

201-15796



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 10 2000

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

RECEIVED
OPPT/CRIC
05 FEB -2 PM 2:02

Mr. C. V. Hinton
Vice President
Ethox Chemicals, LLC
P.O. Box 5094
Greenville, SC 29606

Dear Mr. Hinton:

Thank you for your two separate letters dated November 30, 1999, to the U.S. Environmental Protection Agency (EPA) regarding the EPA's High Production Volume (HPV) Challenge Program. In your letters, you stated that quaternary ammonium compounds, ethyldimethylsoya alkyl, Et sulfates (CAS No. 68308-67-8), and phosphoric acid, mixed decyl and Et and octyl esters (CAS No. 68412-60-2), qualified for designation as "no longer HPV" and, therefore, should be removed from the HPV Challenge Program Chemical List.

As you know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its Chemical Right-to-Know website in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 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 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 accordance with the policy announced in the guidance document, EPA evaluated each claim using information drawn from the 1990, 1994, and 1998 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 production volume below 1 million pounds for the last two reporting cycles (i.e., 1994 and 1998).

Based on your company's request and EPA's review of all the pertinent IUR data, EPA has determined that quaternary ammonium compounds, ethyldimethylsoya alkyl, Et sulfates (CAS No. 68308-67-8) **does meet** the criteria. The HPV Challenge Program Chemical List will be annotated by designating this chemical with a "5" to indicate that it is no longer HPV.

EPA has determined, however, that phosphoric acid, mixed decyl and Et and octyl esters (CAS No. 68412-60-2), **does not meet** the criteria. Therefore the designation of this chemical on the HPV Challenge Program Chemical List will not be modified.

EPA notes that phosphoric acid, mixed decyl and Et and octyl esters (CAS No. 68412-60-2) has already been voluntarily sponsored under the HPV Challenge Program by the Chemical Manufacturers Association Phosphoric Acid Derivatives Panel. You are encouraged to contact the listed sponsor regarding possible joint sponsorship of the chemical. Should Ethox Chemicals choose to do so, and since this response is arriving after the December 1, 1999, deadline for voluntary participation in the HPV Challenge Program, EPA will offer a 60-day grace period from the date of this letter during which your company may elect to sponsor this chemical under the Program. For more information on sponsorship of HPV Challenge Program chemicals, refer to the EPA website at <http://www.epa.gov/chemrtk/smrestbl.htm>.

The Agency will post your letter, accompanied by this response, on the ChemRTK website approximately five days after mailing. If you have any questions concerning this response, please contact Barbara Leczynski, Chief of the Existing Chemicals Branch, at (202) 260-3945. 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 and look forward to your participation in the HPV Challenge Program.

Sincerely,

Charles M. Auer, Director
Chemical Control Division

cc: AR-201