

minutes



THE VINYL INSTITUTE EXECUTIVE BOARD

The Vinyl Institute Offices
155 Route 46 West
Interchange Plaza II
Wayne, New Jersey 07470

Wednesday
September 10, 1986
8:30 a.m.

Attendees:

Steven W. Schaefer, Chairman	- Occidental Chemical
H. C. Andresen	- Vinyl Council of Canada
P.L. Cornes	- I C I
P. de la Cruz	- Keller & Heckman
G. Disch	- Occidental Chemical
F. Fisher	- Air Products
H. R. Flammer	- Vista Polymers
R. T. Kelly	- CertainTeed
R. D. Luss	- Occidental Chemical
C. W. Montgomery	- Georgia Gulf
M. M. O'Mara	- BFGoodrich
W. H. Shoun	- Dow Chemical
Roy Gottesman	- Vinyl Institute
Meredith Scheck	- Vinyl Institute

OPENING OF MEETING

Mr. Schaefer convened the meeting at 8:30 a.m. and asked for self-introductions.

APPROVAL OF MINUTES

Mr. Montgomery motioned that the minutes of the May 27, 1986 Annual Meeting and the May 28, 1986 Executive Board Meeting included under Tab A of the Briefing Book for this meeting be approved. The motion was seconded by Mr. Fisher and approved by voice vote.

FINANCIAL REPORT

Mr. Schaefer noted that due to the September 8th resignation of Mr. Walker from Borden Chemical the Vinyl Institute Executive Board is without a treasurer. Dr. Gottesman was asked to give the Financial Report. Gottesman noted that a report on expenditures through July 31, 1986 (first two months of FY 1986-1987) and a statement of financial position are included under Tab B of the Briefing Book.

THE SOCIETY OF THE PLASTICS INDUSTRY, INC.

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SPI-09166

Gottesman noted that the balance carried forward to this fiscal year was \$182,026 and that first half assessments had totaled \$410,000. The combined total of these two items plus SPI's contribution and income from VI literature sales brought the total income to \$600,000. He stated that expenditures through August 1, 1986 had totaled \$215,000, leaving a balance on hand of approximately \$307,839. Additionally, it was noted that estimated expenditures through December 1, 1986 (first six months of FY 1986-1987) would be \$397,839, with a balance estimated of \$96,030.

Mr. Schaefer inquired if Dr. Gottesman could provide the Board with any projection of what the financial position of the Vinyl Institute might be at the end of the fiscal year. Dr. O'Mara asked if Gottesman anticipated any new programs or expansion of current programs being presented to the Board for approval that may require funding. Gottesman responded that the budget for the current fiscal year was developed at the direction of the Board with only a minimal "contingency budget" line item. Gottesman noted that at this time it appears the budget will cover all planned projects. However, should the recently organized Market Development Committee propose new programs that require funding greater than the figure included in the present budget, or should other committees develop new projects, the Board could anticipate requests for funding.

COMMITTEE REPORTS

Communications Committee

In the absence of Committee Chairman George Snider, Gottesman highlighted recent committee activities expanding upon the Committee Report included under Tab C of the Briefing Book for this meeting. Specifically mentioned were:

- The development of a Vinyl Institute Solid Waste Brochure.
- Redesign of the Vinyl Institute logo.
- Method of dissemination of information about Vinyl Institute research projects.
- Development of Vinyl Institute promotional brochure to replace the now-dated Annual Report.

Mr. Flammer noted that there is an additional need for material to describe and promote the activities of the Vinyl Institute, including but not limited to, member company management and sales staff. Flammer noted the potential use of either videotape or slide/tape format. Gottesman stated that he would discuss this item with Mr. Snider and place it on the agenda for the next Communications Committee Meeting; Gottesman will report to the Board at the December meeting.

Lastly, Gottesman noted the continued need for additional member company representation on this committee.

Health, Safety & Environment Committee

Mrs. Scheck gave the Committee Report (as included under Tab D) in the absence of Committee Chairman, W. C. Holbrook. It was noted that the two recent committee publications - Recommended Guidelines For Vinyl Chloride: Storage, Shipping, and Handling, and Community Health Effects of Vinyl Chloride have been widely disseminated. Gottesman noted that the latter document is being used by some of the Vinyl Institute member companies in conjunction with their CAER Programs. Scheck stated that, as discussed at the May Executive Board Meeting, a formula for the Annual Environmental Recognition Program was developed following the Committee's July meeting. The proposed formula is being reviewed by the Committee members and will be presented to the Board for approval at the December meeting.

Scheck noted that the Committee established a Task Force (Chairman is Joe King from Occidental) to develop comments on EPA's proposal to amend the manner in which certain wastes are characterized as hazardous. Comments were submitted to EPA on the toxicity characteristic leaching procedure on SPI letterhead.

