



**MICHAEL P. WALLS**  
VICE PRESIDENT  
REGULATORY & TECHNICAL AFFAIRS

April 5, 2011

United States Environmental Protection Agency  
Ariel Rios Building  
Mail Code: 7406M  
1200 Pennsylvania Avenue, N. W.  
Washington, DC 20460  
Submitted via email to [ImprovingRegulations.SuggestionBox@epa.gov](mailto:ImprovingRegulations.SuggestionBox@epa.gov) and online at  
<http://www.regulations.gov>.

**RE: Improving EPA Regulations, 76 Fed.Reg. 9988 (Feb. 23, 2011), FRL-9270-8; EPA Dockets EPA-HW-OA-2011-0154 through -0168**

Dear Sir or Madam:

The American Chemistry Council (ACC) appreciates the opportunity to provide input on the Environmental Protection Agency's (EPA) design of a plan for retrospective review of existing regulations. In ACC's view, the retrospective review is a key element to ensure that EPA's existing regulatory programs meet their objectives in the most efficient and effective way possible. The process is also a key mechanism to ensure that EPA's regulatory requirements do not unnecessarily burden the U.S. economy, the competitiveness of U.S. industry, and the ability to create and maintain jobs.

ACC has also joined seven other national trade associations to submit joint comments in response to the Agency's request.<sup>1</sup> ACC fully supports the joint comments.

As our nation continues to climb out of recession, the manufacturing industry is the primary area where new investment will help create and maintain American jobs. Chemistry plays a key role throughout our economy as a building block for other manufactured goods. In fact, chemistry touches ninety-six percent of all manufactured goods at some point of the production cycle. Nearly twenty-seven percent of U.S. GDP is generated from industries that rely on chemistry, covering a wide range from agriculture to oil and gas production, from semiconductors and electronics to textiles and vehicles, and from pharmaceuticals to residential and commercial energy efficiency products. More importantly, all chemical manufacturing facilities are subject to an array of EPA-administered regulatory programs, under each of the

---

<sup>1</sup> Comments of the American Chemistry Council, American Iron and Steel Institute, American Petroleum Institute, CropLife America, National Association of Manufacturers, National Federation of Independent Businesses, National Petrochemical and Refiners Association, and Responsible Industry for a Sound Environment's Comments on "Improving EPA Regulations: General," Submitted April 4, 2011 to Docket No. EPA-HQ-OA-2011-0156.

major environmental statutes. The business of chemistry is in a unique position to comment on EPA's regulatory programs.

EPA's request for comment is focused on developing stakeholder input on EPA's design and implementation of the retrospective analysis of existing rules required by Section 6 of Executive Order 13563 (Jan. 21, 2011). We are particularly pleased to note that the Agency contemplates a future, periodic review of its regulations. The discipline of a periodic review can go a long way toward ensuring that the important principles of regulatory reform and efficiency contained in Executive Orders 12866 and 13563 are fully realized.

It is of course not enough to simply conduct a periodic retrospective review of EPA's body of regulation, either in a single program area or across the Agency's activities. The Agency also needs to demonstrate the will to modify and if necessary eliminate those regulations and processes that are identified as inefficient or ineffective. The Agency must also demonstrate a willingness to think about different approaches to meeting policy objectives. There have been past examples of EPA proposing regulatory changes intended to realize certain efficiencies, only to withdraw the proposals in light of pushback from one stakeholder interest or another. EPA's 2005 proposal for burden reduction in reporting to the Toxics Release Inventory is one such example. Without an Agency commitment to change, when change clearly supports the objectives outlined in Executive Orders 12866 and 13563, the time and resources to conduct a retrospective review will not be well spent.

### **Process for Periodic Review**

ACC recommends that EPA's retrospective review include the following major steps.

#### **A. Baseline Assessment**

The process for periodic review of EPA's regulatory program should begin with a baseline assessment. The baseline assessment should be applicable to all existing and proposed regulations in all major EPA programs and should identify

- Regulations currently in effect.
- Regulatory proposals anticipated in those areas, to the extent possible (e.g., from the Semi-Annual Regulatory Agenda).
- The regulatory objectives for those regulations, and an assessment of whether or not those objectives have been met.
- Applicable published guidance on those regulations.
- The sectors affected by the regulation (in more detail than simple NAICS codes, and including other government agencies).
- Initial estimates of the costs, benefits and burdens, including Information Collection Requests (ICRs) and the methods by which those estimates were derived (including where applicable survey instruments/results).
- Assumptions underlying the assessment of costs, benefits and burdens.

