OMB Control Number 2070-NEW; EPA ICR Number 2261.01

ICR ATTACHMENT D

Summary of Consultations with Potential Respondents

1. **Company: Betco (Formulator; $50 to $100 Million)**
   Address: 1001 Brown Avenue, Toledo, Ohio 43607
   Contact: Candice Rushton; Phone: 419-725-3833; email: crushton@betco.com

We have the following comments concerning the SDSI Program application.
1(1) Our best estimate of hours required to complete the application including running formula queries and production figures required to be submitted with the application is estimated to be approximately **4** hours. This would apply under either Champion or Partner status.
2

a. The background for planning a strategy for estimating time frames for phase out of existing surfactants into safer surfactants is estimated at approx. **40** hours.

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0 b. **NOTE**: This does not include any actual reformulation work or testing as ISSA has requested that comments focus on the *application.*

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3(2) The application would require 1 regulatory contact, at least 1 chemist, and senior management. 3 people total in order to complete the application.
1
2(3) Overall the application is clear and easy to follow.
3

a. Comments concerning submission of surfactant volume use.

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1 i. It is indicated that these items can be submitted as “trade secret information”.
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0 1. As many of the surfactants that will be in use will be common in the market place, therefore, not necessarily qualifying as “trade secret” status, would it be more appropriate to indicate that volumes could be submitted as “Confidential Business Information” (CBI)?

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5b. The application indicates that EPA will reserve the right to request on a “confidential basis” the list of ingredients.
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1. Formulators and manufacturers should be provided the opportunity to be able to submit to EPA additional information that may be relevant to phase out strategy or similar as CBI during initial application and during formal recognition status, with justification why such information should be submitted as CBI.

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0 a. EPA would have the opportunity to grant or deny the justification for CBI.

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9(4) At current, there does not appear to be a charge for application submission itself.
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b. Is there the potential that a charge would be applied to any participant type or status in the future?

11
0 c. If so, the application fee should be clearly indicated on the application.
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5(5) Concerning Certification of Application. “Company Authority” currently indicates (CEO or Vice President).

d. Could this be expanded to include “or other authorized signatory”?

i. In the case of formulators and manufacturers, Technical Directors and/or Regulatory Managers usually have this authority within their respective firms.

We appreciate the opportunity to comment on the SDSI application. We look forward to working with ISSA in the future on this endeavor.

2. Company: CleanControl (Formulator $20 to $50 Million)
Address: PO Box 7444, Warner Robins, GA, 31095
Contact: Cory Hammock; Phone: 478-922-5340; email: cory.hammock@cccga.com

We appreciate the opportunity to respond to your request to review the draft application for the Safer Detergents Stewardship Initiative (SDSI) from the U.S. EPA Design for the Environment (DfE).

As you as aware, our company has worked since our incorporation in 1991 to improve the environmental profiles of our cleaning formulations. In December 2005, we completed a 100% phase-out of Alkylphenol Ethoxylate (APE). During this final phase out period I became aware of SDSI. Initially the program was entirely focused on phasing out APE. Your invitation to review the program indicates “More information on the SDSI program can be found at: http://www.epa.gov/dfe/pubs/projects/formulat/sdsi.htm”. Here SDSI is defined as follows:

“What is the Safer Detergents Stewardship Initiative?
EPA is developing the Safer Detergents Stewardship Initiative (SDSI) to recognize companies, facilities, and others who voluntarily phase out or commit to phasing out the manufacture or use of nonylphenol ethoxylate surfactants, commonly referred to as NPEs. These surfactants are used in detergents in cleaning and other products. Both nonylphenol ethoxylates and their breakdown products, such as nonylphenol, can harm aquatic life.

The Safer Detergents Initiative will complement EPA's Aquatic Life Ambient Water Quality Criteria for Nonylphenol. These criteria are designed to protect aquatic life in

both fresh and saltwater and can form the basis for state and tribal water quality standards. For more information, see the Aquatic Life Criteria for Nonylphenol.

