



Rich Leukroth/DC/USEPA/US

01/10/2005 04:17 PM

To davidmenotti@shawpittman.com

cc

Jim Willis/DC/USEPA/US@EPA; MaryEllen
Weber/DC/USEPA/US@EPA; Greg
Schweer/DC/USEPA/US@EPA

Subject Incineration ECA letters.

David.... Just left a message on your voicemail indicating that EPA has sent letters (via FedEx) transmitting replacement pages to be initialed as appropriate. These were sent to all incineration ECA signatories with full copy to each companies technical contact for both the Telomer and Fluoropolymer Incineration ECAs. I'm able to send you a copy of these materials as a pdf file since this mailing did not involve CBI. Give me a call if we need to discuss further.



1-10-05 rl-dm Tel Ltrs.pdf



1-10-05 rl-dm FP ltrs.pdf

Richard W. Leukroth, Jr.
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Chemical Control Division
U.S. Environmental Protection Agency
Mail Stop 7405; Room 4141
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Phone: 202-564-8167
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1201 Constitution Avenue, NW
Room 3166A (7401M)
Washington, DC 20004



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

COPY

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JAN 10 2005

Minoru Kawai
President & CEO
AGC Chemicals Americas, Inc.
229 East 22nd Street
Bayonne, NJ 07002

RE: Signature of Fluoropolymers Incineration ECA

Dear Minoru Kawai:

Thank you for your letter of October 8, 2004 transmitting the signed signatory page for Copy #2 (Public Version) of the enforceable consent agreement (ECA) for the laboratory-scale incineration testing of fluoropolymers for AGC Chemicals Americas, Inc. and the initialed correction replacement pages #4, #14, #19, #20, #23, #A.3.1, and #A.4.2. EPA has received an additional comment from one company that requires further change to Copy #2 of the ECA mailed to the signatory companies on August 16, 2004. In addition, EPA's review of the materials returned from supplemental mailings (September 9, 2004 and October 6, 2004) identified that some or all of the replacement pages were not returned and/or initialed from some of the companies, and that the header on the official version for two of the companies incorrectly asserted that the page contained confidential business information (CBI) when these companies had no CBI to claim. The purpose of this mailing is to make the needed corrections specific to each company, and to explain the impact of these changes on the ECA signature process.

EPA agrees with AGC Chemicals Americas, Inc. that it is inappropriate to have a header indicating CBI on your Company's personal version of the ECA (Copy #3 - AGC Chemicals Americas, Inc.) when there is no CBI claimed by your company. As described in further detail below, EPA concludes that company specific versions of the ECA are no longer needed. Therefore, for this ECA, the Copy #2 (Public Version) signature page will serve as the binding official signature for AGC Chemicals Americas, Inc. AGC Chemicals Americas, Inc. should note that, for purposes of protecting CBI where CBI has been claimed by the company, other signatory companies will have two signature pages in the official ECA.

As noted in previous correspondence, wherever there is a change to the text of the ECA, all signatories are required to acknowledge concurrence for the change. Daikin America, Inc. identified an additional change to a chemical name listed on page 4 of ECA Copy #2. Since this page has been the subject of a previous corrections which now must be further revised, EPA has determined that it will be easier to prepare a revised replacement page incorporating all three changes to this page for each company to initial and date. This procedure ensures that each company will be signing a document that is consistent across all the companies and that each company is in agreement with the changes. EPA asks that you indicate your concurrence for these changes to page #4 of ECA Copy #2 by initialing and dating the revised replacement page and returning it to EPA following the return mailing suggestions as described in EPA's letter of August 16, 2004. I suggest that you incorporate the duplicate revised replacement page into Tab 3 of your company ECA binder provided with the August 16, 2004 mailing.

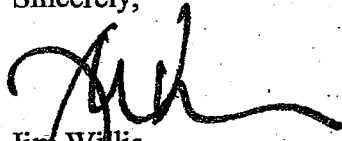
EPA's original intent was to develop multiple copies of the ECA specific to each company. This original plan assumed that all corrections to the document had been identified during the Public Comment period. Unfortunately this was not the case. As noted above, additional needed changes were identified after the Public Comment period ended. As a result, the official ECA document will now be comprised of the following:

- a) ECA text (including all initialed replacement pages), under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- b) The sanitized version of the company signature pages, under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- c) The EPA signature page, under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- d) Appendix A under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- e) Appendices B-F under the page header "Final 04-22-04",
- f) The company specific signature pages containing confidential business information (where appropriate).

At the end of the ECA signature process (i.e., receipt of all initialed pages from each company, signature by the EPA, and publication of the Federal Register notice announcing the ECA), I will send to you a completely signed official version of the ECA document including a copy of items a - e) as listed above and, where appropriate, item f) specific for your company. Please note that due to the changes and amendments to the ECA text, the copy number as designated on page headers for various elements of the comprised official ECA will not match those on the signature pages.

