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

JAN 6 2004

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mr. Mark A. Greenwood  
Counsel for Daikin America, Inc.  
Ropes & Gray  
1301 K Street, NW  
Suite 800 East  
Washington, DC 20005-7008

Dear Mr. Greenwood:

You are receiving this letter because you are a member company of the Fluoropolymer Manufacturers Group (FMG) participating as an interested party in the development of an enforceable consent agreement for the incineration testing of fluoropolymers under the Environmental Protection Agency (EPA) PFOA ECA Process (68 FR 18626, April 16, 2003; Docket OPPT-2003-0012). The purpose of this letter is to request your immediate attention to providing information needed to complete the ECA document. Similar requests are being sent to all signatory companies participating in the development of this ECA on the incineration of fluoropolymers.

Because the subject of this ECA incorporates fluoropolymers from multiple companies into representative composites for the purpose of testing under this ECA, and for which one or more of the FMG companies assert that details describing the chemical(s) are considered by them to be entitled to treatment as TSCA Confidential Business Information (CBI), it will be necessary for the ECA to iterate each company's contribution to each composite while being protective of the CBI interests asserted by each company. The ECA Drafting Committee has agreed that this can be accomplished by including a table containing a detailed listing of the chemical(s) and associated data that each individual company will contribute to the testing program directly on the signature page for that company. As a result, the ECA will contain a separate signature page for each signatory company that will be specifically tailored to protect the identity of claimed confidential information for each company. This also allows each company to contribute to developing the sanitized "public version" of its information contained in its respective signature page in the ECA.

The format for transmitting this information to EPA is provided in the attached two tables. Table 1 consists of information about the chemical identity of each component to be

added to each composite, and the composite identity. Table 2 is analogous to page 5 of EPA's Premanufacturing Notice form 7710-25 (Rev. 5-95), and will capture the individual chemicals which are added to the reaction vessel used to manufacture the composite components. This information is needed because the chemical composition information provided for polymeric chemicals, which have variable composition, will be needed by EPA to allow for internal validation of the test results and for quality assurance to determine that the composites used in the testing are combined in a way representative of the fluorochemical content of the commercial products.

In responding to this letter, your response package should include a cover letter on company letterhead identifying Docket Number OPPT-2003-0012, and providing the name and title of the technical contact person(s) responsible for communicating CBI to EPA, the two completed tables for your company's contribution(s) of chemical(s) to be tested under this ECA, and any associated data and information requested in the tables. If you claim information which you submit to EPA as CBI, then you must also include an identical sanitized version from which all CBI has been redacted. EPA recommends that you place your letter and any accompanying materials in a double-wrapped package for maximum security. The inner wrapper should be labeled "Attention: Dr. Greg Fritz" and include the statement "TSCA Confidential Business Information." The outer wrapper should be labeled only with the name and address of the recipient and your return address. Nothing on the outer wrapper should indicate that the package contains CBI. This package should be sent to EPA by certified or registered mail, return receipt requested, or sent by courier service or U.S. Postal Service Express Mail.

If submitted through certified or registered mail, the package should be addressed to:

Attn. Dr. Greg Fritz  
Document Control Office (7407M)  
U.S. Environmental Protection Agency  
Office of Pollution Prevention and Toxics  
1200 Pennsylvania Ave., NW  
Washington, DC 20460.

If submitted through Express Mail or through a courier service, including Federal Express, DHL, or UPS, for example, the package should be addressed to:

Attn. Dr. Greg Fritz  
Document Control Office (7407M)  
Office of Pollution Prevention and Toxics (OPPT)  
US Environmental Protection Agency  
EPA East, Room 6428  
1201 Constitution Avenue, NW  
Washington, DC. 20460  
Telephone: 202-564-8930

The ECA for the incineration of fluoropolymers is a high priority for the PFOA ECA Process. The schedule for completing this ECA indicates that the final draft ECA product will be presented at the next meeting of the PFOA ECA Plenary Group (January 29, 2004). Please ensure that your response is received at the above address no later than January 15, 2004. If you have questions or need additional information, please contact Dr. Greg Fritz at 202-564-8583.

Thank you for your continued efforts in developing this ECA for incineration testing under the EPA PFOA ECA Process.

Sincerely,



Mary Ellen Weber, PhD, Director  
Economics, Exposure, and Technology Division

Enclosures

**Instructions for Completing Table 1.**

Table 1 contains the information that identifies the components that a company will provide to the different composites to be tested in the incineration ECA. The FMG will provide samples for 4 composites: 1- PTFE resin (dry non-melt), 2-Dry melt resins, 3-Fluoroelastomers (dry non-melt), and 4-Aqueous Dispersions. Please submit a separate Table 1 for each polymer to be used as a component in a composite to be tested as described in the incineration ECA for fluoropolymers. Instructions for filling in Table 1 follow.

