

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D. C.

IN THE MATTER OF

K. O. Manufacturing, Inc.  
Springfield, Missouri

Respondent

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: Docket Number:  
: EPCRA-VII-89-T-611  
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Emergency Planning and Right to Know Act of 1986, 42 U.S.C. § 11001 et seq. Sections 313 and 325, 42 U.S.C. §§ 11023 and 11045.

1. Respondent is not liable for failure to file a reporting form ("Form R") for 2-Butyoxxyethanol, inasmuch as the regulation in question, 40 C.F.R. § 372.65, did not give adequate notice that the use of such chemical had to be reported pursuant to 40 C.F.R. § 372.30(a).

2. Where respondent's construction of a regulation differs from complainant's, and does not render any portion of the regulation superfluous or meaningless, respondent may not be held liable for failing to know what construction the enforcing authority places upon the regulation. This is particularly true where, as here, the wording of the regulation on its face equally if not more probably supports respondent's construction over complainant's, and where respondent relied contemporaneously upon its own interpretation.

Appearances:

**Kent Johnson, Esquire**, Assistant Regional Counsel, Office of Regional Counsel, U. S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101, for complainant.

**Michael K. Cully, Esquire**, Lowther, Johnson, Joyner, Lowther, Cully & Housley, 300 John Q. Hammons Parkway, Suite 800, Springfield, Missouri 65806, for respondent.

BEFORE: J. F. Greene, Administrative Law Judge

Decided: February 28, 1993

DECISION AND ORDER  
GRANTING RESPONDENT'S MOTION FOR "ACCELERATED DECISION"  
and DENYING COMPLAINANT'S MOTION

This matter arises under 42 U.S.C. §11001 et seq., the Emergency Planning and Right to Know Act of 1986 ("the Act", or "EPCRA"), and is an administrative action for the assessment of civil penalties brought pursuant to Section 325 thereof, [42 U.S.C. §11045], for violations of the Act and regulations promulgated at 40 C.F.R. Part 372 pursuant to authority.

Specifically, the complaint charges that respondent failed to submit a toxic chemical release inventory form ("Form R") for 2-Butoxyethanol, a glycol ether compound utilized in its detergent manufacturing business, to the Administrator of the U. S. Environmental Protection Agency (EPA) and to the State of Kansas by July 1, 1988, in violation of Section 313 of the Act (42 U. S.C. §11023) and 40 C.F.R. §372.30(a).<sup>1</sup> Complainant proposes a civil penalty of \$5,000.00 for the alleged infraction.<sup>2</sup>

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<sup>1</sup> 40 CFR §372.30(a) provides in pertinent part as follows:

For each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used in excess of an applicable threshold quantity in § 372.25 at its covered facility described in § 372.22 for a calendar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R . . . in accordance with the instructions in Subpart E.

<sup>2</sup> Complaint at 3.

In its answer to the complaint, respondent admitted that it had not filed a Form R for 2-Butyoxyethanol by July 1, 1988; denied that glycol ether compounds are toxic chemicals;<sup>3</sup> and stated "affirmatively . . . that it had no . . . duty or obligation to submit a toxic chemical release inventory (Form R) for 2-Butyoxyethanol to the Administrator of EPA and certainly had no such duty with respect to the State of Kansas . . . ." <sup>4</sup> Respondent pointed out that it "voluntarily did file" a Form R for 2-Butyoxyethanol "once it was requested to do so."<sup>5</sup> Respondent further stated in its answer that it would contest the issue of whether the failure to submit a Form R for 2-Butyoxyethanol by July 1, 1988, was a violation of Section 313 and 40 C.F.R. Part 372 because: (1) the "best data available to Respondent for the reporting year 1987 indicated that filing was not required;" (2) respondent's supplier [Chem Tech Industries, Inc.] had advised that filing was not required;" (3) EPA personnel and the hot-line expressed confusion over whether 2-Butyoxyethanol was required to be reported for 1987; (4) the EPA instruction booklet was ambiguous, confusing, misleading, and, "taken and read together" did not require respondent to file. Further, according to respondent, the EPA instruction booklet for 1987 reporting advised

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<sup>3</sup> Answer to the Complaint, ¶ 12 at 2, and ¶ 19(e) at 3, Cf. ¶ of the complaint, at 2.

<sup>4</sup> Id. ¶ 13.

<sup>5</sup> Id.

that "CAS [Chemical Abstract Service Registry] numbers for chemicals required [to be reported] under Section 313 are cross-referenced with an alphabetical list of trade names and chemical names in Table III of the instructions," but 2-Butyoxymethanol -- which has a CAS number -- was not so cross-referenced and not listed with the alphabetical list of trade names and chemical names. However, respondent states, other members of the glycol ether family which are toxic and do have CAS numbers were specifically listed in Table III by name and cross-referenced by CAS number.<sup>6,7</sup>

Complainant's memorandum argues in effect that 2-Butyoxymethanol (referred to as "EB" in the parties' memorandums) had to be reported even though it was not listed specifically at 40 C.F.R. §§ 372.45(a) by name or cross-referenced in § 372.45(b) by CAS number in the list of chemicals for which reporting was required, because it is a glycol ether. "Glycol ethers" are a "category" of chemicals that, pursuant to 40 C.F.R. § 372.65(c), must be reported. Complainant argues further that respondent's construction of the regulation would render section 372.65(c) superfluous or

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<sup>6</sup> Answer, ¶ 19 at 3.

<sup>7</sup> Table III appears in certain materials distributed by EPA to assist the regulated community in understanding its responsibilities under the then-new Act. When the regulations were published in final form, it became 40 C.F.R. § 372.65, which is the reference used herein. Section 372.65(a) is the list of reportable chemicals by name; section 372.65(b) is a list of the same chemicals by CAS number order, starting with the lowest number. Section 372.65c is a list of chemical categories.

meaningless. [Section 372.65(c) contains the list of "chemical categories" for which reporting is required].

The parties were unable to resolve the issue of respondent's liability for failure to file the Form R and made pretrial exchange according to schedule. Stipulations were filed and the matter set for trial. Thereafter, the parties each moved for "accelerated decision," and the trial was continued pending resolution of the motions. The sole issue presented for determination is whether the regulations gave fair or adequate notice of EPA's intention that the use of 2-Butoxyethanol had to be reported.

Summary judgment is warranted only if the pleadings, answers to interrogatories, admissions, affidavits, and other material submitted by the parties demonstrate that genuine issues of material fact are absent and that the case may be resolved as a matter of law. Anderson v. Liberty Lobby, 477 U.S. 242 (1986). Here the parties agree that the motions raise only questions of law and that liability may be resolved on that basis. The regulation which governs this matter provides as follows in pertinent part:

Subpart D - SPECIFIC TOXIC CHEMICAL LISTINGS, § 372.65 --

Chemicals and chemical categories to which this part applies.

The reporting requirements of this Part apply to the following chemicals and chemical categories. This section contains three listings. Paragraph (a) of this section is an alphabetical order listing of those chemicals that have an associated Chemical Abstract Service (CAS) Registry number. Paragraph (b) of this section contains a CAS number order list of the same chemicals listed

in paragraph (a) of this section. Paragraph (c) of this section contains the chemical categories for which reporting is required. These chemical categories are listed in alphabetical order and do not have CAS numbers. Each listing identifies the effective date for reporting under § 372.30.<sup>8</sup>

(a) Alphabetical listing.

Acetaldehyde .....	75-07-0	1/01/87
Acetamide.....	60-35-5	1/01/87
Acetone.....	67-64-1	1/01/87
Acetonitrile.....	75-05-8	1/01/87
2-Acetylaminofluorene.....	53-96-3	1/01/87

[The names of over 300 additional chemicals follow, listed alphabetically with CAS numbers and effective reporting dates.]<sup>9</sup>

(b) CAS Number listing.

50-00-0....	Formaldehyde	1/01/87
51-28-5....	2,3 Dinitrophenol	1/01/87
51-75-2....	Nitrogen mustard [2-Chloro-N-(2-chloroethyl)-N-methylethanamine	1/01/87
51-79-6....	Urethane (Ethyl carbamate)	1/01/87
52-68-6....	Trichlorfon . . .	1/01/87

[The names of over 300 additional chemicals follow, listed in order of CAS number].

(c) Chemical categories in alphabetical order. . . .

Paragraph (c) contains about 20 chemical categories, listed alphabetically, including "glycol ethers."

The language of the opening paragraph of section 372.65 shows

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<sup>8</sup> The proposed rule appeared at 52 Federal Register, No. 107 at 21152, June 4, 1987. The final rule was published at 53 Federal Register 4500 on February 16, 1988, with certain differences not relevant here.