EPA looks forward to the receipt of all initialed replacement pages from each of the signatory companies. If you have additional questions about the signature process for this incineration ECA please contact Richard Leukroth at (202)564-8167.

Sincerely,



Jim Willis
Director, Chemical Control Division

Enclosures 2 copies of ECA Copy #2 replacement page

cc: Docket OPPT - 2003-0071
Noel Misa (w/o encl)
David Menotti (w/o encl.)
John Blouin (w/o encl.)

COPY

- (D) Aqueous Fluoropolymer Dispersions Composite #4: (containing: ~~Ethene, tetrafluoro-, polymer with trifluoro(pentafluoroethoxy)-ethene, CAS No. 31784-04-0;~~ Ethene, tetrafluoro-, homopolymer, CAS No. 9002-84-0; 1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with tetrafluoroethene), CAS No. 25067-11-2; Propane, 1,1,1,2,2,3,3-heptafluoro-3- [(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene, CAS No. 26655-00-5; ~~Ethene, tetrafluoro-, polymer with trifluoro(pentafluoroethoxy)ethene, CAS No. 31784-04-0;~~ 1-Propene, 1,1,2,3,3,3- hexafluoro-, polymer with 1,1-difluoroethene and tetrafluoroethene, CAS No. 25190-89-0; and polytetrafluoroethylene, DCN No. 630400000180³.)

JW 1/4
 JW 1/4
 JW 1/4

The procedure for constructing each composite is described in Appendix A.4. The polymer components for each composite will be unfilled first quality product polymer, substantially free of inorganic constituents. Each component of the four composites to be tested under this ECA will be accompanied by a certificate of analysis showing it to meet applicable product specifications.

III. OBLIGATION OF SIGNATORY COMPANIES

A. The Companies are bound by the terms of this ECA as specified below.

B. Each Company shall be responsible for supplying the test substance(s) it manufactures for incorporation into the composite(s) to be tested under this ECA, as specified on each Company signature page and in Appendix A.3. The schedule for the testing program includes the deadline date by which the Companies must submit their contribution(s) to the facility(ies) that will be assembling the composites to be tested under this ECA. Any Company failing to comply with this ECA requirement will be in violation of this ECA as described in 40 CFR 790.65 (see Part XII of this ECA). In the event that one or more of the Companies are in violation as described above then the remaining Companies will inform EPA of the problem and request an EPA determination on how to proceed with the testing program described under this ECA. Each Company required to contribute to a particular composite is obligated to complete the testing required by this ECA for that composite. A Company shall not be responsible for any failure to perform its obligation under this ECA that is caused by circumstances beyond its control, that the Company could not have prevented through the exercise of due diligence.

³ EPA uses a variety of numerical identification systems for tracking chemicals. These include Chemical Abstract Service Registry numbers (CAS) (assigned to non-confidential listed chemicals), pre-manufacture notice (PMN) numbers (assigned by EPA when chemicals enter EPA's new chemical review process, document control numbers (DCN) (assigned by the Confidential Business Information Center for EPA tracking), and Accession (ACC) numbers (provided by EPA when a chemical identity requires protection as TSCA CBI). In addition, Polymer Exemption products will not have a TSCA Inventory ID number but may have a commercial trade identity.



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JAN 10 2005

Francine C. Shaw
Vice President - - Dupont Corporate Operations
E.I. du Pont de Nemours and Company
1007 Market Street
D-9042
Wilmington, DE 19898

COPY

RE: Signature of Fluoropolymer Incineration ECA

Dear Francine C. Shaw:

Thank you for your letter of October 21, 2004 transmitting the signed signatory pages for Copy #2 (Public Version) and Copy #6 (Company Specific Version) of the enforceable consent agreement (ECA) for the laboratory-scale incineration testing of fluoropolymers for Dupont. EPA has received an additional comment from one company that requires further change to Copy #2 of the ECA mailed to the signatory companies on August 16, 2004. In addition, EPA's review of the materials returned from supplemental mailings (September 9, 2004 and October 6, 2004) identified that some or all of the replacement pages were not returned and/or initialed from some of the companies, and that the header on the official version for two of the companies incorrectly asserted that the page contained confidential business information (CBI) when these companies had no CBI to claim. The purpose of this mailing is to make the needed corrections specific to each company, and to explain the impact of these changes on the ECA signature process.

EPA notes that it is inappropriate to have a header indicating CBI on the Dupont specific signature page of the ECA (Copy #6 - E.I du Pont de Nemours & Co.) when there is no CBI claimed by Dupont. As described in further detail below, EPA concludes that company specific versions of the ECA are no longer needed. Therefore, for this ECA, the Copy #2 (Public Version) signature page will serve as the binding official signature for Dupont. Dupont should note that, for purposes of protecting CBI where CBI has been claimed by the company, other signatory companies will have two signature pages in the official ECA.

