Message

**From**: Nancy A. Nord [nnord@ofwlaw.com]
**Sent**: 11/15/2016 5:45:36 PM
**To**: Janjic, Ksenija [Janjic.Ksenija@epa.gov]; Carusiello, Chris [Carusiello.Chris@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]
**CC**: Elliot Belilos [ebelilos@ofwlaw.com]
**Subject**: RE: Recycled Rubber Status Report
**Attachments**: ASTM Release DRAFT.docx

Ksenija, While you are certainly free to use the material attributed to me, I have attached a draft and embargoed press release that is scheduled to go out the week after Thanksgiving on industry efforts to comply with the new ASTM standard. This would be the more effective document to quote. What is your latest deadline for material to go into your report? I will make sure that you get the final version as soon as it is released.

Did you hear back from Ex. 3 (CERCLA section 104(e)(7)(a) USC 9604(e)(7)(a)) re the photos?

Nancy

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**From:** Janjic, Ksenija [mailto:Janjic.Ksenija@epa.gov]
**Sent:** Monday, November 14, 2016 2:28 PM
**To:** Nancy A. Nord; Carusiello, Chris; Villamizar, Nicole
**Cc:** Elliot Belilos
**Subject:** RE: Recycled Rubber Status Report

I am not sure. We were thinking about including a sentence or two about it in the draft status report that would undergo review by federal agencies, but we would not release the status report before Thanksgiving. Would that meet the embargo? On the other hand, if the press release is scheduled to go, does it mean that it will go out, no doubt? Alternatively to relying on the press release, I can also check if it would be acceptable to just cite your description in this email chain (of course, provided we also have your permission). Generally, we have been trying to cite publically available sources, but as you are aware, we have also included a limited number of citations to personal communication. So please take a look as I have changed a few of your words and if citing you is acceptable, we can talk further between ourselves about either using that language or the embargoed press release:

"The standard can be used by a tire crumb producer, a synthetic turf field installer can test to the standard, or the installer could require that any infill materials be tested and certified to the standard. The synthetic turf field companies in the Safe Field Alliance, an industry coalition which includes the largest U.S. installers, have committed to compliance with the new standard as have the largest U.S. recycling companies producing infill. The board of the Synthetic Turf Council, which represents the entire industry, is considering amending and republishing its Guidelines to recommend routine testing to the ASTM Standard F3188 (Nord, 2016). "

Nord, N. (2016). Information provided as part of email exchange between the U.S. EPA and Nancy Nord. Arlington, VA, November 14, 2016.

Thank you,
Ksenija

Ksenija Janjic
Office of Resource Conservation and Recovery
US Environmental Protection Agency
Potomac Yards South, S6943
phone: Ex. 6 Personal Privacy (PP)
fax: 703 308 0522

**From:** Nancy A. Nord [mailto:nnord@ofwlaw.com]
**Sent:** Monday, November 14, 2016 2:04 PM
**To:** Janjic, Ksenija <Janjic.Ksenija@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>
**Cc:** Elliot Belilos <ebelilos@ofwlaw.com>
**Subject:** RE: Recycled Rubber Status Report

Ksenija, we could probably provide you with the press release under embargo if that would work for your side. It is scheduled to go out after Thanksgiving. Please let me know.

Nancy

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**From:** Janjic, Ksenija [mailto:Janjic.Ksenija@epa.gov]
**Sent:** Monday, November 14, 2016 8:57 AM
**To:** Nancy A. Nord; Carusiello, Chris; Villamizar, Nicole
**Cc:** Elliot Belilos
**Subject:** RE: Recycled Rubber Status Report

Hi Nancy,

Thank you for this information. We may have additional questions, but for the moment I thought I'd ask you about "the release" you mentioned in the initial email: "The industry is now working hard to implement that new ASTM standard and a release to that effect will be coming shortly." Were you referring to a press release? We are interested in pointing out the standard, but to provide further information on the industry's commitment to use it, we would need a citation. Will there be a press release, or have STC guidelines already been amended?

Ksenija Janjic
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**From:** Nancy A. Nord [mailto:nnord@ofwlaw.com]
**Sent:** Friday, November 11, 2016 4:13 PM
**To:** Janjic, Ksenija <Janjic.Ksenija@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>
**Cc:** Elliot Belilos <ebelilos@ofwlaw.com>
**Subject:** RE: Recycled Rubber Status Report

Ksenija, The standard to which I referred is ASTM F3188-16, Specifications for Extractable Hazardous Metals in Synthetic Turf Infill Materials, http://www.astm.org/Standards/F3188.htm. The standard could be used by the tire crumb producer, the installer could test to the standard, or the installer could require that any infill materials be tested and certified to the standard. (Please note that the standard applies to all synthetic infill materials, not just tire crumb.) The standard is prospective so it would apply to new installations. However, most installers do require testing and certification so that information is available to a field owner if there is a concern about heavy metals in the infill material.

The companies in the Safe Field Alliance, which includes the largest U.S. installers, have committed to compliance with the new standard as have the largest U.S. recycling companies making materials used in infill and playing surfaces. The board of the Synthetic Turf Council, which represents the entire industry, will be meeting shortly to consider amending its Guidelines to call for testing to the new ASTM standard. A very large segment of the industry is committed to

assuring that compliance with this standard is the industry practice and communicating that fact to field owners and users.

Please contact me if you have additional questions about this new standard.

Nancy
**Nancy A. Nord, Esq.**

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**From:** Janjic, Ksenija [mailto:Janjic.Ksenija@epa.gov]
**Sent:** Thursday, November 10, 2016 12:14 PM
**To:** Nancy A. Nord; Carusiello, Chris; Villamizar, Nicole
**Cc:** Elliot Belilos
**Subject:** RE: Recycled Rubber Status Report

Hi Nancy,

Is the standard you mention a standard that a tire crumb producer would use or a standard that a synthetic turf field installer would use? If this is a new testing standard, will it be used in incoming installations or will it also be used on existing fields? Being that the adoption of ASTM standards is voluntary, what is its expected reach?

In the draft status report, we have been including brief information on standards that exist for tire manufacture, tire crumb production and to compare synthetic turf field systems and their components. Since standards are of interest so it would probably be timely to receive relevant and citable information up until early next week.

Ksenija Janjic
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**From:** Nancy A. Nord [mailto:nnord@ofwlaw.com]
**Sent:** Thursday, November 10, 2016 11:55 AM
**To:** Janjic, Ksenija <Janjic.Ksenija@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>

**Cc:** Elliot Belilos <ebelilos@ofwlaw.com>
**Subject:** Recycled Rubber Status Report

I realize that you all are working hard to document the status of your information gathering efforts from this summer and fall. I wanted to make sure that you are aware of the new ASTM testing standard for all synthetic turf infill products (not only recycled rubber infill). The standard calls for testing the presence of heavy metals using the ASTM 963 toy standard heavy metals levels. The industry is now working hard to implement that new ASTM standard and a release to that effect will be coming shortly. It seems that this effort is relevant to the report you are compiling and should be included.

If you wish further information or have questions, please let me know.

**Nancy A. Nord, Esq.**

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