<sup>9</sup> See Appendix attached to this decision.

why the parties differ vigorously in their interpretations. The listings in paragraphs (a), (b), and (c) contribute further to the problem. This regulation is an example of the difficulties encountered in producing lengthy and detailed implementing regulations in a relatively short time in connection with a new statute. Respondent bases its interpretation in part upon the language set out below in bold type, starting with its title:

**Subpart D - SPECIFIC TOXIC CHEMICAL LISTINGS**

Chemicals and chemical categories to which this part applies.

The reporting requirements of this Part apply to the following chemicals and chemical categories. This section contains three listings. Paragraph (a) of this section is an alphabetical order listing of those chemicals that have an associated Chemical Abstract Service (CAS) Registry number. Paragraph (b) of this section contains a CAS number order list of the same chemicals listed in paragraph (a) of this section. Paragraph (c) of this section contains the chemical categories for which reporting is required. These chemical categories are listed in alphabetical order and do not have CAS numbers. Each listing identifies the effective date for reporting under § 372.30.

Bearing in mind that this section purports to list chemicals which

have to be reported, respondent concluded from the language here and from the absence of 2-Butyoxyethanol in the paragraph (a) listings, that the use of 2-Butyoxyethanol did not have to be reported. Respondent was fortified in its reading by the presence in the paragraph (a) and (b) listings of other glycol ethers which have CAS numbers. It is clear, too, why respondent concluded that the chemical categories listing [paragraph (c) of section 372.65] was intended to cover chemicals that did not have CAS numbers but were to be reported. Such chemicals obviously could not be listed in paragraphs (a) and (b). Since there are glycol ethers that do not have CAS numbers, and would be covered by paragraph (c), the appearance of "glycol ethers" in the "categories" list does not create an ambiguity or a warning that respondent was, in EPA'S view, on the wrong track. The evidence in complainant's pretrial exchange indicates that respondent had arrived at its interpretation contemporaneously, not simply in defense to the complaint.<sup>10</sup> Further, although reliance of a respondent upon its chemicals supplier's opinion of the meaning of a regulation would seldom be considered helpful to a defense, in these circumstances the supplier's view that 2-Butyoxyethanol did not have to be reported simply suggests that other readers could read section 372.65(a), (b), and (c) (as well as certain other materials

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<sup>10</sup> See complainant's exhibit 1 to pretrial exchange, wherein the EPA inspector reports at 2-3 respondent's explanation (on September 11, 1989) of why it did not file a Form R for 1987 usage of 2-Butyoxyethanol.



published by way of explanation and guidance<sup>11</sup>) in the same way as did respondent.<sup>12</sup>

Complainant bases its interpretation in part upon the language of section 372.65 set out below in bold type:

Subpart D- SPECIFIC TOXIC CHEMICAL LISTINGS

**Chemicals and chemical categories** to which this part applies.

The reporting requirements of this Part apply to the following **chemicals and chemical categories**. This section contains three listings. Paragraph (a) of this section is an alphabetical order listing of those chemicals that have an associated Chemical Abstract Service (CAS) Registry number. Paragraph (b) of this section contains a CAS number order list of the same chemicals listed in paragraph (a) of this section. **Paragraph (c) of this section contains the chemical categories for which reporting is required.** These chemical categories are listed in alphabetical order and do not have CAS numbers. Each listing identifies the effective date for reporting under § 372.30.

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<sup>11</sup> See discussion of certain materials at pages 16-17, infra.

<sup>12</sup> See affidavit of Mr. Phil Padron, who is the chemist and Safety Officer for respondent, which appears as attachment 1 to respondent's Memorandum in Support of Respondent's Motion for Accelerated Decision and in Opposition to Complainant's Motion for Partial Accelerated Decision.

Complainant urges that respondent's interpretation is not valid because it would render useless or meaningless the "chemical categories" listing in paragraph (c). This argument reflects the principle of statutory construction that requires a presumption that every provision of a statute<sup>13</sup> has a purpose, such that the statute must be construed to give effect to each of its provisions. This principle, ut res magis valeat quam pereat, is well known and is commonly applied. *DeSisto College v. Town of Howey-in-the-Hills*, 706 F. Supp. 1479, 1495 (M. D. Fla. 1989); *Sutherland Stat. Constr.* Section 46.06 (4th Ed.). However, respondent's interpretation does not render paragraph (c) superfluous or meaningless. As has been noted above, respondent reads paragraph (c) as requiring the reporting of chemicals in those categories that do not have CAS Registry numbers. Such chemicals, including the glycol ethers that do not have CAS numbers,<sup>14</sup> could not be listed in paragraph (a) and cross-listed in paragraph (b). Hence, a "chemical categories" list was needed in order to make such chemicals reportable.

Another principle of statutory interpretation is useful in these circumstances: expressio unius est exclusion alterius, that the mention of one thing implies the exclusion of another. *DeSisto*

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<sup>13</sup> When a regulation is legislative in character, rules of construction applicable to statutory construction should be used in determining its meaning. *Sutherland Stat. Const.*, Section 46.06 (4th Ed.).

<sup>14</sup> See Respondent's Memorandum at 6, and the affidavit of Mr. Padron (Attachment 1 thereto): 2 Ethylbutylglycol and 2 Ethylbutyl Acetate do not have CAS Registry numbers.

**College v. Town of Howey-in-the-Hills**, supra, at 1495. Here, where no explanation appears in the record -- not to mention in the regulation itself -- for the listing of some CAS Registry numbered glycol ethers<sup>15</sup> in paragraphs (a) and (b) but not others, this principle has clear and logical application.

In the absence of warning signs, and nothing that complainant raises in this connection can really be so viewed, or reasons why respondent should have been alerted to the danger of the construction which it did make, respondent cannot be held liable for failing to act in accordance with other possible interpretations. Neither should respondent be held liable for not making a protective filing even if it can be argued that it should have considered an alternative construction.<sup>16</sup>

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<sup>15</sup> Id. 2-Methoxyethanol ("EM") and 2-Ethoxyethanol ("EE") are glycol ethers and have CAS Registry numbers 109-86-4 and 110-80-5. They are listed by name in paragraph (a) of 40 C.F.R. § 372.65 and cross-listed in paragraph (b) by CAS number.

<sup>16</sup> At some point in the further progress of this case, if there is any, it will no doubt be argued that respondent could not possibly have really believed that only the few glycol ethers listed alphabetically and by CAS number were reportable, and/or that since respondent was sophisticated enough to know there are glycol ethers without CAS numbers, then it must also have reasoned that there must have been some explanation as to why all of the glycol ethers that have CAS numbers were not listed. Whatever the reason why some but not others were listed, when all were intended to be reported, it does not appear in this record. Further, any finding relating to a lack of credibility on respondent's part, which would be implicit in the imposition of liability based upon respondent's supposed sophistication, cannot be made on this record. It is noted that complainant's exhibit 1 in pretrial exchange (report of the September 11, 1989, inspection of respondent's facility at 2) records that respondent did not think that 2-Butoxyethanol was regarded as "that toxic." This belief was consistent with the fact that 2-Butoxyethanol was not specifically listed.

Respondent relies not just upon the language of section 372.65 and the absence of 2-Butoxyethanol from the paragraph (a) and (b) listings,<sup>17</sup> but also upon certain EPA documents which offer support for respondent's position. A document entitled **Toxic Chemical Release Inventory Reporting Form R and Instructions, Section 313 of the Emergency Planning and Right-To-Know Act**, issued March, 1988, from the EPA Office of Toxic Substances<sup>18</sup> states as follows:

**PART III. CHEMICAL SPECIFIC INFORMATION**

**. . . . 1.2 CAS Registry Number**

**You must enter the Chemical Abstracts Service (CAS) registry number that appears in Table III on page 28 for the chemical being reported. . . . If you are reporting one of the chemical categories in Table III (c) of the rule (e.g. copper compounds), enter [N/A] in the CAS number space. CAS numbers for chemicals required under section 313 are cross referenced with an alphabetical list of trade names and chemical names in Table III of these instructions and section 372.65 of the rule. (Emphasis added).**

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<sup>17</sup> Complainant states that respondent's interpretation "turns [only] upon its interpretation of the listings of the chemicals required to be reported." **Complainant's Memorandum in Support of Motion for Partial Accelerated Decision**, at 5.

<sup>18</sup> This document was submitted as respondent's exhibit 1 in pretrial exchange.

This instruction, in addition to making a clear statement that CAS numbers for chemicals required under section 313 are cross referenced with an alphabetical list of trade names, would have required respondent [had it believed that 2-Butyoxyethanol was to be reported pursuant to paragraph (c), "chemical categories"], to enter "[N/A]" (presumably, "not applicable") in the CAS number space on the Form R, even though 2-Butyoxyethanol has a CAS number. This is a result which a reasonable member of the regulated community might quickly reject as against common sense in the search (if it were even suspected that a search was necessary) for the correct interpretation of section 372.65 as regards the reporting of glycol ethers having CAS numbers. Virtually the same paragraph as the one set out above appears in the "Revised 1988 Version," dated January, 1989,<sup>19</sup> (months after Form Rs for 1987 reporting were to have been filed).

