

## TSCA Section 5(a)(3) Determination for Premanufacture Notice (PMN) P-16-0380-385

**Number: P-16-0380-0385**

**TSCA Section 5(a)(3) Determination:** The chemical substances are not likely to present an unreasonable risk (5(a)(3)(C))

### **Chemical Name:**

**Generic:** Formic acid, compds. with hydrolyzed bisphenol A-epichlorohydrin-polyethylene glycol ether with bisphenol A (2:1) polymer-N1-(1,3-dimethylbutylidene)-N2-[2-[(1, 3-dimethylbutylidene)amino]ethyl]-1,2-ethanediamine-dialdehyde-2-(methylamino)ethanol reaction products acetates (salts).

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### **Conditions of Use (intended, known, or reasonably foreseen)<sup>1</sup>:**

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<sup>1</sup> Under TSCA § 3(4), the term “conditions of use” means “the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.” In general, EPA considers the intended conditions of use of a new chemical substance to be those identified in the section 5(a) notification. Known conditions of use include activities within the United States that result from manufacture that is exempt from PMN submission requirements. Reasonably foreseen conditions of use are future circumstances, distinct from known or intended conditions of use, under which the Administrator expects the chemical substance to be manufactured, processed, distributed, used, or disposed of. The identification of “reasonably foreseen” conditions of use will necessarily be a case-by-case determination and will be highly fact-specific. Reasonably foreseen conditions of use will not be based on hypotheticals or conjecture. EPA’s identification of conditions of use includes the expectation of compliance with federal and state laws, such as worker protection standards or disposal restrictions, unless case-specific facts indicate otherwise. Accordingly, EPA will apply its professional judgment, experience, and discretion when considering such factors as evidence of current use of the new chemical substance outside the United States, evidence that the PMN substance is sufficiently likely to be used for the same purposes as existing chemical substances that are structurally analogous to the new chemical substance, and conditions of use identified in an initial PMN submission that the submitter omits in a revised PMN. The sources EPA uses to identify reasonably foreseen conditions of use include

## TSCA Section 5(a)(3) Determination for Premanufacture Notice (PMN) P-16-0380-385

Intended conditions of use (generic): Manufacture and process for use as and use as a component in electrocoat resin in a manner that does not result in inhalation exposure, and such that releases to water do not result in surface water concentrations exceeding the chronic concentration of concern of 16 ppb, consistent with the manufacturing, processing, use, distribution, and disposal information described in the PMN.

Known conditions of use: Applying such factors as described in footnote 1, EPA evaluated whether there are known conditions of use and found none.

Reasonably foreseen conditions of use: Applying such factors as described in footnote 1, EPA has identified, based on changes made to the conditions of use described in the PMNs, the following reasonably foreseen conditions of use: manufacture, processing, or use, resulting in releases to water that differ from those from the intended conditions of use described in the PMNs.

**Summary:** The chemical substances are not likely to present an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, based on the risk assessment presented below and the terms of the proposed Significant New Use Rule (SNUR) signed by EPA.<sup>2</sup> Although EPA estimates that the new chemical substances could be very persistent, the chemical substances have low potential for bioaccumulation, such that repeated exposures are not expected to be cumulative. Based on EPA's TSCA New Chemicals Program Chemical Category Polycationic Polymers<sup>3</sup> and physical/chemical properties as well as structural alerts, EPA estimates that the chemical substances have moderate environmental hazard and the potential for the following human health hazards: lung effects if inhaled based on cationic binding to the lung tissue. EPA estimates that, under the conditions of use described in the PMNs, there will be no inhalation exposures during manufacture, processing, or use, and releases are not expected to result in surface water concentrations exceeding the chronic concentration of concern of 16 ppb.

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searches of internal confidential EPA PMN databases (containing use information on analogue chemicals), other U.S. government public sources, the National Library of Medicine's Hazardous Substances Data Bank (HSDB), the Chemical Abstract Service STN Platform, REACH Dossiers, technical encyclopedias (e.g., Kirk-Othmer and Ullmann), and Internet searches.