- Documented compliance measurements, enforcement efforts and trends.
- Internal EPA metrics for effectiveness and efficiency.
- Statutory or regulatory review or reassessment requirements (including timing, deadlines, conditions or limitations of review, etc.).
- Government agency reports on the effectiveness of the regulations (including GAO and EPA reports prepared for Congress).
- Any existing subsequent estimates of costs, benefits and burdens for the regulation as implemented.

The baseline assessment should be made available for public review and comment.

B. Link the Baseline Assessment to the Semi-Annual Regulatory Agenda

Once complete, the baseline assessment should be linked to the Agency's Semi-Annual Regulatory Agenda to identify those pending or anticipated regulatory proposals that potentially undermine, duplicate or exacerbate existing regulatory requirements. This step will also allow the Agency to better identify those planned regulations that would benefit from a prospective review of cumulative impact of the existing and proposed regulations.

C. Identify Priorities for Further Review on the Basis of the Assessment

The baseline assessment should be able to identify those regulatory programs that have significant overlaps and potentially duplicative, inconsistent or outdated requirements as the priority areas for retrospective review. For example, multiple regulatory programs affect manufacturing facilities, and are likely candidates for priority review.

Leak Detection and Repair (LDAR) rules (designed to control fugitive emissions) applicable to the chemical manufacturing sector are one example of potential regulatory overlap. A single component covered by leak detection regulations (such as a pump, valve or compressor) can have identical requirements under four to five separate regulatory programs. The overlapping compliance, paperwork and recordkeeping burdens may be compounded under each of the programs, without any incremental benefit in health or environmental protection.

EPA should also consider other criteria to identify priority regulatory programs for further review. These include:

- **Risk Basis for Regulatory Decisions:** ACC has noted with appreciation Administrator Jackson's frequent comments that EPA decisions should be based on risk, not simply reports of relative hazard. EPA recognized the need for a focus on comparative risk assessment in its report *Reducing Risk*, in which the Agency warned that:

There are heavy costs involved if society fails to set environmental priorities based on risk. If finite resources are expended on lower-priority problems at the expense of higher-priority risks, then society will face needlessly high risks. If the

priorities are established based on the greatest opportunities to reduce risk, total risk will be reduced in a more efficient way, lessening threats to both public health and local and global ecosystems.<sup>2</sup>

Risk-based prioritization provides more effective protection of public health and the environment, and should serve as a central organizing principle for a retrospective review of the Agency's regulatory programs. The baseline assessment can help identify those candidate regulatory programs that are not based on risk, sound science, or the combination of hazard and exposure information – those that, for whatever reason, find their policy roots not in scientific and environmental need, but rather in public fear

EPA's Ozone National Ambient Air Quality Standard (NAAQS) is one example of an EPA regulation that lacks a clear risk-basis. Under the Clean Air Act, EPA must update its assessment of the latest science and consider whether any changes are needed to National Ambient Air Quality Standards (NAAQS) at least every five years. In March 2008, EPA replaced the 1997 standard of 0.08 ppm with a new, more stringent standard of 0.075 ppm. Eighteen months later, Administrator Jackson announced she would reconsider the 2008 ozone standard, in a stark departure from the normal five year review cycle and without considering any of the newer science. EPA's current Ozone NAAQS proposal is in the range of 0.070-0.060 ppm. EPA is also proposing a separate secondary NAAQS unrelated to the health effects of ozone and focused on the protection of trees and plants.

- **Consistent Use of Modern and Valid Science:** Similarly, regulations that lack a basis in modern and sound science should be given priority in EPA's retrospective review. In the absence of sound science, risks cannot be accurately assessed and effectively compared. This gap leads agencies to fill data gaps with worst-case default assumptions and upper-bound probability estimates that naturally exaggerate the actual probability of risks. The ensuing policy guidelines can cause unfounded public alarm and hinder actual cost-effective regulation. For example, when creating emissions guidelines, the EPA sometimes assumes that an individual faces exposure from 200 meters away from a factory, 24 hours every day for 70 years.<sup>3</sup> Aside from the concerns raised with sound science, this unrealistic assumption consistently leads to overestimates of actual risk that are further compounded by a lack of public explanation.