Complainant argues that if respondent's interpretation is accepted, large numbers of glycol ethers that have CAS Registry numbers (at least 291) would not be reportable. This, while true, is irrelevant to a determination of whether the wording of section 372.65 gave fair notice at the time respondent was working through it and the 1987-1988 EPA instruction documents in an effort to determine who had to file Form Rs for what chemicals and when. The concern raised by complainant, of course, is not respondent's. It

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<sup>19</sup> Toxic Chemical Release Inventory Reporting Form R and Instructions, Revised 1988 Version, Section 313 of the Emergency Planning and Community Right-to-Know Act, Revised January, 1989. This document was submitted as RX 2 in pretrial exchange.

belongs to the draftors of the regulation. Even if respondent's interpretation does not make sense in the context of the health and safety objectives of the Act -- and there is no evidence that it did not make sense to respondent<sup>20</sup> -- "it is the regulation as written that must bear the blame." *Diamond Roofing Co., Inc. v. Occupational Safety and Health Review Commission*, 528 F. 2d 645, 650 (C.A. 5, 1976).

Last, complainant argues that the preamble to the final rule should have alerted respondent that all glycol ethers had to be reported. This assertion is based upon Section VIII, Chemical List Issues, Subsection B.5 (53 Federal Register 4519), which states:

5. Glycol Ethers. Commenters suggested that the Agency should include specific glycol ethers in the chemical specific listings of § 372.65(a) and (b) of the rule and remove it as a category form [sic] § 372.65(c). EPA considers this an amendment or modification to the list of chemicals and is not changing the list in this rulemaking.<sup>21</sup>

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<sup>20</sup> In fact, there is evidence that it did make sense to respondent, which believed 2-Butoxyethanol and some other glycol ethers were not "that toxic". See report of the September 11, 1989, inspection of respondent's facility, submitted with complainant's pretrial exchange as exhibit 1, at 2-3.

<sup>21</sup> Complainant's Memorandum at 8.

A reading of this language would have done nothing to alert respondent that paragraph (c) of the rule meant that all glycol ethers had to be reported. The words "(C)ommenters suggested that the Agency should include specific glycol ethers in the chemical specific listings . . . and remove it as a category . . . ." hardly states the problem for what it was: i. e. that the language of section 372.65, the specific listing of some glycol ethers, and the instruction books published before July 1, 1988, had created the impression that the only reportable glycol ethers with CAS numbers were those specifically listed. The last sentence of the preamble set out above is by no means clear enough to constitute notice of the interpretation contended for by complainant. Indeed, that the commenters' suggestions were viewed only as an "amendment or modification" tells nothing of the substance of the dispute. It is noted that on March 21, 1989, almost nine months after the Form R that is the subject of this proceeding was to have been filed, EPA published a list of 291 glycol ethers that have CAS numbers and which were considered reportable by EPA.<sup>22</sup> While complainant says this list was published "as guidance,"<sup>23</sup> it unquestionably constitutes recognition that there had been a rather widespread problem with the interpretation of section 372.65 and certain other documents pertaining to responsibilities under EPCRA.

In sum, it is concluded that adequate notice was not given

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<sup>22</sup> Complainant's Memorandum at 8. (See also attachment 3 of complainant's pretrial exchange). The list was stated to be not "all inclusive".

<sup>23</sup> Id.

here of the reportability of 2-Butyloxyethanol for calendar year 1987, and that instructional materials issued in connection with sections 372.30 and 372.65 reporting contributed to the problem. As the court in **Diamond Roofing**, supra,<sup>24</sup> stated with respect to an Occupational Health and Safety Administration regulation, "(A)n employer is entitled to fair notice in dealing with his government. Like other statutes and regulations which allow monetary penalties against those who violate them, [a regulation] must give . . . fair warning of the conduct it prohibits or requires, and it must provide a reasonably clear standard of culpability to circumscribe the discretion of the enforcing authority and its agents . . . (I)f regulation subjects private parties to criminal or civil sanctions, a regulation cannot be construed to mean what an agency intended but did not adequately express."<sup>25</sup>

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<sup>24</sup> See page 13, supra.

<sup>25</sup> Opinion of Chief Judge of the Fifth Circuit John R. Brown in **Diamond Roofing**, supra, at 649. Accord, opinion by then Circuit Judge Scalia in **Gates & Fox Company, Inc. v. Occupational Health and Safety Administration**, 790 F. 2d 154, 156 (D. C. Cir. 1986). Where fair or adequate notice of required conduct is not given, case law almost uniformly holds that there is no liability for failure to act according to the standard or regulation which purports to specify such conduct. The exception of **Rollins Environmental Services (NJ), Inc. v. EPA**, 937 F. 2d 649, where the D.C. Circuit in 1991 held that because the regulation in question was ambiguous and confusing, respondent could not be penalized, but could be found liable, must be limited to the exact circumstances of that case. The opinion in **Rollins** is difficult because, while the court is unanimous in holding that no penalty could be imposed, it split over the imposition of liability. The dissent believed that the imposition of liability was itself a form of civil forfeiture. This analysis is not a small matter, since under EPA penalty policies, previous violations are taken into account in proposing penalties if a respondent is subsequently sued by EPA, and, for previous "violators" the penalty can be higher. In any case, respondent is not resident in the D. C. Circuit.



The government must, in order to continue to enjoy the confidence of the regulated community, the public, and the courts in the conduct of its enforcement activities, occasionally bear the consequences of unclear wording in the extensive and detailed implementing regulations for its statutory responsibilities. This should be regarded as a small price to pay for the maintenance of credibility and public trust, and for a reputation of fairness in dealing with the regulated community.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is a "person" as defined at § 329(7) of EPCRA, 42 U.S.C. 11049(7).
2. Respondent is the owner or operator of a "facility," as defined at § 329(4) of EPCRA, 42 U.S.C. § 11049(4), at which it blends and packages detergents for commercial laundries and car wash operations,<sup>26</sup> and employs ten or more full time employees, as defined by regulation.
3. Respondent falls within Standard Industrial Codes 20-39.
4. Respondent's facility processed 2-Butyoxxyethanol in excess of 75,000 pounds in calendar year 1987.
5. In determining its responsibilities under the then-new Act in early 1988, respondent considered the language of 40 C.F.R. §§ 372.65(a), (b), and (c), as well as certain instructional guidance documents published by EPA in connection therewith, and concluded

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<sup>26</sup> Complainant's exhibit 1, at page 2 of the report of the September 11, 1989, inspection of respondent's facility.

that the filing of a Form R for the use of 2-Butyoxxyethanol was not required for calendar year 1987. Respondent relied contemporaneously upon its interpretation of the regulation and the guidance materials in forming its belief that no filing for the year 1987 was required.<sup>27</sup>

6. The interpretation contended for by complainant is not adequately expressed, and fair notice of such interpretation was not given to respondent for the determination which it had to make of the need to file a Form R for 2-Butyoxxyethanol processing in 1987.

7. After the publication of the list of 291 reportable glycol ethers on March 21, 1989, respondent did file a Form R for the processing of 2-Butyoxxyethanol.<sup>28</sup>

8. Respondent is not liable for its failure to file a Form R for 2-Butyoxxyethanol for calendar year 1987 by July 1, 1988.

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<sup>27</sup> It is assumed that complainant would not dispute the factual findings in paragraphs 5 and 7 of these findings, since they are based upon material which appears in complainant's pretrial exchange. In an abundance of caution, however, provision will be made for any challenge complainant may wish to make by way of a motion for reconsideration.

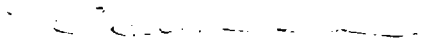
<sup>28</sup> See respondent's exhibit 20 in pretrial exchange, also attached to respondent's Memorandum, in which a letter of June 6, 1990, from EPA notes that respondent did file a Form R for calendar year 1988, and in which EPA states that it is trying to "determine the consistency of reporting, [and] we are contacting all facilities which reported for one year but not both years [i. e. 1987 and 1988]." See also report of the September 11, 1989, inspection of respondent's facility, submitted as an exhibit in complainant's pretrial exchange.

ORDER

Accordingly, respondent having been found not liable for the violation charged, respondent's motion for "accelerated decision" is hereby granted. And it is FURTHER ORDERED that complainant's motion for "accelerated decision" herein is denied.

And it is FURTHER ORDERED that this matter be, and it is hereby, dismissed with prejudice.

Any motion for reconsideration of findings 5 and 7 herein based upon lack of notice to complainant that such factual findings would be made shall be filed no later than fifteen (15) days from this date.

  
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J. F. Greene  
Administrative Law Judge

Washington, D.C.  
February 28, 1993

A P P E N D I X

### Subpart D—Specific Toxic Chemical Listings

§ 372.65 Chemicals and chemical categories to which this part applies.

