

The Society of the
Plastics Industry, Inc.



Comments
to
Director

State Reporter

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Combustibility

NY Code Delay Has Proponents Infuriated

A coalition of firefighters and environmentalists urged New York State officials to adopt the combustion toxicity data bank proposal during an April 28 press conference in Albany. The coalition, believed to be organized by a metal conduit manufacturer, is responding to the apparent slow-tracking of the combustion toxicity testing proposal by New York State officials.

Coverage of the press conference was minimal to nonexistent. However, the coalition, called the Toxic Fire Safety Campaign, claims to be endorsed by the Sierra Club, AFL-CIO, Communications Workers of America, Environmental Action Coalition, New York State Professional Firefighters, International Brotherhood of Electrical Workers, Firemen's Association of the State of New York, Plumbers Union, Statewide Senior Action, New York Committee for Occupational Safety and Health, New York Public Interest Research Group, Citizen Action of New York, Albany Tenants' Union, Labor Action Coalition, and the Troy Area Labor Council.

In its press release, the group asserted, "The plastics industry and the chemical companies are using every tactic they can to defeat this data bank, just like they did during the campaign for community right-to-know concerning toxic dumpsites."

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DR. A. S. GUAMINI

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This week, the SPI State Government Affairs Department is urging members of its coalition to write the Governor of New York and Code Council members to reinforce aggressive opposition.

Meanwhile, Assemblyman Richard Coombe (R-98) is seeking to exempt villages, towns and counties with a population of less than 10,000 from provisions of the Uniform Fire Prevention and Building Code. Assemblyman Coombe introduced AB 3469 in February 1985 and it was referred to the Government Operations Committee. The bill was amended with some clarifying language April 21, 1986 and no further action has been scheduled.

Plastic Sprinkler Pipe Attacked in CA

California State Fire Marshal James McMullen testified this week at a hearing on his department's budget that he has approved the use of polybutylene pipe in sprinkler systems. Sharply critical of this approval, Assemblywoman Maxine Waters, Chairman of the Ways and Means Budget Subcommittee, is seeking to place a moratorium on further approval of plastic sprinkler pipe. SPI, led by Sacramento lobbyist Ralph Heim, is organizing key California companies to kill the moratorium budget provision in conference committee.

Last year the Federated Firefighters of California and Allied Tube and Conduit Corporation (ATCOR) raised \$15,000 each to fund a University of California at Davis combustion toxicity study of polyvinyl chloride, chlorinated polyvinyl chloride, and polybutylene. This year, the State Fire Marshal is contributing \$15,000 to the study. It is unclear whether ATCOR or other cofunders will contribute. The Fire Marshal is expected to prepare a critique of the study, once it is completed, and formally submit his comments to the legislature by September 1, probably after the legislature adjourns. While SPI is not certain of the study's protocol, there is reason to believe the University of Pittsburgh method is being employed. SPI is gathering more information.

Action Continues on State Sprinkler Bills

Connecticut SB 29, originally requiring sprinklers in residential buildings occupied by three or more families and hotels and motels, was amended to delete the multi-family building provision. The bill then passed both the House and Senate. The issue of sprinklers in multi-family residences has been referred to a study committee.

Massachusetts HB 862, requiring sprinklers in high-rise buildings, was heard by the Joint Public Safety Committee in March. Amendments are being prepared.

California SB 2579, which would require installation of sprinkler systems in all residences built after January 1, 1987, was heard April 15 by the Senate Housing and Urban Affairs Committee.

Virginia HB 311, requiring sprinklers in buildings fifty or more feet in height, passed the legislature and was signed by the Governor April 5. The law will apply to buildings for which permits are issued after July 1, 1986.

**Final Deposit Bill
May Soon Be Law
In California**

The California Senate passed the deposit compromise, AB 2020, April 24 by a vote of 31 to 1. The bill then was reviewed by the Assembly Natural Resources Committee on April 29.

The Assembly is expected to vote late this week or early next week on whether to concur with the Senate's amendments to AB 2020. If, as expected, the Assembly does not concur, final deliberations on some minor details will occur in conference committee.

