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Subject to Protective Order in
Ross v. Conoco, Inc., No. 90-4837
14th Judicial District Court
Calcasieu Parish, Louisiana

1472

MINUTES of the two hundred thirty-second meeting of the Board of Directors of the Manufacturing Chemists' Association, Inc., held in the West Virginia Room, The Greenbrier, White Sulphur Springs, West Virginia, on Wednesday, June 5, 1974, at 5:30 p.m. There were present:

Directors: Werner C. Brown, Chairman
 Harold E. Thayer, Vice Chairman
 Warren M. Anderson Edward R. Kane
 Frederick L. Bissinger Lloyd G. Lillico
 Harry W. Buchanan Robert H. Malott
 C. C. Candee Harry T. Marks
 E. E. Chipman Harry D. McNeeley
 Thomas C. Dabovich Robert L. Mitchell
 William C. Douce Robert M. Morris
 William J. Driver Charles S. Munson
 Carl A. Gerstacker Joseph A. Neubauer
 James M. Gill Donald D. Pascal
 John R. Hall Robert T. Powers
 John W. Hanley Peter C. Reilly
 John M. Henske George W. Russell
 James A. Hughes Jack B. St. Clair
 William W. Huisking Donald G. Stevens

Alternates: Stanley H. Anonsen (for Harold E. Thayer)
 Frank A. Carragher (for William W. Huisking)
 C. Preston Cunningham (for John W. Hanley)
 James C. E. Fuller (for James H. Gardner)
 Paul F. Hoffman (for Robert M. Morris)
 Leo H. Johnstone (for William C. Douce)
 Gordon Kiddoo (for Donald G. Stevens)
 Thomas E. Reilly, Jr. (for Peter C. Reilly)
 W. C. Roher (for Z. D. Bonner)
 William S. Sneath (for Warren M. Anderson)
 Raymond C. Tower (for Robert H. Malott)
 E. A. Von Doersten (for John R. Hall)
 Richard N. Williams (for John M. Henske)

General Counsel: Lloyd Symington
Secretary-Treasurer: George E. Best

By invitation: Bruce M. Barackman, MCA
 Earle B. Barnes, Dow Chemical U.S.A.
 Albert C. Clark, MCA
 J. Morris Evans, Philadelphia Quartz Company
 Thomas S. Farmer, Borg-Warner Chemicals,
 Borg-Warner Corporation

CMA 012543

Proposed
Research and Study Program
on
Environmental and Occupational Health Hazards
of
Vinyl Chloride

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Background

Since action by the Board on January 9, 1973, authorizing a special project to clarify the status of vinyl chloride monomer as an alleged carcinogen, it has become apparent from both animal studies and occupational health experience that this chemical must be so regarded. OSHA has promulgated temporary emergency standards and has proposed still more stringent permanent standards for vinyl chloride.

Purpose

MCA members and other companies involved in the synthesis and polymerization of vinyl chloride, who are now supporting the current project, consider it essential to expand and accelerate research to ascertain conditions necessary to assure the safety of workers involved in the manufacture and use of these products, and of the communities in which they are made.

Program

The Technical Task Group on Vinyl Chloride Research established by the 1973 Board action has recommended the support of the following contract research projects:

1. a study of the metabolism of vinyl chloride,
2. a study of teratogenesis by vinyl chloride,
3. chronic inhalation studies at concentrations below 50 ppm, in an effort to identify a "no-effects" level, and
4. an acute inhalation experiment in which animals will be subjected to a single, acute, massive exposure simulating conditions which might be experienced by a community fumigated by a tank car rupture in a transportation accident. The animals would then be observed for the remainder of their lifespan.

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Projects (1) and (2) would be conducted by The Dow Chemical Company, with support by, and on behalf of, the project sponsors.

Projects (3) and (4) would be conducted by Industrial BIO-TEST Laboratories, Inc.

The Technical Task Group on Vinyl Chloride Research and its working subgroups, as appropriate to further the purposes of this program, would also develop and make publicly available technical reports on work practices, industrial hygiene monitoring and analysis, and the medical surveillance of exposed workers.

Funding

Funding commitments are now being received from the thirty-one sponsors of the current program sufficient in the aggregate to cover the \$400,000 to \$500,000 estimated to be required for the completion of the indicated program. Because of the fluid status of scientific knowledge and regulatory climate with respect to vinyl chloride, upward revision of this cost estimate may be necessary to permit desirable modifications of test protocols. Any such cost increases will be funded by the sponsors.

Supervision

The program is to be supervised on MCA's behalf by the Technical Task Group on Vinyl Chloride Research composed of one technical representative from each subscribing company, plus an MCA staff representative to serve as secretary.

