



**CPMA**

**COLOR PIGMENTS MANUFACTURERS ASSOCIATION, INC.**

November 14, 2014

Ms. Toiya Goodlow  
Document Control Office  
Office of Pollution Prevention and Toxics  
Environmental Protection Agency, Mail Code: 7407T  
William Jefferson Clinton Building  
1200 Pennsylvania Ave. NW,  
Washington, D.C. 20460

Attn: Docket Control Number EPA-HQ-OPPT-2014-0597-0001

**Re: Comments of the Color Pigments Manufacturers Association, Inc. on the Agency Information Collection Activities; Proposed Collection; Comment Request; PCBs, Consolidated Reporting and Recordkeeping Requirements; EPA ICR No. 1446.11, OMB Control No. 2070-0112.**

Dear Ms. Goodlow:

I am writing on behalf of the Color Pigments Manufacturers Association, Inc. ("CPMA"). The following comments are provided in response to the questions contained in your email of October 14, 2014 regarding the Notice entitled "Agency Information Collection Activities; Proposed Collection; Comment Request; PCBs, Consolidated Reporting and Recordkeeping Requirements"; EPA ICR No. 1446.11, OMB Control No. 2070-0112, Docket Number, EPA-HQ-OPPT-2014-0597-0001, 79 Fed. Reg. 61302 (the "ICR").

The Color Pigments Manufacturers Association is an industry trade association representing small, medium and large color pigments manufacturing companies in the United States, Canada, and Mexico. In addition, the association represents foreign color pigments manufacturers that sell products in the US, Canada and Mexico. Suppliers of intermediates and

other chemical products that serve North American color pigments manufacturers are also members of the association. The association provides US and international advocacy programs in support of the color pigments industry on matters pertaining to the environment, health and safety issues.

In general, CPMA believes that the EPA has underestimated the burden of compliance with the ICR. Despite the underestimated costs of compliance with the ICR, CPMA believes that the existing regulatory structure for the control of inadvertent PCBs in excluded products and processes is both reasonable and protective of human health and the environment. The excluded products and processes regulations provide an authorization allowing manufacture and import of products which contain trace amounts of inadvertent PCBs.

On February 4, 2011 CPMA submitted comments to EPA regarding an Information Collection Request for collection of the same information under the PCB regulations. See the request identified as EPA ICR No. 1446.10, OMB Control No. 2070-0112, Docket Number, EPA-HQ-OPPT-2010-0910, 75 Fed. Reg. 82007. CPMA comments also addressed concerns with the EPA notice entitled the "Advanced Notice of Proposed Rulemaking Regarding Reassessment of Use Authorizations for Polychlorinated Biphenyls", 75 Fed. Reg. 17645, April 7, 2010, Docket Control No. EPA-HQ-OPPT-2009-0757 (the "ANPR") as the ANPR may impact on the requirements for excluded products and processes under the PCB regulations.

The following comments are provided on the specific portion of the PCB regulations related to excluded products and processes and the certification process contained in 40 CFR §761.185 and 40 CFR §761.187.

Your email of October 14, 2014 requested information on the following questions which are recited below with our response:

- 1) Are the data that EPA seeks under this ICR available from any public source, or already collected by another EPA office or by another agency? If so, where can the data be found?

Answer, The data collected as part of the Excluded Products and Processes certification process is not provided in any public source. Although this information is not in the public domain, it is shared between a company and its customers.

- 2) Is it clear what is required for data submission? If not, are there any suggestions for clarifying instructions?

Answer, Yes, data requirements are clear for the excluded products and processes provisions specific to reporting for excluded products and processes located at 40 CFR §761.185 We support these excluded products and processes regulations and the necessity for the collection of the data represented by excluded products and processes regulations.

- 3) Would you be interested in electronic/ data submission option? What type of alternative would you be most likely to utilize-web form, USB flash drive, CD-ROM?

Answer, No, because the reports submitted pursuant to 40 CFR §761.185 and 40 CFR §761.187 involve one time reporting of certification regarding manufacturing of products and processes many of which are confidential. Recordkeeping under the excluded products and processes regulations is an ongoing obligation specific to each manufacturer. There is no reason to create an expensive and time consuming system for electronic reporting of these records.

- 4) Do you agree with EPA's estimated burden and costs (the ICR addresses only the costs associated with paperwork)? Are the Bureau of Labor Statistics (BLS) labor rates accurate? If you have any reason to consider the BLS labor rates as used by EPA inaccurate or inappropriate, explain your rationale.

Answer, CPMA continues to be concerned that the overall estimate of the cost of compliance with the excluded products and process portion of the PCB regulations have been underestimated. The cost of analysis for reporting and the managerial costs for professional review of these submissions are underestimated. The BLS labor rates are improved over the previous ICR in that the rates have been increased by 22 to 28 percent for clerical, professional\technical and managerial employees.

In describing the requirements for reporting under the excluded products and process rules the Supporting Statement for a Request for OMB Review under the Paperwork Reduction Act (the "Supporting Statement") states:

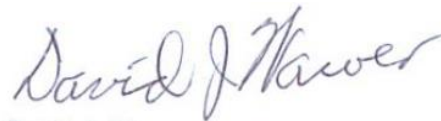
"(#72) Recordkeeping of Excluded Manufacturing Processes and Certification: Chemical manufacturers and importers of products that contain inadvertently generated PCBs (i.e., excluded manufacturing processes) must maintain the monitoring data (or other analyses) that were used to support the determination of compliance with the conditions of Section 761.3, and copies of the signed certification of compliance. These recordkeeping requirements expire under their own terms, either three years after the manufacturer has ceased operating the process that necessitated notification, or after seven years, whichever is a shorter retention period. Monitoring records must contain the method of analysis; the results of the analysis, including data from the Quality Assurance Plan; a description of the sample matrix, the name of the analyst or analysis; the date and time of the analysis; and numbers for the lots from which the samples are taken 40 CFR §761.1(f)(1), 40 CFR §761.185(c)(2) and (d)" Supporting Statement p. 43.

CPMA believes the description provided above for the recordkeeping requirements applicable to manufacturers and importers of excluded products and processes is correct, accurate and reasonable. However, the costs of generating the monitoring records described above are not adequately reflected in the Supporting Statement, Annual Respondent Hourly Burden and Cost Estimate, which states that only .5 hours of management time and 4.5 hours of technical time are needed toward each reporting submission. The 5 hours allotted to recordkeeping for excluded manufacturing processes is too low. Item 42, for example, takes as much time and effort to comply with as Item 72.

**Conclusion**

We hope these comments are helpful to you in your efforts to review the ICR and develop accurate and appropriate cost estimates for compliance with the PCB reporting provision of TSCA. We believe there is overwhelming evidence to substantiate that the existing regulatory structure for PCBs is both cost effective and protective of the human health and the environment.

Sincerely,

A handwritten signature in blue ink that reads "David J. Wawer". The signature is written in a cursive, flowing style.

David J. Wawer  
Executive Director