The value judgments, inferences, and assumptions of the Agency all have very real consequences on the effectiveness of the regulation it puts forth. More importantly, the Agency has at its disposal considerable experience and scientific information which can inform a review of the science upon which the regulatory construct is based. The importance of sound science is further highlighted in Executive Order 12866, which states that "each agency shall base its decisions on the best reasonably obtainable

---

<sup>2</sup> Environmental Protection Agency, *Reducing Risk: Setting Priorities and Strategies for Environmental Protection* 2 (Sept. 1990).

<sup>3</sup> Graham, John D. "Improving Chemical Risk Assessment." 14(4) Regulation 14, 16-17 (Fall 1991).

scientific, technical, economic, and other information concerning the need for, and consequence of, the intended regulation.” Ensuring that EPA’s regulations have a current, sound scientific basis should be a priority for the Agency.

- **Complex implementation guidance:** Several EPA regulatory programs have become so complex that the Agency’s guidance documents have proliferated significantly. EPA has provided over 600 pages of general guidance for the Toxics Release Inventory – with additional guidance on specific industry sectors (14 separate sectors) and individual chemicals (16 chemicals and categories) totaling several thousand additional pages. While not every facility will require guidance in all the areas that EPA has helpfully provided assistance, the fact remains that TRI compliance is complex and not readily understandable through the reporting forms and general guidance. Programs that have reached a significant degree of complexity should be candidates for retrospective review to ensure that simplifying measures can be considered, including alternatives to present regulatory approaches.

#### D. Measures to Reduce Regulatory Cost, Burden and Complexity

EPA’s objective should be to consolidate regulations where appropriate to reduce complexity for the regulated community, and also to ease resource requirements for both EPA and State agencies charged with implementing federal regulatory requirements. With the current federal and state budget deficits, reducing regulatory overlaps and increasing agency efficiency should be a priority.

#### E. Alternative Regulatory Approaches

The retrospective evaluation is an opportunity to learn from the past. It is also an opportunity to solicit new ideas and approaches to regulatory requirements from stakeholders. In particular, ACC believes that the Agency should use the retrospective analysis as an opportunity to identify where market-based alternatives to command-and-control regulation provide a viable, cost-effective approach.

When crafting new regulatory proposals the Agency should consider defaulting to Advance Notices of Proposed Rulemaking (ANPRMs). The comments obtained from the ANPRM process should facilitate the identification of potential regulatory alternatives. Those alternatives can be helpful to inform the subsequent, periodic review of a final rule.

#### F. Cumulative Impact of Existing and New Regulations

ACC recommends that EPA use the retrospective review as an opportunity to assess the cumulative regulatory and economic impacts of priority regulations. Executive Order 12866, signed by President Clinton in 1993, outlines 12 “Principles of Regulation” intended to guide Agencies in their regulatory activities, including direction on the conduct of impact assessments. Notably, the Executive Order requires that each Federal agency

tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulation (emphasis added).<sup>4</sup>

Without such an analysis, EPA cannot effectively identify any potential “least burdensome means” to achieve regulatory outcomes, instead continuing to promulgate inefficient regulation without consideration of any alternatives that might achieve the same objective at less cost.

To its credit, EPA’s assessments are generally fairly thorough. They suffer, however, from a consistent lack of cumulative impact assessment, even for regulatory proposals generated by the same office within EPA. While ACC believes the EPA should have some flexibility in the design of an impact analysis, a more consistent approach to these assessments should be required across the Agency.

EPA has provided some guidance<sup>5</sup> on including multiple regulatory requirements in the baseline assumptions underlying the regulation being reviewed. Unfortunately, the limitation of this guidance is that it only applies to the development of a baseline set of assumptions about the rule being reviewed. At best, the guidance may result in an understanding of the marginal impacts of the rule under review, but does not necessarily shed light on the cumulative costs and impact of regulation on any specific sector, or on the economy as a whole. For this reason, and as is set out in the several examples below, it is especially important that the Agency use the retrospective review as a chance to establish an extensive and consistent use of cumulative impact assessments.

EPA’s Boiler MACT Regulatory Impact Analysis (RIA) does not provide a comprehensive analysis of employment impacts, although EPA noted that it anticipates the employment impact to be “small.” The Agency further noted that it intends to follow the direction of President Obama’s recent Executive Order 13563 to explore ways to “quantify the job impacts in the pollution control sector that result from these and future regulations.”

As a companion to the Boiler MACT rule, EPA published the Commercial and Industrial Solid Waste Incinerator (CISWI) rule with an economic analysis outlining capital costs of \$0.4 billion and annual costs of \$ 0.23 billion. Similarly, EPA finalized new source performance standards and emission guidelines for new and existing sewage sludge incineration units. However, EPA explained that due to the timing for publication of the final rule it was not able to perform a comprehensive economic or employment analysis, but estimated that capital costs and benefits were reduced by approximately 80% each based on modifications applied since the original proposal.

