



TSN Plenary Session: Tyson's Corner, VA
PGA Break Out Session (Q&A) Report
ENVIRONMENTAL PROTECTION AGENCY (EPA)
September 11, 2008
Final Report

PARTICIPATING GOVERNMENT AGENCIES – BREAK OUT SESSIONS

- I. ANIMAL & PLANT HEALTH INSPECTION SERVICE (APHIS)
- II. ENVIRONMENTAL PROTECTION AGENCY (EPA)**
- III. FOOD SAFETY INSPECTION SERVICE (FSIS)
- IV. NATIONAL MARINE FISHERIES SERVICE (NMFS)
- V. FISH AND WILDLIFE SERVICE (FWS)

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Jonathan Jacobson

Q: When you visit the ports, do you also visit a trucking company to see the full process?

A: We have not visited a trucking company, only sea and land border ports. However, it is a good idea to consider in the future. Please provide recommendations for local trucking companies.

Trade Follow Up Comment: There may be local trucking companies who are members of the TSN and would be willing to host EPA.

Q: We are concerned about EPA's lack of uniformity. Working relationships are needed between EPA and Trade.

A: Please keep in mind that some programs are not nationally managed, i.e., they have been delegated to the states. California can be more restrictive than U.S. Also, in the four "deep dives" that EPA has conducted, there is a wide range of parties involved across the country. EPA is looking to standardize our processes and will seek input from the trade.

Trade Follow Up Comment: Many of us TSN members can help, especially in the area of FTZs where EPA does not have a lot of experience. EPA should map out normal processes and flows and then have the field review to highlight the "pain points." The trade is willing to assist if EPA would like to run a pilot.

Q: Is EPA considering assigning trade partners an account rep, such as CBP, USDA and FDA have done?

A: EPA did recently put together a communication and outreach plan. Part of the intent is to improve the communication to the trade. Implementing an account manager program may be a good idea under this plan, however, this is unfunded work at this point. [Clarification: We do



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have and may make available contacts by program area for each of the types of commodities we regulate.

Q: We understand that the EPA has been working on an e-Manifest for awhile. This is currently out for public comment. EPA hazardous waste manifest will not be part of ACE. Current law requires that if someone brings in hazardous waste and manifests on ACE, the truck will have to carry a hazardous waste manifest in his truck. We are concerned that EPA is reinventing the wheel. There may be ACE data that can be used domestically.

A: EPA will follow up with project core team and the Office of Solid Waste.

Q: Is EPA looking at automating within ACE or are you going to continue in paper mode?

A: EPA is looking to move all forms into an electronic environment. Instead of the 15 – 20 forms for a broker to complete, the broker should in the future be required to input the data once. EPA has been talking with CBP about data fields. CBP will not create the EPA form, but will work with EPA on the data. EPA is working with CBP on electronic signatures. Tim Skud added that the ITDS legal policy group is looking at the electronic signature issue and encourages EPA participation.

Q: Is EPA considering additional data?

A: We may consider additional data, but EPA will go through the rulemaking process for this.

Q: Has EPA allocated sufficient dollars to ITDS?

A: For FY09 we do not yet have the appropriations bill. The President's budget request called for \$3.1M for FY09. If this gets appropriated, EPA will have sufficient ITDS funds for 09. If we operate under a continuing resolution, we will be locked in at FY08 level.

Q: We understand that EPA is considering asking for CAS numbers. The government is moving toward a self-assessment mode, but this seems contradictory with EPA's position. We would like to work with EPA in a trusted mode. For example, if a trade member meets an acceptable level of internal controls, shouldn't this be considered?

A: This question needs to be addressed to the policy team at EPA. Tim Skud added that the intent of ITDS is to eliminate redundancies and cut down data requirements. By making the process electronic, cost is driven down drastically. With the capability to collect electronically,



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the agency may be more inclined to require data that would be beneficial. If this issue is important to members of the trade, Mr. Skud asked that they please contact the policy makers at the agencies. CBP is the service provider, but the need here is to communicate with the agency policy makers. Furthermore, any change to required to be reported to EPA is subject to both rulemaking and an Information Collection Request, both of which provide the opportunity for public comment.

Q: From the trade perspective, there is a large cost of programming changes and building into trade processes the ability to provide additional data to the government. CBP has been working with the trade for a long time. We hope that CBP can encourage other agencies to balance needs against business processes. CBP should have a good understanding of why the data needs to be collected. In addition to the Paperwork Reduction Act, whenever additional data is required, analysis is still required to identify time needed to provide this data. Even if electronic, there is a cost to providing the data.

A: Any additional data would be included in the rulemaking process, which provides the opportunity for public comment.

Comment from Sandra Scott, Trade Co Chair, ITDS Committee: From the beginning of ITDS, the trade community has known that a PGA cannot ask for any information for which they are not legally entitled. Also, as more agencies come on board to ACE/ITDS, the more privy they may become as to additional information that they are entitled to but have not received previously. As such, all impacted members of the trade community are challenged to become involved with the TSN ITDS Committee.