As noted in previous correspondence, wherever there is a change to the text of the ECA, all signatories are required to acknowledge concurrence for the change. EPA's review of the materials returned from October 6, 2004 mailing identified that the initialed and dated replacement pages were returned for pages #4, #14, #19, #20, #A.3.1, and #A.4.2. EPA did not receive an initialed and dated replacement page for page #23 where address corrections are needed. Another copy of this replacement page with corrections is enclosed for Dupont to initial and date. In addition, Daikin America, Inc. identified an additional change to a chemical name listed on page 4 of ECA Copy #2. Since this page has been the subject of a previous corrections which now must be further revised, EPA has determined that it will be easier to prepare a revised replacement page incorporating all three changes to this page for each company to initial and date. This procedure ensures that each company will be signing a document that is consistent across all the companies and that each company is in agreement with the changes. EPA asks that you indicate your concurrence for these changes to pages #4 and #23 of ECA Copy #2 by initialing and dating the revised replacement pages and returning them to EPA following the return mailing suggestions as described in EPA's letter of August 16, 2004. I suggest that you incorporate the duplicate revised replacement pages into Tab 3 of your company ECA binder provided with the August 16, 2004 mailing.

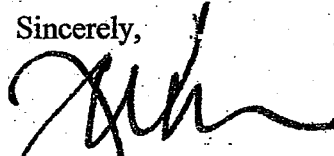
EPAs original intent was to develop multiple copies of the ECA specific to each company. This original plan assumed that all corrections to the document had been identified during the Public Comment period. Unfortunately this was not the case. As noted above, additional needed changes were identified after the Public Comment period ended. As a result, the official ECA document will now be comprised of the following:

- a) ECA text (including all initialed replacement pages), under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- b) The sanitized version of the company signature pages, under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- c) The EPA signature page, under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- d) Appendix A under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- e) Appendices B-F under the page header "Final 04-22-04",
- f) The company specific signature pages containing confidential business information (where appropriate).

At the end of the ECA signature process (i.e., receipt of all initialed pages from each company, signature by the EPA, and publication of the Federal Register notice announcing the ECA), I will send to you a completely signed official version of the ECA document including a copy of items a - e) as listed above and, where appropriate, item f) specific for your company. Please note that due to the changes and amendments to the ECA text, the copy number as designated on page headers for various elements of the comprised official ECA will not match those on the signature pages.

EPA looks forward to the receipt of all initialed replacement pages from each of the signatory companies. If you have additional questions about the signature process for this incineration ECA please contact Richard Leukroth at (202)564-8167.

Sincerely,



Jim Willis

Director, Chemical Control Division

Enclosures 2 copies of ECA Copy #2 replacement pages

cc: Docket OPPT - 2003-0071
David W. Boothe (w/o encl.)
David Menotti (w/o encl.)
John Blouin (w/o encl.)

COPY

- (D) Aqueous Fluoropolymer Dispersions Composite #4: (containing: ~~Ethene, tetrafluoro-, polymer with trifluoro(pentafluoroethoxy)-ethene, CAS No. 31784-04-0;~~ Ethene, tetrafluoro-, homopolymer, CAS No. 9002-84-0; 1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with tetrafluoroethene), CAS No. 25067-11-2; Propane, 1,1,1,2,2,3,3-heptafluoro-3- [(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene, CAS No. 26655-00-5; ~~Ethene, tetrafluoro-~~ ~~polymer with trifluoro(pentafluoroethoxy)ethene, CAS No. 31784-04-0;~~ 1-Propene, 1,1,2,3,3,3- hexafluoro-, polymer with 1,1-difluoroethene and tetrafluoroethene, CAS No. 25190-89-0; and polytetrafluoroethylene, DCN No. 630400000180⁸.

The procedure for constructing each composite is described in Appendix A.4. The polymer components for each composite will be unfilled first quality product polymer, substantially free of inorganic constituents. Each component of the four composites to be tested under this ECA will be accompanied by a certificate of analysis showing it to meet applicable product specifications.

III. OBLIGATION OF SIGNATORY COMPANIES

A. The Companies are bound by the terms of this ECA as specified below.

B. Each Company shall be responsible for supplying the test substance(s) it manufactures for incorporation into the composite(s) to be tested under this ECA, as specified on each Company signature page and in Appendix A.3. The schedule for the testing program includes the deadline date by which the Companies must submit their contribution(s) to the facility(ies) that will be assembling the composites to be tested under this ECA. Any Company failing to comply with this ECA requirement will be in violation of this ECA as described in 40 CFR 790.65 (see Part XII of this ECA). In the event that one or more of the Companies are in violation as described above then the remaining Companies will inform EPA of the problem and request an EPA determination on how to proceed with the testing program described under this ECA. Each Company required to contribute to a particular composite is obligated to complete the testing required by this ECA for that composite. A Company shall not be responsible for any failure to perform its obligation under this ECA that is caused by circumstances beyond its control, that the Company could not have prevented through the exercise of due diligence.

