



North American Metals Council
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December 4, 2017

Via Docket Submission

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

Re: Negotiated Rulemaking Committee; Chemical Data Reporting
Requirements for Inorganic Byproducts
Docket Number EPA-HQ-OPPT-2016-0597

Dear Sir or Madam:

As a member organization of the Negotiated Rulemaking Committee (Committee) for Chemical Data Reporting (CDR) requirements for inorganic byproducts, the North American Metals Council (NAMC)¹ is pleased to provide this stakeholder report related to the Committee work.

Throughout the Committee duration, NAMC remained committed to achieving Congress's goal as specified in the Frank R. Lautenberg Chemical Safety for the 21st Century Act. That provision states:

The [U.S. Environmental Protection Agency (EPA)] Administrator shall enter into a negotiated rulemaking ... to develop and publish ... a proposed rule providing for *limiting the reporting requirements*, under this subsection, for manufacturers of any inorganic byproducts, when such byproducts, whether by the

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.



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byproduct manufacturer or by any other person, are subsequently recycled, reused, or reprocessed. (Emphasis added.)²

Toward that end, NAMC could not support proposals that did not result in limiting the reporting requirements under CDR for recycled inorganics. NAMC acknowledges that there are larger issues of concern related to reporting under the CDR and some stakeholders expressed their interest in addressing those issues within the Committee. In our view, however, it was not the responsibility or the purview of the Committee to address issues outside the parameters of the statute's directive.

It is unfortunate that consensus could not be reached within the Committee, but we recognize that the many stakeholder organizations had strong views on what should be achieved and those views could not be aligned.

While NAMC appreciates the engagement of all stakeholder organizations involved with the Committee, we wish expressly to note our gratitude to EPA staff for their thoughtful leadership through the process; their careful deliberations of all proposals put forward; and their willingness to generate new and creative approaches in an effort to achieve the Committee's objective. We remain committed to continuing our dialogue with EPA staff on the particular issue of recycled byproducts and CDR reporting, and look forward to future opportunities for advocacy.

Thank you for the opportunity to submit these views.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen M. Roberts". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Kathleen M. Roberts
Executive Director

² Toxic Substances Control Act (TSCA), as amended, Section 8(a)(6)(A), 15 U.S.C. § 2607(a)(6)(A).