



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

201-16077

Robert W. Freerksen, PhD
Regulatory Programs Manager
DuPont Chemical Solutions Enterprise
BMP-23/1324
P. O. Box 80023
Wilmington, Delaware 19880-0023

Dear Dr. Freerksen:

Thank you for your email on June 20, 2005, to Diane Sheridan regarding the Environmental Protection Agency's (EPA) High Production Volume (HPV) Challenge Program.

In your email, Dupont Chemical Solutions Enterprise (Dupont) requests that EPA reconsider its designation of the two substances – 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester (CAS No. 138-25-0) and 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (CAS No. 3965-55-7) – as HPV orphans because the company believes the substances should be classified as no longer HPV chemicals in the U.S.

Your email indicates that 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester (CAS No. 138-25-0) was produced as a site limited intermediate for 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (CAS No. 3965-55-7). You further indicate that Dupont has ceased manufacture of CAS No. 138-25-0 and the production facility has been dismantled. Finally, you point out that Dupont no longer manufactures CAS No. 3965-55-7, and while your company will continue to import this chemical for a few customers, it will import it in volumes substantially less than the HPV threshold volume of one million pounds.

Based on the information that Dupont has supplied, EPA will post your correspondence to the ChemRTK website (www.epa.gov/chemrtk) as soon as possible to advise the public of the above manufacturing changes for your company. This posting will relay to the public that Dupont no longer manufactures nor imports 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester (CAS No. 138-25-0). In addition, it will inform the public that your company no longer manufactures 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (CAS No. 3965-55-7) nor does it import this substance in HPV threshold amounts.

In regards to Dupont's classification of these two substances as no longer HPV chemicals and its request to change their current designation as HPV orphans, EPA posted draft guidance on the procedures for removing chemicals that are "no longer HPV" from the scope of the HPV Challenge Program on its ChemRTK website (www.epa.gov/chemrtk/guidocs.htm) in March

1999. Among the prerequisites considered for removing a chemical from the HPV Challenge Program is that the chemical does not meet Inventory Update Rule (IUR) reporting requirements for the two most recent reporting years, in this case 1998 and 2002. Based on our review of the guidance and the IUR reporting history for these chemicals, EPA has determined that the chemicals **do not meet** the no longer HPV criteria. While neither chemical was reported to the IUR in HPV volumes in 2002, they were both reported to the IUR in HPV volumes in 1998. Therefore, 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester (CAS No. 138-25-0) and 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (CAS No. 3965-55-7) continue to be classified as HPV chemicals and will remain on the HPV Orphans list.

We will post your email, accompanied by our reply, on the ChemRTK website. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-8176. 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.

Sincerely,

Jim Willis, Director
Chemical Control Division

cc: AR-201