



Washington Memo

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Legislation Introduced to Compensate Chemical Disaster Victims

Representative James Florio (D-NJ) introduced legislation on February 6 designed to prevent chemical accidents, to redress the injuries caused when such tragedies occur and to prepare for accidents that may happen in the future. Florio's package of bills (H.R. 963, 965, 966, 967) includes provisions to inform communities about potential chemical hazards in their vicinities, to mandate development of emergency response and evacuation plans, to regulate leaking underground storage tanks and specific manufacturing processes, to strengthen OSHA right-to-know requirements, and to create for victims of chemicals disasters a right and procedure to file liability claims in federal court. It was referred to the House Committee on Energy and Commerce. At this time, no hearings have been scheduled. SPI is currently evaluating the legislation and its possible impact on the plastics industry.

A copy of Representative Florio's Fact Sheet on this legislation is available from the Washington Office upon request.

CPSC Convenes CHAP on Pthalates

The Consumer Product Safety Commission (CPSC) has convened a Chronic Hazards Advisory Panel to review all scientific data and other relevant information relating to a risk of cancer from exposure to di(2-ethylhexyl) pthalate (DEHP) in such children's products as pacifiers, plastic baby pants and vinyl fabric covering of similar items. In the original Federal Register notice of December 22, 1983 (48 FR 56628), eleven questions were listed that outlined the charter for the Panel and a timetable of three months for consideration. SPI, as did the Chemical Manufacturers Association, recently sent a letter to CPSC Chairman Terrence Scanlon expressing concern that the CHAP would not have the benefit of available exposure data on DEHP and urging that the inquiry proceed on a valid scientific basis. As a result, CPSC has expanded the scope of the CHAP to include the most recent risk exposure data and permitting the panel to estimate, if possible, probable harm to human health. The first meeting of the CHAP took place on January 31 and its eventual findings will be presented to CPSC staff and Commissioners in May or June. SPI will continue to monitor and provide information to the CHAP as necessary.

SPI Urges Improved Access to Gas Pipelines

SPI joined several petrochemical and manufacturing groups and companies this week in urging the Federal Energy Regulatory Commission (FERC) to achieve nondiscriminatory transportation by interstate natural gas pipelines. FERC is presently reviewing regulatory options that should be pursued to implement the partial deregulation that went into effect January 1, 1985, under provisions of the Natural Gas Policy Act of 1976.

BOR 005568

The comments filed February 4, 1985, with the Commission, whose signators included the Chemical Manufacturers Association, Rubber Manufacturers Association, and the National Association of Manufacturers, as well as SPI, urged that new regulations "maximize equal access by end users and distributors to onshore and offshore gas supplies, without imposition of restrictions or penalties based on the end use of the gas or the identity of the seller." The industrial users also urged the Commission to "use its regulatory powers to the fullest extent to promote development of a competitive gas market," with nondiscriminatory transportation services by interstate pipelines.

The FERC Notice of Inquiry appeared in the January 2, 1985 edition of the Federal Register (50 FR 114).

Legislative Activity

Below is a list of recently introduced bills that will be of interest to the SPI membership. For further information on specific bills, please contact the SPI Washington Office at (202) 628-0270.

S. 447 - A bill to amend the Sherman Act to prohibit a rail carrier from denying to shippers of certain commodities, with intent to monopolize, use of its track which affords the sole access by rail to such shippers to reach the track of a competing railroad or the destination of shipment and to apply Clayton Act penalties to monopolizing by rail carriers. (By DeConcini D-AZ.)

H.R. 963 - A bill to amend the Occupational Safety and Health Act of 1970 to provide adequate protection of employees by guaranteeing their right to know of the risks associated with hazardous substances in their places of employment by permitting States to adopt more protective provisions of law regarding the providing of information to employees concerning these risks. (By Florio D-NJ.)

H.R. 965 - A bill to amend the Solid Waste Disposal Act and the Toxic Substances Control Act to prevent releases of toxic and hazardous substances which are presently not adequately controlled, to establish a community right to know of the risks associated with hazardous substances to which they may be exposed, to protect the rights of individuals exposed to hazardous substances and for other purposes. (By Florio D-NJ.)

H.R. 966 - A bill to amend the Hazardous Materials Transportation Act provide for the establishment of regional training centers to assist in improving the emergency response and enforcement capabilities of State and local personnel. (By Florio D-NJ.)

H.R. 967 - A bill to amend the Clean Air Act to provide for the control of hazardous air pollutants from stationary and mobile sources. (By Florio D-NJ.)

H.R. 919 - A bill to prohibit the land disposal of hazardous waste and to make funds available from the superfund to equalize the cost of landfill disposal and treatment of hazardous waste. (By English D-OK.)

H. Con. Res. 53 - Concurrent resolution to express the sense of the Congress with respect to right-to-know laws governing the commercial use of hazardous substances and for other purposes. (By Edgar D-PA.)

Regulatory Activity

FERC: Wellhead Deregulation - The Federal Energy Regulatory Commission has issued a three phase series of inquiries into the effects of partial wellhead decontrol on its regulation of interstate pipeline. Notices published January 2, 1985 (50 FR 114) and January 28, 1985 (50 FR 3801).

EPA: Dioxin and Furan Petition - The Environmental Protection Agency has granted part of a citizens petition made by the Environmental Defense Fund and the National Wildlife Federation to initiate certain actions under TSCA to collect information on certain dioxins and dibenzofurans. Notice published January 30, 1985 (50 FR 4426.)

EPA: Listing of Hazardous Waste - The Environmental Protection Agency issued proposed amendments to its regulations under RCRA to add 109 chemicals to the lists of commercial chemical products that are hazardous wastes when discarded. An additional 120 compounds would be listed as hazardous constituents. Notice published December 21, 1984 (49 FR 49784).

DOT: Meeting Notice - The National Hazardous Materials Transportation Advisory Committee will meet on February 19-20, 1985, to solicit advice from the Committee on the appropriate industry, Federal, and municipal government roles in the field of hazardous materials transportation emergency preparedness. Notice published February 4, 1985 (50 FR 4934).

MTB: Packaging and Placarding Requirements - The Materials Transportation Bureau has issued a proposed rule that would subject Hazardous Materials Regulations and Requirements on "not otherwise specified" packaging sections. Special packaging and more stringent placarding requirements for certain poisonous liquids based on their potential inhalation hazards are also included in the rule. Notice published February 7, 1985 (50 FR 5270).

EPA: Availability of Guidance Manual - The Environmental Protection Agency has announced the availability of a draft manual "Permit Writer's Guidance Manual for Location of Hazardous Waste and Land Storage and Disposal Facilities-Phase I: Criteria for Location Acceptability and Existing Applicable Regulations" with a request for public comment. Notice published February 7, 1985 (50 FR 5268).

EPA: Science Advisory Board - The Environmental Protection Agency will hold a meeting of the Science Advisory Board's Review Panel on total human exposure to environmental pollution on February 25, 1985. Notice published February 7, 1985 (50 FR 5314).

EPA: PCBs-Extension of Comment Period - The Environmental Protection Agency issued a proposed rule on October 11, 1984 to address risks posed by fire-related events involving electrical transformers containing Polychlorinated Biphenyls (PCBs). Due to a request by the Chemical Manufacturers Association and others, the Agency has extended the comment period to February 11, 1985. Notice published February 8, 1985 (50 FR 5401).

EPA: TSCA Chemical Testing - Test data has been submitted to the Environmental Protection Agency on ten chemical substances (including Alkyl Phthalates and Bis(2-Ethylhexyl)Terephthalate) from industry testing programs. Notice published February 8, 1985 (50 FR 5421).