

minutes



VINYL INSTITUTE EXECUTIVE BOARD MEETING

Newark Airport Marriott Hotel
Newark International Airport
Newark, New Jersey

December 10, 1986
Wednesday
9:00 a.m.

Attendees:

S. W. Schaefer, Chairman	- Occidental Chemical
H. C. Andresen	- Vinyl Council of Canada
R. Clyburn	- PPG Industries
P. de la Cruz	- Keller and Heckman
F. Fisher	- Air Products and Chemicals
H. R. Flammer	- Vista Chemical Company
D. Hall	- BFGoodrich
J. Heckman	- Keller and Heckman
R. Kelly	- CertainTeed
R. Luss	- Occidental Chemical
R. Rovere	- European Vinyls
J. Russ	- Borden Chemical
W. Shoun	- Dow Chemical
G. Snider	- BFGoodrich
R. Gottesman	- Vinyl Institute
M. Scheck	- Vinyl Institute

OPENING OF MEETING

Mr. Schaefer convened the meeting at 8:55 a.m. and asked for self-introductions. He noted the attendance of Mr. Roberto Rovere of EniChem Americas and welcomed him to the Vinyl Institute Executive Board representing European Vinyls Corporation. Mr. Schaefer noted that the agenda was being reordered to accommodate Mr. Heckman's time schedule and to allow for the presentation by the Plastics Recycling Foundation to occur at the conclusion of all other business.

APPROVAL OF MINUTES

Mr. Flammer motioned that the minutes of the September 10, 1986 Executive Board Meeting included under Tab A of the briefing book for this meeting be approved. The motion was seconded by Mr. Shoun and approved by voice vote without correction.

THE SOCIETY OF THE PLASTICS INDUSTRY, INC.

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FINANCIAL REPORT

Mr. Hall stated that the Statement of Financial Position as of November 1, 1986 and the Statement of Expenditures for fiscal year 1986-1987 are included under Tab B of the Briefing Book. Dr. Gottesman noted that some expenditures are running over original estimates, but that no budgetary problems are anticipated at this time. Additionally, Gottesman stated that he was distributing during the meeting, the assessments for the dues for the second half of the fiscal year. He noted that he was requesting that checks should be returned directly to the Vinyl Institute offices to assure that they are received at the proper location during the transfer of SPI offices to a new location.

LEGAL COUNSEL'S REPORT

A. Status of FDA PVC Rulemaking

To provide background information beyond that contained under Tab H of the briefing book for the meeting, Mr. Heckman reviewed FDA's involvement since 1973. Heckman noted that the proposed rule remains with the Center for Food Safety Nutrition, and has not yet gone forward to the Office of the Commissioner of FDA. Counsel noted that he has indicated to CFSN staff that industry is preparing additional material on the environmental issues related to this rulemaking to assure that FDA's docket on the rulemaking is balanced.

Gottesman reviewed for the Board the issues that have been raised by a number of environmentally active organizations since the official close of the comment period. Further, he stated that a meeting has been scheduled for December 18th to gather the appropriate information, with the hope that the work product of this group would be filed with the Agency within the next three weeks. Counsel noted that approximately 275 comments have been filed since the close of the comment period, and indicated that unlike other federal agencies, FDA has a policy of accepting comments after the deadline date.

In response to a question from Mr. Flammer regarding the availability of legal remedies, Heckman commented that all administrative remedies should be exhausted prior to considering further strategies.

In recapping the discussion, Mr. Schaefer noted that a) a meeting of Vinyl Institute technical experts will occur in December to develop material to respond to the environmental issues raised by those filing late comments and b) counsel will inform appropriate FDA personnel that additional comments are to be filed at the earliest date possible.

B. Status of Legal Action on September 30, 1986 EPA Standard: VCM Emissions

Mr. de la Cruz stated that the Vinyl Institute filed a petition for review with the U.S. Court of Appeals for the District of Columbia Circuit and a motion of stay. Additionally, the Vinyl Institute has filed a motion with EPA to stay the revisions and reconsider its determinations in the rulemaking. Counsel commented that the EPA may be willing to entertain some changes on the definitional issues that have been raised by the Vinyl Institute, but that the more significant issues, i.e., the non-consideration of the numerical standard as in the proposed rule, would most likely be left to the Court.

