This language is provided by EPA as technical assistance in response to a congressional request. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, draft language, and comments.

SEPW TA on TSCA TRI bill

Q1. Page 7: "a stakeholder suggested that this text be revised to say 'designated as an active chemical substance on the inventory following EPA's receipt of a notice under section 8(b)(5)(B)' – can you comment on whether this is a more precise/correct formulation?"

EPA Response: Yes, 8(b)(5)(B) would be a more accurate citation, see the edits in red. In addition, if the intent is to capture chemicals that are newly added to the Inventory then consider the edit in green (i.e., the Aug. 2017 Inventory rule indicates that any new chemical that is added to the Inventory is automatically designated as active).:

i. (D) ADDITION AS ACTIVE CHEMICAL SUBSTANCE.—The date on which the perfluoroalkyl of polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that is on a list of substances covered by a significant new use rule under subsection (a)(2) (except for a significant new use rule issued in connection with an order issued under section (e)) or (f) of section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is newly added to the inventory as active, or is designated ~~added~~ as an active existing chemical substance on the inventory following EPA's receipt of a notice under section 8(b)(~~1~~5)(B) of the Toxic Substances Control Act (15 U.S.C. 2607(b)(5)(B~~1~~)).

In addition, regarding the exception for SNURs issued in connection with a 5(e) order, we ask whether this language is intended to ensure that only SNURs issued in connection with a 5(f)(2) or (3) action triggers TRI reporting? If that was the intent, that is not accomplished with the current language in the bill, because SNURs can also be issued in connection with a section 5(a)(3)(C) determination that a chemical is not likely to present an unreasonable risk of injury, or where information received after the chemical substance is in commerce simply makes the Agency want to evaluate certain significant new uses before they are made public. As currently worded, those types of SNURs would trigger reporting under the bill. If the drafters only want to reach SNURs issued in connection with an action under 5(f)(2) or (3), they should just say that.

Finally, please consider one potential problem with including, in statutory text, references to specific regulatory provisions. Namely, what happens if in the future those provisions are moved elsewhere in the CFR or, even if they are not moved, they are re designated for some reason?

Q2. Page 10: "Does this work in case 537.1 is changed or if a method is validated in a document other than 537.1, or should we specify 537.1? should we include a date – ie if there is a two year deadline for assessing whether to add them, and EPA validates a new method a day before the two-year deadline, that won't work for you. If you agree there should be a deadline, what is the appropriate one, recognizing that this is just about determining WHETHER to add a chemical, not about writing the NPRM to do so."

EPA Response: It should not be an issue to use the wording provided (i.e., "each perfluoroalkyl or polyfluoroalkyl substance or class of per- and polyfluoroalkyl substances for which a method

to measure levels in drinking water has been validated by the Administrator."). EPA's Office of Chemical Safety and Pollution Prevention would simply communicate with EPA's Office of Water to keep apprised of any PFAS chemicals being considered for a revised/new test method and conduct literature searches for hazard data involving those chemicals and be prepared to make any required determination within the EPCRA 313(d)(2) framework within the 2 year timeframe.