

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2008-0703; FRL-8387-6]

Sixty-Third Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency; Receipt of Report and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) transmitted its 63rd Report to the Administrator of the EPA on October 7, 2008. In the 63rd ITC report, which is included with this notice, the ITC is revising the TSCA section 4(e) *Priority Testing List* by removing 1 tungsten compound and 1 High Production Volume (HPV) Challenge Program orphan chemical.

DATES: Comments must be received on or before December 3, 2008.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2008-0703, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Hand Delivery:* OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA-HQ-OPPT-2008-0703. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA-HQ-OPPT-2008-0703. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-

mail. The [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone

number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This notice is directed to the public in general. It may, however, be of particular interest to you if you manufacture (defined by statute to include import) and/or process TSCA-covered chemicals and you may be identified by the North American Industrial Classification System (NAICS) codes 325 and 32411. Because this notice is directed to the general public and other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at

your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

The Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 *et seq.*) authorizes the Administrator of the EPA to promulgate regulations under TSCA section 4(a) requiring testing of chemicals and chemical groups in order to develop data relevant to determining the risks that such chemicals and chemical groups may present to health or the environment. Section 4(e) of TSCA established the ITC to recommend chemicals and chemical groups to the Administrator of EPA for priority testing consideration. Section 4(e) of TSCA directs the ITC to revise the TSCA section 4(e) *Priority Testing List* at least every 6 months.

You may access additional information about the ITC at <http://www.epa.gov/opptintr/itc>.

A. The 63rd ITC Report

The ITC is revising the TSCA section 4(e) *Priority Testing List* by removing 1 tungsten compound and 1 HPV Challenge Program orphan chemical.

B. Status of the Priority Testing List

The *Priority Testing List* includes 2 alkylphenols, 12 lead compounds, 16 chemicals with insufficient dermal absorption rate data, and 207 HPV Challenge Program orphan chemicals.

List of Subjects

Environmental protection, Chemicals, Hazardous substances.

Dated: October 28, 2008.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics.

Sixty-Third Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency

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Summary

The ITC is revising the Toxic Substances Control Act (TSCA) section 4(e) *Priority Testing List* by removing 1 tungsten compound and 1 High Production Volume (HPV) Challenge Program orphan chemical.

The TSCA section 4(e) *Priority Testing List* is Table 1 of this unit.

TABLE 1—TSCA SECTION 4(E) PRIORITY TESTING LIST (OCTOBER 2008)

ITC Report	Date	Chemical Name/Group	Action
31	January 1993	2 Chemicals with insufficient dermal absorption rate data	Designated
32	May 1993	10 Chemicals with insufficient dermal absorption rate data	Designated
35	November 1994	4 Chemicals with insufficient dermal absorption rate data	Designated
37	November 1995	Branched 4-nonylphenol (mixed isomers)	Recommended
41	November 1997	Phenol, 4-(1,1,3,3-tetramethylbutyl)-	Recommended
55	December 2004	203 HPV Challenge Program orphan chemicals	Recommended
56	August 2005	4 HPV Challenge Program orphan chemicals	Recommended
60	May 2007	12 Lead and lead compounds	Recommended

I. Background

The ITC was established by section 4(e) of TSCA “to make recommendations to the Administrator respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of rules for testing under section 4(a).... At least every six months ..., the Committee shall make such revisions to the *Priority Testing List* as it determines to be necessary and transmit them to the Administrator together with the Committee's reasons for the revisions” (Public Law 94–469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*). ITC reports are available from the ITC's website (<http://www.epa.gov/opptintr/itc>) within a few days of submission

to the EPA Administrator and from the EPA's website (<http://www.epa.gov/fedrgstr>) after publication in the **Federal Register**. The ITC produces its revisions to the *Priority Testing List* with administrative and technical support from the ITC staff, ITC members, and their U.S. Government organizations, and contract support provided by EPA. ITC members and staff are listed at the end of this report.

