Message

From: Sullivan, Andrew [sullivan.andrew@epa.gov]
Sent: 9/28/2020 3:56:55 PM
To: Autumn Timpano [timpanoa@lunainc.com]
CC: Sames, Jayna [Sames.Jayna@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Yan, James [Yan.James@epa.gov]; Sullivan, Andrew [sullivan.andrew@epa.gov]; Master, Barbora [Master.Barbora@epa.gov]; Snyderman, Steven [Snyderman.Steven@epa.gov]
Subject: Reports Attached RE: EPA: Update & Authorization for Report Transmittal PMN
Attachments: Memo_RAD_Waterproof_UpFrontTest_P-20-XX8X.signed_final.pdf; P-20-XX8X_HLTH Risk Assessment FINAL 08-02-2020_Redacted.pdf

Hello Autumn,

Thanks for the updated authorization form. I have attached the 2 password protected reports you requested. I will send you the password in a separate email. Please reply all confirming receipt and ability to access the reports. Thank you.

Best,

Andrew (Drew) Sullivan | Program Manager
New Chemicals Division, Risk Management Branch
U.S. EPA Office of Pollution Prevention and Toxics
Phone: 202-564-0605
Fax: 202-564-9490

DO NOT SEND CBI TO THIS EMAIL

From: Autumn Timpano <timpanoa@lunainc.com>
Sent: Monday, September 28, 2020 11:40 AM
To: Sames, Jayna <Sames.Jayna@epa.gov>; Rebecca Martin <martinr@lunainc.com>
Cc: Sullivan, Andrew <sullivan.andrew@epa.gov>; Bryan Koene <koeneb@lunainc.com>
Subject: RE: EPA: Update & Authorization for Report Transmittal PMN

Good morning Jayna,

Please see attached signed agreement for email transmittal.

Thanks,
Autumn

--
Autumn Timpano, MPH
EHS Specialist
LUNA
DEFYING IMPOSSIBLE
Luna Innovations Incorporated
3155 State Street
Blacksburg, VA 24060
Office: (540) 557-5894
Cell: (540) 581-4454
timpanoa@lunainc.com

From: Sames, Jayna <Sames.Jayna@epa.gov>
Sent: Thursday, September 24, 2020 9:02 AM
To: Autumn Timpano <timpanoa@lunainc.com>; Rebecca Martin <martinr@lunainc.com>
Cc: Sullivan, Andrew <sullivan.andrew@epa.gov>
Subject: [EXTERNAL] EPA: Update & Authorization for Report Transmittal PMN

Autumn Timpano and Rebecca Martin
Luna Innovations, Inc.

Hi Autumn and Rebecca,
We recently received back the finalized health report for the PMN ending in "" as well as a memo from management describing the up front testing necessary to determine possible health effects from the new chemical substance. I would like to send over the memo via CBI email transmittal as well as health report. I then would like to discuss whether the company would be agreeable to a consent order.
In order to do so, the company will have to authorize the email transmittal of the health report and memo.

Subject: Agreement to authorize transmittal of TSCA CBI via Outlook email with designated Agency representatives during the modified working conditions due to COVID-19

Dear Ms. Timpano:

In an effort to encourage social distancing and help reduce community spread of COVID-19, most EPA staff have been authorized to telework. With a majority of EPA staff now teleworking from remote sites, some minor changes to the normal TSCA section 5 review processes, including the TSCA section 5(a)(3) determination processes, are required. Specifically, the normal process by which section 5(a)(3)(C) determination documents, section 5(e) orders, and assessment reports are transmitted to submitters, because they contain information claimed as CBI, are hard copies submitted by the mail or courier services and via fax machines. These methods of delivery are not available from remote sites and therefore other means of transmitting this information must be utilized.

Given this extraordinary situation, and to avoid delay in addressing TSCA section 5 requirements, the Agency is offering an option to allowed affected persons to agree to allow EPA to transmit these materials via normal non-encrypted Outlook email. If you agree to this, the Agency will transmit these documents to you via email during the period in which a majority of EPA staff is teleworking. In the absence of this agreement EPA may need to extend the review period for your submission or issue a unilateral order under Section 5(e). Please note that EPA is not requiring companies to agree to transmission via email. Rather this communication explains the constraints we are acting under, and the delays that would result in the absence of email transmission. Companies are free to choose as appropriate.
Also, please note that agreeing to this process is a limited waiver of the TSCA CBI procedural protections, which generally restricts the transmission of CBI over a non-encrypted email system. That said, EPA's email system is compliant with all applicable Federal government information security provisions, including the Federal Information Security Management Act, and EPA's email systems meet the level of protection required for storing and transmitting CBI. Furthermore, your agreement will not constitute a waiver of substantive CBI protections, meaning that the information transmitted and claimed as confidential will only be disclosed consistent with TSCA, other applicable laws, and associated implementing regulations.

If you wish to grant EPA a limited waiver to transmit the materials via EPA's email system during the period in which a majority of EPA staff is teleworking, please have your authorized representative complete (e.g., **add the case number to the body and heading**), sign, and return the attached to Rebecca Edelstein (Edelstein.Rebecca@epa.gov) as well as to any EPA staff who were cc'd on the email sent to you. If you have any questions about this communication or the described process, please contact Rebecca Edelstein at (202) 564-1667 or the EPA Program Manager assigned to the case.

Reports to be sent over email to Luna Innovations, Inc.

-Memo describing need for upfront testing
-Human Health report

Best,

Jayna Sames
Environmental Protection Specialist
U.S. EPA, Office of Pollution Prevention and Toxics
CCD, NCMB
WJC-East, Room 4328Q
Mail Code: 7405M
202-564-1527
sames.jayna@epa.gov
No CBI sent to this email