An initial draft has been developed of comments on EPA's other proposals relating to the way in which wastes are characterized. A discussion of the potential impact of this proposal on the industry will take place as part of legal counsel's report.

Dr. O'Mara inquired about the clearance procedure used by the Health, Safety & Environment Committee. After noting that currently the Legal Committee Chairman and the Vinyl Institute Legal Counsel review and approve committee submissions/material, it was suggested that Scheck a) review this item with the Chairman, and b) suggest to the Chairman the development of a Clearance Procedure that would also include Technical and Communications Committee reviews.

Legal Committee

Mr. Luss highlighted the items discussed at the Committee's September 9th meeting including:

1. Status of the New York Data Bank Proposal: Luss noted that final action by the Code Council is now projected for October 1986. In his position as Vice Chairman of the SPI Issues Management Committee, O'Mara updated the Board on SPI activity on this issue, specifically discussing a recent meeting held by the National Institute of Building Science to discuss the development and usefulness of a performance test.
2. New York Toxic Tort Reform: Luss reviewed the recently enacted legislation to amend New York's tort laws and discussed the potential impact on member companies of this law. Luss stated that legal counsel has been asked to secure information on the legislative history of this law, specifically as it relates to the inclusion of polyvinyl chloride.

In response to a question from Mr. Flammer relative to the Younkers case, Luss noted that BFGoodrich is now working on a public statement which will be available within the month.

Market Development

Committee Chairman Guy Disch reviewed several items that the Committee discussed at its September 9th meeting, including:

1. Update on the cooperative program with Uni-Bell PVC Pipe Association.
2. Marketing and sales problems being encountered by those in the PVC wire and cable markets. Mr. Flammer reviewed discussions he has held in an attempt to get the advertising and marketing programs altered. Flammer further indicated that a slide show is now being used by Union Carbide with wire and cable groups that puts PVC in an unfavorable light and which he believes is not technically correct. Gottesman reviewed the background of this issue, specifically the dialogue by Mr. Heckman with Mr. Luchsinger and other company representatives. As the appropriate contacts had changed and as the problem was continuing, Mr. O'Connell had been asked to follow-up on the earlier discussions. Gottesman stated that as of Monday, September 8th, Mr. O'Connell had been unable to reach the appropriate individual at Union Carbide. After discussing a full range of options that may be open, including legal, Gottesman was directed to have this item discussed at the September 11th meeting of the Technical Committee, with a specific request that the Committee discuss the feasibility of developing a "real world" test that could be used by those MarketPVC for this application.
3. Discussion of market development of PVC packaging and bottles. Mr. Disch noted that Mr. Knechtges of BFGoodrich had attended a September 8 meeting hosted by Rohm and Haas to discuss the appropriateness of developing an industry coalition to address the development of a PVC market development program targeted at the bottle and packaging market. Disch noted that the Committee believes that such a program should ideally encompass the total packaging market and further that the Vinyl Institute could/should play a major role in such a program. Following a lengthy discussion by the Board on the current classes of membership within the Vinyl Institute, and the potential benefit such a proactive program could have on the packaging market, Gottesman was directed to work with Disch to develop a proposal for the Board that would address the issue.

As an additional item, Mr. Flammer asked for Board discussion of the issue of Vinyl Institute member company financial support of industry trade associations and Ad Hoc Groups, with Flammer referencing the possibility of additional "Vinyl Institute Block Grants" in a manner similar to the funding now being given to Uni-Bell. Following a brief discussion, Gottesman suggested that he canvas the Board through a confidential survey to assess member company organizational participation and degree of financial support. A discussion of the results of such a survey will take place at the December Board Meeting.

Technical Committee

Technical Committee Chairman, Michael O'Mara reviewed the current structure of the Committee and the goals and membership of each of the four subcommittees. Noting that the Committee is scheduled to meet September 11th, O'Mara gave a brief presentation on the material included under Tab G of the Briefing Book.

Additionally, O'Mara reviewed the "by invitation only" Technical Conference that is planned for Spring 1987 to review industry programs and technical work in the areas covered by the Technical Committee (combustibility, solid waste, permeation and leaching).

LEGAL COUNSEL'S REPORT

Mr. de la Cruz expanded upon items included in the Keller and Heckman report under Tab H of the Briefing Book. de la Cruz reviewed the provisions of the EPA proposals that relate to the way in which wastes are characterized as hazardous due to toxicity. Mr. de la Cruz noted the significant impact that this proposal could have on member companies and stated that some believe it will cause some companies to make heavy investments to bring their surface impoundments into compliance with the proposal. Further, counsel noted that an initial draft of comments prepared by the Task Force of the Health, Safety & Environment Committee had been disseminated for review. Counsel believes that these comments need additional substantiation in terms of cost impact. In response to a question from Mr. Flammer, de la Cruz noted that the comment period closes September 26th and that it will be at least a month after that date before any reading of the Agency direction is likely.

