MEETING OF AIHC
LEGAL COMMITTEE
March 8, 1979

Scott Ferguson	Olin
Dulles Pagel	Dow
Robert W. Hill	Diamond Shamrock
Robert Fields	FMC
Phocion S. Park	Monsanto
T. W. Hanavan	DuPont
Tom Hillhouse	Procter & Gamble
Brynn Aurelius	Shell
Gary A. Baise	Beveridge, Fairbanks & Diamond
R. C. Barnard	Cleary, Gottlieb, Steen & Hamilton

AP00052075

LEGAL COMMITTEE AGENDA

(1) Status of OSHA Regulation

(a) participation in "race"

(b) motion to open hearing record

(c) status of Benzene case

(2) Status EPA §112 Interpretative Rule

(3) IRLG Risk Assessment Document

(4) C.P.S.C. Interim Policy

(5) Public Affairs Committee program re regulatory reform

(6) Subcommittee report on structure and operations of the AIHC Legal Committee.

CLEARY, GOTTLIEB, STEEN & HAMILTON
1250 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036
(202) 828-3000

March 13, 1979

MEMORANDUM TO THE AIHC LEGAL COMMITTEE

The following is a current list of companies and associations which have indicated that they wish to participate in the action to review the OSHA Generic Cancer Regulations:

1. AIHC
2. SOCMA
3. SPI
4. West Gulf Maritime Association
5. Texas Chemical Council
6. Olin Corporation
7. Union Carbide Corporation
8. Dow Chemical Company
9. Du Pont Company
10. Shell Oil Company
11. Southwest Specialty Chemicals, Inc.
12. Air Products & Chemicals, Inc.
13. Diamond Shamrock Company
14. Monsanto Company

Price O. Gielen

AP00052077

c R. Fleming
J. Barr
J. Harder / R. Schaedr
W. Kendrick
Lee 17.185

4-[illegible]-D

CLEARY, GOTTLIEB, STEEN & HAMILTON
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(202) 828-3000

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March 7, 1979

MEMORANDUM FOR WARREN EASLEY

Here is a draft of the regulatory reform issues paper. I've sent copies to:

Ed Behrens
Bob Hampton
David Keehn
Bill Lowrey

Robert C. Barnard

Enclosure

AP00052078

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March 7, 1979

AIHC POSITIONS IN RELATION
TO REGULATORY REFORM

The purpose of this memo is to set out in outline form some of the principal issues presented by proposed regulatory reform legislation and to identify the issues on which AIHC has taken a position.

(1) AIHC favors a national cancer policy. Except to the extent that the Wampler bill can be said to relate to a national cancer policy, regulatory reform does not address this issue. Several bills require elimination of duplication or conflicting regulations.

(2) AIHC strongly favors a separation of the scientific and regulatory functions. AIHC favors creation of science panel to make data evaluation and risk assessment for all regulatory agencies.

This issue is not addressed in the bills on regulatory reform.

(3) AIHC believes that a zero risk objective is impractical, and unscientific. AIHC believes the proper standard is "acceptable risk"

The regulatory reform proposals address this issue only to the extent that the agencies are required to consider alternatives and, in some cases, to consider benefits.

(4) AIHC believes that risk/benefit/cost analysis is an essential part of the regulatory process.

A number of the bills require comparative cost analyses. The Bentzen bill (S. 54) and others require a cost benefit analysis of alternatives. The Ribicoff bill (S. 262) provides for such analysis only if the underlying statute authorizes the agency to consider costs.

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(5) AIHC strongly favors cost effective regulation. Most regulatory reform bills have this objective in one form or another.

The draft Administration bill specifically addresses elimination of unnecessary costs.

(6) AIHC believes that regulatory review is an executive agency function.

The Ribicoff bill and bills proposing a legislative veto make the regulatory review a legislative rather than executive function. A principal objective of the Administrative draft is to improve oversight and management by the executive branch.

(7) AIHC favors judicial review of regulatory analyses.

With the exception of Senator Kennedy's bill requiring a competitive impact analysis, the regulatory bills are patterned on Executive Order 12044 which excludes judicial review of the regulatory analysis.

(8) AIHC has taken no position on a sunset provision in regulations.

A number of the bills require periodic sunset review.

(9) AIHC has taken no position on the administrative process for developing a regulation.

A number of the bills contain provisions for reform in the administrative procedure, e.g. form of hearing, reduce delay, selection of administrative law judges, etc.

(10) Several bills provide for the creation of a regulatory budget (maximum cost of compliance). New regulations must not exceed the budget.

AIHC has taken no position on this issue.

(11) AIHC believes that potency and relative risk should be taken into account in setting priorities and in regulation of carcinogens.

None of the bills address this point except as they require the agencies to identify and address alternative methods of regulation.

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(12) A number of the bills relate to specific substances principally saccharin and nitrites.

AIHC has taken no position on specific substances.

(13) The Administration bill provides funds for public participation in the regulatory process.

AIHC has not addressed this issue.

(14) The administration bill would revamp and confer powers on the Administrative Conference.

AIHC has not addressed this issue.

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