

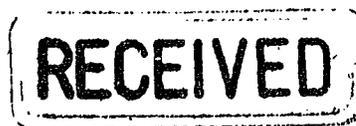


E. I. DU PONT DE NEMOURS & COMPANY  
INCORPORATED

NIAGARA FALLS, N.Y. 14302

CHEMICALS AND PIGMENTS DEPARTMENT

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED



NOV 30 1982 2:30 V.R

12-10-82 38  
88 12/10/82

8EQ-1782-0466  
88-8300451

November 24, 1982

Document Control Officer (WH-557)  
Chemical Information Division  
Office of Toxic Substances  
401 M Street S.W.  
Washington, D.C. 20460

Gentlemen:

This letter is submitted as a follow-up report on an emergency incident of environmental contamination pursuant to the Agency's Statement of Interpretation and Enforcement Policy of the Toxic Substances Control Act, Section 8(e).

On Saturday, October 30, 1982, approximately eleven hundred pounds of chlorine gas (CAS Registry No. 7782-50-5) were inadvertently released to the atmosphere at Du Pont's Niagara Falls, New York plant. Immediately upon knowledge of the release, the plant reported the incident to local authorities and to EPA as a Superfund release as required. Du Pont followed up the Superfund report by notifying state authorities. In addition, Du Pont reported the release as a potential Section 8(e) emergency incident of environmental contamination to EPA Region II on November 4.

The incident occurred at approximately 8 p.m. Seventy-six people, most at a football game, were affected by the release and reported to local hospitals for observation. While most of these people were examined and released immediately, two people were held overnight and were released Sunday, October 31, and one person was released on Monday, November 1. As of the date of this report, Du Pont knows of no person who has suffered serious or prolonged incapacitation resulting from his or her exposure to the chlorine release. Moreover, as a result of Du Pont's investigation, there is no evidence that non-human organisms have been subjected to any adverse environmental effects. Thus, we have concluded that the chlorine release did not pose a substantial risk to health or the environment and is thus not a reportable incident under TSCA Section 8(e).

000002

Document Control Officer  
Chemical Information Division  
Washington, D.C.

- 2 -

November 24, 1982

Please contact me at (716) 278-5391 if you have any questions  
on this matter.

Sincerely,



Barbara J. Northan  
Safety, Occupational Health &  
Environmental Control Superintendent

BJN:djs

000003



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

JAN 11 1983

OFFICE OF  
PESTICIDES AND TOXIC SUBSTANCES

REGISTERED MAIL

Ms. Barbara J. Northan  
Superintendent  
Safety, Occupational Health &  
Environmental Control  
Chemical and Pigments Department  
E. I. du Pont de Nemours & Company, Inc.  
Niagara Falls, New York 14302

Dear Ms. Northan:

With regard to:

TSCA Section 8(e) submission on: Chlorine Gas Release

Received from: E. I. du Pont de Nemours & Company, Inc.

Date submitted: November 24, 1982

EPA Document Control No.: 8EHQ-1182-0466

The EPA's Office of Pesticides and Toxic Substances has completed a preliminary evaluation of the above referenced submission under §8(e) of the Toxic Substances Control Act (TSCA; PL 94-469). Although the enclosed status report is the result of that evaluation, it does not necessarily represent EPA's final conclusion on the subject chemical substance or the reported incident.

If you have any questions or comments concerning the enclosed status report, please contact Mr. David R. Williams of the Chemical Hazard Identification Branch/AD at (202)-382-3468.

The Agency looks forward to continued cooperation with E. I. du Pont de Nemours & Company, Inc. in its efforts to evaluate and minimize potential risks posed by chemicals to health and the environment.

Sincerely,

A handwritten signature in cursive script that reads "Frank D. Kover".

Frank D. Kover  
Chief  
Chemical Hazard Identifi-  
cation Branch (TS-778)

Enclosure

000004



Comments/Recommendations

In its submission, Du Pont stated that when the company learned of the chlorine gas release, it immediately notified appropriate local/state authorities and EPA pursuant to the mandatory reporting provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; "Superfund").

According to Part V(c) of EPA's March 16, 1978, TSCA Section 8(e) policy statement ("Statement of Interpretation and Enforcement Policy; Notification of Substantial Risk" 43 FR 11110), an emergency incident of environmental contamination is considered reportable to EPA pursuant to Section 8(e) if the incident involves "any environmental contamination by a chemical substance or mixture to which any...[serious] adverse effects [have] been ascribed and which because of the pattern, extent, and amount of contamination (1) seriously threatens humans with cancer, birth defects, mutation, death, or serious or prolonged incapacitation, or (2) seriously threatens non-human organisms with large scale or ecologically significant population destruction." Part VII of the policy statement directs, however, that such information need not be reported under TSCA Section 8(e) if the information has already been formally reported to EPA pursuant to mandatory reporting requirements contained in other authorities administered by EPA (e.g., "Superfund"). It should be noted, however, that chemical release-related reporting requirements contained in such other authorities are, for the most part, triggered by incidents involving releases of specified amounts (i.e., reportable quantities (RQs)) of specific (i.e., listed) chemical substances. In those cases involving a release of less than the reportable quantity of a listed chemical or a release of a chemical not listed in such other authorities, companies should consider the need for reporting pursuant to Section 8(e) of TSCA.

In view of the above discussion and considering that 1) the Du Pont chlorine gas release involved a release of a reportable quantity of a listed chemical substance, and 2) the incident was immediately reported by the company to EPA pursuant to the notification provisions of CERCLA ("Superfund"), there was no need for Du Pont to also notify EPA under TSCA Section 8(e).

- a) The Chemical Hazard Identification Branch (CHIB/AD/EPA) will transmit a copy of this status report to NIOSH, OSHA, OANR/EPA, and OSWER/EPA. A copy of this status report will also be provided to the Office of Toxics Integration (OTI/OTS/EPA) and to the Industry Assistance Office (IAO/OTS/EPA) for appropriate distribution.