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

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2013-0651; FRL-9905-19]

Seventy-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 73rd ITC Report to the EPA Administrator on December 31, 2013. In the 73rd ITC Report, which is included with this notice, the ITC is revising the *Priority Testing List* by removing five High Production Volume (HPV) Challenge Program orphan chemicals because they were included in a HPV Challenge Program submission or did not meet the ≥ 1 million lb criterion for the HPV Challenge Program.

DATES: Comments must be received on or before February 24, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2013-0651, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online 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. ATTN: Docket ID Number EPA-HQ-OPPT-2013-0651. 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-2013-0651. EPA's policy is that all comments received will be included in the docket without change and may be made available 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 email. The [regulations.gov](http://www.regulations.gov) Web site 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 email comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your email 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.

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 legal 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: *For technical information contact:* Michael D. Mattheisen, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-3077; fax

number: (202) 564-4745; email address: mattheisen.mike@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email 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.

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 email. 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 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 EPA Administrator 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 EPA Administrator 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/oppt/itc>.

A. The 73rd ITC Report

The ITC is revising the TSCA section 4(e) *Priority Testing List* by removing five HPV Challenge Program orphan chemicals.

B. Status of the TSCA Section 4(e) Priority Testing List

The TSCA section 4(e) *Priority Testing List* includes 2 alkylphenols, 45 HPV Challenge Program orphan chemicals, cadmium, a category of cadmium compounds, 6 non-phthalate plasticizers, 25 phosphate ester flame retardants, 2 other flame retardants, 9 chemicals to which children living near hazardous waste sites may be exposed, and 19 diisocyanates and related compounds.

List of Subjects

Environmental protection, Chemicals, Hazardous substances.

Dated: January 16, 2014.

Barbara A. Cunningham,
Acting Director, Office of Pollution Prevention and Toxics.

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

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Summary

The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) is revising the TSCA section 4(e) *Priority Testing List* by removing five High Production Volume (HPV) Challenge Program orphan chemicals. Orphan chemicals are those HPV chemicals for which no sponsors have volunteered to develop and submit robust summaries of basic hazard and fate testing data to EPA.

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

TABLE 1—TSCA SECTION 4(E) PRIORITY TESTING LIST (NOVEMBER 2013)

ITC Report	Date	Chemical Name/Group	Action
37	November 1995	Branched 4-nonylphenol (mixed isomers)	Recommended.
41	November 1997	4-(1,1,3,3-tetramethylbutyl) phenol	Recommended.
55	December 2004	44 High Production Volume (HPV) Challenge Program orphan chemicals.	Recommended.
56	August 2005	1 HPV Challenge Program orphan chemical, naphtha (petroleum), clay-treated light straight-run.	Recommended.
68	May 2011	Cadmium	Recommended.
69	November 2011	Cadmium compounds	Recommended.
69	November 2011	6 Non-phthalate plasticizers	Recommended.
69	November 2011	25 Phosphate ester flame retardants	Recommended.
69	November 2011	2 Other flame retardants	Recommended.
69	November 2011	9 Chemicals to which children living near hazardous waste sites may be exposed.	Recommended.
69	November 2011	19 Diisocyanates and related compounds	Recommended.

I. Background

The ITC was established by TSCA section 4(e) "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" (Pub. L. 94–469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*). ITC reports are available from www.regulations.gov (<http://www.regulations.gov>) after publication in the **Federal Register**. The ITC produces its revisions to the TSCA section 4(e) *Priority Testing List* with administrative and technical support from the ITC staff, ITC members, and their U.S. Federal Government organizations. ITC members and staff are listed at the end of this report.

II. ITC's Activities During This Reporting Period (June 2013 to November 2013)

During this reporting period, the ITC discussed the 50 HPV Challenge Program orphan chemicals remaining on the TSCA section 4(e) *Priority Testing List*. As a result of these discussions, the ITC removed 5 HPV Challenge Program orphan chemicals from the TSCA section 4(e) *Priority Testing List*. The hazard and fate testing data requested by the EPA for HPV Challenge Program orphan chemicals are necessary to

establish a screening level understanding of their potential human health and environmental impacts. The HPV Challenge Program orphan chemicals are discussed further in section III of this 73rd ITC Report.

