



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

October 14, 2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. David Andrews
Ms. Sonya Lunder
Environmental Working Group
1436 U Street, NW
Suite 100
Washington, DC 20009

Dear Mr. Andrews and Ms. Lunder:

This letter is in response to your memorandum emailed on September 8, 2009 to Scott Sherlock. You requested information from the Agency's Inventory Update Reporting (IUR) concerning the number and type of chemicals with confidential identities in specific situations. The answers to your questions are attached.

Please contact me with any further questions, at ssharkey.susan@epa.gov or 202-564-8789.

Sincerely,

A handwritten signature in black ink that reads "Susan Sharkey".

Susan Sharkey
IUR Team Leader
Chemical Control Division
Office of Pollution Prevention and Toxics

Attachment

Environmental Protection Agency Responses to Environmental Working Group Questions
October 13, 2009

EWG Question 1: How many distinct chemicals had the chemical identity claimed as CBI on the 1990 and 2006 IURs? Please tally the total number by each level of production.

EPA Response 1: As identified in the following table, submitters claimed 261 chemicals as CBI for the 1990 IUR and 575 chemicals as CBI for the 2006 IUR. Note that changes in the regulatory requirements between the 1990 and 2006 IUR collections resulted in some changes to the aggregated national production volume ranges used for the public dissemination of the IUR data. Additionally, manufacturers were required to report inorganic chemicals for the 2006 IUR, but were not required to report them for the 1990 IUR.

1990 IUR Production Volume Range	Number of CBI Chemicals
< 10 K lb	0
> 10 K lb to 500 K lb	208
> 500 K lb to 1 M lb	21
> 1 M lb to 10 M lb	22
> 10 M lb to 50 M lb	7
> 50 M lb to 100 M lb	3
> 100 M lb to 500 M lb	0
> 500 M lb to 1 B lb	0
> 1 B lb	0
Total	261

2006 IUR Production Volume Range	Number of CBI Chemicals
< 25 K lb	0
25 K lb to < 500 K lb	396
500 K lb to < 1 M lb	45
1 M lb to < 10 M lb	93
10 M lb to < 50 M lb	34
50 M lb to < 100 M lb	6
100 M lb to < 500 M lb	0
500 M lb to < 1 B lb	1
1 B lb and greater	0
Total	575

EWG Question 2: What number of chemicals on the 2006 IUR for which use information was submitted, indicated “Used in Products Intended for Children” in PART III, Section B.b.? Please report the number for both “total” and CBI chemicals.

EPA Response 2: The number of chemicals reported as “used in products intended for children” in the 2006 IUR included a total of 267 chemicals, 10 of which were claimed as CBI.

EWG Question 3: Please provide us with information about the types of uses for chemicals with identity or use claimed confidential. In particular provide a chemical count for each of the commercial and consumer product categories as outlined on page 4-17 of EPA’s IUR Instructions if these are collected (production volume >300,000 pounds) for IUR chemicals.

EPA Response 3: The following table lists those chemicals with CBI Identity or use categories for which commercial and consumer product category information was provided in the 2006 IUR submissions. EPA included further information including the number of chemicals reporting each category in the Data Summary Report published December 2008 and available on the IUR website (www.epa.gov/iur).

Number of Unique Chemicals with CBI Identity or CBI Use for each Category

Commercial/Consumer Product Categories	Number of Chemicals
C01 Adhesives and sealants	86
C02 Agricultural products (non-pesticidal)	31
C03 Artists’ supplies	10
C04 Automotive products	26
C05 Electrical and electronic products	43
C06 Fabrics, textiles and apparel I	41
C07 Glass and ceramic products	4
C08 Lawn and garden products (non-pesticidal)	2
C09 Leather products	4
C10 Lubricants, greases and fuel additives	227
C11 Metal products	25
C12 Paints and coatings	145
C13 Paper products	61
C14 Photographic supplies	6
C15 Polishes and sanitation goods	26
C16 Rubber and plastic products	235
C17 Soaps and detergents	126
C18 Transportation products	34
C19 Wood and wood furniture	17
C20 Other	356
NRO Not Readily Obtainable	120

EWG Question 4a: Please provide a tally of the number of chemicals with confidential identities for each designation of yes, no, or not reasonably obtainable for the category “products intended for children.”

EPA Response 4a: The following is a count of those chemicals with confidential identities for 2006 IUR that indicated whether their product was intended for use by children:

Yes (Product intended for use by children)	10
No (Product not intended for use by children)	108
NRO (Information is not readily obtainable)	33

EWG Question 4b: Could you also clarify the category designation “products intended for children”. EPA’s 2006 IUR Instructions could be interpreted as products intended SOLELY for children. Is this the case? Alternatively, would a chemical’s use in *any* of the following products: sofa, twin-size mattress, television remote control, or bathmats qualify as a “product intended for children”?

EPA Response 4b: As stated in the 2006 Instructions for Reporting, EPA defines “intended for use by children” to mean the chemical substance or mixture is used in or on a product that is specifically intended for use by children age 14 or younger. This does not mean solely for the use of children, nor is it intended to cover everything that a child might use. For instance, cleaning supplies are not considered intended for use by children, even though a child might use cleaning supplies as part of doing chores. Likewise, a family sofa, television remote control, and a bathmat are general household items that are not typically designed specifically for children. A child-size sofa, however, would be considered an item intended for use by children. Likewise, a child-size mattress, including twin-size mattresses, could be considered items intended for use by children.

EWG Question 5: Were chemicals with a confidential identity included in the HPV program? Are they currently considered in the ChAMP program?

EPA Response 5: The HPV Challenge Program did not include chemicals claimed as confidential. Additionally, because the major objective of this program was to make HPV-related information publicly available, EPA explicitly discouraged companies from making CBI claims in connection with any information submissions under the program. However, in the event that confidential information was submitted or otherwise available to the Agency, such information was included in EPA’s assessments and reviews of the HPV chemicals, and the resulting documents noted that CBI information was used.

Regarding ChAMP, no chemicals with identities claimed as confidential have been included in any of the Agency’s published risk-based prioritizations (RBPs) or hazard-based prioritizations (HBPs).

Although these two programs did not include chemicals claimed as confidential, EPA does conduct reviews of chemicals with confidential identities. Public versions of these reviews would be associated with a generic chemical name, and any confidential data used in the analysis would be masked.