

# minutes

SI

JOINT MEETING OF THE  
LEGAL COMMITTEE AND  
HEALTH, SAFETY AND ENVIRONMENT COMMITTEE

Turnberry Isle Country Club  
Garden Room  
Miami, Florida

Wednesday  
May 20, 1987  
8:00 a.m.

Attendees:

W. C. Holbrook - Co-Chairman, BFGoodrich  
R. D. Luss, Co-Chairman, Occidental Chemical  
W. Bailey Barton, Borden Inc.  
S. Bayless, Morton-Thiokol, Carstab Division  
S. Carr, CertainTeed  
G. Cudak, BFGoodrich  
P. de la Cruz, Keller and Heckman  
F. W. Fisher, Air Products and Chemicals  
R. Gadomski, Air Products and Chemicals  
A. Gellner, CertainTeed  
B. Gholson, Georgia Gulf  
C. Graybill, PPG Industries  
J. Kachtick, Occidental Chemical  
J. King, Occidental Chemical  
J. Ledvina, Vista Chemical  
R. Neugold, Occidental Chemical  
G. Phillips, Dow Chemical  
M. Scheck, Vinyl Institute

SUMMARY OF ITEMS

1. NRDC v. EPA

Peter de la Cruz provided an update and a review of the en banc hearing. He noted that a decision by the Court could be as long as a year away, but the 3-6 month range seems more likely.

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2. SPI v. EPA

Counsel reviewed the background of the case. On the subject of definitional issues, counsel noted that the VI submitted suggested language in February, and a response from EPA was received in April. A Vinyl Institute task force subsequently met with EPA and Justice Department attorneys during May. Holbrook reviewed his discussion with EPA-Research Triangle Park staff earlier in the week of May 18th relative to the following definitions: exhaust gas, relief valves ducted to control device (flare) (noted that this is likely to result in a performance-based standard); EDC purification (which seems likely to result in the language originally proposed by the VI); and "leak".

Counsel noted that the definition of "process unit" is being treated separately.

The committee discussed whether or not to pursue the development of a numerical standard for RVD.

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4. SARA Section 110: Toxicological Profile on Vinyl Chloride

Mrs. Scheck referenced the April 17th Federal Register notice on the toxicological profiles being developed by EPA. It was noted that the notice indicated contractors have been hired to develop profiles. Mr. Barton noted the importance of the peer review panels. Mr. Gellner agreed to chair Vinyl Institute task force on this issue.

5. OSHA Letter

Mr. Luss reviewed the letter recently received from OSHA regarding labeling and also noted the communication submitted on behalf of the Vinyl Institute submitted to RTECS. The group discussed further activity on the issue. Ms. Scheck noted that Dr. Gottesman has written to IARC requesting a meeting in July. The committee agreed with this approach and Ms. Scheck stated that the committees would be kept informed of the substance of the meeting.

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6. TCLP Task-Force

Ms. Scheck distributed a May 18th Federal Register notice that officially announced the reopening of the comment period for input on surface impoundments and modifications to the TCLP, as proposed on June 13, 1986 (51 FR 21648). Messrs. Ledvina, Holbrook and King commented on the availability of preliminary TCLP test results. Mr. Ledvina scheduled a task force meeting for June 10th to develop additional comments. Ms. Scheck will call EPA following the close of the request-for-hearing deadline to determine whether EPA has scheduled a public hearing.

7. California - Proposition 65 Implementation

The committee discussed the status of the implementation of California "Proposition 65" and there was consensus that this initiative should continue to be monitored for a determination of the potential impact on product resin.

8. Evacuation Triggers

Mr. Holbrook agreed to follow-up with the CMA following the May 20th meeting of the CMA Air Program Coordinators and to inform the committee whether he believes any VI activity is appropriate. The committee discussed current plant-by-plant evacuation/notification programs and the interpretations of "otherwise federally permitted".

9. Submission of OSHA Citations Received By VI Members/Customers To OSHA

Mr. de la Cruz stated that he has not received any additional citations. Additionally, he noted that he is not aware of any that may have been sent directly to OSHA.

10. OSHA: Industry Labeling Practices

Ms. Scheck distributed a chart developed with input from members of the Health, Safety & Environment Committee reflecting current industry practices on labeling. She noted that this supplants the July 1986 chart on the same subject.

There being no other joint business, the meeting was adjourned at 10:30 a.m., with separate meetings of the two committees to be held immediately thereafter.

Respectfully submitted,

Meredith N. Scheck

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