The DfE website supports my initial assessment. However, the draft program goes much further than phasing out APE, to instituting language that incorporates all "unsafe" surfactants. While this is certainly admirable and desirable, "unsafe" surfactants are not clearly defined and therefore the program is less practical.
CleanGredients defines surfactant as follows: Surfactant refers to any organic substance and/or preparation which has surface-active properties and which consists of one or more hydrophilic and one or more hydrophobic groups of such a nature and size that it is capable of reducing the surface tension of water, and of forming spreading or adsorption monolayers at the water-air.

Additional Follow Up Comments:

If the problems I mentioned could be addressed by simply checking "other in section 2.1" and stating that <u>we only use DfE screened and recognized linear alcohol ethoxylates in applications where APE was formally used</u>, I would estimate it would take about.

1. 3 hours to document current use levels and reductions of APE through substitution with safer alternatives (linear alcohol ethoxylate) in the form of a report generated from our inventory database. Also, we assume this would be an annual requirement. 2 hours annually thereafter.

2. 2 hours to complete form and submit.

3. 4 hours to develop and post statement on website describing actions that qualify us for recognition.

4. If necessary, a visit from EPA to inspect site, invoices, etc. should be take no longer than 4 hours.

I view this as less than significant and well worth the effort to obtain recognition.

If this is not an alternative, it is highly unlikely that would commit to the program since it would be impossible to document compliance with a program that is not clearly defined.

I have discussed this issues many times with the producers of NPE. They need to submit data to clear NPE or concede. The DDBSA producers seem to have found away to improve/support its environmental data profile. As a formulator, I recognize NPEs positive performance and cost attributes and would welcome it being cleared of environmental toxicity concerns. However, after 20 years of continuously increasing scrutiny, I would assume if they could they would have done so by now.

Last Comment:

I should clarify that my focus was not on the time estimates. First, we have already transitioned from NPEs. Second, we already track chemical usage for other regulatory production reporting

requirements such as SARA 312, SARA 313, Pesticides, VOCs, etc. Therefore, resources required for clerical, technical and managerial review would be minimal if the program was clearly defined. The EPA website and your e-mail imply a clearly defined program; however, the draft is not.

3. Company: Simple Green (Formulator $50 to $100 Million)
Address: 15922 Pacific Coast Highway, Huntington Harbor, CA 92649
Contact: Carol Chapin; Phone: 562-795-6000; email: cchapin@simplegreen.com

1. Please provide your best estimate regarding how long it would take to complete the application in terms of total hours.

Answer: About 8 hours maximum. 3 hours to draft web site statement, discuss with management and get their approval; 4 hours to gather and check surfactant data; 1 hour to post commitment statement to our web site.

2. We are also interested in how many personnel (i.e., clerical, technical, and managerial) it would take for applicants to review the program information, obtain approval from senior management and complete the form.

Answer: For us, the process of calculating surfactant use data and completion of the form should only take about 4 hours for 1 person, as we already went through this exercise for our own internal decision-making purposes. I think EPA will find that most manufacturers/formulators of mid- to large size have already taken a look at this issue. However, if we were to be starting from scratch, I would add another 8 hours onto the time given above (total of 16 hours.) Obtaining approval from senior management wouldn't take long at all, but management would insist that submitted data be confidential business information. 1 person to post statement to web site.

3. In addition, please provide us with any constructive criticism / comments you might have regarding the application itself, questions posed, instructions, description of the program, etc.

Answer: This application appears very straight forward in its present form.

(NOTE: At this time we are only soliciting feedback on the application itself and NOT the actual work of transitioning from NPEs to safer surfactants.)

4. Please note that the SDSI program has changed somewhat. When we first discussed SDSI it was focused exclusively on NPEs. Now the program is more generally focused on encouraging companies to move towards "safer surfactants". We would greatly appreciate your comments on this change in focus also.

Answer: I don't see a problem with the change in focus – and EPA should also recognize that

there are lots of safer surfactants out there that have not participated in their database.

4. Formulator $20 to $50 Million

1) I estimate that it would take a minimum of 200 hours to satisfactorily complete this application.

2) Completing the application would require at least one clerical person, two to three technical people, & at least one senior manager. Also an IT person's time would be required.

3) Documentation is required but so far as I can see the mechanism for this documentation is not specifically addressed. (i.e. how do we prove we are/will be in compliance?)

