



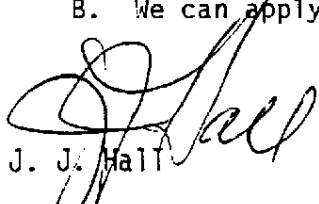
Interoffice Communication

To TSCA Section 4 File
From J. J. Hall
Date July 1, 1981
Subject PROPOSED TEST RULE
Dichloromethane (DCM)
Nitrobenzene
1,1,1-Trichloroethane (TCE)

1. Both DCM and TCE are formed in small amounts at the VCM Plant. Both are components of the light ends (DCM: typ 2000 ppm, TCE: occasional impurity), per Paul Fetzer, 6/25/81.
2. I talked with the following persons to determine if Conoco Chemicals is a "manufacturer" per the TSCA definition.
 - A. John Murphy, TSCA lawyer for Stauffer
 - B. Sara Shapley, EPA Industry Assistance Officer
 - C. Steve Newburg-Rinn, EPA Office of Toxic Substances
3. John Murphy felt initially that we would not be affected since we do not manufacture "for commercial purposes". He said that under Section 5 (PMN's) and for the inventory, impurities and by-products are excluded.

He said Hugh Farber, Dow Chemical (517/636-5658) is heading an industry group working toward voluntary testing for TCE. (Hugh promised to put me on his mailing list).

John called back and said that he had talked with EPA. Their position is that we would be a manufacturer.
4. Sara Shapley said she didn't think we'd be covered but she'd have someone call me.
5. Steve Newburg-Rinn said that academically we are a manufacturer, but practically speaking we don't need to be concerned. In 1979 the courts ruled that by-products are manufactured "for commercial purposes" (Dow, 8(d)). In this case, there are two possible outcomes.
 - A. The TCE industry will conduct voluntary testing precluding a Section 4 test rule,
 - B. We can apply for an exemption after the rule is final.


J. J. Hall

ajd

cc Michele Malloy
Paul Fetzer

VVC 000009705