

6/30 Xx Pat Anderson ✓
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June 27, 1977

R.J. Gottesman
ill
vcm
TELEPHONE
202 457-1100
CABLE ADDRESS "KELMAN"
WRITER'S DIRECT DIAL NUMBER
202-457-1116

To: Polyvinyl Chloride Safety Group
PVC Manufacturing Technology Committee

Re: SPI--VCM/PVC--EDF v. Train

Gentlemen:

The purpose of this letter is to transmit to you a copy of the Order of the United States Court of Appeals for the District of Columbia Circuit which dismisses the Petition for Review in the above-referenced case.

Pending our further comment on this development, should you have any questions, comments or suggestions relative to this or any other matter, please do not hesitate to let us know.

Cordially yours,

Joseph E. Hadley, Jr.

Enclosure

cc: PVC Safety Group Lawyers Subcommittee

RECEIVED

JUN 30 1977

R.J. GOTTESMAN

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 76-2045

September Term, 19 76

Environmental Defense Fund, Inc.,
Petitioner

v.

Russell E. Train, Administrator
Environmental Protection Agency,
Respondent

Society of the Plastics Industry, Inc., et al.,
Intervenors

BEFORE: Bazelon, Chief Judge and Wright, Circuit Judge

O R D E R

Upon consideration of the joint motion by petitioner and respondent to dismiss, and of the responses filed with respect thereto, it is

ORDERED by the Court that the aforesaid motion is granted and the petition for review herein is dismissed.

The Clerk is directed to transmit a certified copy of this order to the Environmental Protection Agency as promptly as the business of his office permits.

Per Curiam

INTER OFFICE MEMO

file VCM
TENNECO CHEMICALS, INC.

KE - ... sent 1.25.77
ENV. SCIENCE

TO W. P. Anderson
FROM D. E. Rhoads
SUBJECT EPA - VCM

AT Saddle Brook
AT Saddle Brook

DATE January 18, 1977

COPY TO

The attached copy of page 7 of Mr. Bogart's report on the Vinyl Chloride Safety Association meeting held November 18 - 19 in Denver, Colorado, is forwarded as information. The first two paragraphs pertain to EPA regulations concerning VCM. Please feel free to contact Mr. Bogart if you have any further questions regarding this discussion.

D. E. Rhoads
D. E. Rhoads

DER:LE
Attachment
A05

*V1.5
EX I
LPA
1/24*

The next major item discussed was EPA. It was suggested by one member that if one applies for an equivalency, one should also apply for a waiver in case the equivalency is turned down. Mr. Madden of Firestone who headed the discussion reported on questions which had been put to the enforcement section of EPA in Washington and said that they stated that the States cannot control waiver requests; that the States' regulations can be stronger than the federal but not weaker. He stated further that an enforcement guideline for EPA personnel was expected at the end of October and that a full manual was expected at a later date. He stated that EPA will not give an equivalency on a time basis alone if present technology is available. He stated that it was his belief that all plants dealing with VCM will be inspected within the following year and that EPA, unlike OSHA, is prepared to give 24 to 48 hours notice of an inspection.

A discussion was held on what is a "leak" and no definition was arrived at by the members. Mr. Madden stated that EPA has no specific definition either. EPA has also not responded to a question put to them as to how long it can take to fix a leak without it being an EPA problem. He stated that EPA says that if you think you are OK and ask them to do tests and you fail the tests, they will cite you and not grant you a waiver. EPA will not accept a blanket waiver for development time; EPA will take individual error on a case by case basis when dealing with worker errors; each regional EPA office is responsible for your specific plant; EPA has stated that flare stacks are not acceptable unless one can prove that the flaring process actually completely destroys the VCM. EPA has stated that in their view, setup batches would be considered emergencies, that is massive releases.

