ENVIRONMENTAL PROTECTION AGENCY

NACEPT TDR COMMITTEE MEETING

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P R O C E E D I N G S (9:07 a.m.)

MS. PRICE: I think we're going to go ahead and get started. One thing I just wanted to mention, because Susie mentioned it to me, is how are we going to follow up on the three issues we talked about yesterday. We've got 35 minutes set aside this afternoon, kind of like next-step conclusions, and that we want to talk about that in that portion of the agenda, if that is okay with everyone.

I'm going to turn it over to Doris and Sara to start talking about number four.

MS. CAMPOS: Good morning. I'm Doris Campos, and I'll be your

facilitator today. We are scheduled to run through 3 o'clock, including time for a public comment this afternoon.

You have two issues before you. The first issue, which we will get started on, from your agenda is number four, how can the EPA provide more clearly defined ways to normalize the production-related data for the purposes of calculating the production ratio or an activity index.

The process we are going to follow is first, Sara is going to review the issue. She is going to present the issue to you, and you will have an opportunity to ask clarifying questions. We're not going to get into an elaborate discussion at that point, however; we're just going to spend approximately 15 minutes on that.

Then we're going to simply list suggestions for improving the agency guidance. I'm going to go over the room and list all of your possible suggestions on flip chart paper, get as many up here as possible, not discuss as a listing, but just what is first. Then you'll have an opportunity to get clarification from each other on those suggestions and maybe have some discussion.

We're going to try to do all this before the 10:30 break. At the 10:30 break, we'll talk about -- I'll confer with the planners of the meeting, and we'll talk about whether or not to continue on this issue, or whether to move to issue five.

So why don't we get started? Sara?

MS. HISEL-McCOY: Good morning. I'm Sara Hisel-McCoy. We are going to start with issue four.

Currently, filers are instructed to put in Section 8.9 a production ratio activity index. The production ratio activity is intended to provide an indication of how production was from the reporting year to the prior year, relating to issues of a toxic chemical.

The production ratio is really intended to help users distinguish between changes in toxic chemicals and waste from one year to another year, and to differentiate between what is related to variations in production versus what is related to source reduction or pollution prevention activities.

For example, if a facility reports that it had 100 pounds they treated in Section 8 one year and maybe 80 pounds treated the following year, why might there have been a decrease? There might have been a decrease because the facility did some sort of source reduction activity, or there might be a decrease because something related to the production, maybe a line using this particular toxic chemical was shut off, or it was diminished somehow. Those are two possible reasons why they might have had a reduction in toxic chemical in the waste.

The production ratio is intended to indicate, was it production related or was it perhaps a source reduction activity. So the facility -- in the case with the 100 to 80, maybe their production stayed the same, and they really did do some sort of source reduction activity. The facility would put one in the production ratio and then the data users can say, they reduced toxic chemical in the waste, but it certainly wasn't related to production. It might be from some source reduction activity.

So this morning, the commenters are interested in getting more information, more guidance on exactly how to calculate the production ratio activity index. There currently are a series of examples in the instructions, but we are trying to figure out what additional information submitters would like.

We have provided an attachment of some New Jersey guidance, just to throw

it out there and say, this is the other types of guidance that is out there. Yes?

MR. GEISER: Do you want to clarify for the group what the difference between the production ratio and the activity index is as well, so we are clear?

MS. HISEL-McCOY: Sure. The production ratio generally has to do with toxic chemicals actually used in production. It maybe goes out the door, maybe it is used as a reactant. It is involved intricately in the product that is produced.

An activity index is more related to the toxic chemical that might be used not actually in the product, but related to the product. So like a solvent for cleaning the process vessel after you do different batches, they are closely related, but they are not exactly the same thing.

MS. CAMPOS: Any clarifying questions for Sara? I'm sorry, were you done?

MS. HISEL-McCOY: Yes.

MS. CAMPOS: Clarifying questions?

MR. REIBSTEIN: Yes, I actually wonder why it wasn't -- is it or isn't it, specified that the activity index would be more appropriate for say an otherwise used chemical, and the production index might be better for a manufacturing process?

MS. HISEL-McCOY: Yes, that would -- yes, that would be my initial comment. But you're not required to use one versus the other for any of them. It is what is going to work best for the facility.

MR. REIBSTEIN: But that is sort of the intent there?

MS. HISEL-McCOY: Yes.

MR. GEISER: Isn't that also true -- an activity index can be useful in situations where there is quote a lot of activity to making something that isn't necessarily going to show up in product number, or a metric based on product production? So if you are doing something over and over again to it, or many different little things.

MS. HISEL-McCOY: Yes.

MR. COMAI: Can you explain that a little more again?

MR. GEISER: Maybe putting in a wiring board or something like that, where basically a production ratio could be based on the amount of wiring boards you put out. That would be a simple way to think about it. But a wiring board has many, many activities in it, and they may be very different for different kinds of boards. So you would miss a lot of the quote activity of the business if you just stuck with the number of boards produced.

MS. FERGUSON: Going back to the statutory provision, how that is described here, it is a ratio of production of reporting year to production in the previous year. The ratio should be calculated to most closely reflect all the activities involved in the toxic chemical.

In a specific industrial classification, subject to the section where feedstock or some other variable other than production is a primary influence on the waste characteristics or volume, the report may provide an index based upon that primary variable.

So the law contemplates different ways of getting at the toxic chemical-related variable.

MR. COMAI: I'm trying to use this board for large assembly plants. So if you've got -- it may be spray painting a bumper one year, and they don't spray paint it the next year. Yet, that chemical might be used in several other different department, and there is really no way to figure that out a lot of times, because they will either use the two

different ones or they will use a single one.

Most of them are just saying, we made a quarter of a million cars last year, and we made half that two years later. That doesn't get at a lot of the smaller changes.

MS. HISEL-McCOY: You're absolutely correct. It is just one indicator.

MR. NATAN: Essentially, all the methods I have seen, including the one here, assume that chemical use is a linear function of amount of product produced, and that might be true for small variations in the amount of product you produce. Have you considered other schemes where, for larger changes in the amount of product, you have some kind of nonlinear way to represent that?

MS. HISEL-McCOY: We recognize that that potentially affects the production ratio index. We are here at NACEPT today to try to get ideas for how to go about the problems with the production ratio activity index and how to calculate these.

So I don't have the response. This isn't EPA telling you this is perhaps how you do it, but trying to get ideas, and what are the problems and what are you looking for from us, what kind of items.

MR. ECK: Sara, just a question, two questions actually. Have you all tried to correlate production ratios against other common measures of productivity, number one? Number two, what does EPA do with these production ratios? Are they useful beyond facility backtracking, or arguing for pollution prevention or things outside its control? Is it a useful measure, or is it just claptrap?

MS. DOA: Some people have claimed that you can look at Section 8 waste numbers and use of production ratio and quantitate production. I don't think that is possible, because it is just too limited, its uses are very limited. My biggest problem is, people think you can use it for source reduction, and you just can't.

MR. COMAI: And you can't really use it to compare different companies, either, across the single industry sector. There is a whole hodgepodge of -- just given the two options, because they are involuntary and there is no real direction as to which one you have to use, it becomes kind of useless.

MS. DOA: May I follow up on something? I brought up source reduction. I know there are differences of opinion on this, and I really don't want to put it on the table. I think that what I would like to put on the table is ways to improve this, so that we can help the users by improving the instructions.

MR. SPRINKER: We have members at a number of different facilities, including ones that make organic, inorganic chemicals, drug manufacturing and (word lost) manufacturing operations. So we find it very difficult with these production ratios to figure out what is really being measured, if you would, or calculated by the individual company that is filling these out.

I think to some degree, we have been trying to teach our members how to use this as a piece of the information to see what has been going on, why perhaps there has been an increase in waste or to look at it if, for example, the production ratio has gone up and the amount of waste hasn't changed or has gone down. There may be a point where there is, as a possible example of -- that maybe something good has gone on here, and it may just be they don't have any off spec -- very little off spec material that year.

But again, I think it would be very helpful, because I don't think there really is any way of knowing what the basis of calculation is, if I read this production ratio correctly.

MS. BORDACS: To follow up on that, if we think it is going to be a problem,

how are we going to determine if all these generations are going down if we have different denominators in there. So shouldn't EPA try to make an effort to come up with a single -- whatever is the activity and production ratio? Then overall, when you go in the cross industrial sector, which we don't like, or if we stay at levels, then we could determine how much the production level went up or down.

MR. GEISER: I'll leap into what Maria was trying to be cautious about. For me, it makes little sense to report trend data certainly on source reduction or pollution prevention activity, if we don't normalize to some indicator that is relevant to the production system.

While we in Massachusetts wrestled a great deal with this activity index in particular, we failed to come up with much that is any better. We tried other things, dollar sales, we've tried employment indicators, we have tried general state, aggregate, economic indicators. All of them we have been very dissatisfied with, because they are so far from the actual production system.

If you are going to try to compare something across time, you can't confound it with the rise and fall of production itself.

So as crude as this is, I know this is flying in the face of what I said yesterday to Bob about the source, so I'll eat my words. But I would love to see it improve, but even in its crude way, it still is of some use.

MR. SKERNOLIS: I have actually an academic question, probably more for Tom or Paul or Wilma. On this issue, is there any tradeoff between knowing what the ratio is on a constituent by constituent basis versus the total amounts across the whole facility?

In other words, it seems to me that one of the inherent problems you get trying to understand what is going on at a facility, especially the more complex manufacturing processes, is tradeoffs. So you might have a 50 percent increase in one, but a 100 percent decrease in another; Judy by looking at things on a constituent by constituent basis, you don't see that.

I didn't know if anybody had thought about addressing this whole issue in Part 1, as opposed to Part 8, in other words, trying to find some way to get at this issue in a more comprehensive way, rather than a -- I would imagine some of the chemical companies report scores of -- I don't know how many you guys do in your manufacturing facilities, Joan, but you can only do 600 per facility, right? There's only so many constituents. But on a typical manufacturing facility, how many constituents would you put out? You might be trading off in any given year chemicals all over the place. None of that gets reflected in terms of how good a job of pollution prevention you're doing, because people are looking at 600 constituents one at a time.

It is a question; I'm just thinking out loud.

MS. BORDACS: I have two facilities in New Jersey participating in this New Jersey program. I remember, the first year they were screaming bloody murder when we had to do this production index, and now everybody loves it, and they use it for everything.

So I want to make a serious pitch for this one, although you have to be on a constituent basis production ratio. But for example, in pharmaceutical manufacturing, you are going for high potency formulations. You practically trade in volume versus base generation. For a cancer drug, you need maybe a milligram a month, so you're not going to make tons of it. Yet, the base generation could be tripled.

So if you trade in a different product, that is not going to be related to your activity, so if you go constituent based, that is going to reflect in your production ratio. So now they could really have a better tracking method in the facility. I don't need to tell you, they love it now, use it for internal reporting, too.

MS. CAMPOS: About five cards are up, and we are actually at the end of the clarifying question portion. I'm going to call on the three people who had their cards up longest, and then we're going to move on to listing issues. Perhaps once you get a list of issues or suggestions for improving agency guidance, that will hopefully focus more discussion, okay?

So it was Rick, Wilma, then Maria. Rick?

MR. REIBSTEIN: Just very briefly, I wanted to say that even if it is not accurate, it is still an indicator as Ken said, and it sure is a lot better than nothing. It is necessary to have something.

Also, I think that we should consider its use for the company. As Christina just said, in Massachusetts it is directly intended not just for community right to know, but for the company itself to track its progress.

To do that really usefully in Massachusetts, we ask the company to do it on a production unit basis, so that they can look at that problem that Andy raised of different uses for the chemical. So that might be something a company might want to consider.

MS. SUBRA: I think it would be real important to get the kind of information Ed was talking about. One of the issues is that the major petrochemical facilities, particularly in Louisiana and Texas, will sell off a unit within the facility. They might sell off a phenol unit and have somebody come in and operate it under their new name, but it is still providing phenol for them to use as a raw material.

So suddenly, you can have one production level this year, and then next year it is going to drop, and you're not going to know whether their real production dropped or whether they sold it off to another facility, and you're not going to suddenly pick up another facility and say, oh, yes, I know that if we had these two together, we will be able to see whether production went up or went down.

So that is a problem area when you're looking at the numbers, but you have to be aware of that. And if you do it chemical by chemical or process by process, you may be able to pick up when they sell off a process line.

MS. DOA: I just wanted to clarify something I said. Maybe it came across as being too strong. I think there are definite limitations, the one in particular, quantitative source reduction, but EPA does think it is useful, although it is limited. I didn't want to give the wrong impression.

MR. NATAN: I know you wanted to go on, but this is just a 15-second. I conducted a survey of a lot of New Jersey facilities and looked at a lot of their pollution prevention plants, where they had to do this for the first time. It is instructive to note that before they had to plan, only 24 percent of facilities had ever trapped chemical use per unit of product or waste generation per unit of product, before they had to do it.

MS. CAMPOS: I would encourage you to use your little pads of paper that you had in front of you to make a note of important ideas that come to you, so you can raise them, so when we run out of time during one form of the discussion, you can raise them at another point.

Let's move on to listing suggestions for improving agency guidance. You have raised a lot of issues. Some of you may not have specific suggestions. I encourage

you to still state what needs to be taken into consideration as they are improving the agency guidance, if you don't have a specific suggestion.

MR. SPRINKER: One of the things that strikes me, and it is just giving some ideas here, is that a TRI chemical can be a final product, a component of a final product, or something like a solvent or carrier, and there are other options too, of course.

To me, it might be useful to know if for example there is some way of coding that, so that you said what the basis was for your calculation. For example, a chemical as final product, that is fairly easy; production is what you finally end up producing. The production ratio is from this year to last year, whereas something that perhaps is used as a solvent or a carrier, the production on that basis may be the final products using that, and you would expect -- you might expect to see waste maybe a little more linearly track final products, although hopefully it wouldn't.

So I don't know if that would be helpful or not. To me it would be helpful.

MR. ECK: If EPA could -- and I apologize if it is already in there and I just missed it -- have yet another separate appendix, which has the New Jersey example, that listed specific examples of production unit and activity index, the information needed to calculate it, step through the calculations for at least two years, showing the changes and how they would be reflected for various scenarios, and perhaps we could provide some.

It is a fairly complicated idea, especially in my world, the federal facility world, where production is not so much the issue. It is hard to grasp for the kinds of things we do.

So it would be very, very helpful indeed to have three or four or more specific examples worked out, so that somebody could say, okay, yes, it looks like example three is where I would go. I would imagine X number of pages in an appendix for a person to --

MS. CAMPOS: Krisztina, then Ken. Tom.

MR. NATAN: I have two things. If you are going to take a unit of product approach to calculating this, you need to make sure that if you change your unit of product from year to year, that you have some way of going back and revising the previous year's indices, to make sure that you have some kind of consistency from year to year in the calculations.

The other thing would be pointing out that these are valid only for basically small changes in production level. If you have a larger change in production level, you need to consider a different method of calculating this.

MS. CAMPOS: You said you had two items. I got one.

MR. NATAN: That was two. Consistency in unit of product for revised previous years, or that it is valid for small changes in production.

MS. CAMPOS: Ken?

MR. GEISER: A couple of things. I like Mike's idea. I think actually using the New Jersey model is a good model for inclusion, and I think that the current guidance in the TRI manual could be expanded to give more of a sense of how to calculate unit of product. So I think that is a good idea and an easy one to push, because there are not that many better alternatives. The New Jersey folks have done I think an excellent job.

But I also think that the word product should be thought about as expanding to concepts like service, so that there is a unit of service and not just a unit of product, because sometimes it is better to look at how something is served, what the product of the firm may be or a product in Mike's case, or something like that, because it is more of a

service or something.

Secondly, I think following up on Tom's idea, I think I would be even stronger than that, because I think Wilma's point is true. Even then, certain economic changes aren't calculated by the production ratio, such as the selling off or conversion of some process or the moving of some process to another part of the plant or another facility, or the closing of a facility itself, are not captured by a production ratio. So you will confound the aggregate data if you don't have a way of capturing these other changes.

MS. CAMPOS: Wilma, then Joan and Sam.

MS. SUBRA: To have some method of indicating when you sell off a production unit within the facility to another company, so that you can identify that change in production, as opposed to selling the whole facility to a new company and then you see it under the new company's name.

MS. CAMPOS: Who's next? Sam.

MR. CHAMBERLAIN: A couple of observations. One is, from the CMA's perspective, we have established several task groups to go out and try to calculate, come up with a better method than what has been proposed. We can't come up with an idea that is a simple solution for all kinds of processes; it is very, very complex.

The New Jersey example model is probably the best one, but again, there are some limitations to that when you have the dynamics of chemical process. So it is just very difficult to do.

I guess that's all I have right now.

MS. CAMPOS: Then let's go back here.

MS. FASSINGER: I guess I'm still trying to ask some clarifying questions with regard to the activity index, if maybe Sara could provide a couple of examples. Andy talked about the variation in assembly operations, where you have vehicles. We have tried to normalize per vehicle, and we found still a lot of variation, depending on the size and the process and some other things.

But then we have -- in particular, GM, more so than other, auto has a lot of components facilities, where they are making like 40 different products. So if you were going to apply this activity index, I still don't understand within the sector how that would provide a comparison in the operations, and also compare us against other industries, for instance, chemical.

MS. HISEL-McCOY: I'm not sure how to respond to that, just because I don't know the --

MS. FERGUSON: I think it gets at what you consider your product to be. A good example may be the computing industry.

I think Ken's concept of service may apply here. If you think that you are providing the computer capability versus a particular process, we have changed the chips inside of those machines so many times, if you're counting the chips, you may miss the overall relationship to the service of computing that you're providing. So make your components roll up to the transportation vehicle, and you need to normalize them in terms of providing individual transportation.

I think it is how you view your product may get into the activity.

MS. HISEL-McCOY: So it is more of a life cycle index?

MS. FERGUSON: Could you ask that again? I'm sorry.

MS. FASSINGER: I'm trying to understand how applying an activity index would provide more meaningful information to be able to compare say a components

facility that may need manufacturer's batteries or -- I think the biggest concern is, we have a components facility that makes 40 products. So it is 40 different products going out the door, and we right now have a hard time coming up with a production index. But based on the activity index, how would that better provide information to compare that against another company that doesn't have that vertical integration.

MS. DOA: But if you are looking at components, if you are manufacturing components, if you are using -- you are measuring it -- like, if you are manufacturing components and you are using chemicals as a carrier, then you are measuring it based on the components that you put through, and then you are weighing for all the different manufacturing processes at the facility.

MS. FASSINGER: But if we are using otherwise used, it is not assigned to a specific product.

MS. DOA: Their otherwise used -- what do you mean, like a cleaning agent or --

MS. FASSINGER: I'm just trying to understand this a little better.

MS. BORDACS: What if you rolled it up based on activities and that many activities would make up a car, and then you would go back on a per car basis? You roll out the different activities that create different parts of a car and rolled it up to a car value, like a life cycle type thing.

MS. FASSINGER: Yes, but then again you get a discrepancy between companies that are more vertically integrated than those that out source that activity. That is why I am trying to understand this better in the context of differences in manufacturing industries.

MS. CAMPOS: We are still in the process of listing issues. You raised a question that is not simple to answer, so perhaps we can get back to that. Is that all right with you?

MS. HISEL-McCOY: Sure. We're working on suggestions.

MR. REIBSTEIN: Right. I actually came prepared with a short, very brief presentation.

(Simultaneous discussion.)

