TGG: ~~AL~~: MMG: RF

XF: ISCA-General

TO: Distribution

FROM: T. G. Grumbles
DATE: May 8, 1987

Interoffice Communication

SUBJ: NOTES FROM EPA TSCA SEMINAR, MAY 5-6, WASHINGTON, DC

VISTA

Below are rambling, miscellaneous notes from the subject seminar, which should be described with the same two adjectives.

1. TSCA thought for the week - a quote from the seminar: "Regular Chemistry is not the same as Regulatory Chemistry".

2. Mr. Bowser and Dave Dull were two of the best speakers. (MMG- put those in your name file.)

3. Based on the questions asked of the agency speakers and hallway conversations, Vista is not the only chemical company with questions and misunderstandings regarding the inventory.

4. The Office of Toxic Substances has the responsibility for SARA Section 313 Emissions reporting administration. They have a technical document available for guidance on estimating emissions. The title is something like: "Estimating Releases and Waste Treatment Efficiencies for Section 313 Releases". We should order.

   They are trying to develop a synonyms document of trade name chemicals vs. Section 313 listed chemicals for industry use.

5. TSCATS, a computerized and industry accessible data source for unpublished health and safety data was reviewed. A brochure on it's use is included in the resource materials.

6. The status of the Inventory Update was discussed. The four year recurrent reporting period was emphasized, and proactive steps recommended to prepare for the 1990 reporting! Update questions? Call 202/755-4880 or 202/382-3698. There were many errors in the submittals. A consistent error was that companies gave only one Dunn and Bradstreet number for all plant sites. The agency wants a D&B number for each manufacturing site. What did we do?

7. Mark Scoville discussed corrections to the inventory. He had a detailed handout on the types allowed and substantiation needed for each.

   He said many corrections have occurred as a result of the "CMA isolated intermediate" interpretation letter. Also he mentioned many companies had never responded to the problem letters from EPA in the initial 1978 submittals. Have we?

I asked Mark about Vista making Conoco submittal corrections. He said the submittal must be accompanied with proof of the LBO. An affidavit would suffice. I briefly reviewed the boiling point issue with alkylates. He was familiar with that type problem and used the words "refining mentality" (sounds familiar). He said correction meetings were common.

8. The May 1 FR contained a final rule adding 102 substances to the 8(d) reporting rule. We need to review for applicability!

9. We need to assure the plants are aware of the Section 12 export requirements. Labeling of the product containers has to be done with specific "for export only" words.

10. The enforcement division made this point: Repeat offenses are $37,500 per day.

11. The April 29 FR contained a proposal for TSCA users fees. The proposal included a $2500 fee for PMN's. This should be reviewed and comments made if necessary.

12. A long discussion was held by Mary Cushmac of the PMN office. Highlights are below.

    A. Less than 1/2 of the approved PMN's have a commencement to manufacture filed. The agency doesn't understand why.

    B. Carol Hatfield is now assisting her.

    C. Tips to remember:

    - Clearly indicate the type of PMN each is.

    - Consolidated PMN's must be marked with the approval number the agency gives when approving a consolidated submittal.

    - The technical contact should be available by phone and capable of answering specific questions.

    - Health and safety monitoring studies are very desirable. If you have data on similar products and processes you should consider using it in the PMN.

    - For the polymer exemption the 2% number means amount charged to reaction vessel, not amount incorporated by dry product weight.

- Day 1 of PMN 90 days is not mail room receipt but receipt by the document control officer.

- If the product is to be produced by a toll manufacturer solely for you - you must submit the PMN.

- You must substantiate confidentiality claims in your commencement notice. The PMN form only claims - it doesn't substantiate.

- If you have toxicology studies ongoing during the PMN that are completed after the 90 day review you are not required to submit the data (unless the chemical gets covered by Section 5 order or Section 8 rule) but the agency "greatly appreciates" the data. It may keep you out of a SNUR in the future.

- She addressed the duty to determine if a chemical used by you is on the inventory by saying that a company's liability is small, if any, if you have any documents (MSDS, etc.) or letters from the supplier, indicating inventory status (i.e., CAS#).

- It's not unusual for the foreign supplier to ask the agency for an inventory search. In import situations.

- If you have a manufacturing site change after your PMN is approved that's no problem.

- If you PMN an import, then decide to manufacture that's ok.

- A bona-fide intent request will result in the original submitter, if they exist, being notified of the Bona-fide being filed, but then neither company will be identified.

- "Salts" are different chemicals.

- Substances manufactured for use only on-site must be "PMN'ed".

13. A long discussion was also held on R&D exemption procedures. Highlights below:

A. The "technically qualified person" need not be on-site, but must clearly be directing the activity.

B. The customer (sample receiver) "notification of risk" must be made in writing. A complete MSDS may suffice for this warning. (Our practice is to send an MSDS with each sample.)

C. If you dispose of R&D chemicals off-site the hauler and waste site must be notified just as customers must.

D. R&D samples may be sold for profit.

E. Excess R&D material may be blended into fuel and burned on-site, used as an intermediate or recycled.

F. Product with R&D materials as impurities may be sold.

G. If you have excess R&D material after PMN is approved it may be used in commerce without filing the "commence to manufacture" notice.

H. The enforcement people will use R&D records to do mass balance audit. For example: if 50 Kg were made, and records show 20 Kg shipped, they'll want to know where the other 30 Kg is.

I. Chemist's lab books can be valid R&D exemption records.

J. If coding is used to identify samples it should be consistent throughout R&D process.

14. 90% of the PMN's go through without regulatory or extraordinary action.

T. G. Grumbles

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XF: Notice letters

May 4, 1987

VISTA

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Certified Mail
Return Receipt Requested

Mr. H. J. Neeld
Director, Environmental Programs
Environmental Conservation
Conoco Inc.
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Certified Mail
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RE: U.S. v. Conoco

Gentlemen:

Pursuant to the Asset Purchase Agreement dated as of July 20, 1984, among E.I. Du Pont de Nemours and Company, Conoco Inc., and Vista Chemical Company, and the Consent Decree entered in the above action, we hereby provide notice of recently-discovered information which may lead to the filing of an Environmental Claim.

On May 1, 1987 the Vista OKC plant experienced an incident that resulted in VC emissions above the reportable quantity. The appropriate state and federal agencies were notified. Please contact me if you have any questions regarding this matter.

Sincerely,

T. Thomas G. Grumbles

Thomas G. Grumbles, C.I.H.
Environmental Quality Manager

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cc W. L. McClain
S. Christiansen
H. Garrison

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