II. TSCA Section 8 Reporting

A. TSCA Section 8 Reporting Rules

Following receipt of the ITC's report (and the revised *Priority Testing List*) by the EPA Administrator, EPA's Office of Pollution Prevention and Toxics (OPPT) may add the

chemicals from the revised *Priority Testing List* to the TSCA section 8(a) Preliminary Assessment Information Reporting (PAIR) or TSCA section 8(d) Health and Safety Data Reporting (HaSDR) rules. The PAIR rule requires manufacturers (including importers) of chemicals added to the *Priority Testing List* to submit to EPA certain production and exposure information (<http://www.epa.gov/oppt/chemtest/pubs/pairform.pdf>). As provided for in the PAIR rule, whenever EPA announces the receipt of an ITC report, EPA amends, unless otherwise instructed by the ITC, the PAIR rule by adding the recommended (or designated) chemicals that have been added to the *Priority Testing List* by the ITC.

The HaSDR rule requires certain past, current, and proposed manufacturers, importers, and (if specified by EPA) processors of listed chemicals to submit to EPA copies and lists of unpublished health and safety studies on the listed chemicals that they manufacture, import, or (if specified by EPA) process. As provided for in the HaSDR rule, whenever EPA announces the receipt of an ITC report, EPA amends, unless otherwise instructed by the ITC, the HaSDR rule by adding the recommended (or designated) chemicals that have been added to the *Priority Testing List* by the ITC.

B. ITC's Use of TSCA Section 8 and Other Information

The ITC's use of TSCA section 8 and other information is described in the 52nd ITC Report (<http://www.epa.gov/opptintr/itc>).

III. ITC's Activities During this Reporting Period (June to October 2008)

During this reporting period, the ITC discussed tungsten compounds and HPV Challenge Program orphan chemicals.

IV. Revisions to the TSCA Section 4(e) Priority Testing List: Chemicals Removed From the Priority Testing List

A. Tungsten Compounds

Of the 22 tungsten compounds added to the *Priority Testing List* in the 53rd ITC Report (Ref. 1) and the 56th ITC Report (Ref. 2), 12 were removed in the 58th ITC Report (Ref. 3), 5 were removed in the 59th ITC Report (Ref. 4), and 4 were removed in the 62nd ITC Report (Ref. 5). At this time the ITC is removing tungstate (WO_4^{2-}), disodium, dihydrate, (T-4)-, a.k.a. disodium tungstate (Na_2WO_4) dihydrate (CAS No. 10213-10-2) from the *Priority Testing List* because of the voluntary information provided by the International Tungsten Industry Association and their cooperation in a National Toxicology Program/National Institute for Occupational Safety and Health research program to address exposure and toxicity data needs.

B. HPV Challenge Program Orphan Chemicals

270 HPV Challenge Program orphan chemicals were added to the *Priority Testing List* in the 55th ITC Report (Ref. 6) and 5 were added to the *Priority Testing List* in the 56th ITC Report (Ref. 2).

30 HPV Challenge Program orphan chemicals were removed from the *Priority Testing List* in the 56th ITC Report (Ref. 2). The HPV Challenge Program orphan chemicals that were removed in the 56th ITC Report included ethanol, 2-methoxy- (CAS No. 109-86-4) and tetradecane (CAS No. 629-59-4) that were on the *Priority Testing List* when the 55th ITC Report was sent to the EPA Administrator on December 8, 2004, but removed from *Priority Testing List* before the 55th ITC Report was published in the **Federal Register** because sponsorship of these 2 substances was transferred to the International Council of Chemical Associations HPV Initiative. The HPV Challenge Program orphan chemicals that were removed in the 56th ITC Report also included 11 chemicals that were sponsored

before the 55th ITC Report was sent to the EPA Administrator on December 8, 2004 (see Table 6 in the 56th ITC Report) and 17 chemicals that no longer meet the HPV criterion (see Table 7 in the 56th ITC Report).

8 HPV Challenge Program orphan chemicals were removed from the *Priority Testing List* in the 58th ITC Report (Ref. 3) (see Table 2 in the 58th ITC Report). These 8 chemicals included 4 that were on the *Priority Testing List* when the 55th ITC Report was sent to the EPA Administrator on December 8, 2004, but removed from *Priority Testing List* before the 55th ITC Report was published in the **Federal Register**. These 4 chemicals were retained on the December 8, 2004 *Priority Testing List* because sponsorship commitments were received by EPA after December 8, 2004. These 4 chemicals are phosphoric acid, tris(2-ethylhexyl) ester (CAS No. 78-42-2); phosphoric acid, 2-ethylhexyl ester (CAS No. 12645-31-7); 1-propanamine, 3-(tridecyloxy)-, branched (CAS No. 68511-40-0); and hydrocarbons, C_8-11 (CAS No. 68553-14-0).

