

Negotiated Rulemaking Committee: Chemical Data Reporting Requirements for Inorganic Byproducts

In 2017, EPA established a negotiated rulemaking committee (Committee) under the Federal Advisory Committee Act (FACA). The Committee's objective was to negotiate a proposed rule providing for limiting chemical data reporting requirements under subsection 8(a) of the Toxic Substances Control Act (TSCA), for manufacturers of any inorganic byproducts, when such byproducts are subsequently recycled, reused, or reprocessed. The Committee met three times.

In October 2017, the Committee determined that it was not able to reach consensus on regulatory approaches and concluded its negotiations.

After the Committee concluded its discussions, EPA provided an opportunity for the public to offer input on where there is opportunity to reduce burden for the reporting of inorganic byproducts while maintaining the Agency's ability to receive the information it needs to understand exposure. This comment period was closed after 60 days on December 11, 2017.

The comments and other materials related to the Committee, including everything referenced below, can be viewed in the docket [EPA-HQ-OPPT-2016-0597](#).

About the Committee

The Committee was established by charter on June 5, 2017, and consisted of more than 30 individuals representing interest areas that could be significantly impacted by the outcome of the negotiated rulemaking process. Committee members were appointed by the EPA Administrator to serve for the duration of the negotiated rulemaking effort. EPA issued a request for nominations in a December 15, 2016, Federal Register Notice.

Committee Meetings

EPA sought public input during this process. Committee meetings were announced in the Federal Register and on the EPA website and were open to the public so that interested parties could observe and share their views. Formal meeting materials and summaries are available in the docket.

- **October 25 and 26, 2017:** This meeting was cancelled because the Committee determined that it was not able to reach consensus on regulatory approaches and concluded its discussions.
- **September 13 and 14, 2017:** Third Committee meeting. Agenda and presentations are available in the docket.
- **August 16 and 17, 2017:** Second Committee meeting. Agenda and presentations are available in the docket, including:

- Operating Protocol of the Negotiated Rulemaking Committee
- Potential Approaches for the Negotiated Rulemaking Committee
- Background document: Importance of CDR Data
- EPA presentation on Approach A
- **June 8 and 9, 2017:** First Committee meeting. Agenda and materials are available in the docket, including:
 - Overview of TSCA Section 8(a) and Form U Walkthrough
 - Chemical Data Reporting: Data Uses
 - State/Local Views on Use of TSCA CDR Data
 - Overview of TSCA CDR Enforcement
 - Regulatory History of the Byproducts Exemption
 - Chemical Data Reporting and Byproduct Reporting
- **May 9 and 10, 2017:** Public meeting with potential committee members to discuss the process of negotiated rulemaking, exchange information, and organize the Committee. Agenda and materials are available in the docket, including:
 - Overview of the Regulatory Negotiation Mandate Presentation
 - The Federal Advisory Committee Act: Overview of Legal Requirements and EPA Policy Positions Presentation
 - Negotiated Rulemaking Presentation
 - Introduction to CDR, Toxics Release Inventory (TRI), and Resource Conservation and Recovery Act (RCRA) Presentation
 - TSCA CDR Byproduct Examples from the Printed Circuit Board Industry Presentation
 - International Precious Metals Institute (IPMI) Presentation
 - Examples: Reporting under CDR, TRI, and RCRA

Related Information

- [Chemical Data Reporting](#)
- [Frank R. Lautenberg Chemical Safety for the 21st Century Act](#)
- [Federal Advisory Committees at EPA](#)
- [The Negotiated Rulemaking Act of 1996](#)