

**OMB Control No. 2070-0054; EPA ICR No. 0586.11**

**Attachment I**

**Consultation Meeting Notes and E-Mails**

**EMAIL 01/17/2008 @ 1:51 p.m. to Kathleen Roberts, ACC from Gerry Brown**

Kathleen

Happy New Year!

That would work for us. Let me know what dates so I can check with all players and I can get a room.

"Roberts, Kathleen M."  
<Kathleen\_Roberts@americanchemistry.com>

To: Gerry Brown/DC/USEPA/US@EPA  
cc

01/16/2008 06:50 AM

Subject: RE: TSCA Section 8(a) PAIR ICR Renewal

Gerry

I hope its not too late to get back to you on this. I have a meeting of the TSCA Work Group in early Feb. Might we coordinate your meeting with that meeting, or is that too late for you? Another alternative would be to allow company attendees to participate via conf call? Travel budgets continue to get cut for my members - so I am trying to be creative in how we can get them to participate in your meeting.

-----Original Message-----

From: Brown.Gerry@epamail.epa.gov [mailto:Brown.Gerry@epamail.epa.gov]  
Sent: Monday, December 17, 2007 11:27 AM  
To: Roberts, Kathleen M.  
Cc: Schweer.Greg@epamail.epa.gov; Lenahan.Robert@epamail.epa.gov;  
Callahan.Joseph@epamail.epa.gov; Mattheisen.Mike@epamail.epa.gov  
Subject: TSCA Section 8(a) PAIR ICR Renewal

We are in the process of preparing the latest renewal to EPA ICR No. 0586.10 - TSCA Section 8(a) PAIR. We would like to set up a meeting to discuss your "pre-reporting" concerns in your electronic submission dated March 7, 2005 during the last renewal . Any facts and figures you can bring to this discussion that could benefit our economists in preparing the most accurate economic analysis for this ICR would be useful. Individual companies also would be welcome. Given Holiday schedules, I would like to propose that we meet at EPA sometime after January 7, 2008. We would appreciate your getting back to us with possible dates and times.

Thank you and have a Happy Holiday!

**EMAIL 02/01/2008 @ 12:47 p.m. to Kathleen Roberts, ACC, from Gerry Brown**

Given the delay and the fact that you already have a set agenda, perhaps it would be most efficient to aim for the lunch slot. Our economists are reevaluating but are looking for

something more substantive/concrete from your folks as to what they think is more realistic re burden..

**"Roberts, Kathleen M."**  
**<Kathleen\_Roberts@americanchemistry.com>**

02/01/2008 12:28 PM

To Gerry Brown/DC/USEPA/US@EPA  
cc "Kiefer, Robert"  
<robert\_kiefer@americanchemistry.com>  
Subject EPA meeting with ACC on TSCA Section 8(a) PAIR  
ICR Renewal

No problem on the delay.

The TSCA Work Group is meeting on February 6th from 10:45 to 1:00. Although we have set out our agenda topics, I am confident that we can re-arrange things to include a robust discussion on 8(a) and ACC's concerns with pre-reporting burden.

Assuming we'd want 30 to 40 minutes - is there a timeframe in the 10:45 to 1:00 window that you'd prefer? Right now, we have 12:15 to 1:00 allocated for lunch (with no agenda topics set). You could join us for lunch - and we could have the discussion then. Or like I said, we could rearrange our agenda to suit your schedule.

As for where - ACC offices are at 1300 Wilson Blvd, Arlington, VA. If you take the Metro, we are at the Rosslyn stop. As you exit the station, head to the left - up the staircase. Take a left and head up the hill to Wilson Boulevard. We are across the street from the Hyatt Arlington (in Commonwealth Towers). Go to the 15th floor and sign in - then the receptionist will let us know you have arrived.

If you do plan to join us for lunch, let me know how many to expect so we can order accordingly.

Thanks again for your willingness to meet with us.

Kathleen

-----Original Message-----

From: Brown.Gerry@epamail.epa.gov [mailto:Brown.Gerry@epamail.epa.gov]  
Sent: Thursday, January 31, 2008 10:58 AM  
To: Roberts, Kathleen M.  
Subject: RE: TSCA Section 8(a) PAIR ICR Renewal

Greetings!

Sorry for the delay -- trying to sort things out with folks.

I think it would be fine to meet at your place - where? and when?



**EMAIL 02/14/2008 @ 4:14 p.m. from Joe Callahan, EETD Economist to Gerry Brown – Meeting Notes from February 6, 2008 meeting with American Chemistry Council**

Attached are my notes from the meeting we had last week with ACC.

Gerry, as we discussed, please send these to Kathleen Roberts of ACC for her review and comments. If you or Mike have any comments or any additions, please feel free to add them to my notes.

Thanks.

Joe



02\_06\_08 ACC consultation notes.doc

Joseph M. Callahan  
OPPT/EETD/EPAB  
(202) 564-8793

**02\_06\_08 ACC consultation notes.doc**

Joseph M. Callahan  
US EPA OPPT/EETD/EPAB  
202 564-8793  
callahan.joseph@epa.gov

Notes on a meeting between EPA and the ACC TSCA group, on Wednesday 2/6/08.

The meeting was held in ACC offices in Rosslyn VA.

In attendance for EPA: Mike Mattheisen, Gerry Brown, and Joe Callahan  
For the chemical industry: Kathleen Roberts for ACC and around 8 to 12 industry representatives (either in person or on a telephone conference line).

The following are my very rough notes from the meeting.

Kathleen started the discussion by pointing out that compliance requires work prior to reporting.

What steps do companies go through, and who does this, in response to a Federal Register Notice of an 8(a) PAIR rule?