⁸ EPA uses a variety of numerical identification systems for tracking chemicals. These include Chemical Abstract Service Registry numbers (CAS) (assigned to non-confidential listed chemicals), pre-manufacture notice (PMN) numbers (assigned by EPA when chemicals enter EPA's new chemical review process, document control numbers (DCN) (assigned by the Confidential Business Information Center for EPA tracking), and Accession (ACC) numbers (provided by EPA when a chemical identity requires protection as TSCA CBI). In addition, Polymer Exemption products will not have a TSCA Inventory ID number but may have a commercial trade identity.

XXIV. SIGNATURE

TEST SPONSOR

E.I. du Pont de Nemours and Company^{1, 2}

Company technical contact person for handling correspondence marked as "Confidential" WP 101

Name: David W. Boothe
 Title: Strategic Planning Manager - DuPont ~~Fluorosolutions~~ ^{Products}
 Address: ~~Route 141 & Henry Clay, Wilmington, DE 19880-0711~~ 19805
 Phone Number: 302-999-4091
 Chestnut Run 702 ^{4417 Lancaster Pike}

ECA Subject Chemicals for E. I. du Pont de Nemours and Company			
Entry	Composite	CAS Registry #	CAS 9CI Name
1	Dry non-melt Fluoropolymer Resin	CAS #9002-84-0	Ethene, tetrafluoro-, homopolymer
2	Dry melt Fluoropolymer Resin	CAS #25067-11-2	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with tetrafluoroethene
3	Dry melt Fluoropolymer Resin	CAS #26655-00-5	Propane, 1,1,1,2,2,3,3-heptafluoro-3-(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene
4	Dry melt Fluoropolymer Resin	CAS #31784-04-0	Ethene, tetrafluoro-, polymer with trifluoro(pentafluoroethoxy)ethene
5	Aqueous Dispersion	CAS #9002-84-0	Ethene, tetrafluoro-, homopolymer
6	Aqueous Dispersion	CAS #25067-11-2	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with tetrafluoroethene
7	Aqueous Dispersion	CAS #26655-00-5	Propane, 1,1,1,2,2,3,3-heptafluoro-3-(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene

¹ Data in the table lists the chemical(s) and composite contributions for which E.I. du Pont de Nemours and Company is responsible. The Company developed these data in response to EPA's letter of January 6, 2004.

² E.I. du Pont de Nemours and Company is not obligated under this ECA to perform Phase I PFOA Transport Testing (see Part III. C. and VII.A. of this ECA).



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

William R. Myers
President
Dyneon, LLC
6744 33rd Street
Oakdale, MN 55128

JAN 10 2005

COPY

RE: Signature of Fluoropolymer Incineration ECA

Dear William R. Myers:

Thank you for your letter of October 11, 2004 transmitting the signed signatory pages for Copy #2 (Public Version) and Copy #5 (Company Specific Version) of the enforceable consent agreement (ECA) for the laboratory-scale incineration testing of fluoropolymers for Dyneon, LLC and the initialed correction replacement pages #4, #14, #19, #20, #23, #A.3.1, and #A.4.2. EPA has received an additional comment from one company that requires further change to Copy #2 of the ECA mailed to the signatory companies on August 16, 2004. In addition, EPA's review of the materials returned from supplemental mailings (September 9, 2004 and October 6, 2004) identified that some or all of the replacement pages were not returned and/or initialed from some of the companies, and that the header on the official version for two of the companies incorrectly asserted that the page contained confidential business information (CBI) when these companies had no CBI to claim. The purpose of this mailing is to make the needed corrections specific to each company, and to explain the impact of these changes on the ECA signature process.

As noted in previous correspondence, wherever there is a change to the text of the ECA, all signatories are required to acknowledge concurrence for the change. Daikin America, Inc. identified an additional change to a chemical name listed on page 4 of ECA Copy #2. Since this page has been the subject of a previous corrections which now must be further revised, EPA has determined that it will be easier to prepare a revised replacement page incorporating all three changes to this page for each company to initial and date. This procedure ensures that each company will be signing a document that is consistent across all the companies and that each company is in agreement with the changes. EPA asks that you indicate your concurrence for these changes to page #4 of ECA Copy #2 by initialing and dating the revised replacement page

and returning it to EPA following the return mailing suggestions as described in EPA's letter of August 16, 2004. I suggest that you incorporate the duplicate revised replacement page into Tab 3 of your company ECA binder provided with the August 16, 2004 mailing.

