ATTACHMENT II

JUN 11 '82

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

JUN 4 1982

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

Mr. W. R. Corey
Director, TSCA Administration
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63166

Dear Mr. Corey:

More than one year has passed since you petitioned the Environmental Protection Agency (EPA) for an exemption from the ban on manufacturing, processing, distribution in commerce, and use of polychlorinated biphenyls (PCBs), which is published in 40 CFR Part 761 (44 FR 31514, May 31, 1979). In accepting your petition for exemption, EPA allowed you to continue the activities specified in your petition until it ruled on the merits of your petition. To date, EPA has not ruled on individual petitions. This has had the effect of granting you an exemption for at least the period you originally requested.

Since the period covered by your original petition has passed, EPA is unable to determine whether to grant or deny another year's exemption based on the dated information in your petition, which may no longer be valid. In addition, EPA is not sure whether you are still interested in further exemption. EPA is now beginning a process to resolve outstanding exemption petitions by gathering new or updated information. The Office of Management and Budget (OMB) has approved this information collection request, assigning it OMB Clearance Number 2000-0466.

If you still want an exemption, you must renew your petition. To qualify for an exemption, section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) requires you to demonstrate that continuation of your activities would not result in an unreasonable risk of injury to health or the environment, and that you have made good faith efforts to develop a substitute that does not present an unreasonable risk of injury to health or the environment. In determining whether you have made good faith efforts, EPA will consider the efforts you have made to develop substitutes since the date of your original petition.

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If you wish to renew your petition for an exemption, the Interim Procedural Rules for Processing and Distribution in Commerce Exemptions, 40 CFR 750.30-750.41 (44 FR 31558, May 31, 1979), identify what information your petition should contain and describe EPA's procedures for conducting rulemaking on your petition. These procedural rules require you to include information in your petition to demonstrate that an unreasonable risk of injury to health or the environment would not result if EPA granted the petition. Information that might help make such a demonstration include the answers to the following questions:

(1) How long an exemption are you requesting?

(2) What is the concentration of PCBs in the materials covered by your petition?

(3) What is the method of analysis used to determine PCB levels?

(4) How many processes that produce PCBs are covered by your petition? What is the concentration of PCBs in each of these processes?

(5) How many people come into contact with the PCBs covered by your petition? Describe that contact, including the amount of time over which it occurs.

(6) What kind of worker protection program do you have? Describe in detail the types of worker protection available and how workers actually use the program.

(7) What quantities and concentrations of PCBs are contained in any products, wastes, or other materials released from your process?

(8) How do you dispose of the PCBs covered by your petition?

If you believe that the information contained in the petition that EPA currently has on file is still accurate and demonstrates that your activity would not result in an unreasonable risk of injury to health or the environment, then please so indicate in your renewed petition.

You must file the petition and any supporting documents by July 19, 1982. EPA intends to initiate rulemaking on petitions shortly after receiving them. Please indicate that your petition and supporting documents are for Docket No. OTS-066002. Send your petition and supporting documents to:

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Mrs. Joni T. Repasch (TS-793)
Room 106 East Tower
Office of Toxic Substances
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

If your petition and supporting documents contain any confidential business information, please stamp the letter and envelope "CONFIDENTIAL" and send them to:

Document Control Officer (TS-793)
Room 409 East Tower
Office of Toxic Substances
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

If EPA does not receive a renewed petition by July 19, 1982, EPA will assume that you no longer wish an exemption and will dismiss your petition. EPA's dismissal of your petition means that you would not be allowed to continue the activities specified in your petition. Any continuation of such activities would be a violation of section 15 of TSCA and would make you liable for penalties under section 16 of TSCA.

Sincerely yours,

Don R. Clay, Director
Office of Toxic Substances

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