

Message

From: Rozsa, Gabe [Gabe.Rozsa@prime-policy.com]
Sent: 6/4/2018 6:45:06 PM
To: Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]
CC: Chris Mitchell [ChrisMitchell@ipc.org]
Subject: IPC Follow up on Recycled Byproducts Issue
Attachments: Industry Group Comments on the Negotiated Rulemaking - 12 11 17.pdf; regulatory-overlap-analysis-chart.pdf; 2018-05-31 TSCA IUR Timeline.docx; TSCA Overview - June 2018.pdf

Dear Deputy Administrator Wheeler,

On behalf of the leadership of IPC with whom you were kind enough to meet on May 23rd, I am providing some of the information we discussed during the meeting relating to our interactions with EPA on the TSCA issues of interest to the electronics industry.

Attached is a short overview of the recycled byproduct issue, the final industry comments in the negotiated rulemaking process, a chart showing the reporting duplication for IPC members under several overlapping EPA programs as well as a time line of the extensive history of interaction between agency officials and IPC going back about 13 years.

As we indicated, our most recent interactions were on the basis of language in Section 8(a)(1)(C) of the Frank R. Lautenberg Chemical Safety Act amending Section 8(a)(6) of TSCA which required that EPA undertake a negotiated rulemaking with the legislatively stated goal of limiting the reporting requirements under TSCA for recycled inorganic byproducts. Again, the industry has yet to see any analysis on the need for this reporting as was originally promised by EPA when this reporting requirement was imposed. Again, these are byproducts which pose a relatively low risk and were not subject to reporting under the first 30 years of TSCA. They are also subject to multiple reporting by those actually performing the recycling and by IPC's members under other EPA programs that all have the same goal of protect public health and the environment. As we mentioned in our meeting with you, the reg neg process mandated as part of TSCA reform failed to achieve consensus and has not yet resulted in any hoped for easing of the regulatory and reporting burden on IPC members. However, we are hopeful of making further progress as EPA undertakes additional reviews of how best to work to ease the heavy burdens of compliance with TSCA and other environmental regulations.

In the past couple of years, we have met extensively at all levels of the agency from representatives of the TSCA program office all the way up to our meeting with Administrator Pruitt and Byron Brown last spring. In reviewing these files, we realize that, due to major staffing changes at IPC's DC office, we failed to follow up with Byron and Dr. Beck on our most recent discussions from late September other than through the formal industry recommendation in the reg neg process which was filed in December. Let us know if we should reengage with Dr. Beck directly or with anyone else in the agency you recommend.

Again, thank you for your leadership and your and the Administration's dedication to finding a better balance of ensuring EPA's programs provide adequate environmental protection while minimizing the regulatory burden and avoiding reporting duplication for the industry sectors affected.

Gabe

BTW. I am copying Chris Mitchell, no relation to John Mitchell, the President of IPC, with whom you met on the 23rd. Chris runs the DC office for IPC. Feel free to reach out to either of us if you have any questions or suggestions for further follow up.

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