EPA notes that Dyneon suggested additional changes to the second table of the signature pages in ECA Copy #5 (company specific version). EPA notes that these suggested changes would need to be carried forward into the Public Version of the ECA and that in doing so Dyneon may be inadvertently revealing information previously claimed as CBI. The purpose of including the second table in the signature page is to put a generic, public face on Dyneon's chemical commitments under the ECA, and to provide a means for Dyneon and EPA to cross check between the public face and the CBI protected information. EPA asks that Dyneon clarify their position regarding the suggested additional changes to ECA page #21. In the event that Dyneon wants to reveal the chemical abstract numbers for entry #6 and #12 in the second table of the signature page for the company specific version (Copy #5) of the ECA than it will be necessary for EPA to circulate all appropriate pages reflecting these changes to all of the signatory companies for their concurrence using the same process as described above.

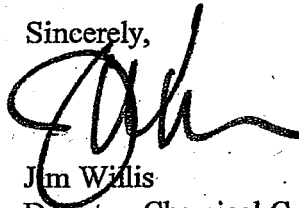
EPA's original intent was to develop multiple copies of the ECA specific to each company. This original plan assumed that all corrections to the document had been identified during the Public Comment period. Unfortunately this was not the case. As noted above, additional needed changes were identified after the Public comment period ended. As a result, the official ECA document will now be comprised of the following:

- a) ECA text (including all initialed replacement pages), under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
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- c) The EPA signature page, under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- d) Appendix A under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- e) Appendices B-F under the page header "Final 04-22-04",
- f) The company specific signature pages containing confidential business information (where appropriate) under the page header for example "Copy #5 - Dyneon, LLC Contains Confidential Business Information."

At the end of the ECA signature process (i.e., receipt of all initialed pages from each company, signature by the EPA, and publication of the Federal Register notice announcing the ECA), I will send to you a completely signed official version of the ECA document including a copy of items a - e) as listed above and, where appropriate, item f) specific for your company. Please note that due to the changes and amendments to the ECA text, the copy number as designated on page headers for various elements of the comprised official ECA will not match those on the signature pages.

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Sincerely,



Jim Willis
Director, Chemical Control Division

Enclosures 2 copies of ECA Copy #2 replacement page

cc: Docket OPPT - 2003-0071
George H. Millet (w/o encl)
David Menotti (w/o encl.)
John Blouin (w/o encl.)

COPY

- (D) Aqueous Fluoropolymer Dispersions Composite #4: (containing:
~~Ethene, tetrafluoro-, polymer with trifluoro(pentafluoroethoxy)-~~
~~ethene, CAS No. 31784-04-0;~~ Ethene, tetrafluoro-, homopolymer,
 CAS No. 9002-84-0; 1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer
 with tetrafluoroethene), CAS No. 25067-11-2; Propane,
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 and polytetrafluoroethylene, DCN No. 630400000180⁸.

JW 1/4
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JAN 10 2005

Satoshi Doi
President
Daikin America, Inc.
20 Olympic Drive
Orangeburg, NY 10962

COPY

RE: Replacement Pages for Fluoropolymer Incineration ECA

Dear Satoshi Doi:

Thank you for your letter of October 13, 2004 transmitting the signed signatory pages for Copy #2 (Public Version) and Copy #4 (Company Specific Version) of the enforceable consent agreement (ECA) for the laboratory-scale incineration testing of fluoropolymers for Daikin America, Inc. EPA notes that Daikin America has identified the need for an additional change to the text of Copy #2 of the ECA mailed to the signatory companies on August 16, 2004. In addition, EPA's review of the materials returned from supplemental mailings (September 9, 2004 and October 6, 2004) identified that some or all of the replacement pages were not returned and/or initialed from some of the companies, and that the header on the official version for two of the companies incorrectly asserted that the page contained confidential business information (CBI) when these companies had no CBI to claim. The purpose of this mailing is to make the needed corrections specific to each company, and to explain the impact of these changes on the ECA signature process.

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document. EPA asks that you indicate your concurrence for the changes to the above mentioned pages of ECA Copy #2 by initialing and dating the revised replacement pages enclosed with this letter and returning them to EPA following the return mailing suggestions as described in EPA's letter of August 16, 2004. I suggest that you incorporate the duplicate revised replacement pages into Tab 3 of your company ECA binder provided with the August 16, 2004 mailing.

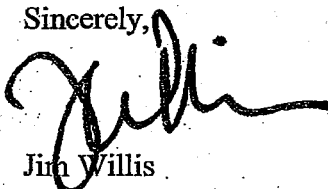
EPAs original intent was to develop multiple copies of the ECA specific to each company. This original plan assumed that all corrections to the document had been identified during the Public Comment period. Unfortunately this was not the case. As noted above, additional needed changes were identified after the Public Comment period ended. As a result, the official ECA document will now be comprised of the following:

- a) ECA text, under the page header "Copy #2 - Public Version Contains No Confidential Business Information"
- b) The sanitized version of the company signature pages, under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- c) The EPA signature page, under the page header "Copy #2 - Public Version Contains No Confidential Business Information.",
- d) Appendix A under the page header "Copy #2 - Public Version Contains No Confidential Business Information",
- e) Appendices B-F under the page header "Final 04-22-04",
- f) The company specific signature pages containing confidential business information (where appropriate) under the page header for example "Copy #4 - Daikin America, Inc. Contains Confidential Business Information."

