



Office of Public Affairs

Glenn S. Ruskin

Director

November 9, 2012

Boris Bershteyn
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th St., N.W.
Washington, DC 20503-0004

Re: OIRA Solicitation to EU & US stakeholders, 9/7/2012
Promoting U.S EC Regulatory Compatibility, Federal Register, 9/28/12, p. 59702

Dear Administrator Bershteyn:

The American Chemical Society (ACS) is pleased to have this opportunity to comment on the recent requests by your office and the Office of the U.S. Trade Representative concerning reduction of regulatory burdens through international harmonization. Our comments will not directly address the regulatory questions in the solicitation; instead they will focus on our on-going engagement with the Department of Commerce's International Trade Administration about including green and sustainable chemistry in international chemicals management and regulation dialogues.

Green chemistry is the design, development, and implementation of chemical products and processes to reduce or eliminate the use and generation of substances hazardous to human health and the environment. The Society believes that green chemistry offers an alternative to regulation in managing chemicals for positive impact and change. Through the ACS Green Chemistry Institute™ (ACS GCI), the Society is a leader in developing and highlighting the potential of green chemistry to address environmental, health, and safety concerns through technological advances and voluntary action.

Specific to your work, ACS recommends exploring appropriate regulatory flexibility to reward the superior environmental performance of clean technologies and other pathways to encourage adoption of greener alternatives in various industrial sectors. We stand ready to convene or participate in discussions that complement your core mission, possibly by expanding our current multi-stakeholder roundtables and other mechanisms for sharing best technical and industrial practices and facilitating collaborative development and deployment of greener products and processes.

The American Chemical Society

The American Chemical Society is a non-profit scientific and educational organization, chartered by Congress, with more than 164,000 chemical scientists and engineers as members. The world's largest scientific society, ACS advances the chemical enterprise, increases public understanding of chemistry, and brings its experts to bear on state and national matters.

The Society is committed to policies that advance environmental and resource sustainability and the application of the chemical sciences and engineering to global challenges in areas such as energy, food, and water. Accordingly, ACS endorses research support, tax incentives, patent policy, government purchasing policy, awards, voluntary environmental management programs, and other efforts to encourage the adoption of green and sustainable chemistry and engineering.

The opportunity to address non-technical barriers to sustainability within the chemical enterprise using green chemistry tools is significant. However, many cost and regulatory barriers increase the burden on

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companies and government alike. ACS has identified many such barriers and recommended a framework to promote sustainability in the chemical enterprise through

- Development of definitions and practical metrics to measure progress towards sustainability.
- Quantifying the “true costs” of products and practices in order to promote more sustainable options.
- Promoting cross-functional and multi-disciplinary communication to achieve sustainable solutions for all stakeholders.
- Supporting continuous improvement through forward-thinking, collaborative, goal-oriented, non-technology-specific regulations and/or incentives.
- Incorporating sustainability principles in all levels of educational activities.

The dialogue that the U.S. and E.U. governments have proposed is an opportunity for stakeholders to address how these goals could be met as an alternative to the specific regulatory policies being discussed.

The American Chemical Society Green Chemistry Institute™

ACS GCI has a 15-year track record as a leader in providing knowledge and information on the issues affecting the intersection of chemistry, business and the environment. From its earliest days, the Institute has sought to be the premier change agent with the knowledge, expertise, and capabilities to “catalyze and enable the emerging and implementation of green chemistry and green engineering throughout the global chemical enterprise.” ACS GCI is motivated by the conviction that green chemistry is a fundamental building block in the efforts to create a sustainable economy. Our mission is fulfilled through five key strategies:

- ***Engage in strategic partnerships*** and activities with a diversified group of organizations to stimulate and advance the positive impact of green chemistry and clean technology practices.
- ***Catalyze the implementation of green chemistry in industry*** by bringing together dynamic players in the global chemical enterprise through a Greener Chemical Products and Process Information Standard (NSF GCI ANSI 355) in collaboration with NSF International.
- ***Sponsor the Green Chemistry and Engineering Conference***, a premier annual event for over 15 years that attracts hundreds of top global researchers and business leaders in the field and focuses on applications of emerging chemical technologies to societal and environmental challenges.
- ***Communicate of the principles, alternatives, practices, and benefits*** of green chemistry through the dissemination of information on scientific advances.
- ***Stimulate industrial innovation and competitiveness*** starting with the industrial roundtables that bring together 45 Fortune 500 companies devoted to advancing green chemistry in their industries.

ACS GCI's leading activity to enhance strategic partnerships and industrial innovation is a series of sector-specific industrial roundtables that encourage innovation while catalyzing the integration of green chemistry and green engineering. The three current roundtables (manufacturers, formulators, and pharmaceuticals) are composed of industry representatives, all green chemistry experts, from over 45 multinational companies. The roundtables provide a non-competitive space to share information and further the progress of green chemistry to increase pollution prevention approaches in chemical synthesis and processing. Member companies pay a fee to be a part of the roundtable and ultimately develop research and data summaries as a mechanism to allow increased access to and transparency in information in a specific industry sector without jeopardizing commercial interests.

ACS's Potential Role as a Convener/Partner in the Regulatory Dialogues

To enhance economic strength in the U.S. and E.U., governments should work with industry, academia, scientific organizations, public interest groups, and other stakeholders to eliminate barriers and support adoption of sustainable products and processes. ACS is interested in continuing and expanding its dialogues with interested stakeholders from various sectors.

Initially, ACS proposes that ACS GCI expand its role as a neutral convener of industrial roundtables, which provide unique opportunities for companies to cooperate and act as change agents in their industrial sectors. They would be responsible for furthering research, partnering with academia, inviting govern-

ment participation, expressing concerns, and developing new opportunities. Each roundtable would have specific activities and priorities. The meetings could be organized via webinars, conference calls and other virtual means of communication, which would allow for more international participation.

We also recommend having a face-to-face workshop with interested U.S. and E.U. parties with expertise in green chemistry to discuss issues such as information sharing, transparency, and wider access to the research and analysis. Such cooperation is the basis for increasing public understanding of chemical regulation. This conversation might include homogenizing the current definitions of green chemistry in the U.S. and the E.U., as well as areas for additional research that might support a broad range of regulatory and non-regulatory goals.

In the long run, chemicals management and regulatory policy should be used to encourage adoption of green and sustainable chemical products and processes through voluntary standards, incentives, and preferences. ACS will continue to act as a facilitator for such dialogues and hopes that the U.S. and E.U. governments will find a way to include our Society in your efforts.

If we can provide further information on this matter, feel free to contact me at (202) 872-4475 or g_ruskin@acs.org.

Sincerely,



Glenn S. Ruskin