Technical Assistance to Draft Legislation – By Page and Line # (CapitoTRIMFv4)

- *Page 1, Line 12: Recommendation*
    - Recommend--and this recommendation applies to any additions directly made by Congress w/o the (d)(2) process—that you include an effective date of January 1 of the calendar year following enactment of the legislation to make clear that there is no partial year reporting occurring for the first reporting year

- *Page 1, Line 15*: *Response to Request* ("EPA to check the CAS numbers of these and other named PFAS and be sure we have gotten them right and that we have included associated salts where applicable.")
    - Associated salts are generally included in the list we will provide, and the provided Excel file contains a tab titled "Draft Leg Named Chems Related," which provides relationships described within EPA's CompTox Chemicals Dashboard.

- *Page 1, Lines 20-29*: *Response to Request* ("EPA to provide a specific list of PFAS (and CAS #s) that meet the criteria of having been SNURd and in active commerce, AND provide the CFR reference for each SNUR – need to decide which approach to take but need the CFR references either way")

    - Lists of active chemicals with SNUR or consent order will be provided in a followup note
        - Note that the TRI list of chemicals does not contain CBI.
        - Identities of listed TRI chemicals are non-protected.
        - The implications of adding CBI chemical identities to the TRI list have not been fully assessed and would likely to be complicated for both EPA and TRI reporters. Requiring TRI reporting of chemicals with protected identities would be a new scenario for TRI and would require EPA to create new infrastructure for this type of information (e.g. policy, guidance)
    - Best CFR citations are 40 CFR 721.10536 and 40 CFR 721.9582
    - Recommend that Congress provide a list of chemicals in any proposed legislation given that CFR citations can change and the active/SNUR analysis requires a crosswalk and is a moving temporal target – any chemicals added to the CFR or are later SNURed would be captured via (b) section of the draft legislation

- *Page 1, Line 38*: *Response to Request* ("EPA to check to see whether we should be using this phrase or others, and check to see whether 'finalization' is the right word")
    - Consider using "establishment" rather than "finalization" and "toxicity value" rather than "reference dose."

- *Page 1, Line 43*: Response to Request ("EPA to provide a way to include SNURs for existing PFAS in addition to new chemical SNURS, and still need to check to see whether the words I have used for the new chemical SNURS capture the entirety of the 'risky' ones.)
    - Consider inclusion of 5(a)(2) and 5(e) (i.e., under sections 5(a)(2), 5(e)or 5(f)). Actions under 5(a)(2), 5(e), and 5(f) indicate that some level of concern regarding the chemical exists.
- *Page 2, Lines 6-14*: *Response to Request* ("EPA to see whether this language captures the circumstance where EPA adds PFAS to existing SNURS, or previously abandoned PFAS covered by the existing SNURS come back into commerce")
    - To capture all chemicals that are subject to certain TSCA actions, text would need to consider chemicals that are inactive but become active and are newly subject to an applicable TSCA Section 5 provision and those that are active and are newly subject to an applicable Section 5 provision.
    - Understanding is that if a chemical is initially "active" but then later becomes "inactive" that the chemical would remain on the TRI list until EPA removes it.
    - Note that two instances of perfluoroalkyl are missing an 'o'
- *Page 2, Line 20*: *Response to Request* (Does this ensure the rolling deadline for these that we discussed?)
    - Lines 17 – 23, consider this wording:

      (A) The threshold for reporting for any chemical automatically added to the toxic release inventory pursuant to paragraphs (1), (2) and (3) above shall be 100 pounds.

      (B) No later than five years after inclusion of each chemical automatically added to the toxic release inventory pursuant to paragraphs (1), (2) or (3) above, the Administrator shall determine whether a different threshold for reporting for the chemical is warranted, and, as applicable, initiate revisions thereto.
    - Lines 17 – 23, note: The draft text does not specify the mechanism by which the revisions would be initiated.

- *Page 2, Line 26*: *Response to Request* ("Intent of the subject to subsection (b) text is to ensure that any chemical on this list whose reference dose is completed during the 2 year period gets added to the list under (b). Please let us know if this language does not accomplish that, and please also suggest an alternative.")

- Recommend changing the beginning of (c)(1) to read as: To the extent not already addressed under subsection (b) above, [. . .]

- *Page 2, Line 31*: *Response to Request (*"does this nomenclature work for you?")
  - In a followup note we will provide a file that lists each of the chemicals specifically identified in the draft legislation. For TRI reporting purposes, we recommend you use the EPA registry name where there is one provided. The list we provide will also indicate whether each specifically identified chemical is "active" on the TSCA Inventory and indicates whether there is an applicable SNUR or 5E consent order.