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Toxic Substances Control Act:/Environmental Council of the States Comments: Chemical Data Reporting/Requirements for Inorganic Byproduct Chemical Substances

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The Environmental Council of the States ("ECOS") submitted December 11th comments to the United States Environmental Protection Agency ("EPA") on:

Chemical Data Reporting: Requirements for Inorganic Byproduct Chemical Substances Negotiated Rulemaking ("Rule")

The Rule is being promulgated pursuant to the Toxic Substances Control Act ("TSCA").

ECOS states that the December 11th comments represent its position as a member of the Federal Advisory Committee and participant in the Rule Committee.

ECOS notes that the objective of the Rule Committee is to negotiate a proposed regulation that would limit chemical data reporting requirements under Section 8(a) of the amendments to TSCA (Frank R. Lautenberg Chemical Safety for the 21st Century Act), for:

... manufacturers of any inorganic byproduct chemical substances, when such byproduct chemical substances are subsequently recycled, reused, or reprocessed.

ECOS concludes in its December 11th letter that the Negotiated Rulemaking process was not successful and recommends that:

... no action be taken as a result of this process, and that all potential revisions to a CDR inorganic byproduct reporting be addressed under U.S. EPA's overall TSCA/Lautenberg Act revision efforts.

The organization further argues that actions to maintain the current CDR byproduct or non-commercial use reporting exemptions, expanding, or establish new reporting exemptions or other revisions that would reduce data needed for U.S. EPA to effectively implement the Lautenberg Act, are not consistent with the spirit or letter of the law under the Lautenberg Act, which requires U.S. EPA to evaluate all conditions of use including all forms and pathways of use, disposal, combustion, reuse, recycling and reprocessing.

ECOS comments also address EPA's stated reliance on data collected on inorganic byproducts and the use of TRI and CDR to gauge production volume of byproducts within various metal compound categories.

ECOS is the national nonprofit, nonpartisan association of state and territorial environmental agency leaders.

[A copy of the comments can be downloaded here.](#)