



VCM-PVC MANAGEMENT SUMMARY

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APR 23 1977

CHARLES W. ZIMMER

Vol. II, No. 3

ON THE REGULATORY FRONT

SPI Asks Court To Disallow EDF-EPA Proposed Settlement

On March 25, the Environmental Defense Fund (EDF) announced it had reached a proposed settlement with the Environmental Protection Agency (EPA) of its November 1976 petition to the EPA challenging the final emission standard for vinyl chloride.

According to the EDF news release, EPA had agreed to cut the existing emission standard from 10 parts per million (ppm) to 5 ppm within three years from the date amendments to the current standard are promulgated ... further, EPA had also agreed to undertake a complete review of health effects data and control technology at the end of the three-year period to determine if further steps toward a zero emission goal could be taken ... also, the settlement agreement provided that new VCM plants would have to meet the revised 5 ppm emission standard within three months of the date amendments are promulgated ... the settlement proposal was submitted to the U. S. Court of Appeals for the District of Columbia for its approval.

On March 31, SPI requested the U. S. Court of Appeals to disallow the proposed settlement agreement, as well as to dismiss the EDF case, charging that EDF and EPA had gone "outside normal administrative channels" in an attempt to amend the standards ... the settlement proposal, according to SPI, "would make a mockery of the administrative process" ... SPI asserted EDF was using the implied threat of protracted litigation to force EPA into amending the standards, adding "the proper path for the Environmental Defense Fund to follow is to petition the EPA for revision of the standard by submitting new information which could be evaluated and made subject to normal rulemaking procedures, including public hearing".

EPA Proposes Rules for Implementing TSCA

The March 9 Federal Register carried the EPA's announcement of its first proposed rules for implementing the reporting requirements of the Toxic Substances Control Act of 1976 (TSCA) ... in summary:

- Any firm that manufactures a chemical substance for commercial use after January 1, 1977 must report the substance to EPA for inclusion in an inventory of chemicals.
- Any firm that manufactured a chemical for commercial use between July 1, 1974 and January 1, 1977 may report that substance.
- Any chemical manufactured or processed for commercial use after July 1, 1974 and not on EPA's inventory of chemicals will be subject to stringent premarket notification regulations due to take effect in December 1977.
- Written comments must be submitted by May 9 and a meeting is scheduled for April 18 to receive Oral Comments.

SPI Asks for Amendment of "Food Additive" Definition

On March 30, SPI filed a petition with the Food and Drug Administration (FDA) to amend the regulatory definition of "food additive" . . . proposed amendment seeks to define when a substance "may reasonably be expected to become a component of food," i.e. when it is a "food additive" in objective terms which would make 50 ppb a toxicologically insignificant amount for most materials . . . SPI feels establishment of objective standard by FDA critically important to entire future of the food packaging industries, particularly in view of recent regulatory crises concerning PVC and acrylonitrile . . . these crises arose largely as a result of FDA's inconsistent interpretations of the meaning of the terms "food additive" . . . FDA is required to take some action on the petition within 180 days.

EPA To Study 15 Chemicals

On March 22, Douglas Costle, new EPA Administrator announced at a press conference that EPA will investigate 15 chemical substances considered possible risks to environment or public health . . . included are vinylidene chloride, acrylonitrile, benzene and benzidine.

ON THE LEGISLATIVE FRONT

In The States

On March 24, State Senator John M. Skevin of New Jersey announced publicly he was abandoning his legislative effort to ban production and use of 16 known carcinogens in the state (see VCM-PVC Management Summary, Vol. II, No. 2 for details) . . . Skevin attributed his retreat to organized opposition to the ban and insufficient public support to offset it . . . while the proposed ban on VCM and asbestos and 14 chemicals will not be stricken from the bill, other sections that could be potentially dangerous to the chemical industry in the state remain intact.

According to SPI Legislative Counsel in California, regulations proposed by the California Department of Health in mid-March in accordance with the Occupational Carcinogens Control Act of 1976 will not "impose any new or added burden on PVC compounders or fabricators" ...

In Congress

The March 9 announcement by FDA that it would ban saccharin touched off a flood of proposed legislation that could have a great impact on the plastics industry, particularly in food packaging ... as of the first week in April, 21 House bills and three Senate bills had been introduced to either amend the Delaney Clause or otherwise delay imposition of the proposed FDA ban on saccharin.

Senator Robert T. Griffin (R-Mich.) has offered a bill to amend the TSCA ... it would authorize the EPA to aid victims of toxic disaster. In the House, Representative Bob Eckhardt (D-Tex.) is considering a bill to increase the authority of TSCA.

Amendments to the Clean Air Act of 1970 are in mark-up in the Senate Committee on Environment and Public Works ... an amendment introduced in mid-March would transfer to EPA all authority over fluorocarbons not already covered by other Agencies.

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