<sup>2</sup> Reasonably foreseen conditions of use subject to a proposed SNUR are not likely to present an unreasonable risk of injury to health or the environment. Based on EPA's experience, it is the Agency's judgment that a new use would not commence during the pendency of a proposed SNUR because web posting of a proposed SNUR serves as the cut-off date for a significant new use. Therefore, manufacturers and processors would not commence a prohibited new use that would be legally required to cease upon the finalization of the SNUR. Once a SNUR is final and effective, no manufacturer or processor – including the PMN submitter – may undertake the conditions of use identified as a significant new use of the PMN substance in the SNUR. EPA must first evaluate the new use in accordance with the requirements of TSCA Section 5 and (a) either conclude that the new use is not likely to present an unreasonable risk under the conditions of use; or (b) take appropriate action under section 5(e) or 5(f). If EPA were not to finalize the proposed SNUR, then that decision would be based on information and data provided to the Agency during the comment period demonstrating that the reasonably foreseen conditions of use subject to the proposed SNUR are not likely to present an unreasonable risk. Under either scenario, the reasonably foreseen condition of use is not likely present an unreasonable risk.

<sup>3</sup> TSCA New Chemicals Program (NCP) Chemical Categories. <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/chemical-categories-used-review-new>.

## TSCA Section 5(a)(3) Determination for Premanufacture Notice (PMN) P-16-0380-385

Therefore, EPA concludes that the new chemical substances are not likely to present unreasonable risk to human health or the environment under the intended conditions of use.

As set forth below, the information available to EPA is sufficient to permit the Agency to conduct a reasoned evaluation of the health and environmental effects of the chemical substances under the conditions of use that are not subject to the proposed SNUR, in order to determine that the chemical substances are not likely to present an unreasonable risk under those conditions of use. As such, EPA does not need to impose test requirements to conduct this evaluation. Whether testing is needed to evaluate the effects of the intended, known, or reasonably foreseen conditions of use of a chemical substance subject to a PMN is determined on a case-by-case basis. To the extent that testing may be necessary to conduct a reasoned evaluation of the health or environmental effects of the reasonably foreseen conditions of use that are subject to the proposed SNUR, EPA will make the appropriate determination if a SNUN is submitted following finalization of the SNUR.

EPA found no known conditions of use, assessed the intended conditions of use, and addressed reasonably foreseen conditions of use by proposing a SNUR. Therefore, EPA determines the new chemical substances are not likely to present unreasonable risk to human health or the environment.

**Fate:** Environmental fate is the determination of which environmental compartment(s) a chemical moves to, the expected residence time in the environmental compartment(s) and removal and degradation processes. Environmental fate is an important factor in determining exposure and thus in determining whether a new chemical substance is likely to present an unreasonable risk. EPA estimated physical/chemical and fate properties of these new chemical substances using data for analogous polymers. The chemical substances are estimated to be removed with an efficiency of 90% during wastewater treatment due to sorption. Sorption to sludge is estimated to be strong, and sorption to soil and sediment is estimated to be very strong, resulting in negligible migration to groundwater. Volatilization to air is estimated to be negligible. Overall, these estimates are indicative of low potential for these chemical substances to volatilize into the air and a low potential for these chemical substances to migrate into groundwater.

**Persistence<sup>4</sup>:** Persistence is relevant to whether a new chemical substance is likely to present an unreasonable risk because chemicals that are not degraded in the environment at rates that prevent substantial buildup in the environment, and thus increase potential for exposure, may present a risk if the substance presents a hazard to human health or the environment. Based on data for analogous polymers, EPA estimated the aerobic and anaerobic biodegradation half-lives to be greater than six months. These estimates for biodegradation indicate that the chemical

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<sup>4</sup> Persistence: A chemical substance is considered to have limited persistence if it has a half-life in water, soil or sediment of less than 2 months or there are equivalent or analogous data. A chemical substance is considered to be persistent if it has a half-life in water, soil or sediments of greater than 2 months but less than or equal to 6 months or if there are equivalent or analogous data. A chemical substance is considered to be very persistent if it has a half-life in water, soil or sediments of greater than 6 months or there are equivalent or analogous data. (64 FR 60194; November 4, 1999)

## TSCA Section 5(a)(3) Determination for Premanufacture Notice (PMN) P-16-0380-385

substances may be very persistent in aerobic environments (e.g., surface water) and very persistent in anaerobic environments (e.g., sediment).

