Message

From: Stacey Phillips [Stacey.Phillips@Milliken.com]
Sent: 11/1/2018 9:33:41 PM
To: Odusote, Gloria [odusote.gloria@epa.gov]
CC: Elaine Hare-Sturm [Elaine.Hare-Sturm@Milliken.com]
Subject: RE: Milliken - PMN Path Forward

Hi Gloria,

Thank you so much for the email and clarification. Based on the information you've provided, I think we feel good about just a brief call with you, myself and Elaine. I am in class tomorrow; do you have any availability at the first of the week for a call? As always, I greatly appreciate your help! Have a good evening.

Stacey

From: Odusote, Gloria <odusote.gloria@epa.gov>
Sent: Thursday, November 1, 2018 12:13 PM
To: Stacey Phillips <Stacey.Phillips@Milliken.com>
Cc: Elaine Hare-Sturm <Elaine.Hare-Sturm@Milliken.com>
Subject: RE: Milliken - PMN Path Forward

Hi Stacey,

There may have been a misunderstanding in my previous email. I am hesitant to call an office-wide meeting before you have talked with me.

From your email it seems the goal of setting up this meeting is expediency. Having us sanitize an engineering report and then schedule a cross-divisional meeting would slow down the process. The only situation where that would create expediency is if you have a decision that is not practical for your company and talking to the assessors to change that decision has not borne fruit. In that case, it would make sense to go to management as your questions are not being answered at the staff level. This is not the case here.

The case has been suspended from going to a decision meeting since August with 1 month where EPA was reviewing the data you sent. These suspensions were requested in spite of my explanation that the most likely outcome would be a straight not likely with a possible future SNUR. I further explained that due to the moderate eco hazard of your PMN substance that the possible future SNUR would more than likely not include anything that would limit water releases and would probably restrict changing the process in such a way that would not result in inhalation exposure.

I am asking that you please allow me to move this case along so we can get a decision on your case. If at that point, you think it is moving slowly or you do not like the decision, it would make sense to have a meeting about the decision.

Best,
Gloria

From: Stacey Phillips [mailto:Stacey.Phillips@Milliken.com]
Sent: Thursday, November 1, 2018 11:24 AM
To: Odusote, Gloria <odusote.gloria@epa.gov>
Cc: Elaine Hare-Sturm <Elaine.Hare-Sturm@Milliken.com>
Subject: RE: Milliken - PMN Path Forward

Hi Gloria,

Sorry I missed your call last night. I've been running between meetings this morning, so I wanted to get a response back over to you ASAP.

Our ask for a meeting is to ensure there is alignment and understanding between all parties, and that we can develop a path forward to completion. We have involved outside resources to verify understanding of the ecotox issues, which were above and beyond our internal capabilities.

Based on our last discussion around the results of our ecotox data, we felt that there could be a finding by the agency. We would like to understand if that finding would be that the substance is 'not likely to pose a risk' or 'may present a risk', and, if the latter, what basis was used to make this determination and what data would be needed to remove the concern. We feel a brief meeting with your technical folks and branch chief would be more efficient, as this has been a fluid topic to date, and understanding the options available would help move the process ahead.

This is a very important long-term product for our business, and we are anxious for closure so that we can all move forward.

Thanks so much,
Stacey

From: Stacey Phillips
Sent: Wednesday, October 31, 2018 4:54 PM
To: Odusote, Gloria <odusote.gloria@epa.gov>
Cc: Elaine Hare-Sturm <Elaine.Hare-Sturm@Milliken.com>
Subject: RE: Milliken - PMN Path Forward

Hi Gloria,

Thanks for your quick reply. Mr. Moffat suggested the division director because he thought it would be helpful to make a decision quickly; I spoke with him this afternoon, and he thought the branch chief may also be helpful, but we will defer to you as to whomever you think would be helpful for the discussion.

Please move forward with sanitizing and sending the updated Engineering Report. I think that will be helpful prior to our discussion. We would like a couple of days to review it prior to a call, so maybe we can discuss dates once you have the sanitized report ready to send to us. I suggested a call, but if an in person meeting would be preferred, we can certainly arrange that on our end if it would be easier for you. Please just let me know.

Best regards,
Stacey

From: Odusote, Gloria <odusote.gloria@epa.gov>
Sent: Wednesday, October 31, 2018 12:25 PM
To: Stacey Phillips <Stacey.Phillips@Milliken.com>
Cc: Elaine Hare-Sturm <Elaine.Hare-Sturm@Milliken.com>
Subject: RE: Milliken - PMN Path Forward

Hi Stacey,
I think we should have a call before I schedule a director-level meeting. A meeting with that many people that includes the branch chief and the division director would take time to set up as I will have to arrange around many people's

schedules. Also as you know, we usually ask submitter to expect up to 2 weeks to sanitize documents as there is generally a queue for preparing sanitized documents. I can prepare the updated engineering report but we will require time to sanitize.

Best,
Gloria

From: Stacey Phillips [mailto:Stacey.Phillips@Milliken.com]
Sent: Wednesday, October 31, 2018 11:12 AM
To: Odusote, Gloria <odusote.gloria@epa.gov>
Cc: Elaine Hare-Sturm <Elaine.Hare-Sturm@Milliken.com>
Subject: Milliken - PMN Path Forward
Importance: High

Hi Gloria,

I hope you are having a good week. I was able to follow up with Milliken's external consultants at Ramboll about the ecotox discussion you and I had last week regarding the company's PMN. Milliken still has questions about EPA's interpretation and conclusions and how it plans to proceed with the PMN determination. Our business leadership asked that the progress be reviewed by our external legal counsel, Phil Moffat at Verdant Law, PLLC, since it appears that a consent order or SNUR may be issued, based on our current understandings of the Agency's assessment.

Mr. Moffat suggested that, to get the PMN closed out in a timely manner, Milliken should elevate the discussion within the New Chemicals Management Branch/Chemical Control Division to get a clear understanding of the path forward. Therefore, we ask that you schedule a conference call to discuss the proposed determination, the basis for that proposed determination for both intended and reasonably foreseen uses, and the timing of resolution. Milliken has information that EPA may find helpful, especially concerning reasonably foreseen uses.

For the call, Mr. Moffat has proposed a conversation with you, the ecotoxicologist, the engineer/exposure assessor, and your branch chief, plus the division director, but only if you think that level of participation would be helpful. If there's anyone else you feel is appropriate to include from the Agency, please invite them too. Milliken will ask Mr. Moffat to participate along with David Liu and Linda Martello from Ramboll, Elaine Hare-Sturm, Milliken Director of Regulatory Affairs, Drew Horton, Milliken in-house legal counsel, and myself.

In addition, I again would like to request a copy of the finalized Engineering Report before the call. I only have the draft copy you provided back in the summer. Please fax this over in the next few days so the Milliken team can review it prior to our call. My fax number is 864-503-2430.

Please let me know your team's availability for a call. I think we would both like to get this one completed and moved along, so I hope this will quickly answer everyone's questions and concerns. I know our suspension extension should run us through next Tuesday, November 6th, so we will need to extend this again if we can't get a call prior to that time.

I really appreciate your assistance to date.

Kind regards,
Stacey

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