



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Edwin L. Mongan, III
Manager, Environmental Stewardship
DuPont Safety, Health & Environment
Safety, Health & Environment Excellence Center
1007 Market Street, DuPont 6082
Wilmington, DE 19898

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RECEIVED

Dear Mr. Mongan:

Thank you for your letter dated January 13, 2003, to the Administrator of the U.S. Environmental Protection Agency (EPA) regarding the EPA's High Production Volume (HPV) Challenge Program. I am responding on the Administrator's behalf.

In your letter you state that DuPont will no longer be manufacturing or importing either Cyclohexane, oxidized, non-volatile residue (CAS No. 68411-76-7) or Nickel, bis[(cyano-C)triphenylborato(1-)-N]bis(hexanedinitrile-N-N')- (CAS No. 83864-02-2) and that as a result these two chemicals no longer appear to be within the scope of the HPV Challenge Program. As you may know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its Chemical Right-to-Know (ChemRTK) website at www.epa.gov/chemrtk 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 1 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 plans, 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 on the EPA ChemRTK 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 accordance with the policy announced in the guidance document, EPA evaluated each claim using information drawn from the 1990, 1994, and 1998 Inventory Update Rule (IUR) data, without entertaining any requests to amend purportedly erroneous reporting from the 1990 IUR reporting cycle. The Agency considered the total chemical production volume over time, the percent change in production volume over time, and the number of companies that reported

production. Based on the demonstrated volatility of production volumes under IUR and recognizing the limitations in a quadrennial reporting scheme, EPA has set the minimum criteria for identifying chemicals as no longer HPV as a total annual product volume below 1 million pounds for the last two reporting cycles (i.e., 1994 and 1998).

Based on EPA's review of all the pertinent IUR data, EPA has determined that Cyclohexane, oxidized, non-volatile residue (CAS No. 68411-76-7) and Nickel, bis[(cyano-C)triphenylborato(1-)-N]bis(hexanedinitrile-N-N')- (CAS No. 83864-02-2) **do not meet** the no longer HPV criteria.

The Agency will post your letter, accompanied by this response, on the ChemRTK website approximately five days after mailing. In addition, it will indicate on the CRTK website that you no longer manufacture these two chemicals so that the general public and other interested stakeholders may know that fact. If you have any questions concerning this response, please contact me at (202) 564-4770. If you have any 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 through e-mail at tsca-hotline@epa.gov.

We thank you for your letter.

Sincerely,

Barbara A. Leczynski, Chief
Existing Chemicals Branch
Chemical Control Division

cc: AR-201