ASSOCIATION CONNECTING
ELECTRONICS INDUSTRIES®

Government Relations
1333 H Street, N.W., 11th Floor, West Tower, Washington, DC 20005
Tel. 202.962.0460 Fax 202.962.0464
www.ipc.org

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

RE: Draft Strategy for National Clean Water Industrial Regulations (Docket ID OW-2002-0020)

IPC - Association Connecting Electronic Industries - is pleased to submit the following comments on the Environmental Protection Agency's (EPA's) *Draft Strategy for National Clean Water Industrial Regulations (Draft Strategy)*. IPC is the national trade association for the electronic interconnection industry, and represents more than 2,400 member companies. Printed circuit boards and electronic assemblies are used in a variety of electronic devices that include computers, cell phones, pacemakers, and sophisticated missile defense systems. The industry employs more than 400,000 people and exceeds $44 billion in sales. Industry members operate in every U.S. state and territory. Although IPC members include electronic giants, sixty percent of IPC members meet the Small Business Administration's definition of "small business."

IPC and its members have a vital interest in the nation's clean water industrial regulations. All IPC members that manufacture circuit boards are currently regulated under Part 413 or Part 433 of the Clean Water Act. In addition, the majority of our members, along with approximately 10,000 other affected facilities, would have been covered under the Part 438 Metal Products and Machinery (MP&M) Effluent Guidelines, as originally proposed on January 3, 2001. As detailed in our July 3, 2001 and July 22, 2002 comments, this proposed rule would have had a devastating economic effect on our members with little attendant environmental benefit. We are pleased that the final rule, signed by the EPA on February 14, 2003, acknowledged that the proposed rule was not cost-effective and, therefore, did not finalize new standards for the vast majority of the originally affected industries. The final rule regulates only 2,400 direct discharging facilities in the 'oily waste' subcategory.

As an industry that is closely involved in and affected by the EPA's Effluent Limit Guidelines (ELG) Program, we appreciate the opportunity to offer the following comments on the Draft Strategy.

In general, we support the approach outlined in the Draft Strategy. The agency's stated intention to focus on industrial categories that present a significant risk to human health and the environment where cost-effective approaches are available to lower the risk is a

sound approach. Focusing on industries that do not present a significant risk would be a poor use of the EPA's limited resources. Similarly, it is unlikely that any significant environmental benefit could be achieved where a risk exists but no cost-effective technology, process change or pollution prevention approach exists that would substantially reduce the risk.

The MP&M rule is an example of the importance of evaluating the availability of improved approaches for reducing the risk associated with industrial effluents. The fact that the proposed rule relied upon the same technology (hydroxide metals clarification followed by gravity separation) as the existing standards should have been an early indication that no significant pollution reduction benefit was likely to occur under new ELGs. Had the MP&M rule been evaluated using the Draft Strategy, the EPA and industry could have avoided the twelve years and millions of dollars spent developing the rule.

We would like to specifically support the agency's intention to assign lower priorities to the development of effluent guidelines for industry's that have been the subject of rulemakings in the past seven years. For example, in the case of the MP&M rule, the EPA and industry invested significant amounts of time and resources performing in-depth analysis of industry economics, effluent constituents, and available wastewater treatment technology. Whether a rulemaking results in the promulgation of new ELGs for some or all of the analyzed industries, the EPA should not waste resources by duplicating the analysis performed to support the decision not to promulgate ELGs. The EPA should also clarify that the lowered prioritization applies to industries that have been analyzed during an ELG rulemaking, regardless of whether ELGs were promulgated. It would be a poor use of EPA resources to repeat the same analysis in the near future. Given the fact that it took over a decade to develop the MP&M rule, a ten year period for lower prioritization may be more appropriate than the proposed seven year period.

IPC strongly supports the EPA's intention to make its decision making process more transparent, as stated in the notice and required under the data quality rule. As was demonstrated by the MP&M rule, industry review of EPA collected data and analysis revealed that small errors and assumptions had a significant impact on the outcome of analysis. It is important that raw data, actual models and model results be available for industry examination and validation.

IPC supports the EPA's intention to work closely with industry in order to ensure the use of the best possible data. Review of the MP&M rule is instructive in this area as well. Much of the data used by the EPA in the initial stages of the analysis was either out of date or inappropriate. In commenting on the January 3, 2001 MP&M Notice of Proposed Rulemaking (NPRM), IPC collected extensive data from our members regarding the agency's inaccurate economic analysis, incorrect interpretation of survey data, and inappropriate use of sampling data from unrelated industries. Earlier incorporation of this information could have prevented the agency from expending resources to develop an NPRM that had to be almost completely redone prior to the final rulemaking.

Finally, IPC would like to comment on the level of effort devoted to effluent guidelines. As detailed in the Draft Strategy, the ELG program has had a significant effect on reducing pollution discharged to the nation's water. In fact, the program, when combined with state permit programs and the local authority of publicly owned treatment works (POTW), has been so successful that many of the remaining pollutants "come from sources that are not related to industrial discharges, such as non-point source runoff from agricultural lands, stormwater flows from cities, seepage into groundwater from nonpoint sources, and the loss of critical habitats such as wetlands."[1] Given the number of significant pollutant sources not addresses by the ELG program, it would be logical to focus the EPA's resources in program areas where the most environmental benefit can be obtained at the lowest cost to both the EPA and the public. Should these program areas be outside the scope of the ELG program, as alluded to in the Draft Strategy, then the public is best served if the EPA's limited resources are devoted to programs other than the ELG program.

Within the ELG program, resources should be allocated to ensure that high quality analysis precedes the development and promulgation of new ELGs. Given the number of industries already regulated, it is appropriate that a large and growing proportion of the program's resources will be devoted to analysis that does not result in the decision to develop new ELGs.

In conclusion, we support the approach outlined in the Draft Strategy and encourage the EPA to use this opportunity to refocus their regulatory program such that it can pursue clean, safe water at the lowest possible societal cost. IPC appreciates the opportunity to offer these comments. Should you have any questions, please contact me at 202-962-0460.

Sincerely,

Fern Abrams
Director of Environmental Policy

[1] US EPA Draft, A Strategy for National Clean Water Industrial Regulations, Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards. November 2002, page 10.