

MCA

MANUFACTURING CHEMISTS ASSOCIATION

1825 CONNECTICUT AVENUE, N. W. • WASHINGTON, D. C. 20009 • (202) 483-6126

To: Ad Hoc Committee on Chemicals Regulation
Air Quality Committee
Food, Drug, and Cosmetic Chemicals Committee
Labels and Precautionary Information Committee
Occupational Health Committee
Water Resources Committee
Solid Wastes Committee
Joint Subcommittee on Environmental Law

Subject: Minutes of the April 29, 1971 Meeting of the
Ad Hoc Subcommittee on Chemicals Regulation

Gentlemen:

Enclosed please find the subject minutes, and note particularly section 6 - Assignments. I realize that time is short, and urge that members of the standing committees submit their comments in duplicate, one set to me and one set to Mr. Park. The addresses, telephone numbers, and areas of expertise of members of the Ad Hoc Committee are attached to these minutes. Should you wish to discuss specific technical elements of the pending legislation with an Ad Hoc Committee member, you may wish to channel your comments to a member selected on the basis of his area of expertise.

Also, please note MCA staff guidance or procedures for policy input. You are encouraged to seek the viewpoints of your management, particularly with respect to the concepts identified in section 4 - Policy Approach, of the subject minutes.

Sincerely,



Kenneth D. Johnson
Secretary

KDJ/cj
May 3, 1971
cc: R. K. Jones
C. R. Hann

ASI 00002711

Manufacturing Chemists Association

MINUTES OF MEETING

Ad Hoc Committee on Chemicals Regulation

MCA Conference Room

Washington, D. C.

April 29, 1971

Attendance

Members:

M. V. Anthony	Stauffer Chemical Company
T. W. Hanavan	E. I. du Pont de Nemours & Co.
E. C. Ladd	FMC Corporation
G. E. Lynn	The Dow Chemical Company
P. S. Park	Monsanto Company
C. B. Shaffer	American Cyanamid Company
W. L. Sutton	Eastman Kodak Company
K. D. Johnson	MCA Staff Representative

Guest:

R. K. Jones	Hercules Incorporated
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1. Background of Committee

The Ad Hoc Committee on Chemicals Regulation was formed as the result of Board action taken at its meeting April 6, 1971. Its present members were appointed from a slate of nominees submitted by the following standing technical committees:

- Air Quality
- Food, Drug and Cosmetic Chemicals
- Labels and Precautionary Information
- Occupational Health
- Solid Wastes Management
- Water Resources
- Joint Subcommittee on Environmental Law

The report on the formation of this Ad Hoc Committee, being submitted to the MCA Board by its Chairman, is appended to these minutes, as is a listing of the addresses, telephone numbers, and areas of special competence of the members.

2. Organization of the Committee

The initial meeting of the Committee was called to order by the Staff Representative at 9:00 A.M., and the floor opened to nominations of a chairman. Mr. Phocion Park was nominated and seconded, and a motion to close nominations made, duly seconded, and carried. Mr. Parks was declared elected, and assumed the chair.

3 Identification of Bills under Consideration

The Committee was informed that, although there were several bill numbers involved, that at this time there were only two separate pieces of legislation before the Committee: (1) Senator Muskie's bill S. 573, proposing to be inserted into the Clean Air Act, as amended, and into the Federal Water Pollution Control Act, as amended, sections entitled "Standards for Certain Manufactured Products", and, (2) the Administration Bill, the "Toxic Substances Control Act of 1971". This legislation has been introduced, in identical form, as S. 1478 (by Senator Hart for Senator Magnuson) and as H.R. 5276 (by Representatives Staggers and Springer), H.R. 5390 (by Representative Ford), and H.R. 6316 (by Representatives Staggers and Springer).

4. Policy Approach

The Committee agreed, as an initial approach, to analyze the legislation before it in conjunction with present laws and regulations, to determine the risks from chemicals to human health and the environment that are not now subject to statutory or or regulatory controls, and the degree and mechanisms by which the proposed legislation would close these gaps.

Should this analysis identify significant need for additional safeguards, the Committee would then attempt to develop alternative language or regulatory concepts that would meet those needs without imposing prohibitory restrictions upon product development. Initial guidelines to be considered in the search for such improved legislative concepts are to include:

- (1) avoidance of federal licensure as a prerequisite to initial marketing of a product
- (2) avoidance of any blanket requirement for performance of a "standard" array of environmental safety tests
- (3) acceptance of the manufacturer's responsibility to evaluate the safety of his new products by tests deemed appropriate by him for his product and its intended uses, and to report these results to EPA

(4) authority for the Administrator to require additional test data when he finds such necessary to judge the safety of a product, and

(5) authority for the Administrator to ban or regulate the use of any product should he find, after appropriate procedural steps and scientific evaluations, its anticipated uses to constitute a specific threat to human health or the safety of the environment.

5. Analysis of Pending Legislation

Preliminary review of the pending bills identified a number of areas of immediate concern. Among them are:

(1) the mechanism of the formation and use of scientific advisory panels in a manner to assure all parties of objective, competent, and careful consideration of the technical elements at issue

(2) the extent and duration of the testing that the Administrator can require

(3) the extent to which duplicate and potentially conflicting requirements may be placed upon a single product in its various uses, and

(4) procedural details in inspection, search and seizure provisions, including the inadequacy of protection of proprietary information.

6. Assignments

Each member of the Committee was requested to seek review of the bills by concerned divisions within his own company, to uncover any areas of major impact of its provisions that might not be obvious to the Committee.

Mr. Hanavan was asked to study the relationship of the Administration Bill provisions to those of the Acts cited in section 207 of that bill, and to report his findings at the next meeting of the Committee.

