

MANUFACTURING CHEMISTS ASSOCIATION
MINUTES OF MEETING
Executive Committee
of
LEGAL ADVISORY COMMITTEE
Conference Room of Wilmer, Cutler & Pickering
1666 K Street, N. W., Washington, D. C.
June 2, 1977

PRESENT

James I. Wyer, Chairman
Leon C. Holt, Jr., Vice Chairman
Brian D. Forrow
James H. Hanes
Charles E. Welch

Monsanto Company
Air Products and Chemicals, Inc.
Allied Chemical Corporation
Dow Chemical USA
E. I. du Pont de Nemours &
Company

Bruce M. Barackman, Secretary
John H. Pickering, Outside Counsel

Manufacturing Chemists Association
Wilmer, Cutler & Pickering

GUESTS

Dr. Jay A. Young

Manufacturing Chemists Association

The meeting convened at 12:40 p.m., with chairman Wyer presiding.

1. Minutes of the April 7, 1977 LAC Meeting The minutes were approved as distributed.

2. MCA's Safety Publication Program Dr. Jay Young, Manager, Technical Publications, reviewed the status of the program as described in his memorandum of March 25, 1977, previously distributed to the committee. Guidance in this area is being offered by an Inter-Committee Group, comprising representatives of the Legal Advisory, Occupational Health, and Safety and Fire Protection Committees, as well as LAPIC. Mr. Stichnoth represents the LAC in this group. Safety Data Sheets will receive priority consideration. Outside specialists will review drafts in addition to in-house personnel. The goal of establishing a three-year review cycle for safety data sheets is expected to be reached in the next two years. The LAC will be kept informed as the program progresses.

3. H. R. 3361 (S. 270) A Bill to Amend the Administrative Procedure Act to Permit Awards of Reasonable Attorney's Fees and Other Expenses for Public Participation in Federal Agency Proceedings The May 20, 1977, letter from Mr. Bellows, Olin Vice President, Washington, to Mr. Barackman, at Mr. Kaskell's request, asking that the LAC Executive Committee consider the desirability of opposing these measures was discussed. It was decided not to recommend that MCA take a position at this time, although the matter will be closely followed. Mr. Wyer will inform Mr. Kaskell of the committee's action.

4. MCA Conference on Corporation Compliance with OSHA and EPA Regulations Mr. Barackman reported there were 115 registrants for the conference held May 5, 1977, in Arlington, Virginia. Those in attendance were highly complimentary of the quality of the program and its timeliness. Mr. McNamee, the program chairman, will report further at the September 1 LAC meeting.

5. MCA Joint Subcommittee on Environmental Law The minutes of the March 23, 1977 meeting of the JSEL were noted wherein the consensus of those attending that meeting was that the JSEL should be absolved of providing routine legal advice and assistance to the technical committees and that MCA should retain counsel, on its own staff or outside, to supply the legal review needed in the regulatory process.

Following discussion, the dissolution of the JSEL was recommended. Legal support for the activities of the Air Quality, Water Resources, and Solid Wastes Management Committees can be arranged for, as needed, through MCA staff counsel.

6. Report by Counsel Mr. Pickering reported on the status of several cases in which MCA is involved. In the Fifth Circuit Court of Appeals, preparations are proceeding for the June 6th hearing on the API/MCA request for review of the OSHA emergency temporary standard (ETS) on benzene. MCA has moved for permission to intervene. Meanwhile, the court has ordered a stay of the ETS. Also in the Fifth Circuit Court of Appeals, MCA's and NACA's motions for leave to file amicus briefs in the Rohm and Haas patent case have been granted. Velsicol's petition to the U.S. Supreme Court supported by MCA, for review of the decision of the District of Columbia Circuit Court of Appeals upholding EPA's suspension of heptachlor and chlordane, has been denied.

7. Next Meeting The next meeting of the LAC will be a luncheon meeting at 12:00 noon, at the law offices of Wilmer, Cutler & Pickering, 1666 K Street, N. W., Washington, D. C., September 1, 1977.

The meeting adjourned at 2:15 p.m.

CMA 086475

Minutes subject to approval
June 23, 1977
BMB:jb


Bruce M. Barackman
Secretary
Legal Advisory Committee