

LAW OFFICES
KELLER AND HECKMAN

1150 17TH STREET, N. W.

SUITE 1000

WASHINGTON, D. C. 20036

(202) 457-1100

JOSEPH E. KELLER
JEROME H. HECKMAN
CHARLES H. HECKMAN
WILLIAM H. BORGNESE, JR.
ROBERT R. TIERNAN
MALCOLM D. MACARTHUR
WAYNE V. BLACK
DAVID L. HILL
MARTIN W. BERGOVICI
JOHN S. ELDRED
CAROLE C. HARRIS
MICHAEL F. MORRONE
LARRY S. SOLOMON
JOHN B. DUBECK

CHRISTINE A. MEAGHER
SHIRLEY S. FUJIMOTO
PETER L. MACRUZ
LAWRENCE P. HALPRIN
DEBORAH SHUR TRINKER
C. DOUGLAS JARRETT
EDWARD L. KORWEK
ROBERT L. FLESHNER
JONATHAN P. LEVINE
SHEILA A. MILLAR
RUSSELL H. FOX
LEE M. WEINER
ANGELENA C. LE BLANC

RECEIVED

JAN 4 1982

R. W. Laundrie

(202) 457-1116

December 7, 1982

cc Jewett
Jackson
White
Lyons

TO: SPI PVC Safety Group
SPI PVC Manufacturing Technology Committee

Re: EPA Review of the Vinyl Chloride Standard

Ladies and Gentlemen:

On November 10, 1982, members of the Manufacturing Technology Committee of the PVC Safety Group met with representatives of the Environmental Protection Agency (EPA) at Research Triangle Park, North Carolina. The meeting, which lasted over four hours, focused on proposals the group had made earlier in 1982 to revise the vinyl chloride standard.

The meeting began with the Committee members detailing EPA enforcement activities for the standards-writing personnel within EPA. Two representatives from EPA's Enforcement Office in Washington, DC, were in attendance.

From their remarks, the standards-development staff had little or no idea of the scope of EPA enforcement activity. Thus, this presentation effectively convinced the EPA staff that there was a need to revise the standard.

The second area of discussion concerned a review of EPA's plans. Rather disappointingly, we were informed that a Federal Register notice containing proposed changes to the vinyl chloride standard probably would not be published until 1984. The reason for this delay, we were informed, related to the fact that the amendments we suggested to the vinyl chloride standard raised questions being faced in other national emission standards for hazardous air pollutants (NESHAPs). Thus, EPA has decided as a matter of policy to make these decisions collectively. Accordingly, this will delay the publication of changes for some time.

Les Evans indicated that EPA was planning to conduct a cost study on incinerators for oxychlorination vents in vinyl

**PRIVILEGED
AND
CONFIDENTIAL**

December 7, 1982
Page 2

chloride monomer facilities. After the cost study is completed, EPA will determine what, if any, action to take on the oxychlorination vent issue. Fred Dimmink indicated that the fugitive emission provisions of the vinyl chloride standard were also being reviewed in comparison with the proposed fugitive emission standards for the synthetic organic chemical manufacturing industry. He asked for feedback on any equivalency determinations issued on fugitive emission programs.

EPA's Carcinogen Assessment Group (CAG) is conducting a review of new health studies and revisiting the original risk assessment for vinyl chloride.

EPA indicated its intent to withdraw the 1977 proposal that would have amended the vinyl chloride standard when the new proposal is published. It does not appear that they will withdraw their proposal in the absence of a new proposal.

As we reported previously, the Office of Management and Budget (OMB) recommended that EPA delete the 10-day reporting requirement for emergency relief valve discharges and have these reports submitted as part of the semiannual report. Although EPA agrees with this change, it has concluded that it lacks authority to change this requirement except through a rulemaking revision. Thus, it appears that the change in reporting periods will also wait until the proposal is published.

The remainder of the meeting concerned the industry proposals. EPA was agreeable to exception reporting provided that records be retained for two-years. While EPA seemed agreeable to daily analytical compositing of resin samples, the EPA staff asked for procedures or background materials to develop an official EPA method. To this end, we have provided a brief summary and two relevant procedures promulgated by the American Society for Testing and Materials (ASTM).

Not unexpectedly, we had a lengthy discussion concerning the emergency relief valve provisions of the standard. Although EPA initially leaned towards leaving the emergency relief valve provisions in their current form, towards the end of the meeting the staff seemed to acknowledge the need for change. One of their main concerns was cost/benefit information which would justify such changes. We indicated that the changes we sought would not have any adverse effect on the public health and would only clarify enforcement guidelines and other poorly-defined

PRIVILEGED
AND
CONFIDENTIAL

December 7, 1982

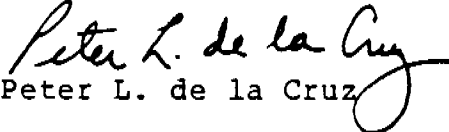
Page 3

sections of the standard. Thus, the existing benefits would remain while the cost of the standard was decreased. Since this is obviously a net benefit, the Agency could proceed. Nonetheless, the EPA staff seemed reluctant to proceed on such an analysis.

At this point, it appears that EPA will be proceeding, rather slowly, in developing administrative changes to the vinyl chloride standard. With the exception of information concerning a cost/benefit analysis of our proposed changes, we have presented EPA with our existing information. Based on the outcome of the meeting, it seems appropriate to prepare a letter to EPA more fully developing a cost/benefit analysis approach. This letter could rely on the health benefit projections in EPA's support document and the cost projections that EPA provided Congress after the standard was promulgated. It will be quite difficult to project a dollar figure for the changes we are recommending. Thus, I am requesting any suggestions, information or other advice that might assist with preparing such a letter for the Agency.

I look forward to hearing from you on the cost/benefit analysis matter. If you have any comments or questions, please feel free to contact us.

Cordially yours,


Peter L. de la Cruz

PRIVILEGED
AND
CONFIDENTIAL