



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MAY 30 2019

Mr. Curt Wells
The Aluminum Association
1400 Crystal Drive
Suite 430
Arlington, VA 22202

Re: Petitions for Partial Exemption from Chemical Data Reporting Requirements

Dear Mr. Wells:

The Environmental Protection Agency (EPA, "the Agency") has completed review of the Aluminum Association's (Association's) two separate petitions requesting that aluminum (CASRN 7429-90-5) (petition received on January 30, 2019) and aluminum oxide (Al₂O₃) (CASRN 1344-28-1) (petition received on January 31, 2019) be added to the list of substances at 40 CFR § 711.6(b)(2)(iv) and thus exempted from the reporting of specific processing and use information under the Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR) rule at 40 CFR § 711.15(b)(4) (see 40 CFR § 711.6(b)(2)(iii)(A)). After considering the totality of information available during the review of the Association's petitions, EPA identified current interest in the CDR processing and use information for both aluminum and aluminum oxide and is therefore denying both petitions.

EPA has determined that there is continued interest in these substances due to potential concern from workers' inhalation of fume or dust forms of aluminum and from potential impacts on aquatic organisms. Research gaps in exposure-related information exist for both aluminum and aluminum oxide and CDR processing and use information will help fill those gaps. EPA also determined that, for both substances risk screening information complementary to CDR is not sufficient or does not exist. Further, based on trend analysis of available processing and use information from CDR, EPA determined that not only are there many uses for both substances, but there appear to be many new uses emerging, which necessitates future CDR reporting. The enclosed petition review reports further explain the Agency's review of the Association's petitions.

I. Petitioner's Opportunity for Response

If the Association would like to provide a response to EPA's rationales for denial as described in the chemicals' petition review reports attached, any subsequent request that is resubmitted must clearly identify new information contained in the request, and must provide "sufficient specific information, addressing the considerations listed in 40 CFR § 711.6(b)(2)(ii)" (see 40 CFR § 711.6(b)(2)(iii)(A)).

II. Other Issues Raised in the Petitions

EPA recognizes the Association's concerns described in the petition for aluminum regarding potential inaccurate reporting of aluminum compounds and aluminum in products intended for use by children, and the suitability of Industrial Function Category codes in CDR for materials like aluminum. While these issues cannot be addressed through the petition process (because they are outside the scope of petitions for partial exemption from CDR reporting and whether or not a chemical's processing and use information is of low current interest), EPA would like to address these issues.

A. Reporting Accuracy

The Association states that there are inaccuracies in CDR reporting regarding aluminum, as some entities may be reporting aluminum when an aluminum compound should be reported instead. EPA strives to emphasize to reporters the importance of accurate reporting to CDR and underscores that submitters to CDR must report information to the extent that such information is known to or reasonably ascertainable by that submitter (40 CFR § 711.15). See also 40 CFR § 711.1 for information on the legal requirement for reporting under CDR.

EPA is interested in learning about any instances where aluminum compounds should have been reported instead of elemental aluminum, to incorporate this type of information into updated guidance. EPA updates many forms of guidance for reporting to CDR before each reporting cycle and EPA will take the Association's feedback into consideration when revising guidance documents for reporting in 2020.

Similarly, the Association states that aluminum use in children's products may not always be accurately reported. While this does not impact EPA's determination on the petitions, EPA will consider this issue when updating guidance associated with this reporting element for consumer and commercial use (whether any amount of the substance is present in or on any consumer product(s) intended for use by children age 14 or younger) and welcomes the Association's feedback on how this particular data element can be improved.

B. Industrial Function Category

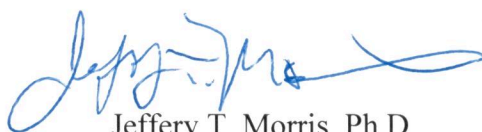
Regarding other challenges with reporting to CDR that the Association identifies -- specifically that CDR's Industrial Function Category codes provided in the CDR reporting instructions and software are not well suited to materials like aluminum -- this concern may be addressed directly by the currently proposed TSCA section 8(a) CDR Revisions Rule (84 FR 17692, April 25, 2019). The CDR Revisions Rule includes a proposal to harmonize these category codes with the OECD functional, product, and article use categories. If finalized, such changes would not only enable the Association's members to streamline their different country-specific reporting

requirements, but also would allow for more tailored reporting, which may address the concerns described in the Association's petition. EPA encourages the submission of public comments to the proposed rule's docket (EPA-HQ-OPPT-2018-0321) at www.regulations.gov before the close of the comment period on June 24, 2019.

III. Conclusion

EPA appreciates the information contained in the Association's petitions. Additional information concerning the disposition of the Association's petitions can be found in EPA's docket number EPA-HQ-OPPT-2019-0224. Please contact Thomas A. Smith in the Existing Chemicals Branch at smith.thomasa@epa.gov or 202-564-7200 with any questions.

Sincerely,



Jeffery T. Morris, Ph.D.

Director

Office of Pollution Prevention and Toxics