



AR 201-12008

Merichem-Sasol USA LLC  
1914 Haden Road  
Houston, Texas 77015-6498  
(713) 428-5400 • Fax (713) 455-0276

**CERTIFIED MAIL # P 795 298 616**  
**RETURN RECEIPT REQUESTED**

November 29, 1999

Mr. Charles M. Auer, Director  
Chemical Assessment Control Division  
Office of Pollution, Prevention and Toxics  
U.S. Environmental Protection Agency - Mail Code 7450  
401 M Street, S.W. - Room E403  
Washington, D.C. 20460

**Re: Request for Change of Testing Designation of Disulfides, Alkylaryl Dialkyl Diaryl, Petroleum Refinery Spent Caustic Oxidation Products (CASNR 68334-01-0) and Tar Acids, Cresylic, Residue (CASNR 68555-24-8) under the Voluntary High Production Volume Challenge Program**

Dear Mr. Auer:

Merichem-Sasol USA LLC (MERISOL), formerly Merichem Company, requests that the United States Environmental Protection Agency (EPA) reclassify Disulfides, Alkylaryl Dialkyl Diaryl, Petroleum Refinery Spent Caustic Oxidation Products (CASNR 68334-01-0) and Tar Acids, Cresylic, Residue (CASNR 68555-24-8) on EPA's voluntary High Production Volume (HPV) Challenge Program Chemical List (HPV List) showing that both are exempt from testing requirements because both chemicals are not, and never should have been considered, HPV chemicals.

The HPV Challenge Program Chemical List consists of chemicals manufactured in quantities greater than one million pounds that were reported pursuant to the 1990 and 1994 Inventory Update Rule (IUR). IUR reporting requirements extend only to chemical substances that are

manufactured for a commercial purpose.<sup>1/</sup> According to EPA regulations, substances excluded from IUR reporting include byproducts that have no commercial purpose.<sup>2/</sup> Additionally exempted are byproducts that have commercial value only to municipal or private organizations who burn it as a fuel.<sup>3/</sup> Tar Acids, Cresylic, Residue (CASNR 68555-24-8) is not intentionally produced for a commercial purpose. Rather, all of the Tar Acids, Cresylic, Residue (CASNR 68555-24-8) produced is burned for fuel by MERISOL. The Tar Acids, Cresylic, Residue (CASNR 68555-24-8) is considered a by-product and since it is burned as a fuel, it is a hazardous waste regulated under the Resource Conservation and Recovery Act. Tar Acids, Cresylic, Residue (CASNR 68555-24-8) thus is exempt from the definition of chemicals manufactured for a commercial purpose for IUR reporting. For this reason, it is exempt from the definition of HPV Chemicals, although it has been reported on the IUR in 1990.<sup>4/</sup>

EPA guidance clearly states that the EPA will not require testing of a substance under the HPV Challenge Program if there is support for the claim that the substance is no longer an HPV chemical and the substance is not likely to become an HPV chemical again.<sup>5/</sup> MERISOL manufactures Tar Acids, Cresylic,

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<sup>1/</sup> 40 C.F.R. ' 710.4(a).

<sup>2/</sup> *Id.* ' 710.4(d)(2).

<sup>3/</sup> *Id.*

<sup>4/</sup> As the appended HPV Challenge Program Chemical List search for Tar Acids, Cresylic, Residue CAS number indicates, Tar Acids, Cresylic, Residue was only reported on the 1990 IUR.

<sup>5/</sup> EPA, *Procedures for Removing Chemicals that are No Longer HPV and are not Likely to Become HPV Again from the HPV List* (Feb. 8, 1999) (HPV Guidance).

Residue (CASNR 68555-24-8) in the U.S., and all of the Tar Acids, Cresylic, Residue (CASNR 68555-24-8) manufactured by MERISOL in the U.S. is burned for fuel. At this time, MERISOL does not intend to use Tar Acids, Cresylic, Residue for any other purpose. Tar Acids, Cresylic, Residue (CASNR 68555-24-8), therefore, is not, and is not likely to become, an HPV chemical for purposes of the HPV Challenge Program.

The petroleum refining industry in the United States reported the production of Disulfides, Dialkyl and Diphenolic, Naptha Sweetening (CASNR 68996-83-0). MERISOL inadvertently reported Disulfides, Dialkyl and Diphenolic, Naptha Sweetening as Disulfides, Alkylaryl Dialkyl Diaryl, Petroleum Refinery Spent Caustic Oxidation Products (CASNR 68334-01-0) on the IUR report forms. The description and CASNR for Disulfides, Dialkyl and Diphenolic, Naptha Sweetening (CASNR 68996-83-0) describes the Disulfides, Alkylaryl Dialkyl Diaryl, Petroleum Refinery Spent Caustic Oxidation Products (CASNR 68334-01-0) material manufactured by MERISOL. It is our understanding, that MERISOL is the only company to report the production or import of Disulfides, Alkylaryl Dialkyl Diaryl, Petroleum Refinery Spent Caustic Oxidation Products (CASNR 68334-01-0) on the IUR inventory. The EPA has recognized that inadvertent reporting mistakes of this type are "common errors". If MERISOL had used the correct product description and CASNR, then this chemical substance would not be on the HPV Chemical List.

As a result, EPA has no basis on which to leave Disulfides, Alkylaryl Dialkyl Diaryl, Petroleum Refinery Spent Caustic Oxidation Products (CASNR 68334-01-0) on the HPV List. MERISOL requests that the EPA delist this chemical substance, thereby removing it from the HPV List and the HPV Challenge Program. MERISOL intends to use Disulfides, Dialkyl and Diphenolic, Naptha Sweetening (CASNR 68996-83-0) on future IUR submissions. Disulfides, Dialkyl and Diphenolic, Naptha Sweetening (CASNR 68996-83-0) will be tested through an API refinery consortium.

EPA has removed other substances from the HPV List that were reported to the IUR when they were exempt from IUR reporting requirements, and thus should also remove Tar Acids, Cresylic, Residue (CASNR 68555-24-8) and Disulfides, Alkylaryl Dialkyl Diaryl, Petroleum Refinery Spent Caustic Oxidation Products (CASNR 68334-01-0). Any chemical not meeting the HPV definition should be removed from the HPV Challenge Program, to maintain the integrity of the HPV List. This is particularly important for substances -- such as Tar Acids, Cresylic, Residue (CASNR 68555-24-8) -- that do not pose significant commercial or consumer exposure. Additionally, the removal of Tar Acids, Cresylic, Residue and Disulfides, Alkylaryl Dialkyl Diaryl, Petroleum Refinery Spent Caustic Oxidation Products (CASNR 68334-01-0) will help EPA to meet its commitments regarding animal welfare. EPA has stated that in light of its commitment to take concerns about animal welfare in the HPV Challenge Program seriously, the HPV Challenge Program has been designed to reduce the number of chemicals for which testing may be required.

MERISOL requests the EPA to confirm in writing that Tar Acids, Cresylic, Residue (CASNR 68555-24-8) and Disulfides, Alkylaryl Dialkyl Diaryl, Petroleum Refinery Spent Caustic Oxidation Products (CASNR 68334-01-0) are removed from EPA's HPV Challenge Program and the HPV List because both are exempt from testing requirements and never should have been considered, HPV chemicals.

Please direct any questions concerning this letter to me at (713) 428-5428.

Sincerely yours,  
Merichem-Sasol USA LLC.

Randy Shilling  
Environmental Engineer

cc: Chris Lancaster  
C.L. Roy  
Environmental File – ENVIRPTS # 99-109