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WRITER'S DIRECT ACCESS

RECEIVED APR 24 2000
CC: Billy, Wells + WBB OK

April 19, 2000

VIA FACSIMILE AND U.S. MAIL

Charles B. Cappel, Esq.
Baggett, McCall, Burgess & Watson
3006 Country Club Road
Lake Charles, LA 70605

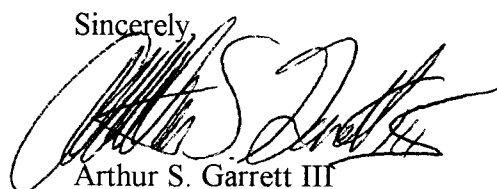
Re: *Ross, et al. v. Conoco, Inc. et al.*

Dear Mr. Cappel:

As requested, enclosed are SPI documents, SPI-08073-08075, SPI-10084, SPI-11962-11963, SPI-11964-11965 and SPI-11966-11967.

Please let me know if you need anything else.

Sincerely,



Arthur S. Garrett III

cc: Douglas J. Behr

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CCBS

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CARL EARDLEY
OF COUNSEL
CABLE ADDRESS
"INDLAW"

April 25, 1977

Jerome H. Heckman, Esq.
Keller and Heckman
1150 17th Street, N.W.
Suite 1000
Washington, D.C. 20036

Dear Jerry:

Several members of our VCM/PVC Steering Committee have asked for background information on the Environmental Defense Fund (EDF). There has been sufficient interest that I have obtained the attached material which explains what EDF is, who is on their Board of Directors and some of their programs. I think this document will answer many of the questions our members have been asking.

If you have any additional questions, please advise.

Cordially,


Gary H. Baise

GHB/sm

Attachment

SPI-08073

What is EDF?

The Environmental Defense Fund (EDF) is a nationwide organization of scientists, lawyers and economists working to protect the public interest in the broad areas of environmental quality, energy, health and consumer welfare. EDF is supported by the contributions of more than 45,000 members as well as foundation grants and individual bequests.

Organized in 1967, EDF scored its first major

victory by winning a lawsuit that brought about the banning of the pesticide DDT in the United States. EDF concentrates on actions that will have national impact. EDF effectiveness stems from a unique blending of solidly researched scientific data, skilled legal work, public education and lobbying at both the Congressional and State levels.

EDF Offices:

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516/751-5191

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Washington, D.C. 20036
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415/548-8906

527 Madison Ave.
New York, N.Y. 10022
212/593-2185

1657 Pennsylvania St.
Denver, Co. 80203
303/831-7559

701 Canyon Rd.
Logan, Utah 84321
801/753-3985

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Massachusetts Audubon Society;
Co-founder and Chairman,
Union of Concerned Scientists

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Richard L. Ottinger, Congressman,
24th District, New York

Margaret Owings, Naturalist;
Leader in fight to preserve
the sea otter on the West Coast

Dennis Puleston, Naturalist; Author,
Brookhaven National Laboratory (retired)

Robert Redford, Actor, Environmentalist
Clifford Russell, Ph.D., (Treasurer),
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Resources for the Future, Washington, D.C.

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Professor Ann L. Strong,
Department of City and Regional Planning,
University of Pennsylvania

Stewart L. Udall, Esq.,
U.S. Secretary of the Interior 1960 to 1968

George M. Woodwell, Ph.D., Director,
The Ecosystems Center, Marine Biological
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Charles F. Wurster, Ph.D.,
Associate Professor of Environmental Sciences,
Marine Sciences Research Center,
State University of N.Y. at Stony Brook

Arlie Schardt, (Executive Director)

A Capsule Look at EDF Programs

Toxic Chemicals

EDF has been the national leader in urging a new approach to the fight against cancer, namely, to concentrate more resources on the need to prevent cancer rather than only on seeking a cure. This approach is based on the recognition that from 60 to 90 percent of human cancers apparently result from exposure to toxic substances in the environment and are, in large part, potentially preventable. The key: identify those substances and eliminate man's involuntary exposure to them.