Unfortunately, EPA’s analysis of the Boiler MACT proposal contained no assessment – indeed not even an acknowledgement – which the very industries impacted by the rule would also be facing substantial compliance costs under other regulations then in effect or anticipated in the near future. For example, EPA finalized the NO<sub>2</sub> and SO<sub>2</sub> NAAQS in 2010, and began its reconsideration

---

<sup>4</sup> Executive Order 12866, Section 1(b)(11).

<sup>5</sup>U.S. Environmental Protection Agency, “EPA Guidelines for Preparing Economic Analyses,” Pre-Publication Edition, Page 5-12 (December 2010). Available at [http://yosemite.epa.gov/ee/epa/eed.nsf/pages/Guidelines.html/\\$file/Guidelines.pdf](http://yosemite.epa.gov/ee/epa/eed.nsf/pages/Guidelines.html/$file/Guidelines.pdf).

of the 2008 ozone NAAQS in 2009. The proposed rule and accompanying RIA were released in January 2010. EPA estimated that the potential compliance costs associated with the three NAAQS rules could exceed \$40 billion. The Boiler MACT RIA did not include these potential substantial compliance costs from these NAAQS standards.

Notably, for the Boiler MACT rule EPA was unable to monetize the benefits associated with reducing Hazardous Air Pollutants (HAPs), and all benefits in the rule reflect improvements in ambient particulate matter (PM<sub>2.5</sub>) and ozone. However, more than 90% of the monetized benefits are due to projected SO<sub>2</sub> reductions (as a PM<sub>2.5</sub> precursor) that would be co-benefit collateral reductions associated with acid gas (HCl) emission reductions.<sup>6</sup> It appears logical that monetized benefits for a national emissions standard should be associated with HAP reductions and not co-benefit emissions reductions, especially when monetized SO<sub>2</sub> reduction benefits have been claimed by EPA through other rulemakings such as the SO<sub>2</sub> NAAQS revision (which also included co-benefit PM<sub>2.5</sub> reductions). This apparent double counting of monetized benefits creates confusion and raises questions regarding transparency. More to the point, these situations could be avoided if cumulative economic impact assessments are made a routine practice.

In some cases, EPA's economic impact analysis has not been extensive enough to permit a cumulative analysis. In 2010, EPA proposed the so-called "tailoring rule" to apply greenhouse gas (GHG) permitting requirements to stationary sources of emissions under the Clean Air Act. The affected regulatory community includes all industries with the potential to emit more than a threshold amount of GHGs, including utilities, manufacturing facilities, universities and hospitals, among others. The Agency provided only an analysis of the costs that would be avoided by those facilities that would now be exempt from the permitting requirements due to an increase in the applicable emissions threshold. The Agency failed to provide an assessment of the economic impact of the tailoring rule on the stationary sources that would be required to seek permits, and furthermore failed to provide an assessment of the cumulative impact of regulations on those sectors.

Ultimately, the lack of cumulative impact analysis, including employment impacts, is not consistent with either the letter or spirit of President Obama's Executive Order 13563. In the Executive Order, the President outlined a clear vision for a regulatory system that protects "public health, welfare, safety and our environment while promoting economic growth, innovation, competitiveness and job creation." ACC applauds the President on this Order, and looks forward to the retrospective analysis as one way to respond to the President's direction.

#### G. Anticipate Retrospective Review in New Regulation

The Agency should take steps to anticipate periodic review of its new regulatory proposals. Specifically, EPA should require new proposals to identify an anticipated schedule for review of proposals (e.g., five years from promulgation). The proposals should also establish a schedule by which data relied upon by EPA in the initial rule are updated and assessed. Specific metrics by which EPA expects to measure success in a given rule should also be outlined and subject to public comment.

---

<sup>6</sup> 76 Fed.Reg. 15651 (March 21, 2011).

#### H. Regularly Report Regulatory Program Costs and Benefits

EPA should regularly report and update the costs and benefits of its regulatory programs. To date, however, EPA's regular reports are focused more on highlighting the benefits of the regulatory construct than the costs and burdens, particularly those associated with duplicative or overlapping requirements.