Mr. Lynn was asked to distribute to the Committee copies of the bill draft developed by his company as a possible alternative to the bills already introduced into the Congress.

The Secretary was asked to notify all technical committees concerned with this problem, of the status and schedule of the Committee's activities, and to solicit their comments on the

matters under discussion. Comments received from these technical committees by Friday, May 7, are to be forwarded to the Chairman for his review before the next meeting of the Committee.

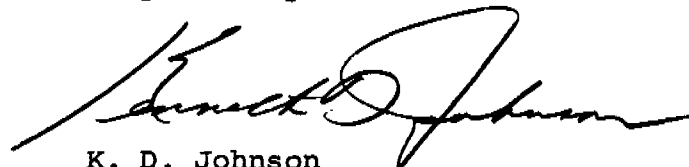
The Committee also requested that the Executive Contacts be solicited for policy guidance as early as practicable. The Secretary described Association procedures in such matters as providing for policy review and final determination after the technical advisory committees had developed a proposed policy and marshalled the justifications therefor. At earlier stages, policy viewpoints of individual company members should be communicated to the Ad Hoc Committee through the memberships of the Committee or of the standing technical committees involved.

7. Schedules

Mr. W. Stover, of MCA Government Relations staff, reported to the Committee that his best judgment of Congressional schedules for action on the bills was that it would be mid-June at the earliest before hearings are held in the Senate, and that House action was likely to be somewhat later. He did express the caveat that, should some episode occur that might have been prevented by the provisions of this legislation, Congressional priorities could shift rapidly, and that the Committee should proceed with all due speed in the development of its position.

The next meeting of the Committee was scheduled for Wednesday, May 12, in the MCA Conference Room, starting at 9:00 A.M.

Respectfully submitted,



K. D. Johnson
Secretary

Minutes subject to approval

KDJ/cj
May 3, 1971

Manufacturing Chemists Association

AD HOC COMMITTEE ON CHEMICALS REGULATION

Membership

Myron V. Anthony (AQCC) Environmental Protection	Stauffer Chemical Company 1612 K Street, N.W. Washington, D. C. 20006 (202) 347-7627
Taylor W. Hanavan (FDCCC) Attorney	E. I. du Pont de Nemours & Co. 1007 Market Street Wilmington, Delaware 19898 (302) 774-6443
Ernest C. Ladd (WRC) Aquatic Biology	FMC Corporation American Viscose Division P. O. Box 455 Marcus Hook, Pennsylvania 19061 (215) HU 5-1821 x 274
George E. Lynn Pesticide Registration	The Dow Chemical Company Agriculture Dept., 9008 Bldg. Midland, Michigan 48640 (517) 636-5014
Phocion S. Park (Chairman) (JSEL) Attorney	Monsanto Company 800 N. Lindbergh Boulevard St. Louis, Missouri 63166 (314) OX 4-2807 (314) OX 4-1000 x 2807
C. B. Shaffer (LAPIC) Toxicology	American Cyanamid Company 859 Berdan Avenue Wayne, New Jersey 07470 (201) 831-1234 x 3020
W. L. Sutton, M. D. Medicine and Toxicology	Eastman Kodak Company 343 State Street Rochester, New York 14650 (716) 325-2000 x 57110
Kenneth D. Johnson Staff Representative	Manufacturing Chemists Association 1825 Connecticut Avenue, N. W. Washington, D. C. 20009 (202) 483-6126 x 244

REPORT OF APPOINTMENT OF
AD HOC COMMITTEE ON CHEMICALS REGULATION
AND PROPOSED TERMS OF REFERENCE

Up to the present time, Federal regulation of chemical products -- apart from safety in transportation -- has been directed primarily to certain uses, e.g., in food, drugs, pesticides. Over recent past years, however, interest has been increasing in regulation of chemicals broadly in respect to environmental impact.

That interest was reflected in President Nixon's February 8 message on the environment which included a recommendation for control of toxic substances, with an implementing legislative proposal, "Toxic Substances Control Act of 1971", subsequently introduced.

The scope of this and related measures having the same objective ranges over several existing MCA committees but extends beyond their collective purview. Accordingly, in order to proceed expeditiously on a matter of evident importance to the chemical industry, the Board of Directors on April 6, 1971, authorized the Chairman of the Board, in consultation with the President, to appoint an ad hoc committee to develop an Association position with respect to the legislation and to recommend such other action as might be deemed necessary to protect the interests of the industry.

In accordance with the foregoing authorization, the Chairman of the Board appointed an Ad Hoc Committee on Chemicals Regulation which has been requested to proceed with consideration and development of recommendations concerning legislative and regulatory control of chemicals in reference to environmental protection, particularly as it may relate to the use and ultimate disposal of products as contrasted with their manufacture and transportation.

The following individuals were appointed to the Ad Hoc Committee by the Chairman of the Board:

Dr. Myron V. Anthony, Stauffer Chemical Company
Taylor W. Hanavan, Esq., E. I. du Pont de Nemours & Company
Mr. Ernest C. Ladd, FMC Corporation
Mr. George E. Lynn, The Dow Chemical Company
Phocion S. Park, III, Esq., Monsanto Company
Dr. C. B. Shaffer, American Cyanamid Company
W. L. Sutton, M. D., Eastman Kodak Company

The Ad Hoc Committee is authorized to elect its own officers, subject to Board of Directors' approval, and required to function in accord with the "General Principles Applicable to the Structure and Operations of Committees." A member of the staff has been designated as staff representative and secretary.

It is not intended that this Ad Hoc Committee displace the function of any existing MCA committee with regard to its specific field of interest.

MCA - 5/11/71