As the bill now reads, a one-cent recycling value would be levied on all soft drink and beer containers effective April 1, 1987. A redemption rate of 65% must be attained during a specified six-month reporting period to avoid having the amount increased to two cents in December 1989 and three cents in December 1992. No major unresolved issues remain with the exception of SPT's insistence that the 65% goal remain measured by containers redeemed rather than recycled.

**Anti-Plastics Bias
Should Ease in
NJ Recycling Bills**

The Senate and Assembly sponsors of New Jersey's mandatory recycling proposals met this week with Administration officials and bill drafters to mesh their bills and deal with the controversial sections attacking plastic packaging. The eight-hour meeting produced a consensus approach which includes a less hostile attitude toward plastic containers. A redraft will be produced. *State Reporter* will supply details when expected changes to AB 1781 and SB 1478 are seen in print.

Senator Daniel Dalton (D-4) earlier this year introduced a resolution, SR 28, authorizing the Chairman of the Senate Energy and Environment Committee to appoint a three-member Solid Waste Management Subcommittee to review pending legislation on solid waste issues. The Committee is considering the mandatory recycling legislation. Senator Dalton states in his bill that a thorough evaluation can best be conducted by such a subcommittee because the solid waste management policies which New Jersey ultimately chooses will have enormous economic, health, and environmental consequences. Senator Dalton is currently the Energy and Environment Committee Chairman.

A joint resolution was introduced in March by Assemblyman John Bennett (R-12) petitioning the U.S. Congress to encourage private sector use of post-consumer waste as a manufacturing feedstock and to institute source separation and recycling programs throughout the federal government. The measure, AJR 51, has been referred to the Assembly Energy and Natural Resources Committee.

**Move to Broaden
Deposits Fails
In Michigan**

Michigan's Joint Committee on Administrative Rules recently rejected an attempt by the Liquor Control Board to expand the state's deposit provision to include wine coolers. Plastics would have been affected by such a move because wine coolers are beginning to be available in one- and two-liter plastic bottles.

**PA to Consider
Litter Tax to
End Waste Woes**

Pennsylvania Assemblyman Joseph Howlett (D-184) recently introduced a litter tax bill, HB 2383, similar to those considered in other states. Under the proposal, which is positioned as an alternative to beverage container deposit laws, manufacturers, wholesalers and distributors of litter-generating products, including plastics or fiber containers made of synthetic material, would pay a tax of 0.03 percent on sales. Retailers would pay a tax of 0.0225 percent on sales after the first \$100,000. One-half of the monies collected would be credited to a Recycling Fund, while the other half would go to a Clean Communities Fund.

Forty-five percent of the Recycling Fund would be used for recycling grants to municipalities. Twenty percent would go to provide low interest loans for recycling businesses and industries. State recycling programs would receive ten percent, as would county and municipal programs. The remaining ten percent would be used for public information and education programs about recycling activities.

Ninety percent of the Clean Communities Fund would be used for expenses and grants to municipalities for litter pickup programs which employ youth. A state litter control program and a litter patrol program which would employ youth to remove litter from state-owned property would each receive five percent.

HB 2383 was referred to the Assembly Conservation Committee. No action has been scheduled.

**RI Litter Tax
Gets Hearing Date**

Rhode Island HB 8103, seeking to tax the sale of all consumer product containers, along with tires and auto parts, has been scheduled for a hearing before the House Finance Committee Tuesday, May 6, at 12:30 p.m. in Room 35 of the State House in Providence. Specifically, HB 8103 would add an additional ten percent tax to what "litter stream corporations" have to pay under current business and/or franchise tax law.

The bills which would require plastic connectors for beverage containers to be degradable are also moving. HB 7377 passed the House on April 23 and is now being considered by the Senate Health, Education and Welfare Committee. SB 2273 was heard before the Joint Committee on Environment and Energy on May 2. Manufacturers are not actively opposing the requirement as long as it remains limited to ring connectors for cans.