III. Revisions to the TSCA Section 4(e) Priority Testing List: Removal of HPV Challenge Program Orphan Chemicals

In 2004, at EPA's request, the ITC added 281 HPV Challenge Program orphan (unsponsored) chemicals to the Priority Testing List in the ITC's 55th and 56th ITC Reports (Refs. 1 and 2). As

of June 2013, 231 HPV Challenge Program orphan chemicals had been removed from the Priority Testing List because they were included in EPA's test rules, the testing was voluntarily sponsored or because they no longer met the ≥ 1 million lb production or importation volume criterion for the HPV Challenge Program. During this reporting period, EPA requested that 5 HPV Challenge Program orphan chemicals be removed from the Priority Testing List in this 73rd ITC Report (Ref. 3). One of the HPV Challenge Program orphan chemicals is included in a HPV

Challenge Program submission and 4 chemicals had production or importation volumes below 1 million lb reported to the 2006 Inventory Update Reporting (IUR) rule and the 2012 Chemical Data Reporting (CDR) rule. The five HPV Challenge Program orphan chemicals being removed from the Priority Testing List and the rationales for their removal are listed in Table 2 of this unit. The 45 HPV Challenge Program orphan chemicals remaining on the Priority Testing List are listed in Table 3 of this unit.

TABLE 2—HPV CHALLENGE PROGRAM ORPHAN CHEMICALS BEING REMOVED FROM THE PRIORITY TESTING LIST

CAS No.	Chemical name	Rationale
94-96-2	1,3-Hexanediol, 2-ethyl-	A
111-85-3	Octane, 1-chloro-	B
3386-33-2	Octadecane, 1-chloro-	B
52184-19-7	Phenol, 2,4-bis(1,1-dimethylpropyl)-6-[2-(2-nitrophenyl)diazenyl]-	B
68515-89-9	Barium, carbonate nonylphenol complexes	B

A—Included in a HPV Challenge Program submission <http://www.epa.gov/chemrtk/pubs/summaries/2ethylhex/c15756tp.pdf>.

B—Did not meet the ≥ 1 million lb production or importation volume criterion for the HPV Challenge Program in the 2006 Inventory Update Reporting (IUR) rule and the 2012 Chemical Data Reporting (CDR) rule.

TABLE 3—HPV CHALLENGE PROGRAM ORPHAN CHEMICALS REMAINING ON THE PRIORITY TESTING LIST

CAS No.	Chemical name
104-66-5	Benzene, 1,1'-[1,2-ethanediylbis(oxy)]bis-
107-39-1	1-Pentene, 2,4,4-trimethyl-
107-40-4	2-Pentene, 2,4,4-trimethyl-
121-82-4	1,3,5-Triazine, hexahydro-1,3,5-trinitro- (RDX)
137-20-2	Ethanesulfonic acid, 2-[methyl[(9Z)-1-oxo-9-octadecen-1-yl]amino]-, sodium salt (1:1)
529-34-0	1(2H)-Naphthalenone, 3,4-dihydro-
590-19-2	1,2-Butadiene
598-72-1	Propanoic acid, 2-bromo-
1401-55-4	Tannins
1738-25-6	Propanenitrile, 3-(dimethylamino)-
2210-79-9	Oxirane, 2-[(2-methylphenoxy)methyl]-
2372-45-4	1-Butanol, sodium salt (1:1)
2409-55-4	Phenol, 2-(1,1-dimethylethyl)-4-methyl-
2425-54-9	Tetradecane, 1-chloro-
2691-41-0	1,3,5,7-Tetrazocine, octahydro-1,3,5,7-tetranitro- (HMX)
3039-83-6	Ethanesulfonic acid, sodium salt (1:1)
4170-30-3	2-Butenal
4860-03-1	Hexadecane, 1-chloro-
8001-58-9	Creosote
17103-31-0	Urea, sulfate (2:1)
17976-43-1	2,4,6,8,3,5,7-Benzotetraoxatriplumbacycloundecin-3,5,7-triylidene, 1,9-dihydro-1,9-dioxo-
21351-39-3	Urea, sulfate (1:1)
24794-58-9	Formic acid, compd. with 2,2',2''-nitrilotris[ethanol] (1:1)
26680-54-6	2,5-Furandione, dihydro-3-(octen-1-yl)-
28908-00-1	Benzothiazole, 2-[(chloromethyl)thio]-
38321-18-5	Ethanol, 2-(2-butoxyethoxy)-, sodium salt (1:1)
56803-37-3	Phosphoric acid, (1,1-dimethylethyl)phenyl diphenyl ester
68187-41-7	Phosphorodithioic acid, O,O-di-C1-14-alkyl esters
68187-59-7	Coal, anthracite, calcined
68308-74-7	Amides, tall-oil fatty, N,N-di-Me
68309-27-3	Fatty acids, tall-oil, sulfonated, sodium salts
68441-66-7	Decanoic acid, mixed esters with dipentaerythritol, octanoic acid and valeric acid
68527-22-0	Naphtha (petroleum), clay-treated light straight-run
68584-25-8	Benzenesulfonic acid, C10-16-alkyl derivs., compds. with triethanolamine
68602-81-3	Distillates, hydrocarbon resin prodn. higher boiling
68649-42-3	Phosphorodithioic acid, O,O-di-C1-14-alkyl esters, zinc salts
68650-36-2	Aromatic hydrocarbons, C8, o-xylene-lean
68782-97-8	Distillates (petroleum), hydrofined lubricating-oil
68919-17-5	Hydrocarbons, C12-20, catalytic alkylation by-products
68953-80-0	Benzene, mixed with toluene, dealkylation product
68955-76-0	Aromatic hydrocarbons, C9-16, biphenyl deriv.-rich

