**NSC Technical Subcommittee Call Minutes – March 21, 2017**

**Participation [by regions]:**

1: Sara Johnson – NH

2: Harry Ching - NY

3: Carrie Wintersteen & Lee Ann Briggs – PA

4: Donovan Grimwood – TN; John Yntema – GA; Tony Pendola – NC; Teresa Shiflett – GA; Phyllis Copeland - SC

5: Aneka Swanson – MN; Annette Fulgenzi – IL; Brent Goetz & Todd Nein – OH; Mark Stoddard – IN; Jennifer Hamill & Lisa Ashenbrenner Hunt – WI

6: Dianne Wilkins - OK

7: Lynelle Ladd – KS

8: John Podolinsky - MT

9: Jenna Latt – CA

**February minutes:** approved as is

**A discussion regarding the proposed regulation under Section 6(a) of TSCA (Toxic Substances Control Act) regarding certain uses of TCE (Trichloroethylene)**

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/regulation-chemicals-under-section-6a-toxic-substances>

The comment period of the proposed rule published in the Federal Register of December 16, 2016 (81 FR 91592) is extended to March 16, 2017, and the comment date of the proposed rule published in the Federal Register of January 19, 2017 (82 FR 7432) is delayed to April 19, 2017

The Small Business Advocacy Review Panel convened on June 1, 2016 followed by an outreach meeting including eight small entity representatives (SER). A summary of their comments including concerns are included in the final 34 page report dated September 26, 2016 - <https://www.epa.gov/sites/production/files/2017-01/documents/report-sbar-panelreport-tsca-tce.pdf>.

According to the report, the choice of a cleaning solvent is based, in part, on a customer’s list. Also, the cost of an alternative solvent can be 2 – 3 times more expensive than TCE – 1-Bromo Propane (1-BP) as an example and it may be useful only in the short term. The panel recommended that alternatives should be researched for various industries.

W. Caffey Norman, Squire Patton Boggs presented on behalf of HSIA (Halogenated Solvents Industry Alliance) and Toni Krasnic (Krasnic.Toni@epa.gov) presented on behalf of US EPA Office of Pollution Prevention and Toxics on March 10, 2017 at the SBA (Small Business Advocacy) Environmental Roundtable concerning the use of TCE in spot cleaning (dry cleaning facilities), aerosol degreasing and vapor degreasing.

It was contended that EPA did not conduct a regulatory flexibility analysis nor publish it in the federal register as required by SBREFA (Small Business Regulatory Enforcement Fairness Act). It was also contended that no SBREFA panel was held for the proposed spot cleaning/aerosol degreasing rule.

It was mentioned that states may have adopted/incorporated standards for consumer and commercial products (volatile organic compounds) which include prohibitions on the use of Methylene Chloride, Perchloroethylene and TCE for certain uses (ingredient in an aerosol adhesive or degreaser).

Of particular interest to SBEAPs is the impact to businesses that will be effected and options for alternatives to reduce the impact. Jenna Latt (CA) informed the group that California has already banned TCE for spot cleaning and many areas ban TCE for vapor degreasing. She indicated that they have guidance and alternatives that she could share to help other states better prepare.

**Region 5 Solvent Outreach**

The most recent conference call took place on Tuesday, March 14.

Rae Trine, US EPA, air toxics suggested the following:

* Her group will draft an article for Region V states to provide in the newsletters sent to their small businesses; the article can be revised to conform to the format and length requirements of each program.
* Her group will create a webpage that Region V SBEAPs can link to that contains case studies and other helpful materials that can be shared electronically or printed off.
* She likes the idea of working with trade associations.  She would like the newsletter to be shared with trade associations.  Maybe there are trade associations in your state that you can reach out to and see if they have an interest.
* Very interested in the ‘toolbox’ that Brent [Goetz] mentioned.  Brent I think she would like to get a feel for you what would be in the ‘toolbox.’  How much help would you need with creating the ‘toolbox’, etc.  Would you create a toolbox for each solvent or on a per industry basis based on NAICS?
* Brent has a call in to Rea to follow up on the tool box idea.
* An update on this will be provided at the next technical sub-committee

**Compliance Advisory Panel (CAP)**

<https://nationalsbeap.org/sbeap/resources/cap>

“Compliance Advisory Panels, often referred to as “CAP,” are made up of small business owners and representatives who consult and advise on SBEAP content.”

“CAP members are appointed by the governor and state legislature, but not all states have an appointed or functioning CAP.”

Sara, Brent & Todd, Annette and Donovan commented on the CAP programs nationally and in their respective states. It was commented that a member in one state who also participated nationally started losing interest with competing interests and a diminishing clarity of purpose. Another state commented that the ideas provided by the CAP were very good, but funding and other resources were lacking to act on them.

It was decided that more conversations regarding CAPs specifically creating a national network for CAP members to communicate would be discussed outside of the technical subcommittee. However, a general discussion of CAPs and an overview of what they are and the laws that establish them could be a future technical sub-committee discussion.

**Future topics for consideration / ideas for technical sessions for annual training**

* Coating manufacturers: information sharing
* How different states calculate potential to emit
* Electronic hazardous waste manifests user fees
* Hazardous waste generator improvements webinar (mentioned in an e-mail dated March 9) – Kathy Lett, US EPA
* Startup/shutdown final rule: Tony Pendola - NC & Melissa Collier – MS
* Region 5 Plating & Polishing NESHAP (6W) outreach effort – current progress (conference call on Wednesday, March 22)
* Region 5 Chlorinated Solvent Outreach Project – current progress (conference call on Tuesday, March 14)
* Regulations we would like to see go away
* Bring in industrial representatives to talk about their sector/regulations

**Next Call: April 18, 2017**

1 pm CST (2 pm EST) (3rd Tuesday of month)

Minutes prepared by Brent Goetz – OH (Brent.Goetz@epa.ohio.gov) and Mark Stoddard – IN (MSTODDAR@idem.IN.gov), Technical Subcommittee Co-Chairs.