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November 1, 1999

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Attn: TSCA Section 8(e) Coordinator
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Washington, D.C. 20460-0001

To whom it may concern:

is submitting this information pursuant to Section 8(e) of TSCA.
is submitting the draft summary report of a toxicology study (Attachment No. 1) - Acute
Toxicity (LC₅₀) to Rainbow Trout - with respect to and is claiming the
PMN composition and company identity as Confidential Business Information (CBI).

As previously indicated, the composition and company identity is being claimed as
CBI. The rationale for this claim is as follows: 1) the complete disclosure of the
substance identity along with the company name has never been made available to our
competitors and 2) revealing this information would lead to a significant competitive
disadvantage to The current represents one individual and unique substance.
Additional confidentiality substantiation is available in Attachment No. 2. This CBI strategy will
allow our company to protect sensitive information while giving the Agency and the public
information about the chemical nature of the substance that is the subject of this submission.

The Acute Toxicity draft summary report (Attachment No. 1) concerns the results of acute
toxicity to Rainbow Trout. The 96-hour LC50 was estimated to be 1.0 mg/L (nominal
concentration). This LC50 result is at aquatic acute toxicity "substantial risk" reporting
criterion. The final report will be provided to the EPA once received by

The substance is being used in a cationic electrodeposition primer for the
Automotive OEM market sector. Application of the primer takes place in a large enclosed tank,
which also contains other components such as resins, pigments, and various performance
additives common to this coating process. Metal parts are transported by conveyer and dipped
into the tank with electrical potential applied. The coating is deposited on the part as a wet film.
Coated parts are rinsed and transported to a zone of elevated temperature to cure the wet film.

Company Sanitized

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The rinse material is recycled back into the process as a closed system making accidental release highly unlikely. Solid residues from process treatment operations are disposed of in hazardous waste (RCRA Subtitle C regulated) landfills or incinerators or within a RCRA Subtitle D regulated landfill. It is estimated that there is no discharge of material to local POTW.

provides our customers with labeling and MSDS, which specify procedures for proper handling and disposal of products containing the PMN substance including the use of personal protective equipment.

Please telephone me at _____ if you have any questions.

Attachments

SUMMARY

**Acute Toxicity to Rainbow Trout
(*Oncorhynchus mykiss*) Under Static Conditions**

STUDY SPONSOR:

PROTOCOL TITLE:

Acute Toxicity to Rainbow Trout (*Oncorhynchus mykiss*) Under Static Conditions, Following OECD Guideline #203, EC Guideline L383A - C.1, and OPPTS Draft Guideline 850.1075 Springborn Laboratories Protocol No: 071999/OECD/EC/OPPTS/ST-RBT/

SPRINGBORN
STUDY NUMBER:

511.6199

TEST SUBSTANCE:

a light amber liquid reported by the Study Sponsor to have a purity of 36%, was received from on 2 July 1999

DEFINITIVE
EXPOSURE DATES:

3 to 7 September 1999

TEST ORGANISM:

Oncorhynchus mykiss, SLI Lot No. 99A78
Mean wet weight = 1.3 g (range 0.70 to 2.3 g); N = 30
Mean total length = 52 mm (range 41 to 60 mm); N = 30
Source: Spring Creek Trout Hatchery, Lewistown, Montana

TEST CONDITIONS:

96-hour duration, a temperature of 13 to 14 °C, photoperiod of 16 hours light and 8 hours darkness at a light intensity of 70 to 90 footcandles

DILUTION WATER:

Well water
pH: 7.1 to 7.4
Specific conductivity: 150 to 160 µmhos/cm
Total hardness as CaCO₃: 36 mg/L
Total alkalinity as CaCO₃: 26 to 28 mg/L

NOMINAL TEST
CONCENTRATIONS:

0.055, 0.12, 0.27, 0.61, 1.4, and 3.0 mg a.i./L

RESULTS:

Based on the results of this study, the 96-hour LC50 was estimated by non-linear interpolation to be 1.0 mg a.i./L, with 95% confidence intervals (calculated by binomial probability) of 0.61 to 1.4 mg a.i./L. The No-Observed-Effect Concentration (NOEC) was determined to be nominal concentration of 0.27 mg a.i./L.

Attachment No. 2

Substantiation of Confidentiality

1. Is your company asserting this confidential business information (CBI) claim on its own behalf? If the answer is no, please provide company name, address and telephone number of entity asserting claim.

