January 17, 2017

Via Docket Submission

Office of Pollution Prevention and Toxics (OPPT)
Document Control Office
Mail Code 7407M
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Notice of Intent to Establish Negotiated Rulemaking Committee
and Negotiate a Proposed Rule; Chemical Data Reporting
Requirements for Inorganic Byproducts

Dear Sir or Madam:

The North American Metals Council (NAMC)\(^1\) submits this letter in response to
the U.S. Environmental Protection Agency’s (EPA) December 15, 2016, notice of intent to
establish a Negotiated Rulemaking Committee under the Federal Advisory Committee Act and
the Negotiated Rulemaking Act (NRA). The goal of the initiative is to negotiate a proposed rule
that would limit chemical data reporting requirements under Section 8(a) of the Toxic
Substances Control Act (TSCA), as amended by the Frank R. Launtenberg Chemical Safety for
the 21st Century Act, for manufacturers of any inorganic byproduct chemical substances, when
such byproduct chemical substances are subsequently recycled, reused, or reprocessed. In the
December 15, 2016, notice, EPA preliminarily identified NAMC as a potential member of the
Negotiated Rulemaking Committee or a member of a coalition that would nominate a candidate
to the Committee, an identification NAMC appreciates, and for the reasons below, believes is
appropriate.

\(^1\) NAMC is an unincorporated, not-for-profit organization serving as a collective voice for
the North American metals producers and users. NAMC is a leader for the metals
industry on science- and policy-based issues affecting metals.
This letter serves as NAMC’s formal request that EPA include NAMC as a member of the Negotiated Rulemaking Committee. NAMC is uniquely qualified to be a member of the Committee. NAMC has for over a decade represented the interests of more than a dozen metal-related industries. Over these last ten years, NAMC has been actively engaged in the industry dialogue on inorganic recycling and associated reporting under the Chemical Data Reporting (CDR) rule and its predecessor, the Inventory Update Rule (IUR). In fact, NAMC led efforts to engage with EPA on byproduct reporting, which resulted in the development and posting of detailed EPA guidance. Metals and metal components of interest to NAMC members are the primary drivers in recycled inorganic byproducts, which further supports the need for NAMC to be actively involved in the Negotiated Rulemaking Committee.

Thank you for the opportunity to submit this request. NAMC looks forward to serving as a member of the Committee to engage with EPA and other stakeholders on this important project.

Sincerely,

Kathleen M. Roberts
Executive Director