



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Michael A. Santoro, Director
Environmental, Health, Safety & Regulatory Affairs
Specialty Material Markets Group
3M Center Bldg, 236-1B-10
St Paul, MN 55144

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Dear Mr. Santoro:

Thank you for your letter dated February 12, 2001, regarding the Environmental Protection Agency's (EPA) High Production Volume (HPV) Challenge Program. The Agency also received your October 9, 2001, letter correcting a CAS No. in your original letter. I apologize for the lengthy delay in responding to your request.

You requested the following chemicals be classified as "No Longer HPV" because they are all subject to 3M's announcement to phase out the manufacture of perfluorooctanyl chemistry:

- 307-35-7 1-Octanesulfonyl fluoride,
1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro
- 1691-99-2 1-Octanesulfonamide,
N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-
(2-hydroxyethyl)-
- 24448-09-7 1-Octanesulfonamide,
1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-(2-hydroxyethyl)-N-
methyl-
- 7795-95-1 1-Octanesulfonyl chloride
- 40630-63-5 1-Octanesulfonyl fluoride

In your letter, you state that all of these chemicals are subject to 3M's May 16, 2000, announcement indicating that worldwide production of these materials would be substantially discontinued by the end of 2000.

As you know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its Chemical Right-to-Know website in March, 1999. For EPA to conclude that a no longer HPV claim is valid, a

chemical cannot be produced by any company or group of companies at total production volumes of one million pounds per year or greater, and the chemical must be shown as not likely to become an HPV chemical in the future, based on business plan, past production patterns, and credible trends in the market. These conditions are intended to satisfy the terms of the HPV Challenge Framework document, as quoted in the EPA Chemical Right-to-Know website: “Substances that sponsors verify are “no longer HPV” and are not likely to become HPV again will not require testing and will be removed from the list. (Substances which are either only slightly, or temporarily below the HPV threshold will remain on the list.)”

In evaluating this request, EPA considered the regulatory status of these chemicals under the Toxic Substances Control Act (TSCA). On December 9, 2002, EPA published a final Significant New Use Rule (SNUR) (67 FR 72854), issued under section 5(a)(2) of TSCA, for 75 perfluoroalkyl sulfonate chemicals. The SNUR requires manufacturers and importers to notify EPA at least 90 days before commencing the manufacture or import of these chemical substances for the significant new uses described in the rule. Under this rule, EPA concluded that any new manufacture or importation of these chemicals other than for the limited ongoing uses described in the rule, would constitute a new use. The required notice will provide EPA with the opportunity to evaluate an intended new use and associated activities and, if necessary, to prohibit or limit that activity before it occurs.

Three of the chemicals included in your request, 1-Octanesulfonyl fluoride, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro (CAS No. 307-35-7); 1-Octanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-(2-hydroxyethyl)- (CAS No. 1691-99-2); and 1-Octanesulfonamide, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-(2-hydroxyethyl)-N-methyl- (CAS No. 24448-09-7), are included in the Perfluoroalkyl Sulfonates SNUR. Because the SNUR provides EPA with a mechanism to be notified if production resumes, these three chemicals **will be** designated as “no longer HPV.” The HPV Challenge Program Chemical List will be annotated by adding a “5” to indicate that they are no longer HPV.

The remaining two chemicals in your request, 1-Octanesulfonyl chloride (CAS No. 7795-95-1), and 1-Octanesulfonyl fluoride (CAS No. 40630-63-5), were evaluated in accordance with the policy announced in the guidance document. EPA evaluated each claim using information drawn from the 1998 and 2002 Inventory Update Rule (IUR) data, without entertaining any requests to amend purportedly erroneous reporting from the 1990 IUR reporting cycle.

Based on EPA’s review of all the pertinent IUR data, the Agency has determined that 1-Octanesulfonyl chloride (CAS No. 7795-95-1) and 1-Octanesulfonyl fluoride (CAS No. 40630-63-5), **do not meet** the “no longer HPV” criteria. Although these chemicals may be used as intermediates in the manufacture of perfluoroalkyl sulfonates (PFAS), they were not included in the PFAS SNURs because they have no carbon-fluorine bonds and are not perfluorinated.

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 tsc-hotline@epa.gov.

Sincerely,

Wardner G. Penberthy
Acting Director
Chemical Control Division

cc: AR201