MR. REIBSTEIN: But you know what? I can hold on this time around, because I have a couple of points I want to make first. But just so you won't be in suspense, there is a tension between consistent and easy and accurate.

As far as accuracy goes, I think that we need to look at this as an evolutionary process, where we can point to how bad the numbers are and say, give it up, or we can point to how bad the numbers are and say we're not there yet.

I think it is possible to consider confidence estimates in the numbers, so we can maybe identify what numbers a company feels are pretty good. I would also mention on the side here that in addition to New Jersey's guidance, there is substantial examples, numbers of examples in the Massachusetts guidance that has been put out every year.

Another thing about the difficulties of accuracy, in Massachusetts we say just do your best engineering estimate. I always think about the company that spent $25,000 on a consultant to get a unit of product. I said, I wish you had asked me beforehand, because I would have told you that that is not necessary.

I think that it is in companies' interests to get to this, because they need -- many companies have told us, they understand how to measure productivity better as a result of going through this. Of course, many companies say, no, this is a huge pain in the

ass and a cost, but again, I think that is just because they are not there yet.

Eventually, if you get there, it will help the company understand their costs and processes better, as well as helping us to sort out downturns in businesses from real source reduction.

Now that I have made my most important comments about the unit of product, the activity index, whatever you want to call it, which I think is good to work on, I think it is worth considering something which is consistent and easy and which for many situations gives you an indication. Again, these are indicators, these are not the be-all, end-all answers to everything. A use index, which would give you use relative to waste or release or emitted or transferred, contained, whatever, would give you a comparison.

Here is how it would work, in case when I say this, you immediately think, oh, no, our use figures. In '98, you use 100,000 pounds and you have 10,000 pounds of waste, and I have just filled these in for the heck of it. In 1999, you doubled that. You have a use index of two. We still don't know what these raw figures are, you're not telling us what the use is, but we know it went up. Relative to the doubling in the use of that chemical, you only went up in your waste 1.5. So that shows how it works.

This is easy and this is consistent. It will tell you something about efficiency. It will not capture input substitution or reformulation. It will not help distinguish source reduction from business downturn, so that is why you need a production index.

Just finally, the production index I think has to be for each chemical. When we look at our TRI information, we get from ours and Massachusetts, too, and we see the same figure for all the chemicals. We laugh, we say that is ridiculous.

So I think that that needs to be stressed. It needs to be a separate index for each chemical, because the all-facility production may not relate to the use of the chemical.

My final comment for the activity index or otherwise used chemicals, where there isn't the same relationship between -- in the corporation, the product use and product, you have to look at the purpose of the chemical and the work performed by it.

For example, if you're stamping parts and you are looking at your metal that is incorporated in the part, you can look at parts stamped. And an interesting thing is, if you're stamping all different sized parts, can you normalize the size? That is one example.

But for the otherwise used chemical, the solvent that you use to clean the machine, it may not relate at all to the number of parts that you stamp; it may be better. Why do you use the chemical? You use it to clean machines. So how many machines did you clean and how many times did you use them? You may have to standardize the size of the machine.

MS. CAMPOS: Mike, you have been waiting.

MR. SPRINKER: I think one of the things -- there was some discussion about using these activity indices or production indices when you are comparing from company to company, and I don't know if there is really any way to do that, or if it should be used to compare from company to company.

It seems at least on first cut, unless you've got two companies doing exactly the same -- producing exactly the same products, using really the same method, or exactly the same products, you are probably not going to be able to gain any useful information by comparing one company to another, because there are just way too many variables.

I was even thinking of a couple of core alkaloid plants. There, maybe you could get something, but a lot depends on what other products they may be producing

there, too. Maybe that is something that just needs to be made clearer perhaps, either in the press release or in what companies do. Say, there are some things on this form that you really can't compare from company to company, or it won't give you any useful information unless you really dig in deep. It is more something valuable when looking at one company singly.

The other thing too is, I'll give you an example of a plant where we represent members. It had a fire. They reported five or six TRI chemicals. Some are products, some are base chemicals. So that really generated a lot of waste, basically due to the cleanup. They also got rid of a certain amount of material too, which was probably some off spec material, some of which may have been collected over a number of years as they brought the process up to speed.

So their waste increased fairly dramatically, not like they are talking huge amounts, but increased fairly dramatically for the TRI chemicals. The point there might be, I don't think there is really anyway to know, for example, why that waste went out. That may be a very special case. I don't know if that is something that really we should perhaps track or not, kind of like significant outliers or significant events which led to that increase, or even a significant decrease.

MR. NATAN: This comment actually gets to what you were saying. On the Canadian NPRI reporting form, they ask you to check off any number of reasons why the numbers for any particular chemical changed. They only report releases in certain offsite transfers in Canada, but there is a check box with six or seven items that include an actual source reduction that reduced the per unit of product, a one-time activity, production changes and whatnot.

So in combination with some sort of index, if you have an indicator of the reasons for that change, maybe that would be more useful for me to find out what it is that is going on with that particular chemical.

It really comes down to what you're going to use this number for. My desire would be to be able to get a rough idea of the amount of source reduction that took place, for example. So if you can point the way toward that, that is always helpful.

MS. CAMPOS: Next is David.

MR. JACOB: Actually, the Canadian idea sounds pretty good. I was just going to indicate that it is going to be tough to wrap up all these ideas that have been brought up and distil them down into one number, and say this is the number that is meaningful, whether it be the petrochemical industry like Wilma brought up, or the chemical manufacturers.

Even in my own industry, I've seen some of the work done with the strategic goals program, where they are trying to normalize production somehow. I've seen what they come up with. In a single industry, the way they have come up with it, is it really valid for every company, unless each company makes the exact same thing every time the same way, the number that you're going to get is going to be meaningless.

I like some sort of number attached with some sort of code after that, indicating this was a source reduction, this was a production related thing. I think that idea makes a lot of sense. Beyond that, I'd say let's not tinker with it at all. Like Rick had indicated earlier, the number we get now is better than nothing, but it is never going to encompass all these things.

MS. CAMPOS: Jonathan, then Robert.

MR. STONE: A couple of things up there of Rick's. As a user of a lot of

solvents that aren't, in quotes, TRI, but they have a lot of TRI components, what we are trying to do -- because we are a contained chemical plant, we have very little emissions, so it has very little effect on our production. But we sell these as a product with the solvents. The customers have a lot of evaporation, so they have a lot of air losses.

What we try to do is try to find substitute solvents that don't have the TRI constituents. Hopefully this year with some of the solvents that we are using, we are going to see tremendous drops in the TRI reporting. The customer takes the MSDS, sees in Section 15 what the TRI chemicals are, and all of a sudden it has gone from three percent to zero. They may not have any change in production, but they are going to have a tremendous drop in their TRI reporting.

I don't know how you're going to be able to pick that up at all in this over here, because the customers, especially some of the smaller foundries that do use a lot of materials, are not very sophisticated. All they will do is take the pounds of material they purchase, multiply it by the TRI constituents, use a factor for evaporation, and that is what they report. That is going to be very, very difficult to capture.

MS. CAMPOS: Robert.

MR. STEIDEL: One thing I can't get my arms around, I guess, is the year to year comparison with normalized data. That is assuming we've got normalized data, but how do you account for a large source that goes out of business in one year, and then compare that data to the next year, or a new source that goes into business?You've got these huge deltas in your data, and how you want to account for those year to year.

MS. CAMPOS: Were you asking a question that you wanted a response to? Or listing the problem or issue?

MR. STEIDEL: The issue.

MS. CAMPOS: Okay. Maria was next.

MS. DOA: I have a question, and I think maybe it gets partially back to what Joan was asking, and partially to something that Rick said.

Some of the otherwise used chemicals, one of the categories that you should often use production ratio for, like a solvent, if it is a carrier, like for paint. You said production ratio; the example we give is refrigerators, the number of refrigerators painted. For the other otherwise used categories -- there are three otherwise used categories, as a chemical processing aid, manufacturing aid and ancillary, which includes cleaning. Cleaning agents are often -- that is where you really would use the activity index.

Is the use of Section 4 of the form, where you say manufacture as a byproduct or use as a -- is it a combination of that with the activity/production index? Is that useful, and does that give you the extra information and allow you to get to what Joan was saying about comparisons between what is going on at the facility?

MS. FASSINGER: Well, I'm thinking in our case -- and I think Andy can maybe correct me if I'm wrong, but in assembly plants, you have process equipment and you put -- for example, in one plant, we clean it twice a year. In very large volumes, they put this purge thinner through in between batches, and then occasionally they go through and clean the entire equipment.

I don't think it matters, how many vehicles have gone through there in the time they have to clean the whole unit anyway.

MS. DOA: So you would use the number of cleanouts for this year relative to the number of cleanouts for last year?

MS. FASSINGER: Yes, but this is general maintenance, and they do it on a schedule basis, not necessarily per number of unit or number of product going through. You do that, too, but there's two different activities.

I guess the question is, if you have to clean a huge paint system twice a year, it doesn't matter how many vehicles you put through.

MS. DOA: It is totally independent of that?

MS. FASSINGER: It could be, for otherwise used.

MS. DOA: Or is it just not sensitive to small changes, small percentage changes in the number of vehicles going through?

MR. COMAI: The complicated auto industry is very cyclical, so there could be a quarter of a million production, and then in five years you cut that number by thirds. As Joan said, you're still going to have to clean that booth. Sometimes, when they change models, there is even more cleaning involved as they are trying to set up the equipment. So the solvent use would be totally unrelated to the production number.

MS. FASSINGER: Or we may even go through -- for instance, if we wanted to replace -- say we replaced our lead primer paint, there is some activity going on in auto, I don't know about ours. But that would required them to clean a huge paint system and come up with a large amount of waste, because of a change in the process itself that is going to be a source reduction process. But yet, this huge amount of waste would be generated. Just changing equipment or changing products, if you change from one type of paint to another, that maybe will lower the LCs. Then you'd have to clean your whole unit out to bring in the new product.

So that is not at all related to the activity, though. It is more of a maintenance, and gets to some of the otherwise used, and ongoing activities of general production. But yet, these are huge volumes.

MS. DOA: I guess maybe this is something we should talk about separately. But I just have one question, and then maybe we can cover it at the break or something.

Is this always independent of production? Always?

MR. COMAI: When you are painting a car, you have to run purge solvent through the robotics and the manual spray guns every 12 cars. It doesn't really matter. Also, if you're painting a black car, a white car, a red car, you have to run maybe some purges all in through to change colors.

So companies can realize -- if they paint 20 black cars in a row, they can realize some solvent reduction for that.

MS. FASSINGER: That is more the ongoing, but I'm thinking in between.

MR. COMAI: Then every couple of months, somebody will have to go in and clean out the whole spray booth. EPA did a study that showed there is a whole different number of ways that each assembly plant cleans out their spray booths. Some people have little white rags and a plastic bag with a little solvent, and use water cannons. Some people give workers a bucket with some solvents, and they go in with a mop. So there is a huge difference in the way those booths are cleaned out.

MS. DOA: Which would involve probably a large difference in the amount of chemical that would be used.

MR. COMAI: Right.

MS. FASSINGER: Right, and that would be linked to --

MS. DOA: I would think that would be something that you would want to capture.

MR. COMAI: Right, I'd say you want to develop a system that would capture that. That was my point.

MS. FASSINGER: I'm not sure the activity index wouldn't respond to your question.

MR. COMAI: And currently, auto companies aren't using the same method even internally in the plant. They will use activity index or production ratio, depending on which department has to come up with a number.

MS. DOA: That probably speaks to more detailed, better guidance.

MR. COMAI: Right.

MS. CAMPOS: Rick.

MR. REIBSTEIN: I must confess, I totally spaced out on this conversation, because I was thinking about how to respond to what was said before. I think Jonathan is absolutely right: this will not tell you a lot. All this will do will be to tell you the progress or lack of progress with a particular chemical.

Again, I would advise a company to actually do a chemical use, have the use of the chemical out of production unit. If you have different uses for the chemical, it would be better to separate that out.

In the proposal that I made by writing after the last meeting, I recommended the use of a use efficiency figure, the ratio of use to waste. That would tell you quite a bit more, and would be able to show you the difference that you talk about. You switch from chemical X, which has evaporative rates of 20 percent, to chemical Y, which has evaporative rates of five percent, and you will see the difference in use efficiency; that would show up if you had that figure. However, that brings up all the confidentiality, and that is a whole other discussion. I'm not saying that it can't be done.

Bob's observation is also correct, that you can't separate out a business closing or a new entrance, new companies. What Ken has pioneered in Massachusetts is tracking the core companies, the companies that have been in the system from the beginning, or what we call the consistent facility universe for tracking the core chemicals. So that is the way you deal with that.

MS. CAMPOS: Joan, did you still have a comment?

MS. FASSINGER: Yes. I thank Rick for putting that up. I think your diagram does help us understand, and I see some value. Again, I think we have difficulties in trying to come up with numbers, and maybe concerns that that number may be taken as too hard core information and not an indicator. But it was very helpful.

I echo Mike's concerns about trying to come up with a meaningful number, and thought that the Canadian idea was a good one, check the box and try to get a little better understanding of what is causing the activity change.

I just participated in a project where we looked at and tried to compare assembly plants within a very, very narrow sector, through a commonsense project. We find a lot of variability even within that very, very narrow sector, even if we normalized.

What it led us to is to ask more questions. We found that even facilities that indicated -- I think this is a concern that they had -- very low normalized emissions or low emissions versus the ones that were high; sometimes the ones that were high were actually doing more for pollution prevention and source reduction. Some of the low ones actually were low because they had not reported correctly.

So I think again, by getting numbers that lead people to try to compare and go after the facilities that indicate high, but they may have done a lot to prevent pollution or

reduce a lot more source reduction, I would suggest that we are allowed to provide additional information on pollution prevention. Maybe EPA could encourage the analogies in the explanation part of TRI or PPA, which has been grossly under utilized, along with these check boxes to try to explain those differences.

I think that would help -- again, thinking of the plants that under reported, they would just go through this activity index and put a number on their NB-DON, and they wouldn't find that out, that they had not reported correctly. But if they had to go in and find out why they changed and go back and look at their old data, that might help identify the issue better and help improve the reporting.

So I would just submit and add to our list, that we add the case studies or the explanation to the TRI data.

MS. CAMPOS: Ken was next.

MR. GEISER: Yes, partly in response to Joan. We see other kinds of facilities, where operations in the plant are not tied to production, like your every sixth month cleaning operating or something, which is often tied to some kind of labor allocation in a facility. You've got one cleaning staff, they get around to it every six months or so.

We do know that in those cases where people have changed and tried to tie maintenance schedules and others to production indicators, that it often is good for preventing pollution, and even for saving money, because they are more responsive to the actual decrease in value that that operation is able to do.

So I would say that partly an answer to that is, even though it seems like it doesn't make sense to tie it into a pollution indicative system, I think it does, by using an activity index for something like that.

The checkoff box I think should be taken a look at, not as a supplement, not as a replacement for anything that is on the TRI, but as a supplement to indicate particularly things about, did you make your change in production, that would not be accounted for by an index, by the index that you did develop. Things like selling off an operation inside the plant or moving an operation to another facility or something like that, or out sourcing, might be useful. I'm not exactly sure what they might be, but those boxes might be just helpful in understanding.

My last comment is, yes, it does pick up a little bit. It is one thing to look at the activity index and try to say, okay, how can we do a better job at factoring out the immediate economic issues associated with any one facility. But there is another level of concern that I have had with the way EPA reports its trend data. That is, the universe is not attended to with the amount of sophistication to factor out some of the other things that show up, such as changes in who went out of business and who came into business and things like that. The way your universe, when you are computing things, is set up for me raises some problems, of thinking that it doesn't capture a true picture of pollution prevention or source reduction.

MS. CAMPOS: Tom was next.

MR. NATAN: I actually have a question for Joan. How have GM's New Jersey plants managed to do this in their plants and their subsequent tracking? Have they found the New Jersey system to be useful for them?

MS. FASSINGER: As far as New Jersey, we have three plants there, and one is kind of half operational. They probably only have two product lines. The other one, the assembly would likely use the vehicle production indicator. The other one is a battery

plant, and that is a pretty straightforward, one product.

Where we have had difficulty with this concept is where we have again facilities where they are making a lot of different products. That is something that is more unique to our business than the other auto companies that are in the U.S., because we have more components facilities, and the other autos out source most of that work.

So it is very, very difficult. We have been working with Telifs and Carnegie Mellon and a lot of different academic groups to try to get our arms around that, and I don't think we have still come up with a solution. It is hard to do.

MR. NATAN: I also point out that TRI Section 8 used to be voluntary in providing some of this kind of information, and very few facilities ever did. So the idea that asking them voluntarily to provide information on what is happening at a facility isn't going to work.

MS. CAMPOS: Rick.

MR. REIBSTEIN: Well, I think when the information is in their interest to provide, that there is an argument. If you have an information data point that is basically for the industry to explain, this isn't because we were irresponsible, then it can be voluntary.

We have an optional section on the Mass (word lost) form which allows an industry to explain why they look bad. If there was some year to year change, like they had an accident or they cleaned out the section and their wastes went way up, they have a space in which -- totally voluntary -- to provide that.

We also have a summary every two years, that they can provide the narrative, and they can put anything they want in there. So these are two narrative sections that I would recommend EPA also consider, the use of narrative space. Whether it is voluntary or not I think is another discussion. It depends on what the information is for.

MR. NATAN: Actually, I wanted to follow up something with you. In Massachusetts, if you stop using a chemical, you are asked to actually submit a report voluntarily to let on what is happening with that chemical, which is something that gets to the substitution issue. How many of those forms have you received?

MR. REIBSTEIN: If we really want to know what happened when somebody drops out, we have to call them. So that is an example that supports your point. We haven't made the decision; that is something we have to know.

MS. CAMPOS: David.

MR. FEES: The Chair speaks. We have 20 minutes left in this discussion. I want to put forward to the group how we should proceed with this last 20 minutes. Continue this discussion, which I think is valuable for us as well as the EPA has indicated is valuable, or try to take some of the suggestions that have been placed up here and say, some of these suggestions can be worked into recommendations.

Some of the ones that I picked up that seemed to me to be leaning toward being a recommendation are: having more detailed instructions like New Jersey, indicating that the ratio index should be kept separate for each chemical at the bottom here, having the extra data element to explain the changes. Those are some of the suggestions I thought might be recommendations.

So I put before the group, how you would like to proceed. Do you want to consolidate these suggestions? At 10:30, then we'll have to move on after the break to the next issue. So what do you think is more valuable? Continuing this discussion or formulating recommendations?

MR. NATAN: I think the discussion might be more valuable, because we'll be able to tell people that agreed and not. They will be able to go back and tell from the notes what was more -- where we had more agreement, unless there is maybe more to say.

MR. FEES: Anyone else? Did anyone feel that just the three examples I listed are worthy of considering as recommendations?

MS. CAMPOS: Yesterday you used checkmarks to indicate where there was general agreement and where there was not as much agreement. Do you want to do that?

MR. FEES: How many do you have?

MS. CAMPOS: Some of them are questions and issues.

MR. FEES: Right, that's the thing. They weren't really options like yesterday.

MS. CAMPOS: Let's pick three and then take a hand vote.

MR. FEES: And I don't even know if that is capturing. I was kind of standing back, I wasn't really participating, but trying to feel the common threads of what we were discussing, what out of this discussion suggestions for something we could really put forth, that may be doable.

MS. CAMPOS: Rick.

