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

MAY 12 2003

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Thomas C. Berger
Keller and Heckman LLP
1001 G Street, N.W. Suite 500 West
Washington, DC 20001

Dear Mr. Berger:

Thank you for your letters dated November 24, 1999 and March 26, 2003 addressed to Mr. Charles M. Auer, former Director, Chemical Control Division. Mr. Auer has asked that I respond on his behalf. I apologize for the lengthy delay in responding to your request.

Your letter requests information on the status of Resin acids and Rosin acids, aluminum, salts (aluminum rosinate), (CAS No. 61789-65-9) under the Environmental Protection Agency's (EPA's) High Production Volume (HPV) Challenge Program. Specifically, you have requested that aluminum rosinate be eliminated from consideration for testing under the HPV Challenge Program based on the fact that this substance is not required to be reported for Toxic Substances Control Act (TSCA) Inventory Update Reporting (IUR).

Regarding your request to remove Resin acids and Rosin acids, aluminum, salts (aluminum rosinate), (CAS No. 61789-65-9) from the HPV Challenge Program, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its Chemical Right-to-Know website in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 EPA's review of all the pertinent IUR data, the Agency has determined that Resin acids and Rosin acids, aluminum, salts (aluminum rosinate), (CAS No. 61789-65-9) **does not meet** the "no longer HPV' criteria. However, please be advised that 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 Exiting 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 an also be reached through e-mail at tsca-hotline@epa.gov.

We thank you for your letter and look forward to your continued interest in the HPV Challenge Program.

Sincerely,

Philip S. Oshida, Acting Director
Chemical Control Division

cc: AR-201
Rebecca Cool