



November 9, 2009

Mr. Mark Caverly  
Chief, Liaison and Policy Section  
Drug Enforcement Administration  
Office of Diversion Control  
8701 Morrissette Drive  
Springfield, VA 22152

Dear Mr. Caverly:

Subject: ACC Response to the September 10, 2009 *Federal Register* Notice (74 FR 46618): "Information Collection Request – Annual Reporting Requirement for Manufacturers of Listed Chemicals", OMB Number 1117-0029

The American Chemistry Council (ACC) appreciates the opportunity to offer comments to the U.S. Drug Enforcement Administration in support of its efforts to prevent the diversion of industrial chemicals into the production of illicit drugs pursuant to the September 10, 2009 *Federal Register* request for comments on the Information Collection Request. ACC represents 140 leading companies who are responsible for approximately 85 percent of basic industrial chemical production in the U.S.<sup>1</sup> Many ACC member companies are subject to the Drug Enforcement Administration's regulation of List I and List II chemicals and are required to submit the annual manufacturer's report each year.

The September 10, 2009 *Federal Register* notice requested comment on four aspects of the current annual reporting requirements for manufacturers of listed chemicals.

- 1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility:

---

<sup>1</sup> The business of chemistry is an important part of our nation's economy and employs more than 850,000 Americans, producing 19 percent of the world's chemicals. ACC member companies manufacture essential products critical to everyday items that keep the economy moving and are essential to developing the greener, cleaner, more competitive economy the nation seeks. More than 96% of all manufactured goods are directly touched by the business of chemistry. Our members provide the chemistry that is used to produce life saving medications and medical devices, body armor used by our military and law enforcement officers, light weight components for vehicles, energy saving insulation and windows, silicon for solar panels, wind turbine blades and so much more.



ACC Comments on DEA Information Collection Request

November 9, 2009

Page 2 of 3

DEA stated when establishing manufacturer reporting requirements that the manufacturer's report would "provide the DEA with information on the amounts of listed chemicals available in the U.S. and provide specific strategic information and parameters on the size and direction of the legitimate listed chemical market and the availability of such chemicals for diversion. It will also enable the DEA to provide the International Narcotics Control Board (INCB) with aggregate data regarding the production and availability of chemicals controlled under provisions of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances."<sup>2</sup>

ACC cannot speak to whether the report continues to be necessary or currently has practical utility to the Drug Enforcement Administration as was anticipated when the rule was first enacted, since we do not know if DEA continues to use the information in this manner or has found it useful.

- 2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

ACC member companies report varying time estimates from 9 to 24 hours each. Compiling the report typically involves more than one person at a facility. For example, a respondent may require assistance from the site's Accounting group for inventory information or from its IT group to pull data and product information from databases. In addition, time is required to prepare the documentation and to obtain the appropriate signature. Although we believe DEA's estimate of 4 hours per respondent is low, we do not feel that the time required to compile the report is unreasonable.

- 3) Enhance the quality, utility, and clarity of the information to be collected;

Again, we cannot speak to the utility of the information to the Agency. Since the information gathered is of a straightforward nature (i.e., manufacturing volumes, ending inventories), we cannot envision a change that would enhance the quality or clarity of the information.

- 4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

As stated under the comments on Item 2), we do not feel that the burden of these reporting requirements is unreasonable. Therefore, we do not suggest changing the collection techniques to use electronic or automated submission technology, which could have unforeseen complications or perhaps be more time-consuming.

---

<sup>2</sup>"Manufacturer Reporting," Final Rule, 61 FR 14022, issued March 29, 1996.

ACC Comments on DEA Information Collection Request

November 9, 2009

Page 3 of 3

ACC appreciates the opportunity to respond to this Information Collection Request. If you have any questions regarding these comments, please contact me at 703-741-5606 or [robert\\_kiefer@americanchemistry.com](mailto:robert_kiefer@americanchemistry.com).

Sincerely,

*Robert J. Kiefer*

Robert Kiefer

Director, Regulatory & Technical Affairs