MR. REIBSTEIN: David is asking if we think that the three he brought up make sense as a starting point. I'd like to say, I think they do.

PARTICIPANT: Would you restate those three, David?

MR. FEES: Have more detailed instructions, like New Jersey, which would include additional examples. Indicate that the ratio should be calculated separately for each chemical. And have an extra data element to explain the changes, sort of like some of the stuff that Tom was talking about in the Canadian report.

MR. JACOB: I just don't think it's going to be a matter of voting for one or the other. None of those seem to be opposed.

MR. FEES: No, in fact, there could be more. They were all suggestions that could be recommendations to improve the usefulness of this thing called the production ratio activity index. So it is just a matter of fleshing these ideas out, because it is easy to just make a phrase, but there is a lot of work that goes into making that national recommendation.

MS. CAMPOS: Joan, then Robert.

MS. FASSINGER: With regard to applying this activity index, again I'm thinking of trying to apply it to potentially 70 chemicals that might be required by most facilities. There are a couple that have a lot.

We found that nine chemicals make up 95 percent in some operations, for instance an assembly plant, of TRI releases. If we apply this activity index, can we as an indicator do it on a prioritized basis? Like, apply a 90 percentile rule, so that people aren't chasing down that last two percent to try to put some kind of index on it?

MR. JACOB: Don't you think maybe people are doing that now?

MS. FASSINGER: Well, that might be part of the guidance. I think New Jersey does that.

MR. NATAN: Yes, but you only have to account for 90 percent of your use or waste generation or releases in your scheme. In the instruction, the EPA has made that statement, that if you've got two company units and one is 100,000 pounds and the other is 1,000 pounds. It's like, don't worry about the 1,000 pounds, at least in terms of calculating the other data elements.

I have seen guidance that says, if you are trying to calculate your release number, and you have one unit that maybe releases 50,000 pounds and another unit that -- you don't know exactly what the release is, but it is probably going to be on the order of 500,000 pounds. But because of using two significant figures and rounding, there is no sense spending a lot of time calculating to the nth degree that smaller unit, when the larger number is going to mask whatever you calculate for the smaller unit. I've seen that in some guidance.

MS. DOA: You should always use the best available information that you have in filling out the Form R. I'd like to see that. You should never exclude anything.

I think you should up make the best estimate, and maybe --

MR. FEES: Like I say, I understand what Joan's concept is about not spending effort to capture 100 percent of what goes into the activity index, because of the rounding.

MS. CAMPOS: Robert, then Paul.

MR. STEIDEL: I think Paul was first.

MR. ORUM: On David's second point about how the index ratio should be chemical specific, because I read in the law, I think that it is pretty much stated in the law, the items included in the report on a facility by facility basis for each toxic chemical. There is a list of items, one of which is a ratio of production for the reporting year to the previous year.

On that point, I don't know how our discussion would help. I think that probably it must be per TRI chemical reported. Perhaps it is in that context that some 80-20 or 90-10 rule could apply, as to how much is enough.

The thing that I would suggest that I would like to see is, go through a little exercise of what would be the check boxes or codes or whatever you use to explain changes, perhaps even in a broader context than just the production ratio. But that would be one of the items in a series of changes that could lead to year to year changes in the form, whether new calculating methods were used, whether something was sold or something was shipped off, out sourced, a different chemical used.

Canada has some of those. I think it would be a useful exercise for us to go through and say, here are a series of things, one of which is the production ratio that would explain year to year changes.

MS. CAMPOS: Robert.

MR. STEIDEL: I agree, I think that would be a very useful process to go through. The narrative issue is -- it is good to have narrative, but I fill out a discharge monitoring report every month, and I usually write a small book every time. It is difficult for the state agency to translate that into their explanation in their monthly DMRs. I don't know how easy it would be for EPA to try to get some of these descriptions from a narrative form into a public database.

MR. NATAN: Actually, I can address that. I did a survey of TRI reporting facilities, asking 130 of them why their aggregate Section 8 data went down from 1991 to '94. It really fell into nine explanations. That was it. I may have missed a few, but basically there were nine or so different reasons for a change.

MR. STEIDEL: Those can be translated to check boxes, right?

MR. NATAN: Yes. I didn't ask them how much was attributable to each, obviously. But it was relatively easy to fit. If I didn't understand the explanation, I simply went through the list and said, okay, which of these apply to you. They could invariably

put them into one or more of these categories.

MS. CAMPOS: Maria, then Rick.

MS. DOA: I just want to go back to what was said earlier on rounding. I think what David was getting at, if you use -- we suggest that you use two significant figures, not six, because if you find out that there is like a small change in one of your small operations, then if you use six significant figures, your number is wrong and you need to change it. It will say 24,386, but if you rounded it up to two significant figures, then you don't have to change it, because it is a small proportion.

But ignoring 10 percent of what is at your facility is not consistent with what is in the statute. I just need to make a strong point about that.

PARTICIPANT: Ignoring what? I'm sorry.

MS. DOA: Ten percent.

MS. CAMPOS: Rick.

MR. REIBSTEIN: Actually, I think what was suggested was more along the lines of one percent.

MS. DOA: Oh, okay.

MR. REIBSTEIN: I think the check box is good, but you can also have a line saying other, in case you have not carefully captured it.

Since I think David was being uncontroversial in picking the ones that he thought probably we could get consensus on, I have actually put the use index before, and you didn't pick that one up. Maybe it is because I need to just add one little thing about it.

I'm not necessarily proposing that everyone would have to do a use index, although I personally would like that. But I am also proposing that it be considered for use, possibly as an alternative form of production or activity index if guidance was provided to show when it is appropriate. It will be appropriate in certain situations, and it would be absolutely the easiest thing to do, and in many situations, it will be fairly accurate.

MR. FEES: Do you think there is a problem with people then gravitating towards that and using that?

MR. REIBSTEIN: I think the guidance has to be very careful. This is provided for your use, and this is when it is appropriate. When it is not appropriate, you have to develop an alternative or an additional activity index to capture, and you have to be clear, it will not capture this, it will not work here, it will not work there.

MR. FEES: I'm afraid they might gravitate towards that, because maybe it is the simplest thing to do.

MR. NATAN: There are facilities that ignore the current instructions anyway for every chemical.

MR. FEES: I know that.

MS. FASSINGER: Actually, I kind of like Rick's suggestion. I think that his options should be provided as an alternative for some types of operations that might be easier to use.

The other thing I would ask for the check boxes is, right now we have a source reduction section and we have checks for what we have done. But as I was proposing the option that we had covered in earlier meetings, I found on the RCRA biennial survey, there were boxes as to why you had not minimized waste or reduced waste or done pollution prevention. I found those to be very useful, because sometimes it takes several

years to implement an activity you might have initiated, but maybe aren't seeing in the numbers.

So I would suggest that in addition to the boxes that Tom had proposed, that we also include boxes such as are on the RCRA biennial waste survey. Maybe the same boxes could be used hopefully to try to again get consistency between regulatory requirements.

MS. CAMPOS: Those are all the comments that you seem to have. Did you want to quickly go through what the boxes would be, just to have it on the record?

MR. NATAN: All right. The first one is a product for process change that resulted in decreased chemical use per unit of product.

MS. CAMPOS: Product or process change that resulted in -- ?

PARTICIPANT: Is that source reduction?

MR. NATAN: Yes, but I wanted to be specific.

PARTICIPANT: That would be separate from increase?

MR. NATAN: Well, actually, you could have an increase or decrease. A change, that resulted in a change in amount of chemical used. That is separate from amount of production.

MS. CAMPOS: You got another one?

MR. NATAN: Yes, production level.

MS. CAMPOS: Next?

MR. NATAN: Selling waste as product. Changing calculation method. Change in definition of activity. This is particularly useful when a facility decides what is onsite recycling is now in process recovery, even though nothing else has changed. Out sourcing all or part of the process. One-time activities. The last one would be -- it is related to production, but it is different. It indicates that the operation is new or going off line, so it would be new or --

PARTICIPANT: Commencement or cessation.

MR. NATAN: Yes, commencement or cessation of process. The other one that I had was that it was actual installation of new in process recovery, because I wanted to differentiate that from other source reduction activities. You may not want to do that.

MS. CAMPOS: Installation of what?

MR. NATAN: Of real in process recovery system.

MR. SKERNOLIS: Can I ask a clarifying question?

MS. CAMPOS: Yes, clarifying questions now.

MR. SKERNOLIS: The out sourcing thing, can you give me an example of that? If it is still facility wide under control, --

MR. NATAN: The example Wilma gave is the best one.

MR. SKERNOLIS: But that's not out sourcing.

MR. NATAN: Sure, it is. Somebody else runs it for you, and they report it to TRI. This happens quite a bit.

MR. SKERNOLIS: I'm worried about the terminology, not -- I understand Wilma's point. I don't think that is out sourcing, is what I was getting at, is it?

PARTICIPANT: It depends. It could be.

MR. NATAN: Well, you would have to have a clear definition. I did find examples where they --

MR. SKERNOLIS: Out sourcings are usually contracts, not control of ownership.

MR. NATAN: Okay, let me give you another example. You've got a --

MR. SKERNOLIS: We don't have to solve it. I just wanted to raise the terminology question.

MR. NATAN: Well, let me give you another example. You have three plants owned by the same company, and they switch a product line to a different facility, a whole product line. That I consider to be out sourcing, for purposes of my -- I may want to call it something else, but that was another --

MR. SKERNOLIS: I understand. I think it is just a terminology issue.

MS. CAMPOS: Mike, then Joan.

MR. SPRINKER: Actually, a couple of points. You might -- maybe to help clarify that, we may also have a thing where supplying or production units are sold to another company. Here we are talking about the units which actually either supply or produce a TRI chemical that you used to produce.

For example, I think that may track Wilma's comment there, and I know some clients I'm familiar with, where they have actually sold off something internal within the company, and now that new company is making something which goes right into the pipeline to be used to produce chemical.

A couple of other ones, too. I think these look great and capture a lot of things. I think I'm not sure if the issue of reformulation may be -- what's that?

PARTICIPANT: Process change.

MR. SPRINKER: Process change, okay. The other thing too is that we may need -- I don't know if we need to have something for a catastrophic event or not, which could be -- one-time activity? See, one-time activity I think could lead to a lot of different -- one-time activity, I think people would look at very broadly. I can see a lot of things considered one-time activities which maybe better fit in some of the other categories. I think one of the things we need to do here is give good examples for people, too.

MS. CAMPOS: Joan.

MS. FASSINGER: Just a follow-up on out sourcing. I think one item in the United States that was not discussed was sending the operation to a facility that doesn't report under TRI, which may be done. The company may or may not know that, but as opposed to sending it to another facility under the same ownership.

MS. CAMPOS: Andy?

MR. COMAI: I just wanted to give an example that backs up Joan's point. A company may buy raw wire and make a nut, and then send the nut off site to be plated and then it will actually import the nut back in and package it and then sell it to GM. That plating company, there is a 40 percent chance that it doesn't report under TRI.

So the idea of having -- again, are we talking about another box?

MS. FASSINGER: I think that needs to be differentiated from the scenario where you are sending it to a components facility under the same ownership.

MR. SKERNOLIS: To respond, can't you just capture all of that with a change in controlled ownership location or something? It captures the out sourcing, it captures the -- in other words, change in location, control or ownership of identical process.

MS. CAMPOS: Change in location, control or ownership?

MS. FERGUSON: We were talking about changing regulatory definitions. That might be another broad category that combines a couple, but goes further.

MS. CAMPOS: Say it again, please?

MS. FERGUSON: Changing regulatory definition. If you shift something below threshold values, --

MR. ORUM: That would not be a change in regulatory definition. For example, when EPA changed how to calculate ammonia, that would be a change in a regulatory definition or guidance.

MR. SKERNOLIS: This isn't on the out sourcing issue, is it?

MR. ORUM: No.

MS. FERGUSON: It could be, though. I was thinking about, if you transferred operations to someone and your total new operations was below threshold triggering reporting.

MR. SKERNOLIS: But you would pick that up by checking that box, as to why the reason for the decrease. If it isn't matched by a corresponding TRI report from the new operation, that is not a problem with the generator, that is a problem with EPA's TRI reporting system.

MS. CAMPOS: Vicki, then Corey. Then I need to remind you, it is 10:30.

MS. SULLIVAN: One thing I want to make sure of, is what Joan is talking about the maintenance activity?

MR. ORUM: Isn't there a set of activities under source reduction activities I think are in fact spelled out by the existing codes in the law, the change in process, product, housekeeping, whatever the other two are?

MS. SULLIVAN: On the forms?

MR. ORUM: For source reduction you do have codes, but there are other -- a subset of codes already.

MS. SULLIVAN: Yes, that's source reduction. What I'm thinking of is, like certain things you need to do maintenance on every three years. That is not one time. You can't really call it source reduction.

(Simultaneous discussion.)

MR. FEES: We're going to have to wrap this up pretty soon.

MS. CAMPOS: Corey and Joan will be the last speakers. Corey?

MR. BROMLEY: I would change the wording at least on number three. Selling waste as a product is not an appropriate mix of those terms. I would say that no longer generating waste, no longer -- or producing new product or something. But you aren't selling waste because it is no longer a waste product.

MR. NATAN: As long as you know it was formerly a waste. A lot of times, this happens --

MR. BROMLEY: That's what I'm saying -- no longer generating waste.

MR. NATAN: Well, but then let's say next year the economics don't look so good, and you go back to generating waste.

MR. BROMLEY: Okay, then have two of them, one no longer generating waste and generating new waste.

MS. FASSINGER: Doesn't the change in definition of the activity get at the same thing, though?

MR. BROMLEY: Well, the only reason is that that is a more specific --

(Simultaneous discussion.)

MS. CAMPOS: Selling TRI -- what?

PARTICIPANT: Selling the TRI chemicals.

PARTICIPANT: We have enough problems with definition of waste as it is

in TRI.

MR. NATAN: None of the facilities I talked to objected to that designation.

PARTICIPANT: Well, we do.

MS. FASSINGER: I second Corey's concern. They do appear to be inconsistent. Maybe we need to work on the wording, although we understand the concept.

Another thing to add would be re-reporting of a waste that has already been reported in past years. I'll provide an example to clarify that. We had reported onsite disposal or land management of boundary sand, zinc and boundary sand, large volumes. The sand piles were moved, and they had to be reported again when they were moved to another location. So we had very significant quantities reported twice, and that does not come out.

MR. ORUM: Would that be among the remedial catastrophic or other one-time event? Because that is sort of remedial; it is environmental cleanup.

MS. FASSINGER: No, it wasn't remedial. The sand was considered non-hazardous. It wasn't a cleanup, it was just a matter of -- it was interim storage or management until they found a use or market or something for it, and then it was reported as recycled. But you had already reported it before. So you are reporting that number twice.

MR. ORUM: Just to read what the law says, the amount of any toxic chemical released in the environment which resulted from the catastrophic event, remedial action or other one-time event, and is not associated with production processes during the reporting year. That is the umbrella concept.

MS. FASSINGER: Right, but the thing is, you had already reported that in previous years also. I think that box captures that, that it is being counted again.

MR. REIBSTEIN: In Massachusetts, one time means just one time during the year, as you said, during the process year. So if you do maintenance every three years, you would call that one time. You could break out one time by saying maintenance or accident spill. You could put a couple of subcategories under that.

MS. CAMPOS: All right, it is 10:30.

MR. FEES: Take a 10-minute break.

(Brief recess.)

MS. CAMPOS: Let's get started. We have until noon to pick up on the next issue. Remember, starting at 2:00 today, you will be discussing as a committee how to proceed between now and your next meeting, and what you put on your agenda for the next meeting. So we will hold off on further discussion on item four until then.

Issue number five is, does the information provided from Section 8 focus the data too much on onsite production versus total production related waste. The process that we have on this issue is, from now to noon, we are going to hear a presentation on the issue, and you will have the opportunity to ask brief clarifying questions, not get into a large discussion; we'll save that until later. Just clarifying questions for about five minutes.

Then I'm going to list for you -- I'm going to call on you by card and list interests, needs and concerns regarding this issue; what are all the things that you think need to be dealt with in order to address this issue properly.

That will probably take us until noon. This afternoon from one to two, the remaining time on this issue, we will work on identifying solutions or options for

addressing those issues that you raised this morning, okay?

I'll turn it over to Maria.

MS. DOA: I think I would modify the issue a little bit, and say, does the information provided focus too much on Section 5 at the expense of Section 8. Or putting it another way, most people look at the idea, including the EPA, and have done most of the trend analysis, focused on onsite releases that are collected, so to move the focus away from onsite releases to production related waste as a whole.

One way to do this certainly would be modification of the data release, and the other way may be to do this also is, should the Form R just be remodified so that the Section 8 data elements are more incorporated with Sections 5, 6 and 7.

So maybe to make it simple, should we go from onsite releases as a focus to production related waste as a focus for TRI for the future.

MR. SKERNOLIS: I'm trying to understand this word focus. You are saying that is something applied by the external person who is looking at the information, what they are focusing on in the form, right? What is it about the form --

MS. DOA: But also, EPA to an extent has focused -- I think about the form, if you look at the form, the form pretty much reflects the history of the program, anyway. Section 6 and Section 6, 6.1, some of the information collected in 6.2, are things that are part of the after Section 313, the original legislation, some of the Section 2 information, some of the additional Section 7 information and the Section 8 information are data elements mandated by the Pollution Prevention Act.

So that was sort of locked on, and should they all be integrated more? There are ways to do it. You could have a section that deals with onsite releases, transfers offsite for release, and then the total, which would be 8.1. Then a second thing which has the -- I shouldn't say the total is 8.1, the total is 8.1 and then the catastrophic portion together. And should you do the total for all releases, and should you do the same thing for treatment, looking at onsite and offsite. Another section may be on energy recovery, onsite, offsite, another section on recycling, and then the source reduction information and production. So I'm more talking about the quantities right now.

MS. CAMPOS: We're on clarifying questions. It is Ken, Rick, Corey then Paul. Ken?

MR. GEISER: I think what I was trying to play with yesterday was something that we tried to do in some of our own training. That is, we think of Section 8 as an incomplete page. It starts a set of numbers that have either been generated earlier in the form or generated specifically for that form. But it doesn't complete that task.

Sometimes when we have trained on it, we have added other things that ought to be completed to balance out Section 8 and say, that would give you on one page a total profile of everything that leaves the facility. There is in my mind an elegance to that, because it makes it a lot easier for people to see it and also to realize that that is what they are working up to. It is kind of like a summary form of the whole TRI.

The fact that Section 8 doesn't do that at the moment always feels like -- it has always for me been an historical accident that it doesn't, and that it just evolutionarily needs to get there. So I am a strong proponent of using Section 8 as the lap-up point for everything, so you would see everything there.

I think the other reason for doing that is, because there is such a difference right now at this point nationally between how we are doing on release reductions versus on waste reductions. On release reductions, we seem to be doing as a nation much better

than we are on waste reductions. I think that we need to attend both of these things, and I don't think the waste reduction issue is getting built up big enough. So I would like to see more attention to that as the summary element.

MS. CAMPOS: Rick.

MR. REIBSTEIN: I wanted to ask if we are wedded to the term waste, and if we could perhaps consider using non-product output or Massachusetts' byproduct, because when you have people like Rick Lattimer stand up and say I want energy recovery to be considered source reduction, because it looks so bad when the stuff that is really useful is considered a waste.