Examples of EDF's campaign to prevent cancer:

- the ban by the federal Environmental Protection Agency of nearly all uses of the pesticides heptachlor and chlordane. With this decision, EDF action has now resulted in banning nearly all uses of the carcinogenic pesticides DDT, aldrin, dieldrin, heptachlor and chlordane.
- a lawsuit to require the Consumer Products Safety

Commission to ban the use of Tris, a chemical flame retardant used in children's sleepwear. EDF action followed an analysis of National Cancer Institute tests indicating that Tris is carcinogenic.

- a lawsuit seeking to require the Environmental Protection Agency to promulgate national standards to control toxic substances in drinking water.

- a petition to the FDA to lower and eventually ban polychlorinated biphenyls (PCB's) in food; and a successful action to ban any further discharges of PCB's, from capacitor and transformer manufacturing plants, into navigable waterways of the U.S.

- a petition to require strict regulation of recombinant DNA research ("genetic engineering").

Energy

Demand: For the past five years, EDF has led a nationwide effort to reform the rate structures of America's electric utilities. The goal: convert electricity rates to time-of-day, or peak-load pricing, in which lower rates are charged for the use of electricity in off-peak hours. Lowering the demand at peak hours means higher efficiency, lower rates, reduced use of older, energy-wasting, high-polluting facilities, and reduced need for construction of new facilities — such as nuclear — to meet increased overall demand.

The idea has now been adopted, or is under serious consideration, by the states of Wisconsin, New York, Pennsylvania, California, Colorado, Michigan, Virginia, North Carolina and others. The Federal Energy Administration has intervened on EDF's side. EDF is pressing for similar reforms in the natural gas industry.

Supply: EDF's Energy Program includes actions

concerning strip mining, oil shale development, federal coal leasing policies, conservation of the scarce water resources of the West, and related problems such as land use, air pollution, protection of priceless wilderness and park areas and the need for more energy-efficient forms of transportation.

EDF also operates a special Southwest Energy Action Project headquartered in Logan, Utah. The project aims to ensure that environmental considerations are a part of decision-making on energy development in that region. Research, public information and two EDF lawsuits were factors in the cancellation of plans to build the huge, coal-fired Kaiparowits power plant in Utah. EDF argued that decreased energy demand made the plant unnecessary, that alternatives existed and that the plant would cause serious air pollution in several of America's most scenic national parks.

Water Resources and Land Use

EDF operates both an Eastern and a Western Land and Water Resources Program. A wide variety of lawsuits has sought to protect tidal wetlands, to compel comprehensive water resources management and to halt unnecessary and destructive dams and waterway projects.

This program has a large number of actions pending. Last year, EDF was successful in a lawsuit to force the

East Bay Municipal Utility District in Northern California to recycle water for industrial use. This can be a key step toward the West's urgent need to stress water conservation.

A three year campaign by EDF was instrumental in the recent decision of the Delaware River Basin Commission not to build a mammoth dam at Tocks Island on the Delaware River.

Transportation

EDF led national opposition to the proposed landings of the Concorde SST in the United States. EDF stressed the SST's excessive noise and fuel consumption.

EDF has also sought to require highway planners to consider the energy consumption and land use consequences of building new highways.

Wildlife

EDF is chief counsel in a protracted legal battle to force the government to reduce the annual slaughter of more than 100,000 porpoises in connection with yellowfin tuna fishing off the coast of California. EDF is also a leader in efforts to protect marine mammals through Congressional action.

Other EDF actions include the protection of whales,

walrus, eagles, sea turtles and migratory birds.

Undoubtedly the most important aspect of EDF's Wildlife Program is its overall emphasis on habitat protection. To achieve this goal, the Wildlife Program interacts closely with all the other EDF Programs, in particular its Eastern and Western Water Resources and Land Use Programs.

2) to a less stringent standard

PVC SAFETY GROUP
COMMUNICATIONS COMMITTEE

SPI Conference Room
New York, NY

9:00 a.m.
Wednesday
December 9, 1981

ATTENDEES:

Robert B. Downey, B.F. Goodrich, Chairman of Communications Committee

Frank GM Corbin, SPI, Director of Communications

John R. Lawrence, SPI, Technical Director

Matthew Swetonic, Hill & Knowlton, Public Relations Counsel

1- This brief meeting was held to determine the status of the public relations programs in support of the PVC Safety Group's activities. It was noted that in the six months of the current fiscal year, that the Communications Committee's activities have been relatively minor. The majority of the expenses associated with communications have been those involving activities of the PVC Fire Safety Committee. It is expected that Mr. G. McLaughlin will continue to be available to assist the PVC Fire Safety Committee in the development and organization of their program.