**Bioaccumulation<sup>5</sup>:** Bioaccumulation is relevant to whether a new chemical substance is likely to present an unreasonable risk because substances that bioaccumulate in aquatic and/or terrestrial species pose the potential for elevated exposures to humans and other organisms via food chains. The chemical substances have low bioaccumulation potential based on estimates from analogous polymers and large predicted molecular volume, which limit bioavailability. Although EPA estimated that the new chemical substances could be very persistent, the chemical substances have low potential for bioaccumulation, such that repeated exposures are not expected to cause food chain effects via accumulation in exposed organisms.

**Human Health Hazard<sup>6</sup>:** Human health hazard is relevant to whether a new chemical substance is likely to present an unreasonable risk because the significance of the risk is dependent upon both the hazard (or toxicity) of the chemical substance and the extent of exposure to the substance. EPA estimated the human health hazard of these chemical substances based on their estimated physical/chemical properties and structural alerts. For these new chemical substances, absorption is estimated to be nil through the skin, lung, and GI tract based on physical/chemical properties. EPA identified lung effects as a hazard if inhaled based structural alerts indicating the potential for cationic binding to the lung tissue. No other hazards were identified.

**Environmental Hazard<sup>7</sup>:** Environmental hazard is relevant to whether a new chemical substance is likely to present unreasonable risk because the significance of the risk is dependent

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<sup>5</sup> Bioaccumulation: A chemical substance is considered to have a low potential for bioaccumulation if there are bioconcentration factors (BCF) or bioaccumulation factors (BAF) of less than 1,000 or there are equivalent or analogous data. A chemical substance is considered to be bioaccumulative if there are BCFs or BAFs of 1,000 or greater and less than or equal to 5,000 or there are equivalent or analogous data. A chemical substance is considered to be very bioaccumulative if there are BCFs or BAFs of 5,000 or greater or there are equivalent or analogous data. (64 FR 60194; November 4 1999)

<sup>6</sup> A chemical substance is considered to have low human health hazard if effects are observed in animal studies with a No Observed Adverse Effect Level (NOAEL) equal to or greater than 1,000 mg/kg/day or if there are equivalent data on analogous chemical substances; a chemical substance is considered to have moderate human health hazard if effects are observed in animal studies with a NOAEL less than 1,000 mg/kg/day or if there are equivalent data on analogous chemical substances; a chemical substance is considered to have high human health hazard if there is evidence of adverse effects in humans or conclusive evidence of severe effects in animal studies with a NOAEL of less than or equal to 10 mg/kg/day or if there are equivalent data on analogous chemical substances. EPA may also use Benchmark Dose Levels (BMDL) derived from benchmark dose (BMD) modeling as points of departure for toxic effects. See <https://www.epa.gov/bmds/what-benchmark-dose-software-bmds>. Using this approach, a BMDL is associated with a benchmark response, for example a 5 or 10 % incidence of effect. The aforementioned characterizations of hazard (low, medium, high) would also apply to BMDLs. In the absence of animal data on a chemical or analogous chemical substance, EPA may use other data or information such as from in vitro assays, chemical categories (e.g., Organization for Economic Co-operation and Development, 2014 Guidance on Grouping of Chemicals, Second Edition. ENV/JM/MONO(2014)4. Series on Testing & Assessment No. 194. Environment Directorate, Organization for Economic Co-operation and Development, Paris, France. ([http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=env/jm/mono\(2014\)4&doclanguage=en](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=env/jm/mono(2014)4&doclanguage=en))), structure-activity relationships, and/or structural alerts to support characterizing human health hazards.

<sup>7</sup> A chemical substance is considered to have low ecotoxicity hazard if the Fish, Daphnid and Algae LC50 values are greater than 100 mg/L, or if the Fish and Daphnid chronic values (ChVs) are greater than 10.0 mg/L, or there are not effects at saturation (occurs when water solubility of a chemical substance is lower than an effect concentration), or

## TSCA Section 5(a)(3) Determination for Premanufacture Notice (PMN) P-16-0380-385

upon both the hazard (or toxicity) of the chemical substance and the extent of exposure to the substance. EPA estimated environmental hazard of these new chemical substances based on data on analogous polycationic polymers with [claimed CBI]. EPA estimated acute toxicity values for fish, daphnid, and algae of 2.9, 7.9, and 0.98 mg/L, respectively and chronic toxicity values for fish, daphnia, and algae of 0.16, 0.56, and 0.27 mg/L, respectively. These toxicity values indicate the new chemical substances are expected to have moderate environmental hazard. Application of assessment factors of 4 and 10 to acute and chronic toxicity values results in an estimated acute concentration of concern (COC) of 0.245 mg/L (245 ppb) and a chronic COC of 0.016 mg/L (16 ppb).

