

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

April 1, 2011

Mr. Patrick W. Thomas
Chief Executive Officer
Bayer MaterialScience, LLC
100 Bayer Road
Pittsburgh, PA 15205-9741

Dear Mr. Thomas:

I am writing to seek information about your company's policies regarding chemicals that have potential to be persistent, bioaccumulative, and toxic (PBT chemicals).

PBT chemicals can pose a significant risk to both public health and the environment. Persistent chemicals are highly resistant to degradation in the environment. Bioaccumulative chemicals build up in the food chain and in the human body. And toxic chemicals cause adverse health effects in exposed individuals. PBT chemicals have all three dangerous characteristics. In 1999, EPA established criteria for the identification of PBT chemicals, after notice and comment, which appear to be accepted by industry stakeholders.¹

I respectfully request your answers to the following questions about these dangerous chemicals:

1. Does your company currently manufacture or process any chemicals which you know to meet EPA's criteria for identification as persistent, bioaccumulative, and toxic? If so, please provide a table identifying all such chemicals and including:
 - a. the product name;
 - b. the chemical name;

¹ See, *Category for Persistent, Bioaccumulative, and Toxic New Chemical Substances* 64 FR 60194 (Nov. 4, 1999). Also see, Letter from Cal Dooley, President and CEO of American Chemistry Council, to The Honorable Bobby L. Rush and The Honorable Ed Whitfield, sent March 3, 2010 (citing the EPA criteria as the definition for potential PBT's).

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- c. the CAS Registry Number;
 - d. the volume manufactured in each of the years 2005-2010;
 - e. the volume sold in each of the years 2005-2010;
 - f. the consumer products in which the chemical was used, if available;
 - g. any labels or warnings distributed with the chemical related to hazard, use, handling, or disposal.
2. If your company currently manufactures or processes any chemicals which you know to meet EPA's criteria for identification as persistent, bioaccumulative, and toxic, please provide any other information made available to customers and users relating to potential for persistence, bioaccumulation, or toxicity.
 3. What, if any, tests does your company currently conduct on potential new chemical substances, before submitting a pre-manufacture notice to the EPA, to determine whether the substances have potential for persistence, bioaccumulation, or toxicity?
 4. If a potential new chemical fails those tests, do you proceed with production? If so, please explain what steps, if any, are taken to address the risks posed by the chemical.
 5. What, if any, tests does your company currently perform on chemical substances that are not new, to determine whether they have potential for persistence, bioaccumulation, or toxicity?
 6. If a chemical substance that is not new fails those tests, do you discontinue production? If not, please explain what steps, if any, are taken to address the risks posed by the chemical.

I would appreciate a response to these questions no later than April 22, 2011. Thank you for your attention to this matter.

Sincerely,



Henry A. Waxman
Ranking Member

cc: The Honorable Fred Upton
Chairman
Committee on Energy and Commerce