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

SEP 09 2004

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Gregory G. Bond  
Corporate Director of Product Responsibility  
The Dow Chemical Company  
2030 Dow Center  
Midland, MI 48674

Dear Mr. Bond:

Thank you for your letter dated December 1, 1999, to the U.S. Environmental Protection Agency (EPA), regarding the High Production Volume (HPV) Challenge Program. I apologize for the lengthy delay in responding to your request.

Your letter requests that 2,4-dichlorophenoxy acetic acid (CAS No. 94-75-7), 1,3-dichloropropene (CAS No. 542-75-6), 4-amino-3,5,6-trichloropicolinic acid (CAS No. 1918-02-1), and 2-chloro-6-(trichloromethyl)-pyridine (CAS No. 1929-82-4), be given indicators of "1" on the HPV Challenge Program Chemical List to indicate that they are not candidates for testing under the HPV Challenge Program.

It is EPA's position that chemicals tested and approved under other Federal agency programs may contain data gaps in areas which are elements of the HPV Challenge Program. Furthermore, exposure scenarios may be different and may have the potential to cause adverse impacts on health or the environment. In addition, the data supporting the registration of chemicals under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) may not be publicly available because of confidentiality claims. However, data submitted under FIFRA could be submitted to the HPV Challenge Program by a manufacturer in the form of robust summaries and thus allow it to become public.

As you may know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its ChemRTK website at [www.epa.gov/chemrtk](http://www.epa.gov/chemrtk) in March, 1999. Based on EPA's review of all the pertinent Inventory Update Rule (IUR) data from 1998 and 2002, EPA has determined that 2,4-dichlorophenoxy acetic acid (CAS No. 94-75-7), 1,3-dichloropropene (CAS No. 542-75-6), 4-amino-3,5,6-trichloropicolinic acid (CAS No. 1918-02-1), and 2-chloro-6-(trichloromethyl)-pyridine (CAS No. 1929-82-4), **do not meet** the "no longer HPV" criteria. Since Agency records show these chemicals are not sponsored, EPA encourages The Dow Chemical Company

(Dow) to consider sponsoring the chemicals or to encourage other companies regarding possible sponsorship of these chemicals. If the chemicals have been erroneously reported to the IUR, EPA recommends that Dow consider amending its reporting under the IUR.

We will post your letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at [tsca-hotline@epa.gov](mailto:tsca-hotline@epa.gov).

Sincerely,

Wardner G. Penberthy  
Acting Director  
Chemical Control Division

cc: AR201