The requirements of this part apply to the following chemicals and chemical categories. This section contains three listings. Paragraph (a) of this section is an alphabetical order listing of those chemicals that have an associated Chemical Abstracts Service (CAS)

Registry number. Paragraph (b) of this section contains a CAS number order list of the same chemicals listed in paragraph (a) of this section. Paragraph (c) of this section contains the chemical categories for which reporting is required. These chemical categories are listed in alphabetical order and do not have CAS numbers. Each listing identifies the effective date for reporting under § 372.30.

(a) *Alphabetical listing.*

Chemical name	CAS No.	Effective date
Acetaldehyde.....	75-07-0	01/01/87
Acetamide.....	60-35-5	01/01/87
Acetone.....	67-64-1	01/01/87
Acetonitrile.....	75-05-8	01/01/87
2-Acetylaminofluorene.....	53-96-3	01/01/87
Acrolein.....	107-02-8	01/01/87
Acrylamide.....	79-06-1	01/01/87
Acrylic acid.....	79-10-7	01/01/87
Acrylonitrile.....	107-13-1	01/01/87
Aldrin [1,4:5,8-Dimethanonaphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1.alpha.,4.alpha.,4a.beta.,5.alpha.,8.alpha.,8a.beta.-)].....	309-00-2	01/01/87
Allyl alcohol.....	107-18-8	1/01/90
Allyl chloride.....	107-05-1	01/01/87
Aluminum (fume or dust).....	7429-90-5	01/01/87
Aluminum oxide (fibrous forms).....	1344-28-1	01/01/87
2-Aminanthraquinone.....	117-79-3	01/01/87
4-Aminoazobenzene.....	60-09-3	01/01/87
4-Aminobiphenyl.....	92-67-1	01/01/87
1-Amino-2-methylanthraquinone.....	82-28-0	01/01/87
Ammonia.....	7664-41-7	01/01/87
Ammonium nitrate (solution).....	6484-52-2	01/01/87
Ammonium sulfate (solution).....	7783-20-2	01/01/87
Aniline.....	62-53-3	01/01/87
<i>o</i> -Anisidine.....	90-04-0	01/01/87
<i>p</i> -Anisidine.....	104-94-9	01/01/87
<i>o</i> -Anisidine hydrochloride.....	134-29-2	01/01/87
Anthracene.....	120-12-7	01/01/87
Antimony.....	7440-36-0	01/01/87
Arsenic.....	7440-38-2	01/01/87
Asbestos (friable).....	1332-21-4	01/01/87
Barium.....	7440-39-3	01/01/87
Benzal chloride.....	98-87-3	01/01/87
Benzamide.....	55-21-0	01/01/87
Benzene.....	71-43-2	01/01/87
Benzidine.....	92-67-5	01/01/87
Benzoyl chloride (Benzotrichloride).....	98-07-7	01/01/87
Benzoyl chloride.....	98-88-4	01/01/87
Benzoyl peroxide.....	94-36-0	01/01/87
Benzyl chloride.....	100-44-7	01/01/87
Beryllium.....	7440-41-7	01/01/87
Biphenyl.....	92-52-4	01/01/87
Bis(2-chloroethyl) ether.....	111-44-4	01/01/87
Bis(chloromethyl) ether.....	542-88-1	01/01/87
Bis(2-chloro-1-methylethyl) ether.....	108-60-1	01/01/87
Bis(2-ethylhexyl) adipate.....	103-23-1	01/01/87
Bromochlorodifluoromethane (Halon 1211).....	353-59-3	7/8/90
Bromoform (Tribromomethane).....	75-25-2	01/01/87
Bromomethane (Methyl bromide).....	74-83-9	01/01/87
Bromotrifluoromethane (Halon 1301).....	75-63-8	7/8/90
1,3-Butadiene.....	106-99-0	01/01/87
Butyl acrylate.....	141-32-2	01/01/87
<i>n</i> -Butyl alcohol.....	71-36-3	01/01/87
<i>sec</i> -Butyl alcohol.....	78-92-2	01/01/87
<i>tert</i> -Butyl alcohol.....	75-85-0	01/01/87
Butyl benzyl phthalate.....	85-68-7	01/01/87



Chemical name	CAS No.	Effective date
1,2-Dichloroethane (Ethylene dichloride)	107-06-2	01/01/87
1,2-Dichloroethylene	540-59-0	01/01/87
Dichloromethane (Methylene chloride)	75-09-2	01/01/87
2,4-Dichlorophenol	120-83-2	01/01/87
1,2-Dichloropropane	78-87-5	01/01/87
2,3-Dichloropropane	78-88-6	1/01/90
1,3-Dichloropropylene	542-75-6	01/01/87
Dichlorotetrafluoroethane (CFC-114)	76-14-2	7/8/90
Dichlorvos [Phosphoric acid, 2,2-dichloroethyl dimethyl ester]	62-73-7	01/01/87
Dicolol [Benzenemethanol, 4-chloro-.alpha.-(4-chlorophenyl)-.alpha.-(trichloromethyl)-]	115-32-2	01/01/87
Diepoxybutane	1464-53-5	01/01/87
Diethanolamine	111-42-2	01/01/87
D-(2-ethylhexyl) phthalate (DEHP)	177-81-7	01/01/87
Diethyl phthalate	84-66-2	01/01/87
Diethyl sulfate	64-67-5	01/01/87
3,3-Dimethoxybenzidine	119-90-4	01/01/87
4-Dimethylaminoazobenzene	60-11-7	01/01/87
3,3-Dimethylbenzidine (o-Tolidine)	119-93-7	01/01/87
Dimethylcarbamyl chloride	79-44-7	01/01/87
1,1-Dimethyl hydrazine	57-14-7	01/01/87
2,4-Dimethylphenol	105-67-9	01/01/87
Dimethyl phthalate	131-11-3	01/01/87
Dimethyl sulfate	77-78-1	01/01/87
m-Dinitrobenzene	99-65-0	1/01/90
o-Dinitrobenzene	528-29-0	1/01/90
p-Dinitrobenzene	100-25-4	1/01/90
4,6-Dinitro-o-cresol	534-52-1	01/01/87
2,4-Dinitrophenol	51-28-5	01/01/87
2,4-Dinitrotoluene	121-14-2	01/01/87
2,6-Dinitrotoluene	606-20-2	01/01/87
Dinitrotoluene (mixed isomers)	25321-14-6	1/01/90
n-Octyl phthalate	117-84-0	01/01/87
1,4-Dioxane	123-91-1	01/01/87
1,2-Diphenylhydrazine (Hydrazobenzene)	122-66-7	01/01/87
Epichlorohydrin	106-89-8	01/01/87
2-Ethoxyethanol	110-80-5	01/01/87
Ethyl acrylate	140-88-5	01/01/87
Ethylbenzene	100-41-4	01/01/87
Ethyl chloroformate	541-41-3	01/01/87
Ethylene	74-85-1	01/01/87
Ethylene glycol	107-21-1	01/01/87
Ethyleneimine (Aziridine)	151-56-4	01/01/87
Ethylene oxide	75-21-8	01/01/87
Ethylene thiourea	96-45-7	01/01/87
Fluometuron-[Urea, N,N-dimethyl-N-[3-(trifluoromethyl)phenyl]-]	2164-17-2	01/01/87
Formaldehyde	50-00-0	01/01/87
Freon 113 [Ethane, 1,1,2-trichloro-1,2,2-trifluoro-]	76-13-1	01/01/87
Heptachlor[1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene]	76-44-8	01/01/87
Hexachlorobenzene	118-74-1	01/01/87
Hexachloro-1,3-butadiene	87-68-3	01/01/87
Hexachlorocyclopentadiene	77-47-4	01/01/87
Hexachloroethane	67-72-1	01/01/87
Hexachloronaphthalene	1335-87-1	01/01/87
Hexamethylphosphoramide	680-31-9	01/01/87
Hydrazine	302-01-2	01/01/87
Hydrazine sulfate	10034-93-2	01/01/87
Hydrochloric acid	7647-01-0	01/01/87
Hydrogen cyanide	74-90-8	01/01/87
Hydrogen fluoride	7664-39-3	01/01/87
Hydroquinone	123-31-9	01/01/87
Isobutyraldehyde	78-84-2	01/01/87
Isopropyl alcohol (Only persons who manufacture by the strong acid process are subject, no supplier notification.)	67-63-0	01/01/87
4,4'-Isopropylidenediphenol	80-05-7	01/01/87
Isosafrole	120-58-1	1/01/90
Lead	7439-92-1	01/01/87
Lindane [Cyclohexane, 1,2,3,4,5,6-hexachloro-(1.alpha.,2.alpha.,3.beta.,4.alpha.,5.alpha.,6.beta.)-]	58-89-9	01/01/87
Maleic anhydride	106-31-6	01/01/87
Maneb [Carbamodithioic acid, 1,2-ethanedithiolbis-, manganese complex]	12427-38-2	01/01/87
Manganese	7439-96-5	01/01/87
Mercury	7439-87-6	01/01/87
Methanol	67-58-1	01/01/87

