

SPI - Vinyl Chloride

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August 14, 1974

Mr. Anton Vittone
B. F. Goodrich Chemical Company
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Re: SPI-PAC-VCM-OSHA; Docket: OSH-36

Dear Tony:

In accordance with the instructions given us at the last meeting of the Steering Committee of the VCM and PVC Producers Committee of SPI, and as a prelude to the meeting of the full Committee now scheduled for next Tuesday, we are enclosing herewith what we still consider to be a "semi-finished" draft of the Brief we will be filing with the Department of Labor on August 23. Actually, you will note that the document is entitled "POST-HEARING MEMORANDUM OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS SUPPORTED BY THE RECORD". There is probably no real significance to the phraseology of the title but I think we and a number of other lawyers in the case with whom we have talked are in agreement that it would be best not to call it simply a "brief" because we have an interest in having the document and its appendices considered as part of the record as much as any testimony is so considered.

Obviously, we are planning to continue working on the draft right up until the time of its filing on August 23 so we may well have decided upon a number of changes and/or additions even before the session on August 20. In short, this draft is certainly not to be considered as "written with a moving finger of fire." I might also point out that its format is deliberately different from that being used by some of the attorneys for the individual companies with whom we have been working closely. The differences in style are partly a matter

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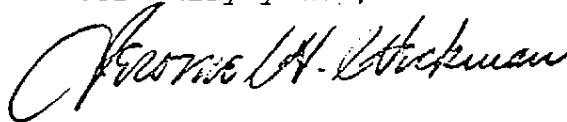
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of preference, but are mostly a matter of our wanting to try to make certain that the OSHA Staff reads all of the major briefs instead of looking at one or two and deciding they look alike so that some need not be fully considered.

I will save further explanations for the opening of the session on Tuesday except that I do want to point out that the document enclosed is essentially complete in and of itself with one omission. The omission is what we hope will be Appendix B. This Appendix has been reserved for a copy of a statement that we believe Mr. Paul Halley will be sending to Assistant Secretary Stender relative to the American Chemical Society testimony. We have been in close touch with Mr. Halley and know that he has prepared the statement. The only delaying factor here is that ASTM clearance must be obtained if it is to be submitted in the name of that organization. Mr. Halley has advised that he will notify us on Monday as to whether ASTM clearance has been given. If it is not, we are reasonably certain that we will still have something of essentially equal value although it will be in the nature of a statement by Mr. Halley on his own behalf, and perhaps that of Dr. Wilson of Firestone, instead of ASTM.

We fully anticipate a rather lively session on Tuesday so we will be looking forward to seeing you and the other members of the Committee at that time. If anyone receiving a copy of the Memorandum wishes to call with comments or questions prior to the session, we would certainly be glad to hear from them.

Cordially yours,



Enclosure

cc: Ad Hoc VCM/PVC Resin Producers Committee
Public Affairs Committee
Mr. Ralph L. Harding, Jr.
Mr. Thomas J. McGrath
Mr. James Moore
Mr. Matt Swetonic
Mr. James Kiss
Martin Haley, Esquire
Mr. Jerald Blizin

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