Maybe we can reduce the controversy by reducing it to a non-product output or Massachusetts' byproduct, and then we can distinguish between things which are really waste and things which have some kind of use. Doing it this way, we are calling something that some people think is a useful product a waste right off the bat. Why don't we just finesse this issue and call it non-product output for the time being? Byproduct is a quicker way of saying that.

MS. CAMPOS: We're going to move to issues. Please don't lose track of them. You have those little pads of paper to list them, to help you out. Right now, let's ask Maria any final clarifying questions so we can move on to the next activity. Corey was next, and then Paul.

MR. BROMLEY: My question was answered.

MS. CAMPOS: Paul?

MR. ORUM: I don't understand how restructuring the form would help, how melding Section 8 into the others would help. If we are going to discuss that -- and I think that is a separate issue from the first one you posed -- then we would need more explanation of that.

Can we separate these issues to talk about the focus versus how to create that focus?

MS. DOA: I think that the basic question has to do with the focus, and then maybe the secondary question is, would restructuring the form help that at all.

MR. ORUM: If we can defer that second part, I think it would make the first part less complicated, to get to the big box first.

MS. DOA: I don't have a problem with that. David?

MR. FEES: Well, the first part is like putting data in context, something that we somewhat stressed in the other recommendations. We were talking about PDR and visitation of that information.

MR. ORUM: I'm just saying, if we could defer the stuff about restructuring the form and deal with it separately, because it really is -- it is different. Personally, I don't understand how it would help, but I have a lot to say about the former. I think there could be some good changes. So I think it would help to take them in that order. It is a question-suggestion.

MS. DOA: Well, I don't have a problem with deferring the second one and dealing with the first. I think that some of this information talks about contacts, but I'm talking about a slightly more basic issue, really looking at production related whatever we would call it, and looking at Section 8 first and foremost, and going on with information on that, and then having the onsite and offsite releases as a secondary subset of that.

I think right now, it is the other way around, not that it is a subset. We talk about onsite releases and then after that we start talking about production related waste.

MR. FEES: I think we have already touched a little bit on the data in context, with more emphasis on source reduction and waste, the total waste stream, as opposed to just releases, I'd rather go to the rework of the form, and those things that can be done there to change the focus.

I would respectfully disagree. I think the process is getting in the way here. I think trying to make these questions clarifying -- I would urge that we go the other way around, jump into what Maria has suggested, talk about it more, because there are some different things going on here, and then get to that. I just suggest that as a process.

MS. CAMPOS: It seems that there are two issues that people want to discuss.

MR. FEES: Could you write the two issues up?

MR. ORUM: The second issue is restructuring of the forum to refocus -- as an aid to refocusing attention from releases to waste in some degree. The first was whether EPA should as a broad matter of their attention shift from focusing on TRI releases to product waste, as I understand it. But do you have to know why you are going to do this before you talk about why you want to restructure the form?

MS. CAMPOS: Should the EPA shift its focus from -- to what?

MR. ORUM: To product waste or NPO.

MS. CAMPOS: Andy had his hand up.

MR. COMAI: I think that is my question, probably two questions. I saw Maria do this thing with her arms, kind of restructuring the Form R. Then I heard Ken say -- then Ken said something that made sense to me about expanding Section 8 or using that as a final wrapup. Was the arm thing the same thing as expanding Section 8? Or does the arm thing go back to Section 6?

(Simultaneous discussion.)

MR. COMAI: Were you talking about the same thing that Ken was talking about, or were you going back more deeper into the form?

MS. DOA: I don't think it was the same thing necessarily. I think the same general idea, but not the same thing. But maybe my first question is, when we do data release, everybody calls up and says, how much have releases decreased since 1988. That is the first question. Should the question that people call up and ask be instead, what happened with production related waste. Does that simplify it?

If the recommendation is to do that, if it is, what can we do? Can we do anything with Form R that would facilitate that? Maybe it is getting at what I had said, and maybe it is getting at what Ken has said. Does that help?

MS. CAMPOS: Michael.

MR. ECK: To come back to what Paul said, I think the first issue is a focus as I understand it on the PDR, the press release, and the other things that EPA can do outside of the form here. So perhaps that issue should be restated to, should EPA shift the focus of the PDR and the press release. Is that what you're saying?

MS. DOA: No. I think so, to a degree.

MR. ECK: To a certain extent, you've got one issue and two possible solutions. We are seeing a range of solutions. Changing the Form R is one possible way of shifting the focus.

MS. DOA: But I think the main way that we -- we get out information in a number of ways. People see the PDR as a main way that we get out information on TRI. I think the question on shifting it would be reflected in the PDR.

PARTICIPANT: In the press release.

MS. DOA: In the press release.

MR. ECK: As a second question -- are we in the question period still and not in the issue period? We're still in the question period.

MS. CAMPOS: We're deciding which direction to go in.

MR. ECK: Would Maria tell me why you want to focus on production related waste as opposed to total waste management, which is something different?

MS. DOA: That is my question.

MR. ECK: I asked first. You have chosen something here. In issue one, way back yesterday, we did have two separate categories. Total waste management includes wastes that came from off site, but which is still managed by the facility, and potentially of concern by the facility's neighbors, granted not amenable to source reduction by the facility. Production related waste is a subset of that, but a subset which is more under the control of the facility, presumably.

I am talking now where a facility includes the wider range of waste treatment operations. Do you want to focus just on production waste or on total waste management, and why did you choose production over total waste management? Or do you remember making a choice?

MS. DOA: I think part of it is things that we have heard from constituents and from interested parties, that we should stop focusing on releases and look more at production related wastes. I think it is they who bring the question.

I more personally, and I underline personally, would like to see if we're going to deal with releases, not just a focus on onsite releases, but what about materials offsite for release, especially when you aggregate it? It might be a different thing when you are looking at facility by facility. But when you are doing aggregate, it is a different issue.

That is an issue I have. But to answer your question, I think it is really driven by constituents asking.

MR. ECK: That is an answer. But do you see a difference between the production related and the waste management?

MS. DOA: Are you basically asking, do I see a difference between the sum of 8.1 through 8.7 and the sum of 8.1 through 8.8?

MR. ECK: I don't know. You are throwing numbers around. But one is waste managed onsite, including the total amounts received from offsite, and what is generated onsite, I mean, received from offsite and what is generated onsite. The other is just what is generated onsite.

MS. DOA: No, I see it as being managed.

MR. ECK: Your terminology doesn't say that.

PARTICIPANT: The facility can't consider waste it brings offsite as production related waste.

MR. NATAN: I think the confusion is that we have always called the sum of 8.1 through 8.7 production related waste. So the fact -- regardless of where it came from, so we dealt with the issue yesterday of whether we were going to split these things out. I suggest that whatever it is that we're dealing with, we are calling it production related waste today.

MR. BROMLEY: I think it makes a difference, because PPA is geared at production wastes generated onsite, whereas you don't have the control of the stuff coming from offsite.

MR. NATAN: Regardless of that, that was the issue yesterday. Certainly if

EPA decides that they are going to have that separate reporting for those things, that would be part of this focus. But right now, the question is, do we shift the focus away from releases to what is reported in Section 8 regardless of what it is, what it turns out to be with these recommendations.

MS. CAMPOS: Wilma.

MS. SUBRA: The grass roots citizens of even the more sophisticated environmental groups rarely look at the form. So it doesn't matter how the form is configured, as long as the information is there and being presented, so that someone can then take it and put it in a format that they can use.

Some constituents may be saying the focus needs to be away from releases into the air, land and water, and more on production related waste. The citizens want to know what is being released into the air, land and water.

In addition, like I said yesterday, they also want to know how much waste is coming from offsite and being treated onsite, or whether waste from this site is being transferred offsite to a facility right next door, and that being the base thing. So they want that information as well. But I don't think any of them would say focus more on production related waste to the detriment of the releases. But they want as much information as is available, and they want to know what is going on in their community.

MS. CAMPOS: Joan is next. Let me tell you -- Joan has had her card up for awhile, then Paul, then Susie, I saw your cards go up. It is 11:20, so about 40 minutes left before lunch. I was going to suggest that since there was sufficient discussion about which question was being asked and in what order it should be taken, it sounds like you are interested in dealing with both of them. So I was going to suggest taking half the time listing issues and interests and concerns on one, and then half on the other, and decide, based on what you see, what you would like to do this afternoon for the next hour. Do you have any clarifying questions?

MS. FASSINGER: Clarifying question. In order to move to this refocus and possibly restructured form, would EPA propose to have a definition of waste as well as addressing some of the issues that Rick and some others have thought up, and we brought up on like recycling and energy recovery on waste and cold product and some of these other things? Is it safe as we get into this discussion to presume that we will have a solid foundation for those numbers, or will it be like we have now, where there is a lot of inconsistencies.

MS. DOA: To the best of my knowledge and my hope, the proposed rule on that will come out this year, and that will be done before any reconstruction of the form.

MS. CAMPOS: Did you want to ask a clarifying question?

MR. ORUM: No, I wanted to address the issue.

MS. CAMPOS: Address this issue? Or the issue of how to proceed?

MR. ORUM: This issue.

MS. CAMPOS: Okay, then let's move on. We are starting then to list interests, problems, concerns that need to be addressed in addressing this issue. This issue is the shifting the focus question. We will spend about 20 minutes on this, and then we'll move on to the second question.

MR. ORUM: I think, Maria, both of these numbers are important for different reasons, releases and NPO. Right now, the press release and data release and so forth is about 90-10 releases to waste. I'd like to see it 50-50 or something like that, some shift on that order. I wouldn't want to leave releases behind, because a lot of reporters who

are used to reporting on that will gravitate to that anyway if they don't understand the other, or something like that, but from 90-10 to 50-50.

The Pollution Prevention Act made it the policy of the U.S. to reduce this waste at the source. I think it is time to move to acting on that. I think that aside from that general opinion of what EPA should do in its direction and getting directly to the second question, I think it is the issue number one that we discussed yesterday about the changes to the form, what is generated onsite, received from offsite, and the total waste number being there is an essential aid to making this kind of shift, so that you can parse out and make distinctions between what is produced and what is received from offsite.

I don't understand how other changes to the form would help beyond that one. That seems more complicated to me.

MS. CAMPOS: Susie.

MS. FERGUSON: Whatever we call them, and my terminology may not mean a specific way you're currently doing business. But to second what Wilma said, the things that I want to accomplish would be to reflect in the information that we give out what is going to the ambient environment versus what is being managed in a way that makes that information accurate and readily available to the citizens.

To use that information also as indicators of source reduction and other items is important, but needs to be consistent with making sure the final beast that is built makes some sort of overall sense too, consistent with both acts.

I see a little bit of conflict between, if you are gathering information to be prepared to respond to emergencies versus collecting more specific information on those hazardous chemicals, to be able to report company. I think often those result in some of the conflicts that make it difficult to use the information in the different ways we are trying to use them.

All that relates to, there may be things in the act that we would want to change or make suggestions to change as a committee for EPA's consideration and for Congress to consider when they reauthorized the act.

I had another point, but I don't think that it fits into this particular discussion. I would also like to reserve the right and come back to, as a committee -- there is a lot of discussion about use of existing environmental information in reporting systems, be it state or EPA in the act. Are there ways when we build this beast to take advantage and eliminate some duplicative reporting and use other readily available information when we roll up and do things?

Granted, the lists of chemicals don't match necessarily the other items we are producing. But keep all of that in mind when we think through how to report out the information.

MS. CAMPOS: Rick.

MR. REIBSTEIN: I just want to build on that. I think that there is a problem when you make any changes, that the change itself is a burden. If EPA sees the opportunity for stating that TRI as reformulated now will provide a more holistic, a more complete, a more unified way of looking at a facility and positions it as the way to build the new regulatory system and capture what Susie is getting at.

In time, we will eliminate duplicative -- and we will build this as the holistic way of looking at it, I think you can overcome the resistance, because you are making changes. So it is an opportunity I think that should be seized.

MS. FERGUSON: One of the examples of what I'm talking about is, you

have the ability to (word lost) reporting to toxic chemicals, too. So if you find out that a volume of benzene is most reflected in the (word lost) air program, if that is the predominant presence of it, that may be an example of where you could reduce TRI reporting in favor of what is already out there, and collect the information that way.

When you don't have to keep the system the same for all chemicals, if there are other things going on -- I know you have to look multi-media, too, but the other media are getting better at reporting as well, and I would hate to lose sight of that.

MS. DOA: To discuss the issue that Susie is talking about, if we are to discuss it, it might be better to discuss it at a meeting in the future.

We did quite a bit of analysis for a recent rulemaking on what is collected under other statutes any relationship there is to what is collected under Section 313. It might be useful for people to see that before we discuss the issue further, because that work has been done.

PARTICIPANT: That would be very useful.

MS. PRICE: How would you characterize it?

MS. DOA: Talk about the relationship of TRI to information collected under other statutes, and then put down the (word lost) paper.

MS. CAMPOS: Edmund, then Joan.

MR. SKERNOLIS: Just from the discussion, I think I'm starting to understand where Maria was coming from originally on this.

Although we are looking at the issues separately right now, it seems to me as you look at the way the information is collected, the data elements that are available and the roll-ups that EPA is able to do to try to provide that balance that Paul talked about, you're going to have to go back as to what are the data elements.

I think the discussion yesterday that we had about POTWs and the issue of what do you call something once you send it to a POTW that are released, and what percentage of it is, is reflective of a larger problem with Section 8 that may not get you to that point of balance. In other words, you have to look at the data elements in Section 8.

In addition to 8.1, for example, which might be what Wilma's constituents are primarily interested in, not exclusively, data elements from 8.2 to 8.7 might not get you to the kind of balance that Paul seems to have more of a bias towards -- again, not exclusively, but maybe primarily.

I don't have any particular suggestions, but it seems to me that what would be helpful to this discussion, and maybe we would have to take it up at a later meeting, is for you to identify the kinds of roll-up problems you might be having to make the case about production related wastes that aren't intrinsic to the form, as opposed to simply being applied externally by the person who is making the query, or wants to make a certain point about what the data already shows.

I can look at this form just based on the POTW discussions and say we are losing something here about production related wastes and releases in the process. There is a big black hole for this information, and we are not finding anything out about it.

That means you've got to change the form. It means you can't just refocus without changing the data elements.

MS. CAMPOS: Joan.

MS. FASSINGER: This point probably half comes under this part of the discussion and half comes under the part on the form changes. But if we are going to focus on production related wastes or focus more on waste, right now including Section 8 really

-- even if we add a couple of extra data elements or extract a couple of extra data elements, to me would not provide the picture we need of what is going on in production.

We had presented a proposal at one of the previous meetings that would focus more on wastes. That was a spreadsheet approach. I guess if it is decided that we do want to focus more on wastes than we have in the past, maybe we can revisit that proposal and look at the potential for possibly providing a reporting reduction to offset the additional work that would come under TRI by streamlining two reports.

MS. CAMPOS: Any other comments on the shifting focus issue?

MR. SKERNOLIS: Question. I asked Maria earlier if maybe it would be helpful if EPA could come in and say, do you find any limitations in the current database that prevents you from reshifting the focus in your own information.

I guess I have the same question of Paul. I understand your reluctance to take on form changes, but my general question is, is it your opinion that the database that exists right now is totally sufficient to provide the 50-50 balance, and that it isn't even an issue. It is just a question of how the user wants to manipulate the data and use it himself.

MR. ORUM: EPA has already had two basic big numbers in their press releases. I think we have the copy from last year, the main one getting most of the focus is releases. They focused on releases offsite, sometimes offsite transfers, depending on what you are counting.

The other one is production related waste. So those numbers are already being used, and are in discussion, and will continue to be in discussion. I think we can improve the basis for them with some of these various changes.

MS. HARTMAN: My understanding is that there is a fair amount EPA can do on their own right now to get this 50-50 split. But I guess I have some concerns that even though it can be done, it is not being done. So an extra, more specific distinction on the box that adds up the totals would be helpful.

I'd like to hear from some of the folks from industry. I think that I recognize that there are reporting burdens every time the form is changed, but that the more specific the information is, the better information on totals, better information on whether it was generated on site or offsite. Those kinds of details help prevent misinterpretation of the data that provide a better sort of understanding of what is going on out there. That is useful to industry, but also to the public, to groups like ours that are trying to figure out what is going on with pollution prevention, wanting to give credit where credit is due.

So I recognize there is a tension there, but my sense is that there are some changes to the form that would be helpful in this regard.

MR. COMAI: We are onto the form changes now, interests, problems, concerns that you think need to be addressed as the form is changed. Jonathan and Mike had their hands up first.

MR. STONE: I would like to address what Caroline just said. After the last meeting, I went back and looked carefully at Joan's form. There were major changes. It was totally changed from the existing firms.

The first year it would be difficult to crank the numbers. Subsequent years, it is a very controlled device that could be computerized, that would be very easy to use. I also think using that form would really take -- be the focus we would look at that, at both waste reduction and releases, all in one broad spreadsheet.

MS. CAMPOS: You are talking about Joan's form?

MR. STONE: Joan's form

MS. CAMPOS: Mike.

MR. SPRINKER: I have to apologize. I had some crisis at work I had to take care of. This may have already been addressed, but one of the things -- I'm not sure if it is captured now, or if this -- I don't believe I have a copy of this, being new to the committee, but I'm not sure if it is really captured now, but materials which actually are waste, but go back in to be reused in the process, or which a company adapts and are being reused in the process, especially due to process change that allows lower grade materials.

Is that really captured now, and is that something that we want to try and capture now? That seems to me at least to work into the pollution prevention activities and shows perhaps a much better management than maybe having to shift things off site, to be reprocessed. Is that something we want to try and capture?

MS. CAMPOS: How would you like me to capture that up here?

MR. SPRINKER: I guess it would be process changes, allowing use of that different issue. Aren't we in this discussion saying, here is what is reported now, then there was a lot of other things that various people wanted to address in terms of changes. Some people wanted energy recovery to be source reduction. Isn't that on a par with those types of issues, of what gets reported and where and how?

MR. COMAI: It may be, somewhere in the middle. I tried to figure out what they do with off gassing from steel mills, coke ovens, and when they started to capture the gasses, then they would capture those and actually reuse them. So there is this sense that they take the waste and it is generated, but then it is captured for recycling.

There is a code somewhere that captures that. I don't know which one it was. But there is a pollution prevention code number that would capture that kind of recapturing of that particular kind of weight. So instead of being off cast and going out with the ambient air, it is captured and put into a tank, and then fuel recovery or something. And some of it is sold offsite.

So that is captured now in a vague way. If you actually had the form, you might not be able to figure it out (word lost), but figure it out on the form.

MS. CAMPOS: Vicki, then Sam, and Carol and Joan.

MS. SULLIVAN: I have a question for Maria. You said that there will be a proposed rule on the Pollution Prevention Act. Then you said we're not making any changes to the form until that is done. I am wondering if you mean done as a proposal, or done as a final rule.

MS. DOA: I think that if possible, if the timing works out and we have to address rulemaking on the form, which would probably be likely, we'll try to maybe tie the finals together with our rules, if possible.

MR. CHAMBERLAIN: To respond to Caroline's comment about the interest of industry, wanting to hear from industry on the concept. I think we are definitely interested in changing the form. I think we would like to see a balance in reporting of releases in production. I think that this group over the last several meetings has had a lot of very constructive ideas in terms of how to achieve that balance, especially the last section on production related indexes. That was very helpful, and I support that.

Rick's comment about maybe taking a step back, in terms of -- do we have to classify everything on the form as a waste. It was very helpful, the concept of perhaps co-products or whatever.

