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September 16, 2003

Marianne L. Horinko  
Acting Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Bldg. (1101A)  
1200 Pennsylvania Ave. NW  
Washington, DC 20460



PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS

HEADQUARTERS  
501 FRONT STREET  
NORFOLK, VA 23510  
TEL 757-622-PETA  
FAX 757-622-0457

Re: Comments on the revised HPV test plan for meta-tetramethylxylene diisocyanate

Dear Ms. Horinko:

The following are comments on the revised test plan for the compound meta-tetramethylxylene diisocyanate (TMXDI), also known as isocyanic acid m-phenylenediiso-propylidene (CAS no. 2778-42-9), which was prepared by Cytec Industries, Inc., and posted online on June 6, 2003. These comments are submitted on behalf of People for the Ethical Treatment of Animals (PETA), the Physicians Committee for Responsible Medicine, the Humane Society of the United States, the Doris Day Animal League, and Earth Island Institute. These animal, health, and environmental protection organizations have a combined membership of more than ten million Americans.

Cytec appears to have entirely disregarded the animal protection community's public comments, dated February 6. We are extremely concerned that Cytec's revised plan calls for the use of the OECD 414 test for *in vivo* developmental toxicity, which will kill at least 1,300 animals. The test to be used was not specified in the original test plan or cover letter however, as we stated in our original comments on this test plan, Cytec's representative Dr. Deskin informed us in a January 13 phone conversation that the company planned to use the OECD 422, which uses approximately half the number of animals. The EPA, in its response to Cytec, recommended that the OECD 421 be conducted (i.e., 675 animals). Cytec has not provided any justification for its change in plan which clearly violates the animal welfare agreement as well as the directions provided in the EPA's December 2000 *Federal Register* notice for HPV participants. We would ask that the EPA communicate directly with Cytec on this issue.

Further, Dr. Deskin states in his cover letter to the EPA that the company considered conducting the embryonic stem cell test but was unable to locate a laboratory that would conduct this test under GLP. Dr. Deskin stated that the EPA would not accept this assay as a surrogate for the developmental toxicity endpoint. Though we have written the EPA many times concerning the validated rodent EST and have received no response, the latter statement appears to be correct. However, it should be noted that we have identified a U.S. laboratory that is conducting the EST commercially and have offered this information to all HPV participants who are planning to conduct the test *in vivo*.

I would greatly appreciate it if the EPA would inform us of its discussions with Cytec regarding its plans to conduct the OECD 414. I can be reached at 757-622-7382, ext.1304 or JessicaS@peta.org.

Sincerely,

Jessica Sandler, MHS  
Federal Agency Liaison