No one can argue that the Clean Air Act and EPA's implementation of it has resulted in significant improvement in the Nation's air resources. EPA's retrospective review (1970 to 1990) showed that the benefits of the Act far outweighed the costs. That conclusion was reinforced by two prospective studies of the Clean Air Act (1990 to 2010, and 1990 to 2020). The second prospective report noted, interestingly, that macroeconomic modeling tools need to be improved to enhance the understanding of how the major environmental programs affect the economy and the economic welfare of Americans. Regular reporting of program costs and benefits, and research into new tools to assess costs, benefits and other impacts would help ensure that a more complete retrospective review of regulatory programs is effective.

#### I. Promote Transparency and Coordination Across Agencies

EPA should also use the retrospective analysis to promote transparency and coordination within and across regulatory agencies. As other federal agencies conduct the review required by Executive Order 13563, EPA will have the opportunity to identify overlapping regulatory requirements, and will certainly be better positioned to understand the regulatory burden on any particular sector or sectors. EPA's analysis can establish the benchmark for an assessment that identifies and elimination inconsistencies, the potential for duplication, and unnecessary regulatory burdens.

#### **Candidates for Retrospective Review**

ACC has included a list of regulations that should be subject to the Agency's retrospective review process as an attachment. This list is not prioritized, and does not represent a full list of the multiple regulatory programs to which chemical manufacturing facilities are subject. However, it outlines a representative list of EPA regulations that warrant review in EPA's new process.

\* \* \* \* \*

ACC appreciates the opportunity to provide comments on EPA's plans to design a retrospective review of its regulatory programs. We look forward to working with the Agency as the plan is developed and implemented. If in the interim we can provide any additional information, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Walls". The signature is written in a cursive style and is positioned above the typed name.

Michael P. Walls  
Vice President  
Regulatory & Technical Affairs

Attachment

cc: Michael Goo

**EPA Regulations for Retrospective Review**

<b>Regulation</b>	<b>Description (what should be <i>modified</i>, <i>streamlined</i>, <i>expanded</i>, or <i>repealed</i>)</b>	<b>Why change to make more effective or less burdensome?</b>
<b>CLEAN AIR ACT</b>		
<b>Ozone NAAQS Reproposal</b>	Withdraw the reproposal	<p>The Clean Air Act stipulates that EPA is required to conduct a review of the ozone NAAQS every five years. This review process, involving public input and comments, was completed in March 2008 when the standard was lowered to protect public health. EPA must ensure, as required under the Clean Air Act, that the standard is based on the best available scientific information. In its reconsideration of the 2008 ozone standard, EPA is using the "old science", which was wrapped up in late 2005, and incorporated into the 2008 Ozone review. For the repropose standard, EPA did not prepare a Criteria Document reflecting "the latest scientific knowledge" regarding the health and welfare effects of an air pollutant. See 42 U.S.C. §§ 7408(a)(2). Also, the Staff's Provisional Assessment (PA) was incomplete and did not support a reduction in the ozone NAAQS. EPA's discretionary decision to now tighten the ozone standard without a full review of the most recent science so soon after tightening the standard in 2008 is unnecessary. The 2013 review is underway (somewhat stalled due to the reconsideration process).</p>
<b>SO2 NAAQS Implementation</b>	Do not use model to determine attainment status	<p>Final NAAQS rules should only contain provisions that have been subject to public notice and comment. On June 22, 2010, EPA published its final rule and for the first time adopted an SO2 NAAQS with a one-hour averaging time. EPA indicates that it plans to follow a completely different approach (of</p>

		<p>modeling versus monitoring data) for implementing the new standard. EPA did not propose its modeling-based approach for comment during the rulemaking, and EPA has not used such an approach in its initial implementation of other NAAQS. Thus, the public had no notice of - or opportunity for comment on - the new approach. Reliance on modeling is unprecedented. There is no basis for using it for this purpose. Modeling data is not likely to be as reliable as actual monitoring data and thus should not be used as the basis for determining initial attainment status.</p>
<p><b>Once In, Always In Policy</b></p>	<p>Sources should be able to become minor sources at any point in time due to permanent emissions reductions.</p>	<p>EPA guidance dating from 1995 states that “facilities <u>may switch to area source status</u> at any time until the ‘first compliance date’ of the standard.” The ‘first compliance date’ is defined as the first date a source must comply with an emission limitation or other substantive regulatory requirement in the applicable MACT standard. By that date, to avoid being in violation, a major source must either comply with the standard, or obtain and comply with federally enforceable limits ensuring that actual and potential emissions are below major source thresholds.” This policy discourages facilities from reducing emissions below the MACT thresholds, since these facilities will always be subject to the MACT rule requirements. EPA should allow facilities that permanently reduce emissions below the MACT threshold to become minor sources at any point in time.</p>
<p><b>NESHAPS for Hazardous Air Pollutants; Industrial/Commercial/Institutional Boilers</b></p>	<p>Include health based compliance option for HCl</p>	<p>Section 112(d)(4) gives EPA authority to consider a health-threshold established for a pollutant, with an ample margin of safety, when setting a standard for that pollutant. The purpose of this provision is to ensure that the technology driven standards established under §112(d)(2) and (3) do not overregulate where</p>