Counsel further commented that since the Court of Appeals has adopted new procedural rules, the Vinyl Institute brief will not be prepared until after the panel has been assigned and just prior to the hearing of oral arguments. Mr. Luss commented that at this time, the legal activity is anticipated to cost \$20-30,000. Counsel noted that a decision on the stay should be made by the end of December, but that the rule is now effective and Vinyl Institute member companies are required to file leak detection plans.

C. OSHA Update

On the issue of labeling of PVC resins and compounds, counsel reviewed the meeting held with the OSHA Assistant Administrator. At this meeting, the Vinyl Institute promised to have forwarded, copies of any citations of which they are aware. Counsel reiterated the importance of this activity.

COMMITTEE REPORTS

A. Communications Committee

Communications Committee Chairman, George Snider, noted the need for additional members of the Committee for program continuity as well as to assure that the Vinyl Institute Board receives program input from a number of industry perspectives. Snider noted the success of the November 24th press conference and commented that coverage of the construction survey has already appeared. He noted that he believes these press contacts have helped to assure that reporters will contact the Vinyl Institute when pursuing stories on a variety of subjects and referenced the Chemical Week story on plastic pipe as a substitute for lead as an example. He noted that a joint public relations venture between the Vinyl Institute and the Vinyl Siding Institute and the Vinyl Window and Door Institute is being pursued.

Snider then reviewed for the Board recent discussions regarding the need for a speaker training program. Gottesman noted that he has already received a proposal in this regard. The program would optimally train some 6-8 speakers and would be available to Vinyl Institute members at cost. Additional information will be forwarded to the Board shortly.

Snider then updated the Board on several issue areas and offered items for consideration:

1. Relative to the FDA packaging proposal, Snider urged that if the current short term plan of providing environmental impact information to the Agency is not successful, that the Vinyl Institute consider the need for a longer term plan that would take into account political, technical, and public relations components.
2. In the area of combustibility, Snider referenced the recent New York State action by the Uniform Building Code Council and the impact that this proposal will have on Vinyl Institute members' customers and suggested that an information bulletin be prepared.
3. Snider stated that there had been a substantial amount of activity on the relationship between pipe and water quality and that he expects this to continue into next year. Specifically, he reviewed the activity undertaken in the city of Chicago to get plastic pipe approved. Snider commented that the issue had become highly politicized and that any further activity by the City Council or by the Building Committee to which the proposed ordinance has been re-referred is unlikely prior to the mayoral primary. Snider also noted that both the ANSI (A-40 Committee) and the IAPMO have retained PB and CPVC, but that further pressure to remove these materials could occur in the future.

Relative to the City of Sacramento (to which Snider referenced the background material included in the briefing book), Snider noted that the City of Sacramento Toxic Substances Commission will next meet on December 15th to consider the issue. As part of Snider's update on the California EIR, he stated that after substantial delays, leachate testing is now scheduled to begin in January 1987.

Additionally, Snider noted that the two Vinyl Institute principals that had been involved in the McKesson work (Goodman and Olson) were now in the process of preparing for a series of presentations before technical groups on the findings next year. Presentations before the National Academy of Science, the National Sanitation Foundation, and EPA are likely. Additionally, they have developed a plan to have articles on the research appear in a number of peer reviewed journals.

B. Legal Committee Report

1. New York State Toxicity Regulation: Mr. Luss reviewed for the Executive Board, the status within SPI of approving a potential law suit in the New York State Combustion Toxicity Databank issue. He noted that although the IMC Steering Committee had rejected this request by a 5 to 2 vote, that the SPI Executive Board had voted affirmatively to allow a suit, using SPI's name, to go forward. (December 9, 1986).

Luss noted that he and Dr. O'Mara, Chairman of the Vinyl Institute Technical Committee, had had substantial discussions on the timing of such legal activity. Luss reported that they believed that it would be potentially worthwhile exploring with the appropriate New York State personnel the work now being done by both the National Fire Protection Research Foundation and the National Institute of Building Sciences to develop alternative tests to that included in the New York State proposal.

