Surface Sediment Sample Location
Exposure Unit Designation
USEPA's Preliminary Site Perimeter
0 Contour (NAVD 88)[a]
-2 (feet)[b]
-1 (feet)[b]

0 1,000
Feet

Notes: [a] Tidal conditions under which this contour was measured are unknown.
[b] Contours reflect pre-TCRA conditions.

Figure 18
Exposure Units for Sediment, Area North of I-10 and Aquatic Environment Baseline
San Jacinto River Waste Pits Site

Modified from: Integral Consulting Inc. and Anchor QEA, LLC. 2013. Baseline Human Health Risk Assessment, San Jacinto River Waste Pits Superfund Site.
Prepared for: McGinnes Industrial Maintenance Corporation, International Paper Company, and U.S. Environmental Protection Agency, Region 6. May.

Large Fish Collection Location (University of Houston and Parsons, 2009)

Large Fish and Blue Crab Fish Collection Area

Hardhead Catfish Fillet and Blue Crab Exposure Unit: "FCA 1"

Hardhead Catfish Fillet and Blue Crab Exposure Unit: "FCA 2/3"

Clam Exposure Unit: "FCA 1/3"

Clam Exposure Unit: "FCA 2"

Original 1966 Perimeter of the Impoundments North of I-10

USEPA's Preliminary Site Perimeter

0 1,000

Feet

Figure 19
Exposure Units for Fish and Shellfish Tissue, Area North of I-10 and Aquatic Environment San Jacinto River Waste Pits Site

Modified from: Integral Consulting Inc. and Anchor QEA, LLC. 2013. Baseline Human Health Risk Assessment, San Jacinto River Waste Pits Superfund Site.
Prepared for: McGinnes Industrial Maintenance Corporation, International Paper Company, and U.S. Environmental Protection Agency, Region 6. May.

Surface Soil Sample Location

USEPA's Preliminary Site Perimeter

0 1,000

Feet

Figure 20
Exposure Unit for Soils, Area North of I-10 and Aquatic Environment, Baseline
San Jacinto River Waste Pits Site

Modified from: Integral Consulting Inc. and Anchor QEA, LLC. 2013. Baseline Human Health Risk Assessment, San Jacinto River Waste Pits Superfund Site.
Prepared for: McGinnes Industrial Maintenance Corporation, International Paper Company, and U.S. Environmental Protection Agency, Region 6. May.

Surface Sediment Sample Location
Exposure Unit Designation
TCRA Fence Line
Coastal Water Authority Fence Line
0 Contour (NAVD 88)[a]
USEPA's Preliminary Site Perimeter

0 1,000
Feet

Note: [a] Tidal conditions under which this contour was measured are unknown.

Figure 21
Exposure Unit for Sediment, Area North of I-10 and Aquatic Environment, Post-TCRA
San Jacinto River Waste Pits Site

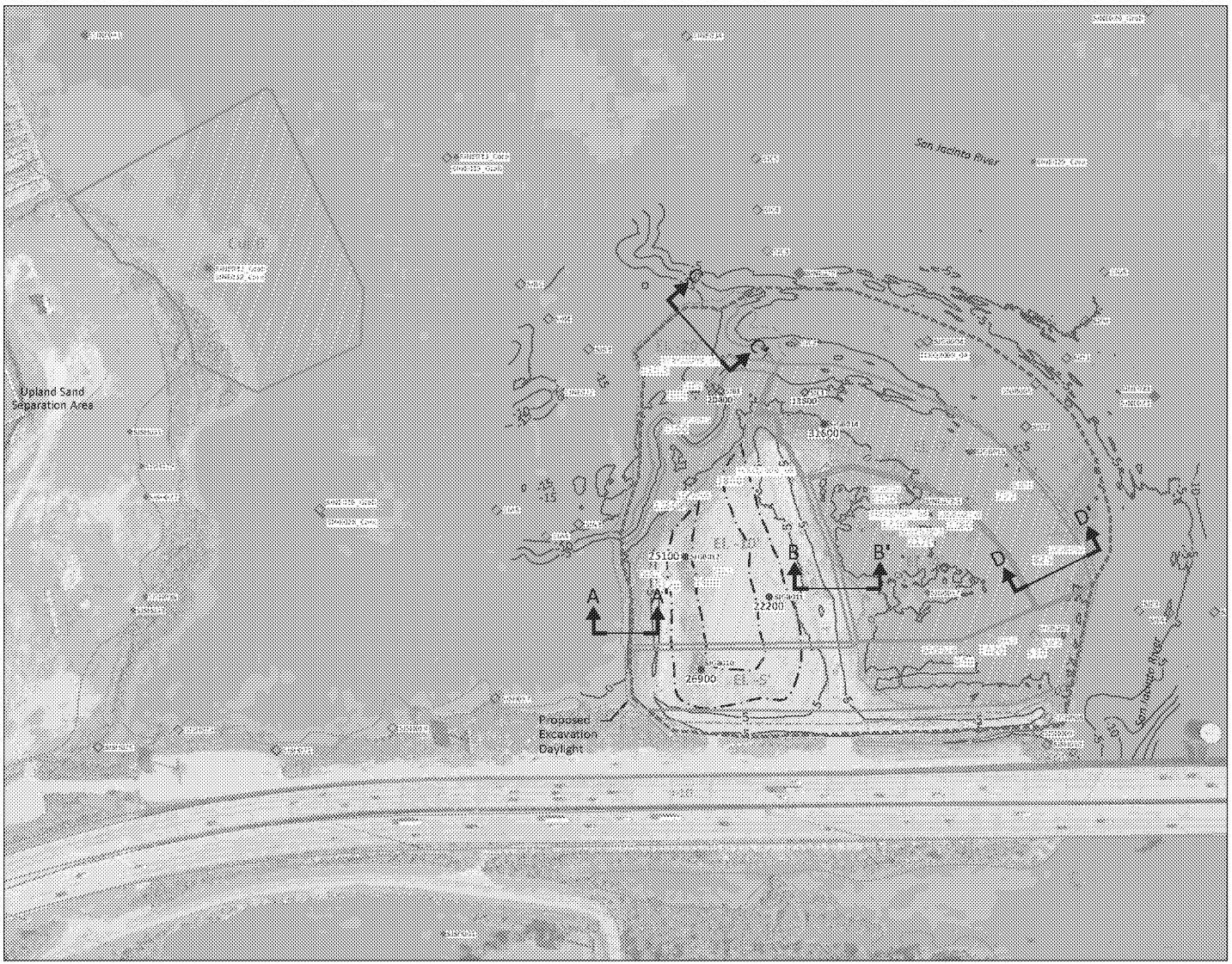
Modified from: Integral Consulting Inc. and Anchor QEA, LLC. 2013. Baseline Human Health Risk Assessment, San Jacinto River Waste Pits Superfund Site.
Prepared for: McGinnes Industrial Maintenance Corporation, International Paper Company, and U.S. Environmental Protection Agency, Region 6. May.

Surface Soil Sample Location
TCRA Fence Line
Coastal Water Authority Fence Line
USEPA's Preliminary Site Perimeter

0 1,000
Feet

Figure 22
Exposure Unit for Soils, Area North of I-10 and Aquatic Environment, Post-TCRA
San Jacinto River Waste Pits Site

Modified from: Integral Consulting Inc. and Anchor QEA, LLC. 2013. Baseline Human Health Risk Assessment, San Jacinto River Waste Pits Superfund Site.
Prepared for: McGinnes Industrial Maintenance Corporation, International Paper Company, and U.S. Environmental Protection Agency, Region 6. May.



LEGEND:

- Existing Contour (5 Foot Interval)
- [-4'] Target Cut Elevation (NAVD 88)
- Removal Area
- Armored Cap Limit
- TCRA Footprint of Stabilization
- Core location: TEQ ≥ 13,000 ng/kg
- Core location: 1,300 ≤ TEQ < 13,000 ng/kg
- Core location: 220 ≤ TEQ < 1,300 ng/kg
- Core location: TEQ < 220 ng/kg
- Grab location: TEQ ≥ 13,000 ng/kg
- Grab location: 1,300 ≤ TEQ < 13,000 ng/kg
- Grab location: 220 ≤ TEQ < 1,300 ng/kg
- Grab location: TEQ < 220 ng/kg
- 9.25 Concentration TEQ_{DF} (ng/kg dw) (See Note 1)
- A A' Cross Section Location (See Figure 4-8)

NOTE:
1. Concentration shown at each sample location represents the highest concentration calculated at any depth interval at that location.

AERIAL SOURCE: Google Earth Pro, dated October 2012.
SOURCE: Drawing prepared from surveys provided by Hydrographic Consultants dated October 2012 and January/February 2013.
HORIZONTAL DATUM: Texas State Plane South Central, NAD83, U.S. Feet.
VERTICAL DATUM: NAVD 88.

0 200
Scale in Feet

Modified from: U.S. Environmental Protection Agency. 2016. Final Interim Feasibility Study Report, San Jacinto River Waste Pits Superfund Site.

Figure 23
Plan View - Alternative 6N
San Jacinto River Waste Pits Site

Preliminary Remedial Action Area
USEPA's Preliminary Site Perimeter
Limit of Armored Cap
Soil Boring Location

0 400
Feet

FEATURE SOURCES:
Parcel Boundaries: Harris County Appraisal District
Hydrology: Harris County Flood Control District

Figure 24
Remedial Action Areas South of I-10
San Jacinto River Waste Pits Site

Modified from: U.S. Environmental Protection Agency. 2016. Final Interim Feasibility Study Report, San Jacinto River Waste Pits Superfund Site.

Appendix A: Remedial Alternative Cost Development

Table 1
Unit Cost Assumptions

Element		Unit Cost	Unit	Source and/or Comment
Mobilization/ Demobilization and Setup	Mobilization and Demobilization – Northern Impoundments	8 to 15% of Direct Construction Costs	%	Engineering judgment. Higher due to marine work/equipment. Includes property rental for transfer sites.
	Mobilization and Demobilization – Area South of Interstate 10	$50,000 - $250,000	Lump Sum	Engineering judgment. Dependent on scope.
	Environmental Protection and Erosion Control	$5,000 - $300,000	Lump Sum	TCRA contractor bids and similar work with larger scope.
	Construction, Payment, and As-built Surveys – Northern Impoundments	$100,000 - $300,000	Lump Sum	Engineering judgment and TCRA contractor bids.
	Construction, Payment, and As-built Surveys – Area South of Interstate 10	$20,000	Lump Sum	Engineering judgment and limited confined area.
	Construction Materials Testing	$15,000	Each	Engineering judgment and TCRA contractor bids.
	Water Quality Engineering Controls	$100,000 - $1,600,000	Lump Sum	Engineering judgment and TCRA contractor bids. Lower cost for silt curtain; higher cost for combination rock berm and sheetpiling.
Permanent Cap Protective Berm	Rock Rubble Mound Construction	$107	Ton	USA Environment costs for installing D rock for TCRA construction. Assumed site access and production rates consistent with those achieved during the TCRA construction.
Permanent Cap Construction	Additional Armor Rock Placement	$107	Ton	USA Environment costs for installing D rock for TCRA construction; assumed site access and production rates consistent with those achieved during the TCRA construction.

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Element		Unit Cost	Unit	Source and/or Comment
Treatment	Temporary Sheetpile Installation	$1,300	Linear Foot	TCRA contractor bids used as basis. Increased to account for additional king piles to support dewatering within the sheet piling.
	In Situ Solidification	$34	Cubic Yard	Actual USA Environment TCRA costs.
	Sheetpile Dewatering	$7,800	Day	RS Means and prior project bids for treatment costs.
Removal and Disposal	Upland Armored Cap Removal	$72	Cubic Yard	TXDOT average bid costs. Increased cost to account for slower production (thinner precision cuts) and assumed work can be performed in the dry with land-based construction equipment during low tide windows.
	In-water Armored Cap Removal	$92	Cubic Yard	TCRA contractor bid prices for dredging. Increased due to thinner precision cuts. Assumed that water based excavation equipment is necessary.
	Land-based Sediment Excavation	$12	Cubic Yard	TXDOT Average Bid Costs with increase for environmental considerations and slower production; assume that work can be performed in the dry with land based construction equipment during low tide windows.
	Water-based Sediment Excavation/Dredging	$46	Cubic Yard	TCRA contractor bids.
	Armored Cap Wash Water Treatment and Disposal	$530	Ton	Quote from Veolia assuming > 5% solids to treat water.
	Wellpoint Dewatering and Treatment	$400,000	Lump Sum	Previous project estimates.
	Replace Excavated Soil	$3.50	Cubic Yard	RS Means.

Element		Unit Cost	Unit	Source and/or Comment
	Offsite Haul and Disposal of Armored Cap (Debris Landfill)	$48	Ton	Actual USA Environment TCRA cost.
	Stabilization of Sediment/Soil prior to Shipment	$30	Cubic Yard	Engineering judgment and information from Waste Management. Assumed mixing diatomaceous earth with sediment.
	Offsite Haul and Disposal of Sediment (Class 1)	$110	Ton	Discussion with U.S. Department of Ecology.
	Offsite Haul and Disposal of Soil (Class 2)	$55	Ton	Prior experience in Texas on other similar projects.
	Dredge Residuals Cover/Backfill	$30	Cubic Yard	Prior project experience.
Armored Cap Restoration	Replacement Cap Geotextile	$6.25	Square Yard	USA Environmental TCRA costs.
	Replacement Cap Armor Stone A/B	$78	Ton	USA Environmental TCRA costs.
	Replacement Cap Armor Stone C/D	$107	Ton	USA Environmental TCRA costs.
Ground Water Monitoring Wells	Install Wells	$50,000	Lump Sum	Engineering judgement.
Demolition (Area South of Interstate 10)	Concrete Pad (6 inch thick)	$7.54	Square Foot	RS Means.
	House with 4-inch-thick foundation	$7.89	Square Foot	RS Means.
Replacement Construction (Area South of Interstate 10)	Concrete Pad (6 inch thick)	$5.38	Square Foot	RS Means.
	House with 4-inch-thick foundation	$125	Square Foot	Review of online Houston housing costs.
Soil Management Plan	Bollards	$741.26	Each	RS Means.

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Element		Unit Cost	Unit	Source and/or Comment
and Notices (Institutional Controls; Area South of Interstate 10)	Marker Layer	$0.67	Square Yard	Prior project experience.
Indirect Construction Costs	Engineering Design – Northern Impoundments	6 to 12% of Direct Construction Costs	$	Engineering judgment and complexity of marine work.
	Engineering Design – Area South of Interstate 10	$40,000 to $200,000	Lump Sum	Engineering judgment.
	Construction Administration/Observation – Northern Impoundments	6 to 12% of Direct Construction Costs	%	Engineering judgment. More extensive monitoring than upland.
	Construction Administration/Observation – Area South of Interstate 10	5 to 10% of Direct Construction Costs	%	Engineering judgment.
	USEPA 5-Year Review	Net Present Value	Lump Sum	Assumed $50,000 for USEPA costs every 5 years for 30 years for the Northern Impoundments and $50,000 for the Area South of Interstate 10. Assumed discount rate of 7% to determine net present value.
	Institutional Controls – Northern Impoundments	Net Present Value	Lump Sum	Assumed that as part of construction there are Institutional Controls costs for enforcement tools, proprietary controls, and informational devices. After construction, yearly costs of $10,000 for enforcement tools and $5,000 for informational devices for Alternatives 1N through 5aN and $4,000 per year for Alternative 6N for 30 years. Assumed discount rate of 7% to determine net present value.

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Element		Unit Cost	Unit	Source and/or Comment
	Soil Management Plan and Notices (Institutional Controls) – Area South of Interstate 10	$100,000	Lump Sum	Two elements: 1) deed notices that document the presence of contamination, specific locations of affected areas, and if appropriate, protective measures that need to be used (e.g., PPE and HAZWOPER training); 2) soil management plan that would be recorded with the deed to describe how any excavated soil would be managed. Engineering judgment.
Indirect Construction Costs (continued)	Long-Term Armored Cap Monitoring	Net Present Value	Lump Sum	Assumed $25,000 cap monitoring events in Year 1, 2, 5, 10, 15, and 30. Assumed discount rate of 7% to determine net present value.
	Long-Term Natural Recovery Monitoring	Net Present Value	Lump Sum	Assumed $75,000 cap monitoring events in years 1, 2, 5, 10, 15, and 30. Assumed discount rate of 7% to determine net present value.
	Armored Cap Maintenance	Net Present Value	Lump Sum	Assumed $100,000 cap maintenance in Year 1 and 2. Assumed discount rate of 7% to determine net present value.
	Ground Water Monitoring	Net Present Value	Lump Sum	Assumed $30,000 ground water monitoring per year. Assumed discount rate of 7% and inflation rate of 3% to determine net present value.

Notes:
% = percent
PPE = personal protective equipment
TCRA contractor bids = prices were based on the bids received for the 2010 TCRA removal action
TXDOT average bid costs = Texas Department of Transportation average low bid unit prices 3-month statewide average January through March 3013 (http://www.txdot.gov/business/letting-bids/average-low-bid-unit-prices.html)
RS Means = prices obtained from 2014 RS Means Online library for the Houston area.
USEPA = U.S. Environmental Protection Agency

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Table 2
Quantity Assumptions

Element	Assumption	Source and/or Comment
Sediment and Soil Unit Weight	1.4 tons per cubic yard	Typical assumption for silty and sandy sediments (excavated material)
Armor Stone Unit Weight	1.8 tons per cubic yard	Typical assumption for engineered cap material
Sediment Residual Cover Thickness	12-inch sand layer applied as two 6-inch-thick layers	Assumes 18 inches placed to obtain a 12-inch cover
Rock Rubble Mound Construction	5 foot high, 2 feet horizontal to 1 foot vertical (2H:1V) side slopes along the northwestern perimeter	Create a 5-foot-high rubble mound with the intent of stopping any larger vessels from striking the cap
Permanent Armor Rock on Slopes	5H:1V for upland armor rock and 3H:1V for offshore armor rock	Volume determined from CAD
Removal of Armored Cap	18-inch-thick cap over the area of removal	Typical Armored Cap thickness
Dredging/Excavation	Total removal volume is neat line volume plus 1-foot overdredge plus 10% to account for side slopes	Neatline volume determined from CAD, depths vary with target removal concentrations
Armored Cap Stone Washing	Assumes 0.025 tons of water needed to wash a ton of rock	Based on Armored Cap stone removal volumes and commercial pressure water volumes
Sheetpile Wall	Measured length	Area determined from CAD
Solidification/Stabilization	Volume the same as the calculated excavation volumes with 1-foot overstabilization and 10% growth	Neatline volume determined from CAD, depths vary with target removal concentrations
Landfill Disposal	Tonnage is the calculated excavation volumes increased by the unit weight and amount of additive needed for handling	From dredge volumes
Armor Stone Replacement	1 foot for A and B/C rock and 2 foot for C/D rock	Area determined in CAD and converted to tons
House and Concrete Pad in Area South of Interstate 10	4-inch-thick house foundation and 6-inch-thick concrete pad with rebar	Areas measured in Google Earth. Assumed house debris was 50 pounds per square feet and concrete pad debris was 150 pounds per cubic feet

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Estimate of Project Quantities & Probable Cost Worksheet
Alternative 1N
No Further Action

Item	Description	Plan Qty.	Unit	Unit Price	Total
DIRECT CONSTRUCTION COSTS					
0001	Mobilization/Demobilization	$ -	%	15%	$ -
0002	Environmental Protection and Erosion Control	0	LS	$100,000	$ -
0003	Construction Payment and As-Built Surveys	0	LS	$100,000	$ -
0004	Construction Materials Testing	0	EA	$15,000	$ -
0005	Additional Armor Rock Placement	0	TON	$107	$ -
DIRECT CONSTRUCTION TOTAL:					$ -
IN-DIRECT CONSTRUCTION COSTS					
0006	Engineering Design	$ -	%	12%	$ -
0007	Construction Administration/Observation	$ -	%	12%	$ -
0008	EPA 5 Year Review (Net Present Value)	1	LS	$108,000	$ -
0009	Institutional Controls (Net Present Value)	0	LS	$286,000	$ -
0010	Long Term MNR Monitoring (Net Present Value)	0	EA	$264,000	$ -
0011	Long Term Cap Monitoring (Net Present Value)	1	LS	$88,000	$ 88,000.00
0012	Cap Maintenance (Net Present Value)	1	LS	$181,000	$ 181,000.00
IN-DIRECT CONSTRUCTION TOTAL:					$ 269,000.00
PROJECT TOTAL					$ 269,000.00
PROJECT ROUNDED TOTAL:					**$** 300,000.00
30% Contingency					**$** 90,000.00
TOTAL ESTIMATED COST					**$** 390,000.00

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 2N
Cap, ICs, Ground Water Monitoring, and MNR

Item	Description	Plan Qty.	Unit	Unit Price	Total
DIRECT CONSTRUCTION COSTS					
0001	Mobilization/Demobilization	$ -	%	15%	$ -
0002	Environmental Protection and Erosion Control	0	LS	$100,000	$ -
0003	Construction Payment and As-Built Surveys	0	LS	$100,000	$ -
0004	Construction Materials Testing	0	EA	$15,000	$ -
0005	Additional Armor Rock Placement	0	TON	$107	$ -
DIRECT CONSTRUCTION TOTAL:					$ -
IN-DIRECT CONSTRUCTION COSTS					
0006	Engineering and Monitoiring Well Design	$ -	%	12%	$ 50,000
0007	Construction Administration/Observation	$ -	%	12%	$ -
0008	EPA 5 Year Review (Net Present Value)	1	LS	$108,000	$ 108,000.00
0009	Institutional Controls (Net Present Value)	1	LS	$286,000	$ 286,000.00
0010	Long Term MNR & GW Monitoring (Net Present Value)	1	LS	$264,000	$ 794,000.00
0011	Long Term Cap Monitoring (Net Present Value)	1	LS	$88,000	$ 88,000.00
0012	Cap Maintenance (Net Present Value)	1	LS	$181,000	$ 181,000.00
IN-DIRECT CONSTRUCTION TOTAL:					$ 1,507,000
PROJECT TOTAL:					$ 1,507,000
30% Contingency					$ 452,000
TOTAL ESTIMATED COST					$ 1,959,000

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 3N
Upgraded Cap, ICs, Ground Water Monitoring, and MNR

Item	Description	Plan Qty.	Unit	Unit Price	Total
DIRECT CONSTRUCTION COSTS					
0001	Mobilization/Demobilization	$ 1,181,135	%	15%	$ 177,170.25
0002	Environmental Protection and Erosion Control	1	LS	$100,000	$ 100,000.00
0003	Construction, Payment and As-Built Surveys	1	LS	$100,000	$ 100,000.00
0004	Construction Materials Testing	1	EA	$15,000	$ 15,000.00
0005	Rock Rubble Mound Construction	2,900	TON	$107	$ 311,300.00
0006	Additional Permanent Cap Rock Placement	6,100	TON	$107	$ 654,835.00

DIRECT CONSTRUCTION TOTAL: $ 1,358,000.00

IN-DIRECT CONSTRUCTION COSTS					
0007	Engineering & Monitoring Well Design	$ 1,358,000	%	12%	$ 213,000,00
0008	Construction Administration/Observation	$ 1,358,000	%	12%	$ 162,960.00
0009	EPA 5 Year Review (Net Present Value)	1	LS	$108,000	$ 108,000.00
0010	Institutional Controls (Net Present Value)	1	LS	$286,000	$ 286,000.00
0011	Long Term MNR & GW Monitoring (Net Present Value)	1	LS	$264,000	$ 794,000.00
0012	Long Term Cap Monitoring (Net Present Value)	1	LS	$88,000	$ 88,000.00
0013	Cap Maintenance (Net Present Value)	1	LS	$181,000	$ 181,000.00

IN-DIRECT CONSTRUCTION TOTAL: $ 1,833,000

PROJECT TOTAL: $ 3,191,000

30% Contingency $ 957,000

TOTAL ESTIMATED COST $ 4,148,000

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 3aN
Enhanced Cap, Pilings, ICs, Ground Water Monitoring, and MNR

Item	Description	Plan Qty.	Unit	Unit Price		Total
DIRECT CONSTRUCTION COSTS						
0001	Mobilization/Demobilization	$13,152,500	%	15%	$	1,972,875
0002	Environmental Protection and Erosion Control	1	LS	$100,000	$	100,000
0003	Construction, Payment and As-Built Surveys	1	LS	$100,000	$	100,000
0004	Construction Materials Testing	1	EA	$15,000	$	15,000
0005	Rock Rubble Mound Construction	2,900	TON	$107	$	310,300
0006	Pilings	57	EA	$12,500	$	712,500
0007	Additional Permanent Cap Rock Placement	6,100	TON	$107	$	652,700
0008	Coarse Gravel Filter Layer	1,300	TON	$60	$	78,000
0009	Enhanced Permanent Cap Rock Placement	93,200	TON	$120	$	11,184,000
DIRECT CONSTRUCTION TOTAL:					$	15,125,375
IN-DIRECT CONSTRUCTION COSTS						
0010	Engineering & Monitoring Well Design	$ 15,125,375	%	8%	$	1,260,030
0011	Construction Administration/Observation	$ 15,125,375	%	8%	$	1,210,030
0012	EPA 5 Year Review (Net Present Value)	1	LS	$108,000	$	108,000
0013	Institutional Controls (Net Present Value)	1	LS	$286,000	$	286,000
0014	Long Term MNR & GW Monitoring (Net Present Value)	1	LS	$794,000	$	794,000
0015	Long Term Cap Monitoring (Net Present Value)	1	LS	$88,000	$	88,000
0016	Cap Maintenance (Net Present Value)	1	LS	$181,000	$	181,000
IN-DIRECT CONSTRUCTION TOTAL:					$	3,927,060
PROJECT TOTAL:					$	19,052,435
30% Contingency						**5,715,731**
TOTAL ESTIMATED COST					**$**	**24,768,166**

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Estimate of Project Quantities & Probable Cost Worksheet
Alternative 4N
Partial Solidification, Upgraded Cap, ICs, Ground Water Monitoring, and MNR

Item	Description	Plan Qty.	Unit	Unit Price		Total
DIRECT CONSTRUCTION COSTS						
0001	Mobilization/Demobilization	$ 7,445,315	%	15%	$	1,117,000.00
0002	Environmental Protection and Erosion Control	1	LS	$100,000	$	100,000.00
0003	Construction Payment and As-Built Surveys	1	LS	$100,000	$	100,000.00
0004	Construction Materials Testing	2	EA	$15,000	$	30,000.00
0005	Rock Rubble Mound Construction	2,900	TON	$107	$	311,315.00
0006	Additional Armor Rock Placement	6,100	TON	$107	$	655,000.00
0007	Remove Armored Cap - Land Based	6,200	CY	$72	$	443,000.00
0008	Remove Armored Cap - Water Based	2,300	CY	$92	$	212,000.00
0009	Wash Water Armored Cap - Treat and Dispose	800	TON	$530	$	424,000.00
0010	Dispose Armored Cap - Debris Landfill	15,300	TON	$48	$	730,000.00
0011	Temporary Sheet Pile	800	LF	$1,300	$	1,040,000.00
0012	Sheet Pile Dewatering	22	DAY	$7,800	$	171,000.00
0013	In situ Solidification	52,000	CY	$34	$	1,783,000.00
0014	Replace Geotextile	22,600	SY	$6.25	$	141,000.00
0015	Replace Armor Rock A/B	8,280	TON	$78	$	648,000.00
0016	Replace Armor Rock C/D	6,120	TON	$107	$	657,000.00

DIRECT CONSTRUCTION TOTAL: $ 8,562,000.00

IN-DIRECT CONSTRUCTION COSTS						
0017	Engineering & Monitoring Well Design	$ 8,562,000	%	8%	$	734,960.00
0018	Construction Administration/Observation	$ 8,562,000	%	8%	$	684,960.00
0019	EPA 5 Year Review (Net Present Value)	1	LS	$108,000	$	108,000.00
0020	Institutional Controls (Net Present Value)	1	LS	$286,000	$	286,000.00
0021	Long Term MNR & GW Monitoring (Net Present Value)	1	LS	$264,000	$	794,000.00
0022	Long Term Cap Monitoring (Net Present Value)	1	LS	$88,000	$	88,000.00
0023	Cap Maintenance (Net Present Value)	1	LS	$181,000	$	181,000.00

