

201-15942



Annette
Washington/DC/USEPA/US
06/21/2005 05:30 PM

To NCIC HPV@EPA, Janet Pope/R5/USEPA/US@EPA
cc
bcc
Subject (AR201) Technical Letter from Dupont

----- Forwarded by Annette Washington/DC/USEPA/US on 06/21/2005 05:23 PM -----



Robert W Frærksen
<Robert.W.Frærksen@USA.dupont.com>
06/20/2005 01:21 PM

To Diane Sheridan/DC/USEPA/US@EPA
cc Jeffrey Taylor/DC/USEPA/US@EPA, JohnD Walker/DC/USEPA/US@EPA
Subject Request to reconsider "HPV" designation for CAS RN 138-25-0 and 3965-55-7

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Dear Ms. Sheridan:

DuPont Chemical Solutions Enterprise (DuPont) requests the EPA to reconsider designation of the following two substances as "HPV Orphans", because these substances are no longer High Production Volume (HPV) chemicals in the US. The two substances are:

- 1.) 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester; CAS RN 138-25-0
- 2.) 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt; CAS RN 3965-55-7

In connection with the HPV Challenge Program, DuPont previously informed the Agency that these two substances are no longer HPV. The first substance, CAS RN 138-25-0, was produced as a site limited intermediate for the second, CAS RN 3965-55-7. DuPont has ceased manufacture of CAS RN 138-25-0 and the production facility has been dismantled. In the 2002 IUR report of 2001 production, DuPont reported zero manufacture or import of CAS RN 138-25-0, as will be the case for the upcoming IUR report of 2005 manufacturing and import. DuPont has no intention of reinstating manufacture (or import) of this substance.

DuPont no longer manufactures the second substance, CAS RN 3965-55-7. This chemical is used primarily for polyester manufacture. The polyester industry has largely shifted manufacturing to Asia, and US business has declined. Although DuPont no longer manufactures CAS RN 3965-55-7, DuPont has continued to import this material to supply a few customers. However, the volume imported is substantially less than the HPV threshold volume of one million pounds. DuPont reported less than one million pounds imported in the 2002 IUR, as will be the case in the 2006 IUR. DuPont does not anticipate business trends increasing the US demand for CAS RN 3965-55-7 to HPV levels in the foreseeable future.

Because the first substance is no longer manufactured or imported and the second substance is only imported at less than HPV volumes, DuPont requests that the EPA reconsider the designation of these substances as "HPV". We understand that the Agency intends to publish direct final 8(a) and 8(d) rules for "HPV Orphan" chemicals. We believe that inclusion of these two substances within the scope of these rules based on out-of-date historical data that no longer reflects current, or reasonably foreseeable future, business conditions is not in the best interest of the Agency or DuPont.

Please let me know if you have any questions about DuPont's manufacturing or importation of these two substances. You may reach me by email at robert.w.freerksen@usa.dupont.com, or by phone at 302-892-7781.

Sincerely,

Robert W. Freerksen
Regulatory Programs Manager
DuPont Chemical Solutions Enterprise

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