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Document Control Officer (7407M)
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

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Re: Proposed TSCA Significant New Use Rule for Perfluorooctyl Sulfonates
(Docket Number OPPTS-50639C)

To Whom It May Concern:

On behalf of the Semiconductor Industry Association (SIA) and the Semiconductor Equipment and Materials International (SEMI), we are submitting these comments on the Significant New Use Rule (SNUR), issued under the Toxic Substances Control Act (TSCA), concerning perfluorooctyl sulfonates (PFOS) that was proposed for public comment on March 11, 2002 (67 Fed. Reg. 11014).

SIA/SEMI has appreciated the opportunity to work with EPA to explain how perfluoroalkyl sulfonate (PFAS) substances are used in our industry and how the industry manages these substances to assure protection of health and the environment. In particular, EPA's recognition of the important role that exposure plays in understanding PFOS risk has greatly improved the Agency's regulatory strategy. We believe that the proposed SNUR, which reflects the information we have provided, is generally a reasonable approach to EPA's expressed concerns about PFOS.

While SIA/SEMI supports the proposed rule as a general matter, we have identified two issues that warrant further clarification. First, the proposed §721.9582(a)(3)(ii) excludes from the SNUR certain materials "used in a photomicrolithography process to produce semiconductors or similar components of electronic or other miniaturized devices." As we indicated in our submissions to the Agency, the photomicrolithography processes used in our industry, and for which we have provided data to EPA, are used to produce semiconductors and electronic components of disk drives, electronics packaging, micromachines and optoelectronic devices and circuits. We read the proposed exclusion to apply to such production activities and ask EPA to confirm that understanding in the preamble to the final rule.

Second, the preamble to the proposed rule includes a broad "boilerplate" statement that exports of chemicals subject to a final SNUR are required to meet the export certification

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requirements under TSCA.¹ In this particular SNUR, however, EPA is proposing specific exclusions from the SNUR in the rule itself. SIA/SEMI sees no compelling rationale for providing export notification for a use that does not warrant EPA's attention under the SNUR. We have assumed that a person who exports one of the chemicals covered by the SNUR for an excluded use would not need to meet export notification requirements for such exports. We ask EPA to clarify this point in the preamble to the final rule.

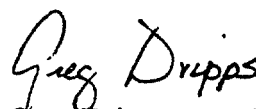
Consistent with our previous comments, SIA/SEMI would also urge EPA to share its approach under the proposed SNUR with other countries that are considering risk management strategies for PFAS. The U.S. has been a leading voice in international organizations, such as the OECD, on PFAS. Our industry is a global business and thus we have a strong interest in seeing consistent international approaches to the management of critical chemicals.

We hope that EPA can address the concerns outlined above in the final rule.² With these recommended clarifications, SIA/SEMI supports the rule as proposed.

Very truly yours,



Stephen Harper by *MAR*
Co-Chair, SIA/SEMI PFOS Committee



Greg Dripps by *MAR*
Co-Chair, SIA/SEMI PFOS Committee

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¹ 67 Fed. Reg. 11014.

² SIA/SEMI has provided EPA with considerable information about its operations and environmental management practices in the context of the proposed rule issued by EPA on October 18, 2000 (65 Fed. Reg. 62319), including our summary report provided to the Agency on October 3, 2001. We incorporate by reference all of the documents filed by SIA/SEMI and its members on the October 18, 2000 proposed rule into these comments on the March 11, 2002 proposed rule.