Chemical name	CAS No.	Effective date
Methoxychlor [Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy)-]	72-43-5	01/01/87
2-Methoxyethanol	109-86-4	01/01/87
Methyl acrylate	96-33-3	01/01/87
Methyl <i>tert</i> -butyl ether	1634-04-4	01/01/87
3,3'-Methylenebis(2-chloroaniline) (MBOCA)	101-14-4	01/01/87
3,3'-Methylenebis( <i>N,N</i> -dimethyl) benzenamine	101-61-1	01/01/87
Methylenebis(phenylisocyanate) (MBI)	101-68-8	01/01/87
Methylene bromide	74-95-3	01/01/87
3,3'-Methylenedianiline	101-77-9	01/01/87
Methyl ethyl ketone	78-93-3	01/01/87
Methyl hydrazine	60-34-4	01/01/87
Methyl iodide	74-88-4	01/01/87
Methyl isobutyl ketone	108-10-1	01/01/87
Methyl isocyanate	824-83-9	01/01/87
Methyl methacrylate	80-62-6	01/01/87
Michler's ketone	90-94-8	01/01/87
Molybdenum trioxide	1313-27-5	01/01/87
(Mono)chloropentafluoroethane (CFC-115)	76-15-3	7/8/90
Mustard gas [Ethane, 1,1'-thiobis(2-chloro)-]	505-60-2	01/01/87
Naphthalene	91-20-3	01/01/87
<i>alpha</i> -Naphthylamine	134-32-7	01/01/87
<i>beta</i> -Naphthylamine	91-59-8	01/01/87
Nickel	7440-02-0	01/01/87
Nitric acid	7697-37-2	01/01/87
Nitrotacetic acid	139-13-9	01/01/87
5-Nitro- <i>o</i> -anisidine	99-59-2	01/01/87
Nitrobenzene	98-95-3	01/01/87
4-Nitrobiphenyl	92-93-3	01/01/87
Nitrofen [Benzene, 2,4-dichloro-1-(4-nitrophenoxy)-]	1836-75-5	01/01/87
Nitrogen mustard [2-Chloro-N-(2-chloroethyl)-N-methylethanamine]	51-75-2	01/01/87
Nitroglycenn	55-63-0	01/01/87
2-Nitrophenol	88-75-5	01/01/87
4-Nitrophenol	100-02-7	01/01/87
2-Nitropropane	79-46-9	01/01/87
<i>p</i> -Nitrosodiphenylamine	156-10-5	01/01/87
<i>N,N</i> -Dimethylaniline	121-69-7	01/01/87
<i>N</i> -Nitroso- <i>n</i> -butylamine	924-16-3	01/01/87
<i>N</i> -Nitrosodiethylamine	55-18-5	01/01/87
<i>N</i> -Nitrosodimethylamine	62-75-9	01/01/87
<i>N</i> -Nitrosodiphenylamine	36-30-6	01/01/87
<i>N</i> -Nitroso- <i>n</i> -propylamine	521-84-7	01/01/87
<i>N</i> -Nitrosomethylvinylamine	4549-40-0	01/01/87
<i>N</i> -Nitrosomorpholine	59-89-2	01/01/87
<i>N</i> -Nitroso- <i>N</i> -ethylurea	759-73-9	01/01/87
<i>N</i> -Nitroso- <i>N</i> -methylurea	684-93-5	01/01/87
<i>N</i> -Nitrosomocotine	16543-55-8	01/01/87
<i>N</i> -Nitrosopendine	100-75-4	01/01/87
Octachloronaphthalene	2234-13-1	01/01/87
Osmium tetroxide	20816-12-0	01/01/87
Parathion [Phosphorothioic acid, <i>O,O</i> -diethyl- <i>O</i> -(4-nitrophenyl) ester]	56-38-2	01/01/87
Pentachlorophenol (PCP)	87-86-5	01/01/87
Peracetic acid	79-21-0	01/01/87
Phenol	108-95-2	01/01/87
<i>p</i> -Phenylenediamine	106-50-3	01/01/87
2-Phenylphenol	90-43-7	01/01/87
Phosgene	75-44-5	01/01/87
Phosphonic acid	7664-38-2	01/01/87
Phosphorus (yellow or white)	7723-14-0	01/01/87
Phthalic anhydride	85-44-9	01/01/87
Picric acid	88-89-1	01/01/87
Polychlorinated biphenyls (PCBs)	1336-36-3	01/01/87
Propane sulfone	1120-71-4	01/01/87
<i>beta</i> -Propiolactone	57-57-8	01/01/87
Propionaldehyde	123-38-8	01/01/87
Propoxur [Phenol, 2-(1-methylethoxy)-, methylcarbamate]	114-26-1	01/01/87
Propylene (Propene)	115-07-1	01/01/87
Propyleneimine	75-55-8	01/01/87
Propylene oxide	75-56-9	01/01/87
Pyridine	110-86-1	01/01/87
Quinoline	91-22-5	01/01/87
Quinone	106-51-4	01/01/87
Quintozene [Pentachloronitrobenzene]	82-68-8	01/01/87



Chemical name	CAS No.	Effective date
Saccharin (only persons who manufacture are subject, no supplier notification) [1,2-Benzothiazol-3(2H)-one,1,1-dioxide]	81-07-2	01/01/87
Saltol	94-59-7	01/01/87
Selenium	7782-49-2	01/01/87
Silver	7440-22-4	01/01/87
Styrene	100-42-5	01/01/87
Styrene oxide	96-09-3	01/01/87
Sulfonic acid	7664-93-9	01/01/87
1,1,2,2-Tetrachloroethane	79-34-5	01/01/87
Tetrachloroethylene (Perchloroethylene)	127-18-4	01/01/87
Tetrachlorvinphos [Phosphonic acid, 2-chloro-1-(2,4,5-trichlorophenyl)ethanyl dimethyl ester]	961-11-5	01/01/87
Thallium	7440-28-0	01/01/87
Thioacetamide	62-55-5	01/01/87
4,4'-Thiodianiline	139-65-1	01/01/87
Thiourea	62-56-6	01/01/87
Thonium dioxide	1314-20-1	01/01/87
Titanium tetrachloride	7550-45-0	01/01/87
Toluene	108-88-3	01/01/87
Toluene-2,4-diisocyanate	584-84-9	01/01/87
Toluene-2,6-diisocyanate	91-08-7	01/01/87
Toluenediisocyanate (mixed isomers)	26471-62-5	1/01/90
o-Toluidine	95-53-4	01/01/87
o-Toluidine hydrochloride	636-21-5	01/01/87
Toxaphene	8001-35-2	01/01/87
Triaziquone [2,5-Cyclohexadiene-1,4-dione 2,3,5-tris(1-azindinyl)-]	68-76-8	01/01/87
Trichloron [Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-, dimethyl ester]	52-68-6	01/01/87
1,2,4-Trichlorobenzene	120-82-1	01/01/87
1,1,1-Trichloroethane (Methyl chloroform)	71-55-6	01/01/87
1,1,2-Trichloroethane	79-00-5	01/01/87
Trichloroethylene	79-01-8	01/01/87
Trichlorofluoromethane (CFC-11)	75-69-4	7/8/90
2,4,5-Trichlorophenol	95-95-4	01/01/87
2,4,6-Trichlorophenol	88-06-2	01/01/87
Trifluralin [Benzeneamine, 2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)-1]	1582-09-8	01/01/87
1,2,4-Trimethylbenzene	95-63-6	01/01/87
Tri(2,3-dibromopropyl) phosphate	125-72-7	01/01/87
Urethane (Ethyl carbamate)	51-79-6	01/01/87
Vanadium (fume or dust)	7440-62-2	01/01/87
Vinyl acetate	108-05-4	01/01/87
Vinyl bromide	593-60-2	01/01/87
Vinyl chloride	75-01-4	01/01/87
Vinylidene chloride	75-35-4	01/01/87
Xylene (mixed isomers)	1330-20-7	01/01/87
m-Xylene	108-38-3	01/01/87
o-Xylene	95-47-6	01/01/87
p-Xylene	106-42-3	01/01/87
2,6-Xylydine	87-62-7	01/01/87
Zinc (fume or dust)	7440-66-6	01/01/87
Zinc [Carbamodithioc acid, 1,2-ethanedithylbis-, zinc complex]	12122-67-7	01/01/87

(b)

CAS Number listing.

