

**ENVIRONMENTAL PROTECTION  
AGENCY**

[TSH-FRL-1974-2; OPTS-42007]

**Chlorinated Naphthalenes; Response  
to the Interagency Testing Committee**AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Notice.

**SUMMARY:** This notice constitutes EPA's response to the Interagency Testing Committee's recommendation that EPA require testing of the chlorinated naphthalenes under section 4(a) of the Toxic Substances Control Act (TSCA). EPA is not initiating rulemaking under Section 4(a) to require further effects testing of chlorinated naphthalenes because only a small quantity is used in the U.S. The Agency is requesting comments on alternatives to issuing a test rule.

**DATE:** Please submit comments by December 2, 1981.

**ADDRESS:** Document Control Officer,  
Office of Pesticides and Toxic  
Substances (TS-793), U.S.  
Environmental Protection Agency, Rm.  
E-401, 401 M Street SW., Washington,  
D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**  
John B. Ritch, Jr., Director, Industry  
Assistance Office (TS-799), Office of  
Pesticides and Toxic Substances, U.S.  
Environmental Protection Agency, 401 M  
Street SW., Washington, D.C. 20460, Toll  
Free: 800-424-9065, In Washington, D.C.:  
call 554-1404.

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 4(e) of TSCA (Sec. 4(a); 90 Stat. 2003; (15 U.S.C. 2601 et seq.)) establishes an Interagency Testing Committee (ITC) to recommend a list of chemicals for EPA to consider for promulgation of testing rules under section 4(a) of the Act. The ITC may designate up to 50 substances or categories of substances at any one time for priority consideration by EPA. TSCA requires EPA to respond within twelve months of the date they are recommended, by initiating rulemaking under section 4(a) or by publishing reasons in the Federal Register for not initiating rulemaking.

The ITC designated chlorinated naphthalenes for testing in its Second Report, (April 1978 43 FR 16684), recommending that they be tested for carcinogenic, mutagenic, teratogenic and environmental effects and that an epidemiologic study be performed.

The ITC's recommendations were based on annual production volumes of millions of pounds, with both dispersive uses in lubricating oil additives and

enclosed uses in dielectrics for automotive capacitors. Other relevant factors included exposure of several thousand workers to the compounds and knowledge that the compounds are biologically active, causing chloracne and systemic and liver effects. Also, little was known about environmental release during product use or disposal, toxicity of the compounds, effects of chronic exposure, or ecological effects of the compounds.

This notice is intended to serve as EPA's response to the ITC designation of chlorinated naphthalenes for testing. EPA previously responded to the ITC's designation of chlorinated naphthalenes by publishing an explanation in the Federal Register that it was not yet prepared to initiate rulemaking. However, a district court ruled that EPA's response did not meet the legal requirements of section 4(e) of TSCA. *Natural Resources Defense Council vs. Costle*, 79 Civ. 2411 (S.D.N.Y., Feb. 4, 1980). The court required EPA to submit a plan for complying with section 4(e) including a schedule for dealing with the backlog of chemicals from the ITC list. On January 9, 1981, the court ordered EPA to follow the compliance schedule the Agency submitted. Action on chlorinated naphthalenes is required by 1982.

**II. Decision not to Require Testing**

The most current information available to EPA indicates that domestic production of the chlorinated naphthalenes has ceased, and only 32,495 pounds were imported during 1980 (International Trade Commission, 1981). Based upon the volume in use and lack of domestic production, EPA has decided that section 4 testing of these chemicals is not warranted.

**III. Alternatives to Testing**

Because EPA is unsure why production and use in the U.S. has declined so substantially, it is difficult to predict whether this condition will change in the future. The Agency is considering several alternatives to issuing a test rule because health and environmental effects appear to be severe enough to warrant concern if production or exposure increases. These are briefly discussed below.

1. A significant new use rule (SNUR) under section 5(a) would define certain new uses of chlorinated naphthalenes as "significant new uses." A person responsible for manufacturing or processing for a use defined by the rule would be required to submit a notice of intent under section 5(a)(1) at least 90 days before the new use occurs. The information required to be submitted includes identity of the compound and by-products, projected uses, amounts of

substances to be produced and processed for each use, environmental and health data, numbers of persons expected to be exposed and duration of the exposure, and the manner in which the material is to be disposed. The Agency would be responsible for reviewing data on any significant new use to assess its effect on human health and the environment. A SNUR would let EPA take appropriate followup action if a significant increase in exposure is projected. EPA has a period of 90 days in which to review the health and environmental implications of the new use, but may extend the period up to an additional 90 days for good cause.

2. Placing chlorinated naphthalenes on the 5(b)(4) list in combination with issuing a SNUR for these chemicals would provide EPA the information and opportunity for followup action in alternative 1 and also provide additional data that may help EPA assess the potential risks of these chemicals. Section 5(b)(2)(A) requires persons submitting a notice on chemicals subject to a SNUR which are also on the 5(b)(4) list to submit data which they believe show that the manufacturing, processing, distribution in commerce, use and disposal of the chemical substance will not present an unreasonable risk of injury to health or the environment.

3. A section 8(a) reporting rule would require the same information to be reported as a SNUR in alternative 1. However, there are differences in who is required to report and the frequency of reporting. For example, a section 8(a) rule could require periodic reporting or could require persons to report when certain events occurred. Furthermore, it would extend to all manufacturers and processors (except small ones), unlike a SNUR which reaches only persons manufacturing and processing a chemical for a new use. Unlike a SNUR, a section 8(a) rule, on its own, could not require reporting by small manufacturers and processors.

4. Placing chlorinated naphthalenes on the 5(b)(4) list in combination with a section 8(a) reporting requirement would have the same effect as alternative 3 but would also subject small manufacturers and processors to the section 8(a) reporting requirement.

EPA requests comments on these alternatives.

(Sec. 4, 90 Stat. 2003; (15 U.S.C. 2601))

Dated: October 23, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-31728 Filed 10-30-81; 8:45 am]  
BILLING CODE 6560-31-M