TABLE 3—HPV CHALLENGE PROGRAM ORPHAN CHEMICALS REMAINING ON THE PRIORITY TESTING LIST—Continued

CAS No.	Chemical name
68990-61-4	Tar, coal, high-temp., high-solids
70084-98-9	Terpenes and Terpenoids, C10-30, distn. residues
71077-05-9	Ethanol, 2,2'-oxybis-, reaction products with ammonia, morpholine product tower residues
119345-02-7	Benzene, 1,1'-oxybis-, tetrapropylene derivs.

IV. References

1. ITC. Fifty-Fifth Report of the ITC; Notice. **Federal Register** (70 FR 7364, February 11, 2005) (FRL-7692-1). Available at <http://www.regulations.gov>. Docket ID number EPA-HQ-OPPT-2013-0651.
2. ITC. Fifty-Sixth Report of the ITC; Notice. **Federal Register** (70 FR 61520, October 24, 2005) (FRL-7739-9). Available at <http://www.regulations.gov>. Docket ID number EPA-HQ-OPPT-2013-0651.
3. EPA. Memo to Dr. John D. Walker, re: EPA's comments on removal of five High Production Volume (HPV) Challenge Program orphan chemicals from the TSCA section 4(e) *Priority Testing List*. December 12, 2013. Available at <http://www.regulations.gov>. Docket ID number EPA-HQ-OPPT-2013-0651.

VI. The TSCA Interagency Testing Committee*Statutory Organizations With Representatives*

Department of Commerce

National Institute of Standards and Technology
Michele Schantz, Member
Jessica Reliner, Alternate

Environmental Protection Agency

John E. Schaeffer, Alternate

National Institute of Environmental Health Sciences

Nigel Walker, Member

Scott Masten, Alternate

National Institute for Occupational Safety and Health

Dennis W. Lynch, Alternate

National Science Foundation

Tyronne D. Mitchell, Member

Occupational Safety and Health Administration

Janet Carter, Member and Chairperson

Thomas Nerad, Alternate

Liaison Organizations With Representatives

Agency for Toxic Substances and Disease Registry

Glenn D. Todd, Member

Consumer Product Safety Commission

Dominique Johnson, Member

Department of Agriculture

Clifford P. Rice, Member

Cathleen J. Hapeman, Alternate

Department of Defense

Laurie E. Roszell, Member and Vice-Chairperson

Department of the Interior

Barnett A. Rattner, Member

Food and Drug Administration

Kirk Arvidson, Member

Ronald F. Chanderbhan, Alternate

ITC Staff

John D. Walker, Director

Carol Savage, Administrative

Assistant (NOWCC Employee)

TSCA Interagency Testing Committee (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; url: <http://www.epa.gov/oppt/itc>.

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