IN-DIRECT CONSTRUCTION TOTAL: $ 2,877,000

PROJECT TOTAL $ 11,439,000

30% Contingency **$ 3,400,000**

TOTAL ESTIMATED COST **$ 14,839,000**

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 5N
Partial Removal, Upgraded Cap, ICs, Ground Water Monitoring, and MNR

Item	Description	Plan Qty.	Unit	Unit Price		Total
DIRECT CONSTRUCTION COSTS						
0001	Mobilization/Demobilization	$ 17,701,315	%	8%	$	1,420,000.00
0002	Environmental Protection and Erosion Control	1	LS	$300,000	$	300,000.00
0003	Construction Payment and As-Built Surveys	1	LS	$300,000	$	300,000.00
0004	Construction Materials Testing	2	EA	$15,000	$	30,000.00
0005	Silt Curtain	1	LS	$100,000	$	100,000.00
0006	Rock Rubble Mound Construction	2,900	TON	$107	$	311,315.00
0007	Additional Armor Rock Placement	6,100	TON	$107	$	655,000.00
0008	Remove Armored Cap - Land Based	6,200	CY	$72	$	443,000.00
0009	Remove Armored Cap - Water Based	2,300	CY	$92	$	212,000.00
0010	Wash Water Armored Cap - Treat and Dispose	766	TON	$530	$	406,000.00
0011	Dispose Armored Cap - Debris Landfill	15,300	TON	$48	$	730,000.00
0012	Water-based Excavation/Dredging	7,300	CY	$46	$	336,000.00
0013	Land-based Excavation	44,700	CY	$12	$	536,000.00
0014	Sediment Residuals Cover/Backfill	52,000	CY	$30	$	1,560,000.00
0015	Sediment Stabilization prior to Shipment	52,000	CY	$30	$	1,536,000.00
0016	Haul & Disposal of Sediment to Class 1 Landfill	80,000	TON	$110	$	8,800,000.00
0017	Replace Geotextile	22,600	SY	$6.25	$	141,000.00
0018	Replace Armor Rock B/C	8,280	TON	$78	$	648,000.00
0019	Replace Armor Rock C/D	6,120	TON	$107	$	657,000.00
DIRECT CONSTRUCTION TOTAL:					$	19,121,000.00
IN-DIRECT CONSTRUCTION COSTS						
0020	Engineering and Monitoring Well Design	$ 19,121,000	%	6%	$	1,197,000.00
0021	Construction Administration/Observation	$ 19,121,000	%	6%	$	1,147,000.00
0022	EPA 5 Year Review (Net Present Value)	1	LS	$108,000	$	108,000.00
0023	Institutional Controls (Net Present Value)	1	LS	$286,000	$	286,000.00
0024	Long Term MNR & GW Monitoring (Net Present Value)	1	LS	$264,000	$	794,000.00
0025	Long Term Cap Monitoring (Net Present Value)	1	LS	$88,000	$	88,000.00
0026	Cap Maintenance (Net Present Value)	1	LS	$181,000	$	181,000.00
IN-DIRECT CONSTRUCTION TOTAL:					$	3,801,000
PROJECT TOTAL					$	22,922,000
30% Contingency Cost					**$**	**6,900,000**
TOTAL ESTIMATED COST					**$**	**29,822,000**

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 5aN
Partial Removal, Upgraded Cap, ICs, Ground Water Monitoring, and MNR

Item	Description	Plan Qty.	Unit	Unit Price	Total
DIRECT CONSTRUCTION COSTS					
0001	Mobilization/Demobilization	$ 43,006,315	%	8%	$ 3,440,000.00
0002	Environmental Protection and Erosion Control	1	LS	$300,000	$ 300,000.00
0003	Construction Payment and As-Built Surveys	1	LS	$300,000	$ 300,000.00
0004	Construction Materials Testing	2	EA	$15,000	$ 30,000.00
0005	Temporary Sheet Pile	1,200	LF	$650	$ 780,000.00
0006	Temporary Perimeter Berm Fill	6,400	TON	$136	$ 871,000.00
0007	Rock Rubble Mound Construction	2,900	TON	$107	$ 311,315.00
0008	Additional Armor Rock Placement	2,500	TON	$107	$ 268,000.00
0009	Remove Armored Cap - Land Based	6,192	CY	$72	$ 443,000.00
0010	Remove Armored Cap - Water Based	21,208	CY	$92	$ 1,951,000.00
0011	Wash Water Armored Cap - Treat and Dispose	2,452	TON	$530	$ 1,300,000.00
0012	Dispose Armored Cap - Debris Landfill	49,000	TON	$48	$ 2,337,000.00
0013	Water-based Excavation/Dredging	137,600	CY	$46	$ 6,330,000.00
0014	Land-based Excavation	0	CY	$12	$ -
0015	Sediment Residuals Cover/Backfill	13,700	CY	$30	$ 411,000.00
0016	Sediment Stabilization prior to Shipment	137,600	CY	$30	$ 4,065,000.00
0017	Haul & Disposal of Sediment to Class 1 Landfill	211,900	TON	$110	$ 23,309,000.00
0018	Replace Geotextile	0	SY	$6.25	$ -
0019	Replace Armor Rock A/B	0	TON	$78	$ -
0020	Replace Armor Rock C/D	0	TON	$107	$ -

DIRECT CONSTRUCTION TOTAL: $ 46,446,000.00

IN-DIRECT CONSTRUCTION COSTS					
0021	Engineering and Monitoring Well Design	$ 46,446,000	%	6%	$ 2,837,000.00
0022	Construction Administration/Observation	$ 46,446,000	%	6%	$ 2,786,760.00
0023	EPA 5 Year Review (Net Present Value)	1	LS	$108,000	$ 108,000.00
0024	Institutional Controls (Net Present Value)	1	LS	$286,000	$ 286,000.00
0025	Long Term MNR & GW Monitoring (Net Present Value)	1	LS	$264,000	$ 794,000.00
0026	Long Term Cap Monitoring (Net Present Value)	1	LS	$88,000	$ 88,000.00
0027	Cap Maintenance (Net Present Value)	1	LS	$181,000	$ 181,000.00

IN-DIRECT CONSTRUCTION TOTAL: $ 7,081,000

PROJECT TOTAL $ 53,527,000

30% Contingency Cost $ 16,058,000

TOTAL ESTIMATED COST $ 69,585,000

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 6N
Removal of Waste materials, ICs, and MNR - Enhanced Removal

Item	Description	Plan Qty.	Unit	Unit Price	Total Sheetpile Cutting	Total Sheetpile Extraction
DIRECT CONSTRUCTION COSTS						
0001	Mobilization/Demobilization	Direct Construction Total	%	8%	$ 5,337,300	$ 5,100,900
0002	Environmental Protection and Erosion Control	1	LS	$ 300,000	$ 300,000	$ 300,000
0003	Construction Payment and As-Built Surveys	1	LS	$ 300,000	$ 300,000	$ 300,000
0004	Construction Materials Testing	2	EA	$ 15,000	$ 30,000	$ 30,000
0005	Remove, Wash, and Dispose Armored Cap	29,900	CY	$ 318	$ 9,501,800	$ 9,501,800
0006	Cofferdam*	1	LS	$ 18,066,200	$ 18,066,200	$ 18,033,900
0007	Sheetpile Dewatering and Treatment	182	Days	$ 7,800	$ 1,419,600	$ 1,419,600
0008	Land-based Excavation	162,000	CY	$ 12	$ 1,944,000	$ 1,944,000
0009	Sediment Stabilization prior to Shipment	162,000	CY	$ 30	$ 4,860,000	$ 4,860,000
0010	Haul & Disposal of Sediment to Class 1 Landfill	275,400	TON	$ 110	$ 30,294,000	$ 30,294,000
0011	(OPTIONAL) Extract and Salvage Sheetpile	417,354	SF	$ (7)	-	$ (2,921,500)

*Note: Cofferdam cost is a lump sum based on assumptions and cost estimate provided by USACE in a revised Technical Memorandum on 17 August 2017.

DIRECT CONSTRUCTION TOTAL:	$ 72,052,900	$ 68,862,700

IN-DIRECT CONSTRUCTION COSTS						
0020	Engineering Design	Direct Construction Total	%	6%	$ 4,324,000	$ 4,132,000
0021	Construction Administration/Observation	Direct Construction Total	%	6%	$ 4,324,000	$ 4,132,000
0022	EPA 5 Year Review (Net Present Value)	1	LS	$108,000	$ 108,000	$ 108,000
0023	Institutional Controls (Net Present Value)	1	LS	$70,000	$ 70,000	$ 70,000
0024	Long Term MNR Monitoring (Net Present Value)	1	LS	$264,000	$ 264,000	$ 264,000
0025	Long Term Cap Monitoring (Net Present Value)	0	LS	$88,000	$ -	$ -
0026	Cap Maintenance (Net Present Value)	0	LS	$181,000	$ -	$ -

IN-DIRECT CONSTRUCTION TOTAL:	$ 9,090,000	$ 8,706,000
PROJECT TOTAL:	$ 81,142,900	$ 77,568,700
30% CONTINGENCY:	$ 24,342,870	$ 23,270,610
TOTAL ESTIMATED COST:	**$ 105,485,770**	**$ 100,839,310**
DURATION:	**866 CD**	**866 CD**

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 1S
No Action

Item	Description	Plan Qty.	Unit	Unit Price	Total
DIRECT CONSTRUCTION COSTS					
0001	Mobilization/Demobilization	0	LS	$0	$ -
0002	Environmental Protection and Erosion Control	0	LS	$5,000	$ -
0003	Construction Surveys, Site Preparation & Utility Clearance	0	LS	$5,000	$ -

DIRECT CONSTRUCTION TOTAL: $ -

INDIRECT CONSTRUCTION COSTS					
0004	Engineering Design	$ -	%	12%	$ -
0005	Construction Administration/Observation	$ -	%	10%	$ -
0006	USEPA 5 Year Review (Net Present Value)	1	LS	$108,000	$ -
0007	Soil Management Plan and Notices	0	LS	$100,000	$ -

IN-DIRECT CONSTRUCTION TOTAL: $ 0

PROJECT TOTAL: $ 0

PROJECT ROUNDED TOTAL: **$ 0**

Total Including 30% Contingency **$ 0**

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 2S
Institutional Controls and Ground Water Monitoring

Item	Description	Plan Qty.	Unit	Unit Price	Total
DIRECT CONSTRUCTION COSTS					
0001	Mobilization/Demobilization	0	LS	$0	$ -
0002	Environmental Protection and Erosion Control, GW Wells	0	LS	$50,000	$ 50,000
0003	Construction Surveys, Site Preparation & Utility Clearance	0	LS	$5,000	$ -
DIRECT CONSTRUCTION TOTAL:					$ 50,000
INDIRECT CONSTRUCTION COSTS					
0004	Engineering Design	$ -	%	12%	$ -
0005	Construction Administration/Observation	$ -	%	10%	$ -
0006	GW Well Monitoring & 5 Year Review (Net Present Value)	1	LS	$108,000	$ 638,000.00
0007	Soil Management Plan and Notices	1	LS	$100,000	$ 100,000.00
IN-DIRECT CONSTRUCTION TOTAL:					$ 738,000
PROJECT TOTAL:					$ 788,000
TTotal With 30% Contingency					$ 1,024,000

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 3S
Enhanced Institutional Controls and Ground Water Monitoring

Item	Description	Plan Qty.	Unit	Unit Price	Total
DIRECT CONSTRUCTION COSTS					
0001	Mobilization/Demobilization	1	LS	$50,000	$ 50,000.00
0002	Environmental Protection and Erosion Control	1	LS	$5,000	$ 5,000.00
0003	Construction Surveys, Site Preparation & Utility Clearance	1	LS	$20,000	$ 20,000.00
0004	Bollards	10	EA	$741.26	$ 7,400.00
0005	Land-based Soil Excavation	8,042	CY	$12.00	$ 96,504.00
0006	Marker Layer	12,000	SY	$0.67	$ 8,000.00
0007	Replace Excavated Soil	10,400	CY	$3.50	$ 36,000.00
0008	Vegetative Cover & GW Monitoring Well Installation	1	LS	$60,000.00	$ 60,000.00

DIRECT CONSTRUCTION TOTAL: $ 283,000.00

INDIRECT CONSTRUCTION COSTS					
0009	Engineering Design	1	LS	$40,000	$ 40,000.00
0010	Construction Administration/Observation	$ 233,000	LS	10%	$ 23,300.00
0011	GW Well Monitoring & 5 Year Review (Net Present Value)	1	LS	$108,000	$ 638,000.00
0012	Soil Management Plan and Notices	1	LS	$100,000	$ 100,000.00

IN-DIRECT CONSTRUCTION TOTAL: $ 801,000

PROJECT TOTAL: $ 1,084,000

Total With 30% Contingency **$ 1,409,000**

Estimate of Project Quantities & Probable Cost Worksheet
Alternative 4S
Removal with Off-site Dispoal, ICs

Item	Description	Plan Qty.	Unit	Unit Price	Total
DIRECT CONSTRUCTION COSTS					
0001	Mobilization/Demobilization	1	LS	$250,000	$ 250,000.00
0002	Environmental Protection and Erosion Control	1	LS	$5,000	$ 5,000.00
0003	Construction Surveys, Site Preparation & Utility Clearance	1	LS	$20,000	$ 20,000.00
0004	Bollards	0	EA	$741.26	$ -
0005	Land-based Soil Excavation	50,000	CY	$12.00	$ 600,000.00
0006	Marker Layer	0	SY	$0.67	$ -
0007	Replace Excavated Soil	0	CY	$3.50	$ -
0008	Vegetative Cover	3	AC	$4,000.00	$ 14,000.00
0009	Wellpoint Dewatering and Treatment	1	LS	$400,000.00	$ 400,000.00
0010	Stabilization of Soil Prior to Shipment	25,000	CY	$30.00	$ 750,000.00
0011	Off-site Haul and Disposal of Sediment (Class 2)	75,384	TON	$55.00	$ 4,146,000.00
0012	Backfill	50,000	CY	$11.25	$ 563,000.00
0013	Demo 6" Thick Concrete Pad	9,710	SF	$7.57	$ 74,000.00
0014	Demo House	800	SF	$7.89	$ 6,000.00
0015	Replace House	800	SF	$125.00	$ 100,000.00
0016	Replace 6" Thick Concrete Pad	9,710	SF	$5.38	$ 52,000.00
DIRECT CONSTRUCTION TOTAL:					$ 6,980,000.00
INDIRECT CONSTRUCTION COSTS					
0017	Engineering Design	1	LS	$200,000	$ 200,000.00
0018	Construction Administration/Observation	$ 6,980,000	%	5%	$ 349,000.00
0019	USEPA 5 Year Review (Net Present Value)	1	LS	$108,000	$ 108,000.00
0020	Soil Management Plan and Notices	0	LS	$100,000	$ -
IN-DIRECT CONSTRUCTION TOTAL:					$ 657,000
PROJECT TOTAL:					$ 7,637,000
PROJECT ROUNDED TOTAL:					**$ 7,640,000**
Total With 30% Contingency					**$ 9,932,000**

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 2/20/2019 2:55:50 AM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: Fw: MC ANPRM - response to OCSPP IO comments
Attachments: INTERNAL-EO 12866 Interagency Comments EPA MeCl ANPRM RIN 2070-AK48-EPA response-2-19-19v2.docx; ATT00001.htm; EO 12866 Interagency Comments EPA MeCl ANPRM RIN 2070-AK48-EPA response-2-19-19v2.docx; ATT00002.htm

Hi,
I am checking on whether I can give the green light for this to go OMB. Susanna describes the 3 types of edits made below including addressing Erik's latest comment. I think one that may be entirely new is the 3rd:

Ex. 5 Deliberative Process (DP)

Please advise.
M

From: Blair, Susanna
Sent: Tuesday, February 19, 2019 8:23 PM
To: Hanley, Mary
Cc: Smith, Peterj; Scheifele, Hans; Pierce, Alison
Subject: MC ANPRM - response to OCSPP IO comments

Attached you'll find two versions of our responses to OMB comments regarding the methylene chloride ANPRM. If you are okay with these, please forward to OMB.

- The file with the name starting with "INTERNAL" includes all the comments from OCSPP IO and indicates how we responded to them. We have addressed Erik's comment sent yesterday changing "may" find unreasonable risk to "could potentially" find unreasonable risk. Also based on the responses to the DOJ comments we edited the section about TSCA section 26(l)(4) to ensure the ANPRM tracked with those changes. Last, we clarified a response to comment regarding the expected applicability of a training, certification and limited access program to importers.

- The other file (name starts with "EO 12866") is the one intended for OMB.

Thanks so much to Joel, Niva, Ana, and Bethany for their work on this.

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 3/21/2019 3:31:25 PM
To: Hartman, Mark [Hartman.Mark@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Kadeli, Lek [Kadeli.Lek@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
Subject: RE: follow up from this am

Super. thanks for the update.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hartman, Mark
Sent: Thursday, March 21, 2019 11:13 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: FW: follow up from this am

Hi Everyone:

As an FYI, I closed the loop with ORD on the details yesterday. We have requested start dates of 3/31 which is the next pay period. OHR makes the final call on start dates based on administrative considerations. If they miss 3/31 it will be 4/14. If the date slips we will still engage right away and try to work out arrangements to get the work started ASAP.

Mark

Mark A. Hartman
Deputy Director for Management
Office of Pollution Prevention and Toxics
(202) 564-0985 (O)
(571) 438-0738 (C)

From: Hartman, Mark
Sent: Wednesday, March 20, 2019 12:46 PM
To: Bahadori, Tina <Bahadori.Tina@epa.gov>; Lavoie, Emma <Lavoie.Emma@epa.gov>
Subject: RE: follow up from this am

Hi Tina:

I heard from our team today that the paperwork for the details went down to the SSC for processing this morning. I also wanted to let you know that I had a very productive discussion with Emma a few weeks back on the support that ORD has been providing to OPPT and look forward to working collaboratively into the future. We appreciate the support very much.

Thanks.

Mark

Mark A. Hartman
Deputy Director for Management
Office of Pollution Prevention and Toxics
(202) 564-0985 (O)
(571) 438-0738 (C)

From: Bahadori, Tina
Sent: Wednesday, March 20, 2019 10:41 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Dunlap, David <dunlap.david@epa.gov>; Lavoie, Emma <Lavoie.Emma@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: RE: follow up from this am

On the matter of details, I believe the ball is in OPPT's court to start the paperwork. Perhaps that is in motion already?

On the matter of the staffing data – let's make it past the current intensity of meeting your immediate deadlines and we can have a deeper conversation on how to do the analysis to support your fee's rules decisions.

Tina

From: Beck, Nancy
Sent: Wednesday, March 20, 2019 9:57 AM
To: Bahadori, Tina <Bahadori.Tina@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Dunlap, David <dunlap.david@epa.gov>; Lavoie, Emma <Lavoie.Emma@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: RE: follow up from this am

Thanks Tina.
Its great to hear the tracking is already happening. This will make our tracking for the fee's rule much easier.
On average, if we assume 2nd quarter was about 8 weeks (since we lost days to the shut down), we have 2000 hours across 30 people. It sounded very large to me (which is great) but then I was chatting with others who are more familiar with FTE hours per person etc. Looking at the math, 2000 hours and 30 people comes out to be about 67hours/per person, which comes out to about 8hours/per person/per week. So about a day a week for 30 people—on average. I recognize some people spend more time on TSCA support than others. Is that about right?

Having some dedicated detailee's will surely be helpful. We greatly appreciate the cooperation in that space!
Nancy

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Bahadori, Tina
Sent: Tuesday, March 19, 2019 11:12 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>

Cc: Dunlap, David <dunlap.david@epa.gov>; Lavoie, Emma <Lavoie.Emma@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: RE: follow up from this am

The majority of the NCEA scientists supporting TSCA also have primary responsibilities for the FY2019 IRIS assessments. They use project management tools to manage their own assessment responsibilities, even as they provide scientific support to TSCA. But we do track hours provided to any major Agency technical support activity, including TSCA. We are about to update the information for FY2019 second quarter. Not all the data are in, but it looks like NCEA has provided about 2000 hours of support to TSCA implementation in FY2019, across about 30 staff members.

Tina

From: Beck, Nancy
Sent: Tuesday, March 19, 2019 10:33 AM
To: Bahadori, Tina <Bahadori.Tina@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Dunlap, David <dunlap.david@epa.gov>; Lavoie, Emma <Lavoie.Emma@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: RE: follow up from this am

Many thanks Tina. We appreciate all the great work ORD has done and will continue to do to support our program. These updates are very helpful. To help us understand workload, it would be super helpful to know how much of their time each of your FTE are spending on the specific projects. I know someone was able to bundle it for GAO, so updates along those lines to help us understand where we have additional brain power on each chemical and how much time they are spending would be helpful. We also need to be tracking efforts for continued implementation of our fee's rule.

Many thanks again,
Nancy

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Bahadori, Tina
Sent: Tuesday, March 19, 2019 10:16 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Dunlap, David <dunlap.david@epa.gov>; Lavoie, Emma <Lavoie.Emma@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: RE: follow up from this am

Hi Nancy,

Just to clarify, the memo Jennifer forwarded to you yesterday summarized the work that was done by the end of CY 2018, in response to OPPT's September request. Post shutdown, we have been in a new engagement phase, with new tasks supporting assessment development. So, there has been no hiatus in NCEA's TSCA support. We plan to provide these updates regularly to OPPT.

Looking forward to a discussion with you, Alex, and Charlotte soon.

Tina

==========

Tina Bahadori, Sc.D.
Director, National Center for Environmental Assessment (EPA/ORD/NCEA)
National Program Director, Human Health Risk Assessment (EPA/ORD/HHRA)
DC phone: 202-564-7903

From: Bahadori, Tina
Sent: Monday, March 18, 2019 5:30 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Dunlap, David <dunlap.david@epa.gov>; Lavoie, Emma <Lavoie.Emma@epa.gov>
Subject: RE: follow up from this am

Hi Nancy,

Right now, especially without the time extension on the TSCA risk evaluations, NCEA has made the progress of these first 10 RE's an absolute priority. Emma Lavoie (copied here) and our project management lead in NCEA have been meeting regularly with Stan/Cathy and OPPT's assessment leads to infuse appropriate resources as requested. I am sure you are aware that the needs and asks from OPPT evolve almost on a daily basis – understandably, given the urgency of your current activities. Nonetheless, we have now reached a good point where our efforts are well-integrated with OPPT and the collaboration is fairly seamless. To be most effective in supporting these assessments through peer review, it would very beneficial for us to meet with Alex, Charlotte, and you to get a better understanding of your longer-range strategy for meeting these CY2019 deadlines.

Thank you,

Tina

From: Beck, Nancy
Sent: Monday, March 18, 2019 1:50 PM
To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Dunlap, David <dunlap.david@epa.gov>; Bahadori, Tina <Bahadori.Tina@epa.gov>
Subject: RE: follow up from this am

Many thanks Jennifer.
I think this shows us how far along the specific tasks are to completion and it seems as though we should be finding more projects for ORD staff! Lots of accomplishments.

In addition, it would help us to know how much time each of your folks are spending to provide TSCA support- eg do we have them each 10 hrs a week or is it more like 40.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Orme-Zavaleta, Jennifer
Sent: Monday, March 18, 2019 1:02 PM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Dunlap, David <dunlap.david@epa.gov>; Bahadori, Tina <Bahadori.Tina@epa.gov>
Subject: follow up from this am

HI all, and my apologies – this came to me earlier and got lost in the shuffle. See below and we can discuss further

MEMORANDUM

SUBJECT: Status of NCEA Support for OCSPP Request on TSCA Risk Evaluations

FROM: Tina Bahadori, NCEA Director
ORD National Center for Environmental Assessment (NCEA)

TO: Jennifer Orme-Zavaleta, Principal Deputy Assistant Administrator
Office of Research and Development

DATE: 4 February 2019

ORD/NCEA has completed the program support requested in September 2018 for the development of human health assessments for nine of the TSCA risk evaluations.

Specifically, we have provided:

1) Expert study quality assessment and quality control for approximately 150 animal and epidemiology studies for Perc, TCE, NMP, DCM, and HBCD;
2) During study quality assessments, provided expert feedback on the OCSPP tools for epidemiology and animal toxicology study evaluations;
3) Benchmark dose modelling and summaries for 1,4-dioxane and 1-bromopropane cancer endpoints;
4) Benchmark dose modelling and summaries for 1-bromopropane developmental toxicity endpoints;
5) PBPK modelling and summary for NMP;
6) Expert consultations on data integration for cancer for 1,4-dioxane and carbon tetrachloride;
7) Expert consultations on the incorporation of new data, e.g., Big Blue Mouse assay;
8) Expert consultations for development of technical direction for contractor support on TCE;
9) Help to refine data extraction forms and develop templates for data visualizations in tabular format and HAWC; and
10) Review of NCEA products in response to this OCSPP request through IRIS interdisciplinary workgroups for consistent expert engagement and expert opinion.

Most of this support was completed in December 2018. Several of the original requests, not listed here, did not need extensive assistance due to timing or further development of the evaluations after staff level discussions, e.g., data integration for some chemicals. Requests related to fate-exposure support are being led by ORD/NERL.

Other ongoing efforts:

1) Additional request for PBPK modelling scenarios for NMP that was ongoing prior to the government shut-down and will be completed in early March 2019;
2) NCEA asbestos experts' continued support for the asbestos evaluation via the asbestos human health sub-workgroup;
3) NCEA experts' support for the TSCA Tiger Teams for pre-prioritization process development and for alternatives to animal testing.

NCEA's TSCA support is being managed and documented in the SharePoint site developed specifically for this effort and shared with OPPT/RAD. Attached is a snapshot from the Project Management Tasks page that also

lists the assessment staff assigned to each activity. It does not include other oversight and coordination support/resources provided programmatically and managerially across IRIS and NCEA.

March 13 update:

NCEA TSCA Support. On March 14th, the first drafts of 1,4-dioxane and hexabromocyclodecane (HBCD) risk evaluations are due. Additionally, NCEA teams have begun working on 1,4-dioxane cancer mode of action and weight of evidence/evidence integration and both cancer and non-cancer sections for carbon tetrachloride. Staff are also supporting trichloroethylene and perchloroethylene, specifically supporting development of direction for meta-analyses of epidemiology data. Support on the asbestos workgroup continues with NCEA staff an integral part of the human health team.

Please let me know if you need more detailed information.

==========

Tina Bahadori, Sc.D.
Director, National Center for Environmental Assessment (EPA/ORD/NCEA)
National Program Director, Human Health Risk Assessment (EPA/ORD/HHRA)
RRB Room 71210; Telephone: 202-564-7903; Mobile: 202-680-8771

Jennifer Orme-Zavaleta, PhD
Principal Deputy Assistant Administrator for Science
Office of Research and Development
US Environmental Protection Agency
Cell 919-699-1564
DC 202-564-6620
RTP 919-541-2283

Message

From: Tyler, Tom [Tyler.Tom@epa.gov]
Sent: 3/13/2019 1:59:22 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]
CC: Dunn, Alexandra [dunn.alexandra@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Block, Molly [block.molly@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Konkus, John [konkus.john@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]
Subject: RE: March 13 hearing. LATEST VERSION.

Aaron –

Thank you to you and your team for your help in getting this right and submitted quickly. We'll keep an eye out for your confirmation on its submission into the record.

Thanks again -

All the best,
Tom

THOMAS LOY TYLER, ESQ. **ACTING CHIEF OF STAFF**
OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1200 PENNSYLVANIA AVENUE NW (MC 7101M), WASHINGTON, DC 20460
w202.566.0808 c202.770.6608 TYLER.TOM@EPA.GOV OSCPP/IO 3148A EAST

From: Ringel, Aaron
Sent: Wednesday, March 13, 2019 9:16 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Subject: RE: March 13 hearing. LATEST VERSION.

All, here is a copy of the final signed letter that went up to the hill last night. Will circle back once I have confirmation from committee on it getting submitted for the record.

-Aaron

From: Brazauskas, Joseph
Sent: Tuesday, March 12, 2019 6:16 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>

Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
Subject: Re: March 13 hearing. LATEST VERSION.

