August 18, 2017

The Honorable Scott Pruitt
Administrator of the U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

**Re: IMPLEMENTATION ISSUE for TSCA Inventory Notifications (Active-Inactive Requirements); EPA–HQ–OPPT–2016-0426**

Dear Administrator Pruitt:

The American Petroleum Institute (API) and the American Chemistry Council (ACC) respectfully submit to the U.S. Environmental Protection Agency (EPA) an administrative request that relates to the implementation of the final rule for Toxic Substances Control Act (TSCA) Inventory Notifications, pursuant to TSCA as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. API and ACC make this request to ensure practical and efficient implementation of the notification requirements. We ask EPA to reconsider how the Agency could accomplish online listing of chemicals reported as active, as they are reported throughout the notification period. Because the 180-day notification period already has begun, it is imperative that EPA's consideration of this request be prompt.

API is a national trade association representing all facets of the oil and natural gas industry, which supports 9.8 million U.S. jobs and 8 percent of the U.S. economy, and provides most of the nation's energy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. ACC is a national trade association representing the business of chemistry—its core membership is made up of chemical manufacturers and processors. All ACC member companies, and many API member companies, are expected to be subject to the requirements of the Inventory Notification final rule.

On August 11, 2017, EPA published the final rule "TSCA Inventory Notification (Active-Inactive) Requirements." [82 *Federal Register* 37520-37544] The notification submission period began on the date of publication. Under new regulations at 40 CFR 710.25(a), a person is **not** required to submit Notice of Activity Form A if "such person has evidence in the form of a

CDX receipt, documenting EPA's receipt of a Notice of Activity Form A from another person, for the same chemical substance." We commend EPA for not requiring duplicative reports for a chemical substance that already has been notified as active. However, in order for the notification system to operate in a manner that effectively reduces extraneous reports, EPA needs to make public the basic information on what chemicals have already been notified.

API and ACC ask EPA to reconsider how it could accomplish online posting of notified chemicals, as they are reported throughout the notification period. If "real-time" availability of the information through CDX or website posting is not practical, daily or weekly postings should be readily achievable. The burden to EPA to post and regularly update a list of chemicals for which notifications have been made would be minimal, and the regulatory burden reduction to industry would be substantial. There also would be burden reduction for EPA, by limiting redundant reports that the Agency would need to process.

In the preamble to the final rule, EPA states that in order to publish notices frequently or in real time, EPA would need to develop, test, and implement an electronic platform that would be able to transfer non-CBI notices from EPA's confidential repository to a public system. However, it is not necessary to transfer the notices themselves out of the system, or otherwise publish the entire notice. It is only necessary to list the chemicals notified, either by Chemical Abstracts Service (CAS) number for chemicals on the Public Inventory or accession number for non-confidential chemical substances. This is a simple administrative function, which entails generating a list of chemicals (which could be posted online in any form).

If EPA does want to involve the CDX receipt in its approach, the Agency could post CDX receipts as they are issued, in a searchable online-repository, assuming the receipts state the CAS number or accession number. For chemicals on the Confidential Inventory, EPA could post an appropriately redacted receipt. However, it seems that it might be easiest for EPA simply to post and regularly update an online list of notified chemicals, by public chemical name and CAS number or accession number. (It would be ideal if the list could be programmed into the CDX reporting system, but we understand that might not be achievable quickly.)

We commend EPA on developing a reasonable and practical Inventory Notification final rule in the short timeframe mandated by the statute. We appreciate EPA's additional consideration of these suggested administrative changes to reduce reporting burden. Based on our experience with TSCA reporting and our understanding of the new requirements, we think that the suggestion described herein is essential for smooth reporting under this final rule. Please feel free to contact either signatory if you have any questions or would like to discuss this matter further.

Sincerely,

Jack Gerard
President and CEO
American Petroleum Institute

Cal Dooley
President and CEO
American Chemistry Council

cc:
Wendy Cleland-Hamnett, Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention