



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

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OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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NOV 21 AM 9:41

Mr. Robert K. Hinderer  
Noveon, Inc.  
9911 Brecksville Road  
Cleveland, OH 44141-3247

Dear Mr. Hinderer:

Thank you for your email on October 20, 2005, to John Walker at the U.S. Environmental Protection Agency (EPA) regarding the 56<sup>th</sup> Report of the Toxic Substance Control Act (TSCA) Interagency Testing Committee (ITC).

You state in your email that Noveon, Inc., (Noveon) has discontinued the manufacture of two chemicals:

- Phosphorous acid, 2-tert-butyl-.alpha.-(3-tert-butyl-4-hydroxyphenyl)-p-cumenyl bis(p-nonylphenyl) ester (CAS No. 20227-53-6)
- Phosphorochloridous acid, bis(4-nonylphenyl) ester (CAS No. 63302-49-8)

You further state that Noveon was, to your knowledge, the only manufacturer of these two substances. Therefore, your company requests that these two chemicals be removed from the High Production Volume (HPV) Orphan Chemicals List appearing in Appendix A of the 56<sup>th</sup> ITC Report.

Based on the information supplied, EPA will post your correspondence to the ChemRTK website ([www.epa.gov/chemrtk](http://www.epa.gov/chemrtk)) as soon as possible to inform the public of the above manufacturing changes for Noveon. This posting will relay to the public that Noveon no longer manufactures either Phosphorous acid, 2-tert-butyl-.alpha.-(3-tert-butyl-4-hydroxyphenyl)-p-cumenyl bis(p-nonylphenyl) ester (CAS No. 20227-53-6) or Phosphorochloridous acid, bis(4-nonylphenyl) ester (CAS No. 63302-49-8).

The two chemicals in question appear on the Orphan List in the 56<sup>th</sup> ITC Report since the two substances fit the definition of "orphan chemicals" under the HPV Challenge Program. When a company or consortium that previously sponsored an HPV chemical via the Program has withdrawn their commitment, this action results in the substance becoming an unsponsored or "orphan" chemical. Orphan chemicals are specifically defined as unsponsored chemicals from the 1990 HPV Challenge Program Chemical List that may be manufactured or imported in quantities equal to or greater than one million pounds in the last two Inventory Update Rule (IUR) reporting periods (i.e., 1998 and 2002). The Agency has examined the IUR reporting history and sponsorship records for the two chemicals in question. These two chemicals were

reported in HPV volumes in the 1998 and 2002 IUR reporting periods, and sponsorship of these two chemicals was subsequently withdrawn by Noveon in the December 29, 2003, letters that you attached to your email. From this information, EPA has determined that these two substances (CAS No. 20227-53-6 and CAS No. 63302-49-8) have been appropriately classified as orphan chemicals and therefore should remain on the HPV Orphan Chemicals List.

To be removed from the HPV Chemicals List, the two substances would have to be classified as "no longer HPV" chemicals. EPA posted draft guidance on procedures for removing chemicals that are "no longer HPV" from the List on its ChemRTK website ([www.epa.gov/chemrtk/guidocs.htm](http://www.epa.gov/chemrtk/guidocs.htm)) in March 1999. Among the prerequisites considered for removing a chemical is that the chemical does not meet IUR reporting requirements for the two most recent reporting years, in this case 1998 and 2002. Based on the Agency's review, these two substances (CAS No. 20227-53-6 and CAS No. 63302-49-8) **do not** meet the "no longer HPV" criteria because the two chemicals were reported in HPV volumes in the 1998 and 2002 IUR reporting periods as previously mentioned.

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 email at [tsca-hotline@epa.gov](mailto:tsca-hotline@epa.gov).

Sincerely,

Jim Willis, ~~Director~~  
Chemical Control Division

cc: AR-201