He is good thank you

Sent from my iPhone

On Mar 12, 2019, at 5:58 PM, Brazauskas, Joseph <brazauskas.joseph@epa.gov> wrote:

> Please hold, Justin is reviewing
>
> **Joseph A. Brazauskas**
> Associate Deputy General Counsel
> U.S. Environmental Protection Agency
> (202) 564-5189
>
> ---
>
> **From:** Ringel, Aaron
> **Sent:** Tuesday, March 12, 2019 5:41 PM
> **To:** Lyons, Troy <lyons.troy@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
> **Cc:** Dunn, Alexandra <dunn.alexandra@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>
> **Subject:** RE: March 13 hearing. LATEST VERSION.
>
> Great, unless anyone has additional edits in the next 20 minutes let's move forward with these edits and get a final signed version over to us in OCIR.
>
> Thanks,
>
> -Aaron
>
> ---
>
> **From:** Lyons, Troy
> **Sent:** Tuesday, March 12, 2019 5:38 PM
> **To:** Voyles, Travis <Voyles.Travis@epa.gov>
> **Cc:** Ringel, Aaron <ringel.aaron@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-

Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: March 13 hearing. LATEST VERSION.

Please remove this sentence

"PRIA 4 also ensures that significant enhancements to the Agricultural Worker Protection Standard and the Certification of Pesticide Applicators Rule remain in place."

Sent from my iPhone

On Mar 12, 2019, at 5:33 PM, Voyles, Travis <Voyles.Travis@epa.gov> wrote:

My minor edits attached. Took out the FN just so the letter is clean after Alex's signature.

Travis Voyles
O: (202) 564-6399
C: (202) 309-6931

From: Ringel, Aaron
Sent: Tuesday, March 12, 2019 5:16 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: March 13 hearing. LATEST VERSION.

Thanks Alex, I've reviewed and don't have any substantive changes. Per our conversation, I understand that it is difficult to pull out specific examples without putting unnecessary or implied negative attention on a specific company or chemicals.

Team OPA/OGC/Travis, can you review quickly and turn around any edits or suggestions (outside of those Molly already sent)? Need to get this buttoned up ASAP.

Also, looping in RJ per Molly's suggestion since it is TSCA related.

Thanks,

-Aaron

From: Dunn, Alexandra
Sent: Tuesday, March 12, 2019 5:01 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Beck,

Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: March 13 hearing. LATEST VERSION.

We tried all afternoon to get MORE SPECIFIC but cannot due to proprietary slippery slopes (chemical names etc). Still I think we have done better.

See below statement from EDF in advance of the hearing. We will double check to see if we've hit the high points they're talking about.

Post also available at http://blogs.edf.org/health/. If you would like to opt out of receiving these emails, please click here.

EDF statement in advance of house hearing on failure by the Trump EPA to protect workers from toxic chemicals

By Richard Denison / Bio / Published: March 12, 2019

Richard Denison, Ph.D., is a Lead Senior Scientist.

Tomorrow, the House Energy and Commerce Committee's Subcommittee on the Environment and Climate Change will hold an oversight hearing on "Mismanaging Chemical Risks: EPA's Failure to Protect Workers." In advance of the hearing, Environmental Defense Fund lead senior scientist, Dr. Richard Denison, made the following statement:

"Under the Trump Administration, every aspect of EPA's implementation of the Toxic Substances Control Act (TSCA) — our recently reformed chemical safety law — has gone off the rails. The Trump EPA has abdicated its authority and responsibility under the law to address risks to workers. Among the ways EPA has shirked these duties are the following:

- **Clearing new chemicals despite risks to workers.** EPA has approved new chemicals for unfettered market access even where the agency has identified significant risks to workers or has indicated it has insufficient information to determine risks to workers. EPA has done so for many dozens of chemicals.
- **Abandoning worker protections from methylene chloride**. EPA is poised to finalize a ban of methylene chloride-based paint strippers far narrower than the one it proposed over two years ago. While consumer uses will be banned, EPA will not limit commercial uses, leaving workers, who are most at risk from these products, unprotected.
- **Ignoring worker safety in chemical risk evaluations under TSCA**. In the only draft risk evaluation of a chemical issued to date, EPA relied exclusively on a single undocumented workplace air concentration value, provided through a private personal communication by a conflicted industry source, as the basis to conclude that workers across the supply chain for this chemical face no significant exposure to the chemical.

"Oversight of this EPA's reckless approach to worker protection under existing law is long overdue. We applaud the subcommittee for holding this hearing. This EPA is putting the public's health – especially worker's health — at risk by systematically weakening and undermining chemical safety: the agency must be held accountable."

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Dunn, Alexandra
Sent: Tuesday, March 12, 2019 12:34 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark

<Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: March 13 hearing.

Definitely getting better. Thanks Tala. I would like to ask OPP and OPPT to give an example each even more specific. For example, in new EPA regulations promulgated under .... EPA requires applicators of xxx pesticide to xxxx or how we looked at the risk to applicators/workers and how the final rule addressed workers.

How about something public around a new chemical reviewed under TSCA? IE a SNUR can require: use of worker personal protective equipment (PPE); new chemical exposure limits (NCELs) for worker protection; and hazard communication language - all of which can protect workers. Can we cite to any public SNURS?

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Henry, Tala
Sent: Tuesday, March 12, 2019 12:26 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: March 13 hearing.

Attached are OPPT Responses.
Also, have cc'd Rick Keigwin for OPP.

Tala R. Henry, Ph.D.
Acting Deputy Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Ringel, Aaron
Sent: Tuesday, March 12, 2019 11:58 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: March 13 hearing.

Here's an updated version of the letter with our edits and comments. As we note, it really needs substantive examples of what real world results we see at the end of the process described in the current letter that will be compelling and change the narrative that is being put out during this hearing.

OCSPP/OPPT, can you provide factual examples of the work we've done that has led to increased worker protection or ensuring these standards are met that we can include?

-Aaron

From: Ringel, Aaron
Sent: Tuesday, March 12, 2019 11:02 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: March 13 hearing.

Thanks, I've taken a run at it and having my team do a pass as well. Will send an updated version shortly but would like to get everyone thinking about potential examples of worker protection actions in all OCSPP/EPA activities we have taken that can be cited as well.

Right now we outline the program and the worker protection requirements we carry out in executing it, not the real world results we see at the end of the process that will be compelling and change the narrative that is being put out during this hearing.

-Aaron

From: Beck, Nancy
Sent: Tuesday, March 12, 2019 8:07 AM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: March 13 hearing.

A few little tweaks and a comment for consideration

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Dunn, Alexandra
Sent: Tuesday, March 12, 2019 7:52 AM
To: Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: March 13 hearing.

Here is the draft letter. One question for the OCSPP team, otherwise please provide all edits to Tom Tyler, Acting COS for OCSPP. Aaron we'll work with you to ensure it is ready to go up to the Hill when you say.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Block, Molly
Sent: Monday, March 11, 2019 7:55 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica

<mcfaul.jessica@epa.gov>
Subject: Re: March 13 hearing.

Adding Travis and Joe.

Sent from my iPhone

On Mar 11, 2019, at 7:54 PM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:

> The letter is drafted. I'm reviewing & will send first thing early am.
>
> Alexandra Dapolito Dunn, Esq.
> Assistant Administrator
> Office of Chemical Safety & Pollution Prevention
> U.S. Environmental Protection Agency
> Washington, DC
>
> Sent from my iPhone
>
> On Mar 8, 2019, at 9:58 AM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:
>
>> Also, looping in the OPA team. Might be worth having a press statement in the hopper refuting a lot of what we know is going to come out of the hearing for release right before it begins or immediately afterwards.
>>
>> -Aaron
>>
>> **From:** Ringel, Aaron
>> **Sent:** Friday, March 8, 2019 8:49 AM
>> **To:** Beck, Nancy <Beck.Nancy@epa.gov>
>> **Cc:** Dunn, Alexandra <dunn.alexandra@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
>> **Subject:** Re: March 13 hearing.
>>
>> Alex, let's discuss today when you have a moment.
>> Looping in Troy as well.
>>
>> Thanks!
>> Aaron
>>
>> Sent from my iPhone
>>
>> On Mar 8, 2019, at 7:39 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

I'm presuming they would want us to have something—the scope is looking pretty broad. Aaron can provide further details-looping him in.

So far I'm hearing it will be:
Teachers union- PCBs, lead in schools
Firefighters- PFOA
UAW-framework rules
Academics (likely David Michaels)
United Farmworkers- pesticides

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Dunn, Alexandra
Sent: Friday, March 8, 2019 7:22 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Re: March 13 heading.

I'm checking with OCR I would like to have a statement or some document that we could produce providing our point of view on the subject of the hearing.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 8, 2019, at 7:14 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

https://energycommerce.house.gov/committee-activity/hearings/hearing-on-mismanaging-chemical-risks-epa-s-failure-to-protect-workers

My understanding is that they don't intend to invite EPA.

****
****
****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

<03-12-2019 - HEC Letter on Worker Protection v4(TV).docx>

Message

From: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 3/12/2019 9:33:17 PM
To: Ringel, Aaron [ringel.aaron@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Block, Molly [block.molly@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Konkus, John [konkus.john@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: March 13 hearing. LATEST VERSION.
Attachments: 03-12-2019 - HEC Letter on Worker Protection v4(TV).docx

Ex. 5 Deliberative Process (DP)

Travis Voyles
O: (202) 564-6399
C: (202) 309-6931

From: Ringel, Aaron
Sent: Tuesday, March 12, 2019 5:16 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: March 13 hearing. LATEST VERSION.

Ex. 5 Deliberative Process (DP)

Thanks,

-Aaron

From: Dunn, Alexandra
Sent: Tuesday, March 12, 2019 5:01 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph

<brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: March 13 hearing. LATEST VERSION.

Ex. 5 Deliberative Process (DP)

Post also available at http://blogs.edf.org/health/. If you would like to opt out of receiving these emails, please click here.

EDF statement in advance of house hearing on failure by the Trump EPA to protect workers from toxic chemicals

By Richard Denison / Bio / Published: March 12, 2019

Richard Denison, Ph.D., is a Lead Senior Scientist.

Tomorrow, the House Energy and Commerce Committee's Subcommittee on the Environment and Climate Change will hold an oversight hearing on "Mismanaging Chemical Risks: EPA's Failure to Protect Workers." In advance of the hearing, Environmental Defense Fund lead senior scientist, Dr. Richard Denison, made the following statement:

"Under the Trump Administration, every aspect of EPA's implementation of the Toxic Substances Control Act (TSCA) — our recently reformed chemical safety law — has gone off the rails. The Trump EPA has abdicated its authority and responsibility under the law to address risks to workers. Among the ways EPA has shirked these duties are the following:

- **Clearing new chemicals despite risks to workers.** EPA has approved new chemicals for unfettered market access even where the agency has identified significant risks to workers or has indicated it has insufficient information to determine risks to workers. EPA has done so for many dozens of chemicals.
- **Abandoning worker protections from methylene chloride**. EPA is poised to finalize a ban of methylene chloride-based paint strippers far narrower than the one it proposed over two years ago. While consumer uses will be banned, EPA will not limit commercial uses, leaving workers, who are most at risk from these products, unprotected.

- **Ignoring worker safety in chemical risk evaluations under TSCA**. In the only draft risk evaluation of a chemical issued to date, EPA relied exclusively on a single undocumented workplace air concentration value, provided through a private personal communication by a conflicted industry source, as the basis to conclude that workers across the supply chain for this chemical face no significant exposure to the chemical.

"Oversight of this EPA's reckless approach to worker protection under existing law is long overdue. We applaud the subcommittee for holding this hearing. This EPA is putting the public's health – especially worker's health — at risk by systematically weakening and undermining chemical safety: the agency must be held accountable."

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
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U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Dunn, Alexandra
Sent: Tuesday, March 12, 2019 12:34 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: March 13 hearing.

Ex. 5 Deliberative Process (DP)

Alexandra Dapolito Dunn, Esq.
Assistant Administrator

Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Henry, Tala
Sent: Tuesday, March 12, 2019 12:26 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: March 13 hearing.

Attached are OPPT Responses.
Also, have cc'd Rick Keigwin for OPP.

Tala R. Henry, Ph.D.
Acting Deputy Director
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U.S. Environmental Protection Agency

T: 202-564-2959
E: henry.tala@epa.gov

From: Ringel, Aaron
Sent: Tuesday, March 12, 2019 11:58 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: March 13 hearing.

Ex. 5 Deliberative Process (DP)

-Aaron

From: Ringel, Aaron
Sent: Tuesday, March 12, 2019 11:02 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Cc: Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: March 13 hearing.

Ex. 5 Deliberative Process (DP)

-Aaron

From: Beck, Nancy
Sent: Tuesday, March 12, 2019 8:07 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: March 13 hearing.

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Dunn, Alexandra
Sent: Tuesday, March 12, 2019 7:52 AM
To: Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: March 13 hearing.

Ex. 5 Deliberative Process (DP)

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Block, Molly
Sent: Monday, March 11, 2019 7:55 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: Re: March 13 hearing.

Adding Travis and Joe.

Sent from my iPhone

On Mar 11, 2019, at 7:54 PM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 8, 2019, at 9:58 AM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

-Aaron

From: Ringel, Aaron
Sent: Friday, March 8, 2019 8:49 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: March 13 hearing.

Ex. 5 Deliberative Process (DP)

Thanks!
Aaron

Sent from my iPhone

On Mar 8, 2019, at 7:39 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Dunn, Alexandra
Sent: Friday, March 8, 2019 7:22 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Re: March 13 heading.

I'm checking with OCR I would like to have a statement or some document that we could produce providing our point of view on the subject of the hearing.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 8, 2019, at 7:14 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> https://energycommerce.house.gov/committee-activity/hearings/hearing-on-mismanaging-chemical-risks-epa-s-failure-to-protect-workers
>
> My understanding is that they don't intend to invite EPA.
>
> **********

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 3/18/2019 7:58:13 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]; Scott, Gregory [Scott.Gregory@epa.gov]
Subject: RE: For Review: Budget Hearing Program Fact Sheets (in your folders)

Both these approaches work for me. thanks Erik.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Baptist, Erik
Sent: Monday, March 18, 2019 3:50 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Scott, Gregory <Scott.Gregory@epa.gov>
Subject: RE: For Review: Budget Hearing Program Fact Sheets (in your folders)

Nancy,

Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
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(202) 564-1689
baptist.erik@epa.gov

From: Beck, Nancy
Sent: Monday, March 18, 2019 7:14 AM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte

<Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Scott, Gregory <Scott.Gregory@epa.gov>
Subject: RE: For Review: Budget Hearing Program Fact Sheets (in your folders)

Ex. 5 Deliberative Process (DP)

Huge thanks to the team!
Nancy

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, March 15, 2019 4:22 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Scott, Gregory <Scott.Gregory@epa.gov>
Subject: FW: For Review: Budget Hearing Program Fact Sheets (in your folders)

Hi. Ruth has added copies of some additional fact sheets in today's folders. Attached are all of the sheets you should have thus far for review.
Next week you will see a new OPPT worker protection fact sheet (re: Rep Tonko). Also, we are awaiting ORD's formaldehye fact sheet for OCSPP review (per OCIR request).
M

From: Hanley, Mary
Sent: Thursday, March 14, 2019 5:51 PM
To: Alexandra Dunn (dunn.alexandra@epa.gov) <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>;

Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Erik Baptist (baptist.erik@epa.gov) <baptist.erik@epa.gov>
Cc: Kaitlin Keller (keller.kaitlin@epa.gov) <keller.kaitlin@epa.gov>
Subject: For Review: Budget Hearing Program Fact Sheets (in your folders)

Attached are the budget hearing fact sheets which have been included in your binder/folders this evening. More are forthcoming tomorrow. These are due to OCIR on Tuesday 3/19.

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 4/4/2019 12:09:48 AM
To: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Scott, Gregory [Scott.Gregory@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Berkley, Bruce [Berkley.Bruce@epa.gov]; Kadeli, Lek [Kadeli.Lek@epa.gov]; Kochis, Daniel [Kochis.daniel@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
Subject: Re: OCSPP related HAC & SAC Hearing notes

Very helpful! Thank you so much.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Apr 3, 2019, at 6:16 PM, Bertrand, Charlotte <Bertrand.Charlotte@epa.gov> wrote:

> This is great! Thank you Dan!!
>
> **From:** Beck, Nancy
> **Sent:** Wednesday, April 03, 2019 3:08 PM
> **To:** Scott, Gregory <Scott.Gregory@epa.gov>
> **Cc:** Layne, Arnold <Layne.Arnold@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
> **Subject:** RE: OCSPP related HAC & SAC Hearing notes
>
> Many thanks to Dan! Kudos for not only the notes, but also the timestamps so we can find the full dialogue if interested.
> All things TSCA!
>
> _____
> Nancy B. Beck, Ph.D., DABT
> Principal Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> beck.nancy@epa.gov
>
> **From:** Scott, Gregory
> **Sent:** Wednesday, April 3, 2019 3:03 PM
> **To:** Beck, Nancy <Beck.Nancy@epa.gov>
> **Cc:** Layne, Arnold <Layne.Arnold@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Kochis, Daniel <Kochis.daniel@epa.gov>
> **Subject:** OCSPP related HAC & SAC Hearing notes
>
> Hi Nancy,

Per our conversation this morning, below are some high level notes that Dan put together on OCSPP related topics that came up during the HAC and SAC hearings. Let us know if you need anything else related to this.

Greg

SAC HEARING (April 3): https://www.c-span.org/video/?459448-1/epa-administrator-wheeler-testifies-agencys-fiscal-year-2020-budget-request

Tester (29:40): Has PFAS been banned? Senator mentions firefighting foam specifically.
Administrator: Yes, the worst ones, but there are thousands of chemicals. We are evaluating a SNUR for PFOA/PFAS.

Tester (30:56): Are you familiar with Libby. Serious asbestos problems. Do you plan to finalize the asbestos risk evaluation report by December 2019?

- Administrator: That is the goal. Asbestos is one of the first 10 chemicals evaluated under TSCA. The shutdown in January may impact the schedule.
- Tester: The proposed budget is reduced by 28%, almost one third. Will that reduction impact the report?
- Administrator: No.
- Tester: How long after the report is finalized will it take to pull asbestos products off the market?
- Administrator: SNUR to stop importation of new asbestos products. I can't prejudge a risk assessment before it's complete. EPA will act quickly.

Merkley (1:16:49): Lead is a major health threat to young children. You proposed a reduction to EPA's lead program. Why?

- Administrator: We work closely with HUD on lead paint. EPA is moving forward with our lead dust regulation, should be finalized by June 2019. Also proposing a lead in copper pipe rule, first time modernized in over 20 years. We found that EPA's lead program was duplicative of HUD work. Considering mandatory testing at schools and day care facilities.
- Merkley: You're talking about a future regulation while reducing STAG funding to states for lead testing in schools. More children will be poisoned.
- Administrator: EPA also requested $50M for Healthy Schools program which will work to address lead and other contaminants in schools.

Daines (1:25:40): Asbestos has caused significant problems in Montana (vermiculite mining, preschool contamination). Eager for EPA to complete the asbestos risk evaluation by December 2019. Thank you for going a step beyond TSCA requirements with the asbestos SNUR. Why did EPA list specific uses of asbestos rather than banning all new uses?

- Administrator: We are about to go final on the SNUR. We are reviewing that particular comment. There was a lot of misinformation in the press when we announced the SNUR last year. The TSCA process takes several years to complete. Asbestos importation was a potential concern. SNUR puts in place a requirement to request permission prior to importing, which didn't exist previously. SNUR is intended to be the stop gap measure until we finish the risk assessment. Moving forward for the first time in over 25 years to address asbestos.

Udall (1:32:10): Overwhelming bipartisan support for the reform of TSCA. Methylene chloride was a watered down regulation, walked back protections for workers. Methylene chloride paint strippers pose an unreasonable risk of acute human lethality, correct?

- Administrator: Yes, correct, but let me confirm the facts you cite. A comment period for training and certification has been instituted, never been in place before. If during the comment period we determine that we cannot have a training and certification program, we can ban it for workers as well. We are evaluating whether the product can be safely used after completing certification and training through the EPA/Federal Government.

HAC HEARING (April 2): https://www.youtube.com/watch?v=SK2M6Ig47EQ&feature=youtu.be

Lowey (18:12): [opening statement] Disappointed that EPA has decided to delay rulemaking on toxic chemicals like methylene chloride, and suppress science on risk of chemicals like formaldehyde, pesticides and water.

McCollum (1:33:02): EPA management of the IRIS program and GAO's report, Udall letter sent letter last week. EPA appears to be thumbing its nose at Congressional directives. Potential misuse of appropriated resources. EPA was directed to fund IRIS program with ORD appropriated FTE. However, these FTE were used to support OCSPP. Please explain.

- Administrator: ORD employees were temporarily detailed to Toxics Program as part of OneEPA. These were cross training opportunities. Employees have since returned to ORD.
- Inside EPA April 2 article.

Lawrence (1:15:00): Why are you creating a new $50M Healthy Schools program when bipartisan programs already exist that assist children in schools?

- Administrator: Current programs are disjointed, ie. TSCA PCB windowsills, indoor air, lead pipes. The new program is intended to evaluate schools holistically.

McCollum: (1:35:41): Formaldehyde risk assessment moved from IRIS to TSCA. Now formaldehyde is designated high priority under TSCA. Please explain staff and chemical assessment movement between programs.

- Administrator: Details happen regularly. Working on formaldehyde for 27 years. No regulatory program under IRIS. More substantial and faster support to review formaldehyde under TSCA compared to IRIS.

Simpson (1:47:56): Is EPA following Congressional intent with regard to IRIS.

- Administrator: Yes.

Message

From: Morris, Jeff [Morris.Jeff@epa.gov]
Sent: 2/20/2019 2:34:36 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Clark, Sharon [Clark.Sharon@epa.gov]; Scott, Elizabeth [Scott.Elizabeth@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Strauss, Linda [Strauss.Linda@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dekleva, Lynn [dekleva.lynn@epa.gov]; Kadeli, Lek [Kadeli.Lek@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Wise, Louise [Wise.Louise@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
Subject: Agenda for 11:00 OPPT General

Below is the agenda for today's 11:00 OPPT general. – Jeff

TSCA Implementation Activities	
Immediate Actions	
New Chemicals	
Confidential Business Information	• CBI Review Plan
Ongoing Section 6 Rule Makings	• Methylene Chloride
Framework Actions	
Initial Risk Evaluations	• Recyling as a condition of use
Prioritization	• High Priority Candidates. Unpacking the Lows.
Inventory Rule	• Publication of Active/Inactive Inventory

Legacy Chemicals
Lead
- Clearance Rule

Asbestos
- ADAO Litigation

TRI
- TRI Potential PFAS Reporting Rule

Other Issues

- Global Chem
- CDR

Message

From: Cole, Joseph E. [cole.josephe@epa.gov]
Sent: 3/6/2019 2:50:29 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Schwab, Justin [Schwab.Justin@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]
Subject: RE: Can I get a punch list of decisions you need from me? I'll see you at the general. Lots of email.

We've got it on the agenda today for discussion.

Joe
-----Original Message-----
From: Beck, Nancy
Sent: Wednesday, March 6, 2019 9:44 AM
To: Cole, Joseph E. <cole.josephe@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Subject: RE: Can I get a punch list of decisions you need from me? I'll see you at the general. Lots of email.

Shall we discuss at the general?
Is there a specific fix OGC is recommending?

_____
Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

-----Original Message-----
From: Cole, Joseph E.
Sent: Wednesday, March 6, 2019 9:41 AM
To: Baptist, Erik <Baptist.Erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>
Subject: FW: Can I get a punch list of decisions you need from me? I'll see you at the general. Lots of email.

Ex. 5 Deliberative Process (DP)

Joe

Joseph E. Cole
Associate General Counsel
Pesticides and Toxic Substances Law Office Office of General Counsel U.S. Environmental Protection Agency
(202) 564-5583

-----Original Message-----
From: Cole, Joseph E.
Sent: Wednesday, March 6, 2019 9:22 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Subject: RE: Can I get a punch list of decisions you need from me? I'll see you at the general. Lots of email.

Ex. 5 Deliberative Process (DP)

Joe

Joseph E. Cole
Associate General Counsel
Pesticides and Toxic Substances Law Office Office of General Counsel U.S. Environmental Protection Agency
(202) 564-5583

-----Original Message-----
From: Dunn, Alexandra
Sent: Wednesday, March 6, 2019 7:55 AM
To: Cole, Joseph E. <cole.josephe@epa.gov>
Subject: Can I get a punch list of decisions you need from me? I'll see you at the general. Lots of email.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention U.S. Environmental Protection Agency Washington, DC

Sent from my iPhone

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 2/1/2019 8:23:21 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
Subject: FW: OCSPP Shutdown Impacts
Attachments: OCSPP Shutdown Impacts 2.01.2019.docx

Importance: High

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, February 1, 2019 2:07 PM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Subject: OCSPP Shutdown Impacts
Importance: High

Here is the revision which is about 1.5 pages.

OCSPP Priority Deadlines Impacted by the Shutdown

Cessation of work on Prioritization of the existing chemicals compresses by 5 weeks the timeframe to meet statutory deadlines – Work to designate 20 high priority chemicals and 20 low priority chemicals by the December 22, 2019 deadline has been delayed by 5 weeks. A required 9-12-month Prioritization process for these chemicals recognizing will need to begin by March 22, 2019.

Cessation of work on Risk Evaluations for the first 10 chemicals delays by 5 weeks the timeline for completion –Final draft risk evaluations will be completed 5 weeks after the statutory deadline of December 22, 2019 (with a possible 6-month extension).

Peer Reviews are delayed by approximately 30 to 60 days – Seven topics tentatively to be reviewed by the TSCA SACC and the FIFRA Scientific Advisory Panel (SAP) in 2019 are delayed. Also, the meeting to review **Pigment Violet (PV) 29 draft risk evaluation** has been postponed.

Methylene Chloride Paint and Coating Removal Rulemaking is delayed from January to the end of February.

New Chemicals Review Applications are extended (using TSCA authority) by 33 days –During the shutdown, a total of 24 New Chemical Notices were received into EPA's CDX system but not processed; on-going reviews and regulatory work for approximately 471 PMN/SNUN/MCAN cases and 100 exemption application cases and modifications ceased during the shutdown.

Formaldehyde Technical Issues Final Rule Development is delayed from March to April; an associated public workshop will also be delayed although dates had not yet been made public.

Cessation of work on PBT Rules compresses by 5 weeks the timeframe meet statutory deadline of June 22, 2019.

Significant Impacts on Pesticide Registration Actions will involve a minimum delay of 2-3 months.

150 registration application actions with statutory due dates under the Pesticide Registration Improvement Act (PRIA) were missed, 500 new applications also with statutory due dates were received during the shutdown, and publication of over 20 Federal Register Notices are now delayed. Ripple effects on FY19 registration targets are expected since OPP will need to renegotiate previous actions, allow time to work with companies to determine their highest priorities, address other high priority work that came in during the shutdown, and obtain review/approval of final documents and FRNs.

Other high profile chemical specific implications with delays up to one year:

- Sulfoxaflor, an alternative to chlorpyrifos, is delayed at least 3 months (reasons cited above).
- Isoxaflutole (for use on genetically engineered soybeans), ongoing work on significant risk assessment and risk management issues is delayed. Given the risk issues, a pre-shutdown deadline did not exist.
- Experimental use permit reviews for new mosquito control technologies are delayed, which will likely impact the ability to conduct field trials, as they must occur during mosquito season in 2019, and therefore likely be delayed by one year.
- Ongoing work to implement the 2018 dicamba registration decision, including protocol reviews and efforts with states to resolve issues related to dicamba labeling compliance and training, are also delayed by ~3 months (reasons cited above).

Significant Impacts to Pesticide Registration Review Measures will be delayed 2-3 months.

OPP expects the shutdown will reduce target FY19 registration review deliverables of draft risk assessments (-15), proposed interim decisions (-18), and interim decisions (-18) and will likely have ripple effects beyond FY19. Proposed interim decisions for high priority pesticides including glyphosate (Roundup), neonicotinoids, pyrethroids, and soil fumigants will be delayed 2-3 months. Delays due to (1) the need to extend all public comment periods for Q4 FY18 deliverables by 45 days to address regulations.gov issues that occurred during the shutdown, (2) the need to complete and batch deliverables into quarterly FRNs, and (3) obtain review of FRNs/deliverables.

Two Significant Public Health Laboratory Projects will be delayed 2-3 months

Including work with CDC to evaluate antimicrobial pesticides against an emerging hospital pathogen, *Candida auris,* and work with OW on a method for evaluating the efficacy of disinfectants against *Legionella* in cooling tower water systems. Will need to re-initiate lab studies/data collection and conversations with stakeholders.

