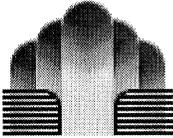


201-14427



Peter **Wendol kowski**
04/30/2003 03: 12 PM

To: Peter Wendolkowski/DC/USEPA/US@EPA
cc:
cc:
Subject: Environmental Defense comments on m-Diisopropenylbenzene
(CAS# 3748-13-8)



Richard_Denison@environmentaldefense.org on 04/29/2003 04:03:46 PM

To: oppt.ncic@epamail.epa.gov, hpv.chemrtk@epamail.epa.gov, Rtk Chem/DC/USEPA/US@EPA,
Karen Boswell/DC/USEPA/US@EPA, Randy_Deskin@gm.Cytec.com
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rdenison@environmentaldefense.org

Subject: Environmental Defense comments on m-Diisopropenyl benzene (CAS# 3748-13-8)

(Submitted via Internet 4/29/03 to oppt.ncic@epa.gov, hpv.chemrtk@epa.gov,
boswell.karen@epa.gov, chem.rtk@epa.gov, MTC@mchsi.com, and
Randy _ Deskin@gm.Cytec.com)

Environmental Defense appreciates this opportunity to submit comments on
the robust summary/test plan for m-Diisopropenylbenzene (CAS# 3748-13-8).

Cytec Industries Inc. has submitted a Robust Summary/Test Plan for
m-diisopropenylbenzene under High Production Volume Challenge Program. Our
review of this Robust Summary/Test Plan indicates it is generally
well-written and describes data that address most of the requested SIDS
elements. The Test Plan clearly describes available data and provides
useful references. According to the Test Plan, this chemical is a
moderately toxic, lipophilic organic chemical used exclusively in the
synthesis of other products. The sponsor indicates that human and
environmental exposure are limited by the fact that this chemical is
synthesized in a closed system and used almost exclusively on site. With
one significant exception discussed below, we agree with the test plan as
submitted.

The Robust Summary is well-organized and provides considerable additional
detail for the cited studies. Acceptable data are available to address all
SIDS elements except Genetic Toxicity-Chromosomal Aberrations and
Reproductive and Developmental Toxicity. Additional work is proposed for
Genetic Toxicity-Chromosomal Aberrations, but not for Reproductive and
Developmental Toxicity. It is stated that data are not required for
Reproductive and Developmental Toxicity because this chemical is
synthesized and used solely under closed conditions. We disagree for the
following reasons.

A description of the synthesis, storage and use of m-diisopropenylbenzene
is provided in Appendix 1 of the Test Plan. This information is critical
because the claim that m-diisopropenylbenzene is synthesized and used
solely as a chemical intermediate under closed conditions is the basis for
the sponsor's position that studies of Reproductive and Developmental
Toxicity are not required SIDS elements. According to Appendix 1,
approximately 120,000 pounds annually of m-diisopropenylbenzene are drummed
in the open and transported for use in another plant or for export.

EPA's Guidance on the partial exemption for testing for closed-system
intermediates (www.epa.gov/chemrtk/closed9.htm) provides that substances
qualify for closed-system status if they meet one of the two following
conditions:

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"a) isolated intermediates which are stored in controlled on-site facilities; and

b) isolated intermediates with controlled transport, i.e. to a limited number of locations within the same company or second parties which use the chemical in a controlled way as an intermediate with a well-known technology."

EPA goes on to note that "To be eligible for this provision, it is necessary to establish that all sites in the United States manufacture and handle the chemical in a manner consistent with the definition of closed-system intermediate. If this is not the case, the full SIDS battery of testing is required." EPA also specifies that, while data on repeated dose toxicity and reproductive toxicity are not required for closed-system intermediates, data on developmental toxicity are required.

We therefore take two exceptions to the sponsor's claims:

1. The information characterizing the transport of the chemical to other plants and its export ? critical information which should be moved to the Introduction of the Test Plan rather than buried in an appendix ? is insufficient to support the sponsor's claim for closed-system intermediate status. In particular, drum filling is stated to be conducted in the open, and virtually no information is provided on where or how the exported material is handled. Clearly, such handling poses some potential for environmental and human exposure to occur as a result of a spill or fugitive releases. As a result, we question the sponsor's contention that the substance qualifies as a closed-system intermediate.

2. Even if the closed-system intermediates exemption were to apply, developmental studies are still needed. As stated above, the partial testing exemption does NOT extend to developmental toxicity studies.

As a result, we believe the Test Plan as submitted is inadequate and needs to be revised to include conducting at least a development toxicity study. Given the drumming and offsite transport, use and export of this chemical, even if it were strictly to meet the definition of a closed-system intermediate, we would recommend that the sponsor conduct a combined repeat dose/reproductive/developmental toxicity test using OECD Test Guideline 422. Such a test would require no greater use of laboratory animals than a developmental toxicity test alone.

We wish to draw the above set of facts to the attention of the EPA, and request that the Agency determine whether the drumming, transport and export of 120,000 pounds of this chemical negates the sponsor's claim of closed-system intermediate status.

Thank you for this opportunity to comment.

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