



U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
1200 Pennsylvania Ave NW
Washington, DC 20460-0001

Docket Number EPA-HQ-OPPT-2018-0321
via Federal eRulemaking Portal:
<http://www.regulations.gov>
Comments submitted 24 June 2019

IPC supports science-based, cost-effective regulations that concurrently consider regulatory reporting burdens placed on industry and the need to achieve the intended goal of protecting human health and the environment. IPC appreciates the opportunity to engage with the Environmental Protection Agency and provide comments to the docket regarding EPA's proposal to amend the Toxic Substances Control Act section 8(a) Chemical Data Reporting requirements and the TSCA section 8(a) size standards for small manufacturers. Our comments are part of a broader ongoing discussion with the EPA regarding the implementation of TSCA and we welcome opportunities to continue to collaborate.

The proposed rule offers some regulatory relief for printed circuit board fabricators who manufacture byproducts that are subsequently recycled offsite. Given IPC's longstanding efforts to engage with the EPA in constructive dialogue on the role of CDR, we would have liked to see the scope of our concerns better addressed. For example, we have provided clear evidence of reporting burden and regulatory risk (see EPA-HQ-OPPT-2016-0597, Negotiated Regulation for Recycled Inorganic Byproduct Chemical Substances), but we have not received a clear explanation about the value to the EPA of CDR reporting on byproducts sent for recycling.

However, the prospect of improvements to CDR, as stated on several occasions within the proposed rule, provides an outline for future relief that can address the scope of our concerns. Our comments support several proposed changes that will reduce requirements for byproduct reporting including category reporting for inorganic metal byproducts and identification of the percent total production volume of a chemical substance that is a byproduct. Also, some of the proposed changes acknowledge that there are opportunities for aligning CDR data with the data from the Toxics Release Inventory Program.

We support these efforts to concurrently make CDR more robust and more streamlined.

- IPC recognizes EPA's commitment to continue to make improvements to the CDR, for example in aligning TRI and CDR reporting to the extent possible. To this end, IPC supports the proposed changes to the CDR rule to allow reporting in specific categories for inorganic metal byproducts as an alternative to reporting the individual byproduct substances. The ability to report by chemical categories may provide substantial reporting relief to companies that have not already done the costly chemical analyses needed for recycling of inorganic byproducts. For those that have already done the analysis, such as the printed circuit board fabricators we represent, we still see benefits. IPC member companies affected by CDR requirements already report under both statutory programs: TSCA and Section 313 of the Emergency Planning and Community Right-to-Know Act that created the TRI Program. We support this proposal because the TRI uses a similar option of reporting under compound categories and because the EPA is proposing to use the weight of the amount manufactured of the parent metal portion of the metal category compound, an approach like the methodology used by TRI. The parent metal weight is most easily identifiable by mass

balance or common analytical methods. The weights of associated compounds are more difficult to determine. Metal compounds are often variable or transitory, especially in dissolved, ionic form, therefore making determinations based on parent metal weight is more accurate and appropriate.

- IPC supports the proposed use of NAICS codes to enable industry-specific analyses, increase the ability to combine CDR data with other sources, such as TRI, and improve uniformity and comparability. We understand that this change will improve EPA's insight into particular industry sectors and, by adding the site's NAICS code as a required data element for the CDR, the EPA will be able to use information from the CDR in conjunction with TRI data to support the implementation of TSCA. Printed circuit board fabricators who already report through annual TRI requirements should have no additional burden associated with reporting NAICS codes.
- IPC supports EPA's proposed change to add percent total production volume for a chemical substance that is a byproduct. This change will enable the EPA to identify manufacturers, such as the printed circuit board fabricators, who only report to CDR due to their byproduct production. The Agency will gain important information useful to provide future exemptions for manufacturers who recycle their byproducts. In the case of our member companies who report their inorganic byproducts sent for recycling, this number will almost always be 100 percent.

We request clarification from the EPA in order to better address the scope of IPC's concerns.

- IPC supports the proposed exemption for byproducts manufactured in non-integral equipment. We are interested in obtaining guidance from the EPA indicating that wastewater treatment processes occurring at the printed circuit board fabrication facilities can be included in this exemption. Printed circuit board fabricators must rinse residual copper sulfate, copper chloride, and copper tetraamine dichloride from articles during the board fabrication process. Some concentrates are directed towards neutralization prior to discharge under regulated, non-integral, waste treatment activities in accordance with the Clean Water Act. Copper hydroxide is the byproduct of this pollution control activity and the exemption should apply.
- We understand that CDR is intended to collect information that will enable the implementation of TSCA. Specifically, CDR requirements aim to collect information regarding exposures that are reasonably likely to occur so that the EPA can determine conditions of use or an exposure scenario – important information for the prioritization process and risk evaluations. Yet, the information submitted by printed circuit board fabricators does not seem to enable this determination – it seems to provide little or no value in addressing environmental or human health risks. The byproducts, all of which are directed for recycling at facilities within the U.S., are typically managed in pipes, tanks, and containers with little to no chance of worker exposure, much less to the general public, at or near printed circuit board facilities. None of the chemicals in the byproducts are listed on the EPA's 2014 update to the TSCA Work Plan for Chemical Assessments. As you can understand, it is frustrating to comply with another regulatory reporting requirement without a clear, established, understanding of how the information can or will be used to protect human health and the environment. Therefore, we are interested in obtaining guidance from the EPA to the printed circuit board fabricators as to how the information that they provide through the CDR rule is used.
- We welcome working with the EPA to make improvements to the "TSCA Chemical Data Reporting Fact Sheet: Byproducts Reporting for the Printed Circuit Board Industry." This fact sheet addresses reporting requirements specific to this industry. Because this fact sheet is referenced in the proposed rule, and likely the final rule, we would like to work with the EPA to update the fact sheet

so that it reflects current information relevant to the byproduct manufacturing processes and the changes to reporting requirements as a result of the new CDR rule.

In conclusion, IPC supports many of the proposed changes to the CDR requirements. We look forward to working with the EPA to make sure that the CDR rule does not unnecessarily impose regulatory reporting burdens beyond the near future. While we appreciate the effort to address some of our concerns in the proposed changes, we would like to continue our dialogue with EPA staff to align the reporting burden imposed to better reflect the minimal environmental and human health risks occasioned by our member companies' fabrication, byproduct manufacturing and recycling activities. IPC will work with the EPA to ensure we achieve better outcomes. The point of contact is Dr. Kelly Scanlon, Director of Environment, Health and Safety Policy and Research, KellyScanlon@ipc.org, (202) 661-8091.