January 30, 2019 Release of Guidance to Implement the Certification of Pesticide Applicators Rule will be delayed 1 Month.

Certifying authorities have requested the information as soon as possible to meet the regulation's March 4, 2020 submission deadline and may be impacted by the delay.

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 2/1/2019 8:23:17 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
Subject: Fwd: OCSPP Shutdown Impacts
Attachments: OCSPP Shutdown Impacts 2.01.2019.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Hanley, Mary" <Hanley.Mary@epa.gov>
Date: February 1, 2019 at 2:06:40 PM EST
To: "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>
Subject: OCSPP Shutdown Impacts

Here is the revision which is about 1.5 pages.

OCSPP Priority Deadlines Impacted by the Shutdown

Cessation of work on Prioritization of the existing chemicals compresses by 5 weeks the timeframe to meet statutory deadlines – Work to designate 20 high priority chemicals and 20 low priority chemicals by the December 22, 2019 deadline has been delayed by 5 weeks. A required 9-12-month Prioritization process for these chemicals recognizing will need to begin by March 22, 2019.

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- <!--[if !supportLists]--><!--[endif]-->Sulfoxaflor, an alternative to chlorpyrifos, is delayed at least 3 months (reasons cited above).
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- <!--[if !supportLists]--><!--[endif]-->Experimental use permit reviews for new mosquito control technologies are delayed, which will likely impact the ability to conduct field trials, as they must occur during mosquito season in 2019, and therefore likely be delayed by one year.
- <!--[if !supportLists]--><!--[endif]-->Ongoing work to implement the 2018 dicamba registration decision, including protocol reviews and efforts with states to resolve issues related to dicamba labeling compliance and training, are also delayed by ~3 months (reasons cited above).

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January 30, 2019 Release of Guidance to Implement the Certification of Pesticide Applicators Rule will be delayed 1 Month.

Certifying authorities have requested the information as soon as possible to meet the regulation's March 4, 2020 submission deadline and may be impacted by the delay.

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 2/22/2019 3:47:31 PM
To: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
Subject: RE: One Pager - let me know your thoughts. Thanks.

One small tweak below.
Thanks!

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Bertrand, Charlotte
Sent: Friday, February 22, 2019 9:52 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: One Pager - let me know your thoughts. Thanks.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Keller, Kaitlin [keller.kaitlin@epa.gov]
Sent: 3/8/2019 3:01:43 AM
To: Beck, Nancy [Beck.Nancy@epa.gov]
CC: Strauss, Linda [Strauss.Linda@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: Re: FYI - RE: OSCPP cheat sheet of upcoming releases

Yes I'll check on these, but I know synergy was one of several OPP briefings scheduled during the shutdown that has not yet been rescheduled.

Sent from my iPhone

Kaitlin Keller, Special Assistant

EPA Office of Chemical Safety and Pollution Prevention

(202) 564-7098

On Mar 7, 2019, at 8:06 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Thanks. Kaitlin- can you get us more info on the synergy guidance and biotech framework mou.
> Thanks
>
> **********
>
> Nancy B. Beck, Ph.D., DABT
>
> Principal Deputy Assistant Administrator
>
> Office of Chemical Safety and Pollution Prevention
>
> P: 202-564-1273
>
> beck.nancy@epa.gov
>
> On Mar 7, 2019, at 8:02 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:
>
> > **I wasn't sure if these were big items but put them on the list in case:**
> >
> > **BLAD** Proposal FRN will announce the BPPD
> >
> > proposal to establish
> >
> > tolerance (Rule) & revoke
> >
> > the tolerance exemption

Evaluating

Synergy Data

EFED is releasing guidance

for evaluating synergy data

to support claims of greater than-

additive effects in

mixtures of pesticide active ingredients

Biotech

Coordinated

Framework and

Webpage

Action Item from the

Coordinated Framework

initiatve - EPA/FDA/USDA

MOU on responsibilities of

each agency for inquiries, etc.

From: Beck, Nancy
Sent: Thursday, March 07, 2019 7:53 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: Re: FYI - RE: OSCPP cheat sheet of upcoming releases

Thanks. What are OPP 10, 11, and 13?

****

Nancy B. Beck, Ph.D., DABT

Principal Deputy Assistant Administrator

Office of Chemical Safety and Pollution Prevention

P: 202-564-1273

beck.nancy@epa.gov

On Mar 7, 2019, at 7:30 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

OPPT

1. **Methylene Chloride**, PR, web Q's, tweet, AEA 3/13
2. **CDR,** PR, web, tweet, AEA 3/12
3. **PV-29** re-open of comment/release of revised docs, listserv, web, 3/15
4. **20 High, 20 Low** (result of prioritization), PR, web, tweet, 3/22
5. **Mercury** Rule electronic reporting guides, listserv, web, tweet, 3/
6. ***Chemical Watch**: Outlook* article due 3/mid
7. **TSCA CBI Review Plan** Proposed Rule, PR/listserv, web, AEA 4/15
8. **Draft Risk Evaluations: 1) 1,4-Dioxane, 2) Asbestos, 3) HBCD,** PR, web, tweet, 4/mid
9. **Formaldehyde** technical issues, listserv, web, tweet, ?
10. **Final Asbestos SNUR**, PR, web, tweet, 4/
11. **Formadehyde workshop** on laminated products, listserv, web, tweet, Spring/Summer
12. **Long-term Binning**, PR, web, tweet, 3/ or 4/
13. **Lead Dust Standards**, PR, web, tweet, 6/
14. **Proposed PBT rule** under TSCA 6(h), PR, web, tweet, 6/21, 12/22/20
15. **Alternative Testing Methods Strategy**, PR, web, tweet,
16. **Other Draft Risk Evals: 1-Bromo, Perc, TCE, Carbon Tet, MC, NMP**, PR, web, tweet,
17. Manufacturer requests for TSCA risk evaluations for 2 PBTs, listservs
18. ANPRM re: **adding PFAS to TRI,** PR, web, tweet, Fall/19
19. **Safer Choice** POY Awards, PR/listserv, web, tweet, 12/19

OPP

1. **AEZ** to OMB, desk statement, 3/
2. **Paraquat training** video, listserv, tweet, web, 3/8
3. **Dicamba** application for new use on corn, desk, 3/12
4. **Sulfoxaflor** Section 18 TX; desk
5. **Plant Biostimulants** guidance, listserv, web, 3/15
6. **Glyphosate** Proposed Interim Decision, PR/listserv, web, 4/
7. **158W 200** ppb final rule, listerv, 4/10
8. Re-hearing of **chlorpyrifos decision**, desk, 3/25
9. **Antimicrobial** Irritants Draft Science Policy on Uncertainty Factors, listserv
10. **BLAD,** listserv, web, 4/30
11. Guidance on process for evaluating **synergy**, listserv, web, 3/29
12. **Endangered Species** proposed method for risk evaluation, listserv, web 3/late, 4/early
13. **Biotech Coordinated Framework**, 4/25
14. Smart Label Public Webinar, listserv, web, tweet, 6/19

OSCP

1. SACC on PV-29 Peer Review meeting, *Federal Register*, listserv, web, tweet, 3/? end (if meeting will be 5/end)
2. SAP on 810.3300 Guideline Peer Review meeting *Federal Register*, listserv, web, tweet, 4/12 (if meeting will be 6/11-14/2019)
3. SACC on 1,4-Dioxane Peer Review meeting, *Federal Register*, listserv, web, tweet, 6/? (if meeting will be in 8/)
4. SAP on Topic TBD Peer Review meeting, *Federal Register*, listserv, web, tweet, 6/11 (if meeting will be 9/10-13/2019)
5. SACC on Solvents (1-Bromo, Perc, TCE, Carbon Tet, MC, NMP) Peer Review meeting *Federal Register*, listserv, web, tweet, 7/? (if meeting will be in September)
6. SACC on Asbestos and HBCD Peer Review meeting, *Federal Register*, listserv, web, tweet, 8/? (if meeting will be in October)
7. SAP on Quant. Use of Monitoring Data Peer Review meeting, *Federal Register*, listserv, web, tweet, 7/23 (if meeting will be 10/22-25/2019)

Message

From: Hartman, Mark [Hartman.Mark@epa.gov]
Sent: 3/20/2019 2:57:43 PM
To: Strauss, Linda [Strauss.Linda@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

Ex. 5 Deliberative Process (DP)

Mark A. Hartman
Deputy Director for Management
Office of Pollution Prevention and Toxics
(202) 564-0985 (O)
(571) 438-0738 (C)

From: Strauss, Linda
Sent: Wednesday, March 20, 2019 10:32 AM
To: Pierce, Alison <Pierce.Alison@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Pierce, Alison
Sent: Wednesday, March 20, 2019 10:01 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

Nancy – Here are the answers to your questions.

> So when I review our web using the links, it looks like we have, for existing chemicals, banned some uses of 5 chemicals/categories of chemicals. Is this correct? There are 6, with the new inclusion of methylene chloride.
>
> For new chemicals, is there a way to provide a link to chemview where they can see how many orders have been issued for new chemicals (pre and post Lautenberg)? The reporter can view Consent Orders in ChemView by checking the **"TSCA Section 5 Orders"** box under EPA Actions in the Show Output Selection area of ChemView and then selecting **"Generate Results."** As of this writing, 1,495 consent orders are available for view to the public.

Best,
Alison

ALISON PIERCE
202.564.2437

From: Strauss, Linda
Sent: Tuesday, March 19, 2019 10:39 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

+ OPPT

From: Beck, Nancy
Sent: Tuesday, March 19, 2019 9:59 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

Ex. 5 Deliberative Process (DP)

Thanks.

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Tuesday, March 19, 2019 9:31 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: The Guardian - Question on number of chemicals banned by EPA

Using previous language from the Minneapolis Star Tribune responses.

Incoming: How many chemicals has the EPA banned under TSCA? I've seen different numbers ranging from 5 to 9. Could you please confirm the correct number?

Ex. 5 Deliberative Process (DP)

From: Daguillard, Robert
Sent: Monday, March 18, 2019 3:22 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: LINDA/OPPT: The Guardian - Question on number of chemicals banned by EPA

THE GUARDIAN
OLIVER MILMAN

++

Hello there,

could you please let me know the answer to the following, should be fairly straightforward:

How many chemicals has the EPA banned under TSCA? I've seen different numbers ranging from 5 to 9. Could you please confirm the correct number?

Look forward to hearing back from you.

Many thanks,

Oliver

--
Oliver Milman
Journalist
Guardian News & Media
---
(917) 362 5925
oliver.milman@theguardian.com
twitter: @olliemilman

The Guardian

315 West 36th Street
New York, NY 10018
theguardian.com/us

Download the Guardian app for Android and iOS

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Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/20/2019 2:32:12 PM
To: Pierce, Alison [Pierce.Alison@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

Ex. 5 Deliberative Process (DP)

From: Pierce, Alison
Sent: Wednesday, March 20, 2019 10:01 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

Nancy – Here are the answers to your questions.

> So when I review our web using the links, it looks like we have, for existing chemicals, banned some uses of 5 chemicals/categories of chemicals. Is this correct? There are 6, with the new inclusion of methylene chloride.
>
> For new chemicals, is there a way to provide a link to chemview where they can see how many orders have been issued for new chemicals (pre and post Lautenberg)? The reporter can view Consent Orders in ChemView by checking the **"TSCA Section 5 Orders"** box under EPA Actions in the Show Output Selection area of ChemView and then selecting **"Generate Results."** As of this writing, 1,495 consent orders are available for view to the public.

Best,
Alison

ALISON PIERCE
202.564.2437

From: Strauss, Linda
Sent: Tuesday, March 19, 2019 10:39 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

+ OPPT

From: Beck, Nancy
Sent: Tuesday, March 19, 2019 9:59 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

Ex. 5 Deliberative Process (DP)

Thanks.

****
Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Tuesday, March 19, 2019 9:31 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: The Guardian - Question on number of chemicals banned by EPA

Using previous language from the Minneapolis Star Tribune responses.

Incoming: How many chemicals has the EPA banned under TSCA? I've seen different numbers ranging from 5 to 9. Could you please confirm the correct number?

Response:
The 2016 amendments to Toxic Substances Control Act (TSCA) were enacted because of concerns that EPA did not have adequate authority to regulate chemicals and ensure their safety in the marketplace. EPA is currently implementing new authorities in TSCA which includes the ability of EPA to review new and existing chemicals and mitigate unreasonable risk through appropriate regulatory action.

EPA has prevented some new chemicals from entering the market, and have put restrictions on many that we have allowed to commercialize. Chemicals on the market may have many uses, only some of which, if any, may be of concern and EPA has put additional protections and/or restrictions for specific uses of the chemicals that play vital roles in our economy and the well-being of society. See actions that have been taken by EPA under Section 6 of TSCA. On the bar toward the top of the page are two ways to search: § 6 Rules Under Amended TSCA and § 6 Rules Prior to June 2016.

From: Daguillard, Robert
Sent: Monday, March 18, 2019 3:22 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: LINDA/OPPT: The Guardian - Question on number of chemicals banned by EPA

THE GUARDIAN
OLIVER MILMAN

++

Hello there,

could you please let me know the answer to the following, should be fairly straightforward:

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Look forward to hearing back from you.

Many thanks,

Oliver

--
Oliver Milman
Journalist
Guardian News & Media
---
(917) 362 5925
oliver.milman@theguardian.com
twitter: @olliemilman

The Guardian
315 West 36th Street
New York, NY 10018
theguardian.com/us

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Message

From: Pierce, Alison [Pierce.Alison@epa.gov]
Sent: 3/20/2019 2:00:59 PM
To: Strauss, Linda [Strauss.Linda@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

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202.564.2437

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+ OPPT

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Sent: Tuesday, March 19, 2019 9:59 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: The Guardian - Question on number of chemicals banned by EPA

Ex. 5 Deliberative Process (DP)

Thanks.

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Tuesday, March 19, 2019 9:31 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
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From: Daguillard, Robert
Sent: Monday, March 18, 2019 3:22 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: LINDA/OPPT: The Guardian - Question on number of chemicals banned by EPA

THE GUARDIAN
OLIVER MILMAN

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Many thanks,

Oliver

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Oliver Milman
Journalist
Guardian News & Media
---
(917) 362 5925
oliver.milman@theguardian.com
twitter: @olliemilman

The Guardian

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New York, NY 10018
theguardian.com/us

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Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 3/19/2019 10:15:00 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Subject: Fwd: Important insight from the organic certification approach to chemical additives in food

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

Begin forwarded message:

From: EDF Health Blog <edfhealth@edf.org>
Date: March 19, 2019 at 6:07:57 PM EDT
To: <beck.nancy@epa.gov>
Subject: Important insight from the organic certification approach to chemical additives in food
Reply-To: EDF Health Blog <edfhealth@edf.org>

Is this email not displaying correctly? View it in your browser.

Hi, here's the latest from EDF Health:

Important insight from the organic certification approach to chemical additives in food

By Tom Neltner

Tom Neltner, J.D., is Chemicals Policy Director Since 2014, chemicals in food[1] have been consumers' most important food safety issue, reaching a high of 35% in 2018, according to annual industry surveys by the International Food Information Council. For comparison, "foodborne illness from bacteria" was half that percent. Food companies have responded to this growing consumer […]

PART 2: Busting more industry-perpetrated myths about new chemicals and worker protection under TSCA

By Richard Denison

Richard Denison, Ph.D., is a Lead Senior Scientist. Part 1 Part 2 I started blogging last week about myths the chemical industry is perpetrating when it comes to EPA's review of the risks new chemicals may present to workers. In this post, I address another such myth, one that the industry promotes […]

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More to read:

New study: Homebuyers and renters take action when told they may have a lead service line

Long-Delayed Methylene Chloride Ban Finalized but Still Leaves Workers at Risk

PART 1: Busting industry-perpetrated myths about new chemicals and worker protection under TSCA

EDF statement in advance of House hearing on failure by the Trump EPA to protect workers from toxic chemicals

GAO affirms the Trump EPA's political manipulation of the IRIS formaldehyde assessment

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EDF Health / Environmental Defense Fund
1875 Connecticut Avenue NW
Washington, DC 20009

Add us to your address book

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Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 3/8/2019 10:24:36 PM
To: Tyree, JamesN [tyree.jamesn@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hofmann, Angela [Hofmann.Angela@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]
Subject: RE: MC ANPRM - EPA response to OMB passback comments

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Tyree, JamesN
Sent: Friday, March 8, 2019 5:02 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>
Subject: FW: MC ANPRM - EPA response to OMB passback comments

From OPPT IO:

Ex. 5 Deliberative Process (DP)

On Mar 8, 2019, at 8:32 AM, Tyree, JamesN <tyree.jamesn@epa.gov> wrote:

Good morning,
Line 477-478: please delete the line about EPAs intent. I don't think we have discussed this. and our intentions do not belong in a set of questions.

That's all the comments for both this and the SBA – tranche 3 and 4

James

From: Blair, Susanna
Sent: Thursday, March 07, 2019 3:04 PM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FW: MC ANPRM - EPA response to OMB passback comments

Hello,

Ex. 5 Deliberative Process (DP)

Thanks –

Niva

Niva Kramek
Associate Chief,
Existing Chemicals Branch, Chemical Control Division
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
202-564-4830
Kramek.niva@epa.gov

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/14/2019 4:44:45 PM
To: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]
Subject: RE: Most recent MC PR per John Konkus

OK

From: Bertrand, Charlotte
Sent: Thursday, March 14, 2019 12:43 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: Most recent MC PR per John Konkus

I'm good!

From: Strauss, Linda
Sent: Thursday, March 14, 2019 11:09 AM
To: Baptist, Erik <Baptist.Erik@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: Most recent MC PR per John Konkus

Thanks, any others?

From: Baptist, Erik
Sent: Thursday, March 14, 2019 11:00 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Strauss, Linda
Sent: Thursday, March 14, 2019 10:36 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

From: Dunn, Alexandra
Sent: Thursday, March 14, 2019 10:28 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: Re: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 14, 2019, at 10:22 AM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

<DRAFT Methylene Chloride Press Release_CB.docx>

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 3/20/2019 12:16:34 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Konkus, John [konkus.john@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]
Subject: RE: For Review: WSB-TV Atlanta - methylene chloride Action

Alright I'll send that.

From: Dunn, Alexandra
Sent: Wednesday, March 20, 2019 7:49 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: For Review: WSB-TV Atlanta - methylene chloride Action

Ex. 5 Deliberative Process (DP)

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Dunn, Alexandra
Sent: Tuesday, March 19, 2019 7:10 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
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Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 19, 2019, at 6:02 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Abboud, Michael
Sent: Tuesday, March 19, 2019 5:06 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: For Review: WSB-TV Atlanta - methylene chloride Action

Ex. 5 Deliberative Process (DP)

From: Beck, Nancy
Sent: Tuesday, March 19, 2019 4:38 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John

<konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: For Review: WSB-TV Atlanta - methylene chloride Action

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

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Sent: Tuesday, March 19, 2019 4:33 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
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Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Abboud, Michael
Sent: Tuesday, March 19, 2019 4:11 PM
To: Baptist, Erik <Baptist.Erik@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: FW: For Review: WSB-TV Atlanta - methylene chloride Action

Ex. 5 Deliberative Process (DP)

From: Daguillard, Robert
Sent: Tuesday, March 19, 2019 3:51 PM
To: Press <Press@epa.gov>
Subject: For Review: WSB-TV Atlanta - methylene chloride Action

From the program. OK to send?

Ex. 5 Deliberative Process (DP)

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Carr, Nicole (CMG-Atlanta) <nicole.carr@wsbtv.com>
Sent: Monday, March 18, 2019 11:52 AM
To: Press <Press@epa.gov>
Subject: Question re: methylene chloride Action

Good Morning,

We have a question regarding Friday's announcement on the consumer methylene chloride ban:

https://www.epa.gov/newsreleases/epa-announces-action-methylene-chloride .

Is there any information on why the commercial use ban from the original proposal was taken out?
We'd like to update an earlier story for today.

Thank you,
Nicole Carr
Investigative Reporter
WSB-TV Atlanta
678-232-8539 (c)
Sent from my iPhone

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 3/7/2019 10:26:03 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: RE: last call

Us as well.

From: Baptist, Erik
Sent: Thursday, March 7, 2019 5:15 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: Re: last call

Works for me.

Sent from my iPhone

On Mar 7, 2019, at 5:14 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> EPA intends to address other uses of methylene chloride for paint and coating removal as part of the ongoing risk evaluation for methylene chloride.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

Message

From: Baptist, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10FC1B085EE14C6CB61DB378356A1EB9-BAPTIST, ER]
Sent: 3/4/2019 9:48:07 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: Re: FOR REVIEW: MC 12866 DOJ Comment Response

No, I'm good.

Sent from my iPhone

On Mar 4, 2019, at 4:45 PM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:

> I understand but Erik will you have anymore now that you have the documents?
>
> Sent from my iPhone
>
> On Mar 4, 2019, at 4:32 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:
>
> > Mary-
> > Did you send the chain below back to OPPT? I think that's where we are.
> >
> > _____
> > Nancy B. Beck, Ph.D., DABT
> > Principal Deputy Assistant Administrator, OCSPP
> > P: 202-564-1273
> > beck.nancy@epa.gov
> >
> > **From:** Hanley, Mary
> > **Sent:** Monday, March 4, 2019 3:42 PM
> > **To:** Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
> > **Cc:** Tyree, JamesN <tyree.jamesn@epa.gov>
> > **Subject:** RE: FOR REVIEW: MC 12866 DOJ Comment Response
> >
> > Just checking on where we stand with this. Erik, OPPT sent you the preamble as you were leaving Friday. Did you send them something directly?
> >
> > **From:** Beck, Nancy
> > **Sent:** Friday, March 01, 2019 5:06 PM
> > **To:** Baptist, Erik <Baptist.Erik@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
> > **Cc:** Tyree, JamesN <tyree.jamesn@epa.gov>
> > **Subject:** RE: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Baptist, Erik
Sent: Friday, March 1, 2019 5:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Beck, Nancy
Sent: Friday, March 1, 2019 4:23 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Thanks.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, March 1, 2019 4:05 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: FW: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

From: Blair, Susanna
Sent: Friday, March 01, 2019 3:54 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FW: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 2/20/2019 4:53:13 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]
Subject: timing from Molly Block-- FW: Methylene Chloride - press release

---

From: Block, Molly
Sent: Wednesday, February 20, 2019 11:50 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: Methylene Chloride - press release for next week

As soon as we get it back, I believe we're good to go. Alex will just need to make sure she talks to Wheeler about this. They'll both have preferences on timing and rollout.

From: Strauss, Linda
Sent: Wednesday, February 20, 2019 11:48 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: Methylene Chloride - press release for next week

Molly/Nancy, do you have a sense of your timing on this? I believe it's coming out of OMB next week. Thanks, Linda

---

From: Strauss, Linda
Sent: Thursday, February 07, 2019 8:10 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: Methylene Chloride - press release for next week

Here's the press release on methylene chloride. Alex/Nancy B would like it to go Wed or Thurs -- depending on timing of other Agency releases (PFAS) AND when this gets out of OMB.

EPA Bans Consumer Sales of Methylene Chloride Paint Removers, Protecting Public

WASHINGTON–The U.S. Environmental Protection Agency (EPA) issued a final rule to prohibit the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use. EPA has taken this action because of the acute fatalities that have resulted from exposure to the chemical.

"I am proud to take this positive step along with home improvement retailers to stop the use of this chemical in paint removers intended for consumers," said EPA Acting Administrator Andrew Wheeler.

"This rule answers calls from many affected families to effectively remove these products from retail shelves and retail distribution channels, providing protection for the American public," said Assistant Administrator for Chemical Safety Alexandra Dunn.

In today's final rule, EPA found risks to consumers to be unreasonable. Acute (short-term) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. People have died after being incapacitated during paint and coating removal with methylene chloride. A variety of effective, less harmful substitutes are readily available for paint removal.

Paint removal products containing methylene chloride will not be able to be sold at any retail establishments that have consumer sales, including e-commerce sales. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. Once published, the final rule and supporting documents will be available in the Federal Register docket at: https://www.regulations.gov/ and by searching for EPA-HQ-OPPT-2016-0231.

EPA is also soliciting public input for a future rulemaking that could establish a training, certification and limited access program for methylene chloride for commercial uses. EPA is asking for input on the key elements required for such a program. EPA is requesting public comment for 60 days following publication in the Federal Register of the Advance Notice of Proposed Rulemaking (ANPR). Additional information and how to provide comments on the ANPR can be found at www.regulations.gov and by searching for EPA-HQ-OPPT-2018-0844[add link]

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride
Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 3/7/2019 10:01:10 PM
To: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: RE: sentence update

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Beck, Nancy
Sent: Thursday, March 7, 2019 4:53 PM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Alexandra Dunn (dunn.alexandra@epa.gov) <dunn.alexandra@epa.gov>
Cc: Erik Baptist (baptist.erik@epa.gov) <baptist.erik@epa.gov>
Subject: RE: sentence

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Beck, Nancy
Sent: Thursday, March 7, 2019 4:39 PM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Alexandra Dunn (dunn.alexandra@epa.gov) <dunn.alexandra@epa.gov>
Cc: Erik Baptist (baptist.erik@epa.gov) <baptist.erik@epa.gov>
Subject: sentence

Ex. 5 Deliberative Process (DP)

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 3/7/2019 9:59:48 PM
To: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]
Subject: RE: sentence

Plus Justin

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Beck, Nancy
Sent: Thursday, March 7, 2019 4:53 PM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Alexandra Dunn (dunn.alexandra@epa.gov) <dunn.alexandra@epa.gov>
Cc: Erik Baptist (baptist.erik@epa.gov) <baptist.erik@epa.gov>
Subject: RE: sentence

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Beck, Nancy
Sent: Thursday, March 7, 2019 4:39 PM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Alexandra Dunn (dunn.alexandra@epa.gov) <dunn.alexandra@epa.gov>
Cc: Erik Baptist (baptist.erik@epa.gov) <baptist.erik@epa.gov>
Subject: sentence

Ex. 5 Deliberative Process (DP)

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/14/2019 7:10:08 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]
Subject: Most recent MC PR per John Konkus

From: Konkus, John
Sent: Thursday, March 14, 2019 3:08 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Subject: RE: two edits -- FW: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride

Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

###

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/14/2019 7:08:36 PM
To: Konkus, John [konkus.john@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
Subject: RE: two edits -- FW: Most recent MC PR per John Konkus

Thanks, I'll send to Alex.

From: Konkus, John
Sent: Thursday, March 14, 2019 3:08 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Subject: RE: two edits -- FW: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride

Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

###

From: Strauss, Linda
Sent: Thursday, March 14, 2019 3:05 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Subject: RE: two edits -- FW: Most recent MC PR per John Konkus

John, Alex would like the latest press release. Possible you can send to her (and me)?
Thanks.

From: Konkus, John
Sent: Thursday, March 14, 2019 2:43 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Subject: RE: two edits -- FW: Most recent MC PR per John Konkus

Got it. Thanks.

From: Strauss, Linda
Sent: Thursday, March 14, 2019 2:42 PM
To: Konkus, John <konkus.john@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Subject: two edits -- FW: Most recent MC PR per John Konkus

Two edits below in red, the first from Erik Babtist, the second from Alex Dunn (her comment was: "I don't like the term "regulated community" – why don't we say for "establishments selling this chemical to retailers to come into compliance with EPA's ban.)

EPA Bans Consumer Sales of Methylene Chloride Paint Removers, Protecting Public

WASHINGTON (March XX, 2019) – Today, the U.S. Environmental Protection Agency (EPA) issued a final rule to prohibit the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use. EPA has taken this action because of the acute fatalities that have resulted from exposure to the chemical.

"After analyzing the health impacts and listening to affected families, EPA is taking action to stop the use of this chemical in paint removers intended for consumers," **said EPA Administrator Andrew Wheeler.** "Today's decision reflects EPA's commitment to ensure that chemicals in the retail marketplace are safe for the American public."

"This rule answers calls from many affected families to effectively remove these products from retail shelves and retail distribution channels, providing protection for the American public," **said Assistant Administrator for Chemical Safety Alexandra Dunn.**

In today's final rule, EPA found risks to consumers to be unreasonable. Acute (short-term) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. People have died after being incapacitated during paint and coating removal with methylene chloride. A variety of effective, less harmful substitutes are readily available for paint removal.