**Deadline Halts
Conn. Source
Separation**

Connecticut SB 493, which attempted to mandate source separation of recyclable materials, including glass, metal, paper, corrugated paper and plastic, failed to get a favorable report from the Joint Committee on Environment by a March 13 deadline. Therefore, the measure is considered dead unless it is amended onto another bill before the end of the session. Connecticut has a target adjournment date of May 7.

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**IL Joins Solid
Waste Study Trend;
FL Looks to
Discourage
Plastics Use**

Stating that solid waste management and disposal is becoming a serious problem, Illinois HB 3548, now under consideration by the full House, calls for the Department of Energy and Natural Resources, in cooperation with the state Environmental Protection Agency, to study the issue. The bill was introduced April 17 by Representatives John Hallock, Jr. (R-67) and Jill Zwick (R-65). Included in topics to be addressed as waste-to-energy incineration, materials recycling, and waste reduction. Final recommendations would be submitted to the legislature by July 1, 1987.

Florida's AB 1008, introduced April 15 by Senator Edgar Dunn, Jr. (D-10), would create a nine-member Solid Waste Management Study Commission. The Commission would be charged with considering 1) the elimination of excess packaging; 2) encouragement of refillable beverage containers; 3) discouragement of plastics and aseptic containers; 4) recycling grants to local governments; 5) waste-to-energy incentives; 6) tax credits for recycling industries; and 7) other waste reduction, recycling and litter control measures. A Commission report would be submitted to the legislature by March 1, 1990, and every five years thereafter.

AB 1008 also calls for state agencies, regional planning councils, and water management districts to establish recycling programs for aluminum, paper, plastics, glass, rubber, and other recyclable materials. Local governments would be expected to consider source separation and collection of identifiable recyclable materials.

The bill was referred simultaneously to the Senate Committees on Natural Resources and Conservation; Commerce; Economic, Community and Consumer Affairs; and Appropriations. No action has been scheduled yet. SPI will oppose AB 1008 on the basis of its biased criteria.

Miscellaneous

**NY and CA Follow
NJ's Chemical
Registration
Requirement**

New Jersey's Toxic Catastrophe Prevention Act, signed into law in early 1986 in the wake of the Bhopal disaster, requires owners/operators of facilities which generate, store, or handle extraordinarily hazardous substances to complete a registration form by May 8, 1986. Extraordinarily hazardous substance is defined as a chemical which "could produce a significant likelihood that persons exposed would suffer acute health effects, resulting in death or permanent disability." The initial list includes hydrogen chloride and allyl chloride in quantities of 2,000 pounds or more; hydrogen cyanide, hydrogen fluoride, chlorine, phosphorous trichloride, and hydrogen sulfide in quantities of 500 pounds or more; and phosgene, bromine, methyl isocyanate, and toluene-2, 4-diisocyanate in quantities of 100 pounds or more. The list can be expanded by the Department of Environmental Protection in consultation with the Department of Health.

The registration form includes an inventory of the substances; a general description of the processes and principal equipment involved in the management of the substances; a profile of the area around the facility, including proximity to population and water supplies; risk management and hazard evaluation programs; and the names of all insurance carriers underwriting the facility's environmental liability and worker's compensation policies.

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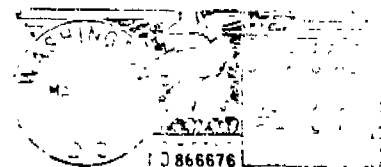
Bills have now been introduced in New York which would regulate the handling, processing and bulk storage of acutely hazardous materials. AB 10496, sponsored by Assemblyman Maurice Hinchey (D-101), and its companion, SB 7888, sponsored by Senator Hugh Farley (R-44), are considered the "Governor's bills." Appendix A of the U.S. Environmental Protection Agency's "Chemical Emergency Preparedness Program," published in November 1985, will be used as the bills' interim list of acutely hazardous materials. More detail will be provided in *State Reporter* when the bills are in print.

California is considering similar legislation, AB 4001, which was introduced in February by Assemblyman Lloyd Connelly (D-6). Chemicals listed in the California Hazardous Substance and Training List and Title 49 of the *Code of Federal Regulations* will be used as AB 4001's interim list of hazardous materials. The bill has been referred to the Assembly Environmental Safety and Toxic Materials.

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