



ASSOCIATION CONNECTING  
ELECTRONICS INDUSTRIES®

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July 18, 2005

EPA Docket Center  
EPA West, Room B102  
Environmental Protection Agency  
1301 Constitution Avenue NW  
Washington, DC 20460

**RE: Toxic Chemical Release Reporting; Request for Comment on Renewal of Proposed, EPA ICR Number 1363-14 (OMB Control Number 2070-0093 EPA Docket OEI-2004-0006)**

IPC - Association Connecting Electronics Industries is pleased to submit the following comments in response to the above referenced information collection request (ICR). IPC is an international trade association for the electronic interconnection industry, and represents nearly 2,300 member companies. IPC appreciates the opportunity to file these comments.

On July 12, 2005, EPA published a final rule entitled, "Toxics Release Inventory Reporting Forms Modification Rule," at 70 FR 39931. The federal register notice states that "this rule is effective on September 12, 2005," and that "the first reports with the revised reporting requirements will be due on or before July 1, 2006, for reporting year 2005." Yet, paradoxically, the above referenced ICR does not appear to in any way account for the changes to the reporting form that are promulgated in the July 12, 2005 proposed ICR. IPC recommends that EPA withdraw the above referenced ICR and re-propose for public comment, in concert with the requirements of the Administrative Procedures Act, a modified ICR.

When preparing the new ICR, IPC urges EPA to consider not only the long term burden reductions discussed in the Forms Modification Rule, but also the transitional costs discussed in IPC's March 11 comments on the Forms Modification Rule and acknowledged by EPA on page 39935 of the final rule.

IPC also encourages EPA to consider the following comments on the above referenced ICR. IPC believes EPA has underestimated the burdens associated with TRI reporting in the IRC's supporting statement. As previously commented by IPC<sup>1</sup>, the designation of lead as a PBT significantly increased the reporting burden on industry. In estimating the burden of calculations and report completion for first time filers reporting PBT substances and non-PBT substances, EPA has failed to adequately account for the increased burden associated with the elimination of de minimis and range reporting for PBT compounds. Under the de minimis exemption, companies were able to exclude from TRI reporting the amount of TRI chemicals that were present in a mixture or trade name product at a concentration of less than 0.1 percent for a carcinogen or less than 1 percent for all other chemicals.

The de minimis exemption allows reporting facilities, when making threshold determinations and release calculations, to disregard certain minimal concentrations of chemicals in mixtures or other trade name products they process, otherwise use, or which are manufactured as impurities. Elimination of this exemption for PBT reporting has created a significant burden associated with obtaining and managing the relevant data. EPA's elimination of range reporting, combined with the guidance to facilities to report to the nearest tenth of a pound imposes significant costs and burdens on small facilities in the form of additional research, inquiries of suppliers not required to provide notification of de-minimis levels of PBT chemicals, additional calculations for compliance determinations, additional calculations for Form R completion, and recordkeeping. EPA should modify its burden estimates to reflect the higher burden for first time filers of PBT substance releases.

Finally, IPC appreciates EPA's current efforts reduce the burden associated with TRI reporting and eagerly anticipates timely publication of a proposed burden reduction rule. IPC understands and supports the need for cost effective, science-based regulations that are protective of the public's well being. Unfortunately, the TRI reporting forms and instructions have, over the years, strayed further and further from the program's original goals, continually increasing the burden of reporting while failing to provide corresponding benefit.

According to the Office of Management and Budget Report, "Regulatory Reform of the U.S. Manufacturing Sector," EPA intends to propose a burden reduction rule in August 2005 and issue a final rule by December 2006. It is expected that the agency will expeditiously modify the reporting forms in support of a timely implementation of the burden reduction rule. IPC therefore believes that EPA should seek to renew its ICR authority, currently scheduled to expire on January 31, 2006, for no more than one year.

IPC appreciates the opportunity to provide comments on the proposed renewal of information collection and looks forward to commenting on a revised proposal that takes into account the July 12, 2005, Forms Modification Rule.

Sincerely,

Fern Abrams  
Director of Environmental Policy

cc: Office of Information and Regulatory Affairs  
Office of Management and Budget  
Attention: Desk Officer for EPA  
725 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20503

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<sup>1</sup>Comments of the IPC on Notice of Toxic Chemical Release Reporting; Request for Comment on Renewal Information Collection (EPA ICR No. 1363.12; OMB No. 2070-0093), January 8, 2003.