Paint removal products containing methylene chloride will not be able to be sold at any retail **or distribution** establishments that have consumer sales, including e-commerce sales after. Those prohibitions start six months after publication of the final rule, which provides time for **establishments selling this chemical to retailers to come into compliance with EPA's ban.** To the extent that consumers want to avoid the unreasonable health risks, consumers should not use methylene chloride for paint and coating removal.

EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. Once published, the final rule and supporting documents will be available in the Federal Register docket at: https://www.regulations.gov/ and by searching for EPA-HQ-OPPT-2016-0231.

EPA is also soliciting public input for a future rulemaking that could establish a training, certification, and limited access program for methylene chloride for commercial uses. EPA is asking for input on the key elements required for such a program. EPA is requesting public comment for 60 days following publication in the Federal Register of the Advance Notice of Proposed Rulemaking (ANPR). Additional information and how to provide comments on the ANPR can be found at www.regulations.gov and by searching for EPA-HQ-OPPT-2018-0844 [add link]

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride

Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

---

From: Dunn, Alexandra
Sent: Thursday, March 14, 2019 10:28 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: Re: Most recent MC PR per John Konkus

The Administrator asked that we put something about the 6 month phase out in. It could be a factual sentence

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 14, 2019, at 10:22 AM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

<DRAFT Methylene Chloride Press Release_CB.docx>

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 2/6/2019 6:14:19 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: RE: Alex quote -- FW: Methylene Chloride - press release

OK, thank you.

From: Beck, Nancy
Sent: Wednesday, February 06, 2019 1:08 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Alex quote -- FW: Methylene Chloride - press release

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Wednesday, February 6, 2019 12:41 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: FW: Alex quote -- FW: Methylene Chloride - press release

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride
Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

From: Beck, Nancy
Sent: Tuesday, February 05, 2019 6:35 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Methylene Chloride - press release

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Tuesday, February 5, 2019 4:29 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: Methylene Chloride - press release

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride
Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

Message

From: Smith, Peterj [Smith.Peterj@epa.gov]
Sent: 3/7/2019 9:49:11 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Kadeli, Lek [Kadeli.Lek@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Hofmann, Angela [Hofmann.Angela@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Wormell, Lance [Wormell.Lance@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]
Subject: RE: MC Update

Ex. 5 Deliberative Process (DP)

****
NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*
****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

From: Beck, Nancy
Sent: Thursday, March 07, 2019 3:35 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Subject: RE: MC Update

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Smith, Peterj
Sent: Thursday, March 7, 2019 3:27 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Subject: RE: MC Update

Ex. 5 Deliberative Process (DP)

From: Smith, Peterj
Sent: Thursday, March 07, 2019 3:25 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Subject: RE: MC Update

Hi Nancy,

Ex. 5 Deliberative Process (DP)

Best,
Peter

****
NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*
****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

From: Beck, Nancy
Sent: Thursday, March 07, 2019 3:06 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Subject: RE: MC Update

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Smith, Peterj
Sent: Thursday, March 7, 2019 12:15 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Subject: MC Update

Good afternoon,

Ex. 5 Deliberative Process (DP)

Best,
Peter

****
NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*
****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 2/5/2019 9:29:18 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: Methylene Chloride - press release
Attachments: MC redline 2-5-19scc - OPPT approved.docx

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride

Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 3/14/2019 7:05:31 PM
To: Strauss, Linda [Strauss.Linda@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
Subject: Re: two edits -- FW: Most recent MC PR per John Konkus

Yes

John Konkus
Environmental Protection Agency
Deputy Associate Administrator for Public Affairs
Mobile: (202) 365-9250

On Mar 14, 2019, at 3:05 PM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

> John, Alex would like the latest press release. Possible you can send to her (and me)? Thanks.
>
> **From:** Konkus, John
> **Sent:** Thursday, March 14, 2019 2:43 PM
> **To:** Strauss, Linda <Strauss.Linda@epa.gov>
> **Cc:** Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
> **Subject:** RE: two edits -- FW: Most recent MC PR per John Konkus
>
> Got it. Thanks.
>
> **From:** Strauss, Linda
> **Sent:** Thursday, March 14, 2019 2:42 PM
> **To:** Konkus, John <konkus.john@epa.gov>
> **Cc:** Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
> **Subject:** two edits -- FW: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride

Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

---

From: Dunn, Alexandra
Sent: Thursday, March 14, 2019 10:28 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: Re: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

Alexandra Dapolito Dunn, Esq.

Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 14, 2019, at 10:22 AM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

<DRAFT Methylene Chloride Press Release_CB.docx>

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 2/6/2019 5:40:56 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: FW: Alex quote -- FW: Methylene Chloride - press release
Attachments: MC press release 2-6-19 noon.docx

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride
Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

From: Beck, Nancy
Sent: Tuesday, February 05, 2019 6:35 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Methylene Chloride - press release

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Tuesday, February 5, 2019 4:29 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: Methylene Chloride - press release

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride
Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

Message

From: Tyree, JamesN [tyree.jamesn@epa.gov]
Sent: 3/7/2019 8:46:58 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: FW: MC ANPRM - EPA response to OMB passback comments
Attachments: RIN2070-AK48-MCANPRM-12866 passback-3-5-19-EPA-response-v2.docx

Hi,

Ex. 5 Deliberative Process (DP)

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 3/19/2019 8:54:43 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Konkus, John [konkus.john@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]
Subject: Re: For Review: WSB-TV Atlanta - methylene chloride Action

Looks good

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 19, 2019, at 4:32 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Abboud, Michael
Sent: Tuesday, March 19, 2019 4:11 PM
To: Baptist, Erik <Baptist.Erik@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: FW: For Review: WSB-TV Atlanta - methylene chloride Action

Ex. 5 Deliberative Process (DP)

From: Daguillard, Robert
Sent: Tuesday, March 19, 2019 3:51 PM
To: Press <Press@epa.gov>
Subject: For Review: WSB-TV Atlanta - methylene chloride Action

Ex. 5 Deliberative Process (DP)

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Carr, Nicole (CMG-Atlanta) <nicole.carr@wsbtv.com>
Sent: Monday, March 18, 2019 11:52 AM
To: Press <Press@epa.gov>
Subject: Question re: methylene chloride Action

Good Morning,

Ex. 5 Deliberative Process (DP)

Thank you,
Nicole Carr
Investigative Reporter
WSB-TV Atlanta
678-232-8539 (c)
Sent from my iPhone

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 2/6/2019 2:23:50 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: Alex quote -- FW: Methylene Chloride - press release
Attachments: MC redline 2-5-19scc - OPPT.2.docx

Ex. 5 Deliberative Process (DP)

From: Beck, Nancy
Sent: Tuesday, February 05, 2019 6:35 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Methylene Chloride - press release

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Tuesday, February 5, 2019 4:29 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: Methylene Chloride - press release

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride

Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/14/2019 7:04:01 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]
Subject: RE: Most recent MC PR per John Konkus

Let me ask John K

From: Dunn, Alexandra
Sent: Thursday, March 14, 2019 3:03 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: Most recent MC PR per John Konkus

Can someone please send me the final MC PR (with my edit below)?

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Dunn, Alexandra
Sent: Thursday, March 14, 2019 12:55 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Strauss, Linda
Sent: Thursday, March 14, 2019 10:36 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley,

Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride

Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

---

From: Dunn, Alexandra
Sent: Thursday, March 14, 2019 10:28 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik

<Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: Re: Most recent MC PR per John Konkus

Ex. 5 Deliberative Process (DP)

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 14, 2019, at 10:22 AM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

<DRAFT Methylene Chloride Press Release_CB.docx>

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 3/7/2019 7:11:54 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Subject: Re: MC 12866 DOJ Comment Response

Let's do it we will call you.

****
Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Mar 7, 2019, at 1:27 PM, Baptist, Erik <Baptist.Erik@epa.gov> wrote:

> I can do 4:15. My talk ends around 4.
>
> Sent from my iPhone
>
> On Mar 7, 2019, at 12:51 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:
>
> > Ok. Lets chat. Can you do it at 4pm? When is your talk over.
> > Thanks
> >
> > **********
> > Nancy B. Beck, Ph.D., DABT
> > Principal Deputy Assistant Administrator
> > Office of Chemical Safety and Pollution Prevention
> > P: 202-564-1273
> > beck.nancy@epa.gov
> >
> > On Mar 7, 2019, at 12:24 PM, Baptist, Erik <Baptist.Erik@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

> > > Sent from my iPhone

Begin forwarded message:

From: "Smith, Peterj" <Smith.Peterj@epa.gov>
Date: March 7, 2019 at 11:59:24 AM EST
To: "Baptist, Erik" <Baptist.Erik@epa.gov>
Cc: "Beck, Nancy" <Beck.Nancy@epa.gov>, "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>, "Kadeli, Lek" <Kadeli.Lek@epa.gov>, "Hofmann, Angela" <Hofmann.Angela@epa.gov>, "Hanley, Mary" <Hanley.Mary@epa.gov>, "Keller, Kaitlin" <keller.kaitlin@epa.gov>
Subject: RE: MC 12866 DOJ Comment Response

Hi Eric,

Ex. 5 Deliberative Process (DP)

Thanks for your input!

Best,
Peter

****
****
NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*

****
****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

From: Baptist, Erik
Sent: Wednesday, March 06, 2019 3:34 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: MC 12866 DOJ Comment Response

Attached please find my edits/comments.

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Smith, Peterj
Sent: Wednesday, March 6, 2019 11:20 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>
Subject: FW: MC 12866 DOJ Comment Response
Importance: High

Good morning,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Best,
Peter

****
****
NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*
****
****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

From: Blair, Susanna
Sent: Wednesday, March 06, 2019 9:28 AM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: MC 12866 DOJ Comment Response

Good morning,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<INTERNAL MC Final Rule 12866 DOJ meeting - comments-response-3-5-19.v3.docx>

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 3/19/2019 8:38:03 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
Subject: RE: For Review: WSB-TV Atlanta - methylene chloride Action

Ex. 5 Deliberative Process (DP)

From: Baptist, Erik
Sent: Tuesday, March 19, 2019 4:37 PM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Subject: Fwd: For Review: WSB-TV Atlanta - methylene chloride Action

Sent from my iPhone

Begin forwarded message:

From: "Abboud, Michael" <abboud.michael@epa.gov>
Date: March 19, 2019 at 4:11:06 PM EDT
To: "Baptist, Erik" <Baptist.Erik@epa.gov>, "Dunn, Alexandra" <dunn.alexandra@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>
Cc: "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>, "Beach, Christopher" <beach.christopher@epa.gov>, "Hewitt, James" <hewitt.james@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "McFaul, Jessica" <mcfaul.jessica@epa.gov>
Subject: FW: For Review: WSB-TV Atlanta - methylene chloride Action

Ex. 5 Deliberative Process (DP)

From: Daguillard, Robert
Sent: Tuesday, March 19, 2019 3:51 PM
To: Press <Press@epa.gov>
Subject: For Review: WSB-TV Atlanta - methylene chloride Action

Ex. 5 Deliberative Process (DP)

Cheers, R.

Robert Daguillard
Office of Media Relations
U.S. Environmental Protection Agency
Washington, DC
+1 (202) 564-6618 (O)
+1 (202) 360-0476 (M)

From: Carr, Nicole (CMG-Atlanta) <nicole.carr@wsbtv.com>
Sent: Monday, March 18, 2019 11:52 AM
To: Press <Press@epa.gov>
Subject: Question re: methylene chloride Action

Good Morning,

We have a question regarding Friday's announcement on the consumer methylene chloride ban:

https://www.epa.gov/newsreleases/epa-announces-action-methylene-chloride .

Is there any information on why the commercial use ban from the original proposal was taken out?
We'd like to update an earlier story for today.

Thank you,
Nicole Carr
Investigative Reporter
WSB-TV Atlanta
678-232-8539 (c)
Sent from my iPhone

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 2/4/2019 6:27:10 PM
To: Tyree, JamesN [tyree.jamesn@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: Re: MC Rule - additional documents for OMB

Ok thanks.

****
Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Feb 4, 2019, at 1:17 PM, Tyree, JamesN <tyree.jamesn@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

James

From: Bertrand, Charlotte
Sent: Monday, February 04, 2019 1:07 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Re: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Feb 4, 2019, at 11:44 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Baptist, Erik
Sent: Monday, February 4, 2019 11:30 AM

To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Bertrand, Charlotte
Sent: Monday, February 4, 2019 6:59 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

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Sent: Sunday, February 03, 2019 2:24 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

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Deputy Assistant Administrator
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U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Beck, Nancy
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To: Hanley, Mary <Hanley.Mary@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, February 1, 2019 4:46 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
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Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

From: Hanley, Mary
Sent: Friday, February 01, 2019 4:03 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

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Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Thanks Mary

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, February 1, 2019 3:59 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>

Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

From: Baptist, Erik
Sent: Friday, February 01, 2019 2:29 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Re: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Feb 1, 2019, at 2:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Feb 1, 2019, at 2:25 PM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Blair, Susanna
Sent: Friday, February 01, 2019 1:45 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Wolf, Joel
Sent: Friday, February 01, 2019 12:10 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let us know if you need anything else.

Thanks, Joel

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:42 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

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Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

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Sent: Friday, February 01, 2019 11:41 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD

US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:32 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>
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Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
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From: Hanley, Mary
Sent: Friday, February 01, 2019 11:21 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: DOJ oral comments

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions or concerns.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Blair, Susanna
Sent: Thursday, January 31, 2019 8:21 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

Message

From: Tyree, JamesN [tyree.jamesn@epa.gov]
Sent: 2/4/2019 6:07:52 PM
To: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: RE: MC Rule - additional documents for OMB

Yes. Will do.

James

From: Bertrand, Charlotte
Sent: Monday, February 04, 2019 1:07 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Re: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

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On Feb 4, 2019, at 11:44 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

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Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689

baptist.erik@epa.gov

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Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
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baptist.erik@epa.gov

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Ex. 5 Deliberative Process (DP)

Thanks.

****

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Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
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beck.nancy@epa.gov

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To: Hanley, Mary <Hanley.Mary@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Thanks Mary

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, February 1, 2019 3:59 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

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From: Baptist, Erik
Sent: Friday, February 01, 2019 2:29 PM
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Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Re: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

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Ex. 5 Deliberative Process (DP)

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Feb 1, 2019, at 2:25 PM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:

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Sent: Friday, February 01, 2019 1:45 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Wolf, Joel
Sent: Friday, February 01, 2019 12:10 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let us know if you need anything else.

Thanks, Joel

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

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Sent: Friday, February 01, 2019 11:42 AM
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Special Assistant - Office of Pollution Prevention and Toxics
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<Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
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Ex. 5 Deliberative Process (DP)

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

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Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Hanley, Mary
Sent: Friday, February 01, 2019 11:21 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte

<Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: DOJ oral comments

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions or concerns.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Blair, Susanna
Sent: Thursday, January 31, 2019 8:21 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark

<Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

Message

From: Smith, Peterj [Smith.Peterj@epa.gov]
Sent: 3/7/2019 4:59:24 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Kadeli, Lek [Kadeli.Lek@epa.gov]; Hofmann, Angela [Hofmann.Angela@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: RE: MC 12866 DOJ Comment Response
Attachments: INTERNAL MC Final Rule 12866 DOJ meeting - comments-response-3-5-19.v3.docx

Hi Eric,

Ex. 5 Deliberative Process (DP)

Thanks for your input!

Best,
Peter

****
NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*
****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

From: Baptist, Erik
Sent: Wednesday, March 06, 2019 3:34 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Erik Baptist

Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Smith, Peterj
Sent: Wednesday, March 6, 2019 11:20 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>
Subject: FW: MC 12866 DOJ Comment Response
Importance: High

Good morning,

Ex. 5 Deliberative Process (DP)

Best,
Peter

****
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****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

From: Blair, Susanna
Sent: Wednesday, March 06, 2019 9:28 AM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: MC 12866 DOJ Comment Response

Good morning,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 3/1/2019 10:06:15 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: RE: FOR REVIEW: MC 12866 DOJ Comment Response
Attachments: RIN2070-AK07_EO12866_MeCl_FRM_FRdocument_2019-01-29.EAinfo added.Revisions.V3.docx

Ex. 5 Deliberative Process (DP)

Thanks!

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Baptist, Erik
Sent: Friday, March 1, 2019 5:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: FOR REVIEW: MC 12866 DOJ Comment Response

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Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
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baptist.erik@epa.gov

From: Beck, Nancy
Sent: Friday, March 1, 2019 4:23 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Thanks.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, March 1, 2019 4:05 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: FW: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

From: Blair, Susanna
Sent: Friday, March 01, 2019 3:54 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FW: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 2/4/2019 12:31:56 PM
To: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: Re: MC Rule - additional documents for OMB

Ok.

Sent from my iPhone

On Feb 4, 2019, at 6:59 AM, Bertrand, Charlotte <Bertrand.Charlotte@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Baptist, Erik
Sent: Sunday, February 03, 2019 2:24 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Beck, Nancy
Sent: Saturday, February 2, 2019 9:20 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Thanks.

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, February 1, 2019 4:46 PM
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Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

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To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

From: Beck, Nancy
Sent: Friday, February 01, 2019 4:02 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Thanks Mary

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, February 1, 2019 3:59 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

From: Baptist, Erik
Sent: Friday, February 01, 2019 2:29 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Re: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Feb 1, 2019, at 2:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

Ex. 5 Deliberative Process (DP)

M

From: Blair, Susanna
Sent: Friday, February 01, 2019 1:45 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

---

From: Wolf, Joel
Sent: Friday, February 01, 2019 12:10 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let us know if you need anything else.

Thanks, Joel

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:42 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Wolf, Joel
Sent: Friday, February 01, 2019 11:41 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
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Ex. 5 Deliberative Process (DP)

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:32 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Hanley, Mary
Sent: Friday, February 01, 2019 11:21 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>

Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: DOJ oral comments

Ex. 5 Deliberative Process (DP)

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Blair, Susanna
Sent: Thursday, January 31, 2019 8:21 PM

To: Smith, Peterj <Smith.Peterj@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Hi Mary and Peter,

Ex. 5 Deliberative Process (DP)

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

<CBcomments_RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-02-01.2.docx>

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 2/4/2019 11:59:16 AM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
CC: Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: RE: MC Rule - additional documents for OMB
Attachments: CBcomments_RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-02-01.2.docx

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Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
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U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

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Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
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Ex. 5 Deliberative Process (DP)

Thanks.

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Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
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beck.nancy@epa.gov

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Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
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Subject: RE: MC Rule - additional documents for OMB

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Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

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Subject: Re: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Feb 1, 2019, at 2:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Feb 1, 2019, at 2:25 PM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

M

From: Blair, Susanna
Sent: Friday, February 01, 2019 1:45 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Wolf, Joel
Sent: Friday, February 01, 2019 12:10 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let us know if you need anything else.

Thanks, Joel

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:42 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

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Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency

WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
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To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
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Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

---

From: Hanley, Mary
Sent: Friday, February 01, 2019 11:21 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
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Ex. 5 Deliberative Process (DP)

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EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Blair, Susanna
Sent: Thursday, January 31, 2019 8:21 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Hi Mary and Peter,

Ex. 5 Deliberative Process (DP)

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 3/1/2019 9:45:38 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
Subject: RE: FOR REVIEW: MC 12866 DOJ Comment Response

On it

From: Baptist, Erik
Sent: Friday, March 01, 2019 4:44 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: FOR REVIEW: MC 12866 DOJ Comment Response

Can I please see the current version of the final rule/preamble?

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Hanley, Mary
Sent: Friday, March 1, 2019 4:05 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: FW: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

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Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FW: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Smith, Peterj [Smith.Peterj@epa.gov]
Sent: 3/6/2019 9:02:21 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Kadeli, Lek [Kadeli.Lek@epa.gov]; Hofmann, Angela [Hofmann.Angela@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
Subject: RE: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Best,
Peter

****
NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*
****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

From: Baptist, Erik
Sent: Wednesday, March 06, 2019 3:34 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Subject: RE: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Smith, Peterj
Sent: Wednesday, March 6, 2019 11:20 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Kadeli, Lek <Kadeli.Lek@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>
Subject: FW: MC 12866 DOJ Comment Response
Importance: High

Good morning,

Ex. 5 Deliberative Process (DP)

Best,
Peter

****
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****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

From: Blair, Susanna
Sent: Wednesday, March 06, 2019 9:28 AM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: MC 12866 DOJ Comment Response

Good morning,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 2/3/2019 8:50:08 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: Re: MC Rule - additional documents for OMB

Got it.

Sent from my iPhone

On Feb 3, 2019, at 2:23 PM, Baptist, Erik <Baptist.Erik@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
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Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
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Ex. 5 Deliberative Process (DP)

Thanks.

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Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, February 1, 2019 3:59 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
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Sent: Friday, February 01, 2019 2:29 PM
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Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Re: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Feb 1, 2019, at 2:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

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beck.nancy@epa.gov

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Ex. 5 Deliberative Process (DP)

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Subject: FW: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

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Sent: Friday, February 01, 2019 12:10 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

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Let us know if you need anything else.

Thanks, Joel

Joel Wolf
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OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

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Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:32 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>
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To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Ex. 5 Deliberative Process (DP)

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: DOJ oral comments

Ex. 5 Deliberative Process (DP)

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Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

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Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Hi Mary and Peter,

Ex. 5 Deliberative Process (DP)

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-02-01.2.docx>

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 3/1/2019 9:05:27 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
CC: Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: FW: FOR REVIEW: MC 12866 DOJ Comment Response
Attachments: MC Final Rule 12866 DOJ meeting - comments-response-2-28-19 V2.docx; INTERNAL MC Final Rule 12866 DOJ meeting - comments-response-3-1-2019.docx

Ex. 5 Deliberative Process (DP)

From: Blair, Susanna
Sent: Friday, March 01, 2019 3:54 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>
Subject: FW: FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 3/6/2019 4:44:30 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
Subject: RE: ?

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Baptist, Erik
Sent: Wednesday, March 6, 2019 11:33 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: Re: ?

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Mar 6, 2019, at 11:23 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

****

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 2/3/2019 2:19:30 AM
To: Hanley, Mary [Hanley.Mary@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: RE: MC Rule - additional documents for OMB
Attachments: RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-02-01.2.docx

I have just a few comments in the attached.
Erik- there is a section that addresses the section 9 intersection. Can you take a quick look at those responses?

Thanks.

****
Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, February 1, 2019 4:46 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

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Subject: RE: MC Rule - additional documents for OMB

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Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

ICR and Reg Flex are good to go to OMB.
Will review R2C this weekend.
Thanks Mary

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP

P: 202-564-1273
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Subject: RE: MC Rule - additional documents for OMB

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> **********
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> Office of Chemical Safety and Pollution Prevention
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> beck.nancy@epa.gov
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>> M
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>> **From:** Blair, Susanna
>> **Sent:** Friday, February 01, 2019 1:45 PM
>> **To:** Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
>> **Subject:** FW: MC Rule - additional documents for OMB
>>
>> Here are the documents with Bethany's comments addressed.
>>
>> _____

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Wolf, Joel
Sent: Friday, February 01, 2019 12:10 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
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Subject: RE: MC Rule - additional documents for OMB

Here you go Susanna. Attached is a clean version that incorporates Bethany's 4 edits at the following lines 305, 845, 1259 and 1492. Her edits were to add the highlighted bracketed text –

- In addition to the 12 mass mailing campaigns, six comments supported the proposed regulation as the appropriate measure to address the [*proposed*] unreasonable risk presented by methylene chloride in paint and coating removal for all consumer and most types of commercial uses.

- The proposed rule (82 FR 7473) examined several regulatory alternatives, including labeling. However, these alternative regulatory actions were not viable alternatives because they did not mitigate the risk [*identified in the final rule*] sufficiently so that the risk would no longer be unreasonable.

- The proposed rule also included an assessment of whether the alternative regulatory actions address the identified [*proposed*] unreasonable risk (82 FR 7479) and consideration of the full range of risk management options under TSCA section 6(a) (82 FR 7473).

- In the proposed rule, EPA proposed using its TSCA 6(a) authorities to address the [*proposed*] unreasonable risk from methylene chloride in consumer paint and coating removal through limitations and restrictions on distribution in commerce.

Let us know if you need anything else.

Thanks, Joel

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

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Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Thanks Joel. I am sorry about the lack organization and SOPs. Let me know if there is anything I can do.

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Subject: RE: MC Rule - additional documents for OMB

We are happy to address these comments. These are the first we have seen them since this communication up until now has been OGC/OCSPP/OPPT.

We will send something in short order.

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OCSPP/OPPT/CCD
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WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

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To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Please see Bethany's comments below. Please let me know how you would like to proceed.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Hanley, Mary
Sent: Friday, February 01, 2019 11:21 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Hi. I understand that Bethany's comments have not been addressed in the RtC doc. Can you confirm that all OGC comments are addressed? Thanks!!

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM

To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: DOJ oral comments

I recognize this is skipping some levels, but given the urgency related to the RtC, I wanted to pass along follow-up coming out of an OCSPP general yesterday. Brian conveyed a request for re-review of the FRN and associated documents to ensure they don't perpetuate any misstatements about whether we made an unreasonable risk finding in the proposed rule (i.e., to ensure we describe statements in the proposal as "proposed"). Nothing stood out to me in the FRN, but I found a few spots in the RtC that might warrant revision, with potential revisions in brackets:

> In addition to the 12 mass mailing campaigns, six comments supported the proposed regulation as the appropriate measure to address the [*proposed*] unreasonable risk presented by methylene chloride in paint and coating removal for all consumer and most types of commercial uses.
>
> The proposed rule (82 FR 7473) examined several regulatory alternatives, including labeling. However, these alternative regulatory actions were not viable alternatives because they did not mitigate the risk [*identified in the final rule*] sufficiently so that the risk would no longer be unreasonable.
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Please let me know if you have any questions or concerns.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

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Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Hi Mary and Peter,
Please find the attached MC documents ready for OCSPP review.

1. Response to Comments
2. Information Collection Request
3. Final Regulatory Flexibility Analysis

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

Message

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Attachments: RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-02-01.docx

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202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:32 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Please see Bethany's comments below. Please let me know how you would like to proceed.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Hanley, Mary
Sent: Friday, February 01, 2019 11:21 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Hi. I understand that Bethany's comments have not been addressed in the RtC doc. Can you confirm that all OGC comments are addressed? Thanks!!

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: DOJ oral comments

I recognize this is skipping some levels, but given the urgency related to the RtC, I wanted to pass along follow-up coming out of an OCSPP general yesterday. Brian conveyed a request for re-review of the FRN and associated documents to ensure they don't perpetuate any misstatements about whether we made an unreasonable risk finding in the proposed rule (i.e., to ensure we describe statements in the proposal as "proposed"). Nothing stood out to me in the FRN, but I found a few spots in the RtC that might warrant revision, with potential revisions in brackets:

> In addition to the 12 mass mailing campaigns, six comments supported the proposed regulation as the appropriate measure to address the [*proposed*] unreasonable risk presented by methylene chloride in paint and coating removal for all consumer and most types of commercial uses.

The proposed rule (82 FR 7473) examined several regulatory alternatives, including labeling. However, these alternative regulatory actions were not viable alternatives because they did not mitigate the risk [*identified in the final rule*] sufficiently so that the risk would no longer be unreasonable.

The proposed rule also included an assessment of whether the alternative regulatory actions address the identified [*proposed*] unreasonable risk (82 FR 7479) and consideration of the full range of risk management options under TSCA section 6(a) (82 FR 7473).

In the proposed rule, EPA proposed using its TSCA 6(a) authorities to address the [*proposed*] unreasonable risk from methylene chloride in consumer paint and coating removal through limitations and restrictions on distribution in commerce.

Please let me know if you have any questions or concerns.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Blair, Susanna
Sent: Thursday, January 31, 2019 8:21 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Hi Mary and Peter,
Please find the attached MC documents ready for OCSPP review.

1. Response to Comments
2. Information Collection Request
3. Final Regulatory Flexibility Analysis

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 2/1/2019 9:04:45 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]
CC: Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: Re: MC Rule - additional documents for OMB

Yes please. Thanks.