4) The term safer surfactants is too vague. Organizations will not want to commit to a vague goal like that can be changed or expanded during the implementation process. DfE needs to pick a specific category like NPEs/APEs & address eliminating/reducing those in our industry.

4. Company: CleanPower (Building Service Contractor, Under $5 Million)
Address: 124 N. 121st Street, Milwaukee, WI 53226
Contact: Barbara Whitstone; Phone: 414-302-3000; Email: whitstone@cleanpower1.com

As an Institutional Purchaser, our time to complete the actual application would be fairly minimal. I would estimate no more than four hours total.

I would complete the form myself, and ask our President of Specialty Services to review it as chemical purchases also come under his purview.

Reviewing our list of current products (over 200!) to ensure that they meet the requirements would take much longer. However, less than 30 products make up over 90% of what we use; the rest are specialty chemicals for unusual situations. Also, we could ask our vendors to help us with this part of the project. I would estimate this would take 16 hours of clerical time.

Putting the information on our website would be outsourced, and I am unable to provide a time or cost estimate for that.

5. Company: KIMCO (Building Service Contractor, $50 to $100 Million)
Address: KIMCO Corporation, 7300 W. Montrose Ave., Norridge, IL 60706
Contact: John Barrett, CEO; Phone: 708-583-9800; Email: jbarrett@kimcocorp.com

Question 1 How many hours to complete? For an institutional purchaser at a "Partner" level we are estimating 16 hours work to complete and then 1-2 hours per month for tracking, monitoring and audit of distributors/manufacturers.

Question 2 How many personnel? For KIMCO we are estimating corporate involvement from 3 people and coordinating field management involvement of 7 people.

Question 3 Feedback and comments from KIMCO. Provide better definition for the institutional purchasers between "Champion" and "Partner" level participation.
(i.e. Champion "All products you purchase must contain only safer surfactants, Partner "Only purchase products that only contain safer surf.....")
These seem to say the same thing.

In the footnote, specific classes of products are defined. They do not include floor strippers and finishes as well as carpet detergents. Do these need to be included as the have an impact on the environment.

6. Company: Scoles Floorshine (Distributor, Under $5 Million)
Address: Scoles Floorshine Industries, PO Box 2303; Farmingdale, NJ 07727
Contact: Jon Scoles; Phone: 732-681-4545; Email: jscoles1@aol.com

1. Filling out the initial application, at least for a distributor, seems relatively simple. Writing letters to all of my chemical suppliers requesting a list of all non-NPE products would take little time.

2. Gathering all that information, cross checking these products to existing products, testing them as to comparable performance and sampling them out to key customers for their input would take a lot of time.

3. If these products were found to be unacceptable to the customer base, new sources of suppliers that meet the EPA requirement would have to be found and the testing process started over.

4. Knowing the difficulty of securing certain product lines and also the years of marketing your company in relation to these lines, it would be hard to start over without losing a large percentage of your customer base. Not to mention dispensing equipment that would have to be replaced.

5. The cost factor of these products would also have to be considered as to how much the customer is willing to pay.

6. Knowing how many qualified manufacturers and the range of products that will be available is essential before even beginning the application.

The leap of faith for the distributor is that enough manufacturers will buy into this program to make it competitive and the end user is willing to pay more for new and possibly less effective products. My concern is there won't be enough non-NPE products, initially, to fill all the product demands of our customer base. This in itself would eliminate me and most distributors from this program.

The bottom line; filling out the application would only take a few hours with a couple of staff members. Executing the entire program to completion would take 1-2 years.

7. Company: Maintex (Formulator, $20 to $50 Million)
Address: Maintex, 13300 E. Nelson Ave., City of Industry, CA 91744
Contact: Linda Silverman; Phone: 626-961-1988; email: Linda@mainex.com

First let me say that we manufacture over 300 formulas and the majority of those products do contain NPEs. This EPA initiative would require the reformulation and testing of all of these items which would take at least a year to accomplish.

At this time our Green Products represent a very minimal amount of our actual sales. We are seeing growth in that area of our business, but to discontinue the sale of all items that are not green formulated would drastically affect our business and we would not consider such a strategy. We could not be competitive in our marketplace and it could conceivably result in a complete business failure. As much as we want to support Green Business we must also maintain our current sales level and failing to offer other products would present a huge negative impact.

