

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CHARTER

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## **Negotiated Rulemaking Committee to Negotiate a Proposed Rule to Limit Chemical Data Reporting for Certain Inorganic Byproducts under TSCA Section 8(a)**

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### **1. Committee's Official Designation (Title):**

Negotiated Rulemaking Committee to Negotiate a Proposed Rule to Limit Chemical Data Reporting for Certain Inorganic Byproducts under TSCA Section 8(a).

### **2. Authority:**

The Negotiated Rulemaking Committee (“Committee”) to Negotiate a Proposed Rule to Limit Chemical Data Reporting for Certain Inorganic Byproducts under TSCA Section 8(a) is established under the authority of TSCA section 8 (15 U.S.C. 2607), as amended by the Lautenberg Act (Pub. L. 114–182), and will be governed in accordance with the provisions of the Negotiated Rulemaking Act of 1996, 5 U.S.C. § 561 *et seq.* and the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

### **3. Objectives and Scope of Activities:**

The objective of the Committee is to negotiate a proposed rule that would limit chemical data reporting requirements under section 8(a) of the Toxic Substances Control Act (TSCA), as amended by the Frank. R. Lautenberg Chemical Safety for the 21st Century Act, for manufacturers of any inorganic byproduct chemical substances, when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. The purpose of the Committee is to conduct discussions in a good faith attempt to reach consensus on proposed regulatory language. This negotiation process is required by section 8(a)(6) of TSCA. The Committee will consist of representatives of parties with a definable stake in the outcome of the proposed requirements.

### **4. Description of Duties:**

The duties of the Committee are to conduct negotiations in a good faith attempt to reach consensus on proposed regulatory language limiting chemical data reporting requirements under section 8(a) of TSCA for manufacturers of any inorganic byproduct chemical substances, when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. These duties include:

- Negotiating in good faith on behalf of the stakeholders that each Committee member represents.

- Addressing scientific and technical issues that the Committee identifies as critical to developing proposed regulatory language.

**5. Agency or Official to Whom the Committee Reports:**

The Committee will submit any proposed regulatory language that the Committee agrees to by consensus, and report to the EPA Administrator through the EPA Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

**6. Support:**

EPA will be responsible for financial and administrative support. Within EPA, this support will primarily be provided by the Office Pollution Prevention and Toxics (OPPT), within the Office of Chemical Safety and Pollution Prevention.

**7. Estimated Annual Operating Costs and Staff Years:**

The estimated annual operating cost of the Committee is \$527,640 which includes 1.025 person-years of support.

**8. Designated Federal Officer:**

A full-time or permanent part-time employee of EPA will be appointed as the Designated Federal Official (DFO). The DFO or a designee will be present at all meetings of the Committee. Each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO will chair meetings when directed to do so by the official to whom the committee reports, and is authorized to adjourn any meeting when he or she determines it is in the public interest to do so.

**9. Estimated Number and Frequency of Meetings:**

The Committee expects to meet approximately six times per year, or more as needed and approved by the DFO. EPA may pay travel and per diem expenses when determined necessary and appropriate.

As required by FACA, the Committee will hold open meetings unless the EPA Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with 5 U.S.C. § 552b(c). Interested persons may attend meetings, appear before the Committee as time permits, and file public comments.

**10. Duration:**

Continuing.

**11. Termination:**

This charter will be in effect for two years from the date it is filed with Congress. After this two-year period, the charter may be renewed in accordance with Section 14 of FACA.

**12. Membership and Designation:**

The Committee will be composed of approximately 35 representatives with interests that will be significantly affected by the proposed rule the Committee is charged with negotiating, including at least one member who will represent the EPA. Members will be persons who represent groups or organizations with interests relevant to chemical data reporting for inorganic byproduct chemical substances, when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. Representatives will also have the necessary authority to negotiate and reach an agreement on behalf of their organization. In selecting members, EPA will consider candidates from industry, environmental advocacy groups, state and tribal governments, and environmental justice advocacy groups.

**13. Subcommittees:**

EPA, or the Committee with EPA's approval, may form subcommittees or workgroups for any purpose consistent with this charter. Such subcommittees or workgroups may not work independently of the chartered Committee, and must report their recommendations and advice to the chartered committee for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered committee nor can they report directly to the EPA.

**14. Recordkeeping:**

The records of the Committee, formally and informally established subcommittees or workgroups, or other subgroups of the committee, will be handled in accordance with NARA General Records Schedule 6.2, and EPA Records Schedule 1024, or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. 552, these records will be available for public inspection and copying, in accordance with the FACA.

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Agency Approval Date

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Date Filed with Congress