****
Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

On Feb 1, 2019, at 4:03 PM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:

> Okay but I will check on the timing of the revision anyway.
>
> **From:** Beck, Nancy
> **Sent:** Friday, February 01, 2019 4:02 PM
> **To:** Hanley, Mary <Hanley.Mary@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
> **Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
> **Subject:** RE: MC Rule - additional documents for OMB
>
> ICR and Reg Flex are good to go to OMB.
> Will review R2C this weekend.
> Thanks Mary
>
> _____
> Nancy B. Beck, Ph.D., DABT
> Principal Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> beck.nancy@epa.gov
>
> **From:** Hanley, Mary
> **Sent:** Friday, February 1, 2019 3:59 PM
> **To:** Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
> **Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
> **Subject:** RE: MC Rule - additional documents for OMB
>
> Hi, OPPT is incorporating Justin's comment. I assume you want to see the revision to the Rtc but if not let me know and I will give Peter the green light when he receives it. Also, in the meantime, are the Final Regulatory Flexibility Analysis and draft ICR good to go to OMB?
>
> **From:** Baptist, Erik
> **Sent:** Friday, February 01, 2019 2:29 PM
> **To:** Beck, Nancy <Beck.Nancy@epa.gov>

Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Re: MC Rule - additional documents for OMB

I did not speak to him but we should incorporate his edits.

Sent from my iPhone

On Feb 1, 2019, at 2:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> I think we agreed with Justin's comments. So they should be incorporated. Erik- did you speak to Justin?
>
> **********
> Nancy B. Beck, Ph.D., DABT
> Principal Deputy Assistant Administrator
> Office of Chemical Safety and Pollution Prevention
> P: 202-564-1273
> beck.nancy@epa.gov
>
> On Feb 1, 2019, at 2:25 PM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:
>
>> Hi. In the attached version of the RtC OPPT addresses Bethany's comments. Bethany's are the only OGC comments that OPPT received. Apparently in further correspondence with the IO Justin proposed some comments though no one ever responded to his email (and OPPT staff was not on the email). If there are outstanding comments from Justin OPPT will need to see them. Let me know if I can be of assistance.
>> M
>>
>> **From:** Blair, Susanna
>> **Sent:** Friday, February 01, 2019 1:45 PM
>> **To:** Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
>> **Subject:** FW: MC Rule - additional documents for OMB
>>
>> Here are the documents with Bethany's comments addressed.
>>
>> **Susanna W. Blair, PhD**
>> Special Assistant - Office of Pollution Prevention and Toxics
>> 202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov
>>
>> **From:** Wolf, Joel
>> **Sent:** Friday, February 01, 2019 12:10 PM
>> **To:** Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
>> **Cc:** Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
>> **Subject:** RE: MC Rule - additional documents for OMB

Here you go Susanna. Attached is a clean version that incorporates Bethany's 4 edits at the following lines 305, 845, 1259 and 1492. Her edits were to add the highlighted bracketed text –

- In addition to the 12 mass mailing campaigns, six comments supported the proposed regulation as the appropriate measure to address the [*proposed*] unreasonable risk presented by methylene chloride in paint and coating removal for all consumer and most types of commercial uses.

- The proposed rule (82 FR 7473) examined several regulatory alternatives, including labeling. However, these alternative regulatory actions were not viable alternatives because they did not mitigate the risk [*identified in the final rule*] sufficiently so that the risk would no longer be unreasonable.

- The proposed rule also included an assessment of whether the alternative regulatory actions address the identified [*proposed*] unreasonable risk (82 FR 7479) and consideration of the full range of risk management options under TSCA section 6(a) (82 FR 7473).

- In the proposed rule, EPA proposed using its TSCA 6(a) authorities to address the [*proposed*] unreasonable risk from methylene chloride in consumer paint and coating removal through limitations and restrictions on distribution in commerce.

Let us know if you need anything else.

Thanks, Joel

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:42 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Thanks Joel. I am sorry about the lack organization and SOPs. Let me know if there is anything I can do.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Wolf, Joel
Sent: Friday, February 01, 2019 11:41 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

We are happy to address these comments. These are the first we have seen them since this communication up until now has been OGC/OCSPP/OPPT.

We will send something in short order.

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:32 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Please see Bethany's comments below. Please let me know how you would like to proceed.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Hanley, Mary
Sent: Friday, February 01, 2019 11:21 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Hi. I understand that Bethany's comments have not been addressed in the RtC doc. Can you confirm that all OGC comments are addressed? Thanks!!

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: DOJ oral comments

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> In addition to the 12 mass mailing campaigns, six comments supported the proposed regulation as the appropriate measure to address the [*proposed*] unreasonable risk presented by methylene chloride in paint and coating removal for all consumer and most types of commercial uses.
>
> The proposed rule (82 FR 7473) examined several regulatory alternatives, including labeling. However, these alternative regulatory actions were not viable alternatives because they did not mitigate the risk [*identified in the final rule*] sufficiently so that the risk would no longer be unreasonable.
>
> The proposed rule also included an assessment of whether the alternative regulatory actions address the identified [*proposed*] unreasonable risk (82 FR 7479) and consideration of the full range of risk management options under TSCA section 6(a) (82 FR 7473).
>
> In the proposed rule, EPA proposed using its TSCA 6(a) authorities to address the [*proposed*] unreasonable risk from methylene chloride in consumer paint and coating removal through limitations and restrictions on distribution in commerce.

Please let me know if you have any questions or concerns.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Blair, Susanna
Sent: Thursday, January 31, 2019 8:21 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Hi Mary and Peter,
Please find the attached MC documents ready for OCSPP review.

1. Response to Comments
2. Information Collection Request
3. Final Regulatory Flexibility Analysis

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 2/28/2019 10:43:47 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]
Subject: RE: non-urgent: Detroit Free Press: MC and NMP - awaiting deadline
Attachments: QFR - Questions on the Methylene Chloride Ban.docx

We can use the specific language in the QFRs (attached) + the bold. And we can use our last statement on NMP, in case she already knows about the proposed rule, which she might since she has been speaking to activists.

Methylene chloride: Under certain circumstances, methylene chloride not only can pose danger, but has also caused worker deaths. EPA submitted a final rule for methylene chloride paint and coating removal to OMB for interagency review on December 21, 2018, prior to the lapse in appropriations. Questions regarding the scope, implementation, and timing of the final rule, and associated EPA actions, will depend on the outcome of the interagency review process**. EPA hopes to take action expeditiously.**

NMP: The Agency has already stated that we are moving forward on a risk evaluation required by the amended TSCA, and that that evaluation will include the uses that were in the proposed rule. Conducting these evaluations does not preclude EPA from finalizing the proposed NMP regulation if through its evaluation EPA determines that any of the conditions of use present unreasonable risk. EPA has concluded that the Agency's assessment of the potential risks will be more robust if the potential risks from these conditions of use are evaluated by applying standards and guidance under amended TSCA. In particular, this includes ensuring the evaluation is consistent with the scientific standards in Section 26 of TSCA (including systematic review approaches).

From: Dunn, Alexandra
Sent: Thursday, February 28, 2019 9:38 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>
Subject: Re: non-urgent: Detroit Free Press: MC and NMP - awaiting deadline

Is this consistent with the qFRs for AAW?

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Feb 28, 2019, at 9:17 AM, Strauss, Linda <Strauss.Linda@epa.gov> wrote:

> **Incoming:** My name is Aleanna Siacon and I'm a reporter at the Detroit Free Press. We're following reports that Midwest chain Menards has announced that it will no longer be purchasing paint stripping products that contain methylene chloride and NMP, and speaking to activists as well as medical experts about the dangers of these two chemicals in consumers products. I

wanted to see if a rep from the EPA could maybe speak with me about any efforts that have been made to have the EPA take regulatory/legal action against the use of these two chemicals in consumers products?

Response:

EPA is also concerned about these chemicals. For methylene chloride, EPA sent a final rule on the use of methylene chloride in paint and coating removal to the Office of Management and Budget (OMB) on December 21, 2018; EPA hopes to take action expeditiously. For NMP, EPA is moving forward on a risk evaluation required by the amended TSCA. This evaluation will apply the standards and guidance under the amended TSCA. If through its evaluation EPA determines that the chemical present unreasonable risk, EPA will take the appropriate action.

FYI – here was out last Statement on NMP from Nov.

For NMP, the Agency has already stated that we are moving forward on a risk evaluation required by the amended TSCA, and that that evaluation will include the uses that were in the proposed rule. Conducting these evaluations does not preclude EPA from finalizing the proposed NMP regulation if through its evaluation EPA determines that any of the conditions of use present unreasonable risk. EPA has concluded that the Agency's assessment of the potential risks will be more robust if the potential risks from these conditions of use are evaluated by applying standards and guidance under amended TSCA. In particular, this includes ensuring the evaluation is consistent with the scientific standards in Section 26 of TSCA (including systematic review approaches).

From: Daguillard, Robert
Sent: Monday, February 25, 2019 10:07 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: OPPT: Detroit Free Press: toxins in consumers paint strippers

DETROIT FREE PRESS
ALEANNA SIACON
AWAITING DDL INFO

Good morning team,

Do we want to send this reporter our current NMP statement?

Cheers, R.

++

Greetings,

My name is Aleanna Siacon and I'm a reporter at the Detroit Free Press. We're following reports that Midwest chain Menards has announced that it will no longer be purchasing paint stripping

products that contain methylene chloride and NMP, and speaking to activists as well as medical experts about the dangers of these two chemicals in consumers products.

I wanted to see if a rep from the EPA could maybe speak with me about any efforts that have been made to have the EPA take regulatory/legal action against the use of these two chemicals in consumers products?

AleannSiacon

Detroit Free Press

Breaking & Developing News Reporter -- FreepNow

Desk: (313) 222-1850 / Mobile: Ex. 6 Personal Privacy (PP)

Twitter Ex. 6 Personal Privacy (PP)

Message

From: Baptist, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10FC1B085EE14C6CB61DB378356A1EB9-BAPTIST, ER]
Sent: 2/15/2019 9:33:46 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Mark Hartman (Hartman.Mark@epa.gov) [Hartman.Mark@epa.gov]
Subject: RE: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments
Attachments: EO 12866 Interagency Comments EPA MeCl ANPRM RIN 2070-AK48-EPA response-2-7-19.docx

I made one suggested edit universally to the proposed unreasonable risk language. I had flagged this issue back in December and my proposed language was rejected. I've modified it a little, hopefully to everyone's approval. But no pride of authorship, so feel free to reject.

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Hanley, Mary
Sent: Friday, February 15, 2019 1:43 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: FW: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments

Erik, Charlotte, will you have comments? OPPT is holding for your inputs. Thanks.

On Monday Nancy wrote:
Thanks. I think these edits are good, but since the most of them the highlights and #### that are new relate to the unreasonable risk framing, it would be good to have Erik take a quick look as well.
CB also had some suggestions for the language.

Have we heard back from OGC regarding the logical outgrowth question on recordkeeping?? Did we receive any comments at all in the public docket suggesting that we make the change?

From: Blair, Susanna
Sent: Monday, February 11, 2019 12:26 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Subject: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments

Hi Mary,

Attached are edits to be responsive to OCSPP IO's comments on the interagency comments for methylene chloride ANPRM. As explained below, the INTERNAL file has highlights and ### at the comments to help direct OCSPP attention to how we responded to their comments.

The first file is the file that we feel is ready for OPPT IO and OCSPP IO to clear for Peter Smith to forward responses to OMB.

The third file is for your info if you want to see the OCSPP IO mark up.

This has undergone staff level review at OGC by Bethany Fisher.

Thanks.

Susanna

From: Kramek, Niva
Sent: Thursday, February 7, 2019 9:19 PM
To: Canavan, Sheila <Canavan.Sheila@epa.gov>
Cc: Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>
Subject: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments

Attached are edits in response to OCSPP IO's comments on the MC ANPRM 12866 reviewers' comments. Please note that there are two versions.

1 - One is EPA Internal and shows OCSPP IO comments in yellow, with CCD+OGC responses in yellow. Please search for ### to find them (16 changes).
2 – The other is the master version of changes made by interagency reviewers or EPA since this ANPRM went to OMB. It does not include internal EPA comments on why changes were made or modified.

3 – Also attached is a PDF of the OCSPP IO comments received.

OGC has reviewed all edits (staff level). Please note that OGC has suggested modifying many of OCSPP IO's edits regarding the possible future determinations of unreasonable risk.

Thanks –

Niva

Niva Kramek
Associate Chief,
Existing Chemicals Branch, Chemical Control Division
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
202-564-4830
Kramek.niva@epa.gov

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 2/15/2019 9:27:17 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
Subject: RE: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments

Mary – thanks, I had commented on this previously, I don't need to see or approve how my comments were addressed unless OPPT couldn't make one or had questions. Thanks for checking, I have gone through this and am ok with how they have responded. Charlotte

---

From: Hanley, Mary
Sent: Friday, February 15, 2019 1:43 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: FW: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments

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To: Hanley, Mary <Hanley.Mary@epa.gov>
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Susanna

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Thanks –

Niva

Niva Kramek
Associate Chief,
Existing Chemicals Branch, Chemical Control Division
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
202-564-4830
Kramek.niva@epa.gov

Message

From: Blair, Susanna [Blair.Susanna@epa.gov]
Sent: 2/27/2019 5:23:22 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
CC: Hanley, Mary [Hanley.Mary@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]
Subject: RE: Clarification - FOR REVIEW: MC 12866 DOJ Comment Response

Thanks. I will pass it on.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Baptist, Erik
Sent: Wednesday, February 27, 2019 12:22 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: RE: Clarification - FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Blair, Susanna
Sent: Wednesday, February 27, 2019 12:15 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: RE: Clarification - FOR REVIEW: MC 12866 DOJ Comment Response

Ex. 5 Deliberative Process (DP)

Please let me know how to proceed

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Baptist, Erik
Sent: Tuesday, February 26, 2019 5:24 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: RE: Clarification - FOR REVIEW: MC 12866 DOJ Comment Response

Sorry, I intended to delete the highlighted language.

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Blair, Susanna
Sent: Tuesday, February 26, 2019 4:38 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: Clarification - FOR REVIEW: MC 12866 DOJ Comment Response

Erik the team had a clarifying question for you. Please see below.

Thanks,
Susanna

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

---

From: Wolf, Joel
Sent: Tuesday, February 26, 2019 4:36 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Cc: Wormell, Lance <Wormell.Lance@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>
Subject: RE: FOR REVIEW: MC 12866 DOJ Comment Response

Thanks Susanna. One question on Erik's response to the second green highlighting on the bottom of page 9/top of page 10 – Erik made some edits to the first two sentences in the paragraph; however, the text that had the comment bubble is unchanged. Could you please confirm with Erik whether we are to keep the below language, which was in the original comment buble, or if we are to delete the language and just have the paragraph with his suggested edits to the text -

"Based on public comments received, EPA determined that it is prudent to provide an opportunity for additional input on other regulatory options that would allow access to paint and coating removal products containing methylene chloride only to commercial users who are certified as properly trained to engage in use practices that do not present unreasonable risks. EPA will address commercial paint and coating removal in the future after soliciting comment, through an ANPRM elsewhere in this issue of the Federal Register, on questions related to a potential training, certification, and limited access program."

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Tuesday, February 26, 2019 3:13 PM
To: Canavan, Sheila <Canavan.Sheila@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Cc: Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>
Subject: RE: FOR REVIEW: MC 12866 DOJ Comment Response

Erik's responses are in the attached.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/18/2019 5:59:37 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]
Subject: RE: LINDA/OPPT: NJ.com questions on methylene chloride rule

Got it. Thanks.

From: Dunn, Alexandra
Sent: Monday, March 18, 2019 1:44 PM
To: Baptist, Erik <Baptist.Erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: LINDA/OPPT: NJ.com questions on methylene chloride rule

I think remove the bullet of concern by Erik below and the response looks solid.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Baptist, Erik
Sent: Monday, March 18, 2019 1:33 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: LINDA/OPPT: NJ.com questions on methylene chloride rule

Did we actually receive comments in support of a training program? I thought we received only one comment on this issue – and it was against such a program.

- EPA received comments on the proposed rule that use of methylene chloride should continue to be allowed for certain commercial paint and coating removal where commercial entities can demonstrate sufficient training and use of appropriate protective equipment such that there is no unreasonable risk.

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460

(202) 564-1689
baptist.erik@epa.gov

From: Beck, Nancy
Sent: Monday, March 18, 2019 1:25 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: LINDA/OPPT: NJ.com questions on methylene chloride rule

See suggetions below.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Monday, March 18, 2019 1:19 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: FW: LINDA/OPPT: NJ.com questions on methylene chloride rule
Importance: High

Let me know if you are OK going with these. Thanks!

Why just ban the chemical for paint removers?

- EPA found these risks to be unreasonable for consumers. Other uses of methylene chloride are being assessed as part of the ~~overall~~ ongoing risk evaluation of methylene chloride being conducted pursuant to TSCA section 6(b), expected to be completed in December 2019.

According to the EPA, up to 260 million pounds of the chemical are used in the US annually. About 10 percent of that is for paint removers. What else is the chemical used for?

- Methylene chloride is used in a variety of industries, such as paint and coating removal, plastic processing, metal cleaning and degreasing, adhesive manufacture, and as a refrigerant and heat transfer fluid.

Does this new rule apply just for consumer use of paint removers? Is commercial use also prohibited?

- Yes, this rule applies just to consumer uses of paint removers. To ensure that consumers will no longer have access to methylene chloride for this use, EPA has banned the sale of methylene chloride in paint removers from all retail establishments. This means that no one, whether DIYers or businesses, can purchase methylene chloride for paint removal from any in-store or online retailer.
- EPA received comments on the proposed rule that use of methylene chloride should continue to be allowed for certain commercial paint and coating removal where commercial entities can demonstrate sufficient training and use of appropriate protective equipment such that there is no unreasonable risk.

- As a result, EPA has published a separate advance notice of proposed rulemaking (ANPRM) to solicit public input on elements for a training, certification, and limited access program for methylene chloride for commercial paint and coating removal.

From: Daguillard, Robert
Sent: Monday, March 18, 2019 11:44 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: LINDA/OPPT: NJ.com questions on methylene chloride rule

NJ.COM
MICHAEL WARREN
DDL 3 PM

Good morning team,

Let me know if you want to discuss. Thanks, R.

++

Hi there,

Michael Warren with NJ.com and The Star-Ledger here. Is there anyone available to answer a few follow up questions on Friday's final rule announcement for methylene chloride?

Specifically, my questions are:

Why just ban the chemical for paint removers?

According to the EPA, up to 260 million pounds of the chemical are used in the US annually. About 10 percent of that is for paint removers. What else is the chemical used for?

Does this new rule apply just for consumer use of paint removers? Is commercial use also prohibited?

Please let me know if any of these questions need to be clarified. I can be reached at this email or on my cell phone, 732-540-6700

Best,
Michael W.

--
Michael Sol Warren
Reporter, NJ Advance Media
mwarren@njadvancemedia.com
Cell: Ex. 6 Personal Privacy (PP)
Office: 732-902-4538
485 Route 1 S, Bldg E, Suite 300
Iselin, NJ, 08830
Twitter: Ex. 6 Personal Privacy (PP)

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/18/2019 5:29:15 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]
Subject: RE: LINDA/OPPT: NJ.com questions on methylene chloride rule

Thanks.

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Sent: Monday, March 18, 2019 1:25 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: LINDA/OPPT: NJ.com questions on methylene chloride rule

See suggetions below.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Monday, March 18, 2019 1:19 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: FW: LINDA/OPPT: NJ.com questions on methylene chloride rule
Importance: High

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From: Daguillard, Robert
Sent: Monday, March 18, 2019 11:44 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: LINDA/OPPT: NJ.com questions on methylene chloride rule

NJ.COM
MICHAEL WARREN
DDL 3 PM

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Best,
Michael W.

--
Michael Sol Warren
Reporter, NJ Advance Media
mwarren@njadvancemedia.com

Cell: Ex. 6 Personal Privacy (PP)
Office: 732-902-4538
485 Route 1 S, Bldg E, Suite 300
Iselin, NJ, 08830
Twitter: Ex. 6 Personal Privacy (PP)

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/18/2019 5:18:50 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]
Subject: FW: LINDA/OPPT: NJ.com questions on methylene chloride rule

Importance: High

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Sent: Monday, March 18, 2019 11:44 AM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>
Subject: LINDA/OPPT: NJ.com questions on methylene chloride rule

NJ.COM
MICHAEL WARREN
DDL 3 PM

Good morning team,

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Please let me know if any of these questions need to be clarified. I can be reached at this email or on my cell phone, 732-540-6700

Best,
Michael W.

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Michael Sol Warren
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mwarren@njadvancemedia.com
Cell: Ex. 6 Personal Privacy (PP)
Office: 732-902-4538
485 Route 1 S, Bldg E, Suite 300
Iselin, NJ, 08830
Twitter: Ex. 6 Personal Privacy (PP)

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 2/11/2019 6:02:47 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
CC: Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: RE: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments

Thanks. I think these edits are good, but since the most of them the highlights and #### that are new relate to the unreasonable risk framing, it would be good to have Erik take a quick look as well.
CB also had some suggestions for the language.

Ex. 5 Deliberative Process (DP)

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Monday, February 11, 2019 12:42 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Cc: Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: FW: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments

Hi.
Attached are edits to be responsive to OCSPP IO's comments on the interagency comments for methylene chloride ANPRM. As explained below, the INTERNAL file has highlights and ### at the comments to help direct OCSPP attention to how we responded to their comments. The first file is the file that OPPT feels is ready for OPPT IO and OCSPP IO to clear for Peter Smith to forward responses to OMB. The third file is for your info if you want to see the OCSPP IO mark up. This has undergone staff level review at OGC by Bethany Fisher. Please advise.
M

From: Blair, Susanna
Sent: Monday, February 11, 2019 12:26 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Subject: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments

Hi Mary,
Attached are edits to be responsive to OCSPP IO's comments on the interagency comments for methylene chloride ANPRM. As explained below, the INTERNAL file has highlights and ### at the comments to help direct OCSPP attention to how we responded to their comments.

The first file is the file that we feel is ready for OPPT IO and OCSPP IO to clear for Peter Smith to forward responses to OMB.

The third file is for your info if you want to see the OCSPP IO mark up.

This has undergone staff level review at OGC by Bethany Fisher.

Thanks.

Susanna

From: Kramek, Niva
Sent: Thursday, February 7, 2019 9:19 PM
To: Canavan, Sheila <Canavan.Sheila@epa.gov>
Cc: Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>
Subject: MC ANPRM - for OPPT IO - edits in response to OCSPP IO edits on 12866 comments

Attached are edits in response to OCSPP IO's comments on the MC ANPRM 12866 reviewers' comments. Please note that there are two versions.

1 - One is EPA Internal and shows OCSPP IO comments in yellow, with CCD+OGC responses in yellow. Please search for ### to find them (16 changes).
2 – The other is the master version of changes made by interagency reviewers or EPA since this ANPRM went to OMB. It does not include internal EPA comments on why changes were made or modified.

3 – Also attached is a PDF of the OCSPP IO comments received.

OGC has reviewed all edits (staff level). Please note that OGC has suggested modifying many of OCSPP IO's edits regarding the possible future determinations of unreasonable risk.

Thanks –

Niva

Niva Kramek
Associate Chief,
Existing Chemicals Branch, Chemical Control Division
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
202-564-4830
Kramek.niva@epa.gov

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/6/2019 3:11:13 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]
Subject: FW: Press Release - Methylene Chloride - for Next Week

OPA is working on this..

From: Strauss, Linda
Sent: Wednesday, March 06, 2019 10:03 AM
To: Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: Press Release - Methylene Chloride - for Next Week

Sending this again since sounds like this will go next week. Let us know if you have edits. Thanks.

From: Strauss, Linda
Sent: Thursday, February 07, 2019 8:10 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: Methylene Chloride - press release for next week

Here's the press release on methylene chloride.

EPA Bans Consumer Sales of Methylene Chloride Paint Removers, Protecting Public

WASHINGTON–The U.S. Environmental Protection Agency (EPA) issued a final rule to prohibit the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use. EPA has taken this action because of the acute fatalities that have resulted from exposure to the chemical.

"I am proud to take this positive step along with home improvement retailers to stop the use of this chemical in paint removers intended for consumers," said EPA Acting Administrator Andrew Wheeler.

"This rule answers calls from many affected families to effectively remove these products from retail shelves and retail distribution channels, providing protection for the American public," said Assistant Administrator for Chemical Safety Alexandra Dunn.

In today's final rule, EPA found risks to consumers to be unreasonable. Acute (short-term) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. People have died after being incapacitated during paint and coating removal with methylene chloride. A variety of effective, less harmful substitutes are readily available for paint removal.

Paint removal products containing methylene chloride will not be able to be sold at any retail establishments that have consumer sales, including e-commerce sales. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records.

Once published, the final rule and supporting documents will be available in the Federal Register docket at: https://www.regulations.gov/ and by searching for EPA-HQ-OPPT-2016-0231.

EPA is also soliciting public input for a future rulemaking that could establish a training, certification and limited access program for methylene chloride for commercial uses. EPA is asking for input on the key elements required for such a program. EPA is requesting public comment for 60 days following publication in the Federal Register of the Advance Notice of Proposed Rulemaking (ANPR). Additional information and how to provide comments on the ANPR can be found at www.regulations.gov and by searching for EPA-HQ-OPPT-2018-0844[add link]

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride
Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/15/2019 9:23:47 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Canavan, Sheila [Canavan.Sheila@epa.gov]; Kramek, Niva [kramek.niva@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]
CC: Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Subject: RE: MC tweets

Tweets

- https://twitter.com/chriscmooney/status/1106626140247126017?ref_src=twsrc%5Egoogle%7Ctwcamp%5Enews%7Ctwgr%5Etweet
- https://twitter.com/evanmcmurry/status/1106644013577314304?ref_src=twsrc%5Egoogle%7Ctwcamp%5Enews%7Ctwgr%5Etweet
- https://twitter.com/patrizzuto/status/1106655987434438656?ref_src=twsrc%5Egoogle%7Ctwcamp%5Enews%7Ctwgr%5Etweet
- https://twitter.com/ruikaneya/status/1106656214413467649?ref_src=twsrc%5Egoogle%7Ctwcamp%5Enews%7Ctwgr%5Etweet

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From: Strauss, Linda
Sent: Friday, March 15, 2019 4:59 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Parsons, Doug <Parsons.Douglas@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: MC clips

Safer Chemicals Blog: https://saferchemicals.org/2019/03/15/epa-paint-stripper-rule-will-leave-workers-lives-at-risk/
EDF Blog: http://blogs.edf.org/health/2019/03/15/long-delayed-methylene-chloride-ban-finalized-but-still-leaves-workers-at-risk/

From: Dunton, Cheryl
Sent: Friday, March 15, 2019 4:47 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Subject: MC clips

Methylene Chloride Rule

- ABC News: EPA bans public sale of paint stripper connected to accidental deaths
- Bloomberg Environment: EPA Bans Consumer, But not Worker, Uses of Deadly Solvent
- E&E News: EPA bans consumer sales of toxic paint stripper
- New York Times: EPA Plans Limits on a Deadly Chemical in Paint Strippers
- San Francisco Chronicle: EPA bans consumer sales of paint stripper linked to deaths

- The Washington Post: EPA bans deadly chemical used in paint strippers—but provides a loophole for commercial operators

https://saferchemicals.org/2019/03/15/epa-paint-stripper-rule-will-leave-workers-lives-at-risk/

METHYLENE CHLORIDE RULE

ABC News
EPA bans public sale of paint stripper connected to accidental deaths
https://abcnews.go.com/Politics/epa-bans-public-sale-paint-stripper-connected-accidental/story?id=61715315
Stephanie Ebbs
Friday, March 15, 2019

The Environmental Protection Agency will ban consumer sales of paint strippers that contain an ingredient that has caused dozens of accidental deaths.

Families of people who have died after inhaling paint strippers that contain methylene chloride and chemical safety advocates have called for the products to be banned because of the risks.

While the rule announced today responds to some of advocates' concerns, it's a step back from a full ban proposed under the Obama administration. The EPA will ban the products from being sold to the public in stores or online but will still allow contractors and other professionals to use it. Critics say that still puts workers at risk of inhaling a dangerous amount of fumes if they're working in an unventilated area.

"This rule answers calls from many affected families to effectively remove these products from retail shelves and retail distribution channels, providing protection for the American public," EPA Assistant Administrator for Chemical Safety Alexandra Dunn said in a statement.