Yes, we are asserting this claim on our own behalf.

2. For what period do you assert your claim(s) of confidentiality? If the claim is to extend until a certain event or point in time, please indicate that event or time period. Explain why such information should remain confidential until such point.

Confidential treatment should be maintained indefinitely in order to protect our company's know-how in this area.

3. Has the information that you are claiming as confidential been disclosed to any other governmental agency or to this Agency at any other time? Identify the Agency to which the information was disclosed and provide the date and circumstances of the same. Was the disclosure accompanied by a claim of confidentiality? If yes, attach a copy of said document reflecting the confidentiality agreement.

No.

4. Briefly describe any physical or procedural restrictions within your company relating to the use and storage of the information you are claiming CBI.

Special precautions taken to protect the confidentiality of this information include: the contracting of all employees to maintain confidentiality of all phases of their company activities; the maintaining of restricted entry facilities; the escort of non-company personnel within the facilities; and the dissemination of information on PMN composition on a need-to-know basis.

5. If anyone outside your company has access to any of the information claimed CBI, are they restricted by confidentiality agreement(s)? If so, explain the content of the agreement(s).

The information has been disclosed to the toxicological testing laboratory under the terms of a confidentiality agreement. There has been no public disclosures or disclosures to competitors of the information, and there will not be such disclosures in the future.

6. Does the information claimed as confidential appear or is it referred to in any of the following:
- Advertising or promotional material for the chemical substance or the resulting end product;
 - Material safety data sheets or other similar materials (such as technical data sheets) for the substance or resulting end product (include copies of this information as it appears when accompanying the substance and/or product at the time of transfer or sale);
 - Professional or trade publications; or
 - Any other media or publications available to the public or to your competitors.

If you answered yes to any of the above, indicate where the information appears, include copies, and explain why it should nonetheless be treated as confidential.

The claimed confidential information does not appear in any of the above references.

7. Has EPA, another federal agency, or court made any confidentiality determination regarding information associated with this substance? If so, provide copies of such determinations.

There have been no confidentiality determinations made.

8. Describe the substantial harmful effects that would result to your competitive position if the CBI information is made available to the public? In your answer, explain the causal relationship between disclosure and any resulting substantial harmful effects. Consider in your answer such constraints as capital and marketing cost, specialized technical expertise, or unusual processes and your competitors' access to your customers. Address each piece of information claimed CBI separately.

Yes, disclosure of this information would likely result in substantial harm to our company's competitive position in the marketplace. Normally, the first company in the marketplace with a new product is able to capture a fairly large market share. Disclosure of this confidential information would place our company at an economic disadvantage with our competitors. Our company has vigorously protected this information (PMN composition, company-name) under applicable laws regarding trade secrets.

9. Has the substance been patented in the U.S. or elsewhere? Is a patent for the substance currently pending?

Not at this time but patents may be filed in the near future.

10. Is this substance/product commercially available and if so, for how long has it been available on the commercial market?

Yes, approximately 3 years.

- a. If on the commercial market, are your competitors aware that the substance is commercially available in the U.S.?

No.

- b. If not already commercially available, describe what stage of research and development (R&D) the substance is in, and estimate how soon a market will be established.

- c. What is the substance used for and what type of product(s) does it appear in.

The material is currently being used commercially in the automotive refinish primer aftermarket.

11. Describe whether a competitor could employ reverse engineering to identically recreate the substance?

Analysis of this PMN composition would be exceedingly difficult due to the chemistry involved. Any fragmentation of the material would generate numerous moieties of similar functional activity, thus immensely complicating positive identification.

12. Do you assert that disclosure of this information you are claiming CBI would reveal:

- a. confidential processes used in manufacturing the substance;
- b. if a mixture, the actual portions of the substance in the mixture; or
- c. information unrelated to the effects of the substance on human health or the environment?

If your answer to any of the above questions is yes, explain how such information would be revealed.

Disclosure of the information claimed as confidential would reveal information unrelated to the effects on human health or the environment. The information would reveal composition information and link that information to a specific chemical substance. Since the material tested was a PMN composition, releasing the exact composition would place our company at a competitive disadvantage. Further, the generic name is sufficient to interpret the study data presented.

13. Provide the Chemical Abstract Service Registry Number for the product, if known. Is your company applying for a CAS number now or in the near future? If you have applied for a CAS number, include a copy of the contract with CAS.

No CAS# is available, only