**Table 1. Composite Component Chemical Identity Information**

| Information To Be Provided EPA for the Components of the ECA Composites by each Signatory Company Participating in the ECA Incineration Testing | Is this information CBI (Y/N) |
|---|-------------------------------|
| 1) The 9CI Chemical name for the component polymer  |                               |
| 2) A generic name if the chemical name reported in item 1 is claimed as CBI   | N                             |
| 3) CAS Registry Number / PMN #  |                               |
| 4) Publicly accessible number (Accession number / Trade ID ) if CAS Reg. # CBI  | N                             |
| 5) Composite in which the chemical in item 1) above will be a component*  | N                             |
| * Composite # : 1- PTFE resin (dry non-melt), 2-Dry melt resins, 3-Fluoroelastomers (dry non-melt), and 4-Aqueous Dispersions                   |                               |

Table 1, Item 1 reports a correct CAS Ninth Collective Index name (9CI) for the component polymer as it appears on the TSCA Inventory. In the case of component polymers which are exempted from listing on the TSCA Inventory, specifically polymer exemption polymers, the name provided should be based on the record keeping requirements of the polymer exemption rule (40 CFR Part 723.250, (60) FR 16316-16336) and the information provided in question 33 of the Polymer Exemption Guidance Manual ([www.epa.gov/oppt/newchems/polyguid.pdf](http://www.epa.gov/oppt/newchems/polyguid.pdf)).

Table 1, Item 2 reports a generic name for the chemical named in Table 1, Item 1 when that identity has been claimed as Confidential Business Information (CBI). The generic name development should only conceal the parts of the chemical identity which are essential to the substantiated CBI claims as described in Appendix B of the public version of the 1985 TSCA Inventory, Volume 1 ([www.epa.gov/oppt/newchems/genericnames.pdf](http://www.epa.gov/oppt/newchems/genericnames.pdf)). This information will be used to complete chemical list tables in Appendix A.1 and A.3 in the public versions of the ECA.

**Instructions for Table 1, cont'd.**

Table 1, Item 3 reports the CAS Registry Number (CRN) and Premanufacture Notice (PMN) Number associated with the polymer named in Table 1, Item 1, if available. For polymer exemption polymers, which do not have an associated CRN, writing "Polymer Exemption Substance" will suffice. [Note: CRNs are assigned to different chemicals independently by CAS, so a polymer exemption substance may have been assigned a CRN, which should be reported if known.]

Table 1, Item 4 reports a publicly accessible number that will be used to conceal CBI or differentiate between multiple polymer exemption substances used as components of the composites. Appendix B in the public version of the 1985 TSCA Inventory, as noted above in connection with Item 2, describes the EPA assignment of accession numbers. Where no publicly accessible number already exists, EPA will assign a unique ID number to a sample that shall be used by EPA and the IP to identify the polymer in question.

Table 1, Item 5 reports the specific composite(s) that the component polymer will be used to create.

**Instructions for Completing Table 2**

Table 2 contains the information that your company has previously provided in PMN submissions and identifies, for purposes of this ECA, the different feedstocks that are used to produce the polymer components that your company will provide to the different composites that will be tested under the ECA for incineration testing. Please submit a separate Table 2 for each polymer to be used as a component in a composite to be tested as described in the incineration ECA for fluoropolymers .

Instructions for filling in Table 2 are derived from the instructions starting on page 27 in PMN guidance manual provided by EPA (<http://www.epa.gov/oppt/newchems/tscaman2.pdf>), and detail the information in the attached instruction block (included with Table 2). For your convenience, a copy of the previously submitted PMN Form 7710-25 Section B2.b (usually listed as page 5) can be used to provide EPA with this information, or you may choose to enter this information in the table below.

| <b>Table 2. Composite Component Feedstocks and Reagents</b>  |            |                         |                   |            |                  |            |
|--|------------|-------------------------|-------------------|------------|------------------|------------|
| b. You must make separate confidentiality claims for each monomer or other reactant identity, composition information, and residual information. Mark (X) the "CBI" box next to any item you claim as confidential |            |                         |                   |            |                  |            |
| Monomer or other reactant and CRN<br>(1)   | CBI<br>(2) | Typ. Comp. Range<br>(3) | ≤ 2% in ID<br>(4) | CBI<br>(5) | Max. Res.<br>(6) | CBI<br>(7) |
|  |            |                         |                   |            |                  |            |
|  |            |                         |                   |            |                  |            |
|  |            |                         |                   |            |                  |            |
|  |            |                         |                   |            |                  |            |
|  |            |                         |                   |            |                  |            |

Table 2, Item 1 reports the chemical name of the monomer/reactant feedstocks that are charged to the reaction vessel producing the polymer molecule. Each CRN that is also associated with a chemical name is to be reported, when available.

Table 2, Item 2 reports when the chemical name and corresponding CRN are considered CBI.

Table 2, Item 3 reports the typical composition range charged to the reaction vessel for each feedstock used to make the polymer component. It can be reported as a mass of material charged to the reaction vessel or as a percent charged to the vessel by weight.

Table 2, Item 4 reports whether a feedstock charged at ≤2 weight percent is included in the chemical name.

**Instructions for Completing Table 2, cont'd...**

Table 2, Item 5 reports whether typical composition and 2% ID data are considered CBI.

Table 2, Items 6 and 7 report the maximum percent of feedstock that will remain as impurities in the polymer (6) and whether that information is CBI (7). None of that information is required for this incineration ECA so those table cells have been blacked out.