Ms. Scheck noted that there are a number of other states where activity in the legislative session could be likely and that a report on these was included in the briefing book.

Mr. Luss noted that suits could be filed for 4 months following the final approval of the regulation, anticipated to be December 19th (Note: Subsequently, it was learned that the final approval date is considered to be November 25th). The Board concurred with the approach recommended by Messrs. O'Mara and Luss.

Following additional discussion of the impact that the proposal would have on Vinyl Institute members' customers, Mr. Schaefer suggested that the VI Communications Committee develop a fact kit on the proposal that could be disseminated. Mr. Flammer noted that he would make staff available to Mr. Snider to work on such an information kit.

2. Proposed Meeting with EPA: Mr. Luss noted that there had been preliminary discussions between Mr. Holbrook, Chairman of the VI Health, Safety and Environment Committee and himself regarding pursuing a meeting with the EPA to discuss recent NESHAPS enforcement activity and trends. Mr. Luss noted that Mr. King of Occidental is now preparing an industry survey that he will bring to the December 18th meeting of the Health, Safety, and Environment Committee. He noted that the survey would have prior legal approval before the meeting.

Mr. Schaefer inquired as to whether non-VI members could or should be invited to participate in the survey and the effect that their contribution or lack thereof could have upon the Agency recipients.

Mr. Hall commented that BFGoodrich had had a substantial amount of contact with local authorities that may be useful background to other Vinyl Institute companies. Mrs. Scheck noted that each meeting of the Vinyl Institute Health, Safety, and Environment Committee included a company-by-company of enforcement activities that the committee members had found universally helpful.

C. Technical Committee

Dr. Gottesman referenced the Technical Committee Report to the Board as included under Tab G of the briefing book and stated that the Committee had met the previous week. Gottesman highlighted briefly the current status of each of the subcommittee activities including: Medical, Combustion, Solid Waste Management, and Permeation/Leaching.

D. Market Development Committee

Market Development Committee Chairman, Guy Disch reviewed the highlights of the December 9th Committee meeting and discussed the organizational meeting of the Ad Hoc Packaging Task Force. Disch noted that Ms. Carrie F. Solin of Rohm and Haas had been chosen to chair the steering committee for this task force and stated that a planning meeting of this group would be held on January 16th.

E. Health, Safety & Environment

Ms. Scheck noted that the Committee report was included under Tab D of the briefing book. Further, additional presentations on issues being addressed by this Committee were included in the legal counsel's report and in the Legal Committee report given by Mr. Luss.

LEGISLATIVE AND REGULATORY UPDATE

Ms. Scheck stated that a status report on state and municipal legislative proposals of interest to Vinyl Institute member companies was contained under Tab I of the briefing book. Additionally, Ms. Scheck stated that attention would continue to be focused on both the combustion toxicity issue and the solid waste issue in the next legislative sessions. Scheck also noted the significance of the adoption of Proposition 65 in California during the November elections.

EXECUTIVE DIRECTOR'S REPORT

Dr. Gottessman referenced the Executive Director's Report as contained under Tab J of the briefing book. Gottessman highlighted each of the items in the report. Specific mention was made to the liaison with PPFA relative to the proposed building code changes in the City of Chicago. Further updates were given on the NYSERDA Project with Gottessman noted that the Phase II report is now not anticipated before mid-February 1987. Gottessman noted that as follow-up to a meeting held with the Center For Fire Research/ National Bureau of Standards to encourage their use of HCl decay transport model, attempts will continue to have this information incorporated into their hazard assessment model.

OLD BUSINESS

A. Annual Environmental Recognition Award

Mrs. Scheck noted that the proposed formula for the development of a Vinyl Institute Annual Environment Award Recognition Program was included under Tab L of the briefing book. Scheck noted that the Executive Board had given general clearance for this project at the May 1986 Executive Board Meeting. Since that time, the formula has been developed and refined by the Health, Safety & Environment Committee and has the endorsement of all Committee members.

Mr. Schaefer moved that "the Vinyl Institute establish an annual environment recognition program with awards given to the first and second best performing plants in both the VCM category and PVC category, and that the formula developed by the Health, Safety & Environment Committee serve as the basis for such awards".

