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

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
And email to: piyer@inhancetechnologies.com

January 14, 2021

Prakash Iyer
Senior Executive
Technology and Strategy Development
Inhance Technologies
22008 N. Berwick Dr.
Houston, TX 77095

Re: Toxic Substances Control Act Information Request Pursuant to TSCA Section 11

Dear Mr. Iyer:

The purpose of this letter is to request information about certain chemical substances manufactured, processed or used by your company, Inhance Technologies ("Inhance"). The United States Environmental Protection Agency ("EPA") has identified products manufactured, processed or used by your company that potentially contain per and poly fluorinated substances (PFAS) regulated under the Toxic Substances Control Act ("TSCA"). The term "PFAS" shall mean per- and polyfluoroalkyl substance where perfluoroalkyl substance is defined as a man-made chemical where all the carbon atoms are fully fluorinated and where polyfluoroalkyl substance is defined as a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

Section 11(c) of TSCA, 15 U.S.C. § 2610(c), gives EPA the authority to require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions and other information that the Administrator deems necessary to carry out TSCA (referred to as a subpoena under TSCA). EPA is using that authority to require the response sought in this letter. The term "products" for the purposes of this information request shall be read broadly to include all items produced or imported as well as all services and processes provided by your company for, among other things, barrier packaging, industrial applications and surface technologies.

Please submit the applicable information electronically along with the completed and signed TSCA Information Request Response Form within the time identified in each individual information request below. Respond to the questions in the order and format listed in the Response Form. When submitting information electronically, please provide the information on a CD, DVD or USB flash drive.

Documents provided electronically should be provided in separate and identifiable Adobe portable document files (.pdf) that are searchable using optical character recognition (OCR). If any of the information requested does not apply to any of your facilities, including contractor facilities, please indicate not applicable (NA) on the TSCA Information Request Response Form.

TSCA CBI Claims

Under Section 14(a) of TSCA, 15 U.S.C. § 2613(a), submitters may claim information submitted to the EPA under TSCA as confidential business information ("CBI"). TSCA CBI claims must be asserted and **substantiated** concurrently with the submission of the information, except for those types of information exempt under TSCA Section 14(c)(2), 15 U.S.C. § 2613(c)(2). There are several procedural requirements that must be followed when asserting CBI claims in TSCA submissions. The authorized official submitting TSCA CBI claims must make several assertions as well as certify that information submitted to substantiate a TSCA CBI claim is true and correct, as required by Section 14(c)(1)(B) and (c)(5) of TSCA, 15 U.S.C. § 2613(c)(1)(B) and (c)(5), and 40 C.F.R. § 2.208. The certification statement included in the enclosed TSCA Information Request Response Form will satisfy these requirements. The certification statement included in the enclosed TSCA Information Request Response Form will satisfy these requirements. If a specific chemical identity is claimed as TSCA CBI, a structurally descriptive generic name must be provided. General guidance for what to include in TSCA CBI substantiations, including several sample substantiation templates, are available here: https://www.epa.gov/tsca-cbi/what-include-cbi-substantiations#substantiationtemplates.

If some or all information provided in response to this IRL is claimed to be TSCA CBI, please follow the directions below to ensure that the security and confidentiality of the information is maintained:

- Send the applicable information to Tony Ellis at the following address:

  U.S EPA
  Attn: Eric Brewer / Lizabeth Gonzales
  for Tony Ellis (DCO)
  1201 Constitution Avenue
  EPA East Room 6428 (CBIC), 7407 Mail Code
  Washington, DC 20004

- Include the completed and signed TSCA Information Request Response Form.

- For information that is not exempt from the substantiation requirements, please provide a written substantiation statement.

- To ensure confidentiality, information claimed to be TCSA CBI should be placed in an inner envelope labeled "Confidential – To Be Opened by Addressee Only." The inner envelope should be placed in an outer envelope for mailing.

- If you are unable to provide the identity of the chemical substances or mixtures because your suppliers or customers have a CBI claim on the products that were purchased domestically, imported or exported, please submit the suppliers/customers name and address for that product with your response to this Information Request.

- A second copy of any documents claimed as CBI must be provided with CBI claims redacted to include only that information that you are NOT claiming as CBI. These redacted copies must be placed in a second envelope that is clearly marked as "Non-Confidential".

If none of the information provided in response to this IRL is claimed to be TSCA CBI:

- Email the applicable information to Mark Garvey at Garvey.mark@epa.gov.

- Include the completed and signed TSCA Information Request Response Form.

The EPA developed an information sheet entitled "U.S. EPA Small Business Resources" to help applicable small businesses understand federal and state environmental laws and rights under the Small Business Regulatory Enforcement Fairness Act. The information sheet can be found on the internet at: https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf.

If you have any questions about the substance of this request, please contact Mark Garvey (e-mail: Garvey.mark@epa.gov; phone: 202-564-4168). Thank you for your cooperation and prompt attention to this matter.