At the end of the ECA signature process (i.e., receipt of all initialed pages from each company, signature by the EPA, and publication of the Federal Register notice announcing the ECA), I will send to you a completely signed official version of the ECA document including a copy of items a - e) as listed above and, where appropriate, item f) specific for your company. Please note that due to the changes and amendments to the ECA text, the copy number as designated on page headers for various elements of the comprised official ECA will not match those on the signature pages.

EPA looks forward to the receipt of all initialed replacement pages from each of the signatory companies. If you have additional questions about the signature process for this incineration ECA please contact Richard Leukroth at (202)564-8167.

Sincerely,



Jim Willis
Director, Chemical Control Division

Enclosures 2 copies of ECA Copy #2 replacement pages

cc: Docket OPPT - 2003-0071
Takayuki Nakamura (w/o encl)
David Menotti (w/o encl.)
John Blouin (w/o encl.)

COPY

- (D) Aqueous Fluoropolymer Dispersions Composite #4: (containing: ~~Ethene, tetrafluoro-, polymer with trifluoro(pentafluoroethoxy)-ethene, CAS No. 31784-04-0;~~ Ethene, tetrafluoro-, homopolymer, CAS No. 9002-84-0; 1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with tetrafluoroethene), CAS No. 25067-11-2; Propane, 1,1,1,2,2,3,3-heptafluoro-3- [(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene, CAS No. 26655-00-5; ~~Ethene, tetrafluoro-polymer with trifluoro(pentafluoroethoxy)ethene, CAS No. 31784-04-0;~~ 1-Propene, 1,1,2,3,3,3- hexafluoro-, polymer with 1,1-difluoroethene and tetrafluoroethene, CAS No. 25190-89-0; and polytetrafluoroethylene, DCN No. 63040000018⁸.

JW 1/4/05
 JW 1/4/05
 JW 1/4/05

The procedure for constructing each composite is described in Appendix A.4. The polymer components for each composite will be unfilled first quality product polymer, substantially free of inorganic constituents. Each component of the four composites to be tested under this ECA will be accompanied by a certificate of analysis showing it to meet applicable product specifications.

III. OBLIGATION OF SIGNATORY COMPANIES

- A. The Companies are bound by the terms of this ECA as specified below.
- B. Each Company shall be responsible for supplying the test substance(s) it manufactures for incorporation into the composite(s) to be tested under this ECA, as specified on each Company signature page and in Appendix A.3. The schedule for the testing program includes the deadline date by which the Companies must submit their contribution(s) to the facility(ies) that will be assembling the composites to be tested under this ECA. Any Company failing to comply with this ECA requirement will be in violation of this ECA as described in 40 CFR 790.65 (see Part XII of this ECA). In the event that one or more of the Companies are in violation as described above then the remaining Companies will inform EPA of the problem and request an EPA determination on how to proceed with the testing program described under this ECA. Each Company required to contribute to a particular composite is obligated to complete the testing required by this ECA for that composite. A Company shall not be responsible for any failure to perform its obligation under this ECA that is caused by circumstances beyond its control, that the Company could not have prevented through the exercise of due diligence.

⁸ EPA uses a variety of numerical identification systems for tracking chemicals. These include Chemical Abstract Service Registry numbers (CAS) (assigned to non-confidential listed chemicals), pre-manufacture notice (PMN) numbers (assigned by EPA when chemicals enter EPA's new chemical review process, document control numbers (DCN) (assigned by the Confidential Business Information Center for EPA tracking), and Accession (ACC) numbers (provided by EPA when a chemical identity requires protection as TSCA CBI). In addition, Polymer Exemption products will not have a TSCA Inventory ID number but may have a commercial trade identity.

Copy #2 - Public Version

Contains No Confidential Business Information

to seek judicial review of any rule that may be adopted by EPA that imposes requirements to test any of the fluoropolymer chemicals listed in Appendix A.1 to this ECA.

XXII. RESERVATION OF RIGHTS BY COMPANIES

By signing this ECA, the Companies are not admitting that the requirements of TSCA Section 4 have been satisfied for promulgating a test rule to generate the data required by this ECA.

The Companies contend that the documents generated for the incineration testing program under this ECA are protected from public disclosure under 5 U.S.C. section 552(b)(4) and 15 U.S.C. section 2613(a) and do not constitute studies subject to disclosure under 15 U.S.C. section 2613(b). Accordingly, the public information disclosure provisions of this ECA are, in the view of the Companies, a waiver of legal rights.

