

AR 201-14120



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December 12, 2002

Ms. Christine Todd Whitman, Administrator  
US EPA  
PO Box 1473  
Merrifield, VA 22116  
Attn: Chemical Right-to-Know Program

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**Re: z-Aspartic Acid (CAS # 1152-61-0)  
Request to Designate Chemical as "No Longer HPV"**

Dear Administrator Whitman:

We recently discussed the status of z-Aspartic Acid (z-ASP; CAS No. 1152-61-0) in the US EPA High Production Volume (HPV) Chemicals Program with Ms. Karen Lannon of the EPA. Ms. Lannon suggested that PPG write to you to request that the Agency designate z-ASP as "No Longer HPV". This substance is not subject to the jurisdiction of the Toxic Substances Control Act (TSCA) and therefore, it does not qualify for TSCA Inventory Update Reporting nor for testing programs such as the HPV Program which are administered pursuant to Section 4 of TSCA. PPG Industries (PPG) volunteered to sponsor this material in the HPV Program, because it was on the original HPV list.

To the best of our knowledge, PPG Industries is the sole US manufacturer of z-ASP. PPG produces this material under a toll manufacturing agreement exclusively for a single customer that is located in the Netherlands. *The entire quantity of z-ASP that is manufactured by PPG is exported to our customer in the Netherlands.* That company uses z-ASP exclusively as a chemical intermediate in the production of a food additive material; specifically, the artificial sweetener Aspartame. Chemicals that are manufactured and used solely as intermediates in the production of a food additive are not a "chemical substance" as that term is defined in Section 3 of TSCA and therefore they are excluded from TSCA and the various programs administered by the Agency pursuant to the Act. See TSCA Section 3(2)(A), 40 C.F.R. Section 710.2(h) and the EPA's response to comment # 41 in the Agency's Inventory Reporting Requirements (42 Federal Register 64572 at 64586, December 23, 1977).

For the foregoing reasons, PPG requests that EPA designate z-Aspartic Acid (z-ASP; CAS No. 1152-61-0) as "No Longer HPV"

In its guidance document *Procedures for Removing Chemicals that are No Longer HPV*, the Agency expressed concern that future changes in the commercial status of a chemical could prompt a change in IUR reporting and HPV designation for a substance. In response to this concern, PPG, as the sole domestic manufacturer of z-ASP, is unaware of any new or additional uses of this chemical substance that are subject to TSCA jurisdiction and which would prompt IUR reporting. Therefore, PPG does not expect that z-ASP will appear as an HPV chemical in future IUR reports.

If you need additional information, please call me at (412) 434 – 2801. If necessary, we would be happy to meet with appropriate EPA staff persons to discuss this matter.

Yours truly,

James A. Barter, Ph.D., D.A.B.T.