Rep. for DOW (Imogene): Assess whether the chemical affects us, out of the 100's of products that may contain that particular chemical. For DOW, which has many business units, determining this requires having someone write up and send out a memo to those business units to pass along the information about the 8(a) rule and ask for responses.

Kathleen: Need to look at a database (if the company has one available) to see if the chemical ...

Also, in regard to the importation of mixtures, figure out whether the threshold is met.

DOW (Imogene) Even if we don't report, we have to go through these steps determining not to report.

One comment – A company without a database, so it may be time consuming just determining whether that chemical ...

Kathleen: And these actions are generally taken by higher-level people.

Fred: Also have to work with the plants.

Kathleen: Don't have any specific examples for EPA from the last 8a.

Kathleen: Also after a memo, often need to follow up with further messages.

Fred: Also need to have meetings with legal staff and with plant managers.

Kathleen: If there is a substantial time lag between an initial proposal and the final rule, a company may need to partly redo this process.

As a rough estimate, this process (sending out a memo of inquiry, etc.) will take at least 5 hours, maybe 8 to 10 hours. (I got the impression that the group agreed generally with this estimate.)

Additional comment (which I did not understand): That would be just for the E H and S people. Then there would be additional time for .... And this would be for each of maybe 50 or 60 companies.

There then was a short discussion of the question of how many companies would need to go through these initial steps, without regard to whether they would end up responding to the 8(a) rule.

Phone comment: Any company reporting to the IUR would probably need to at least read the FR notice.

Kathleen: That would be about 193 companies?

Phone comment: Yes, but then it might also include importers who may be too small to fall under the requirements of the IUR.

As I recall the discussion, someone mentioned that the range of the count of companies that might have to take these pre-reporting steps could be as high as 400. This is because some companies that don't have to report under IUR nonetheless might feel compelled to investigate whether or not the rule would require them to report. But there seemed to be a general agreement that the number of companies reporting to EPA under the IUR was a good baseline number for the number of companies that would need to take steps to investigate whether or not the rule required them to take some action.

**EMAIL 02/19/2008 @ 4:08 p.m. Comments from Mike Mattheison, CITB on Joe Callahan meeting notes**

Joe, your notes generally agree with mine.

In addition, my notes have:

There were eleven people from ACC present, two staffers and nine companies.

Compliance was conducted by managerial staff and involved from 5 to 15 hours for compliance staff plus more hours for administrative staff. Communication costs and discussions involved at least two to three hours.

The activity was repetitive rule to rule and proposed to final.

Compliance reviews involved hundreds of products and thousands of raw materials, which was complicated by mixtures and evaluating thresholds.

Compliance included reading, summarizing and distributing the notice, cross-referencing, and database checks.

Small companies' reviews were more labor intensive.

The number of companies equaled at least the number that report on the IUR plus importers that don't report on the IUR.

ACC had no actual cost data.

There was less legal review under 8a than under 8e, because it involved less professional judgment and was more straight-forward.

Mike Mattheisen  
Acting Branch Chief  
Chemical Information and Testing Branch  
Chemical Control Division  
US EPA Office of Pollution Prevention and Toxics  
202-564-3077



**Joseph  
Callahan/DC/USEPA/  
US**

02/14/2008 04:14 PM

To Mike Mattheisen/DC/USEPA/US@EPA, Gerry  
Brown/DC/USEPA/US, Ron  
Carlson/DC/USEPA/US@EPA, Robert  
Lenahan/DC/USEPA/US@EPA

cc

Subject 8(a) PAIR ICR ACC consultation

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Thanks.

Joe



02\_06\_08 ACC consultation notes.doc

Joseph M. Callahan  
OPPT/EETD/EPAB  
(202) 564-8793

**EMAIL 02/19/2008 @ 4:15 p.m. from Kathleen Roberts, ACC to Gerry Brown regarding Joe Callahan's meeting/consultation notes**

Gerry

Some minor comments are included in the attached. Thanks for the chance to look this over, and thanks for coming out to talk to us

-----Original Message-----

From: Brown.Gerry@epamail.epa.gov [mailto:Brown.Gerry@epamail.epa.gov]

Sent: Tuesday, February 19, 2008 9:43 AM

To: Roberts, Kathleen M.

Cc: Mattheisen.Mike@epamail.epa.gov; Callahan.Joseph@epamail.epa.gov;

Carlson.Ron@epamail.epa.gov

Subject: Fw: 8(a) PAIR ICR ACC consultation

Kathleen,

Please look over Joe's write-up and make any additions or changes. We will then share with our management for discussion and resolution.

Gerry

----- Forwarded by Gerry Brown/DC/USEPA/US on 02/19/2008 09:41 AM -----

Joseph  
Callahan/DC/USEP  
A/US

02/14/2008 04:14  
PM

To  
Mike Mattheisen/DC/USEPA/US@EPA,  
Gerry Brown/DC/USEPA/US, Ron  
Carlson/DC/USEPA/US@EPA, Robert  
Lenahan/DC/USEPA/US@EPA

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(See attached file: 02\_06\_08 ACC consultation notes.doc)

Joseph M. Callahan  
OPPT/EETD/EPAB

(202) 564-8793



02\_06\_08 ACC consultation notes KR input.doc

**Kathleen Roberts input to 02\_06\_08 ACC consultation notes KR input.doc** (Ms Roberts edits are in bold and underlined)

Joseph M. Callahan  
US EPA OPPT/EETD/EPAB  
202 564-8793  
callahan.joseph@epa.gov

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**I think the agreement was that the IUR number is a reasonable "at a minimum" number versus baseline number. There are probably more than the IUR reporting companies involved, but there certainly are not less than that.**