CHEMICAL MANUFACTURERS ASSOCIATION

January 3, 1983

ALERT

TO : CMA Legal and TSCA Contacts
PCB Legal Contacts

FROM : Program Manager, CMA Polychlorinated Biphenyls Program

SUBJECT: EPA Action on PCBs

> CMA's PCB Panel suggests that each CMA member evaluate the enclosed EPA document to determine an appropriate company response. The PCB data collection described involves a schedule that prevents the CMA PCB Panel from responding on behalf of all of the Association's members.

EPA convened a meeting on December 20, 1982, to outline for various industry groups its strategy for the development of their next Polychlorinated Biphenyl (PCB) rulemaking. The enclosed document, distributed by the Agency at that meeting, outlines the type of data EPA is seeking to support granting regulatory exclusions under the planned rule. EPA intends to complete its data-gathering efforts by April 1, 1983, and to publish a proposed rule by December 1, 1983.

The information outlined in the handout is to be used by the Agency in developing exposure assessments for each chemical believed to contain inadvertently generated PCBs. The exposure assessments will be used in conjunction with hazard evaluations in order to develop quantitative risk assessments that will be the basis for excluding chemicals or processes from PCB regulation. Tables 1 and 2 of the handout identify the chemicals that EPA believes may contain PCBs. The Agency is particularly interested in learning which of these chemicals, based on monitoring data or knowledge of production processes, do not contain PCBs and which already qualify for the second PCB rule "closed and controlled waste manufacturing" exclusion.

The enclosed document is being transmitted as a "for your information" item. The specified timetable will not allow the CMA PCB Panel to conduct, design, distribute and collect information in a separate CMA survey. As of this date, the PCB Panel has not met to establish any substantive positions or other recommendations, and timing is such that each company must choose its own course of action.

CMA's PCB Program Panel has encouraged the Agency to use to a greater extent the CMA survey data submitted on November 25, 1981. CMA told the Agency that EPA possesses sufficient information to justify a reasonable regulatory cutoff level for the manufacture, processing, distribution and use of chemicals containing trace quantities of PCBs. CMA was told that the survey data were not sufficiently specific to support third rule exclusions.

It is important to note that EPA will not officially request the information outlined in the handout. Rather, the Agency is only encouraging industry to supply the information by April 1. Without the data, the Agency will rely on "worst case reasonable" assumptions in determining chemicals and processes that should qualify for an exclusion. Although CMA has urged the Agency to publish a request for needed information in the Federal Register, the Agency has indicated that time constraints will not permit it to do so.

If you have any questions relating to the development of the next PCB rule or the enclosed document, the EPA contact is David Dull, Chief of the Chemical Control Branch, (202)382-3935. Additional information on the CMA PCB Program Panel can be obtained from me at (202)887-1189.

Robert J. Fensterheim

Enclosure

MEETING AGENDA

SUBJECT: Data necessary to justify exclusions under the uncontrolled PCBs rulemaking

TIME/PLACE: 2:00-3:15 PM, Monday, December 20, 1982
401 M Street, SW, Washington, DC, Room 2814A

BACKGROUND MATERIALS: Attached Paper - Data necessary to support exclusions under the uncontrolled PCBs rulemaking

OBJECTIVES: To outline for industry EPA's strategy for the uncontrolled PCBs rulemaking and to describe the data necessary to support exclusions under this rulemaking.

Order of Agenda Items

1.	Introduction	15 minutes
	a. Purpose of the meeting - Marty Halper	
	b. Overview of the current rulemaking strategy - David Dull	
2.	Presentation of data necessary to support exclusions	
	a. Exposure assessment - Mike Callahan	20 minutes
	b. Economic impact analysis - Amy Moll	10 minutes
3.	Question and discussion period - Marty Halper	25 minutes
4.	Closing statement - Marty Halper	5 minutes

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DATA NECESSARY TO SUPPORT EXCLUSIONS
UNDER THE UNCONTROLLED PCBs RULEMAKING

MANUFACTURE

1. A better identification of the products of the processes that produce PCBs. Table 1 and Table 2 of the attached list identify all the chemicals we presently know that may contain PCBs generated during production. We would like to determine which of these products contain PCBs, and which, based on monitoring data or knowledge of their production processes, do not contain PCBs. We will also have to determine if there are any products not on the list which may contain PCBs generated during production.

2. A description of the physical state of the chemical produced (solid, liquid, gas).

3. The quantities of PCBs, product, and solid waste produced during the production of chemicals identified in number 1, and the expected range of concentration of PCBs expected in products and waste streams.

4. The annual production of the chemical for the past 5 years.

5. A listing of uses for the products identified in number 1, including all chemicals produced or processed downstream and the percentage of the total production that these chemicals represent.

INTERMEDIATE PRODUCTS

1. A description of processes where chemicals containing PCBs are used as feedstocks, including a description of the following items:

- Quantities of product and solid waste produced.
- Average annual production over the last 5 years.
- Range of concentrations or maximum concentration of PCBs expected in process streams, waste streams, byproducts, and products.
- Physical state of PCBs produced (solid, liquid, gas).
- Description of the methods of disposal of wastes.

2. An identification and short (three words) job description of employees who may be exposed to PCBs. The number

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of employees that would be exposed to PCBs. Identification of points in the process where exposures may occur, such as points of manual transfers or open operations at elevated temperatures.

INDUSTRIAL END-USES

1. A description of the industrial and commercial end-uses of products containing inadvertently-produced PCBs [Examples: metal degreasing, pigments in textiles], including a description of the following items:

- Concentrations of PCBs in the product.
- Physical state of the product (solid, liquid, gas).
- Description of the methods for disposal of the waste stream.

2. An identification and short (three words) job description of employees who may be exposed to PCBs. Identification of operations where exposure to PCBs is likely (e.g. manual handling and transfer of products containing PCBs, products used in powdered form, etc.).

CONSUMER PRODUCTS

1. A description of consumer products containing PCBs (for example, polymers or paints), including the concentration of PCBs in the consumer product.

GENERAL

1. Any available environmental monitoring data on individual isomers or small groups of isomers.

2. The percentage of annual production that was exported outside the U.S. (for material balance purposes).

3. The cost of filing an exemption petition.