NOTE: The expenses incurred through billings from Hill & Knowlton for the five-month period, June through October, amount to \$20,408. This averages to \$4,082 per month.

2- In addition to communications activities relative to fire, it is anticipated that there may continue to be some minor work required in the area of worker health. However, there are no specific projects in the works at the present time. Any activities would be initiated to respond to specific needs identified by the PVC Safety Group's Steering Committee.

3- Consideration was given to the possibility of communications activities relative to the California EIR project. It was suggested that if a program is to be developed in this area, it should be done only in response to specific needs with respect to strengthening the industry's position in this matter.

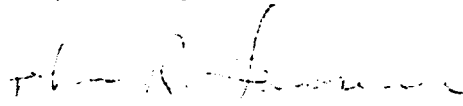
Some consideration was given to the possibility of initiating a media tour in the California area to present the plastics industry's position relative to the continued or expanded use of plastic pipe in housing. Such a program would have to be tied in with this matter becoming an issue before the general public. At this time, the SPI office has only two articles on this subject appearing in published media. There is also one additional broadcast reference to this subject in the SPI files.

In order to consider the feasibility of a media tour program on this subject, preliminary plans were developed as to how such a program would be structured. It is felt that there are presently from two to four industry individuals who would be qualified by virtue of previous experience to be trained for such an activity. These individuals could be organized into two teams of two members each. With a training period on the specific subject matter, it is surmised that these teams could cover the California media in a period of approximately one week's time for each team. It was roughly estimated that the cost of such an activity could be in the \$25,000 to \$30,000 range.

4- The meeting was concluded with the understanding that the key items discussed would be presented to the PVC Safety Group's Steering Committee at its meeting on December 11th. In summary, it is anticipated that the Communications Committee sees a need in being prepared to direct Communications support to the following:

- ° Fire Safety Committee's activities - As may be needed to support the development and preparation of reports on the activities of the committee dealing with fire safety.
- ° Worker Health - The Committee should be prepared on a stand-by basis to initiate activities in support of issues dealing with worker health on a response basis as needed.
- ° California EIR - If so directed by the PVC Steering Committee, it will direct and develop a media tour program in support of the industry's position.

Respectfully submitted,


John R. Lawrence
Technical Director

PVC SAFETY GROUP

FIRE SAFETY COMMITTEE

Sheraton Carleton Hotel
Washington, D.C.

Tuesday, September 10, 1981
9:30 a.m.

Attendees:

H. J. Hall, Chairman, Conoco Inc., Room 233 - R&D West, Ponca City, OK 74601
J. Alan Bailey, Diamond Shamrock Corp., 351 Phelps Ct., Irving, TX 75061
Mohamed Defrawl, Shell Oil Co., One Shell Plaza, Houston, TX 77001
Harold Fast, B.F. Goodrich, 500 S. Main Street, Akron, OH 44318
Russell O. Gardner, Conoco Inc., P.O. Box 1267, Ponca City, OK 74601
Charles Goldstein, Borden Chemical, 511 Lancaster St., Leominster, MA 01453
Mark Labovitz, Diamond Shamrock Corp., P.O. Box 348, Painesville, OH 44118
Art Lindsay, Hooker Chemical, Post Oak Central II, Houston, TX 77210
Susan Litzau, Conoco Inc., P.O. Box 2197, Houston, TX 77001
Gene McLoughlin, Hill & Knowlton, 633 Third Ave., New York, NY 10017
Paul O'Brien, Tenneco Chemicals, Park 80 Plaza W., Saddle Brook, NJ 07662
Russell A. Park, Hooker Chemical & Plastics Corp., Box 699, Pottstown, PA 14464
Joe W. Redden, Jr., Fulbright & Jaworski, Bank of the Southwest Bldg., Houston, TX 77002
William A. Schochet, Diamond Shamrock, 351 Phelps Ct., Irving, TX 75061
Robert P. Seebohm, Air Products, P.O. Box 538, Allentown, PA 18049
Wayne R. Sorenson, Tenneco Chemicals Inc., Turner Place, Piscataway, NJ 08854
Greg Smith, B.F. Goodrich Chemical Co., Technical Center, P.O. Box 122, Avon Lake, OH 44012
Chung H. Wei, Great American Chemical Co., 650 Water Street, Fitchburg, MA 01420
John S. Eldred, Keller & Heckman, 1150 17th St., N.W., Washington, DC 20036
Robert Fleshner, Keller & Heckman, 1150 17th St., N.W., Washington, DC 20036
Jerome P. Carroll, SPI, 355 Lexington Avenue, New York, NY 10017
John R. Lawrence, SPI, 355 Lexington Avenue, New York, NY 10017