CAS No.	Chemical name	Effective date
50-00-0	Formaldehyde	01/01/87
51-26-5	2,4-Dinitrophenol	01/01/87
51-75-2	Nitrogen mustard [2-Chloro-N-(2-chloroethyl)-N-methylethanamine]	01/01/87
51-79-6	Urethane (Ethyl carbamate)	01/01/87
52-68-6	Trichloron [Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-dimethyl ester]	01/01/87
53-96-3	2-Acetylaminofluorene	01/01/87
55-18-5	N-Nitrosodiethylamine	01/01/87
55-21-0	Benzamide	01/01/87
55-63-0	Nitroglycerin	01/01/87
56-23-5	Carbon tetrachloride	01/01/87
56-38-2	Parathion [Phosphorothioc acid, O,O-diethyl-O-(4-nitrophenyl)ester]	01/01/87

CAS No.	Chemical name	Effective date
57-14-7	1,1-Dimethyl hydrazine	01/01/87
57-57-8	beta-Propiolactone	01/01/87
57-74-9	Chlordane [4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-]	01/01/87
58-89-9	Lindane (Cyclohexane, 1,2,3,4,5,6-hexachloro- [1.alpha.,2.alpha.,3.beta.,4.alpha.,5.alpha.,6.beta.-])	01/01/87
59-89-2	N-Nitrosomorpholine	01/01/87
60-09-3	4-Aminoazobenzene	01/01/87
60-11-7	4-Dimethylaminoazobenzene	01/01/87
60-34-4	Methyl hydrazine	01/01/87
60-35-5	Acetamide	01/01/87
62-53-3	Aniline	01/01/87
62-55-5	Thioacetamide	01/01/87
62-56-8	Thiourea	01/01/87
62-73-7	Dichlorvos [Phosphoric acid, 2,2-dichloroethenyl dimethyl ester]	01/01/87
62-75-9	N-Nitrosodimethylamine	01/01/87
63-25-2	Carbaryl [1-Naphthalenol, methylcarbamate]	01/01/87
64-67-5	Diethyl sulfate	01/01/87
67-56-1	Methanol	01/01/87
67-63-0	Isopropyl alcohol (only persons who manufacture by the strong acid process are subject, supplier notification not required.)	01/01/87
67-84-1	Acetone	01/01/87
67-86-3	Chloroform	01/01/87
67-72-1	Hexachloroethane	01/01/87
68-76-8	Tnazuqone [2,5-Cyclohexadiene-1,4-dione,2,3,5-tris(1-azindinyl)-]	01/01/87
71-36-3	n-Butyl alcohol	01/01/87
71-43-2	Benzene	01/01/87
71-55-6	1,1,1-Trichloroethane (Methyl chloroform)	01/01/87
72-43-5	Methoxychlor [Benzene, 1,1'-(2,2,2-trichloroethylidene)bis [4-methoxy-]]	01/01/87
74-83-9	Bromomethane (Methyl bromide)	01/01/87
74-85-1	Ethylene	01/01/87
74-87-3	Chloromethane (Methyl chloride)	01/01/87
74-88-4	Methyl iodide	01/01/87
74-90-8	Hydrogen cyanide	01/01/87
74-95-3	Methylene bromide	01/01/87
75-00-3	Chloroethane (Ethyl chloride)	01/01/87
75-01-4	Vinyl chloride	01/01/87
75-05-8	Acetonitrile	01/01/87
75-07-0	Acetaldehyde	01/01/87
75-09-2	Dichloromethane (Methylene chloride)	01/01/87
75-15-0	Carbon disulfide	01/01/87
75-21-8	Ethylene oxide	01/01/87
75-25-2	Bromoform (Tribromomethane)	01/01/87
75-27-4	Dichlorobromomethane	01/01/87
75-35-4	Vinylidene chloride	01/01/87
75-44-5	Phosgene	01/01/87
75-55-8	Propyleneimine	01/01/87
75-56-9	Propylene oxide	01/01/87
75-63-8	Bromotrifluoromethane (Halon 1301)	7/8/90
75-65-0	tert-Butyl alcohol	01/01/87
75-69-4	Trichlorofluoromethane (CFC-11)	7/8/90
75-71-8	Dichlorodifluoromethane (CFC-12)	7/8/90
76-14-2	Dichlorotetrafluoroethane (CFC-114)	7/8/90
76-15-3	(Mono)chloropentafluoroethane (CFC-115)	7/8/90
77-13-1	Freon 113 [Ethane, 1,1,2-trichloro-1,2,2-trifluoro-]	01/01/87
76-44-8	Heptachlor [1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene]	01/01/87
77-47-4	Hexachlorocyclopentadiene	01/01/87
77-78-1	Dimethyl sulfate	01/01/87
78-84-2	Isobutyraldehyde	01/01/87
78-88-6	2,3-Dichloropropene	1/01/90
78-87-5	1,2-Dichloropropane	01/01/87
78-92-2	sec-Butyl alcohol	01/01/87
78-93-3	Methyl ethyl ketone	01/01/87
79-00-5	1,1,2-Trichloroethane	01/01/87
79-01-8	Trichloroethylene	01/01/87
79-06-1	Acrylamide	01/01/87
79-10-7	Acrylic acid	01/01/87
79-11-8	Chloroacetic acid	01/01/87
79-21-0	Peracetic acid	01/01/87
79-34-5	1,1,2,2-Tetrachloroethane	01/01/87
79-44-7	Dimethylcarbamyl chloride	01/01/87
79-46-9	2-Nitropropane	01/01/87
80-05-7	4,4'-Isopropylidenediphenol	01/01/87
80-15-9	Cumene hydroperoxide	01/01/87

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CAS No.	Chemical name	Effective date
80-62-6	Methyl methacrylate.....	01/01/87
81-07-2	Sacchann (only persons who manufacture are subject, no supplier notification) [1,2-Benzothiazol-3(2H)-one,1,1-dioxide].....	01/01/87
81-88-9	C.I. Food Red 15.....	01/01/87
82-28-0	1-Amino-2-methylanthraquinone.....	01/01/87
82-68-8	Quintozene [Pentachloronitrobenzene].....	C12
84-66-2	Diethyl phthalate.....	01/01/87
84-74-2	Dibutyl phthalate.....	01/01/87
85-44-9	Phthalic anhydride.....	01/01/87
85-68-7	Butyl benzyl phthalate.....	01/01/87
86-30-6	N-Nitrosodiphenylamine.....	01/01/87
87-62-7	2,6-Xyldine.....	01/01/87
87-68-3	Hexachloro-1,3-butadiene.....	01/01/87
87-86-5	Pentachlorophenol (PCP).....	01/01/87
88-06-2	2,4,6-Trichlorophenol.....	01/01/87
88-75-5	2-Nitrophenol.....	01/01/87
88-89-1	Picric acid.....	01/01/87
90-04-0	o-Anisidine.....	01/01/87
90-43-7	2-Phenylphenol.....	01/01/87
90-84-8	Michler's ketone.....	01/01/87
91-08-7	Toluene-2,6-diisocyanate.....	01/01/87
91-20-3	Napthalene.....	01/01/87
91-22-5	Quinoline.....	01/01/87
91-59-8	beta-Naphthylamine.....	01/01/87
91-94-1	3,3-Dichlorobenzidine.....	01/01/87
92-52-4	Biphenyl.....	01/01/87
92-67-1	4-Aminodiphenyl.....	01/01/87
92-87-5	Benzidine.....	01/01/87
92-93-3	4-Nitrodiphenyl.....	01/01/87
94-36-0	Benzoyl peroxide.....	01/01/87
94-59-7	Safrole.....	01/01/87
94-75-7	2,4-D [Acetic acid, (2,4-dichlorophenoxy)-].....	01/01/87
95-47-6	o-Xylene.....	01/01/87
95-48-7	o-Cresol.....	01/01/87
95-50-1	1,2-Dichlorobenzene.....	01/01/87
95-53-4	o-Toluidine.....	01/01/87
95-63-8	1,2,4-Trimethylbenzene.....	01/01/87
95-80-7	2,4-Diaminotoluene.....	01/01/87
95-95-4	2,4,5-Trichlorophenol.....	01/01/87
96-09-3	Styrene oxide.....	01/01/87
96-12-8	1,2-Dibromo-3-chloropropane (DBCP).....	01/01/87
96-33-3	Methyl acrylate.....	01/01/87
96-45-7	Ethylene thiourea.....	01/01/87
97-56-3	C.I. Solvent Yellow 3.....	01/01/87
98-07-7	Benzoic trichloride (Benzotrchloride).....	01/01/87
98-82-8	Cumene.....	01/01/87
98-87-3	Benzal chloride.....	01/01/87
98-88-4	Benzoyl chloride.....	01/01/87
98-95-3	Nitrobenzene.....	01/01/87
99-59-2	5-Nitro-o-anisidine.....	01/01/87
99-65-0	m-Dinitrobenzene.....	1/01/90
100-02-7	4-Nitrophenol.....	01/01/87
100-25-4	p-Dinitrobenzene.....	1/01/90
100-41-4	Ethylbenzene.....	01/01/87
100-42-5	Styrene.....	01/01/87
100-44-7	Benzyl chloride.....	01/01/87
100-75-4	N-Nitrosoppendine.....	01/01/87
101-14-4	4,4'-Methylenebis(2-chloroaniline) (MBOCA).....	01/01/87
101-61-1	4,4'-Methylenebis(N,N-dimethyl)benzenamine.....	01/01/87
101-68-8	Methylenebis(phenylisocyanate) (MBI).....	01/01/87
101-77-9	4,4'-Methylenedianiline.....	01/01/87
101-80-4	4,4'-Diaminodiphenyl ether.....	01/01/87
103-23-1	Bis(2-ethylhexyl) adipate.....	01/01/87
104-94-9	p-Anisidine.....	01/01/87
105-67-9	2,4-Dimethylphenol.....	01/01/87
106-42-3	p-Xylene.....	01/01/87
106-44-5	p-Cresol.....	01/01/87
106-46-7	1,4-Dichlorobenzene.....	01/01/87
106-50-3	p-Phenylenediamine.....	01/01/87
106-51-4	Quinone.....	01/01/87
106-88-7	1,2-Butylene oxide.....	01/01/87
106-89-8	Epichlorohydrin.....	01/01/87
106-93-4	1,2-Dibromoethane (Ethylene dibromide).....	01/01/87