The next agenda item was the balance between production and safety headed by Mr. Palinsky of Robin-Tech. Mr. Palinsky stated that the primary requirement for such a balance was involvement at all levels. He said that they held staff meetings monthly to determine the priorities of non imminent-danger safety items and that they gave three priorities to safety work orders: 1) immediate; 2) within 48 hours; and 3) done anytime.

Under new business, it was reported that a firm called Real Inc. at P.O. Box 3341, Baton Rouge, La. 70821 has developed a dosimeter type badge for VCM which they are prepared to vend at a cost of \$75.00 each.

Under the "true confessions" item, the only item to be reported was by Mr. Barr who stated that they had had a reactor with two quick opening hatches. That there had been some leakage into the reactor. That some pressure had developed in the reactor and that when the lid was opened, it flipped up and struck the operator in the chin. Mr. Barr reported this incident in order to re-emphasize the possibility that the quick opening hatches can open under very slight pressure even though they are designed not to open with pressure on the reactor.

A survey of the members present showed 22 United States companies, plus representatives from Italy, Mexico, Norway, England, Germany, Israel, Spain and Canada.

INTER-OFFICE MEMO **TENNECO CHEMICALS, INC.**

Anderson
12/7/76

TO Distribution AT DATE December 7, 1976
FROM F. X. Ritter AT COPY TO
SUBJECT

ENV. SCIENCE

DEC 10

A meeting of the Vinyl Producers Ad Hoc Committee was held in Washington on November 30. The following points were of interest.

- 1 - Jerry Heckman stated that Dick Ronk of FDA had suggested that Jerry form a committee to review the Industry's position on RCVM in rigid formulations used in bottles and blister pak. This committee would present this review to the Associate Director of FDA, Mr. Gardner. Jerry asked for volunteers. Michael Saggese volunteered to be on the committee and will represent Tenneco. Jerry is shooting for a target date, the week between Christmas and New Years, for this meeting. As soon as he obtains a firm date, he will inform us.
- 2 - Nick Nuechterlein of Dow stated that the European ingestion of PVC study results would soon be released with some startling results. He would not state whether these results were negative or positive.
- 3 - A vote was taken on the submission of a permanent PVC Product Safety Committee to take the place of the Ad Hoc Committee. It was suggested that this committee operate under the auspices of SPI and report into SPI through the Public Affairs Committee. A general outline of what the Safety Committee would look like is attached. Steve Shaeffer of Diamond was appointed Chairman of a committee to draw up a charter and bylaws for the new Products Safety Committee. Steve appointed Monte Haymon and Ken Spaulding as members of his committee.
- 4 - A motion was made by Goodrich to form a Combustion Safety Committee which would be a subcommittee of the PVC Product Safety Committee. It was agreed that this was a good idea and a positive vote was obtained. It is my understanding that a group of five companies is now preparing a charter for this committee.

- 5 - It was voted to extend the present Ad Hoc Committee to May 31, 1977. It was also voted to collect \$200,000 from member companies to carry work of the committee through that date. Approximately \$120,000 of this \$200,000 will go for PR.
- 6 - It was stated that nSf would soon issue a standard for pipe of 10 ppm, maximum RVCN (Don Hunter please check this out).
- 7 - The Environmental Defense Fund (EDF) has filed a request for review of the EPA Standard which was published on October 19, 1976, stating that essentially EPA did not use best available technology in setting up Standard. It is believed EDF is referring to the oxidation of vinyl chloride by ozone in the presence of UV light as the best available technology. A letter from Beveridge, Fairbanks and Diamond to Jerry Heckman covering this matter is attached.
- 8 - The Committee voted to have Jerry Heckman prepare a move to intervene in this matter and prepare a request also for a stay of the effectuation of the Standard. Before following through with the stay, Mr. Heckman will ask EPA to file jointly with SPI requesting this stay.
- 9 - It was recommended that all companies submit a letter with their request for a waiver to EPA stating that the time-tables submitted with these waivers is contingent upon a rapid settlement of the EDF petition to review. Mr. Flint has agreed to prepare these letters. We will need two letters--one for submission to Texas, and one for submission to New Jersey.
- 10 - A gentleman from American Hoechst who has been acting as a liaison between European PVC producers and SPI reported on his activities over the past six months (see attached report). He stated that the German Government, in particular, has become more interested in the VCM health question and is pursuing the PVC manufacturers much more closely than they had in the past.
- 11 - It was also suggested that should any equipment contracts for compliance with the EPA Standard be negotiated in the near future, it would be appropriate to have an escape clause relating to the EDF intervention.

