

February 10, 2020

EPA RESPONSE 5\_RIN2070-AJ99\_EO12866\_LCPFAC-PFAS-SNUR\_2020-02-10.docx

**COMMENTS ON THE SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING**

- 1. Question: Can EPA please provide us with a reasoning for each of the deletions they are suggesting? For example, analysis of the text of section 5(a)(5) was deleted or largely deleted. Does EPA have substantive disagreements with aspects of this analysis, or would EPA prefer to leave out the discussion for other reasons and, if so, why?**

The reasoning for these deletions was added in comment bubbles to a version of the FR notice sent to OMB on February 7.

- 2. Question: Regarding page 6, the explanation is helpful, but leaves us asking if EPA thinks that recycling is the only type of processing. If there is other processing that is possible (eg processing into articles) why wouldn't EPA want to use the supplement to expand the notification requirement scope as section 5(a)5 allows? Note that the definition of "process" in TSCA section 3 is not limited to recycling.**

EPA appreciates the question. At the time of the 2015 proposed SNUR, EPA proposed to only lift the articles exemption. EPA is only issuing this supplemental proposal because it determined it was necessary in order to be consistent with the new section 5(a)(5) under amended TSCA. EPA's thinking between the 2015 proposal and this supplemental proposal has not changed such that lifting the exemption beyond articles is warranted.