



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

MAR 15 2004

OFFICE OF
ENVIRONMENTAL INFORMATION

Ms. Marian K. Stanley
American Chemistry Council Phthalate Esters Panel
American Chemistry Council
1300 Wilson Blvd.
Arlington, VA 22209

Dear Ms. Stanley:

I would like to take this opportunity to respond to your request for correction (RFC Number 13166) dated October 16, 2003, concerning the EPA technical review of diisononyl phthalate (DINP) and EPA's proposal to add a DINP category to the list of chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). You asked that a revised review be made available for public comment and subjected to external peer review, and that EPA undertake a rulemaking to clarify language in the preamble to EPA's 1994 chemical expansion final rule. As part of the DINP rulemaking, EPA has already initiated a process to revise the DINP hazard assessment and solicit public comment on the revised assessment. In accordance with the Information Quality Guidelines, the Agency intends to treat your request for correction (RFC) as a late comment on the proposed rule (65 FR 53681, September 5, 2000) and in doing so has placed your RFC in the docket for this rulemaking (OEI-100004). EPA intends to address your RFC as part of the final Agency action.

Prior to receiving your request, EPA had begun a process to revise the hazard assessment, and EPA believes that this ongoing process addresses your process concerns regarding DINP. EPA has reviewed all comments received on the proposal, revised the hazard assessment based on the comments, and conducted an internal peer review of the hazard assessment. EPA is currently revising the hazard assessment based on the internal reviewers' comments and plans to begin external peer review by early spring in accordance with the EPA Peer Review Policy and the Information Quality Guidelines. After the completion of the external peer review, EPA plans to revise the hazard assessment as necessary and intends to solicit public comments on the revised assessment by the summer of 2004. Following the conclusion of these activities, the Agency will make a determination as to whether or not DINP meets the EPCRA section 313 listing criteria (i.e., EPCRA section 313 (d)(2)). EPA may decide, at that time, to finalize the proposal or take other action as merited by the Agency's review of all data and comments.

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With regard to the issue of the Toxics Release Inventory (TRI) chemical listing guidance, EPA does not believe that it is necessary to conduct a rulemaking in order to clarify the information contained in the 1994 chemical expansion final rule (59 FR 61432, November 30, 1994). The listing guidance explains part of the Agency's rationale for its listing decisions. As with previous TRI listing decisions, EPA intends to continue to describe its rationale in each listing decision, and to allow an opportunity for public comment on the rationale in the context of individual proposed listing decisions. This approach provides a more realistic opportunity for public comment, since the public can comment on the appropriateness of the rationale in actual proposed listing decisions. It also provides EPA and the public with flexibility to consider whether or not the guidance is appropriate in each individual circumstance.

Thank you for your interest in this important matter. If you have any further concerns on this topic, please feel free to contact me or Mike Flynn, Director of the Office of Environmental Information's Office of Information Analysis and Access, at 202-566-0600.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Nelson', written in a cursive style.

Kimberly T. Nelson
Assistant Administrator and
Chief Information Officer