



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

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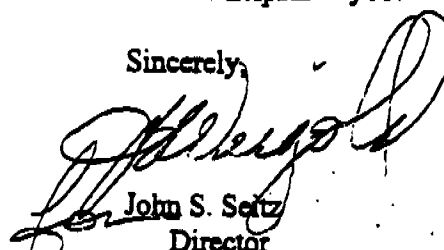
Dear Mr. Voytek:

Thank you for your letter of October 10, 1996 to Mary Nichols concerning our integrated air toxics strategy. While the report you reviewed was a "works-in-progress" and did not reflect the final views of the OAQPS Air Toxics Strategy team, it did describe creative, strategic ways to move forward with the air toxics program consistent with the common sense approach contained in section 112 of the Clean Air Act. We appreciate your thoughtful comments on the successes of our MACT program. We are now completing the draft strategy for review by interested stakeholders and will send you a copy when it is distributed.

In your letter you expressed concern about how we developed a short list of pollutants of high concern on which to focus research and regulatory efforts. The list was developed as an example of how we could focus the air toxics program on the hazardous air pollutants (HAP) that are currently known to present the most serious human health and environmental effects. This aspect of the draft strategy did not mean that other HAP are not important; the strategy calls for all HAP to be addressed appropriately. With respect to the technical concerns which you expressed, we will consider them as we complete the report.

I appreciate this opportunity to be of service and trust this is helpful to you.

Sincerely,


John S. Seitz
Director
Office of Air Quality Planning
and Standards

CMA 115853

EPA TO SIGNIFICANTLY REVISE PLAN TO OVERHAUL AIR TOXICS PROGRAM

A draft EPA strategy to dramatically overhaul the agency's Clean Air Act air toxics program is being rewritten to address concerns that the current plan would undermine state regulatory efforts, agency staff say.

Moreover, some EPA staff say that the revisions are intended to clarify that the strategy can be accomplished within the confines of the Clean Air Act and therefore that the plan does not represent a call for legislative action.

Since last summer, EPA staff have been attempting to craft a new strategy for controlling toxic air pollution that improves environmental protection while reducing administrative burdens for the agency and the regulated community. The effort was premised on a recognition that the agency's myriad regulatory efforts under section 112 of the Clean Air Act lacked coordination and were resulting in policies that were duplicative or had little value. To correct this shortcoming, the Office of Air Quality Planning & Standards convened a team to study the entire program and develop recommendations that would guide future agency reform efforts.

The team produced a draft report that was presented to agency managers in July (*Inside EPA*, July 19, p1). At the heart of the strategy are recommendations that call on the agency to prioritize its efforts according to the greatest discernable risks. For instance, the report calls on the air program to develop a list of hazardous air pollutants that pose the greatest threat to the public and specifically tailor regulations so that public exposure to these pollutants is minimized. As a trade-off, the report implies that less significant pollutants may be de-emphasized in the standard-setting process.

Some of the report's recommendations have raised concerns with state regulators who fear that the redirection will undercut state regulatory efforts. For instance, some state officials have complained that they will face increased scrutiny in publishing regulations that address pollutants that the federal government believes are less significant and less deserving of regulatory attention.

Due in part to these concerns, EPA managers have directed the architects of the strategy to significantly refine the proposal. Specifically, one EPA official points out that the revisions are intended to dispel any notions that the strategy is intended to "sacrifice" certain Clean Air Act provisions for those that are deemed to be more important. The draft strategy, according to this source, led some state regulators to believe that the agency no longer felt that certain programs or pollutants covered under section 112 of the act were important. This source says that staff have been directed to make it clear in the revised strategy that the agency is not recommending outright regulatory trade-offs that would leave state regulators vulnerable to criticism that they are attacking insignificant risks. Moreover, sources say that staff have been directed to "clarify" and "tighten" the strategy so that the public clearly understands that this effort is intended to bolster environmental protection.

A second EPA official adds that revisions are also necessary to dispel any notions that this document is intended to serve as a blueprint for statutory reform. This source points out that the agency firmly believes that it can accomplish its goals within the existing confines of section 112 and therefore this strategy should not be construed to imply that the agency believes that legislative changes are necessary. In case there are misinterpretations in Congress, EPA staff say that agency officials will meet with congressional staff during the next month to explain the true intentions of the strategy.

Citing Paperwork Reduction Act violations

OMB PARTIALLY REJECTS EPA PROPOSAL TO EXPAND TOXICS REPORTING PROGRAM

The Office of Management & Budget last week determined that EPA failed to comply with the Paperwork Reduction Act when it proposed to expand the toxics reporting program to seven new industrial sectors, agency staff say.

But agency staff are downplaying the significance of this action, claiming that OMB's ruling is not uncommon and that it should have little effect on the timing of a final rule. But some industry sources argue that the decision indicates that the agency clearly failed to fulfill its administrative responsibilities when it crafted its expansion proposal.

The Toxics Release Inventory program requires facilities with ten or more employees to report certain chemical emissions to the agency; however, the current requirements only apply to 20 industry sectors. EPA proposed June 26 to expand its TRI program to 6400 new facilities in the following seven industry sectors: metal mining, coal mining, electric utilities, commercial hazardous waste treatment, petroleum bulk terminals, chemical wholesalers, solvent recovery services. Industry groups have raised strong concerns with the expansion proposal claiming that these industries are already heavily regulated by a multitude of state, local and federal regulations.

Along with the proposed rule, EPA is required under the Paperwork Reduction Act to submit an information collection proposal on the rule to OMB. Under the act, EPA must identify whether the proposal will impose new reporting and recordkeeping requirements, estimate the burdens that the proposal will impose on facilities,

CMA 115854