

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2009-0869; FRL-8804-4]

### Sixty-Fifth 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 Sixty-Fifth Report to the Administrator of EPA on December 3, 2009. In the 65<sup>th</sup> ITC Report, which is included with this notice, the ITC has no revisions to the TSCA section 4(e) *Priority Testing List* at this time.

**DATES:** Comments must be received on or before March 4, 2010.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2009-0869, 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-2009-0869. 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-2009-0869. 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.

*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:

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](mailto: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 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 65<sup>th</sup> ITC Report

The ITC has no revisions to the TSCA section 4(e) *Priority Testing List* at this time.

### 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: January 27, 2010.

**Wendy Cleland-Hamnett,**

*Acting Director, Office of Pollution Prevention and Toxics.*

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

### Table of Contents

#### Summary

#### I. Background

#### II. ITC's Activities During this Reporting Period (June 2009 to November 2009)

#### III. The TSCA Interagency Testing Committee

### Summary

The ITC has no revisions to the Toxic Substances Control Act (TSCA) section 4(e) *Priority Testing List* at this time.

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

TABLE 1.—TSCA SECTION 4(E) PRIORITY TESTING LIST (NOVEMBER 2009)

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 High Production Volume (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 regulations.gov (<http://www.regulations.gov>) 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. ITC's Activities During this Reporting Period (June 2009 to November 2009)

During this reporting period, the ITC discussed the potential use of TSCA section 8(a) and 8(d) to obtain biomonitoring data (<http://www.gao.gov/new.items/d09353.pdf>) and the Department of Homeland Security (DHS) Chemical Terrorism Risk Assessment (CTRA) chemicals, and continued to discuss nanoscale materials and the EPA's Nanoscale Materials Stewardship Program (NMSP). For details on the NMSP, see the **Federal Register** issue of January 28,

2008 (73 FR 4861) (FRL-8344-5) available on-line at <http://www.epa.gov/fedrgstr>.

## III. 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, Alternate

*National Oceanographic and Atmospheric Administration*  
Tony Pait, Member, 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*  
Gayle DeBord, Member  
Dennis W. Lynch, Alternate

*National Science Foundation*  
Margaret Cavanaugh, Alternate

*Occupational Safety and Health Administration*  
Thomas Nerad, Member, Vice-Chair  
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 (NOWCC Employee)

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](mailto:savage.carol@epa.gov); url: <http://www.epa.gov/opptintr/itc>.

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