Filling out the application would not take too much time, but reformulating and committing to the process is another story entirely.

8. Company: Coastwide (Distributor and Formulator; $20 to 50 Million)
Address: 10000 S.W. Commerce Circle Drive, Wilsonville, OR
Contact: Roger McFadden; Phone: 503-218-4900; email: rogermcfadden@centurytel.net

1. Please provide your best estimate regarding how long it would take to complete the application in terms of total hours.

FEEDBACK: I would estimate the total time for completing and submitting the application to be 4 hours for most companies.

2. We are also interested in how many personnel (i.e., clerical, technical, and managerial) it would take for applicants to review the program information, obtain approval from senior management and complete the form.

FEEDBACK: Environmental manager, qualified chemist or scientist, clerical person, communication's manager and senior manager.

3. In addition, please provide us with any constructive criticism / comments you might have regarding the application itself, questions posed, instructions, description of the program, etc.

FEEDBACK: The definition of a safer surfactant is vague. What is the definition of a "non-polluting compound"? It appears NPEs would not be classified as safer surfactants because they are "toxic to aquatic life". Is "toxic to aquatic life" the same as "non-polluting compound"? I would think that if a manufacturer of NPEs could demonstrate that their NPE surfactant was a "non-polluting compound" that they would be able to meet the criteria as it is currently defined. I would prefer to see "non-polluting" be replaced with the word "toxic". I would also prefer that the definition include "readily biodegradable" and "cannot be listed as an endocrine disrupter".

RECOMMENDATION: "Safer surfactants are surfactants that are readily biodegradable, non-toxic to aquatic life and not listed as endocrine disrupters. Nonylphenol ethoxylates, commonly referred to as NPEs, are an example of a surfactant class that does not meet this definition. Both NPEs and their breakdown products, such as nonylphenol, are toxic to aquatic life and listed as endocrine disrupters. CleanGredients is a resource for information on safer surfactants."

9. Company: ISSA (Non-Profit Trade Association)
Address: ISSA, 7373 N. Lincoln Avenue, Lincolnwood, IL 60712
Contact: Bill Balek; Phone: 847-982-0800; email: bill@issa.com

1. Please provide your best estimate regarding how long it would take to complete the application in terms of total hours.

RESPONSE: ISSA would apply as a Champion in the "Other" category. As such, the application process would be pretty straightforward. It would require searching our files to identify and catalog the various activities in which we have been involved that have encouraged the use of safer surfactants. I estimate this process would take approximately an hour.

Completion of the application itself should take no more than 45 minutes or so, and we estimate that it would take a total of 3 hours to draft, approve, and post web statement.

Total time estimated: 4 hours, 45 minutes.

2. We are also interested in how many personnel (i.e., clerical, technical, and managerial) it would take for applicants to review the program information, obtain approval from senior management and complete the form.

RESPONSE: I estimate 4 individuals would be involved in the process. I (Bill Balek) would be responsible for doing the necessary research / review of our SDSI related activities, as well as drafting the application and web content. Our marketing director would review / edit the web statement, which would then be submitted for review by our executive director. Once approved our IT person would post to the web.

3. In addition, please provide us with any constructive criticism / comments you might have regarding the application itself, questions posed, instructions, description of the program, etc.

RESPONSE: ISSA recommends that you try to define / identify as best as possible the surfactants that you would like to have companies discontinue, as well as those surfactants that

you would like companies to transition to. While we realize the reasons why DfE has dropped reference to NPEs, formulators have expressed some level of discomfort with the program as defined in the application. Specifically, they have referenced the use of the term "safer surfactants" as well as the lack of specific reference to "bad" surfactants.

10. Company: Green Blue Institute
Address: 515 Whitecap Road, Bellingham, WA 98229,
Contact: Lauren Heine, Senior Fellow, Green Blue Institute; Principal, Lauren Heine Group LLC; Phone: 360-738-4643; email: Lauren.Heine@GreenBlue.org

I commend U.S. EPA and the Design for the Environment Program for the Safer Detergent Stewardship Initiative.