My comment more specifically is, the cost related to gathering the data I think is going to be really looked at very closely. Some of the changes that we have heard the

last several times were probably fairly easy to do, some of them may not be. But I think supporting the process of change from the standpoint of EPA's position, how they report the data is very helpful. I think it was Earl who said something about, of all the discussion we have had at this point in time, the fallout is going to result in some -- is going to have to result in some change in the form. I think we encourage that.

MS. CAMPOS: Caroline, then Joan.

MS. HARTMAN: I have a comment and then a question. On this question of releases versus the waste, I think I agree with Paul. I don't want to in any way detract from what is the public's understanding of releases or industries, progress in reducing releases.

I am particularly interested in better understanding what is going on with the nonproduct output and any changes to the form that can be accomplished to allow us to better understand what is going on there, as a measure of source reduction, is I think extremely important right now. You look at the data and you analyze it as given, and it leads one to believe that pollution prevention isn't happening in this country. I suspect that there are some pockets out there within specific industries and particularly certain states where there is some very good work that is being done that is not being credited or we can't note it.

So that was the comment. The question is, I'm just trying to understand the cost issue. I think that as I have spoken to industry folks over the years, I understand -- or my sense is, I want to see if this is correct -- that there are two specific costs. One is obviously going out and collecting a new data point, and how do you measure that and how do you find that out. That I can understand is a significant issue.

The other is, as I understand it, when you change the form, there are, at least at very large companies, computer changes that need to be made so that you -- but even if it is something like totalling the waste, which is then not new -- you're not going out and finding a new number, there is going to be somewhat of a cost associated with any change in the form, is that correct?

MS. SULLIVAN: I guess to amplify that, I think what we are doing is basically programming Form R into a database program, and the database program is going to pull stuff out of Form R and total it for us. Yes, when Form R changes, you'll have to reprogram that database. So that is a problem.

MS. HARTMAN: Okay. It just seems like we want to get it right, so that that is then more of a one time cost, rather than something we are dribbling out over the years. I personally feel like those costs are worth incurring, both in terms of the public's right to know, but in terms of the public's not misinterpreting the data. I would rather have you totalling it than people of -- I think that is a positive step that is beneficial to both of us.

MS. CAMPOS: Joan, Mike and Rick. Joan.

MS. FASSINGER: Yes, I am thinking -- going back to this waste question again, if we are going to try to change the focus and make changes in the form again, by only focusing the waste TRI chemicals, it may be very misleading information. Sometimes TRIs are more or less in a waste stream incidentally; we have the waste stream and then look and see if there are TRI chemicals in it. It is secondary for the reporting purposes, and changes we make in reducing waste generation may be for other purposes than just reducing TRI chemicals.

Through the CSI project, we found that TRI chemicals average about two pounds per vehicle; other wastes are like 500 or 1,000 pounds. So refocusing waste in the

TRI realm may misdirect resources to make changes, and B, not provide the incentive to make significant changes in the way waste reduction can be made.

So again, I think we need to be very careful about just doing this in the TRI realm. If we do this, some of the early suggestions on the form would be helpful as far as counting recycling, again looking at that 980 pounds that is being recycled 10 times versus 9,800 pounds as a total waste number to get a better picture than of the waste generated, and try not to represent that, and also to incorporate Rick's ideas of maybe changing the terminology to NPO, if you are going to look at a larger quantity rather than waste, which if you're doing recycling or possibly energy recovery might have different meanings to the reader.

MS. DOA: Joan, in your comments did I hear a petition to add chemicals to the list?

MS. FASSINGER: I think if you're going to look at waste management, you're going to have to go beyond TRI.

MS. CAMPOS: Michael, then Rick.

MR. ECK: Just as an interest to changing the form, just judging from the impact that a small change had in this past reporting cycle, I think that any major reformatting or major new reformatting, such as Joan's proposal, or the idea that I think I heard, where Sections 7 and 8 would be sprinkled liberally among 5 and 6, where you need large amounts of new data collection that probably would lead to several years of incomplete and inaccurate data before we got it right.

I found in the federal facilities, it has taken us two to three years of one time reporting to understand the concept, and essentially that is two to three tries. We really don't do this more than once a year; there is a one time blip, and we ignore it for the rest of the year.

So perhaps some of you are better funded than we are, but I think that would have to be considered as part of the cost. Any major form or structure is essentially going to give you about a three to five year blip in the middle of your program, where you will be apologizing for the data for years.

MR. REIBSTEIN: I was going to say the same thing. Whereas I would like the form to follow what I think is the logical progression, that you've got a chemical, and here is what didn't go into your product and then here is what went with it, I think far more important than changing the form is changing the way the data is used, the PDR and the press release.

So I think if you focus on the shift to nonproduct output or byproduct in those vehicles, it is not so critical what you do with the form. So I would tend to support Ken's approach, which builds on the existing form, and I think would be far cheaper than redoing the entire form.

I think that that is an important thing to do, to make this transition with very little expense and burden. Again, I think TRI should be positioned as the method for receiving and communicating holistic information about a facility. I would like to see in the future it do what Joan is talking about, that it be the vehicle for the hazardous wastes that were 500 pounds per vehicle, receiving the information for air and RCRA.

If you make TRI burdensome, it will not be seen as a good candidate for that.

MS. FASSINGER: Rick, I would like to correct that it is 500 pounds non hazardous waste.

MR. REIBSTEIN: Oh. So the idea that TRI, two pounds per vehicle and

other materials of concern, 500 pounds is not what you were saying?

MS. FASSINGER: I'm sorry, what? It is cardboard, paper, packaging, but a lot of that is still waste streams that can be reduced.

MR. REIBSTEIN: Are there other materials of concern that may be more than two pounds per vehicle that we are not capturing? That is what I'm getting at.

MR. COMAI: So if you have two pounds of hazardous materials, inside paint sludge itself is going to weigh more than two pounds per car.

MR. REIBSTEIN: A lot of hazardous wastes that aren't on TRI. Air pollutants, water pollutants.

MS. CAMPOS: But I think even the paint sludge is not --

MS. FASSINGER: Hazardous because of the flammable solvents.

MR. REIBSTEIN: Just to clarify, I was proposing TRI be the basis for dealing with materials of concern, not paper, glass, et cetera.

MS. CAMPOS: Paul.

MR. ORUM: Specifically on Karen's point about the other waste, a data element we never talked about before that I would love to see on the form is the percent that the TRI chemical that is reported amounts to in the overall stream in which it is embedded.

MS. FASSINGER: That is on the proposal that was submitted in the past meeting.

MR. ORUM: On your big matrix. Then on Jonathan's point about the utility of that matrix, while going whole hog to that matrix I think would be an immense and tremendous undertaking, maybe it can be used as a reporting template, so that it gets more experience and refinement, a guidance material in the meantime to -- because that is going to be a long process in any case.

MS. CAMPOS: Vicki.

MS. SULLIVAN: I'd like to speak to the issue of expense and changing the form. Surely there would be reprogramming, there would be issues with interpretation of the data going into the new form. But I think to speak to Joan's proposal specifically, if we can make the form amenable to a spreadsheet basis, which is really becoming very standard for all of us to use, and then I can instruct my database to pull stuff off the spreadsheet, that is a lot easier than having a form that is not something that the computer readily recognizes as it is now, and having to post off of that.

So we may have some startup costs, but I think in the long run, it would be an advantage to have a spreadsheet.

MR. GEISER: As I understand it, issues raised by Vicki about changes in the form, I would raise the one that I already did, which is just that changing the form to put more focus on Section 8 allows those of us who do training of industry to train better on how you think about working the form to your advantage when you are filling it out as a firm.

So I think there is a training component that is not necessarily thought about from an EPA point of view, that some of us value this form for.

The other thing is something that I think Vicki said yesterday. That is, obviously, what we are all searching for is some way to come up with a more unified, more streamlined, more simplified but more comprehensive data picture that firms use less effort to produce, but actually produce more information in a consistent fashion for all of us. That is the dream. So if we can fantasize that by the year 2008 we actually have finally

achieved that, I think some of the question for us should be, what changes should we make in the form at this point that would allow us to maybe make that step.

Rick says, maybe we should think about making this so legitimate in the eyes of business that this becomes one of the main vehicles for growing into that remarkable system that we hope might be there someday. In some ways, Joan is pushing us with her form that I thought had more information on it than traditionally would have been under the TRI and things like that. But she was pushing in that direction.

So I would urge us to take a look at Joan's form as well as a way of thinking about the whole push toward expansion of the Section 8 area.

MS. CAMPOS: Joan.

MS. FASSINGER: Just to respond to that, I understand that that proposal was considered pretty radical and maybe beyond short-term, but to support what Ken said in looking -- and I think Vicki's suggestion, by using a spreadsheet approach, it does fit better into the business systems, it can become a tool or a better tool for businesses to use, because you're not just filling out the form, but you are trying to integrate the data and make some sense of it.

We did find that by using that approach, it did point out where there were potential indiscrepancies in compiling the data and discrepancies between TRI and other reporting. So it did force -- where we tried to put some real numbers in, it did force us to take a much harder look at the data, and provided a better tool for us to utilize that data for our internal management.

MS. CAMPOS: Any final comments or discussion? We are about three minutes away from lunch. Good time to break? See you at one.

(The meeting adjourned for lunch at 11:55 a.m., to reconvene at 1:00 p.m.)

A F T E R N O O N S E S S I O N (1:10 p.m.)

MS. CAMPOS: Okay, let's get started. We are working on issue five. Earlier you broke that into two parts: should the EPA shift the focus of the PRR and press release

from release to waste, and two, whether encounter restructure Form R can aid in that refocus.

We're in options and solutions now. In order to generate and capture as many ideas as possible on how to address these issues, let's now list them. We have until two for this; we are starting ten minutes late. Then you're going to spend time talking about what to do between now and the next meeting and what is on your agenda for the next meeting.

So the interests are posted for both the shipping focus issue as well as the changing form issue. They are all up against this wall in the blue and green and brown marker.

Any ideas on how to address those issues? Susan, you look like you're ready to speak.

MS. FERGUSON: They have already been discussed -- adding some boxes to provide some additional information, moving some things around.

MS. CAMPOS: Considering Joan's earlier proposal?

MR. SKERNOLIS: The question I asked earlier, I don't know how to come up with an idea for a solution, because I'm not quite sure what problems that EPA and perhaps some of the NPO recommendations see prevent them from providing that balance with the current data elements and database.

MS. CAMPOS: Paul?

MR. ORUM: My answer is, resolve option one in the general direction that we had discussed yesterday, and option five will follow, coupled with a little bit more attention from EPA and their public data release to these issues, moving from a 90-10 split to 50-50, more or less. That is my solution.

MS. DOA: So if it sounded like people didn't really disagree with that, and if you maybe put the 50-50 in the data release, I assume, if instead of changing the focus from releases to waste, you move 50-50, and are people comfortable with that. That is the scope issue. If people are comfortable with it, then it is a solution.

MS. CAMPOS: Susie.

MS. FERGUSON: I think I heard some problems yesterday in terms of how certain activities are reflected in terms of totals. So I think you have to solve those two and then go to a balance reporting this. But I think you're going to still have problems with some of the folks if they perceive that 50-50 discussion doesn't reflect how they manage the toxic chemicals and the amount of total toxic chemicals that is released to the environment.

I am talking the recycle issue, and some of the onsite/offsite issues. I think you've got to get those resolved, too.

MS. DOA: I think there might be some confusion. Right now, we have waste managed onsite irrespective of the place of origin. Breaking things out would add additional information, and not breaking things out will -- we will continue doing that, and I just wanted to make sure that everybody was comfortable with that.

The other thing was the recycling things being counted up every time it goes through, and then whether there is a measure of a factor or a measure of an absolute. This gets to what you're saying, I think: everybody understands that those are the issues, and some things that will go on the way they are without these added elements.

I just wanted to clarify that.

MS. FERGUSON: One more time slowly for me.

MS. DOA: Okay.

MS. FERGUSON: With respect to the --

MS. DOA: Total waste management.

MS. FERGUSON: If we break out and add an additional element, in your mind we have some greater clarity as to how information could be rolled up and presented? Or are you saying, even if we break out into additional elements, you are still going to wrap it all up in a more global figure.

I think that is where you may have some conflicts with some of the reporters.

MS. DOA: I would think if you broke it up into total production related waste, and the part of that is generated outside and brought outside for further management, you can deal with all three of those, because you can cut the waste management data those three different ways.

But I'm just saying the general issue still stays. If you're going to go to 50-50, you're going to look at all the material that is managed.

MS. FERGUSON: See, I think that is an issue within the 50-50. I think you still need to resolve that, because I think going to 50-50, then reflecting the global management that may in some folks' mind misrepresent the total volume of toxic chemical at a site causes problems.

MS. DOA: But I think -- right, and the thing that you need to consider is EPA's stance as articulated on May 1. I know that there is discussion on this and different opinions, but I don't want to get into what we think Section 8 is, because I think we have articulated what we think Section 8 is.

MS. FERGUSON: Let me give an alternative. When you talk about the 50-50, one way to talk about it may be some of those -- presenting the data roll-ups from the subcategories, and discussing them. That may avoid some of the problems others have seen.

Now, I don't know that you --

MS. DOA: Or we can discuss all three.

MS. FERGUSON: Yes. I'm still trying to translate what I heard yesterday, so if you all disagree, holler.

MS. CAMPOS: And Marie had posed a question to the group about the degree to which there is comfort or discomfort with the 50-50. I didn't hear much more than Susan's comments. David.

MR. FEES: I agree with it.

MS. CAMPOS: Carolyn?

MS. HARTMAN: I agree with it.

MS. CAMPOS: Rick?

MR. REIBSTEIN: I agree with it.

MS. CAMPOS: Okay, there is general agreement.

MR. ORUM: The other thing that I had mentioned was, resolve issue one, as we have discussed before. I think it belongs here, too, because --

MR. FEES: Issue one that we did yesterday?

MR. ORUM: Yes. EPA's focus is not the only focus in this program. There are also a lot of other people looking at it, being able to do better analysis and better get the big number. It is going to be helpful to all those other secondary users aside from EPA.

MR. FEES: Maybe the notion of restructuring the form, restructuring/adding elements, like Ken said, to make Section 8 a little more whole. Maybe we should be

thinking more along those lines, as opposed to restructuring. Do that first, and then restructure --

MR. GEISER: Well, the biggest piece is having the add-on from the bottom, but also having various pegging as we were doing yesterday, bringing forward the POTW, the offsite transfers of POTWs. I can't remember, I don't have it right in front of me, but it seems to me there was one other thing that we bring forward and add to the bottom, so that when you see it, you see the amount released and you see the total add-up of all the things that make up the waste generation, and we see it all on one page.

MS. CAMPOS: So you add up everything that goes into what?

MR. GEISER: Basically, you take 8.1, which is the amount released, and then you have all the other additions that are on the page now, plus the amount recycled, the amount sent to POTWs, factoring out the amount sent offsite for non-POTWs, and then that is all added up as total waste managed. You can see to what degree waste came in.

MR. SKERNOLIS: Why would POTWs be separated out from other treatment facilities?

MR. GEISER: I think that was part of yesterday's discussion. I was trying to come up -- remember the fourth option or whatever we were having?

MR. SKERNOLIS: Well, we discussed two issues yesterday. One was all of the Section 6 data, and then there was a whole separate discussion with POTWs, unique problems associated with them.

As a practical matter in Section 8, why do POTWs have to be separated out from other treatments?

MR. GEISER: I'll just tell you, there is a simple practical thing, and that is in trying to train people on the TRI, the 6.1 POTWs are now separated out. So what we do is just try to say, well, carry forward the number that you have here and you place it here. Carry forward this number and place it here. So it is not so much a substantive issue as it was yesterday when we were talking about, is there really a substantive difference. But it was more just a mechanical operation.

MR. SKERNOLIS: I understand. My point is that the purpose of the separation is to start making determinations regarding either implicitly or explicitly, either on a roll-up basis or on a site-specific basis, about what is getting released and what is getting destroyed, then I would argue that all treatment facilities ought to be identified and destruction release numbers ought to be available for all of them, not just for POTWs. That is where I'm coming from.

I understand your point about the mechanics and the simplicity, but I don't as a practical matter see any compelling policy reason why POTWs get a lot of massaging and a lot of other treatment facilities don't.

MS. CAMPOS: First Maria, then Paul.

MS. DOA: I'm wondering if maybe part of the reason that you break out POTWs is based on something that you said, Ed. The error range for POTW if you treat them as treatment is zero to 100 percent. The error range for things going pretty much to other treatment would be much less, maybe 10 percent.

MR. SKERNOLIS: Yes, I think that is true, but that might be more for an organic and a hazardous waste, where you are basically saying, if everybody complies with the law, you know basically what is going to happen. You're not talking about 40 percent to 100 percent; it is going to be around six lines. That is not true for non-organic and non-hazardous waste, though, and the treatment range and the disposal range might

be all over the place, just as they are for POTWs. So when you really start peeling the onion, all the same problems occur with managing a non-wastewater as a wastewater.

MS. DOA: Well, and maybe this is when we look at next steps and trying to focus things that happened yesterday. I think maybe that sort of issue can be dealt with under that. I think David is going to have people go off in groups with issues one, two, three, four.

MS. CAMPOS: This might be a natural point to move on to that, if this discussion is reaching an end. But Paul had his hand raised a while ago.

MR. ORUM: Just the question of why break out POTWs differently. Doesn't that go back to the issue that, for example, your facilities report under TRI, POTWs don't? You would need to have consistency. I'm sure you would like to say, oh, we shouldn't report either or whatever, but --

MR. SKERNOLIS: I think my concern arises more not so much as identifying where it goes as to what happens with it, once it goes there. If you take a wastewater and you send it to a POTW, and you assume it is all released or it is all treated, -- there seems to be still a debate about how to do that -- you come out with a certain -- that affects the values that come out of the TRI database. So it affects the PDR. The numbers reflect that assumption.

If you make an assumption that there is a percentage destruction, you get different numbers. You might get 30 percent released, 70 percent destroyed. If you send a material to a hazardous waste incinerator, isn't both the reporter and the incinerator and the database entitled to know what is released and what is destroyed? It shouldn't be lost simply because it is not a POTW, that's my point.

MR. ORUM: I think we're talking about the need for parallelism.

MR. SKERNOLIS: Yes.

MR. GEISER: Ed, the reason I'm not answering you is, I think that we spent an hour on this yesterday, and I think I heard at least four or five, if not more, reasons why these things were different. It might not be that we can all agree on those, but I think those were the reasons that I was persuaded yesterday in the conversation, that this mechanical thing that we do in teaching turned out to have a substantive value, in terms of at least my way of thinking about it.

MR. SKERNOLIS: And I understand. I don't know any of those reasons for -- I think some of the reasons I heard largely had to do with the burden of reporting and things like that. But I would assume that one of my customers, if he is told that 5,000 pounds of trichlorethylene you sent to me is going to be declared as a release to the environment, because we don't want to calculate the treatment efficiency, he will put in 99.999 and say, I am destroying that much and I am only releasing a very, very small -- I don't know of any generator who would want that identified as a release that was being destroyed.

MS. CAMPOS: Sam, then Susie, then David. Sam.

MR. CHAMBERLAIN: As we have broken down topic number five into the two categories over there, restructuring and form, and in light of many of our previous discussions, we had talked about in some of our earlier meetings moving toward a discussion on Section 8. Then at the time that we discussed Section 8, maybe focus in on some of the outlets we had brought to the table before.