<p><b>and Process Heaters</b></p>		<p>no human health or environmental gain is to be had. Congress understood that for some pollutants — “...a MACT emissions limitation may be far more stringent than is necessary to protect public health and the environment...” To avoid expenditures by regulated entities which secure no public health or environmental benefit, the Administrator is given the discretionary authority to consider evidence for a health threshold higher than MACT. Some of the HAPs regulated by this rule such as hydrogen chloride (HCl) either have established thresholds or meet the requirements for classification as threshold pollutants and should therefore be considered for standard setting under §112(d)(4).</p>
<p><b>Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units Compliance Issues</b></p>	<p>The quality of the data used to set emission limits must be improved.</p>	<p>EPA should review the data being used to set floors to determine if the data are correct and if the units are in the appropriate subcategory. There are indications that there are units that have been mis-categorized and are inappropriately influencing floors in the wrong subcategory.</p>
<p><b>GHGs</b></p>		
<p>GHG Tailoring Rule</p>	<p>Fully analyze the costs of the permitting requirements to those facilities subject to the final rule</p>	<p>EPA did not evaluate the impact of GHG permitting on those sources that would be required to obtain the permits. Instead, EPA’s analysis focused on the cost savings that would be realized by those sources that would not be required to obtain a GHG permit during the first two phases of permitting. The sources that are required to undergo PSD review for GHGs will incur permitting fees and project construction delays.</p>

		<p>Furthermore, those sources that would not have needed to obtain PSD permits for criteria pollutants but would now be required due solely to GHG emissions would also incur additional costs to install BACT for the other criteria pollutants, such as NO<sub>x</sub> and SO<sub>x</sub>. These costs can be quite substantial, and EPA should have fully evaluated the potential impacts before requiring permits for GHG emissions.</p>
<p><b>IRIS</b></p>	<p>Enhance effectiveness of the IRIS process</p>	<p>The IRIS process was revised in May 2009 with stated goals of scientific quality, integrity and transparency. Given the complexity of risk assessments, the implementation of the following steps would increase the effectiveness of IRIS. Articulate the scientific framework that needs to be followed (e.g., Human Relevance Framework, Hypothesis-based Weight of Evidence methodology, etc.) which requires the use of all relevant studies and clear explanations of the reasons for excluding any data and/or studies. Data should be used within the original intent of the study and any extrapolation should be explained and justified. Criteria for determining adversity should also be clearly articulated.</p>
<p><b>IRIS</b></p>	<p>Enhance transparency of IRIS process</p>	<p>Transparency can be further enhanced by adding the following steps to the EPA IRIS process:</p> <ol style="list-style-type: none"> <li>1) increase opportunities for public involvement and more dialogue with EPA in listening and peer review group sessions and</li> <li>2) introduce an additional step in the process by requiring EPA to provide written feedback in the form of an interim report on the input received on the Draft IRIS during the public comment and peer review sessions as well as a summary of the steps that EPA plans to take to address above mentioned issues</li> </ol>

<b>TSCA</b>		
	Section 12(b) of TSCA and 40 CFR 707 Subpart D -- Export notification	<p>Under TSCA section 12(b), EPA requires persons engaged in the export of chemicals to notify the EPA Administrator of such exportation. The Administrator then provides the notification to the importing country for each substance or mixture exported.</p> <p>Although EPA's 2006 Amendments reduced the burden (71 FR 66234), the Agency may wish to consider what can be done to enhance the health and environmental benefit of the requirement, and in particular link the requirements with those other governments are following under the Rotterdam Convention on Prior Informed Consent.</p>
	TSCA Chemical Action Plans	<p>EPA announced the TSCA Chemical Actions Plans as a component of the Enhanced Chemical Management Program in 2009. To date, eight plans have been completed. However, the process and criteria for selection of action plan chemicals has not been completely transparent. The Agency should consider how the program can be effectively modified and streamlined to better align with the regulatory programs being implemented under TSCA.</p>