Following a lengthy discussion, Mr. Flammer suggested and the Board agreed that the Committee Chairmen should be contacted to determine the best method of gathering the data necessary to explain in detail the potential economic impact that the EPA proposal will have on the vinyl industry. This could be, for example, an engineering analysis on a model plant basis.

Relative to the vinyl chloride standard proposed amendments, de la Cruz stated that he has been told by EPA staff that the final proposal is undergoing red border review within the Agency. He noted that while he has been told that the proposal could be published in the Federal Register within the next 1-2 months, he anticipates that this timing could be incorrect due to the pending NRDC v. EPA litigation.

OSHA Labeling - de la Cruz reviewed the background for the meetings held between Keller and Heckman and OSHA relative to labeling of PVC resins and compounds. de la Cruz noted that a detailed background is included in the Briefing Book. Luss noted that this item had been reviewed in detail at the Legal Committee's September 9th meeting and that the Committee urged that a meeting involving the Solicitor of the Department of Labor and the Assistant Secretary of the DOL for OSHA be held at the earliest possible date to clarify this matter.

Counsel also noted that the jury decision in the Carlon case (Indian Head v. Allied Tube and Conduit) has been reversed and that any information on the case would be disseminated to the Board.

Lastly, de la Cruz stated that final action on the FDA's PVC proposal is at least four months away. Additional discussion of any inquiry from ATF to FDA was noted.

Legislative and Regulatory Update

Mrs. Scheck referenced the report included under Tab I of the Briefing Book for this meeting. Scheck noted that there have not been any changes in the status of these items beyond those referenced in the Legal Committee Report given by Mr. Luss and the update on California to be covered as part of the Executive Director's Report.

EXECUTIVE DIRECTOR'S REPORT

On behalf of George Snider, Chairman of the Ad Hoc Pipe Resin Producers Committee, Executive Director, Roy Gottesman, updated the Executive Board on the current status of the California EIR on plastic pipe. Gottesman further noted that as approved by letter ballot of the Board, reports of the Vinyl Institute-sponsored research on leaching (McKesson) had been shared with SPI Counsel, Bill Holliman, for dissemination to the proper authorities in California. Gottesman said that the McKesson Report and the complementary risk assessment work being prepared by CH₂M Hill will be presented to both the National Academy of Science and the National Sanitation Foundation.

Gottesman reviewed the series of the meetings held during the week of August 25th with Peter Claus of APME, Haimo Emminger of VKE and Jozef Claerbout of Solvay to update APME on the NYSERDA Project and to share items of mutual interest related to the solid waste management area. Gottesman stated that he had also arranged for the group to visit with the staff of the Plastics Institute of America, the Plastics Recycling Foundation, and the SPI Issues Management Committee. Gottesman also discussed the SPI organized coalition COPPE and urged, if and when appropriate, that the Vinyl Institute participate. Gottesman's presentation also included a list of planned October speaking engagements and he expressed his willingness to make presentations to staffs of Vinyl Institute member companies as planned for BFGoodrich.

Gottesman also highlighted the findings and results of the Usage and Attitudes Survey and referenced the plan developed by the Vinyl Institute public relations agency to disseminate the results. The Board discussed the appropriateness of a presentation to Vinyl Institute Management and sales staff on the project and on other Vinyl Institute programs and projects.

Andresen was asked to highlight the public relations program of the Vinyl Council of Canada. Andresen discussed the public relations program and its direct impact upon per capita consumption of vinyl products. Following a brief discussion, it was decided that Sherri Coulson of the Vinyl Council of Canada staff would be invited to make a special presentation at the Board's December meeting.

FUTURE BOARD MEETINGS

It was decided that the next meeting of the Executive Board would be held December 10, 1986 at the Newark Airport Marriott. (Note: Advance planning meeting notices to this effect have been distributed). Further, the Board requested Gottesman to develop a program for the Annual Meeting in May that would allow additional time for Committee Meetings and leisure activities. As the leadtime is brief, a list of options will be disseminated to the Board as soon as possible for their consideration.

Lastly, Mr. Schaefer asked for a discussion of a replacement for Todd Walker as Treasurer of the Vinyl Institute Executive Board. Following a brief discussion, Mr. Schaefer agreed to determine if David Hall of BFGoodrich would be willing to serve in this capacity.

There being no other business, the meeting was adjourned at 12:40 p.m.

Respectfully submitted,

Meredith N. Scheck
Assistant Director