



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Bradford E. Cooper
Superintendent
United States Mint
Department of the Treasury
West Point, NY 10996-0037

MAR 11 1999

Dear Mr. Cooper:

This letter responds to a question you raised in a February, 1999 letter to EPA about the reporting obligations under EPCRA section 313 of the U.S. Mint at West Point, New York. The facility creates coins from silver disks provided by an off-site contractor. Your question is whether the U.S. Mint at West Point is eligible for the article exemption under 40 CFR 372.38(b).

In your letter, you provide a description of the process by which your facility creates coins. This process begins following the receipt of silver disks from a contractor that has fashioned the disks from silver bars. Your facility then converts the silver disks into planchets, or blank coins, by upsetting the rims of the disks. The next step is to stamp images onto the planchets, resulting in the coins that are purchased by the public.

Your letter provides further explanation on the stamping process. During this step, the planchet expands in diameter into the collar of the die. This results in the creation of the reeds, or ridges, on the outside edge of the coin. The planchet also expands in thickness. Coins that do not meet the U.S. Mint criteria are sent off-site for reuse. There is no detectible weight change.

Based on this information, the U.S. Mint at West Point can not claim the article exemption. As you pointed out in your letter, one of the criteria for claiming the article exemption is that the article must be "formed to a specific shape or design during *manufacture*" (Please see Question 342 in the EPA's EPCRA Section 313 Questions and Answers). The U.S. Mint receives the manufactured item, the silver disk, from the off-site contractor. This silver disk, however, undergoes a change in the specific shape when U.S. Mint upends the rims of the disks. The U.S. Mint further changes the specific shape when it changes both the diameter and thickness of the planchet during the stamping process. This change negates the article exemption.

A second criteria that you pointed out is the need for the article to have "end use functions dependent in whole or in part upon its shape or design during end use" (Please see Question 342 in the EPA's EPCRA Section 313 Questions and Answers). This criteria, however, is voided

when the planchet is stamped with the design. The reason is that the end use functions of the coins are dependent on the design on the coins. The public can not use the coins for their intended purpose without the designs that the U.S. Mint stamps onto them.

I appreciate your effort to clarify the reporting requirements for your facility. EPA welcomes the opportunity to help other federal agencies comply with EPCRA section 313. As Executive Order 12856, which extends compliance under EPCRA to the federal community states, "The Federal Government should be a good neighbor to local communities by becoming a leader in providing information to the public concerning toxic and hazardous substances..." If you have any questions on this matter, or any other, please do not hesitate to contact me. I can be reached at 202 260 9592. You also can contact John Harman of my staff at 202 260 6395.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria J. Doa". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Maria J. Doa, Chief
Toxics Release Inventory Branch