Stipulations

The scientific information developed from this program is to be fully disclosed, without restriction. For purposes of consistency and control, however, all releases are to be made solely through MCA, normally based on Task Group recommendations as to nature and timing. This requirement would not preclude private scientific interchange of non-competitive information useful to advancement of the program, nor relevant non-competitive private communication within and among subscribing companies. It would be an obligation to inform the MCA staff representative on a current basis about all such interchange and communications other than those internal to the company.

Recommendation

The staff recommends approval of this proposal.

MCA

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STAFF REPORT

by

William J. Driver

June 5, 1974

MCA and companies participating in the MCA-administered vinyl chloride toxicological research project were extremely concerned over the implications of a recent article in "Chemical and Engineering News" that accused producers of vinyl chloride and MCA of withholding information vital to a determination of the health hazards to workers making vinyl chloride. The article made the statement based on an interpretation of a confidentiality agreement between U.S. and European groups conducting independent research on vinyl chloride.

Because of this and other publicity on vinyl chloride, MCA has prepared, and mailed to the press on May 24, a "Vinyl Chloride Chronology."

Significant dates from the chronology are these:

May 1970. At the 10th International Cancer Congress in Houston, Dr. P.L. Viola reported that 30,000 ppm VCM exposures at four-hours-a-day, five-days a week for a year, caused cancers in rats. This was the first time U.S. industry had heard of any cancer-related effects of VCM.

August 16, 1972. A letter to MCA bearing this date, sent on behalf of the European sponsors of then current VCM research, offered technical cooperation under the condition that "no disclosure of information arising from the European investigation should be made outside the individuals comprising the technical coordinating task group without the specific consent of the European group."

November 14, 1972. An MCA representative who visited Europe October 19-20 reported that the testing protocol of Dr. Cesare Maltoni, the principal investigator of European sponsors, showed surprising results. The European group declined to release its data, however, because there was still no agreement to comply with the European group's stipulation of confidentiality.

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December, 1972. After much deliberation and with great reluctance to pledging confidentiality, the participating U.S. companies and MCA did so in an MCA communication to a representative of the European group. This was done because of the vital importance of learning of any indications from the European research and thus have a base to proceed on further studies, if needed, without the delays that could have resulted from duplication of effort.

July 17, 1973. MCA representatives presented to NIOSH a summary of the published toxicity data on vinyl chloride, along with a description of the industry and full details of the studies contracted under MCA administration. This was done with the expressed interest in taking advantage of any suggestions NIOSH might offer. A physician representing the European group reported that tumors had been observed in rats down to 250 ppm VCM, but that an epidemiological survey had indicated no increase in gross mortality from cancer and no increase in cancer morbidity or incidence among workers exposed to VCM.

On May 10, OSHA published a proposed permanent standard that would ban worker exposures to detectable levels of VCM. The deadline for comments and requests for a public hearing is June 10.

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The status quo continues in toxic substances legislation, with still no sign of a renewal of the House/Senate conferences. You will recall that the conferees last met in September of 1973, making little or no progress at that time. The attention of the members was then diverted by such sensitive matters as the Arab-Israeli war, the energy crisis, the confirmation of Vice President Ford, and the continuing furor over Watergate developments.

We believe it is still likely that attempts will be made to resolve differences between the House and Senate versions of toxic substances bills. However, prospects appear to be increasing that there will be a major disruption in the conduct of normal Congressional business as the legislators turn their attention to impeachment proceedings. House activity on the impeachment question could extend until Labor Day, and the Senate would require at least two months to discharge its responsibility as an impeachment court. Should something approximating this timetable actually occur, it becomes obvious that numerous legislative proposals will be left by the wayside.

A development which could have important impact on the progress of toxic substances legislation is the emergence of the vinyl chloride problem. The press, both nationally and locally, is showing increasing interest in this question. A recent story by a leading newspaper in the Nation's Capital discussed the health dangers which have been associated with the manufacture of vinyl chloride and went on to criticize the inaction of Congress in failing to pass a toxic substances control law. The article went so far as to lay the blame for the delay to the chairman of the House conferees.

Therefore, it appears that the following questions are relevant:

- What effect will vinyl chloride problems have on the outcome of future House/Senate conferences on toxic substances? Will the conferees now be inclined to opt for the more stringent and less reasonable Senate version, ignoring its impractical approach in the haste to report a "stronger bill"?
- If no further action is taken by the conferees and toxic substances legislation dies in the 93rd Congress, what will be its fate in the 94th Congress? With its revival of these proposals a certainty next year, would the vinyl chloride publicity produce a less reasonable and more punitive attitude in the Congress?
- In short, should we begin to consider actively seeking enactment of toxic substances legislation this year?

* * *

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