In light of that, I had sent Michelle some thoughts on four more revisions which she e-mailed out I guess a couple of days ago. Some of you might not have gotten

that. It is just a Form R revision, Section 5 and 8, which Belle Cooley built on Susie's proposal that we had talked about a couple of meetings ago, or maybe even last meeting, about the concept of emissions, discharge, ambient environment.

So what we did was go back with that basic proposal and tried to factor in how that might affect both Section 5 and Section 8, in terms of just restructuring and refocusing. I thought it might be a good opportunity to remind you about those different concepts and some thoughts that we developed back then.

MS. PRICE: It might also flow into our next meeting topic.

MS. CAMPOS: Susie.

MS. FERGUSON: I'm having difficulty, because I think we walked away from yesterday with a lot of things out on the table but no real resolution on some of the issues. We brainstormed a lot.

So I can take the discussion a lot of different ways on the POTW discussion. That to me needs to be fleshed out and looked at with all those different ideas together a little bit more from a process standpoint.

I'm ready for the where do we go. To me, too many things got left hanging, and if we are making decisions on things left hanging, I'm getting real antsy, because I don't know what I'm making decisions on.

MR. FEES: I believe that we are kind of drifting off this last issue because of some of the other things that are out there. I agree with Paul about five linking back to one.

Here is a thought on how to handle all five issues that we have worked on, but not come to any recommendations on any of them. We would like to suggest that like issue two, where we did form a small group, I'd like to take each issue and form a group -- there are 21 or 22 members here today and five issues, so that's four per issue -- and do something similar to what Susie, Tom, Rick and I had done on the ideas from last meeting, to come up with these recommendations.

So what I'd like to do is have people decide which issue do they think would be most relevant to them. I've heard some people say the POTW issue just doesn't affect me, so maybe I would be better doing the production ratio issue.

What we can do is, we can take away the ideas, what we heard around, what we jotted down in our notes, and what was written up on these sheets, and come up with recommendations.

MR. SKERNOLIS: David, is it wise to separate issue one and issue three into two separate groups?

MR. FEES: Issue one being the --

MR. SKERNOLIS: Because we talked about them together yesterday so closely, that I would wonder whether we can talk about how POTW data is going to be reflected separate from a discussion how this onsite/offsite issue is going to be dealt with.

MR. FEES: I don't know where people think. I don't know that they are that close that they can't be separate issues.

MS. CAMPOS: Susie, is there a comment about this?

MS. FERGUSON: Yes. I think issue would go with Ed. To me, it would be easier to handle one and three together. But then, from a process standpoint, David, I think I still have difficulty dealing with five as a separate small group until we get the results from the other questions back together.

MR. FEES: Yes, five is a little different. We had discussed this as a way of

proceeding, based on what we have heard on issues one through four. I think five has gone a little bit different. We all agree that there should be balance between waste and onsite releases. Then it is just a matter of restructuring the form, and that is restructuring/ adding data elements and that sort of thing; it ties back to the others. So it almost makes five a non-issue, other than the recommendation, do a 50-50 presentation in the PDR press release and other documents presenting the data. You do a 50-50 split.

That is the end of the recommendation on that. The other elements in there should just fold into the other four issues. How's that? So now only four groups have got to form.

MS. FERGUSON: And if we combine one and three, that's three groups.

MS. DOA: I think they are fundamentally different issues.

MR. FEES: I do, too, but maybe we need to hear from other people on this.

MS. CAMPOS: Michael.

MR. ECK: Just on the process. I think there is a big difference between what Susie and Curt had to do last time, where we broke up into small groups and recommended solutions, and she combined those solutions, and the situation now where we have not come into agreement on four significant issues.

In spite of what David just said as chairman, I don't think it is a simple matter of redesigning the form. I don't think there is agreement even that the form needs redesign for any particular issue.

If we are going to break up into groups, I would ask that we be directed not to recommend solutions. If the larger group can't find solutions, I doubt if a smaller group could find a solution which would be acceptable, but rather, to clearly restate the discussion and draw conclusions. The conclusions do not have to be recommendations. The conclusions can be other suggestions for a sub-issue that needs to be explored, it can be a recommendation for a clearer definition of the problem from EPA.

I understand you need or desire to see that we have not wasted two days. But I think you are jumping ahead of the consensus here.

MR. FEES: I agree that the discussion on the topics maybe wasn't developed quite as far as where we had developed at the end of grouping four groups options last time. But there is still room for smaller groups to take what was discussed and work with it, and put it together and try to make sense of the ideas that came out of it.

Maybe that is not going so far as saying we recommend that EPA do the following, but maybe it is, here are the points that we feel are important to this issue, and some solutions that were presented, and try to articulate some of that.

MR. ECK: If we are going to do that then, don't think you can just get away with scheduling just an hour and 15 minutes for the next meeting to review that. Essentially, it will be another day and maybe more. There is in my feeling such a level of disagreement, that even a careful -- the refinement and precision that comes with putting ideas down on paper is still probably going to exclude significant -- especially if we've got five people doing it -- you are going to exclude significant viewpoints, which were not perhaps well articulated in the two hours or so that were allowed today, but which at 3 o'clock a week from now in the morning, I will probably wake up with a brilliant idea that I will not put down on paper, because I need my sleep.

So again, I'm just asking for a wider direction than find solutions here, and a realization that the issue papers are going to require another round of discussion perhaps. I don't think we're at the point where we can rattle out with what was accomplished in

the first part of this meeting from the December discussion, where I think we did have a good feeling of consensus.

MR. FEES: I may be not being quite as pessimistic as being totally all over the place on all the issues. I think we had accomplished a lot of understanding on those issues. I would imagine it would be up to the group as well as individual groups, if we form that, for them to decide where they feel comfortable going. Do they feel comfortable drafting up recommendations that take in all the salient points that were presented when we discussed the issue, or not going that far, maybe just summarizing succinctly the ideas that were discussed on an issue, and then bring it back and we would have to discuss it more.

The thought was, even if we did something to this recommendation, we spent an hour and a half discussing these five issues. In an hour and a half, that is a whole day right there. So we were already anticipating spending a whole day on these. It wouldn't be, here is the issue one group saying here are the recommendations, let's have a little discussion, and stamp it and go on after a half hour or an hour, that there was still going to be a fair amount of time spent on this. It is a way of essentially trying to get some work done between now and the next meeting.

I would also like to add the thought from EPA, now that we have done discussions for five, six and eight, and the side concept of how to characterize the data, pulling all of that together, and that be our topic for the next meeting. No new topics, no Form A, no energy recovery, no any other new topic, simply pull all this together.

MS. CAMPOS: Robert?

MR. STEIDEL: I agree exactly with what you're saying. I think what I heard you say is that we would synthesize, not draw conclusions from, what we heard, and try to bring that back in maybe a one-page bulleted item for the whole group to consider.

MR. FEES: That's fine. There are definitely differing ideas on all the issues.

MR. STEIDEL: Because issue five, this is motherhood and apple pie, there is nothing really here. But it does segue nicely into talking about how the data is presented in the data release. So if you want to take it there or stop and go back -- one thing you said is, go back and revisit five. I am totally confused on where Section 5 is, I have no idea where we wound up with Section 5. So it would be good to go back.

MR. FEES: Sam was still looking for FEDIC by linking the 5 and 8, when that was really what we wanted to do at the next meeting. At least, that is EPA's thought, and I concur with that. What do people think about that? Would that essentially be the topic that we work on?

MR. SKERNOLIS: Synthesize maybe the two approaches that -- I don't know how everybody else feels, but it seems the approach we used last time with the breakout groups on the PDR was successful. People weren't sent out saying, you have to work on this issue or that issue per se. It was, come back with recommendations within your group and then we'll do the synthesis afterwards.

It seems to me we can start out the next session basically asking people to look at the more cosmic issues now of how you integrate five, six and eight, and come back with a group of issues and suggestions and recommendations. Then we all share those again in either the afternoon of the second day or something like that. That way, you get the benefit of the small group debate and ideas synthesized into the larger group.

MR. FEES: What would your viewpoint be on the issues that we worked on today? Do we just simply digest what we have heard, essentially drop them for the greater picture?

MR. STEIDEL: I have a bias in that. I think issues one and three deserve more discussion about whether or not there is going to be a fact or recommendation about how to resolve that. I agree with Bob about issue five; I don't think it requires too much more. But it seems to me we have left a lot on the table with issues one and three. We ought to spend some more time, because these are big issues regarding what kind of information you're going to have, how it is going to be represented to the public and on the form and everything else.

I would like to see more time spent on that in the next meeting, too. But if EPA wants to get some integration of the different sections of the form now, --

MS. FASSINGER: Just a process question. The last time we formed groups, we formed several small groups, and then you got together and consolidated those comments. From what I have heard you say today, you wanted only to form a couple of small groups that each addressed different issues. Or would it be the same as last time? Those are two very different approaches.

MR. FEES: That's right. This approach I presented to you is, four or five people go off and take one issue and flesh that out. Choosing who is on that issue is those that feel they have significant input on it, as opposed to these three or four or five groups of four people going off and looking at all five issues, apparently parallel.

MS. CAMPOS: It sounds like the small groups would bring their results, however synthesized, to the full group

MR. FEES: Of what issue? One issue?

MS. CAMPOS: One issue.

MR. FEES: One issue per group. That is what I'm saying. Or the other way of doing it is have each group synthesize their ideas on all the issues?

MS. FASSINGER: It seemed that the first approach that we used last time, the groups were able to get into some discussion and come up with options. But then it seemed like it jelled fairly well in coming together. We find a lot of commonality. We were able to I think reach consensus a little more quickly when we saw the final product.

I can see the potential, if we only form single small groups this time, that we're going to go through the same thing that we went through here. I just don't know how much farther that would get us ahead.

I think another option, either go back to the small groups and do what we did before, or have a couple of -- I don't know if EPA can do this, but bring a couple of samples of how all this fits together between what we discussed last time and this time, and show us forms and some data, and how that data would be entered and polled.

I think right now, we are trying to see how these pieces fit together.

MS. CAMPOS: Paul.

MR. ORUM: What I would like to do is hear from our sponsor, EPA, as to what would be useful to them on the issues we discussed today and yesterday, bearing in mind that we are not a decision making body here, but one needs to illuminate issues, agreements and disagreements.

I understand the general interest in how things fit together, but just on the issues that we have discussed today and yesterday, do you have what you need from this group? Or is there more?

MS. DOA: I think the synthesis that David talked about would be useful, and in terms of what I need, if I could go with that, because this gets to the issue of combining issue one and issue three. I know that there may be differing opinions, but what I need

from issue one and issue three in particular -- three is the POTW, to deal with the issue of the one to 100 percent potential error range, and how that relates to all sorts of other treatment.

If the group wants to look at, synthesize and maybe develop options, not even a recommendation, things for us to consider, that would be useful. For option one, I think the same thing. The synthesis are the three data elements per year, is that useful and provide other options?

Let me look at two. I think there are a lot of ideas, a lot of really good ideas, and some synthesis, and some separation.

MR. ORUM: Maybe we need to go away and digest it and come back and say, this is exactly what we need at the next meeting. I thought this meeting was really well organized with its issues paper, but I bet you didn't leave the last meeting knowing what those five issues would best be. It's just a suggestion.

MS. DOA: Wait, I'm sorry. I didn't understand that last thing.

MR. ORUM: I thought this meeting was really well organized with the five issues in the issues paper. But I bet you didn't leave the last meeting with that level of organization. So what I am suggesting is, maybe EPA needs to go and think, it appears we have got enough on this, we need to hear more about this, and help set that up before the next meeting with the redesigned issues paper for that meeting.

MS. FERGUSON: An alternative that might work well. I think we can organize the discussions. I think we could present alternatives in the pros and cons we heard, and get that down into a form to look at. If each group did that, then the recycling might be a little different, because that group has a particular problem they wanted to propose some options for the rest of us to take a look at.

If we got those back, those discussions or recommendations, then we could small group the first part of the meeting next time, and brainstorm and then come back together, and then you could build your consensus, just adding another step in there. I think that would help move everything forward.

I would like to do that kind of process before we got into maybe the next day of the form itself, and how does that all wrap up. It seems like we just need an extra step in there.

MR. FEES: So you're saying have the small groups work between now and next time?

MS. FERGUSON: Right.

MR. FEES: And then also have the breakout groups.

MS. FERGUSON: Breakout, to look at the whole range of issues to further the discussion, to see if there are specific recommendations that fold out of that, and then see how far away or how close we are.

There is a lot of information around the room, more on some issues than others. Just capturing that and looking at it helped me understand the issues, or would help me understand a little bit better, I think, just as a way to approach. And we would need someone from the staff to do the same thing, take the charts and convert them to documents to send out, to begin to work with.

MS. CAMPOS: Michael.

MR. ECK: Just to the idea of addressing how it all fits together, which we may have already moved past, but is EPA going to have -- the meeting is only from the last TDR meeting. Did we ever get a final summary on September?

MS. PRICE: Michele said she was going to send it out early next week.

MR. ECK: So that will be sent out. If it all fits together, we need those final summaries from September and December.

MS. PRICE: We're going to send out the final from September next week and a draft from September next week. So you should get it in one package.

MS. CAMPOS: Edmund.

MR. SKERNOLIS: I was going to build on what Susie said. I think that is a very workable approach. It might even be made more efficient if EPA could take the minutes of this, and even though we didn't reach agreement on too many things, someone suggested doing some mockups of what the forms might look like, or what the differences in the data might be, based on some of the different outcomes, like when we did those six options for POTWs, it was outcome oriented.

We could then use those like issue papers. That is what Joan had suggested. That would be input for the small group process. We are all working from the same basic issue paper: these are the different kinds of things that result if you go down certain pathways that will suggest it, then we need to put them all together and build small group consensus.

MS. CAMPOS: So it sounds like there is an interest in synthesizing everything you went through in the last two days, but not necessarily reaching conclusions or recommendations. Rather, synthesizing them so that as many of the ideas are captured --

MR. FEES: Maybe use the word options, as Susie suggested. Options suggest that there are ideas, and they might even be differing.

MS. CAMPOS: With pros and cons. Then at the next meeting, you would break up into small groups and have something to look at and analyze.

MR. FEES: Would we present the work of these little groups before we broke up?

MS. CAMPOS: We should, probably.

MR. ECK: Could we present it beforehand?

MR. FEES: Beforehand.

MR. ECK: Shouldn't the papers be circulated at least a couple of weeks beforehand? Even a week beforehand doesn't cut it. I was out of town all this week, basically. This is the last stop of a very long week.

MR. FEES: That would be the hope. The holidays were in between the last meeting and this meeting, which slowed our progress on this. But I would think we would probably at least read over them, probably not spend a lot of time in discussion, just kind of read over them and let each of the four groups explain what it is that they put together, and then have the groups break out. How is that? Then come back together again.

All that sounds like it would take pretty much one day on these issues. We do need to leave time. If the idea is, now we want to look at that in conjunction with the Section 4 issues.

MS. BORDACS: Maybe if we get the issues done. We are looking at these sheets on the wall, we had different sheets yesterday. So even if the single group discussion doesn't work out, but at least we could look at the issues before the next meeting, or whatever brainstorming ideas or options we came up with so far.

MR. FEES: Joan, did you have something?

MS. FASSINGER: I think the idea of maybe getting like three forms -- and

again, from EPA's perspective, it would be real helpful to have a reality check on what can be done and what can't be done in either the short or long term and the degree of burden, both on the -- especially for EPA to get this done within a certain time.

It would be helpful -- I've got a stack this thick now of papers and options and discussions, but it would be very helpful to look at three forms with the added data elements, in combinations, to possibly address the issues and review those forms, a working product, and see how it looks and how it falls together.

I think conceptually, we have discussed these, and we understand the issues that everyone has, or concerns or a desire for or against something. But seeing that working product can tell us a lot about how it fits together and how reasonable it is, both for EPA to implement or for us to implement, and for the users to use.

MS. DOA: Can I add something? More of a temporal thing. Some of these things, as we move forward on the EPA rulemaking, are things that we would like to consider in the context of that. So we do have a timing issue, and I need to think a little bit more about the timing issue, and see if you are uncomfortable with this.

Because of a timing issue, we might take some of the things that come out of here and look at them with different options. But the group may not have totally finalized them, but we have moved ahead of where we need to incorporate things. If that is the case, to maybe reflect a more formal end point at the comment period time. Is anybody averse to that?

I just have this timing issue, but we wanted to get input from the whole group. We have a lot of input; it needs a synthesis.

MS. FASSINGER: It seems if we discuss them as options and then get into the pros and cons and whether they meet the issues that have been brought forth here, we're not necessarily locked into a commitment or consensus to deal with your timing, but you get the feedback that you need.

MR. FEES: But they might ultimately pick one option, right? They are going to pick something to put forth in the rulemaking, the proposed rulemaking, which may have been one that was kicked around this table, but maybe only a third or half of the people here ever bought onto.

MS. DOA: Right, but the other thing that we might do though is have maybe one recommendation -- and this is all coming under management, too, as you all know when you go through your management, but we would include some of the other options. We are also asking comment on this way to handle POTWs as well as a recommendation.

I wanted to bring this up, because as Joan said, the feedback is very, very useful for us as we move forward. But because our timing -- I don't want people to think that we were going to go (word lost) because that was certainly not the intent. We just have certain timing issues.

MR. STEIDEL: Just one process plea. Some of us have a lot of people we need to take everything we are working on through, apart from this committee, and we need as much time as possible on the front end to get things -- e-mail works great, but still, I frankly have got about 15 people in a work group that all are supposed to get everything I get, so they can comment and then get it back to me so I can synthesize it. So the more lead time we can get on everything, that's great.

MS. CAMPOS: Susie.

MS. FERGUSON: A couple of things. Maria, for your issues, if there are key elements or provisions of any of our discussions that you think may relate directly to your

rulemaking, you might highlight those as we go through. Even if the group doesn't have a consensus or a range of opinion at this point in time, but has just begun the alternatives, you will want to be broader in your proposal, laying that out, saying there are several things you could take. Otherwise you will be re-proposing that as a rule in terms of your comment period.

The other thing is, I take a little bit different view of the role of an advisory committee. We want to help you and answer your questions, but we may see issues that you haven't seen yet. I think we have an obligation to lay those out. We may disagree about them, but we need to lay that disagreement out too, so that you know those items are out there.

That may take us in a different direction from time to time, but getting that range of views in front of you, even if you have a rule and have a system right now, what we may want to do is say, next time you change the rule, consider some of the -- or if we had a different law, we could do a little bit more or less or whatever that would be.

So those would be my requests. Let us know your key elements of your rule, try to be sensitive to that, and then whatever advice, take what you can when you can, and at the end of the process you will still have more advice to react to later.

MS. CAMPOS: So, next steps.

MR. FEES: I think the next step is now to form the groups surrounding each issue.

Issue number two already had a group of folks. Let me recount those folks who were on issue number two. I think we are down to four issues, one, two, three and four.

MS. FASSINGER: We might be able to reduce that. It appears that issue two and issue four are also related, activity and -- and so we might be able to --

(Simultaneous discussion.)

MS. CAMPOS: Okay, group two.

MS. BORDACS: Can I ask a question. If we are on group two, we cannot be on another group?

MR. FEES: I think you can, if you want to have input. That is the other thing I was going to say. If you only wanted to be on one group, you might want to consider being on one, three or four instead of two.

MR. SKERNOLIS: Are these groups what we are going to form into at the next meeting, or are these groups for before the next meeting, and then we're going to break into --

MR. FEES: I think we should attempt to work before the meetings, how we can.

