

326608

PUBLIC COPY

8EHQ-0410-17924A
DCN: 88100000253s



8EHQ-10-17924

RECEIVED
OPER CDIC
10 MAY -3 AM 11:22

April 29, 2010

By Certified Mail

TSCA Confidential Business Information Center (7407M)
EPA East - Room 6428 Attn: Section 8(e)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Dear Sir or Madam:

Under TSCA § 8(e), [REDACTED] (the "Company") hereby submits a summary of health effects alleged by property occupants following potential inhalation exposure to tertiary amine catalysts. These catalysts, namely, N-methylmorpholine (CAS Registry Number ("RN") 109-02-4) and bis(2-dimethylaminoethyl)ether (CAS RN 3033-62-3), were but are no longer used in two-component polyurethane systems associated with the alleged health effects summarized in this letter. The Company processes and distributes such two-component polyurethane systems in the United States solely for use by professional applicators. The Company does not manufacture the tertiary amine catalysts, but does manufacture other chemical substances in its two-component polyurethane systems.

The summary of health effects alleged by property occupants is shown in the following table:

Date Received	Alleged Symptoms	Suspected Agent	CAS RN	Air Sampling	Comments
6/5/2008	Odor Headache	N-methyl morpholine	109-02-4	None.	Verbal allegation.

Company Sanitized

PUBLIC COPY

7/28/2008	Odor Watery eyes Hazy vision Halo vision	Bis(2-dimethyl aminoethyl) ether	3033-62-3	Samples taken two weeks after report (four weeks after application); results greater than occupational exposure limit.	Verbal allegation. Structure was a detached home addition (photo studio) in Texas with sheet metal walls and roof; subject to intense, prolonged sunlight.
12/19/2008	Odor Coughing Shortness of breath Fatigue	N-methyl morpholine	109-02-4	Samples taken four days after report (six weeks after application); results below the limit of detection (LOD).	Verbal allegation.
1/20/2009	Odor Headache	N-methyl morpholine and bis(2-dimethyl aminoethyl) ether	109-02-4 3033-62-3	None.	Verbal allegation.
11/19/2009	Odor Metallic taste Headache Coughing Congestion Burning eyes Dry mouth Tingling face Tingling tongue Fatigue	N-methyl morpholine	109-02-4	Samples taken four months after report (five months after application); results were below LOD.	Verbal allegation, and written, non-medical allegation.
12/9/2009	Odor Taste Irritated eyes Irritated throat	N-methyl morpholine	109-02-4	None.	Verbal allegation.
1/27/2010	Odor Coughing Shortness of breath Fluid in lungs	N-methyl morpholine	109-02-4	Samples collected two weeks after report (four weeks after application); results were below LOD.	Verbal allegation.

PUBLIC COPY

The Company discovered the above allegations during routine and ongoing product surveillance to monitor and collect complaints, which is governed by written procedures. The Company does not have medical records or other relevant information to corroborate the alleged health effects and cannot show that they resulted from inhalation exposure to tertiary amine catalysts (or, indeed, any other chemical substance). Most of the alleged health effects are consistent, however, with those reported in the open scientific literature in connection with acute inhalation exposure to tertiary amines. Thus, as a precaution, the Company has reformulated the two-component polyurethane systems associated with the alleged health effects summarized in this letter to eliminate both N-methylmorpholine and bis(2-dimethylaminoethyl)ether.

None of the alleged health effects, individually or in combination, is among the human health effects identified by EPA as a "substantial risk of injury to health" in part V, subpart (a) of the Agency's current TSCA § 8(e) policy statement and reporting guidance, 68 Fed. Reg. 33,129, 33,138 (June 3, 2003). Furthermore, most of the alleged health effects appear to corroborate well-recognized effects of acute inhalation exposure to tertiary amines reported in the open scientific literature, as provided in part VII, subpart (b) of EPA's section 8(e) policy, 68 Fed. Reg. at 33,139. For these reasons, the Company does not believe that the alleged health effects are reportable information under TSCA § 8(e) and has not determined that such effects actually constitute a substantial risk of injury to health or the environment associated with the tertiary amine catalysts or any other chemical substance. In an abundance of caution, however, the Company is making the present submission under TSCA § 8(e), in case EPA disagrees with the Company's interpretation of the Agency's section 8(e) policy in this instance.

This submission contains TSCA confidential business information ("CBI"). Accordingly, the Company is providing both original and redacted versions of this submission to EPA, along with the attached justification of the Company's CBI claims. In keeping with recent guidance from EPA, the Company does not claim as CBI any chemical identity information contained in this submission. The Company invites any questions that EPA has about this letter.

Sincerely,

Attachment (3 pp.)