

Chemical Data Reporting (CDR) Inorganic Byproducts Meeting Negotiated Rulemaking Committee September 13-14, 2017

**Ronald Reagan Building and International Trade Center
Oceanic Suite, 1300 Pennsylvania Ave NW, Washington, DC 20004**

Agenda

Pre-Meeting Notes

- Directions to the meeting room were provided in a separate attachment.
- In order to maximize in-person time, Committee Members are expected to review all materials sent out before the meeting by the facilitators and be prepared to share clarification questions, strengths and concerns/considerations.
- Additional caucus time may be needed in the evening, early morning and over lunch.

Meeting Objectives

- Present and discuss updated proposals
- Develop a package of recommendations for tentative agreement from Committee Members
- Outline next steps and roles and responsibilities of Committee Members for refining draft recommendations and obtain constituent input before the October 25-26 meeting

Wednesday, September 13 (9:00 AM – 5:00 PM)

Welcome, Introductions and Agenda Review (9:00 – 9:40 AM)

Discuss Exemptions Proposal (9:40 – 10:45 AM)

David Lennett, Natural Resources Defense Council (NRDC), will share the updated proposal. Committee Members will discuss questions of clarification and share strengths, considerations and concerns.

Break (10:45 – 11:00 AM)

Discuss Categories Proposal (11:00 – 11:40 AM)

Susan Sharkey, U.S. Environmental Protection Agency, will share the updated proposal. Committee Members will discuss questions of clarification and share strengths, considerations and concerns.

Data on Metal Compounds Reported to TRI and CDR (11:40 AM – 12:15 PM)

Maria J. Doa, U.S. Environmental Protection Agency, will present a short data analysis and opportunities to discuss further details.

Lunch (12:15 – 1:30 PM)

Discuss Part 3 Data Proposal (1:30 – 2:10 PM)

Susan Sharkey, U.S. Environmental Protection Agency, will share the updated proposal. Committee Members will discuss questions of clarification and share strengths, considerations and concerns.

Approaches E and F – Limit Reporting for Site-Specific Catalyst Recycling (E) and for Reuse of Inorganic Byproducts (F) (2:10 – 2:50 PM) [Contingent on development of proposals]

Jim Cooper, American Fuel and Petrochemical Manufacturers (AFPM) and others, will provide updated descriptions of these approaches. Approach E limits reporting for catalyst recycling, when as an inorganic byproduct that is recycled, reused, or reprocessed either at the site of byproduct manufacture or at a different site, is returned to the site of byproduct manufacture for further use or processing. Approach F limits reporting

for inorganic byproducts that are isolated from a process and later reintroduced into that same process. The Committee will discuss questions of clarification, share strengths and considerations/concerns, and whether to continue exploring these approaches.

Statement on Modernizing Data Collection (2:50 – 3:15 PM)

Amy Kyle, the Sierra Club and CA Communities Against Toxics, will describe this recommendation to EPA on how to modernize agency data collection and reporting. The Committee will discuss questions of clarification, share strengths and considerations/concerns, and whether to continue exploring this approach.

Small Business Interests Presentation (3:15 – 3:30 PM)

Tayyaba Waqar, Assistant Chief Counsel for Environmental Policy, Small Business Administration Office of Advocacy

Public Comment Period (3:30 – 3:45 PM)

Explanation of Process for Caucus Discussions and Cross-Caucus Package Workgroup Discussions (3:45 – 3:55 PM)

Break (3:55 – 4:10 PM)

Caucus Discussions (4:10 – 5:30 PM)

Caucuses will discuss updated proposals. Suggested questions for Caucuses to address include:

- Where do you agree with the package/components and why?
- Could you agree with the package/components with modifications? If so, what modifications would be needed?
- What additional information is needed to make a decision on a package or its components, and how and who will get it?
- Who will represent the Caucus on the Cross-Caucus Package Workgroup?
- What guidance is needed for Caucus representatives on the cross-caucus Package Workgroup discussion?

Thursday, September 14 (9:00 AM – 3:00 PM)

Cross-Caucus Package Workgroup Discussion (9:00 – 11:30 AM)

- What do you like about approaches and how might they be combined into a package that will be acceptable and meet as many interests of all stakeholders as possible?
- Are there any components of approaches that are problematic and how might they be changed to address as many interests of all stakeholders as possible?

Lunch and Caucus Discussions (11:30 AM – 1:00 PM)

Report Back to Full Committee on Caucus Discussions (1:00 – 2:00 PM)

- Identification of tentative package(s) that Committee Members can “live with”
- Refinements of package(s), as appropriate
- Identification of issues for more discussion or refinement and next steps

Public Comment Period (2:00 – 2:15 PM)

Discussion of Timeline and Next Steps (2:15 – 2:50 PM)

Discuss the approach and schedule for refining package(s) and obtaining and integrating constituent input.

Meeting Wrap-Up, Review of Next Step and Closure (2:50 – 3:00 PM)