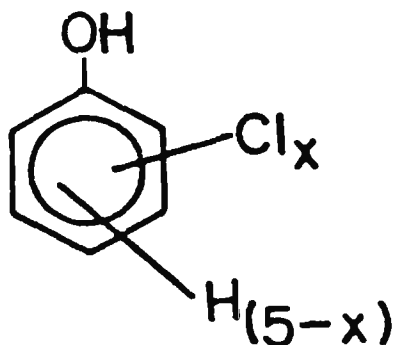
CAS No.	Chemical name	Effective date
106-99-0	1,3-Butadiene	01/01/87
107-02-8	Acrolein	01/01/87
107-05-1	Allyl chloride	01/01/87
107-06-2	1,2-Dichloroethane (Ethylene dichloride)	01/01/87
107-13-1	Acrylonitrile	01/01/87
107-18-6	Allyl alcohol	1/01/90
107-21-1	Ethylene glycol	01/01/87
107-30-2	Chloromethyl methyl ether	01/01/87
108-05-4	Vinyl acetate	01/01/87
108-10-1	Methyl isobutyl ketone	01/01/87
108-31-6	Maleic anhydride	01/01/87
108-38-3	<i>m</i> -Xylene	01/01/87
108-39-4	<i>m</i> -Cresol	01/01/87
108-80-1	Bis(2-chloro-1-methylethyl)ether	01/01/87
108-88-3	Toluene	01/01/87
108-90-7	Chlorobenzene	01/01/87
108-95-2	Phenol	01/01/87
109-86-4	2-Methoxyethanol	01/01/87
110-80-5	2-Ethoxyethanol	01/01/87
110-82-7	Cyclohexane	01/01/87
110-86-1	Pyridine	01/01/87
111-42-2	Diethanolamine	01/01/87
111-44-4	Bis(2-chloroethyl) ether	01/01/87
114-26-1	Propoxur [Phenol, 2-(1-methylethoxy)-, methylcarbamate]	01/01/87
115-07-1	Propylene (Propene)	01/01/87
115-32-2	Dicofol [Benzenemethanol, 4-chloro- $\alpha$ -(4-chlorophenyl)- $\alpha$ -(trichloromethyl)-]	01/01/87
117-79-3	2-Aminanthraquinone	01/01/87
117-81-7	Di(2-ethylhexyl) phthalate (DEHP)	01/01/87
117-84-0	<i>n</i> -Dioctyl phthalate	01/01/87
118-74-1	Hexachlorobenzene	01/01/87
119-90-4	3,3'-Dimethoxybenzidine	01/01/87
119-93-7	3,3'-Dimethylbenzidine ( <i>o</i> -Tolidine)	01/01/87
120-12-7	Anthracene	01/01/87
120-58-1	Isosafrole	1/01/90
120-71-8	<i>p</i> -Cresidine	01/01/87
120-80-9	Catechol	01/01/87
120-82-1	1,2,4-Trichlorobenzene	01/01/87
120-83-2	2,4-Dichlorophenol	01/01/87
121-14-2	2,4-Dinitrotoluene	01/01/87
121-69-7	<i>N,N</i> -Dimethylaniline	01/01/87
122-66-7	1,2-Diphenylhydrazine (Hydrazobenzene)	01/01/87
123-31-9	Hydroquinone	01/01/87
123-38-6	Propionaldehyde	01/01/87
123-72-8	Butyraldehyde	01/01/87
123-91-1	1,4-Dioxane	01/01/87
124-73-2	Dibromotetrafluoroethane (Halon 2402)	7/8/90
126-72-7	<i>Tris</i> -2,3-dibromopropyl phosphate	01/01/87
126-99-8	Chloroprene	01/01/87
127-18-4	Tetrachloroethylene (Perchloroethylene)	01/01/87
128-66-5	C.I. Vat Yellow 4	01/01/87
131-11-3	Dimethyl phthalate	01/01/87
132-64-9	Dibenzofuran	01/01/87
133-06-2	Captan [1 <i>H</i> -Isindole-1,3(2 <i>H</i> )-dione,3 <i>a</i> ,4,7,7 <i>a</i> -tetrahydro-2-[(trichloromethyl)thio]-]	01/01/87
133-90-4	Chloramben [Benzoic acid, 3-amino-2,5-dichloro-]	01/01/87
134-29-2	<i>o</i> -Anisidine hydrochloride	01/01/87
134-32-7	$\alpha$ -Naphthylamine	01/01/87
135-20-6	Cupferron [Benzeneamine, <i>N</i> -hydroxy- <i>N</i> -nitroso, ammonium salt]	01/01/87
139-13-9	Nitrotriacetic acid	01/01/87
139-65-1	4,4'-Thiodianiline	01/01/87
140-88-5	Ethyl acrylate	01/01/87
141-32-2	Butyl acrylate	01/01/87
151-56-4	Ethyleneimine (Aziridine)	01/01/87
156-10-5	<i>p</i> -Nitrosodiphenylamine	01/01/87
156-62-7	Calcium cyanamide	01/01/87
302-01-2	Hydrazine	01/01/87
309-00-2	Aldnn[1,4:5,8-Dimethanonaphthalene,1,2,3,4,10,10-hexachloro-1,4,4 <i>a</i> ,5,8,8 <i>a</i> -hexahydro-(1. $\alpha$ ,4. $\alpha$ ,4 <i>a</i> . $\beta$ ,5. $\alpha$ ,8. $\alpha$ ,8 <i>a</i> . $\beta$ )-]	01/01/87
334-88-3	Diazomethane	01/01/87
353-59-3	Bromochlorodifluoromethane (Halon 1211)	7/8/90
463-58-1	Carbonyl sulfide	01/01/87
492-80-8	C.I. Solvent Yellow 34 (Auramine)	01/01/87
505-60-2	Mustard gas [Ethane, 1,1'-thiobis[2-chloro-]	01/01/87

