

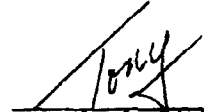
Anthony J. Diglio  
Director  
Corporate Environmental Activities  
(215) 481-8339

**AIR**  
**PRODUCTS** 

17 November 1986

TO: P. L. T. Brian  
J. M. Norwood

For your information, CMA briefing for Dexter  
Baker's November meetings.

  
A. J. Diglio

AJD:pbr

Attachment: Memo to D. F. Baker, 13 November 1986,  
CMA November Meetings

**AP00025307**

**Memorandum****AIR PRODUCTS** 

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|          |                       |             |                              |
|----------|-----------------------|-------------|------------------------------|
| To:      | D. F. Baker           | Dept.:      | Executive                    |
| From:    | A. J. Diglio          | Dept./Ext.: | Corporate Environmental/8339 |
| Date:    | 13 November 1986      |             |                              |
| Subject: | CMA November Meetings |             |                              |

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This is in reply to your request concerning the CMA Executive committee and Board of Directors November meetings. The key environmental issues are:

New Business - Executive Committee

At our November 11 Safety Policy Committee meeting, you indicated you may approach CMA on comparative statistics on environmental compliance. You may wish to suggest this to Bob Roland as a New Business item for the Executive Committee.

Perhaps CMA could develop a statistics and awards program. For example, permit excursions reported to agencies, Superfund spills (government reportables) and penalties may be a starting point. This example is similar to our Air Products Environmental Emissions Control Program.

Some may have legal concerns about the program, but this information is already part of the public record. Most companies maintain a record of this information or should consider doing so.

A pro-active CMA program that promotes environmental protection excellence by the industry would have merit for member companies and CMA.

Air Toxics Survey

Bob Roland will urge you and others to support the completion of the CMA Air Toxics Survey. The Air Toxics Survey will provide CMA information on the status of the responding company's air toxics program, determine resource needs and develop information for public advocacy on the issue.

Air Products will complete the survey before the requested date of November 26. It provides the status of our continuous toxic process emissions screening, and our accidental releases (third party risk) programs. Air Products toxics emission control programs are in progress.

CMA Hazardous Waste Minimization Program

The 1984 amendments to the Resource Conservation Recovery Act (RCRA) requires that companies that generate hazardous waste reduce voluntarily its volume "as much as practical".

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TO: D. F. Baker  
FROM: A. J. Diglio

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As matter of "profit improvement projects" and process efficiency, we have reduced waste generation for some time. In addition, our hazardous waste minimization program will eliminate about 1100 tons per year of off-site land disposed DNT waste from the Pasadena plant after this year. This is a 80% reduction of the Air Products total hazardous waste off-site land disposal.

CMA proposes to develop a program which will help expedite the industry's hazardous waste minimization. Our concern is that EPA may not give credit retroactively to companies, like ourselves, that have reduced hazardous waste generation early. However, we recommend support of CMA's development of a Hazardous Waste Minimization Program for the industry, but assure EPA credits those that have already minimized generation of hazardous waste.

#### California Proposition 65

Dick Davis of Chemical Industry Council (CIC) of California will review Proposition 65. As you know, Air Products contributed \$5,000 for the defeat of Proposition 65.

Unfortunately, Proposition 65 passed by a 2/1 margin. Proposition 65 requires that Governor Deukmajian (R), by March 1, 1987, publish a list of carcinogens and mutagens that will be regulated by the Act.

Our business managers are alerted to the provisions of Proposition 65. We will follow-up on Proposition 65 developments. Our guess is that vinyl chloride, toluendiamine (TDA), acrylonitrile, methylene chloride, formaldehyde and chromium compounds - known or suspected carcinogens Air Products handle may be impacted by the Act. Our customer products of toluene diisocyanate and urethane could also be listed. Dioxin (emitted at small quantities from most boilers, CPC, and American Ref-fuel incinerators) may also be considered for listing.

We assured Dick Davis that Air Products will join the CIC of California. Membership check is in process. CIC of California will provide useful information to Air Products on regulatory issues affecting our businesses.

#### Legislation

There will be an update on Superfund and the Clean Water Act legislation. As you know, you lobbied for Superfund passage and wrote to President Reagan urging him to sign the Water Quality Act of 1986. While Superfund was signed into law, President Reagan elected to pocket veto the Water Quality Act of 1986 because of the \$18 billion provisions for public treatment works. (Please see attachments.)

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TO: D. F. Baker  
FROM: A. J. Diglio

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Superfund Insurance

Insurance companies are very concerned about the new accelerated Superfund program (\$9 billion over 5 years). Large costs are anticipated for cleanup and natural resource damage (groundwater contamination) penalties the Act requires. CMA companies are litigating with their insurance companies concerning coverage. CMA is developing a program to better resolve this important issue.

Environmental Issues

Other environmental issues will be presented for information purposes:

Toxic Tort  
New Jersey Environmental Cleanup Responsibility Act  
Toxics Substance Control Act penalties  
RCRA implementation program, etc.

Please let me know if you need anything else.



A. J. Diglio

AJD:pbr  
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- Attachments:
- 1) Your letter to Mr. Robert A. Roland, CMA, 23 October 1986, Superfund Reauthorization bill
  - 2) Your letter to The President, 4 November 1986, The Water Quality Act of 1986
  - 3) Letter to President Ronald Reagan, October 31, 1986, from The Business Roundtable concerning the Clean Water Act Reauthorization

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