- 1) The possibility of conducting certain tests on PVC's fire performance was discussed. It was agreed that this concept should be submitted to the "Committee of Counsel" for its review and recommendations.
- 2) The list of allegations with respect to PVC's performance in fire discussed at the June 23 meeting was presented by counsel in a format organizing the allegations under the following categories:

- ° Ignition and flame spread
- ° Non-flaming thermal degradations
- ° Smoke
- ° Gases
- ° Life safety implications
- ° Miscellaneous

No actions were taken on this material.

- 3) The proposal from Daniel P. Boyd and Co., relative to "Development of a Literature Reference File on PVC Combustion" was reported on as follows:

- ° Cost of preparing a bibliography of material for this file, establishing a computer program, and developing a glossary of terms was quoted at \$23,500.
- ° Cost of abstracting and computer loading individual articles were quoted for two alternatives:

1. Authors abstract - \$106.00 per article.
2. Abstract prepared by Boyd and Co. - \$139.50 per article.

Example

Total cost on the basis of 250 articles abstracted:

Option 1

$$\$23,500 + (\$106)(250) = \$50,000$$

Option 2

$$\$23,500 + (\$139.50)(250) = \$58,375$$

It was agreed that this proposal should be submitted to the "Committee of Counsel" for its review and recommendations.

- 4) The meeting adjourned at 1:00 p.m.

Respectfully submitted,


John R. Lawrence
Technical Director

PVC SAFETY GROUP
FIRE SAFETY COMMITTEE

Keller & Heckman Office
Washington, D.C.

Tuesday, June 23, 1981
8:30 a.m.

Attendees:

H. J. Hall, Chairman, Conoco
Rick Flammer, Conoco
Charles Goldstein, Borden
Mark Labovitz, Diamond Shamrock
Michael O'Mara, B.F. Goodrich
Russel A. Park, Hooker Chemical
Harvey Rosenzweig, Borden
Wayne Sorenson, Tenneco
Jerry P. Carroll, SPI
John R. Lawrence, SPI
John Eldred, Keller & Heckman
J. E. McLaughlin, Hill & Knowlton

- 1) After a general discussion of the mission of the committee it was agreed that its mission was to assist counsel in responding to the changes presented in current litigation, and to carry out the policies of SPI with respect to fire safety.
- 2) There was a general discussion of the various allegations with respect to the performamnce of PVC in fire situations. It was recognized that these allegations are not supported by scientific facts and serve to distort the role of PVC in fires.

It was decided that these allegations should be reviewed and organized into categories so as to determine what information may be available to rebut them.

3) After some further discussion it was agreed that the following activities should be pursued to provide additional backing for the next meeting of the committee:

- o Develop a plan for the gathering and abstracting of technical literature relative to the performance of PVC in fires.
- o Organize the allegations discussed at this meeting into specific categories - counsel will undertake this.
- o Gather information relative to the role of PVC in contributing to a safer environment in a potential or actual fire situation.
- o The possibility of developing a plan for additional testing to clarify and/or provide additional data on the performance of PVC in fires - referred to counsel.

4) The tentative date for the next meeting of this committee is September 10, 1981 at the Keller & Heckman Office in Washington, D.C.

Respectively submitted,


John R. Lawrence
Technical Director

JRL/ras