Sincerely,

SONJA RODMAN

Digitally signed by SONJA RODMAN
Date: 2021.01.14 10:26:24 -05'00'

Sonja Rodman, Acting Branch Chief
Waste and Chemical Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

TSCA INFORMATION REQUEST RESPONSE FORM

A. **General Company Information. Within 14 calendar days of the date of this letter,** provide the following information:

1. All names used by your company to identify itself in any previous submissions to or communications with the EPA;
2. A brief (1 page) history of company ownership and scope of business including the identification of types of products your company manufactures or processes;
3. Corporate structure, including foreign and domestic parent companies; and
4. A list of all U.S. facilities owned by the company, including subsidiaries and contracted manufacturers and their locations, the names of the products identified in Question A.2 that are manufactured or processed at each of those facilities, and the types of the technologies and processes used at each of those facilities.

B. **Product Information. Within 14 calendar days of the date of this letter,** provide the following information:

1. Description of the fluorine gas treatment processes used on plastic containers and include:
   a. A spreadsheet, in the format shown below, containing the process variables used to meet customer specifications or to generate the desired container properties. The headings should contain the process variables (i.e. temperature, pressure, time, etc.) and the first column should itemize the product name.

	Fluorine Exposure Time	**Temperature**	**Pressure**	**[Other variable]**
[Product name]				

   b. Explanation of the desired container properties for each product;
   c. Any standard operating procedures (SOPs) related to the fluorination process;
   d. A list of any other process variables used to generate the desired container properties not listed in the spreadsheet B.1.a;
   e. Explanation of the process involved in Level 3 fluorination;
   f. Explanation of the objective for treatment for each variant of temperature and time (i.e. why is the temperature and time modified?); and
   g. Size of containers treated.
2. Name and composition of the plastic material treated; and
3. Location of each facility (foreign and domestic) performing the fluorine gas treatment.

C. **Analytic Information. Within 14 calendar days of date of this letter**, provide the last 6 months of analytic results of each variant to the treated plastic as described below including:
   1. Provide the specifications and quality control steps for the untreated containers, (i.e polymer composition, residual monomer, etc.);
   2. Provide the quality control (QC) steps Inhance performs to determine the chemistry of the drums post fluorination; and
   3. Provide all documents (including mass spectroscopy) created in the last 6 months of analytics performed during QC on products that have undergone fluorine gas treatment.

D. **Analytic Information. Within 30 calendar days of date of this letter**, provide the following information:
   1. For each request in C.1 through C.3, provide the respective information for the past 5 years.

E. **Product Information. Within 30 calendar days of the date of this letter,** provide the following information for all products manufactured (including imported), processed or treated during the past 5 years with or involving any organic or inorganic fluorine and provide:
   1. The product description;
   2. The treatment for each product identified in response to request E.1;
   3. Facility(ies) where the treatment occurs (for imported products where the treatment occurs outside of the United States, specify that it is imported or treated outside of the United States and identify the country where the treatment occurs);
   4. A list of all chemicals used to manufacture, treat, or process the product. The list should include for each chemical:
      a. The name of the chemical;
      b. The CAS Registry number; and
      c. If the chemical was purchased from another company, please provide the supplier's name and mailing address.
   5. A list of any chemicals anticipated or determined to be present in the treated product. The list should include for each chemical:
      a. The name of the chemical;
      b. The CAS Registry number; and
      c. The percentage by weight anticipated to be present.
   6. A brief description of the processes involved in each level of fluorination.

F. **All other Analytical Data. Within 30 calendar days of the date of this letter**, provide the following information:
   1. Any other analysis not requested above that Inhance Technology is aware of regarding any treatment involving organic or inorganic fluorine during the last 5 years (for example, publications or correspondence concerning leaching, exposure or health effects related to containers treated by Inhance or other Inhance products).

CERTIFICATION STATEMENT FOR TSCA CBI CLAIMS

I hereby certify to the best of my knowledge and belief that all information claimed as TSCA CBI provided with this statement is complete and accurate. I also understand that I must submit a substantiation statement for any information which I claim to be TSCA CBI which is not exempt from the substantiation requirements.

I further certify that, pursuant to 15 U.S.C. § 2613(c) and 40 C.F.R. § 2.208, for all claims for confidentiality made with this submission, all information submitted to substantiate such claims is true and correct, and that it is true and correct that:

i. My company has taken reasonable measures to protect the confidentiality of the information;
ii. I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;
iii. I have a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of my company; and
iv. I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering.

TSCA IRL RESPONSE STATEMENT

All responses to the inquires and documents provided in response to this information request are true, complete and accurate. I acknowledge that this statement is submitted to the United States in connection with a matter within the jurisdiction of the EPA and that any material false statement of fact herein may be a federal crime under 18 U.S.C. § 1001.

Signature: _____Date:_____

Printed Name: _____

Title: _____

Company Name: _____