**Exposure and Risk Characterization:** The exposure to a new chemical substance is potentially relevant to whether a new chemical substance is likely to present unreasonable risks because the significance of the risk is dependent upon both the hazard (or toxicity) of the chemical substance and the extent of exposure to the substance.

EPA estimates occupational exposure and environmental releases of the chemical substance under the intended conditions of use described in the PMN using ChemSTEER (Chemical Screening Tool for Exposures and Environmental Releases; <https://www.epa.gov/tsca-screening-tools/chemsteer-chemical-screening-tool-exposures-and-environmental-releases>). EPA uses EFAST (the Exposure and Fate Assessment Screening Tool; <https://www.epa.gov/tsca-screening-tools/e-fast-exposure-and-fate-assessment-screening-tool-version-2014>) to estimate general population, consumer, and environmental exposures.

EPA considers workers to be a potentially exposed or susceptible subpopulations (PESS) on the basis of greater exposure potential compared to the general population. EPA also considers PESS in conducting general population drinking water exposures by evaluating risks associated with water intake rates for multiple age groups, ranging from infants to adults. EPA considers consumers of specific products to be a potentially exposed or susceptible subpopulation on the basis of greater exposure potential compared to the general population who do not use specific products.

For this assessment, EPA quantitatively assessed exposure to workers via inhalation and dermal contact. General population exposure via inhalation was considered, but estimated releases to air were below modeling thresholds. General population exposure via drinking water was assessed. Consumer exposures were not assessed because consumer uses were not identified as conditions of use.

EPA assesses risks to workers considering engineering controls described in the PMN but in the absence of personal protective equipment such as gloves and respirators. If risks are

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the log Kow value exceeds QSAR cut-offs. A chemical substance is considered to have moderate ecotoxicity hazard if the lowest of the Fish, Daphnid or Algae LC50s is greater than 1 mg/L and less than 100 mg/L, or where the Fish or Daphnid ChVs are greater than 0.1 mg/L and less than 10.0 mg/L. A chemical substance is considered to have high ecotoxicity hazard, or if either the Fish, Daphnid or Algae LC50s are less than 1 mg/L, or any Fish or Daphnid ChVs is less than 0.1 mg/L (Sustainable Futures <https://www.epa.gov/sustainable-futures/sustainable-futures-p2-framework-manual>).

**TSCA Section 5(a)(3) Determination for Premanufacture Notice (PMN) P-16-0380-385**

preliminarily identified, EPA then considers whether the risks would be mitigated by the use of PPE (e.g., impervious gloves, respirator).

Risks to workers for lung effects via inhalation were not estimated because inhalation exposures are expected to be negligible. Risks to workers via dermal contact were not evaluated because no hazards were identified for this route of exposure. Risks to the general population were not estimated for lung effects via inhalation because releases to air are predicted to be low (below modeling thresholds). Although drinking water exposures were estimated, risks to the general population were not evaluated because no relevant hazards were identified for this route of exposure. Risks to consumers were not evaluated because consumer uses were not identified as conditions of use.

Risks to the environment were evaluated by comparing estimated surface water concentrations with the acute and chronic concentrations of concern. Risks to the environment were not identified due no exceedances of either the acute or chronic COC under the intended conditions of use.

It is reasonably foreseen that manufacture, processing, or use could result in releases to water that exceed a surface water concentration of 16 ppb based on the original PMN submission, which was subsequently amended. It is reasonably foreseen because the initial PMN submission had conditions of use resulting in estimated surface water concentrations above 16 ppb. The SNUR that has been proposed for these chemical substances defines certain conditions of use as significant new uses. The proposed significant new uses include manufacture, processing, and use that result in release to water exceeding a surface water concentration of 16 ppb. Conditions of use that fall under the restrictions of the proposed SNUR are not likely to present unreasonable risk of injury to health or the environment because (1) those conditions of use are not likely to be commenced during the pendency of the proposed SNUR, and (2) upon finalization of the SNUR, those conditions of use would be prohibited unless and until EPA makes an affirmative determination that the significant new use is not likely to present an unreasonable risk or takes appropriate action under section 5(e) or 5(f).

10/9/18  
Date:

/s/  
Jeffery T. Morris, Director  
Office of Pollution Prevention and Toxics