

Aerovox®

INDUSTRIES, INC.

New Bedford Mass. 02741

file EPA 307(a)

October 29, 1976

EIA PCB AD HOC COMMITTEE

Minutes of Meeting October 27, 1976 held in Washington, D.C.

Attendance Roster attached.

Rich Rollins led off complimenting Mike Clear, Steve Rosenthal, Pete Nickels of Covington & Burling for the work they have done to date in the EPA hearings. I think we were remiss in not complimenting Rich for the job he has done in organizing these defense efforts.

A summary of the discussions follows:

A. EPA Hearings to Date

1. Goals...

- a) Delay effective date
- b) Raise standard from 1 to 100 ppb; probably will have to settle for 5-50 ppb.

2. Time limitation by statute requiring final ruling by January 23, 1977...

- a) 24 EPA witnesses; very large number.

3. Major issues...

- a) Bioaccumulation in aquatic organisms...

1) All lab data; not actual

2) Trying to tie to lower number of 50,000. One EPA witness, Dr. Nesbit, testified to 3,000,000.

- b) Difference between 1016 and other formulations...

1) One EPA witness admitted 2 orders of magnitude difference.

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A. EPA Hearings to Date (Continued)

4. In summary only significantly unfavorable testimony was at the end, principally Dr. Nesbit...

a) Hearing law judge aiming at a certified record to Russell Train on December 15.

B. EIA Testimony

1. Following statements to be in by October 29...

- a) Dr. Lauer - aquatic situation
- b) Murray - economic effect
- c) Windover - economics, impracticality of pretreatment
- d) Clark - general industry
- e) Hutzler - substitutes.

2. Additional Statements by November 8...

- a) Dr. Mueller - chemical nature of 1016 distinguishing it from other PCBs
- b) Dr. Moore - problems of measurement of PCB content.

3. Still Needed...

- a) Analytical chemist, perhaps Dr. Laubscher of Woods & Tennant can do
- b) Economist to refute EPA testimony
- c) Witness to attack the fact the standard is not net (discharge water less incoming water). Include in Ray Clark's affidavit.

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B. IA Testimony (Continued)

4. Testimony and cross-examination of witnesses by EPA and other objectors is slated to begin on November 15. The trial judge hopes this can be completed in five days but if not, hearings will continue into Thanksgiving week.

C. Other Testimony

1. Donald Sargent's testimony on G.E. was distributed and it was concluded that probably little rebuttal could be made on this.
2. A NIOSH affidavit relative to the University of Pennsylvania report on the Paulsboro, New Jersey Mobil plant was distributed. This will be introduced by NRDC and defense against this cancer claim is necessary...
 - a) Various thoughts including comments from Mobil were suggested
 - b) Members are requested to contact Steve Rosenthal on any other thoughts they may have after reading the affidavit.

D. Toxic Substances Act - PCB Amendment

1. Effective date - January 1, 1977
2. Jim Flynn will supply a summary of the effect all state laws and the new Toxic Substances Act will have on PCB transactions. Included will be requirements and exceptions for marking and reporting sales. Also included will be effective dates banning the sale of capacitors and sale of end items containing capacitors.

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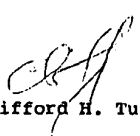
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E. Cliff Tuttle read a letter (attached) received from F.F. Parry of ERDA relative to that organization's research efforts on suitable PCB replacements. (The efforts seem more slanted toward transformers). Copies of the attachments to his letter, as listed below, can be obtained by writing to Cliff Tuttle...

1. Final report by National Bureau of Standards on "An Appraisal of Tests and Standards for the Evaluation of Electrical Insulating Fluids."
2. Statement of Work for the Factory Mutual Research Corporation on the investigation of fire hazard of transformer-capacitor oils (primarily silicone).
3. Statement of Work by G.E. Company (item not forwarded with Parry's letter so details unavailable); the omission has been called to Mr. Parry's attention.

F. Through the efforts of Herb Rowe of NASA (ex-EIA Parts Division Chairman) that organization made an investigation as to what assistance it could render on the development of PCB substitutes. The conclusion was that NASA could not assist without significant funding.



Clifford H. Tuttle

Attachments

1. Attendance Roster
2. Mr. Parry's letter