The motion was seconded by Mr. Flammer and approved without objection by voice vote.

NEW BUSINESS

A. Election of Treasurer and Election of Secretary

Mr. Schaefer noted that at the previous Executive Board Meeting he had been asked to determine the willingness of Mr. Hall to serve as Treasurer, and further noted that he was happy to report to the Board that Mr. Hall had agreed. Additionally, Mr. Schaefer noted that with the retirement of Mr. Montgomery from Georgia Gulf at the end of the calendar year, the Vinyl Institute Executive Board also needed a secretary. Mr. Schaefer stated that he had discussed this position with Mr. Shoun and was happy to report that Mr. Shoun had agreed to accept such an assignment.

Mr. Russ moved:

"that Mr. David Hall of BFGoodrich be elected Treasurer of the Vinyl Institute and that Mr. William Shoun of Dow Chemical be elected as Secretary, effective immediately until the next election of the Vinyl Institute officers which will be held at the annual meeting in May 1987".

The motion was seconded by Mr. Fisher and approved unanimously by the Board by voice vote.

B. Transfer of Membership From ICI to European Vinyls Corporation: Approval of Representative To The Executive Board

Dr. Gottesman referenced the material included under Tab M of the briefing book, a request from John York, Chief Executive Officer of European Vinyls Corporation requesting that the associate membership in the Vinyl Institute now held by ICI, be officially transferred to EVC.

Mr. Hall moved "that the Associate Membership in the Vinyl Institute held by the Petrochemicals and Plastics Division of ICI Europe Limited, be transferred, effective immediately, to European Vinyls Corporation and that Mr. Roberto Rovere, Vice President For Business Development of EniChem Americas, be accepted as the official representative of European Vinyls Corporation to the Vinyl Institute Executive Board".

The motion was seconded by Mr. Shoun and approved unanimously by voice vote.

C. Questionnaire On Trade Association Membership By Vinyl Institute Member Companies

Dr. Gottesman referred the members of the Board to the material that he had prepared following a request at the September 10, 1986 meeting on the issue of vinyl industry-related trade associations that member companies belong to and what financial support is given these associations. Mr. Schaefer asked for a discussion as to whether there was any interest among the Board members in pursuing the issue. Ms. Clyburn commented as to the difficulty in administering such a program. Mr. Kelly noted that other constituents in his company would not view this as a desirable program to pursue. Mr. Hall commented that he believed that within the member companies that there are varying levels of interest in the activities of associations to which they belong. Gottesman reiterated that the survey was done at the Board's request and that no action on the item was necessary.

D. Decision and Location For Annual Meeting

Mr. Schaefer noted that at the September 1986 meeting, there was a discussion to consider revising the format of the Annual Meeting so that leisure activities could be added to the agenda that has heretofore included Committee meetings and the Annual meeting. Schaefer noted that material addressing suggested format was contained in the program section and location/cost figures included under Tab P of the briefing book for this meeting. Mr. Kelly and Mr. Hall suggested the format should be kept to two days. With a two-day meeting format agreed upon, staff was directed to explore possible meeting sites and provide information of a final choice as soon as possible.

Mr. Schaefer also asked for comments on other meeting locations. Following a brief discussion it was decided that the March 4, 1987 meeting of the Executive Board would be in Cleveland. Dr. Gottesman stated that the 50th Anniversary of the Society of the Plastics Industry was being celebrated in Washington in September 1987, and that divisions were being requested to arrange meetings within this format. Therefore, the September meeting of the Executive Board will be September 15, 1987 in Washington, D.C.

E. Selection of Finance Committee Members

Mr. Hall noted that he had asked Messrs. Russ and Flammer to serve with him on the Finance Committee. Mr. Schaefer thanked them for volunteering.

F. Presentation on Plastics Recycling Foundation

Dr. Gottesman introduced Mr. Robert Weis, President of the Plastics Recycling Foundation, and Mr. Wayne Pearson, Executive Director. He noted that they had requested an opportunity to present a brief program on the Plastics Recycling Foundation to the Executive Board, and that background material on this issue appears in the briefing book for this meeting. No decision was taken on possible Vinyl Institute participation.

There being no other business, the meeting was adjourned at 1:00 p.m..