MR. SKERNOLIS: So when we come to the next meeting, we are going to do synthesizing groups, not issue groups, right?

MR. FEES: The groups will present what they did, however much or little. Then we will break out into totally different groups and remix the people and talk about the synthesis of all the issues.

MR. SKERNOLIS: Okay, good.

(Simultaneous discussion.)

MS. BORDACS: Isn't that the idea, that we are going to lay out options and bring up issues in that group?

MR. FEES: Yes, we decided that that was the case.

MR. ORUM: Group two is Joan, Krisztina, Paul and David.

MR. FEES: And I want to joint group two. That is the one that is really close to me.

MS. CAMPOS: Krisztina, Paul and --

MS. BORDACS: David and Corey.

MR. FEES: Issue one, that is the waste generated onsite versus receipt from offsite. Sam, Wilma, Paul.

MS. CAMPOS: Sam, Wilma and Paul, so far.

MR. FEES: Anyone else?

MR. SKERNOLIS: Is there a state person?

MR. FEES: Linda. Why don't we try number three?

MR. SKERNOLIS: With all due respect, Ken, don't get mad at me, but I would like to change the title of that to, how toxic chemicals transferred to treatment facilities could be reported in Section 8.

MR. FEES: Take it up with EPA.

MR. SKERNOLIS: I want that to at least still be open. I didn't hear anybody object to it. I asked that it not be separated out.

MR. STEIDEL: I disagree. I think it should be Section 6. The discussion is on Section 6, and that includes Section 1 and 2.

MR. FEES: That is the issue that we had fleshed out the most enumerated items, the six options.

MR. STEIDEL: There were some issues about breaking up POTWs, and you are breaking that out in 6.2 reporters, so there are issues that need to be resolved.

MR. FEES: Okay.

MR. SKERNOLIS: All I'm saying is that I want it to be -- I don't want to be closed out from talking about other treatment facilities by being in three. It doesn't have to be explicit, but it is still an option to be discussed.

MR. FEES: Does that group understand that? Three.

MS. CAMPOS: Who would like to be on three? Susie, Krisztina, Edmund and Robert.

MR. FEES: Number four. This is good, too, because I think you won't want them any larger than five. It might get unwieldy.

(Simultaneous discussion.)

PARTICIPANT: Can we make sure everybody is on a group? I think it is important that we have everyone's input.

MS. CAMPOS: A suggestion was to make sure that everyone is on a group, to insure that your input is --

MR. FEES: We discussed that. We didn't necessarily want to strong arm people, given each person's time constraints.

MS. CAMPOS: And the thing to remember is, you're going to discuss these when you get back together. If you feel like you don't have the time to participate on the group, but you have the one thing that you want to make sure they consider, send it to the person who is the coordinator or the team leader in writing.

MS. FASSINGER: I think this is very valuable. There is a lot of input that would be very valuable, if people, if they have time constraints, could at least indicate their area of interest, even if they can't fully participate. At least we can maybe make sure we get input.

Number one, we want to maintain balance and make sure we get various perspectives and input, and number two, there is a lot of folks that I don't see signed up that their input I would consider very valuable.

(Simultaneous discussion.)

MR. FEES: Ken, I thought you were a shoo-in for four.

MR. GEISER: The thing is, Rick can carry a lot of -- I just have one message that I want to get to Rick about it, but other than that, I don't have to be on that.

(Simultaneous discussion.)

MR. REIBSTEIN: There is a general comment that I wanted to make. I think the fact that there were a number of people who didn't volunteer for anything, maybe that means something. Maybe we need a group five to capture what we are not capturing with these extra people. Spend a couple of minutes now, seeing if there isn't another area of discussion that could move forward.

For instance, we started on this whole thing talking about how to characterize releases. I'm not sure where that is now. Maybe people don't want to go back to that.

(Simultaneous discussion.)

PARTICIPANT: I'd like to be on two as well.

MR. REIBSTEIN: That is what you think of my suggestion, huh?

PARTICIPANT: Doris, I'll be on number one.

MR. JACOB: I see where Rick is going, and I am looking forward to working within this new process we have set up here. But I still don't see anything here about burden reduction, I still don't see anything here about small business issues, like the Form A, which has been brought up repeatedly. Since we have drifted off into future --

(Simultaneous discussion.)

MR. FEES: We are talking about the next meeting, but we still have three or four more meetings after. We've got time to discuss some of those things that we want to talk about at the second meeting.

(Simultaneous discussion.)

MR. STEIDEL: I'd like to echo that plea. I have been asked after every meeting by people I have to report to, what has the committee done to reduce burden? What has the committee done to streamline, and what has the committee done to save money? And I haven't been able to tell them anything yet. So the goal of the committee is to focus in on those issues, so somehow --

MR. FEES: It is a good point that we keep that in mind, because they were a part of the overall issue paper.

MR. STEIDEL: I always keep saying that the goal really is to improve TRI, but those were also put as goals in the Federal Register, and people keep reminding me of it.

MS. DOA: Could I ask a question about that? In the Form R streamlining, Joan's example, I would think that would be something that people consider when they are looking at, should the Form R be redesigned, and should it be redesigned in a way that it is easier to fill out, we are more straightforward.

MR. SKERNOLIS: I just want to go back to what Maria was talking about earlier regarding integrating this group's efforts with the rulemaking schedule.

Is the way we set this up for the next meeting consistent with what you're going to need to have a sense of what the recommendations are, options are, for the Form R package? In other words, how do Sections 5, 6 an 8 all work together now, given some

of this? At least, what are the permutations of that? Or is that going to be the next meeting after that, or is that going to be consistent with your schedule?

MS. DOA: I think the issues in terms of the rulemaking are more the things that we dealt with today. I think that is what that rulemaking deals more with. So that we are going to take the info from today, and then what will be generated at the next meeting.

MS. CAMPOS: Susie.

MS. FERGUSON: Some things I would like to have for future meetings, and items. I don't know if we are to that point in time. But a bibliography of the committee comment papers and submittals would be nice, just sort of a listing, because I'm afraid I'm losing something in those issues. Maybe that is what we are wrapping up with the next minutes, but it seems to me that that library is real important to have, so we don't lose something.

Also, a bibliography of any EPA reports, works in progress, rulemaking schedules that you think would aid our discussions or that would impact your schedule if you had certain things -- that is a two-way street. It seems to me you have in your head several different things that might be helpful to us, that it would be nice to have.

I think we may want that same sort of list before we start the small business issues. I have heard there is going to be a small business report, that you have done one as well, at least the materials Kevin presented yesterday. I would be real interested in some of the studies on -- I forget what you called it. You were saying you have looked at some of the efficiency and environment issues, too.

MS. DOA: Oh, the Salagi report, the information collected under other statutes and how that compares to --

MS. FERGUSON: I think that might feed into the burden reduction discussion quite well. Then we may talk formatting. I don't know how you are currently getting the reports, but there are some discussions about spreadsheet versus other electronic formats, and maybe a discussion.

Once we decide what the forms should have on how to receive that information and how to better prepare it, to get at some of these streamlining and cost saving issues would be -- all pieces of that future discussion, I would certainly like to have, preferably in advance, so I can prepare for that.

MS. DOA: Okay.

MS. CAMPOS: Joan.

MS. FASSINGER: Based on what Susie said, and a couple of points raised earlier, it might be helpful in one of these discussion groups to have a set of questions, how does this better provide the information we are after and how does this streamline, so that we can look at a common set of key elements and respond to those as we work through with the groups, and then have some commonality between them, as far as the overall picture.

MS. CAMPOS: So a set of goals?

MS. FASSINGER: Well, we could each have like a list of issues to address our questions to, that provide that balance, or the overall picture. That way, that would help provide a link. If we don't have, we may all go off in different directions, and it might be hard to piece that together in the long run.

MS. CAMPOS: Paul.

MR. ORUM: There are two areas I think we might look at for streamlining.

One is Section 1, the facility I.D. information. There has been a long history of proposals to create a uniform facility I.D. project through EPA, and that may or may not be something for this group to get into. If you could link all that information, you wouldn't have to be reporting it again and again.

Again, that may not be something for this group to get into in detail, but could be something that was listed among ways to streamline and reduce burden.

The second area I pose as a question: has EPA looked at -- or has anyone else here looked at Section 7 for potential burden reduction, and would that be an area that we could look at?

MS. DOA: You mean 7B?

MR. ORUM: Section 7, the treatment efficiency stuff.

MS. DOA: Seven A.

MR. ORUM: I have not. It might be a new place to look.

MR. SKERNOLIS: Are we doing things now for future meetings?

MR. FEES: Yes, it sounds like -- people are talking about streamlining. That is essentially a topic for meetings beyond the next one.

MR. SKERNOLIS: Could I take two minutes then?

MS. CAMPOS: Do you not want to close off the group charge? Do people have enough clarity about what you're supposed to do in the small groups, what you're going to work with?

MR. CHAMBERLAIN: I have two comments. One is, I'm not for sure about that, A. B, I thought Joan's suggestion was that as we break out into these groups, that perhaps the groups when they bring back their suggestions, that they try to answer Bob's concern about what value added benefit these suggestions provided in terms of streamlining burden reduction or cost saving, rather than the big picture, a separate issue down the road. That is kind of what I thought I heard.

MS. CAMPOS: I missed those questions.

MR. CHAMBERLAIN: It was streamlining burden reduction and cost impacts.

MS. FERGUSON: Process wise, though, if we're just going to organize the discussion and raise optional pros and cons, these may be things we want in the small group breakouts when we suggest ideas or recommendations.

MR. CHAMBERLAIN: Another small group breakout down the road?

MS. FERGUSON: Yes. It depends on what is the task in front of us. I was thinking we could at least organize the information and present it back.

MS. BORDACS: Having said that, I still like Sam's idea that those groups that are working on a topic would come up with how these would fit into those three items.

(Simultaneous discussion.)

MS. CAMPOS: So the primary goal then is to synthesize the information, all the discussion, the different points of view that were exchanged on your particular issue in these two days? And then take it a little step further, if you can, to develop options, including pros and cons, that the full committee can study when you come back. Does that clarify

MR. GEISER: If Sam's points are up there, I think those are good points. But I would just not be able to feel very comfortable unless there was also improved access for the public or uniqueness of the data to the public.

MS. FASSINGER: And EPA would add accuracy to that.

(Simultaneous discussion.)

MS. CAMPOS: Mike and then Paul.

MR. SPRINKER: I guess the other thing too with the issues of streamlining, burden reduction and cost is that I suppose it is possible to look at each section of the Form R we look at, and say what is going to be the -- what are the impacts from each of these sections.

It is also possible that the addition of some extra elements in one session could lead to perhaps burden reduction, streamlining, et cetera, when you take the whole form as a whole. So I wouldn't want to get us too caught up in whether each of these areas can lead to reduced burden and streamlining, reduced costs, without seeing how its impact may be on the whole. That may be something that we to some degree wrap up with in some of the later meetings.

So that is a caution. I don't want to see us wrapped in each little segment.

MR. STEIDEL: But wouldn't that be considered synthesis anyhow, if you bring all of these together? You may see those linkages.

MR. SPRINKER: Yes, you're right, we need to be looking for those linkages.

MS. CAMPOS: Paul has comments, and then Edmund.

MR. ORUM: I was also reacting to seeing those lists of items, to remember that we spent considerable time on areas such as data presentation and impact, which should be listed there. It is not just streamlining burden reduction, cost impact. There were other reasons that we were convened as a group, some data presentation.

And also to remember that when we talk about burden reduction, that burden reduction applies not only to reporters, but also to data users. For example, putting the big box of the total in Section 8 is something that a computer can add up very quickly, but if a data user has to go through the process of doing that separately, and learning to put those numbers together, then that is extremely burdensome, and all the explaining you have to do. So burden reduction I think should apply there as well, something that is always overlooked.

MS. CAMPOS: Edmund.

MR. SKERNOLIS: I talked to David about synthesizing all of those into a chart earlier on. We are new to the system, and we are just starting to take stock of collecting information and how we are going to fill out a Form R, so we don't know how much of this applies across all the different industry sectors.

But two things struck me in the conversation, talking about this data gathering burden reduction, accuracy and cost that we always mention as separate items. Two things actually Carolyn said. One is, the political statement that TRI is 40 percent, and how accurate is that, and then your earlier statement today about, you believe the cost is worth the benefit.

That is kind of where I'm coming from, in terms of looking at what it is costing us, looking at the accuracy issue, looking at the benefit and everything, and wanting this group to take a look at this.

All I did was chart out the cost of gathering a piece of information. Remember, we're not talking about the cost of filling out the Form R; we are talking about the cost of information management from the time you have to find the piece of information, process it, put it on the form and send it, and then the quality that might be associated with that piece of information.

So you can take any data point, and it is going to have a cost factor, how much it costs you to get it, and it is going to have a certain confidence -- precision, accuracy, fill in whatever meter you want here for data quality, but the notion is the same.

Across various industries, it might be very low cost and wildly inaccurate to get a piece of information that you are going to put in that Form R. It might be very low cost and very, very accurate. I can give you an example over here. If you order a materials to specification, and that pigment can contain no more than one percent lead, period, or .99 to 1.1 percent lead, and you have that on a computerized inventory, it costs you virtually nothing to cut that piece of information to get ready to look at your threshold levels, and it is going to be highly accurate. You have fairly high confidence of that.

By the same token, you can have something up here which is very accurate, but for example, you send me a waste stream, and I have to do $10,000 worth of testing to find out all the TRI chemicals that are on it. I'll have a lot of confidence in that information, but I can't afford to do $10,000 a truckload.

And you have everything in between going on all the time. What struck me in terms of looking at this issue more closely over the last couple of months is, we don't look at this in broad information management terms. I think what Maria is getting at is, we don't really know where a lot of this data fits into, in terms of the quality. We might have a situation where we are asking people to spend a huge amount of money and not getting very high quality, and somebody else spending a huge amount of money to get a very high quality, but there is no way to reconcile that across companies or across sectors.

The reason I have this up is because I think the underlying problem I have with why we are driven in this direction is the notion of best available data. As a result, what we are faced with as people have to collect the data and fill it out is, you have to find out what is the best available data. You are virtually required to ignore costs, and then you are left at the mercy of the state or the regional person who is going to decide whether you properly filled out your form.

So I might have two facilities across a boundary of a state or a region. One regional EPA fellow is going to say, this is good enough, and the next one is going to say, no, that is not good enough, you have to be here, because the customizing, the winking about best available data, the reason test, occurs on a site specific basis between you and your overseer.

So you have wildly diverging costs, wildly divergent accuracy. So Carol Browner can get up and say, we've got a reduction of 40 percent, but if 80 percent of that data is down here, that is a lot. It is a false statement. No scientist would ever support that number as being a valid statement. If most of the data is out here, she can speak with great confidence about the accuracy. No one would say, that is a pretty good guess, a very good estimate of what is going on.

That is the problem I have. I think we need to look at it that way, not just in the context of how do we lower the cost of filling out item five on the Form R. It seems to me EPA has to take a hard look at what does it cost to get representative data out there, as to what is going on.

I think the first point of departure on that is looking at the notion of best available data versus representative data versus standardization of certain data gathering techniques across industry lines, which will lead to consistency, it will lead to lower costs, and a whole bunch of other things that I think benefit everybody.

MS. CAMPOS: We have four people that want to comment. Michael, then

Paul, then Rick, then Carolyn.

MR. ECK: Provoked by what Ed has put up, and really wildly off the subject, which I thought was organizing our small groups. But to the point of future topics, as is anything, when you are talking about cost benefit tradeouts, a chart such as this is quite misleading, as I think Ed will find as you get into the TRI process.

Your first time through, you will spend too much and you will have crappy data, as we did at federal facilities. You will then -- if EPA keeps the Form R and the data gathering requirements somewhat stable, which they will not, tend to optimize your processes to collect the data for the form as cheaply as possible, with a tradeoff in accuracy levels to survive an EPA audit.

You will find that the cost of the data gets cheaper every year. We are at the point at some facilities in the Army where we are actually seeing benefits from the data packing required to do the reporting that have nothing to do with the stupid reporting; we are just catching all the stupid inventory that was out there, that was expiring and causing us hazardous waste problems, and we are better managing our materials, and seeing actual paybacks secondary to the tracking.

Now, that is going to be different in your industry, I suppose. But what I would say is that any discussion of reducing the cost which relies upon a statement of the cost of tracking the data based on one year's experience is probably not really valid. A better way to look at it would be to examine the history of organizations which have lived under a fairly stable data tracking and reporting requirement for some time, and to try to identify how they have optimized their processes to collect this data, realizing that they had to, and to what optimum cost per data point and optimum quality per data point they have achieved.

That is by way of speaking somewhat to that issue and streamlining the discussion we will probably not have until summertime.

MS. CAMPOS: Paul.

MR. ORUM: Just a reminder that I think in the law in Section 313.G2 basically are provisions that cut off the top of the form in terms of expense, and support what you are pushing for, which is cost effective ways of collecting the data. It says, the information -- the owner or operator needs readily available data collected under other laws or where it is not readily available, reasonable estimates, nothing requires monitoring measurement of quantities, concentration or frequency and that sort of thing. So you have that delineating language, and an intent that readily available information is what you would use.

MR. SKERNOLIS: Let me give an example where that is problematic. Say in one of my hazardous waste treatment facilities, I take 6,000 lab packs a month, non-computerized from 2,000 customers. That data is already readily available. In order to find out what amount of a TRI constituent I have received, and just to determine whether I am at a threshold amount, it might cost me $50,000 or $100,000, just from that one waste stream.

MR. ORUM: But isn't that basic business information that you should have?

MR. SKERNOLIS: No, because there is no requirement for anybody to give me any TRI information.

MR. ORUM: What I would say is that that is not a TRI question, that is a gross, gross hole in our regulatory system, that you don't know what you are disposing.

MS. DOA: This whole discussion might be good at a time maybe the meeting

after next meeting, when we will get into issues of data quality. Actually, we are just completing a data quality analysis on the manufacturing sector, and the results of that will probably be useful.

One of the things in that analysis was asking about information on how much time it took to collect information, so I think that would be useful information also.

So why don't we --

MR. SKERNOLIS: That's right. I was only raising it as a context of -- people were talking about burden reduction and cost and everything else as integrating over the short term, but some people, like I know a couple of us, we think that is a whole separate issue for long term, for later meetings, not just -- I didn't want to see it get subordinated into the next meeting, and that was it.

MR. FEES: Back to the groups. Two things that we need to work out with that. One, we need a lead person to contact the others, to figure out how you are going to get together. So I would like someone from each group, one person to step forward from each group to take a lead.

MS. BORDACS: I proposed group two, so I can be group two.

(Simultaneous discussion.)

PARTICIPANT: I'll coordinate three.

MR. FEES: That probably makes sense.

(Simultaneous discussion.)

MR. FEES: The next thing is, I think EPA has to do the best job they can with what is written, and put these ideas down and feed them out to the groups. I think issue one, there was scanty stuff written, so we might have to rely on -- the people in that group might have to rely on what they recall the discussions were about and what their notes say.

MS. DOA: So we are not going to send out a modified issue paper that has this material on it, or we are?

MR. FEES: I don't know if we want to do a modified issue paper or just list the stuff and pass that on to the groups.

MS. CAMPOS: And then, what about timing? Whatever the small groups' products are should be circulated in a certain time frame before the next meeting, right?