The CDC has described the chemical called methylene chloride as a "highly volatile, colorless, toxic" and said that it is "unlikely" that it can be used safely. A study of deaths from the chemical fumes inhaled while workers were stripping bathtubs found that exposure to the chemical can become toxic after just one hour of using it and the EPA says that the fumes can hurt the nervous system and that long-term exposure has been linked to cancer.

Critics say the rule still doesn't go far enough because it still allows products with methylene chloride to be used by contractors and other professionals. EPA is working on rules that could establish more training requirements and limited access to the products for professionals.

A group that has been campaigning to ban the chemical called Safer Chemicals, Healthy Families, said at least 64 people have died from exposure to methylene chloride since 1980, including workers who were using the products to refinish bathtubs.

The EPA first documented the risks from methylene chloride use in 2014 and proposed in January 2017 that the agency ban the chemical in products intended to remove paint. But later in 2017 the agency reversed course and delayed the rule, leading to criticism from advocacy groups, members of Congress, and families whose loved ones died after inhaling the chemical's fumes.

Several retailers like Lowe's and Home Depot have already pulled the products in response to public petitions.Several retailers like Lowe's and Home Depot have already pulled the products in response to public petitions.

EPA first said it would move forward on a ban last May.

Bloomberg Environment
EPA Bans Consumer, But not Worker, Uses of Deadly Solvent
https://news.bloombergenvironment.com/environment-and-energy/epa-bans-consumer-but-not-worker-uses-of-deadly-solvent
Pat Rizzuto
Friday, March 15, 2019

- EPA bans potentially deadly solvent from paint, coating strippers consumers buy
- Worker protections may take years
- Paint and coating strippers that consumers buy will no longer be permitted to contain a potentially lethal solvent, the EPA's top chemicals official said March 15.

The Environmental Protection Agency is adopting a rule to "prohibit the manufacture, including import, processing, and distribution of methylene chloride in all paint removers for consumer use," said Alexandra Dapolito Dunn, assistant administrator for chemical safety and pollution prevention.

The EPA's action would most directly affect companies such as Recochem Inc., Sprayway, Inc., and W.M. Barr & Company, Inc. that have made strippers containing methylene chloride. The rule would help spur demand for related products that don't contain it, and some of those manufacturers also make paint strippers without methylene chloride.

The rule will be effective 180 days after a date that will be included in the Federal Register notice of the regulation, which should be published next week, Dunn said.

Workers Ignored
The rule doesn't address workers' exposures.

Workers in enclosed, unventilated spaces face steep risks: More than a dozen bathtub refinishers have died from exposure to the solvent. Information about risks has prompted more than 13 major retailers to remove the strippers from store shelves.

Methylene chloride has killed more than 50 people since 1980, the Labor Council for Latin American Advancement says, citing information from the EPA and the deaths of four people since the agency proposed a ban in January 2017.

"The Trump EPA is trying to keep commercial uses in place, leaving workers at unacceptable risk," said Rep. Frank Pallone (D-N.J.), chairman of the House Energy and Commerce Commerce, during a March 13 subcommittee hearing on workers and chemicals.

"I urge Administrator [Andrew] Wheeler to change course now and extend this ban to commercial usage," Sen. Tom Carper (Del.), the top Democrat on the Environment and Public Works Committee, said in a statement.

"With each and every use, this chemical will continue to endanger workers' health," he said.

EPA Raised Concerns 28 Years Ago

The EPA's concerns about ways methylene chloride might injure workers prompted it—28 years ago—to host an international conference on "reducing risk in paint stripping."

That conference focused on concerns about and possible substitutes for stripping coatings on cars, planes, furniture, and other products with methylene chloride.

Since then, the EPA has recognized that short-term, high exposures to methylene chloride, often identified on business forms as CAS No. 75-09-2, can cause dizziness, incapacitation, and even death. Longer, lower-level chronic exposures may harm the liver and cause cancer.

Two Actions

The EPA announced two actions addressing methylene chloride on March 15.

First, it banned methylene chloride in consumer paint strippers.

The rule is the first regulation banning some uses of a chemical that the agency has issued since 1991 when the U.S. Court of Appeals for the Fifth Circuit in Corrosion Proof Fittings v. EPA overturned the agency's 1989 rulemaking that would have banned multiple uses of asbestos.

Second, the EPA "will begin a process to gather public input for a future rulemaking that could establish training and limited access programs for methylene chloride for commercial uses," Dunn said.

The public's ideas will be gathered through a soon-to-be-released "prerule." However, it may take several years before a proposed and final regulation are published should the agency decide to proceed with regulatory controls.

The EPA expressly rejected the option of a training and certification program for workers when it originally proposed a rule banning many paint stripping products from containing methylene chloride, the watchdog group Safer Chemicals Healthy Families said in a statement.

At that time, 2017, the agency also raised concerns about whether such a training program would be feasible and adequately protective, the organization said.

New Products, Commercial Market

In addition to the EPA's action, California's regulation, which requires paint stripper manufacturers selling products containing methylene chloride to examine alternatives, may stimulate demand for new products, including ones that would serve the commercial market.

Unlike the EPA's rule, California's Safer Consumer Product regulation does not distinguish between paint strippers used by consumers, professionals, or industrial workers, said Karl Palmer, acting deputy director of the safer products and workplaces in California's Department of Toxic Substances Control.

The rule shifts the burden to the manufacturer to develop a safe way to use its products, Palmer said. That safe way could involve switching to other solvents, using a mechanical process like sand or sandpaper to remove the paint, or requiring training for workers when only methylene chloride-containing strippers will achieve a needed function, he said.

"It's incumbent on the manufacturer to outline what the uses would be and how they would assure safety," Palmer said.

Lawsuit May Proceed

The lack of worker protections in the EPA's final rule means the Labor Council for Latin American Advancement and the Natural Resources Defense Council may be able to proceed with a lawsuit they filed Feb. 19, Daniel Rosenberg, an NRDC senior attorney, told Bloomberg Environment March 15.

The groups must also complete their review of the regulations, he said.

The lawsuit, filed in U.S. District Court for the Southern District of New York, maintains the EPA has violated its obligations to protect people against an unreasonable risk of injury by failing to already have banned methylene chloride.

Broader Ban Proposed

The EPA's proposal of a broader ban of methylene chloride in the waning days of the Obama administration was shelved until late 2018, when the agency submitted its final rule and advanced notice of proposed rulemaking to a White House office that must clear regulations before finalization.

While the EPA delayed, consumer advocates pressured major retailers.

As of Feb. 28, 13 retailers including Lowe's, Amazon, and Home Depot had already agreed to take strippers with methylene chloride and another solvent, n-methyl-2-pyrrolidone,off their inventories.

—With assistance from Sylvia Carignan.

(Updated with additional reporting throughout.)

E&E News
EPA bans consumer sales of toxic paint stripper
https://www.eenews.net/eenewspm/stories/1060127467/search?keyword=epa
Courtney Columbus
Friday, March 15, 2019

EPA today issued a final rule banning consumer sales of paint strippers that contain methylene chloride. The agency cited "acute fatalities" as the reason for the ban.

"After analyzing the health impacts and listening to affected families, EPA is taking action to stop the use of this chemical in paint removers intended for consumers," EPA Administrator Andrew Wheeler said in a statement.

"Today's decision reflects EPA's commitment to ensure that chemicals in the retail marketplace are safe for the American public."

The rule does not ban the use of methylene chloride in commercial settings.

Sen. Tom Carper (D-Del.), ranking member on the Senate Environment and Public Works Committee, criticized the move and called for Wheeler to also ban commercial use of the chemical.

"While a ban on consumer uses of paint strippers containing methylene chloride is a step in the right direction, it falls far short of what former Administrator Pruitt announced almost a year ago, and of what my office was assured in writing would be a ban that protected both consumer users and workers from this deadly chemical," he said in a statement.

Environmental groups say the agency's action is a step forward but still leaves workers at risk.

"Nobody should be fooled. In issuing this weaker rule, knowing the dangers of these toxins, EPA is consciously allowing for more injuries and deaths among workers and consumers," Daniel Rosenberg, senior attorney with the Natural Resources Defense Council's Healthy People and Thriving Communities program, said in a statement.

"The agency is writing loopholes into its own standards for the benefit of the chemical industry," said Rosenberg.

More than 50 deaths have been linked to methylene chloride, and several groups have sued EPA for failing to ban it. The chemical can cause death if it is being used in an area that isn't properly ventilated (E&E News PM, Feb. 19).

Many major retailers, including Lowe's Cos. Inc., have voluntarily committed to taking paint strippers that contain methylene chloride off their shelves (Greenwire, Jan. 25).

The ban will start 180 days after the effective date of the final rule, EPA said in a news release.

EPA is also seeking public input for a "future rulemaking that could establish a training, certification, and limited access program for methylene chloride for commercial uses," the news release noted.

In a statement, the American Chemistry Council said it supports the actions EPA is taking.

"We also support EPA's request for public comment and information for a future rulemaking that could establish a federally-enforceable training, certification and limited access program for methylene chloride for commercial uses," ACC spokesman Jon Corley said.

New York Times
EPA Plans Limits on a Deadly Chemical in Paint Strippers
https://www.nytimes.com/2019/03/15/climate/epa-paint-stripper-methylene-chloride.html
Lisa Friedman
Friday, March 15, 2019

WASHINGTON — The Environmental Protection Agency plans to announce on Friday new limits on a lethal chemical found in paint stripping products that has been linked to more than 50 deaths since the 1980s.

Chemical safety activists called the plan a significant scaling-back of the full ban that the Obama administration had proposed. In 2017 the Obama administration concluded the chemical represented an “unreasonable risk” and moved to ban it from commercial as well as consumer use.

The E.P.A. rule is expected to prohibit the consumer use of products containing methylene chloride, but not ban it for commercial use. It would separately propose a training and certification program for workers who use the chemical commercially.

The families of three men who died from exposure after working with paint strippers containing methylene chloride met in early 2018 with Scott Pruitt, then the administrator of the E.P.A. Among them was Bryan Wynne, the brother of Drew Wynne, who died after stripping paint from the floor of his coffee company in Charleston, S.C.

Shortly after that meeting, the agency vowed to take action.

Lindsay McCormick, who manages the chemicals and health program at the Environmental Defense Fund, an environmental group, said that, while the chemical is a threat to people who use paint thinners in their homes, the majority of deaths associated with methylene chloride have been work-related.

She called the E.P.A. decision "a step in the right direction," while adding, "I don't want to lose sight of the fact that this is only addressing a portion of the population, and we really need to protect all Americans."

A spokeswoman for the Halogenated Solvents Industry Alliance, an industry group, declined to comment until the proposed rule was formally published.

The E.P.A. move comes after two groups representing workers and environmental groups sued the E.P.A., accusing it of unreasonably delaying the ban. In May, Lowe's, the home improvement retailer, announced that it would voluntarily remove from its shelves paint stripping products that contained the chemical.

San Francisco Chronicle
EPA bans consumer sales of paint stripper linked to deaths
https://www.sfchronicle.com/news/medical/article/EPA-bans-consumer-sales-of-paint-stripper-linked-13691919.php
Ellen Knickmeyer
Friday, March 15, 2019

WASHINGTON (AP) — The Environmental Protection Agency is banning consumer sales of a paint stripper after personal appeals by families of men who died while using the product.

The final rule announced Friday bars the manufacture and import of consumer products containing methylene chloride. The products have been popular with do-it-yourselfers.

The U.S. Centers for Disease Control and Prevention calls the product "extremely hazardous." The EPA is urging consumers not to use it.

The consumer bans begins 180 days after the rule is published. The EPA says it expects retailers to implement it sooner.

The rule doesn't affect commercial uses.

California says it's tracked at least five deaths since 2014 among people overcome by the fumes from methylene chloride.

Families of victims had met with Trump administration officials and lawmakers urging the ban.

The Washington Post

EPA bans deadly chemical used in paint strippers — but provides a loophole for commercial operators
https://www.washingtonpost.com/climate-environment/2019/03/15/epa-bans-deadly-chemical-used-paint-strippers-provides-loophole-commercial-operators/?utm_term=.70ebd9616cf4
Juliet Eilperin and Brady Dennis
Friday, March 15, 2019
The Environmental Protection Agency on Friday restricted the use of a toxic chemical used in paint and coating strippers that has been linked to dozens of accidental deaths. But the agency stopped short of the total ban proposed by the Obama administration and pushed by some health groups, instead allowing commercial operators to keep using the chemical so long as they are trained.

Alexandra Dunn, assistant administrator of EPA's Office of Chemical Safety and Pollution Prevention, said the agency has determined that methylene chloride — a controversial product that major home-improvement retailers, such as Lowe's and Home Depot, already have pulled from their shelves — presents "an unreasonable risk of injury."

"We answered the call from many affected families, to ensure that no other family experiences the death of someone close to them due to this chemical," Dunn told reporters in a conference call.

The agency will solicit comments over the next 60 days on whether to impose new federal training requirements on commercial operators, Dunn said, to determine if it needs to limit access under those circumstances. That move drew immediate fire from public-health advocates and the family members of those who died after being exposed to its fumes.

Wendy Hartley, whose 21 year-old son Kevin died two years ago died while refinishing a bathtub even after being trained in how to apply the paint stripper, said the administration's new rules fall short.

"I am deeply disappointed that the EPA has decided to weaken its proposed ban on methylene chloride," Hartley said in a statement. "Getting this deadly chemical out of consumers' hands is a step in the right direction — a step that was started by retailers nationwide. Workers who use methylene chloride will now be left unprotected and at risk of health issues or death. I will continue my fight until the EPA does its job."

Hartley, who personally appealed last May to then-EPA Administrator Scott Pruitt to ban the chemical, has now joined with the advocacy groups Safer Chemicals Healthy Families and Vermont Public Interest Research Group in suing EPA in the U.S. District Court in Vermont.

The EPA proposed an outright ban on methylene chloride and another lethal solvent, NMP, on Jan. 19, 2017, the day before President Barack Obama left office, saying they posed "unreasonable risks" to human health. Trump administration officials have repeatedly promised to remove methylene chloride from the market, while remaining silent on the fate of NMP.

The regulation EPA finalized Friday reflects a compromise with the Pentagon, which lobbied for a carveout given the military's widespread use of paint strippers on bases across the globe. Under the Obama administration's proposal, the Defense Department received a 10-year exemption on the grounds of national security.

Manufacturers of methylene chloride-based strippers, including the Halogenated Solvents Industry Alliance, have argued that the product was safe as long as those using it had adequate training.

But public outrage over the chemical's potential risks has escalated in recent years, as advocates shared their stories with lawmakers and regulators about family members who died from exposure to methylene chloride. A dozen people who specialized in refinishing bathtubs died between 2000 and 2011, according to a Centers for Disease Control and Prevention report.

Sen. Tom Udall (D-N.M.), who co-authored the chemical safety law that EPA used in order to limit methylene chloride, said the agency had "failed to live up to the letter and spirit" of the bipartisan law.

"EPA's action today is a watered-down protection that apparently values industry profits at the expense of public health and safety—particularly for the hardworking people who will still be risking their lives with exposure to these deadly products," Udall said.

But Dunn said that if the agency decides that the chemical cannot be used safely in commercial operations, it could determine that it also poses an unreasonable risk to public health, "which could be banning it or restricting its use in some way."

While it could take more than eight months for methylene chlorine to be banned from retail sale to consumers, Dunn added that she expected it to be phased out much sooner than that since many stores have already stopped selling it. "We are absolutely pleased to see that happening," she said.

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 2/1/2019 9:01:36 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: RE: MC Rule - additional documents for OMB

Yes, we will want to see. But are you suggesting that we wont have it for review this weekend and should review the version with just bethanys edits?

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Friday, February 1, 2019 3:59 PM
To: Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Hi, OPPT is incorporating Justin's comment. I assume you want to see the revision to the Rtc but if not let me know and I will give Peter the green light when he receives it. Also, in the meantime, are the Final Regulatory Flexibility Analysis and draft ICR good to go to OMB?

From: Baptist, Erik
Sent: Friday, February 01, 2019 2:29 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Re: MC Rule - additional documents for OMB

I did not speak to him but we should incorporate his edits.

Sent from my iPhone

On Feb 1, 2019, at 2:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> I think we agreed with Justin's comments. So they should be incorporated. Erik- did you speak to Justin?
>
> **********
> Nancy B. Beck, Ph.D., DABT
> Principal Deputy Assistant Administrator
> Office of Chemical Safety and Pollution Prevention
> P: 202-564-1273
> beck.nancy@epa.gov
>
> On Feb 1, 2019, at 2:25 PM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:

Hi. In the attached version of the RtC OPPT addresses Bethany's comments. Bethany's are the only OGC comments that OPPT received. Apparently in further correspondence with the IO Justin proposed some comments though no one ever responded to his email (and OPPT staff was not on the email). If there are outstanding comments from Justin OPPT will need to see them. Let me know if I can be of assistance.
M

From: Blair, Susanna
Sent: Friday, February 01, 2019 1:45 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Here are the documents with Bethany's comments addressed.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

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From: Wolf, Joel
Sent: Friday, February 01, 2019 12:10 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Here you go Susanna. Attached is a clean version that incorporates Bethany's 4 edits at the following lines 305, 845, 1259 and 1492. Her edits were to add the highlighted bracketed text –

- In addition to the 12 mass mailing campaigns, six comments supported the proposed regulation as the appropriate measure to address the [*proposed*] unreasonable risk presented by methylene chloride in paint and coating removal for all consumer and most types of commercial uses.

- The proposed rule (82 FR 7473) examined several regulatory alternatives, including labeling. However, these alternative regulatory actions were not viable alternatives because they did not mitigate the risk [*identified in the final rule*] sufficiently so that the risk would no longer be unreasonable.

- The proposed rule also included an assessment of whether the alternative regulatory actions address the identified [*proposed*] unreasonable risk (82 FR 7479) and consideration of the full range of risk management options under TSCA section 6(a) (82 FR 7473).

- In the proposed rule, EPA proposed using its TSCA 6(a) authorities to address the [*proposed*] unreasonable risk from methylene chloride in consumer paint and coating removal through limitations and restrictions on distribution in commerce.

Let us know if you need anything else.

Thanks, Joel

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:42 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Thanks Joel. I am sorry about the lack organization and SOPs. Let me know if there is anything I can do.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Wolf, Joel
Sent: Friday, February 01, 2019 11:41 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

We are happy to address these comments. These are the first we have seen them since this communication up until now has been OGC/OCSPP/OPPT.

We will send something in short order.

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:32 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Please see Bethany's comments below. Please let me know how you would like to proceed.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Hanley, Mary
Sent: Friday, February 01, 2019 11:21 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Hi. I understand that Bethany's comments have not been addressed in the RtC doc. Can you confirm that all OGC comments are addressed? Thanks!!

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: DOJ oral comments

I recognize this is skipping some levels, but given the urgency related to the RtC, I wanted to pass along follow-up coming out of an OCSPP general yesterday. Brian conveyed a request for re-review of the FRN and associated documents to ensure they don't perpetuate any misstatements about whether we made an unreasonable risk finding in the proposed rule (i.e., to ensure we describe statements in the proposal as "proposed"). Nothing stood out to me in the FRN, but I found a few spots in the RtC that might warrant revision, with potential revisions in brackets:

> In addition to the 12 mass mailing campaigns, six comments supported the proposed regulation as the appropriate measure to address the [*proposed*] unreasonable risk presented by methylene chloride in paint and coating removal for all consumer and most types of commercial uses.
>
> The proposed rule (82 FR 7473) examined several regulatory alternatives, including labeling. However, these alternative regulatory actions were not viable alternatives because they did not mitigate the risk [*identified in the final rule*] sufficiently so that the risk would no longer be unreasonable.
>
> The proposed rule also included an assessment of whether the alternative regulatory actions address the identified [*proposed*] unreasonable risk (82 FR 7479) and consideration of the full range of risk management options under TSCA section 6(a) (82 FR 7473).
>
> In the proposed rule, EPA proposed using its TSCA 6(a) authorities to address the [*proposed*] unreasonable risk from methylene chloride in consumer paint and coating removal through limitations and restrictions on distribution in commerce.

Please let me know if you have any questions or concerns.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Blair, Susanna
Sent: Thursday, January 31, 2019 8:21 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Hi Mary and Peter,
Please find the attached MC documents ready for OCSPP review.

1. Response to Comments
2. Information Collection Request
3. Final Regulatory Flexibility Analysis

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 2/1/2019 7:29:40 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]
CC: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: RE: MC Rule - additional documents for OMB

If someone can send them to me I will get them to OPPT

From: Baptist, Erik
Sent: Friday, February 01, 2019 2:29 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Re: MC Rule - additional documents for OMB

I did not speak to him but we should incorporate his edits.

Sent from my iPhone

On Feb 1, 2019, at 2:27 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> I think we agreed with Justin's comments. So they should be incorporated. Erik- did you speak to Justin?
>
> **********
> Nancy B. Beck, Ph.D., DABT
> Principal Deputy Assistant Administrator
> Office of Chemical Safety and Pollution Prevention
> P: 202-564-1273
> beck.nancy@epa.gov
>
> On Feb 1, 2019, at 2:25 PM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:
>
>> Hi. In the attached version of the RtC OPPT addresses Bethany's comments. Bethany's are the only OGC comments that OPPT received. Apparently in further correspondence with the IO Justin proposed some comments though no one ever responded to his email (and OPPT staff was not on the email). If there are outstanding comments from Justin OPPT will need to see them. Let me know if I can be of assistance.
>> M
>>
>> ---
>>
>> **From:** Blair, Susanna
>> **Sent:** Friday, February 01, 2019 1:45 PM
>> **To:** Hanley, Mary <Hanley.Mary@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
>> **Subject:** FW: MC Rule - additional documents for OMB
>>
>> Here are the documents with Bethany's comments addressed.
>>
>> **Susanna W. Blair, PhD**
>> Special Assistant - Office of Pollution Prevention and Toxics
>> 202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Wolf, Joel
Sent: Friday, February 01, 2019 12:10 PM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Here you go Susanna. Attached is a clean version that incorporates Bethany's 4 edits at the following lines 305, 845, 1259 and 1492. Her edits were to add the highlighted bracketed text –

- In addition to the 12 mass mailing campaigns, six comments supported the proposed regulation as the appropriate measure to address the [*proposed*] unreasonable risk presented by methylene chloride in paint and coating removal for all consumer and most types of commercial uses.

- The proposed rule (82 FR 7473) examined several regulatory alternatives, including labeling. However, these alternative regulatory actions were not viable alternatives because they did not mitigate the risk [*identified in the final rule*] sufficiently so that the risk would no longer be unreasonable.

- The proposed rule also included an assessment of whether the alternative regulatory actions address the identified [*proposed*] unreasonable risk (82 FR 7479) and consideration of the full range of risk management options under TSCA section 6(a) (82 FR 7473).

- In the proposed rule, EPA proposed using its TSCA 6(a) authorities to address the [*proposed*] unreasonable risk from methylene chloride in consumer paint and coating removal through limitations and restrictions on distribution in commerce.

Let us know if you need anything else.

Thanks, Joel

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:42 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Thanks Joel. I am sorry about the lack organization and SOPs. Let me know if there is anything I can do.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Wolf, Joel
Sent: Friday, February 01, 2019 11:41 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

We are happy to address these comments. These are the first we have seen them since this communication up until now has been OGC/OCSPP/OPPT.

We will send something in short order.

Joel Wolf
Chief, Existing Chemicals Branch
OCSPP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Blair, Susanna
Sent: Friday, February 01, 2019 11:32 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Please see Bethany's comments below. Please let me know how you would like to proceed.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Hanley, Mary
Sent: Friday, February 01, 2019 11:21 AM
To: Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

Hi. I understand that Bethany's comments have not been addressed in the RtC doc. Can you confirm that all OGC comments are addressed? Thanks!!

From: Fisher, Bethany
Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>;

Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
Subject: RE: DOJ oral comments

I recognize this is skipping some levels, but given the urgency related to the RtC, I wanted to pass along follow-up coming out of an OCSPP general yesterday. Brian conveyed a request for re-review of the FRN and associated documents to ensure they don't perpetuate any misstatements about whether we made an unreasonable risk finding in the proposed rule (i.e., to ensure we describe statements in the proposal as "proposed"). Nothing stood out to me in the FRN, but I found a few spots in the RtC that might warrant revision, with potential revisions in brackets:

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>
> In the proposed rule, EPA proposed using its TSCA 6(a) authorities to address the [*proposed*] unreasonable risk from methylene chloride in consumer paint and coating removal through limitations and restrictions on distribution in commerce.

Please let me know if you have any questions or concerns.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Blair, Susanna
Sent: Thursday, January 31, 2019 8:21 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Hi Mary and Peter,

Please find the attached MC documents ready for OCSPP review.

1. Response to Comments
2. Information Collection Request
3. Final Regulatory Flexibility Analysis

Thanks,
Susanna

<RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx>

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 2/1/2019 7:25:43 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
CC: Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: FW: MC Rule - additional documents for OMB
Attachments: RIN2070-AK07_EO12866_MeCl_FRM_Response to Comments_2019-01-31.V2.docx

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Subject: FW: MC Rule - additional documents for OMB

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Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

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Let us know if you need anything else.

Thanks, Joel

Joel Wolf
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US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

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Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>
Subject: RE: MC Rule - additional documents for OMB

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Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

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Subject: RE: MC Rule - additional documents for OMB

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OCSPP/OPPT/CCD
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Cc: Hartman, Mark <Hartman.Mark@epa.gov>
Subject: FW: MC Rule - additional documents for OMB

Please see Bethany's comments below. Please let me know how you would like to proceed.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Hanley, Mary
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Subject: RE: MC Rule - additional documents for OMB

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Sent: Thursday, January 31, 2019 11:13 AM
To: Tyree, JamesN <tyree.jamesn@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Cc: Grant, Brian <Grant.Brian@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>
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Bethany Fisher

EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Blair, Susanna
Sent: Thursday, January 31, 2019 8:21 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Fwd: MC Rule - additional documents for OMB

Hi Mary and Peter,
Please find the attached MC documents ready for OCSPP review.

1. Response to Comments
2. Information Collection Request
3. Final Regulatory Flexibility Analysis

Thanks,
Susanna

Message

From: EPA Press Office [press=epa.gov@cmail20.com] on behalf of EPA Press Office [press@epa.gov]
Sent: 3/15/2019 6:15:04 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]
Subject: EPA Bans Consumer Sales of Methylene Chloride Paint Removers, Protecting Public

U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Bans Consumer Sales of Methylene Chloride Paint Removers, Protecting Public

WASHINGTON (March 15, 2019) — Today, the U.S. Environmental Protection Agency (EPA) issued a final rule to prohibit the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use. EPA has taken this action because of the acute fatalities that have resulted from exposure to the chemical.

"After analyzing the health impacts and listening to affected families, EPA is taking action to stop the use of this chemical in paint removers intended for consumers," **said EPA Administrator Andrew Wheeler.** "Today's decision reflects EPA's commitment to ensure that chemicals in the retail marketplace are safe for the American public."

"This rule answers calls from many affected families to effectively remove these products from retail shelves and retail distribution channels, providing protection for the American public," **said Assistant Administrator for Chemical Safety Alexandra Dunn.**

In today's final rule, EPA found risks to consumers to be unreasonable. Acute (short-term) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. People have died after being incapacitated during paint and coating removal with methylene chloride. A variety of effective, less harmful substitutes are readily available for paint removal.

Paint removal products containing methylene chloride will not be able to be sold at any retail or distribution establishments that have consumer sales, including e-commerce

sales. Those prohibitions start 180 days after the effective date of the final rule, which provides time for establishments selling this chemical to consumers to come into compliance with EPA's ban. EPA expects that many suppliers will implement the rule much sooner. To the extent that consumers want to avoid the unreasonable health risks, consumers should not use methylene chloride for paint and coating removal.

EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. Once published, the final rule and supporting documents will be available in the Federal Register docket at: https://www.regulations.gov/ and by searching for EPA-HQ-OPPT-2016-0231.

EPA is also soliciting public input for a future rulemaking that could establish a training, certification, and limited access program for methylene chloride for commercial uses. EPA is asking for input on the key elements required for such a program. Upon publication in the Federal Register of the Advance Notice of Proposed Rulemaking (ANPR), EPA will accept public comments for 60 days in docket EPA-HQ-OPPT-2018-0844 on www.regulations.gov.

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride

Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 2/25/2019 7:59:52 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Tyree, JamesN [tyree.jamesn@epa.gov]
Subject: RE: MC ANPRM - response to OCSPP IO comments

Oh, sorry. I interpreted your message to be that you were going to be looking at it and not a confirmation. My bad!