CAS No.	Chemical name	Effective date
510-15-6	Chlorobenzilate [Benzenoacetic acid, 4-chloro- $\alpha$ -(4-chlorophenyl)- $\alpha$ -hydroxy-ethyl ester]	01/01/87
528-29-0	<i>o</i> -Dinitrobenzene	1/01/90
532-27-4	2-Chloroacetophenone	01/01/87
534-52-1	4,6-Dinitro- <i>o</i> -cresol	01/01/87
540-59-0	1,2-Dichloroethylene	01/01/87
541-41-3	Ethyl chloroformate	01/01/87
541-73-1	1,3-Dichlorobenzene	01/01/87
542-75-6	1,3-Dichloropropylene	01/01/87
542-88-1	Bis(chloromethyl) ether	01/01/87
569-64-2	C.I. Basic Green 4	01/01/87
606-20-2	2,6-Dinitrotoluene	01/01/87
815-05-4	2,4-Diammoanisole	01/01/87
621-64-7	<i>N</i> -Nitrosodi- <i>n</i> -propylamine	01/01/87
624-83-9	Methyl isocyanate	01/01/87
636-21-5	<i>o</i> -Toluidine hydrochloride	01/01/87
680-31-9	Hexamethylphosphoramide	01/01/87
684-93-5	<i>N</i> -Nitroso- <i>N</i> -methylurea	01/01/87
759-73-9	<i>N</i> -Nitroso- <i>N</i> -methylurea	01/01/87
842-07-9	C.I. Solvent Yellow 14	01/01/87
924-16-3	<i>N</i> -Nitrosodi- <i>n</i> -butylamine	01/01/87
961-11-5	Tetrachlorvinphos [Phosphonic acid, 2-chloro-1-(2,4,5-trichlorophenyl)ethyl dimethyl ester]	01/01/87
989-38-8	C.I. Basic Red 1	01/01/87
1120-71-4	Propane sulfone	01/01/87
1163-19-5	Decabromodiphenyl oxide	01/01/87
1313-27-5	Molybdenum trioxide	01/01/87
1314-20-1	Thorium dioxide	01/01/87
1319-77-3	Cresol (mixed isomers)	01/01/87
1330-20-7	Xylene (mixed isomers)	01/01/87
1332-21-4	Asbestos (friable)	01/01/87
1335-97-1	Hexachloronaphthalene	01/01/87
1336-36-3	Polychlorinated biphenyls (PCBs)	01/01/87
1344-28-1	Aluminum oxide (ferric forms)	01/01/87
1464-53-5	Diepoxybutane	01/01/87
1582-09-8	Thifluralin [Benzeneamine, 2,6-dinitro- <i>N,N</i> -dipropyl-4-(trifluoromethyl)-]	01/01/87
1634-04-4	Methyl <i>tert</i> -butyl ether	01/01/87
1835-75-5	Nitrofen [Benzene, 2,4-dichloro-1-(4-nitrophenoxy)-]	01/01/87
1897-45-6	Chlorothalonil [1,3-Benzenedicarbonitrile, 2,4,5,6-tetrachloro-]	01/01/87
1937-37-7	C.I. Direct Black 38	01/01/87
2164-17-2	Fluometuron [Urea, <i>N,N</i> -dimethyl- <i>N'</i> -(3-(trifluoromethyl)phenyl)-]	01/01/87
2234-13-1	Octachloronaphthalene	01/01/87
2303-16-4	Diallate [Carbamothioic acid, bis(1-methylethyl)-, <i>S</i> -(2,3-dichloro-2-propenyl)ester]	01/01/87
2602-46-2	C.I. Direct Blue 6	01/01/87
2832-40-8	C.I. Disperse Yellow 3	01/01/87
3118-97-6	C.I. Solvent Orange 7	01/01/87
3761-53-3	C.I. Food Red 5	01/01/87
4549-40-0	<i>N</i> -Nitrosomethylvinylamine	01/01/87
4680-78-8	C.I. Acid Green 3	01/01/87
6484-52-2	Ammonium nitrate (solution)	01/01/87
7429-90-5	Aluminum (fume or dust)	01/01/87
7439-92-1	Lead	01/01/87
7439-96-5	Manganese	01/01/87
7439-97-6	Mercury	01/01/87
7440-02-0	Nickel	01/01/87
7440-22-4	Silver	01/01/87
7440-28-0	Thallium	01/01/87
7440-36-0	Antimony	01/01/87
7440-38-2	Arsenic	01/01/87
7440-39-3	Barium	01/01/87
7440-41-7	Beryllium	01/01/87
7440-43-9	Cadmium	01/01/87
7440-47-3	Chromium	01/01/87
7440-48-4	Cobalt	01/01/87
7440-50-8	Copper	01/01/87
7440-52-2	Vanadium (fume or dust)	01/01/87
7440-66-6	Zinc (fume or dust)	01/01/87
7550-45-0	Titanium tetrachloride	01/01/87
7647-01-0	Hydrochloric acid	01/01/87
7664-38-2	Phosphonic acid	01/01/87
7664-39-3	Hydrogen fluoride	01/01/87
7664-41-7	Ammonia	01/01/87
7664-93-9	Sulfuric acid	01/01/87

CAS No.	Chemical name	Effective date
7697-37-2	Nitric acid	01/01/87
7723-14-0	Phosphorus (yellow or white)	01/01/87
7782-49-2	Selenium	01/01/87
7782-50-5	Chlorine	01/01/87
7783-20-2	Ammonium sulfate (solution)	01/01/87
8001-35-2	Toxaphene	01/01/87
8001-58-9	Creosote	1/01/90
10034-93-2	Hydrazine sulfate	01/01/87
10049-04-4	Chlorine dioxide	01/01/87
12122-67-7	Zineb [Carbamodithioic acid, 1,2-ethanedithybis-, zinc complex]	01/01/87
12427-38-2	Maneb [Carbamodithioic acid, 1,2-ethanedithybis-, manganese complex]	01/01/87
16071-86-6	C.I. Direct Brown 95	01/01/87
16543-55-8	N-Nitrosomnicotine	01/01/87
20816-12-0	Osmium tetroxide	01/01/87
25321-14-6	Dinitrotoluene (mixed isomers)	1/01/90
25321-22-6	Dichlorobenzene (mixed isomers)	01/01/87
25376-45-8	Diaminotoluene (mixed isomers)	01/01/87
26471-62-5	Toluenedisocyanate (mixed isomers)	1/01/90
39156-41-7	2,4-Diaminoanisole sulfate	01/01/87

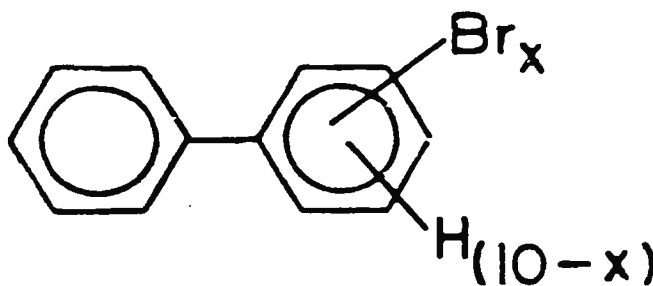
(c) Chemical categories in alphabetical order.

Category name	Effective date
Antimony Compounds: Includes any unique chemical substance that contains antimony as part of that chemical's infrastructure	01/01/87
Arsenic Compounds: Includes any unique chemical substance that contains arsenic as part of that chemical's infrastructure	01/01/87
Barium Compounds: Includes any unique chemical substance that contains barium as part of that chemical's infrastructure	01/01/87
Beryllium Compounds: Includes any unique chemical substance that contains beryllium as part of that chemical's infrastructure	01/01/87
Cadmium Compounds: Includes any unique chemical substance that contains cadmium as part of that chemical's infrastructure	01/01/87
Chlorophenols	01/01/87



Where x = 1 to 5

Category name	Effective date.
Chromium Compounds: Includes any unique chemical substance that contains chromium as part of that chemical's infrastructure.....	01/01/87
Cobalt Compounds: Includes any unique chemical substance that contains cobalt as part of that chemical's infrastructure.....	01/01/87
Copper Compounds: Includes any unique chemical substance that contains copper as part of that chemical's infrastructure (except for C.I. Pigment Blue 15 (PB-15, CAS No. 147-14-8), C.I. Pigment Green 7 (PG-7, CAS No. 1325-53-8), and C.I. Pigment Green 36 (PG-36, CAS No. 14302-13-7).....	01/01/87
Cyanide Compounds: $X^- CN^-$ where $X = H^-$ or any other group where a formal dissociation can be made. For example KCN, or $Ca(CN)_2$ .....	01/01/87
Glycol Ethers: Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol.....	01/01/87
$R-(OCH_2CH_2)_n-OH$	
Where:	
n = 1, 2, or 3.....	
R = alkyl or aryl groups.....	
R = R' H, or groups which, when removed, yield glycol ethers with the structure:.....	
$R-(OCH_2CH_2)_n-OH$	
Polymers are excluded from this category.	
Lead Compounds: Includes any unique chemical substance that contains lead as part of that chemical's infrastructure.....	01/01/87
Manganese Compounds: Includes any unique chemical substance that contains manganese as part of that chemical's infrastructure.....	01/01/87
Mercury Compounds: Includes any unique chemical substance that contains mercury as part of that chemical's infrastructure.....	01/01/87
Nickel Compounds: Includes any unique chemical substance that contains nickel as part of that chemical's infrastructure.....	01/01/87
Polybrominated Biphenyls (PBBs).....	01/01/87



Where x = 1 to 10

Category name	Effective date.
Selenium Compounds: Includes any unique chemical substance that contains selenium as part of that chemical's infrastructure.....	01/01/87
Silver Compounds: Includes any unique chemical substance that contains silver as part of that chemical's infrastructure.....	01/01/87
Thallium Compounds: Includes any unique chemical substance that contains thallium as part of that chemical's infrastructure.....	01/01/87
Zinc Compounds: Includes any unique chemical substance that contains zinc as part of that chemical's infrastructure.....	01/01/87

[53 FR 4525, Feb. 16, 1988; 53 FR 12748, Apr. 18, 1988, as amended at 53 FR 23112, June 20, 1988; 53 FR 39475, Oct. 8, 1988; 54 FR 12913, Mar. 29, 1989; 54 FR 25851, June 20, 1989; 54 FR 49952, Dec. 1, 1989; 54 FR 51300, Dec. 14, 1989; 55 FR 5222, Feb. 14, 1990; 55 FR 31597,