MR. FEES: The way we worked it before, we actually went through about four iterations of the recommendations before. Susie went through a couple and we kind of flipped around, and I picked it up and did a couple. So that is probably what each group is going to do, go around a couple of times within their own group, e-mailing or faxing this back and forth.

That is going to take a little bit of time. I agree with Mike, that it is not really useful to get a day or two before, so I think we should shoot for -- that each group's final draft be two weeks before, to be sensitive to Michelle or EPA. They turn it around within a day, they don't really do anything with it, other than just make sure it gets out to the whole group. So would that be okay?

(Simultaneous discussion.)

MR. FEES: Actually, that is about the time it took us to do what we did, because we didn't start until right about New Year or a little after New Year. So if that is any kind of judgment -- I think two weeks before the meeting.

MS. PRICE: So around the March 5 meeting? I'll get out to you guys a revised list of everybody's phone number and fax number and e-mail.

MS. BORDACS: Michelle, is it possible to get these typed up?

MS. PRICE: Yes, I'm going to try and get these typed up and to you next week.

MR. FEES: Obviously, the sooner you get things worked out, the quicker the group can start working on it.

MS. CAMPOS: Are we ready to move on to the agenda for the next meeting? You already talked about spending time on these same issues on the first day of the next meeting in small groups, that is, small groups prepare them, review them first, and this group break up into different small groups, go through it and take another step, come back to the large group, and go through what you did in your small group.

That in day one.

MR. FEES: Susie, do you have a comment on that?

MS. FERGUSON: Keep going. I just have some logistical suggestions.

MS. CAMPOS: Okay. You had talked about topics for the next meeting, but I didn't record them, and I'm not sure everybody heard them.

MR. FEES: Beyond that was to pull everything together, essentially what we have done before.

MS. PRICE: I had that we were going to try and present what these four groups --

MR. FEES: That would be first.

MS. PRICE: That would be first. Then we had talked about trying to break up into small groups to try and synthesize what you heard at earlier meetings, plus the next meeting on Section 5, Section 6, Section 8, and try and --

MR. FEES: Would the groups that break out after we come back in the next meeting, would they look at all the issues or just these five?

MS. PRICE: No, I think it is just all the issues.

MR. FEES: Are people comfortable with that? That will get us along. That will get us down the road sooner.

MS. PRICE: The idea is to start working toward agreement. I don't know what would be most helpful for us to provide. It is hard for us to provide electronically a version of the Form R for you guys to manipulate, because it is not something that we do -- it is not something that is real easy to manipulate electronically, for us to be able to bring it here. I know that has been suggested to us before. I don't know if there is a way we could bring xerox copies of the form. You could cross out elements and add elements, that would work.

(Simultaneous discussion.)

MR. STEIDEL: I already have Section 6 and Section 8 in Microsoft Word.

MS. FERGUSON: Could we have laptops for each of the groups next time? If we are coming in with some issue papers and have them on disk, there may be ways to save and manipulate electronically that would save on note taking later.

MS. BORDACS: I'm glad you brought that up, because most of us have laptops here. So we could easily do that. At least, there is going to be one in every group.

(Simultaneous discussion.)

MS. CAMPOS: Something I can talk with you about later, too. I don't know if your agency has them, I know I use them a lot with groups like this, is to use projection equipment that hooks up to the computer, and the computer screen actually projects, and you can do a lot of editing as a group.

MR. GEISER: Maria, I also need to talk about the rescheduling of the next

meeting. Are we going to do that today or not?

MS. BORDACS: Can we review the dates again?

MS. PRICE: Yes. The next date, I have March 19 and 20. It started out the 16th and 17th, and we changed that at the last meeting. The 19th and 20th, I think that is the number I gave you on the phone. May 7 and 8. I know there are a couple of people who said they had problems with that date. Do you want to try and resolve that now?

MR. ORUM: Yes, I would like to, because I won't be here.

(Discussion off the record regarding scheduling of meeting dates.)

MS. CAMPOS: We are at 2:52, and there are two people signed up to make public comments. Rick Lattimer will be first, then Kevin Bromburg. Take five minutes at either of these microphones.

MR. LATTIMER: Thank you. Rick Lattimer. I'll be very short for you. I just wanted to make a brief comment on the production activity index, production ratio activity index.

Coming from a facility and consulting with various facilities at our company on how to do that, I'll tell you, it is very complex, especially for mixed use type of operations.

For example, I know acetone isn't portable anymore, but in the late '80s, one site used acetone in over 100 different ways. So it is very difficult.

However, I also believe this ratio is probably one of the most important things on the form, because without that, there is no way you can gauge or help answer changes from year to year, whether you're looking at waste, you're looking at emissions, you're looking at use, you're looking at whatever. So I firmly believe it is very important.

So therefore, I believe in most cases though, you can come up with reasonable ways of calculating that. So what has been helpful for our sites has been, we have got everyone together that have experience in the various types of operations that we would need to calculate this index. What we did was develop a hierarchy or a matrix of potential ways of calculating that. So we tried to match up the matrix with the type of operation with a recommended method.

So I found that to be a pretty good approach. Then from year to year then, as new people come on and new people calculate it, they can use that same approach.

So I think something like that needs to be developed. Whether each industry could come up with their own subset of ways of calculating, or whether there is enough uniformity, where you may have seven or eight nationwide ways of calculating it, that could be a part of a guidance that is developed.

So in order to get those various methods, I recommend that EPA, maybe a part of the proposed rule process for the Pollution Prevention Act that has already been mentioned, or outside of that, maybe seek help from trade associations or consultants, whatever, but I think you need the input from the plant personnel that are familiar with the operations taking place.

Things like the New Jersey information, I wish I had that four or five years ago. We don't have any plants in New Jersey, so there really wasn't any way for me to get that instruction form.

Now, we struggled and struggled, and one of our methods is very similar to that. So I was pretty happy to see that that is recommended elsewhere. But I think in terms of burden reduction, a lot of these things that you can get out to plant sites, where they don't have to re-invent the wheel, is a big part of burden reduction. It is not just filling

out the form or finding data; it is what kind of decisions you have to make.

So I strongly encourage any type of activity to improve the data. So to me, that index, if the quality of that data could be improved, I think that will go a long way toward answering a lot of questions, a lot of problems that are seen nationwide, and why wastes seem to be going up or emissions, whatever. I just think that it is a very valuable piece of information, and a lot more guidance and examples are needed. Maybe they are all out there, but I haven't found them all in one place yet.

So, thank you.

MR. REIBSTEIN: Clarifying questions?

MS. CAMPOS: Sure.

MR. REIBSTEIN: Do you have anything that could be made available?

MR. LATTIMER: Yes, I'll be very happy to go back and supply that. What we did was, okay, use this method first. If that doesn't seem to work, try this, if that doesn't work, try this. Pretty much a bottom line was, if all else fails, use use, which is the absolute worst thing that you can do, but in some cases, some areas just felt that was the only thing left.

But I'd be very happy to provide that. I think that type of approach is what is needed on a plant level, because you have various operations, pilot plants and whatever, that might make something once and never again. You need some type of approach like that.

MS. CAMPOS: Any other questions? Kevin Bromburg.

MR. BROMBURG: I'm sorry to take up the additional couple of minutes of the subcommittee, but we have a procedural problem that I guess I should have made more clear the last time.

The OMB approval for the Form A expires May 30, so I have to spend time and EPA has to spend time dealing with that paperwork clearance and getting all the recommendations done, and figuring out what the next step is. May 30 is the expiration date. That means we have to be prepared before then.

EPA has already got a report on the Form A. We are going to finish our report on the Form A. If I don't get an hour of time to hear some input from this group in the next meeting, we'll be doing it alone. I guess we're happy to do that, but the purpose of this group, we had thought many months ago when the agreement was made within the Administration to have this group, that we were going to get your advice.

Now, we can do it with you folks, or we can do it without you folks, but this is the fourth meeting, and I think maybe it is important enough to get one hour of input. You don't have to do any additional work; all you have to do is read the stuff that we're going to give you, and tell us whatever you like, and then maybe you can have more conversation. If there is a proposal ever, then you can be in on the proposal.

But I was hoping, without being more blunt than I am -- as blunt as I am now, that you can just decide to spend on the second day, give an hour and tell me and EPA whatever you would like of your heart desires, and then we would be at least moving ahead with some input.

I was hoping that that would happen this afternoon, to make that decision, but I didn't hear that. That is where we're at. Perhaps you guys can decide before you all leave today, maybe you can just put it on the agenda and I won't have to worry about it. But we will be going back, we'll be doing our work, because we have to.

MS. CAMPOS: Questions or comments?

MS. DOA: I have a question. Kevin, aren't some of the -- I've seen some things that SBA has put together, but don't some of the ways you would like to see Form A change require rulemaking?

MR. BROMBURG: They certainly do. They require a proposal, which is why we would like the input earlier. I'm thinking of a proposal like in May or June, that is correct. I'm not in the time frame you're in.

MS. DOA: But the clearing (word lost) will be the end of May, and to go out with a proposal and a fine rule between now -- are you suggesting that EPA go without a --

MR. BROMBURG: A condition of clearance could well be a proposal, getting one out, that's correct. That would be --

MS. DOA: I guess my suggestion is, maybe some of the things that you're talking about can be brought to the committee, but they might be a longer term, some of the changes maybe that you're looking at may be longer term issues.

MR. BROMBURG: In terms of getting them to comment on a proposal that is already issued by EPA? I'm missing it.

MS. DOA: There is a final rule on the Form A, Kevin.

MR. BROMBURG: Yes. What are you suggesting, longer term?

MS. DOA: Well, I'm suggesting if you would like to see changes to the Form A, the Form A is something that will be coming up in I think the meeting after next, after we finish the Form R. There will be a day -- or I don't know exactly how much time allotted to that.

MR. BROMBURG: That is May. Right, that's in May, that is correct.

MS. DOA: I think I'm just asking more of a procedural issue, because if you look --

MR. BROMBURG: May is a little late to work on the kinds of concepts -- if I'm working toward a proposal in May or June, getting the comments from this group May 7 is rather late. That is what I'm working on.

MS. DOA: Well, I guess I just question whether it is physically possible to make changes on the Form A by the expiration date, through proposal, comment and final rulemaking.

MR. BROMBURG: The kind of changes that I am thinking about I think are changes that can be made in the space of six months, even in EPA time.

MS. DOA: But the form expires within a couple of months.

MR. BROMBURG: It will be re-approved, conditional on having it re-approved by December of this year, for example. That can all be done. That is not a problem.

MS. DOA: So is that what OMB is going to do, do you know?

MR. BROMBURG: I have not spoken with OMB about that. We will be, yes.

MS. DOA: The point is, even if it is to the end of December, Kevin, I think that that probably wouldn't preclude it coming up on schedule when the group had talked about it coming up.

MR. BROMBURG: This group can talk about it in May and in August and in July forever. I wanted early input, and what I haven't gotten is that early input, and that is my frustration. It is true that there will be a rule -- I am anticipating a rulemaking period in which these people can individually comment on the rule, and I'm sure many of you will be doing that. But the purpose of this process that we agreed to back in April was, we

would have some burden reduction and we would have some input from this group. And here I am, meeting four, and I can't even get -- although meeting four is not even on the agenda, it is meeting three here, yes, and I'm disappointed, that's all. That is for the group to consider. We will be moving ahead in any event, but that was the purpose of the group, to have some burden reduction, some input at a time when I can use it. We'll use it later.

MS. CAMPOS: Carolyn?

MR. BROMBURG: I can do that.

MS. HARTMAN: I think this group has spent a lot of time putting some issues together that we feel like we need to resolve at the next meeting, and then had decided that at the following meeting, we would really try and tackle burden reduction, including Form A, including some of the consolidation projects that are out there, a number of different things that are related to the very issues you're talking about.

I hear you loud and clear, that that's not your timing.

MR. BROMBURG: I just want one hour on the Form A, that's all.

MS. HARTMAN: But I don't really understand why we can't do it at that -- we are proposing that we would spend two days very squarely on that issue. I recognize it is later than you would like, but --

MR. BROMBURG: I look forward to hearing it then. I hope it happens then.

MR. FERGUSON: Is there any time on the second day to have an hour's worth of discussion and presentation of issues? Because Kevin is saying he has got -- if his agency is going to effect change, they have got to put some proposals on the table.

MR. ORUM: But his agency doesn't effect change. This is EPA and OMB, right? That is the mysterious part of this process.

MR. BROMBURG: We're a part of the interagency process in addressing this, so we will have these conversations as we had in the past. There is no question that we have work that we have to do.

MS. DOA: If the group is going to look at Form A, and the group wants to look at all of the possibilities for Form A, some of the possibilities are rulemaking. That is just not going to get done in 30 days, or even 30 days after Kevin -- if he comes to talk to you. And so aren't you giving this short shrift by dealing with it now? As Carolyn said, you all have a brief to deal with the issue more fully in the meeting after.

MR. BROMBURG: I just need to know whether those four columns are a good idea or a bad idea, or adding the media is a good idea, or what kind of number. It is all we need. I don't need anything beyond that.

MS. HARTMAN: We think it is a bad idea, but I think it is worthy of further discussion when we can give it its time, I guess I don't really understand what the legal implications are here. It is being implied that the door slams shut far too soon, when this group is proposing that we spend I think a respectable, significant appropriate amount of time on it in the following meeting. I don't understand the legal implications of that.

MR. BROMBURG: OMB has a responsibility to address this issue --

MS. HARTMAN: This is your schedule?

MR. BROMBURG: It is OMB's requirement, it is EPA's requirement, and therefore it is going to be our requirement, because we are going to work with them. By May 30, some kind of action has to be taken on the Form A, so the Form A approval number does not expire, and that could take any number of forms. That is a legal requirement

The door does not shut, because there will be additional actions that

undoubtedly will occur subsequent to May 30, but since that is the date -- and it was picked that way on purpose, so that things would move, as opposed to what I may have observed is happening here. So we are trying to get --

MS. PRICE: Well, it wasn't based on the toxic data reporting committee schedule.

MR. BROMBURG: Let me not comment more specifically about that. We are trying to get things to happen. By having short dates, things are more likely to happen than not, that's all. It is very simple. It is your choice, that's all.

MS. CAMPOS: Mike?

MR. SPRINKER: I guess I don't want to end up -- being new to this process, I'm not sure what presentations have been on Form A before this time. But I don't want to end up based on an hour's discussion recommending that this is just the right thing or this isn't the right thing. So far, we have only seen this, and maybe that is all there is to it. Maybe that's all there is to Form A. But there are some things out there -- I also don't want to end up being presented with a lot of stuff, even if we spent an hour at the next meeting and having to make all our decisions based on what we are seeing there for -- I don't want to say the first time, but close to the first time.

So if there is something put together, then hey, it would be nice to look at it. In the meantime, I don't want to end up with something at that time, just as we don't want to end up with something a week before the meeting, trying to figure out what the heck --

MR. BROMBURG: Let me respond. EPA had a report on that. It is a month old. We're going to have our report in next week. You will have until the next meeting to read both of them and to do whatever you like.

MS. PRICE: But there are other people who participate in the public comment process and present additional things in the committee, other than just EPA and FDA, in this committee.

MR. BROMBURG: And we will probably change our minds, based on what we hear from everybody in May and the fall, because this isn't going to happen that rapidly. We just want some advice as to how to begin, because that would be useful. It is not supposed to be definitive.

MS. DOA: I just think that in the time frame you're talking about, some other people said it, Kevin, you can't deal with the issues as fully and get all the information that is needed and look at all the options.

MR. BROMBURG: I just want to start on it.

MS. DOA: We have it on the schedule for two days. Unless everybody wants it on, maybe the chair can --

MS. FERGUSON: Would the presentations of the reports, just that part of it, help us shape the issue to more fully discuss it the next time?

MR. ORUM: We would do more than that. We should have a full discussion.

MS. FERGUSON: I know, but look how we have gone forward taking things, assimilating them and then forwarding the discussion. So if there are pieces we need to understand, any pieces I can get in advance to understand help me.

MR. FEES: But you are still saying not talk about them, in other words, discuss them until May.

MS. FERGUSON: No, just get the reports, get the reports and then an explanation of what the reports are, which would give us a leg up for the next-time

discussion

MR. BROMBURG: So you can ask the questions.

MR. ORUM: But that still doesn't answer his question. I believe that -- she asked what was the Chair thinking. I believe that we should -- despite the fact that it makes him mad or whatever, that we should stick to the schedule. We've got I think a full topic to cover next time, and I don't want to short-change that process. I want to finish that process next meeting and go to the Form A then in May.

MR. GEISER: I guess what I'm hearing is, I hear a lot of the committee that is sort of saying that we cannot -- an hour is not enough time. So we would have to dramatically change our meeting next time to accommodate this, and I haven't heard enough of a justification for that.

My sense is, Kevin, that we are not going to do that. But I think that it is really up to you and the people from the EPA to understand. I feel like I am operating in a darkness, because I'm hearing two different stories about when things have to be done, and different deadlines and things like that, and we are not people who know all of those intricacies. But I would suggest --

MR. BROMBURG: Maria and I need to have a longer conversation.

MR. GEISER: A longer conversation about this. But I don't think the option is there for an hour. An hour is just not possible.

MS. FERGUSON: I'd just like to go on -- I know that David Jacobs raised earlier the small business issues that are of concern to this particular representation. I would say as the state representative from Texas, small business is one of our strong concerns. So we do need to deal with the issue as expeditiously as possible. If there's any pieces that could be taken to aid understanding -- I want a full discussion too, but if you issue your report, if you could send it to all the people on the list at minimum, if EPA issues theirs, if you could send it out as a minimum, and maybe shape up the questions for us that you see as discussing, and transmit that as well, that would be helpful.

But I don't want you all to think that small businesses are the only people who are concerned about this issue. This is a vital issue to a couple of us at least on the committee.

MR. FEES: It sounds like Kevin's presentation here is almost crystallizing our topic for after the next meeting, the May meeting, which we hadn't really settled on a half hour ago. We were only talking about dates. That's fine, if we want to pick our topics two meetings down the road, and that's fine, but I don't see us doing any better than that, in terms of the schedule, unless other people disagree with that.

MR. SPRINKER: One quick thing too is, I know at least a half a dozen unions who in the manufacturing sector represent people in small business and who may have an issue here.

I guess furthermore, I'm not sure anymore, given some of the legislative changes in the last year, just what counts as a small business anymore to SBA and to OMB.

The last thing too is, what are OMB's real deadlines and real options? That is a good question. I think OMB, since it does seem to be one of the most powerful agencies in the government nowadays, may have some options that perhaps it might be interesting to hear what their options really are.

MR. BROMBURG: I don't want to mislead you. OMB could approve this form for three years and do absolutely nothing more. So there isn't a requirement that any

action be taken with regard to rulemaking. They have that option all the way to making sure they get a proposal out June 1. So they have all the options under the Paperwork Act.

MS. DOA: But if they give us clearance for three more years, the way the form is now, and they revisit it, if we wait and do this completely for two days, can't the group revisit it as a whole?

MR. BROMBURG: I'm sure the group will have many opportunities. I'm positive you will have many opportunities to work at it, not a problem. The only problem is, I want to work on it now, and I could use some help, and if I get the help later, fine. If I don't -- that's the whole thing.

MS. CAMPOS: It is 3:10, well, later than that. Thank you for your time, you worked real hard. Michelle is going to get back to you on the actual date you settle on. And it was nice working with you.

MS. PRICE: Thank you, everyone.

(Whereupon, the meeting was concluded at 3:12 p.m.)