XXIII. IDENTITY OF THE COMPANIES AND PRINCIPAL TEST SPONSOR

The Principal Test Sponsor is:

Fluoropolymer Manufacturers Group
Allen Weidman
The Society of the Plastics Industry, Inc.
1801 K Street, N.W., Suite 600K
Washington, DC 20006
202-974-5233

COPY

The Companies subject to this ECA are:

AGC Chemicals Americas, Inc.
229 East 22nd Street,
Bayonne, NJ 07002

Dyneon, LLC
6744 33rd Street,
Oakdale, MN 55128

Daikin America, Inc.
20 Olympic Drive,
Orangeburg, NY 10962

E.I. du Pont de Nemours and Company
~~Route 141 and Henry Clay~~ 1007 MARKET STREET
Wilmington, DE ~~19880-0711~~ 19898

not 10/6/04

XXIV. SIGNATURE

**TEST SPONSOR
Dyneon, LLC^{1,2}**

Company technical contact person for handling correspondence marked as "Confidential"

Name: George H. Millet
 Title: Director, Quality, Environment, Health and Safety
 Address: 6744 33rd Street, Oakdale, MN 55128
 Phone Number: 651-733-5637

ECA Subject Chemicals for Dyneon, LLC *			
Entry	Composite	CAS Registry #	CAS 9CI Name
1	Dry non-melt Fluoropolymer Resin	CAS #9002-84-0	Ethene, tetrafluoro-, homopolymer
2	Dry non-melt Fluoropolymer Resin	CAS #26655-00-5	Propane, 1,1,1,2,2,3,3-heptafluoro-3-[(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene
3	Dry melt Fluoropolymer Resin	CAS #25067-11-2	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with tetrafluoroethene
4	Dry melt Fluoropolymer Resin	CAS #26655-00-5	Propane, 1,1,1,2,2,3,3-heptafluoro-3-[(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene
5	Dry melt Fluoropolymer Resin	CAS #25190-89-0	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with 1,1-difluoroethene and tetrafluoroethene
6	Dry melt Fluoropolymer Resin		

was 10/6/0

was 10/6/0

¹ Data in the table lists the chemical(s) and composite contributions for which Dyneon, LLC is responsible. The Company developed these data in response to EPA's letter of January 6, 2004. There is both a Public and CBI version of this page because the Company has asserted that data in this table are considered by them to be entitled to treatment as TSCA confidential business information (CBI) (see Part XIV. D. of this ECA regarding confidentiality of information).

² Dyneon, LLC is obligated under this ECA to perform Phase I PFOA Transport Testing (see Part III. C. and VII.A. of this ECA).

Continued: ECA Subject Chemicals for Dyneon, LLC			
Entry	Composite	CAS Registry #	CAS 9CI Name
7	Dry melt Fluoropolymer Resin	CAS #35560-16-8	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with ethene and tetrafluoroethene
8	Dry non-melt Fluoroelastomer Gum	CAS #27029-05-6	1-Propene, polymer with tetrafluoroethene
9	Dry non-melt Fluoroelastomer Gum	CAS #54675-89-7	1-Propene, polymer with 1,1-difluoroethene and tetrafluoroethene
10	Dry non-melt Fluoroelastomer Gum	CAS #26425-79-6	Ethene, tetrafluoro-, polymer with trifluoro(trifluoromethoxy) ethene
11	Dry non-melt Fluoroelastomer Gum	CAS #9010-75-7	Ethene, chlorotrifluoro-, polymer with 1,1-difluoroethene
12	Dry non-melt Fluoroelastomer Gum		
13	Aqueous Dispersion	CAS #9002-84-0	Ethene, tetrafluoro-, homopolymer
14	Aqueous Dispersion	CAS #25067-11-2	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with tetrafluoroethene
15	Aqueous Dispersion	CAS #26655-00-5	Propane, 1,1,1,2,2,3,3-heptafluoro-3-[(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene
16	Aqueous Dispersion	CAS #25190-89-0	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with 1,1-difluoroethene and tetrafluoroethene

* Entries "X'd" out indicate redacted information claimed as CBI by the Company.