This is an important and valuable program for a number of reasons:

1) It supports EPA regulatory priorities via a voluntary initiative thus demonstrating harmonization between programs at EPA. Often large organizations are criticized for having uncoordinated "silos" of activity. But the SDSI program is synergistic with EPA regulatory priorities to reduce the levels of nonylphenol in our nation's rivers, streams, and other water bodies therefore demonstrating a coordinated and thoughtful effort by EPA.

2) It is a voluntary program that provides positive recognition for those organizations who wish to participate. It is not mandatory – no one is required to participate. But in a day when a growing number of companies are seeking ways to distinguish themselves as leaders in environmental and sustainability initiatives, SDSI offers a new and effective channel for market recognition. It uses positive market-based incentives and not regulatory requirements.

3) The requirements for participating are not burdensome. For companies or other organizations that seek to participate, they will need to demonstrate that they have committed to and/or have effectively ceased from using NPEs. It is hardly burdensome to ask a company to demonstrate that they know what they are actually purchasing and are using as ingredients in their products! This is responsible business. Irresponsible businesses end up using lead in baby bibs and melamine in dog food and don't even know it. The DfE reporting requirement to demonstrate qualification for SDSI will only make businesses more informed and responsible. This is not a burden but rather an opportunity.

4) Ecolabels and environmentally preferable products are a growing segment of the market. But they are a small segment of the market, and by definition, ecolabels will only ever be achievable by the top 20% of the marketplace. Ecolabelling organizations say that when 20% of the market can meet their standard that they will update the standard -- otherwise there would be no distinction for environmentally preferable. At one time, I spoke with representatives of one of the largest industrial and institutional cleaning products

manufacturing companies in the US. They proudly noted that at the time they had 6 ecolabeled/recognized products (I believe they are up to ~15 now – two years later). I commended them on their achievement and asked how many products they actually sold. They said 6000! Ecolabels and partnership programs such as the DfE Formulator Program help to ensure the human and environmental health and safety of key products – but what about the other 5,994? Greening chemical products through ecolabeling/product recognition is like fishing selectively with a fishing pole. But greening a company's full product inventory is like fishing with a fishing net. Both approaches yield important results and BOTH should be used. Labeling results in a relatively few products that are "best in class" and that represent leadership in formulation. SDSI will result in a larger number of products that do not use NPEs which has been demonstrated to be hazardous in the environment. The two approaches are mutually supporting. A third approach of course might be to use regulations to force companies to comply by ceasing to use NPEs altogether, but that just creates a regulatory burden for companies and for the Agency. Why not see if the goal of low levels of NP in US waters can be achieved by preferred purchasing and voluntary initiatives such as SDSI.

11. Company: Barricade International
Contact: John Bartlett, phone: 800-201-3927

- Need/Authority for the Collection

We at Barricade agree and fully support the efforts of EPA's SDSI. The data collection is necessary and appropriate to determine the amount of NPEs entering our nation's waters. It is particularly important in the case of water enhancing gels used in wildland firefighting where fire behavior is the primary consideration on when and where to use these products. We also believe that the SDSI will lead to use of safer water enhancing gels that are NPE-Free.

On a similar note, there is a reluctance/inertia on the part of Federal and State agencies to embrace new and safer chemical technologies in wildland firefighting. The fact that there is a Presidential Executive Order that recognizes the priority to be given more environmentally safe products does not seem to be an incentive for the Federal use of NPE-Free products. The incorporation of water enhancing gels used in firefighting in the SDSI will tend to highlight the importance of safer products.

- Accuracy of Information Collection Burden Estimates

We have reviewed Exhibit 6.1 and concur with the estimate of collection burden. We would certainly anticipate the cost and time to be well within the estimate.

- Enhance the Quality, Utility, and Clarity or Information Collected

We have reviewed the information to be collected and find it useful, necessary and clear. We do have one suggestion: Is it possible to include Federal and State agencies as an "Institutional Purchaser" on
the form? We can make a safer and more effective product without NPEs but will it be USED?

- Minimize the Burden

We have reviewed the methods, time, and costs involved in responding to this initiative and believe that the EPA has minimized the burden to the public and is certainly within the capabilities of small businesses such as ours.