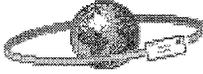


AR201-14012



James Cooper <COOPERJ@SOCMA.com> on 10/16/2002 03:08:50 PM

2002 OCT 18 AM 11:16

To: "oppt.ncic@epa.gov" <oppt.ncic@epa.gov>, "hvp.crtk@epa.gov" <hvp.crtk@epa.gov>,  
"chem.rtk@epa.gov" <chem.rtk@epa.gov>  
cc: SamG@pmcsg.com, Cynthia Graham <cynthia.graham.b@bayer.com>  
Subject: Attn: Chemical Right-to-Know Program; HPV Reference Number:

Attn: Chemical Right-to-Know Program; HPV Reference Number:

Dear OPPT Staff,

The Benzotriazoles Coalition appreciates the opportunity to respond to EPA's comments on the Benzotriazoles Category test plan. Attached is a Word file containing the coalition's response. If you have any questions or comments, please feel free to contact me.

Regards,

Jim Cooper

Phone: 202-721-4158



- Benzotriazoles Response to EPA Comments.doc

# Benzotriazoles Coalition

## Benzotriazoles Coalition

1850 M Street, NW, Suite 700, Washington, DC 20036  
(202) 721-4158 – (202) 296-8120 fax

October 16, 2002

### **RETURN RECEIPT REQUESTED VIA E-MAIL**

Christine Todd Whitman, Administrator  
U.S. Environmental Protection Agency  
P.O. Box 1473  
Merrifield, VA 22116

Attn: Chemical Right-to-Know Program; HPV Reference Number: 1101094

Dear Administrator Whitman:

The Benzotriazoles Coalition is disappointed and somewhat perplexed by the agency's comments on the Benzotriazoles Test Plan. In its response, EPA states that the Coalition's proposal is "reasonable;" however, the agency claims that a rulemaking using the proposed approach is "incompatible with maintaining the category" under the HPV Challenge. The members of the Coalition disagree. Furthermore, the agency did not even take the time to comment on the robust summaries that were carefully prepared by members of the Coalition, at significant cost.

While stakeholders were still helping define the details of this important initiative, flexibility was consistently brought up as the key to a successful program. In the Coalition's opinion, the flexibility of voluntary partnerships between EPA, industry and other stakeholders includes the willingness to explore and try novel approaches to implementation.

The Coalition urges EPA to continue its review of the Benzotriazoles Test Plan. Great care and thought were put into the robust summaries and testing strategy. Review of the work should be based on technical merits, not on disagreements with implementation strategies.

I can assure you that the Coalition has taken careful steps to explore all options available to proceed with our plan. The Coalition members have been active participants in the HPV Challenge and are very willing to carry out the proposed test plan; however, current market conditions have placed these responsible companies into a situation where doing so will jeopardize their presence in the marketplace. Therefore, the Benzotriazoles Coalition also urges EPA to be flexible in the HPV Challenge and demonstrate a willingness to try novel approaches. Surely, it is not the intention of EPA to allow companies that are doing the right thing to be placed in economically precarious situations.

The Benzotriazoles Coalition recommends that EPA draft a brief TSCA Section 4 test rule outlining the strategy proposed in the Benzotriazoles Test Plan. The Coalition offers to meet with the agency, other stakeholders and the White House Office of Management and Budget to find a way to incorporate a category approach into the proposed rulemaking. The Coalition is confident that this approach can work in the context of the HPV Challenge, and that there is no need to remove the Benzotriazoles Category from the voluntary program. The Coalition believes it is quite possible to use novel approaches, such as agreed-upon regulatory actions, to ensure the success of voluntary partnerships between EPA, industry and other stakeholders.

Sincerely,

James R. Cooper  
Executive Director

cc: Benzotriazoles Coalition Members