XXIV. SIGNATURE

TEST SPONSOR

E.I. du Pont de Nemours and Company^{1, 2}

Company technical contact person for handling correspondence marked as "Confidential"

WP 10/6/0

Name: David W. Boothe
 Title: Strategic Planning Manager - DuPont Fluorosolutions
 Address: ~~Route 141 & Henry Clay, Wilmington, DE 19880-0711~~ 19805
 Phone Number: 302-999-4091
 Products
 4417 Lancaster Pike
 Chestnut Run 702

ECA Subject Chemicals for E. I. du Pont de Nemours and Company			
Entry	Composite	CAS Registry #	CAS 9CI Name
1	Dry non-melt Fluoropolymer Resin	CAS #9002-84-0	Ethene, tetrafluoro-, homopolymer
2	Dry melt Fluoropolymer Resin	CAS #25067-11-2	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with tetrafluoroethene
3	Dry melt Fluoropolymer Resin	CAS #26655-00-5	Propane, 1,1,1,2,2,3,3-heptafluoro-3-(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene
4	Dry melt Fluoropolymer Resin	CAS #31784-04-0	Ethene, tetrafluoro-, polymer with trifluoro(pentafluoroethoxy)ethene
5	Aqueous Dispersion	CAS #9002-84-0	Ethene, tetrafluoro-, homopolymer
6	Aqueous Dispersion	CAS #25067-11-2	1-Propene, 1,1,2,3,3,3-hexafluoro-, polymer with tetrafluoroethene
7	Aqueous Dispersion	CAS #26655-00-5	Propane, 1,1,1,2,2,3,3-heptafluoro-3-(trifluoroethenyl)oxy]-, polymer with tetrafluoroethene

¹ Data in the table lists the chemical(s) and composite contributions for which E.I. du Pont de Nemours and Company is responsible. The Company developed these data in response to EPA's letter of January 6, 2004.

² E.I. du Pont de Nemours and Company is not obligated under this ECA to perform Phase I PFOA Transport Testing (see Part III. C. and VII.A. of this ECA).

APPENDIX A.3
COMPOSITION OF COMPOSITES TO BE TESTED

The four composite test substances for this test program are presented below in Table A.3-1 with the fluoropolymer types, CAS numbers, and associated monomers for these fluoropolymers. Each fluoropolymer used in each relevant test substance composite will have been made using APFO.

Table A.3-1. Test Substance Composites by Type

Test Substance	Fluoropolymer Type	CAS Number	Associated Monomers
Composite 1 - Dry non-melt resin	PTFE	9002-84-0	TFE
	Modified PTFE	26655-00-5	TFE, PFVE
Composite 2 - Dry melt resins	PEF	25067-11-2	TFE, HFP
	PFA	26655-00-5	TFE, PFVE
		31784-04-0	TFE, PEVE
	THV	25190-89-0	TFE, HFP, VDF
	ETFE	60250-85-5	TFE, E
	EFE	25560-16-8	TFE, HFP, E
Composite 3 - Fluoroelastomers	Fluoroelastomer Copolymers	9011-17-0	VDF, HFP
	Fluoroelastomer Terpolymers	25190-89-0	TFE, HFP, VDF
	base resistant elastomers	54675-89-7, 27029-05-6	TFE, VDF, P
	Perfluoroelastomers	26425-79-6	TFE, PFVE
	CTFE elastomers	9010-75-7	CTFE, VDF
	Low temperature elastomers	CBI	TFE, VDF
Composite 4 - Aqueous Dispersions	PTFE	9002-84-0	TFE
	PEF	25067-11-2	TFE, HFP
	PFA	26655-00-5	TFE, PFVE
		31784-04-0	TFE, PEVE
	THV	25190-89-0	TFE, HFP, VDF

Confidential business information (CBI) regarding the chemical identity of low temperature elastomers has been submitted to EPA under separate cover.

4.2.2 Composite 2

~~FEP, PFA~~ ~~ETFE~~
~~FEP, PFA~~, THV, ~~ETFE~~, and HTE dry melt resins are available in powder form. Equal weights of the powder form of each component (following the approach in the example for Composite Z in Section 4.1 above) will be mixed together in dry form to yield Composite 2. copy 10/61

4.2.3 Composite 3

Fluoroelastomers are available in slab, lump, or sheet form. Composite 3 will be prepared following one of the following approaches:

- a) Equal weights of each component (following the approach in example for Composite Z in Section 4.1) will be mixed on a rubber mill to produce a homogenous slab of preset thickness to yield Composite 3.

Or

- b) Each component of Composite 3 will be cryogenically cooled (to make the elastomers brittle) and size-reduced (e.g., ground) to produce powder. Equal weights of the powder form of each component (following the approach in the example for Composite Z in Section 4.1) will be mixed together in dry form to yield Composite 3.

COPY

4.2.4 Composite 4

Aqueous dispersions of PTFE, FEP, PFA, and THV are available as dispersions containing 20 to 60% fluoropolymer solids by weight. Composite 4 will be prepared following one of the following approaches:

- a) Equal weights (on a dry solids basis) of each component in aqueous dispersion form (following the approach in example for Composite Z in Section 4.1) will be mixed together in liquid form. Solids will be separated from the resulting liquid composite to yield low water content (i.e., drip free) fine solids.

Or

- b) Solids will be separated from liquid for each component of Composite 4 to yield low water content (i.e., drip free) fine solids for each component. Equal weights of the solids form of each component (following the approach in the example for Composite Z in Section 4.1) will be mixed together to yield Composite 4.