A meeting will be held on December 15 at 3:00 p.m. in my office with Bill Gabel and Gordie Rozand to determine our future coarse of action.

F. X. Ritter

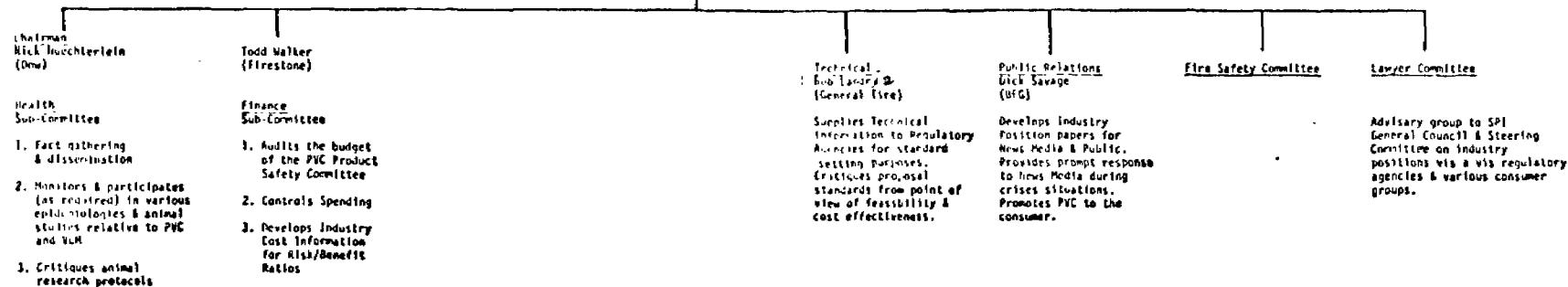
F. X. Ritter

FXR:md

Distribution - W. P. Anderson /
D. Coldiron
G. E. Disch
W. F. Gabel
M. R. Haymon
G. I. Rozand

PVC PRODUCT SAFETY COMMITTEE

Chairman of Steering Committee
A.R. Adams - Air Products



COLORITE 007427

FINANCIAL STATEMENT

JUNE 1, 1976 - OCTOBER 31, 1976

INCOME

Balance as of May 31, 1976	\$ 40,430. 37
Assessments - from 1975/76	\$ 35,100. 00
Assessments - 10 /22/76 - paid	65,610. 00
Assessments - 10/22/76 - unpaid	34,390. 00
Literature Sales	147. 65
	\$175,678. 02

EXPENDITURES

Legal *	\$ 50,024. 35
Public Relations *	69,424. 02
Meeting Expenses	417. 57
Office Supplies	158. 20
Telephone & Telegraph	8. 00
Consultant	5,595. 65

\$125,627. 79

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Funds available as of October 31, 1976 -	<u>\$ 50,050. 23</u>
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*Covers expenses through September 30, 1976

FINANCIAL STATEMENT

JUNE 1, 1975 - MAY 31, 1976

EXPENDITURES

Legal	-	\$308,472. 49	-	55.92%
Public Relations	-	227,794. 19	-	41.30
Meeting Expenses	-	10,543. 69	-	1.91
Office Supplies & Expenses	-	4,076. 91	-	.74
Telephone & Telegraph	-	698. 38	-	.13
TOTAL	-	\$551,585. 66	-	100.00%
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