



November 2, 2015

VIA ELECTRONIC MAIL

Mr. Greg Schweer
Chemical Control Division
Chief, New Chemicals Branch
Office of Pollution Prevention and Toxics
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 7405M
Washington, DC 20460-0001

Re: Information Collection Request for TSCA Section 5(a)(2) Significant New Use Rules for Existing Chemicals, 80 Fed.Reg. 53151 (Sept. 2, 2015); ICR 1188.12, OMB Control No. 2070-0038, EPA-HQ-OPPT-2015-0273; FRL-9931-70

Dear Mr. Schweer:

The American Chemistry Council (ACC)¹ appreciates the opportunity to submit comments on the Environmental Protection Agency's (EPA's) proposed revision of the Information Collection Request (ICR) on "*TSCA Section 5(a)(2) Significant New Use Rules for Existing Chemicals*" published in the above-referenced Federal Register notice.

ACC and its members recognize that the information gathered during pre-manufacturing and significant new use reviews helps EPA fulfill its mission to protect the health and safety of the public and environment. It is important that EPA accurately reflect the burden on U.S. businesses associated with compliance under this obligation.

EPA has estimated the burden based on the five existing chemical SNURs it expects to issue per year, and activities or significant new uses notices (SNUNs) these SNURs may trigger (10/year). ACC has the following comments on the proposed ICR regarding additional burdens:

¹ The American Chemistry Council (ACC) represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care®, common sense advocacy designed to address major public policy issues, and health and environmental research and product testing. The business of chemistry is an \$812 billion enterprise and a key element of the nation's economy. It is the nation's largest exporter, accounting for twelve percent of all U.S. exports. Chemistry companies are among the largest investors in research and development. Safety and security have always been primary concerns of ACC members, and they have intensified their efforts, working closely with government agencies to improve security and to defend against any threat to the nation's critical infrastructure.



- EPA's burden estimate is based primarily on SNUN filings for final SNURs. In our companies' experience, there is a significant burden from the impact analysis of each proposed SNUR. One ACC member company has spent approximately 100 hours preparing comments on each of two recently proposed SNURs on existing chemicals. On just one of those SNURs, that member company required five supporting personnel, who spent another 50 hours gathering data and information to help prepare comments on the SNUR. That resource commitment amounted to \$15,000 for that one SNUR alone.
- In EPA's analysis, it acknowledged there will be costs associated with ensuring all provisions of the SNUR are implemented. EPA concluded that because this burden will vary depending on the significant new uses, it could not estimate the burden. Yet the implementation burden is significant for many SNURs, especially in circumstances where some uses are banned and other uses approved or not affected by the SNUR. Some estimated burden, even if only based on recent SNURs, should be included in EPA's analysis.
- While the time required for a customer notification (1 hour per manufacturer per chemical) seems reasonable, the number of companies that would be required to notify customers appears to be too low. Customer notification requirements affect processors in addition to manufacturers and importers, so the estimate of two manufacturers per SNUR does not seem realistic.
- It also appears that the burden for notification and compliance with the 12(b) export notification requirements for proposed and final SNURs has been omitted or overlooked. This should be included in EPA's estimations.
- A number of SNURs for existing chemicals have lifted the customary regulatory article exemption. EPA has not included a burden estimate for importers of articles to verify that the articles are in compliance with these SNURs.

ACC believes that EPA must revise its proposed revision of the ICR to account for the costs and potential burdens we have identified in these comments in order to more accurately reflect the burden that will be imposed on U.S. businesses that must comply with significant new use requirements.

Thank you again for the opportunity to comment on this ICR. Should you have questions, please contact me by phone at 202-249-6406.

Regards,



Christina Franz
Senior Director, Regulatory & Technical Affairs

