

## TSCA Section 5(a)(3) Determination for Premanufacture Notice (PMN) P-19-0058

**Number: P-19-0058**

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

### **Chemical Name:**

Specific: Butanoic acid, 3-oxo-, 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl ester, polymer with butyl 2-propenoate, ethenylbenzene, methyl 2-methyl-2-propenoate and 2-methyl-2-popenoic acid, ammonium salt (CASRN 2131811-80-6); polymer exemption flag.

Polymer exemption flag: The chemical must be manufactured such that it meets the polymer exemption criteria as described under 40 CFR §723.250(e)(2), in addition to meeting the definition of polymer at 40 CFR §723.250(b).

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

Intended conditions of use (specific): Manufacture for use as a wood coating, 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 uses, based on a patent search and information for analogue chemicals: binder for coatings, inks and related products and a binder resin for aqueous coatings applied over plastic.

**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

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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.

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the Administrator under the conditions of use, based on the risk assessment presented below. Although EPA estimated that the anion could be very persistent, the substance has a low potential for bioaccumulation, such that repeated exposures are not expected to cause food-chain effects via accumulation in exposed organisms. EPA estimated that the cation could have limited persistence and a low potential for bioaccumulation, such that repeated exposures are not expected to cause food-chain effects via accumulation in exposed organisms. Based on EPA's TSCA New Chemicals Program Chemical Category for Polyanionic Polymers (Monomers)<sup>2</sup> and test data on analogous chemical substances, EPA estimates that the new chemical substance has low environmental hazard and potential for the following human health hazards: irritation to eyes, skin, mucous membranes, and the respiratory tract. EPA concludes that the new chemical substance is not likely to present an unreasonable risk under the conditions of use.

**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 the anion using data for analogues (polyanionic polymers) and of the cation using data for analogue(s) (ammonium and ammonia). In wastewater treatment, the anion is expected to be removed with an efficiency of 90% due to sorption and the cation is expected to be removed with an efficiency of 60% due to biodegradation. Removal of the anion by biodegradation is negligible and removal of the cation by biodegradation is moderate. Sorption of the anion to sludge is expected to be strong and to soil and sediment is expected to be very strong, and sorption of the cation to sludge, soil, and sediment is expected to be low. Migration of the anion to groundwater is expected to be negligible due to very strong sorption to soil and sediment, and migration of the cation to groundwater is expected to be slow due to low sorption to soil and sediment, mitigated by biodegradation. Due to low estimated vapor pressure and Henry's law constant, the anion and the cation are expected to undergo negligible volatilization to air. Overall, these estimates indicate that the anion and the cation have low potential to volatilize to air and low potential to migrate to groundwater.

**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. EPA estimated degradation half-lives of the anion using data for analogues (polyanionic polymers) and of the cation using data for analogue(s) (ammonium and ammonia). EPA estimated that the anion's aerobic and anaerobic biodegradation half-lives are > 6 months; and that the cation's

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<sup>2</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>.

<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)

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aerobic and anaerobic biodegradation half-lives are < 2 months. These estimates indicate that the anion may be very persistent in aerobic environments (e.g., surface water) and anaerobic environments (e.g., sediment). Further, these estimates indicate that the cation may have limited persistence in aerobic environments (e.g., surface water) and anaerobic environments (e.g., sediment). The cation is utilized in the biogeochemical cycle and is expected to be transformed.

**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. EPA estimated the potential for the anion to bioaccumulate using data for analogues (polyanionic polymers) and of the cation to bioaccumulate using data submitted for analogue(s) (ammonium and ammonia). EPA estimated that the anion has low bioaccumulation potential based on large predicted molecular volume, which limits bioavailability and the cation has low bioaccumulation potential based on high water solubility, which increases elimination. Although EPA estimated that the anion could be very persistent, the substance has a low potential for bioaccumulation, such that repeated exposures are not expected to cause food-chain effects via accumulation in exposed organisms. EPA estimated that the cation could have limited persistence and a 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>5</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. Absorption of the polymer is expected to be nil by all routes based on physical/chemical properties. For the LMW fraction (0.5% < 1000), absorption is expected to be

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<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 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.

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poor via all routes based on physical/chemical properties. For the new chemical substance, EPA identified the following hazards: irritation to eyes, skin, mucous membranes, and the respiratory tract from the carboxylic acid moieties. The new chemical substance meets the 40 CFR 723.250(e)(2) Polymer Exemption Criteria and is therefore considered to have low human health hazard. EPA qualitatively evaluated irritation effects.

**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 determined environmental hazard for this new chemical substance based on SAR predictions for polyanionic polymers (special class within ECOSAR V2.0). This substance falls within the TSCA New Chemicals Category of polyanionic polymers (monomers). Acute toxicity values estimated for fish, aquatic invertebrates, and algae are all >100 mg/L. Chronic toxicity values estimated for fish, aquatic invertebrates, and algae are all >10 mg/L. These toxicity values indicate that the new chemical substance is expected to have low environmental hazard. Application of assessment factors of 5 and 10 to acute and chronic toxicity values, respectively, results in acute and chronic concentrations of concern of 20 mg/L (20,000 ppb) and 1 mg/L (1000 ppb), respectively.

**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.

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

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<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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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 assessed worker exposure via inhalation and dermal contact. Releases to water, air, and landfill were estimated. Exposure to the general population was assessed via drinking water, fish ingestion, and fugitive air inhalation. Exposures to the general population via ingestion of ground water (due to landfill leaching) and stack air inhalation were not assessed because releases to landfill and stack air emissions were expected to be negligible (below modeling thresholds). Exposure to consumers was assessed via inhalation and dermal contact.

**Risk Characterization:** Irritation hazards to workers via inhalation and dermal contact are possible based on the acid moieties. 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), including (impervious gloves, eye protection, and respiratory protection). EPA expects that employers will require and 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.

Irritation hazards to the general population are not expected via drinking water or fish ingestion due to dilution of the chemical substance in the media.

Based on the polymer exemption criteria, hazard concerns were considered to be low and therefore risks were not calculated. Based on expected low hazards, EPA concludes risks are low.

Risks to the environment were not identified based on low hazard.

Based on low hazard, EPA has determined that the new chemical substance is not likely to present unreasonable risk to human health or the environment under the conditions of use.

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11/21/2019  
Date:

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/s/  
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