



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

201-15523

JUL 15 2004

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Glenn S. Simon, Ph.D., DABT  
Rhodia Inc.  
5171 Glenwood Avenue, Suite 402  
Raleigh, North Carolina 27612

Dear Dr. Simon:

Thank you for your letter dated December 23, 2003, 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 states that EPA had previously issued a Proposed Negotiated Testing Agreement (NTA) on tris (2-chloroethyl)phosphite (T2CEP) (CAS No. 140-08-9) on February 5, 1982. At that time, the NTA recommended the chemical be tested for the following health and environmental effects: pharmacokinetics and metabolism, subchronic and reproductive effects, chemical fate, and acute toxicity to fish, aquatic invertebrates and algae. The manufacturers of T2CEP at that time submitted information on production, exposure and environmental release. Your letter states that EPA then decided that TSCA Section 4 testing of T2CEP was not warranted based on evidence demonstrating extremely limited exposure of T2CEP, negligible release in the environment, and that EPA believed the statutory findings necessary to require testing under TSCA Section 4 for tris(2-chloroethyl)phosphite could not be made at that time. Your letter states that Rhodia believes the rationale and findings from the "decision not to test" are still valid today.

In 1982, EPA made a regulatory decision that the statutory findings necessary to require testing under TSCA Section 4 for tris(2-chloroethyl)phosphite could not be made at that time. However, the goal of the HPV Challenge Program, is to make publicly available a complete set of baseline health and environmental effects data on HPV chemicals (those chemicals produced at levels of over a million pounds).

As you may know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its ChemRTK website at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 tris(2-chloroethyl)phosphite (CAS No. 140-08-9) **does not meet** the "no longer HPV" criteria.

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Because tris(2-chloroethyl)phosphite is still considered to be an HPV chemical and still needs to be sponsored, EPA continues to recommend that Rhodia provide the requested baseline set of data. If that can be done, then no additional testing will be necessary.

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](mailto:tsc-hotline@epa.gov).

Sincerely,

Wardner G. Penberthy  
Acting Director  
Chemical Control Division

cc: AR201