From: Beck, Nancy
Sent: Monday, February 25, 2019 2:28 PM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC ANPRM - response to OCSPP IO comments

See below. this was fine.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Beck, Nancy
Sent: Wednesday, February 20, 2019 8:23 AM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC ANPRM - response to OCSPP IO comments

Ok. thanks.

****
Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

From: Hanley, Mary
Sent: Tuesday, February 19, 2019 9:56 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Fw: MC ANPRM - response to OCSPP IO comments

Hi,

I am checking on whether I can give the green light for this to go OMB. Susanna describes the 3 types of edits made below including addressing Erik's latest comment. I think one that may be entirely new is the 3rd:

"Last, we clarified a response to comment regarding the expected applicability of a training, certification and limited access program to importers."

Please advise.

M

From: Blair, Susanna
Sent: Tuesday, February 19, 2019 8:23 PM
To: Hanley, Mary
Cc: Smith, Peterj; Scheifele, Hans; Pierce, Alison
Subject: MC ANPRM - response to OCSPP IO comments

Attached you'll find two versions of our responses to OMB comments regarding the methylene chloride ANPRM. If you are okay with these, please forward to OMB.

- The file with the name starting with "INTERNAL" includes all the comments from OCSPP IO and indicates how we responded to them. We have addressed Erik's comment sent yesterday changing "may" find unreasonable risk to "could potentially" find unreasonable risk. Also based on the responses to the DOJ comments we edited the section about TSCA section 26(l)(4) to ensure the ANPRM tracked with those changes. Last, we clarified a response to comment regarding the expected applicability of a training, certification and limited access program to importers.

- The other file (name starts with "EO 12866") is the one intended for OMB.

Thanks so much to Joel, Niva, Ana, and Bethany for their work on this.

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 3/15/2019 2:20:47 AM
To: Bolen, Derrick [bolen.derrick@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Konkus, John [konkus.john@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
Subject: RE: Draft Dunn Press Conference MC Speaking Points

I'll have all the FAQs and other tools for the Q&A process.

DRAFT SCRIPT FOR DUNN MC PRESS CONFERENCE -- 215 PM FRIDAY MARCH 15, 2019

Thank you for joining us today. I'm Alexandra Dunn, Assistant Administrator for EPA's Office of Chemical Safety and Pollution Prevention.

Just a half hour ago, EPA Administrator Andrew Wheeler signed a final rule that will remove a dangerous chemical from the retail consumer marketplace. He signed a final regulation that will prohibit the manufacture (including import), processing, and. distribution of methylene chloride in all paint removers for consumer use.

Administrator Wheeler took today's action because acute fatalities have resulted from exposure to this chemical. Families have lost loved ones under tragic and heartbreaking circumstances. Short-term (acute) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. EPA is particularly concerned about the fatalities to consumers from using methylene chloride in enclosed spaces.

EPA's action today marks our first use of a provision of the Frank R. Lautenberg Chemical Safety for the 21st Century Act – or new TSCA section 6(a). Under this section of the TSCA law, EPA is making a final determination that the use of methylene chloride in consumer paint and coating removal presents an unreasonable risk of injury to health due to acute human lethality.

Our action today ensures that paint removal products containing methylene chloride will no longer be sold at any retail or distribution establishments that have consumer sales, including e-commerce sales.

The prohibitions start 180 days after the effective date of the final rule. This provides time for establishments selling this chemical to consumers to come into compliance with EPA's ban. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep records.

When it comes to use of this chemical in commercial settings, today EPA will beginning a process to gather public input for a future rulemaking that could establish a training, certification and limited access program for methylene chloride for commercial uses.

From today forward, we urge the public to consult state and local government solid waste agencies to obtain proper disposal instructions for leftover or unused paint and coating removal products. As retailers take steps to remove this product from their shelves and their inventory, to the extent that consumers want to avoid the unreasonable health risks, consumers should not use methylene chloride for paint and coating removal.

Administrator Wheeler and the entire EPA staff are proud of our action today. We answered the call from many affected families to ensure that no other family experiences the death of someone close to them from this chemical.

I am now pleased to answer questions about today's action.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

From: Dunn, Alexandra
Sent: Thursday, March 14, 2019 4:24 PM
To: Bolen, Derrick <bolen.derrick@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: LATEST version of ALL the MC materials - Back pocket FAQs and Press Release and Tweets and Web Text

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-2910
dunn.alexandra@epa.gov

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 2/25/2019 7:13:23 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
Subject: FW: MC ANPRM - response to OCSPP IO comments
Attachments: INTERNAL-EO 12866 Interagency Comments EPA MeCl ANPRM RIN 2070-AK48-EPA response-2-19-19v2.docx; ATT00001.htm; EO 12866 Interagency Comments EPA MeCl ANPRM RIN 2070-AK48-EPA response-2-19-19v2.docx; ATT00002.htm

This is what was sent forward. I am not seeing a response.

From: Hanley, Mary
Sent: Tuesday, February 19, 2019 9:56 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: Fw: MC ANPRM - response to OCSPP IO comments

Hi,

I am checking on whether I can give the green light for this to go OMB. Susanna describes the 3 types of edits made below including addressing Erik's latest comment. I think one that may be entirely new is the 3rd:

"Last, we clarified a response to comment regarding the expected applicability of a training, certification and limited access program to importers."

Please advise.

M

From: Blair, Susanna
Sent: Tuesday, February 19, 2019 8:23 PM
To: Hanley, Mary
Cc: Smith, Peterj; Scheifele, Hans; Pierce, Alison
Subject: MC ANPRM - response to OCSPP IO comments

Attached you'll find two versions of our responses to OMB comments regarding the methylene chloride ANPRM. If you are okay with these, please forward to OMB.

- The file with the name starting with "INTERNAL" includes all the comments from OCSPP IO and indicates how we responded to them. We have addressed Erik's comment sent yesterday changing "may" find unreasonable risk to "could potentially" find unreasonable risk. Also based on the responses to the DOJ comments we edited the

section about TSCA section 26(l)(4) to ensure the ANPRM tracked with those changes. Last, we clarified a response to comment regarding the expected applicability of a training, certification and limited access program to importers.

- The other file (name starts with "EO 12866") is the one intended for OMB.

Thanks so much to Joel, Niva, Ana, and Bethany for their work on this.

Message

From: Blair, Susanna [Blair.Susanna@epa.gov]
Sent: 2/25/2019 7:02:33 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Canavan, Sheila [Canavan.Sheila@epa.gov]; Smith, Peterj [Smith.Peterj@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Hartman, Mark [Hartman.Mark@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Wormell, Lance [Wormell.Lance@epa.gov]; Wolf, Joel [Wolf.Joel@epa.gov]; Kramek, Niva [kramek.niva@epa.gov]; Corado, Ana [Corado.Ana@epa.gov]; Brown, Judith [Brown.Judith@epa.gov]; Wheeler, Cindy [Wheeler.Cindy@epa.gov]; Hofmann, Angela [Hofmann.Angela@epa.gov]; Kadeli, Lek [Kadeli.Lek@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

These were forwarded to the OCSPP IO on the 19th.

Susanna W. Blair, PhD
Special Assistant - Office of Pollution Prevention and Toxics
202.564.4371 (office) | 202.322.0538 (cell) | Blair.susanna@epa.gov

From: Beck, Nancy
Sent: Monday, February 25, 2019 1:59 PM
To: Canavan, Sheila <Canavan.Sheila@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Brown, Judith <Brown.Judith@epa.gov>; Wheeler, Cindy <Wheeler.Cindy@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

Thanks Sheila.

Regarding the 1/31 comment responses, I'm not sure I have anything to review, so lets track that down.
Nancy

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Canavan, Sheila
Sent: Monday, February 25, 2019 1:56 PM
To: Smith, Peterj <Smith.Peterj@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Brown, Judith <Brown.Judith@epa.gov>; Wheeler, Cindy <Wheeler.Cindy@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

This is status.

- Initial comments on the ANPRM (rec'd from OMB on 1/31) – went back to the OCSPP IO with the team's responses to the OCSPP IO's comments via Susanna on 2/19
- Comments on the EA and EPA's EA-related preamble revisions (rec'd from OMB on 2/6) – received an additional comment from Nancy on 2/20 via an email from Hans, response sent to OPPT IO on 2/22
- Comments on the Final Regulatory Flexibility Analysis and Response to Public Comments Document (rec'd from OMB on 2/7) - received additional comments from James on 2/20 via an email from Susanna, response sent to OPPT IO on 2/22
- DOJ oral comments on the Response to Public Comments document (rec'd orally on 2/8) - had responses ready pending OCSPP IO decision regarding recordkeeping of 3 vs 5 years. Also CCD received comments from Erik via Susanna on 2/21. Decision from OCSPP IO came late in the day on 2/22. CCD will send revised responses to OPPT IO on 2/25.

From: Smith, Peterj
Sent: Monday, February 25, 2019 7:54 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Brown, Judith <Brown.Judith@epa.gov>; Wheeler, Cindy <Wheeler.Cindy@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

Good morning!

We sent our response to the 2nd set of incoming interagency comments on the final rule (i.e., those from agencies that we also subject to the shutdown) on 2/14. OMB distributed to interagency reviewers on 2/15 (Fri.) with any follow-up comments due to OMB by COB 2/20 since 2/18 was a holiday. I have not received any follow-up comments from OMB but am not discounting the possibility that we will get something else today (I'll be nudging).

Responses to all other incoming interagency comments are decidedly still in EPA's court, although I understand that most - if not all - are somewhere in management review channels. We still owe responses to:

- Initial comments on the ANPRM (rec'd from OMB on 1/31)
- Comments on the EA and EPA's EA-related preamble revisions (rec'd from OMB on 2/6)
- Comments on the Final Regulatory Flexibility Analysis and Response to Public Comments Document (rec'd from OMB on 2/7)
- DOJ oral comments on the Response to Public Comments document (rec'd orally on 2/8)

Since we still owe responses to a significant number of comments, we still don't know what (if anything) we or other agencies will need to elevate. That is casting a shadow of doubt over our ability to conclude review this week.

****
NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*
****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

---

From: Beck, Nancy
Sent: Friday, February 22, 2019 4:31 PM

To: Fisher, Bethany <fisher.bethany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Brown, Judith <Brown.Judith@epa.gov>; Wheeler, Cindy <Wheeler.Cindy@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

Bethany,
We spoke with Alex and at this point we are inclined to keep the recordkeeping at 3yrs. Thanks for following up.

Peter- Have we received any other comments back from OMB since our last responses?

Thanks,
Nancy

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Fisher, Bethany
Sent: Thursday, February 21, 2019 1:18 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Brown, Judith <Brown.Judith@epa.gov>; Wheeler, Cindy <Wheeler.Cindy@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

Good afternoon all,

EPA spoke with DOJ this morning about DOJ's suggested extension of the record retention period in the methylene chloride rule for consumer paint and coating removal. EPA explained our hesitation to make this change given potential logical outgrowth problems, especially in light of the fact that regulated entities may expect a 3-year record retention period by virtue of other TSCA regulations.

DOJ recognized those concerns, but reiterated the benefits of a 5-year retention period. For instance, DOJ noted that TSCA amendments created a knowing endangerment violation (TSCA section 16(b)(2)) for which the lack of availability of records could hamper an investigation. DOJ further explained that a longer record retention period will help with a showing of "fresh" probable cause. DOJ also pointed out that not all TSCA regulations have a 3-year retention period (for instance, the lead RRP rule has a 5-year requirement). EPA conveyed our understanding that the 3-year timeframe has been used to align with the Paperwork Reduction Act but acknowledged that some rules have longer record retention periods. EPA said we would bring back this information for your (OCSPP IO) consideration.

If EPA decides to extend the time period, DOJ said they would be amenable to EPA's inclusion of an explanation in the FRN or addition of a document to the docket explaining the basis for the change. (I previously said DOJ should submit a comment to the docket, but that was incorrect. I believe it would be easiest to add a short explanation to the FRN.)

Finally, it should be noted that DOJ did actually suggest extending the record retention period to 5 years as part of interagency review on the NMP/methylene chloride proposal. This comment was provided to OMB, but it seems OMB

inadvertently omitted this from the comments presented to EPA. (After this morning's call, OMB provided EPA with 2016 interagency comments from DOJ containing that comment.) Therefore, EPA did not receive or respond to this interagency comment on the proposed rule.

To summarize, DOJ believes there are benefits to expanding the record retention period. There is some logical outgrowth risk, but as noted below, OGC colleagues with more expertise in logical outgrowth matters believe the risk is lower than PTSLO may have previously conveyed.

Please let us know if you would like to change the record retention period from 3 years to 5 years, and if so, if you would like us to include a short explanation in the FRN or the docket explaining the change. Please note that this will entail edits to the FRN and related documents, including (I believe) updates to the EA to reflect the increased burden.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Beck, Nancy
Sent: Thursday, February 14, 2019 2:54 PM
To: Fisher, Bethany <fisher.bethany@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

At the call tomorrow, lets ask if DOJ would be willing to put something in writing in the docket. That would certainly be helpful. Lets explain to them the logical outgrowth concern as well.

Thanks!

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Fisher, Bethany
Sent: Thursday, February 14, 2019 1:17 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>
Subject: Follow-up re: methylene chloride recordkeeping extension

Good afternoon Nancy,

In response to DOJ comments on the methylene chloride section 6(a) rule, you had asked about logical outgrowth concerns with extending the recordkeeping requirement in the rule from 3 years to 5 years. PTSLO said we believed there could be risk if someone challenged us, though we didn't have the benefit of additional insight from our Cross-Cutting Issues Law Office at the time. We have heard back from CCILO, and they have

a more optimistic view of the potential logical outgrowth concern. They noted that courts have tended to focus on whether a change from a proposed to final rule involves an important or central aspect of the rule, rather than an ancillary or administrative/bookkeeping-type aspect, and have been amenable to "incremental changes" in final rules. Further, the fact that the MC proposal included a timeframe for recordkeeping as well as an overarching statement that "EPA will consider additional information received during the public comment period" would lean in our favor. However, EPA would not receive deference from a court on this issue if it were to be challenged.

A call between EPA, OMB and DOJ has been scheduled for tomorrow afternoon to discuss the extension of the recordkeeping timeframe. In light of this lower (but not nonexistent) risk, would you like us to keep the meeting? If so, would you prefer us to push back more strongly on the extension, or instead to raise our concerns with DOJ and have more of a discussion?

If EPA is open to extending the timeframe, CCILO has advised that we might consider asking DOJ to submit a public comment to the docket, which would help us explain the rationale for the change down the line. We could raise that on the call as well, if you'd like.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

Message

From: Hanley, Mary [Hanley.Mary@epa.gov]
Sent: 2/7/2019 9:09:35 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
CC: Tyree, JamesN [tyree.jamesn@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]
Subject: Re: MC FRN: EPA responses to 12866 2nd round of comments from OMB

Got it.

Sent from my iPhone

On Feb 7, 2019, at 4:01 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

> Comments in the attached for the team to consider.
> Thanks!
>
> _____
> Nancy B. Beck, Ph.D., DABT
> Principal Deputy Assistant Administrator, OCSPP
> P: 202-564-1273
> beck.nancy@epa.gov
>
> **From:** Tyree, JamesN
> **Sent:** Thursday, February 7, 2019 10:20 AM
> **To:** Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
> **Cc:** Hanley, Mary <Hanley.Mary@epa.gov>
> **Subject:** RE: MC FRN: EPA responses to 12866 2nd round of comments from OMB
>
> Hi,
> Only comment is that we could provide a more direct response the very last question on pg 33:
>
> Comment: Does EPA explain in the RTC that it is delaying the regulation of the commercial use portion pending the ANPRM and further analysis? That would explain why the Primary alternative was rejected in the final rule.
>
> EPA response: Yes, this explanation is included in the Response to Comments document. EPA is not finalizing the proposed unreasonable risk determination or the proposed regulation for commercial uses of methylene chloride in paint and coating removal in this final action. EPA is soliciting comment, through an advance notice of proposed rulemaking (ANPRM) on questions related to a potential training, certification, and limited access program as an option for risk management for commercial uses of methylene chloride in paint and coating removal. ~~The primary alternative regulatory action for this final rule consists of: (i) prohibition on distribution in commerce of methylene chloride for paint and coating removal in containers with a volume of less than 55 gallons and 5 gallons for certain formulations; and (ii) downstream notification. It was not selected because it imposes additional burdens to processors and distributors. Additional information regarding the costs of the primary alternative regulatory action were added to the preamble based on the Economic Analysis. This explanation is also included in the Response to Comments document.~~
>
> James

From: Hanley, Mary
Sent: Thursday, February 07, 2019 9:56 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>
Subject: RE: MC FRN: EPA responses to 12866 2nd round of comments from OMB

+ James

From: Hanley, Mary
Sent: Wednesday, February 06, 2019 5:40 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: Fwd: MC FRN: EPA responses to 12866 2nd round of comments from OMB

For review attached are responses to the 2nd round of interagency comments.

Sent from my iPhone

Begin forwarded message:

> **From:** "Pierce, Alison" <Pierce.Alison@epa.gov>
> **Date:** February 6, 2019 at 5:30:00 PM EST
> **To:** "Hanley, Mary" <Hanley.Mary@epa.gov>, "Keller, Kaitlin" <keller.kaitlin@epa.gov>
> **Cc:** "Tyree, JamesN" <tyree.jamesn@epa.gov>, "Blair, Susanna" <Blair.Susanna@epa.gov>, "Smith, Peterj" <Smith.Peterj@epa.gov>
> **Subject: MC FRN: EPA responses to 12866 2nd round of comments from OMB**
>
> Mary, Kaitlin –
>
> Attached are EPA's responses to the second round of interagency comments on the methylene chloride FRN. These were developed by the MC team and have gone through OGC staff level review (by Bethany Fisher). Could you kindly move forward?
>
> Thanks much,
> Alison
>
> ALISON PIERCE
> *Office of Pollution Prevention and Toxics*
> *U.S. Environmental Protection Agency*
> *1200 Pennsylvania Ave., N.W.*
> *Washington, DC 20460 USA*
>
> PIERCE.ALISON@EPA.GOV
> **202.564.2437**

<EO 12866 Interagency Comments EPA MeCl Final RIN 2070-AK07 tranche 2.Responses.02.06.19.2.docx>

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 2/7/2019 6:54:00 PM
To: Baptist, Erik [Baptist.Erik@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]
Subject: RE: Alex quote -- FW: Methylene Chloride - press release

Thanks – here's what went to OPA today at 8 am. Alex had tweaked the quote.

EPA Bans Consumer Sales of Methylene Chloride Paint Removers, Protecting Public

WASHINGTON–The U.S. Environmental Protection Agency (EPA) issued a final rule to prohibit the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use. EPA has taken this action because of the acute fatalities that have resulted from exposure to the chemical.

"I am proud to take this positive step along with home improvement retailers to stop the use of this chemical in paint removers intended for consumers," said EPA Acting Administrator Andrew Wheeler.

"This rule answers calls from many affected families to effectively remove these products from retail shelves and retail distribution channels, providing protection for the American public," said Assistant Administrator for Chemical Safety Alexandra Dunn.

In today's final rule, EPA found risks to consumers to be unreasonable. Acute (short-term) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. People have died after being incapacitated during paint and coating removal with methylene chloride. A variety of effective, less harmful substitutes are readily available for paint removal.

Paint removal products containing methylene chloride will not be able to be sold at any retail establishments that have consumer sales, including e-commerce sales. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. Once published, the final rule and supporting documents will be available in the Federal Register docket at: https://www.regulations.gov/ and by searching for EPA-HQ-OPPT-2016-0231.

EPA is also soliciting public input for a future rulemaking that could establish a training, certification and limited access program for methylene chloride for commercial uses. EPA is asking for input on the key elements required for such a program. EPA is requesting public comment for 60 days following publication in the Federal Register of the Advance Notice of Proposed Rulemaking (ANPR). Additional information and how to provide comments on the ANPR can be found at www.regulations.gov and by searching for EPA-HQ-OPPT-2018-0844[add link]

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride
Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

From: Baptist, Erik
Sent: Thursday, February 07, 2019 1:34 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Alex quote -- FW: Methylene Chloride - press release

Looks good to me!

Erik Baptist
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1201 Constitution Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Beck, Nancy
Sent: Wednesday, February 6, 2019 1:08 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Alex quote -- FW: Methylene Chloride - press release

Looking good. 2 suggestions below.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Strauss, Linda
Sent: Wednesday, February 6, 2019 12:41 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: FW: Alex quote -- FW: Methylene Chloride - press release

Try this new quote. Nancy's edits are incorporated. Attachment and below are the same.

EPA Bans Consumer Sales of Methylene Chloride Paint Removers

WASHINGTON–The U.S. Environmental Protection Agency (EPA) issued a final rule to prohibit the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use. EPA has taken this action because of the acute fatalities that have resulted from exposure to the chemical. ~~The Agency is also seeking public input on a new program to limit access and require training and certification for commercial users of methylene chloride-based paint and coating removers.~~

"I am proud to take this positive step along with home improvement retailers to stop the use of this chemical in paint removers intended for consumers," said EPA Acting Administrator Andrew Wheeler.

"This rule will effectively remove these products from retail shelves and retail distribution channels, providing protection for the American public," said Assistant Administrator for Chemical Safety Alexandra Dunn.

With today's final rule, EPA found risks to consumers to be unreasonable. Acute (short-term) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. People have died after being incapacitated during paint and coating removal with methylene chloride. A variety of effective, less harmful substitutes are readily available for paint removal.

Paint removal products containing methylene chloride will not be able to be sold at any retail establishments that have consumer sales, including e-commerce sales. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and to keep basic records. Once published, the final rule and supporting documents will be available in the Federal Register docket at: https://www.regulations.gov/ and by searching for EPA-HQ-OPPT-2016-0231.

EPA is also soliciting public input for a future rulemaking that could establish a training, certification and limited access program for methylene chloride for commercial uses. EPA is asking for input on the key elements required for such a program. EPA is requesting public comment for 60 days following publication in the Federal Register of the Advance Notice of Proposed Rulemaking (ANPR). Additional information and how to provide comments on the ANPR can be found at www.regulations.gov and by searching for EPA-HQ-OPPT-2018-0844[add link]

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride
Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

---

From: Beck, Nancy
Sent: Tuesday, February 05, 2019 6:35 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: RE: Methylene Chloride - press release

Thanks. great start! A few comments in the attached. I would prefer if Alex's quote is also about the ban. It seems so much more important. Not sure the ANPRM rises to the quote level as its an approach we may consider and the ban is really they key thing here.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP
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From: Strauss, Linda
Sent: Tuesday, February 5, 2019 4:29 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>
Subject: Methylene Chloride - press release

Web, coms plan/tick-tock, and tweet will be coming soon. I did not address the comment in blue – b/c we are saying we are taking a step…

EPA Bans Consumer Sales of Methylene Chloride Paint Removers

WASHINGTON–The U.S. Environmental Protection Agency (EPA) issued a final rule to prohibit the manufacture (including import), processing, and distribution of methylene chloride in all paint removers for consumer use. EPA has taken this action because of the risk of death from exposure to the chemical. The Agency is also seeking public input on a new program to limit access and require training and certification for commercial users of methylene chloride-based paint and coating removers.

"I am proud to take this positive step along with home improvement retailers to stop the use of this chemical in paint removers intended for consumers," said EPA Acting Administrator Andrew Wheeler. (CCD/OPPT comment: We do not have authority to regulate consumer use. Only M/P/D for consumer use.)

"Along with the ban on consumer sales, we are asking for input to develop a sound and effective program to limit commercial access to only those who have training and certification to properly handle the chemical," said Assistant Administrator for Chemical Safety Alexandra Dunn.

With today's final rule, EPA found risks to consumers to be unreasonable. Acute (short-term) exposures to methylene chloride fumes can rapidly cause dizziness, loss of consciousness, and death due to nervous system depression. People have died after being incapacitated during paint and coating removal with methylene chloride, with four known fatalities in 2017 and 2018. A variety of effective, less harmful substitutes are readily available for paint removal.

Paint removal products containing methylene chloride will not be able to be sold at retail establishments that have consumer sales, including e-commerce sales. EPA is also requiring manufacturers, processors, and distributors to notify retailers and others in their supply chains of the prohibitions and keep basic records. Once published, the final rule and supporting documents will be available in the Federal Register docket at: https://www.regulations.gov/ and by searching for EPA-HQ-OPPT-2016-0231.

EPA is also soliciting public input for a future rulemaking that could establish a training, certification and limited access program for methylene chloride for commercial uses. EPA is asking for input on the key elements required for such a program. EPA is requesting public comment for 60 days following publication in the Federal Register of the Advance Notice of Proposed Rulemaking (ANPR). Additional information and how to provide comments on the ANPR can be found at www.regulations.gov and by searching for EPA-HQ-OPPT-2018-0844[add link]

Learn more about methylene chloride: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-methylene-chloride
Learn more about the Frank R. Lautenberg Chemical Safety for the 21st Century Act: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

Message

From: Beck, Nancy [Beck.Nancy@epa.gov]
Sent: 2/25/2019 1:06:07 PM
To: Smith, Peterj [Smith.Peterj@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
CC: Hartman, Mark [Hartman.Mark@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Canavan, Sheila [Canavan.Sheila@epa.gov]; Wormell, Lance [Wormell.Lance@epa.gov]; Wolf, Joel [Wolf.Joel@epa.gov]; Kramek, Niva [kramek.niva@epa.gov]; Corado, Ana [Corado.Ana@epa.gov]; Brown, Judith [Brown.Judith@epa.gov]; Wheeler, Cindy [Wheeler.Cindy@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Hofmann, Angela [Hofmann.Angela@epa.gov]; Kadeli, Lek [Kadeli.Lek@epa.gov]
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

Oh boy- I hadn't realized it was taking us so long to get comments back to OMB. I had thought we were being very responsive and turning things quickly.
Who has the pen for the comments received on each of the dates below and what is the status of each?
1/31
2/6
2/7
2/8

We should be sending comments back much more quickly.
Jeff- can you provide a status update this morning?

Thanks.

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From: Smith, Peterj
Sent: Monday, February 25, 2019 7:54 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Brown, Judith <Brown.Judith@epa.gov>; Wheeler, Cindy <Wheeler.Cindy@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Kadeli, Lek <Kadeli.Lek@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

Good morning!

We sent our response to the 2nd set of incoming interagency comments on the final rule (i.e., those from agencies that we also subject to the shutdown) on 2/14. OMB distributed to interagency reviewers on 2/15 (Fri.) with any follow-up comments due to OMB by COB 2/20 since 2/18 was a holiday. I have not received any follow-up comments from OMB but am not discounting the possibility that we will get something else today (I'll be nudging).

Responses to all other incoming interagency comments are decidedly still in EPA's court, although I understand that most - if not all - are somewhere in management review channels. We still owe responses to:

- Initial comments on the ANPRM (rec'd from OMB on 1/31)
- Comments on the EA and EPA's EA-related preamble revisions (rec'd from OMB on 2/6)
- Comments on the Final Regulatory Flexibility Analysis and Response to Public Comments Document (rec'd from OMB on 2/7)
- DOJ oral comments on the Response to Public Comments document (rec'd orally on 2/8)

Since we still owe responses to a significant number of comments, we still don't know what (if anything) we or other agencies will need to elevate. That is casting a shadow of doubt over our ability to conclude review this week.

****
NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*
****

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov

From: Beck, Nancy
Sent: Friday, February 22, 2019 4:31 PM
To: Fisher, Bethany <fisher.bethany@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Brown, Judith <Brown.Judith@epa.gov>; Wheeler, Cindy <Wheeler.Cindy@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

Ex. 5 Deliberative Process (DP)

Nancy

Nancy B. Beck, Ph.D., DABT
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From: Fisher, Bethany
Sent: Thursday, February 21, 2019 1:18 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Brown, Judith <Brown.Judith@epa.gov>; Wheeler, Cindy <Wheeler.Cindy@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

Good afternoon all,

Ex. 5 Deliberative Process (DP)

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Beck, Nancy
Sent: Thursday, February 14, 2019 2:54 PM
To: Fisher, Bethany <fisher.bethany@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Corado, Ana <Corado.Ana@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>
Subject: RE: Follow-up re: methylene chloride recordkeeping extension

Ex. 5 Deliberative Process (DP)

Thanks!

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSPP