

## TSCA Section 5(a)(3) Determination for Premanufacture Notice (PMN) P-17-0245

**Number: P-17-0245**

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

**Chemical Name:**

Generic: Unsaturated polyfluoro ester

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

Intended conditions of use (generic): Manufacture for processing and use as an adhesive for open, non-dispersive use, 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 evaluated whether there are reasonably foreseen conditions of use and identified the following conditions of use: Manufacture, processing, or use, resulting in releases to water or disposal by a method other than RCRA-certified hazardous waste incineration.

**Summary:** The chemical substance is 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

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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 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

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estimated that the new chemical substance could be very persistent and that it has low potential for bioaccumulation, such that repeated exposures are not expected to be cumulative, EPA identified concerns that potential degradation products of the new chemical substance could be very persistent and have unknown bioaccumulation potential. Based on test data on analogous chemical substances, EPA estimates that the chemical substance has low environmental hazard and potential for the following human health hazards: irritation to eyes, mucous membranes and lungs, mutagenicity, and respiratory sensitization. EPA concludes that the new chemical substance is not likely to present an unreasonable risk under the 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 substance under the conditions of use that are not subject to the proposed SNUR, in order to determine that the chemical substance is not likely to present an unreasonable risk under those conditions of use. As such, EPA does not need to impose testing 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 substance is 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 chemical may present an unreasonable risk. EPA estimated physical/chemical and fate properties of this new chemical substance using data for analogous polymers. The chemical substance is estimated to be removed during wastewater treatment with an efficiency of 90% via sorption. Removal by biodegradation is estimated to be negligible based on high molecular volume. 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 based on the high molecular volume. Overall, these estimates are indicative of low potential for this chemical substance and a low potential for this chemical substance to migrate into groundwater.

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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.

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**Persistence<sup>3</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 this new chemical substance's anaerobic and aerobic biodegradation half-lives are estimated to be greater than six months. These estimates for biodegradation indicate that the new chemical substance may be very persistent in aerobic environments (e.g., surface water) or anaerobic environments (e.g., sediment). EPA identified the potential for the new chemical substance to degrade into substances containing [claimed CBI] fluorinated Carbon atoms. [claimed CBI] such as the new chemical substance have not been sufficiently studied to determine degradation rates or products, so while it is expected that the new chemical substance may be very persistent, it may eventually degrade in the environment.

**Bioaccumulation<sup>4</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 new chemical substance is estimated to have low bioaccumulation potential based on data for analogous chemicals in addition to large predicted molecular volume and low water solubility, which limit bioavailability and bioaccumulation. The potential degradation products have unknown bioaccumulation potential, as they have not been sufficiently studied. Due to uncertainty regarding bioaccumulation potential, EPA assessed the new chemical substance assuming that its potential degradants could be persistent and bioaccumulative.

**Human Health Hazard<sup>5</sup>:** Human health hazard is relevant to whether a new chemical substance

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<sup>3</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)

<sup>4</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>5</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

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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 this chemical substance based on its estimated physical/chemical properties and structural alerts. For this new chemical substance, absorption of the neat material is estimated to be nil and absorption of the low molecular weight (LMW) fractions is expected to be poor via all routes of exposure based on physical/chemical properties. EPA identified irritation and sensitization as hazards based on the [claimed CBI] moiety and information in the SDS. Systemic hazards due to the [claimed CBI] moiety were not identified based on the high [claimed CBI] FGEW (> 1,000) and low concentration of LMW components (1% below 1,000). EPA also identified potential systemic toxicity for the degradation products of the new chemical substance produced during incineration. EPA qualitatively assessed irritation and sensitization because dose-response information is not available for these endpoints. EPA identified a NOAEL of 0.02 mg/kg-day from a 90-day oral toxicity study (OECD 408) on an analogue of the degradation products, which was used to derive exposure route-and population-specific points of departure for quantitative risk assessment, described below.

**Environmental Hazard<sup>6</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 upon both the hazard (or toxicity) of the chemical substance and the extent of exposure to the substance. EPA estimated environmental hazard of this new chemical substance using predictions based on the negligible water solubility of the new chemical substance. Acute and chronic toxicity values estimated for fish, aquatic invertebrates, and algae are all no effects at saturation. These toxicity values indicate that the new chemical substance is expected to have low environmental hazard. Because hazards are not expected up to the water solubility limit, acute and chronic concentrations of concern are not identified.

**Exposure:** 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.

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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>6</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 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>).

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EPA estimates occupational exposure and environmental release of the new 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 subpopulation (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 new chemical assessment, EPA assessed dermal exposure to workers, and inhalation exposure to workers is not expected. Releases to air were estimated, and releases to water are not expected. Exposure to the general population via inhalation was assessed, and oral exposures via drinking water are not expected. Exposures to consumers were not assessed because consumer uses were not identified as conditions of use.

**Risk Characterization:** EPA characterizes risks to human health and the environment by comparing the potential hazards and exposures for the chemical substance, estimated as described above. EPA applies a margin of exposure approach to calculate potential human health risks of new chemicals. A benchmark (acceptable) margin of exposure is derived by applying uncertainty factors for the following types of extrapolations: intra-species extrapolation ( $UF_H = 10$  to account for variation in sensitivity among the human population), inter-species extrapolation ( $UF_A = 10$  to account for extrapolating from experimental animals to humans) and LOAEL-to-NOAEL extrapolation ( $UF_L = 10$  to account for using a LOAEL when a NOAEL is not available). Hence, in the New Chemicals Program, a benchmark MOE is typically 100 and 1000 when NOAELs and LOAELs, respectively, are used to identify hazard. When allometric scaling or pharmacokinetic modeling is used to derive an effect level, the  $UF_H$  may be reduced to 3, for a benchmark MOE of 30. The benchmark MOE is used to compare to the MOE calculated by comparing the toxicity NOAEL or LOAEL to the estimated exposure concentrations. When the calculated MOE is equal to or exceeds the benchmark MOE, the new chemical substance is not likely to present an unreasonable risk. EPA assesses risks to workers considering engineering controls described in the PMN but in the absence of personal protective equipment (PPE) such as impervious gloves and NIOSH certified respirators. If risks are preliminarily identified, EPA then considers whether the risks would be mitigated by the use of PPE (e.g., impervious gloves, respirator).

Irritation and sensitization hazards to workers via dermal contact were identified. Risks for these endpoints were not quantified due to a lack of dose-response for these hazards. However, exposures can be mitigated by the use of appropriate personal protective equipment (PPE),

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including (impervious gloves and eye protection). EPA expects that workers will use appropriate PPE consistent with the Safety Data Sheet prepared by the new chemical submitter, in a manner adequate to protect them, including impervious gloves and eye protection.

Risks were not identified for the general population for reproductive, developmental, liver, and kidney effects via inhalation exposure based on an analogue for the degradation product (MOE = 14,700; Benchmark MOE = 100). Risks were not identified for the general population for irritation via inhalation exposure since these concerns are expected to be mitigated by dilution in the media. Risks to consumers were not evaluated because consumer uses were not identified as conditions of use.

Risks to the environment from acute and chronic exposure are not expected at any concentration of the new chemical substance soluble in the water (i.e., no effects at saturation). Additionally, because no releases to water were estimated, no risks were identified for the uncertain PBT concerns for the degradation products.

It is reasonably foreseen, based on the initial screening level assessments that were mitigated through changes in the media of releases and in the disposal method of residuals waste, that potential for water releases are probable based on the submitter's initial description of activities that resulted in risk to human health based on the presence of degradation products in water. It is reasonably foreseen that there could be greater releases to air if incineration methods other than Resource Conservation and Recovery Act (RCRA)-certified hazardous waste incineration are used. The SNUR that has been proposed for this chemical substance defines certain condition of use as significant new uses. The proposed significant new uses are any predictable or purposeful release into the waters of the United States, any use other than the confidential use stated in the PMN submission and disposal of the chemical substance and any waste streams containing the chemical substance or its constituent breakdown products other than by sending them to a licensed hazardous waste hauler for certified RCRA hazardous waste incineration, where hazardous waste and hazardous waste incineration are defined under 40 CFR 261 and 270 . 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).

04/15/19  
Date: \_\_\_\_\_

/s/  
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