the chemical substances, mixtures or articles, within, or associated with, such premise or conveyance have been complied with.

☒ In addition, this inspection extends to (check appropriate blocks):

☐ A. Financial Data

☐ D. Personnel Data

☒ B. Sales Data

☐ E. Research Data

☐ C. Pricing Data

The nature and extent of inspection of such data specified in A through E above is as follows:

--	--

Inspector's Signature		Recipient's Signature	
Name John David Riley		Name Todd Reynolds	
Title Environmental Scientist	Date 3/30/23	Title VP - Facilities & EHS	Date 30 March 2023

Appendix 3

TSCA Inspection Confidentiality Notice



United States
ENVIRONMENTAL PROTECTION AGENCY

Washington, DC 20460

TSCA Inspection Confidentiality Notice

Office of Enforcement and Compliance Assurance

1. Investigation Identification			4. Facility Name
Date	Inspection No.	Daily Seq. No.	RTP Company
Mar 30, 2023	1	1 of 1	
2. Inspector's Name			5. Address
John David Riley			1301 1125 Joel East Rd, Fort Worth, TX 76140 JDR 3/30/23
3. Inspector Address			6. Name of Chief Executive Officer
US EPA Region 6, 1201 Elm St, Dallas, TX 75270 (Mail Code ECDST)			Hugh Miller
			7. Title
			CEO

For internal EPA use. Copies of this form may be provided to recipient as acknowledgment of this notice.

To Assert a TSCA Confidential Business Information Claim

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552; EPA regulations issued thereunder, 40 C.F.R. part 2; and the Toxic Substances Control Act (TSCA) Section 14 (15 U.S.C. § 2613). EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA. Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI. A CBI claim may be asserted at any time prior to or during the inspection. If a CBI claim is received after the inspection, EPA will make such efforts as are administratively practical to protect the information. However, EPA cannot assure that such efforts will be effective in light of the possibility of prior disclosure. If it is more convenient for you to assert a CBI claim on your own stationary or by marking the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures. While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.
2. The information is not, and has not been, reasonably obtainable without your company's consent by other persons (other than governmental bodies), or by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. The information is not publicly available elsewhere.
4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any

The statement from the Chief Executive Officer should be addressed to: _____

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to the business.

To Be Completed By Facility Official Receiving This Notice
I acknowledge receipt of this notice:

If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.

Signature		Name	
Name	Todd Reynolds	Title	
Title	VP Business & EHS	Date	30 March 2023
		Address	

Appendix 4

Declaration of Confidential Business Information

Appendix 5

Receipt for Samples and Documents

United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460