35 HPV Challenge Program orphan chemicals were removed from the *Priority Testing List* in the 61st ITC Report (Ref. 7) (see Table 4 in the 61st ITC Report). These 35 chemicals included 1,3-propanediol, 2-amino-2-(hydroxymethyl)- (CAS No. 77-86-1) that was added to the *Priority Testing List* in the 56th ITC Report (Ref. 2).

In this 63rd ITC Report, disulfides, C_5-12 -alkyl (CAS No. 68513-62-2) are being removed from the *Priority Testing List* because they no longer meet the HPV criterion. Disulfides, C_5-12 -alkyl were added to the *Priority Testing List* in the 55th ITC Report (Ref. 6).

V. References

1. ITC. Fifty-Third Report of the ITC. **Federal Register** (69 FR 2468, January 15, 2004) (FRL-7335-2). Available online at: <http://www.epa.gov/fedrgstr>.
2. ITC. Fifty-Sixth Report of the ITC. **Federal Register** (70 FR 61520, October 24, 2005) (FRL-7739-9). Available online at: <http://www.epa.gov/fedrgstr>.
3. ITC. Fifty-Eighth Report of the ITC. **Federal Register** (71 FR 39188, July 11, 2006) (FRL-8073-7). Available online at: <http://www.epa.gov/fedrgstr>.
4. ITC. Fifty-Ninth Report of the ITC. **Federal Register** (72 FR 2756, January 22, 2007) (FRL-8110-2). Available online at: <http://www.epa.gov/fedrgstr>.
5. ITC. Sixty-Second Report of the ITC. **Federal Register** (73 FR 27450, May 12, 2008) (FRL-8363-2). Available online at: <http://www.epa.gov/fedrgstr>.
6. ITC. Fifty-Fifth Report of the ITC. **Federal Register** (70 FR 7364, February 11, 2005) (FRL-7692-1). Available online at: <http://www.epa.gov/fedrgstr>.
7. ITC. Sixty-First Report of the ITC. **Federal Register** (73 FR 5080, January 28, 2008) (FRL-8347-1). Available online at: <http://www.epa.gov/fedrgstr>.

VI. The TSCA Interagency Testing Committee

Statutory Organizations and Their Representatives

Council on Environmental Quality
Vacant

Department of Commerce

National Institute of Standards and Technology

Dianne Poster, Member, Chair

National Oceanographic and Atmospheric Administration

Tony Pait, Member, Vice-Chair

Environmental Protection Agency

John Schaeffer, Member
Gerry Brown, Alternate

National Cancer Institute

Vacant

National Institute of Environmental Health Sciences

Scott Masten, Alternate

National Institute for Occupational Safety and Health

Dennis W. Lynch, Member
Mark Toraason, Alternate

National Science Foundation

Margaret Cavanaugh, Alternate

Occupational Safety and Health Administration

Thomas Nerad, Member
Maureen Ruskin, Alternate

Liaison Organizations and Their Representatives

Agency for Toxic Substances and Disease Registry

Daphne Moffett, Member
Glenn D. Todd, Alternate

Consumer Product Safety Commission

Jacqueline Ferrante, Member

Department of Agriculture

Clifford P. Rice, Member
Laura L. McConnell, Alternate

Department of Defense

Laurie Roszell, Member

Department of the Interior

Barnett A. Rattner, Member

Food and Drug Administration

Kirk Arvidson, Member
Ronald F. Chanderbhan, Alternate

Technical Support Contractor

Syracuse Research Corporation

ITC Staff

John D. Walker, Director
Carol Savage, Administrative

Assistant

TSCA Interagency Testing Committee (7401M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; e-mail address: savage.carol@epa.gov; url: <http://www.epa.gov/opptintr/itc>.

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