

CHEMICAL MANUFACTURERS ASSOCIATION

H&SC-55

Health and Safety Committee

Minutes of Meeting

CMA Terrace A&B Conference Rooms
2501 M Street, N.W.
Washington, D.C. 20037

Wednesday
July 19, 1989
9:30 a.m. - 2:30 p.m.

Members Present

Eugene C. Capaldi
Susan P. Engelman
Harry A. Eschenbach
Janice D. Florin
Marvin A. Friedman
Haines Lockhart
James H. Price
Irv Rosenthal
Leon C. Schaller
James H. Senger
David D. Sigman
Ronald Van Mynen
John C. Willett

Arco Chemical Company
Hoechst Celanese Corporation
W.R. Grace & Company
Amoco Corporation
American Cyanamid Company
Eastman Kodak Company
Quantum Chemical Corporation
Rohm and Haas Company
E.I. du Pont de Nemours
Monsanto Company
Exxon Chemical Company
Union carbide Corporation
Shell Oil Company

Guests

Kenneth M. Kastner
A. Thayre Talcott

Newman & Holtzinger, P.C.
The Dow Chemical Company

Members Absent

Wallace F. Dyste
Joseph E. LeBeau

Dow Corning Corporation
The Dow Chemical Company

CMA Staff

Susan Conti
David Hastings
*Alma Howard
Leslie King
Bob Ondocsin
Kyle Olson
Kari Pike
Kathy Rosica
Gordon Strickland
Sandra Tirey
Debra Wiener
Eileen Winkelman

*Part-time

* * * * *

CMA 060958

1. R. Van Mynen, Chairman, convened the meeting at 9:30 a.m. Minutes of the June 20, 1989, meeting were approved with one correction: item 8, paragraph 3 was corrected to read, "I. Rosenthal ..." rather than "J. Rosenthal..."

2. Budget

J. Willett reviewed the outside purchased services budget and recommended: task groups expedite their activities on Board approved line items; each line item should be thought of as having 10% less funds available than the amount originally approved by the board to compensate for approximately \$40,000 in contractual carryovers; and project definitions for FY 90/91 be clustered and more generically defined to show the consistency of actual adherence to Board approved projects.

The committee waived its rules to approve two budget requests not listed on the agenda:

- o \$17,000 for the second Title III seminar for independent scientists; and
- o \$1,000 for editing and polishing the draft MSDS guideline.

3. Sewage Sludge Comments

The committee approved the concepts and tone of the draft comments on EPA's rule: Standards for the Disposal of Sewage Sludge. Committee members were asked to provide any editorial comments to K. Rosica and the comment drafting group was asked, in addition, to consider the stability of chemicals in sludge.

4. Residual Risk Analysis

The committee reviewed draft #3 of CMA's legislative principles on residual risk analysis for air toxics and recommended:

- o Government Relations include input from technical experts who understand the permit system -- the redraft should be coordinated with D. Sigman;
- o the principles avoid endorsement of any specific risk factor, e.g., 10^{-6} ; and
- o the principles stress that risk assessment is at best only a screening tool suggesting where further case-specific assessment may be warranted.

5. MSDS Guidelines

T. Talcott (Dow) presented a status report on CMA's MSDS guideline development project and plans for its continued development. The committee provided comments on an emergency overview, the section order and presentation principles. The document will be reviewed

by HSC in October. The committee discussed the degree to which CEFIC is being kept apprised of this activity.

6. Proposed National Drinking Water Standard

The committee approved the positions and concepts presented in CMA comments on EPA's proposed National Drinking Water Standard for Synthetic Organic Chemicals and Inorganic Chemicals.

7. Update on OECD Core-Set Testing Activities

The committee heard an update on current activities and developments within the OECD relative to core-set testing. The committee discussed the importance of effective and coordinated U.S. input to OECD. K. Rosica will provide HSC members with a copy of the list and logic used for selection of chemicals to be tested.

8. IRIS Database Review Project

The IRIS database review project will be assigned to a new working group under the Notification and Reporting Task Group, if the number of work group members is increased to at least six persons. K. Rosica will staff the activity.

9. Litigation Update

The committee heard an update on current litigation of interest to the committee (SOCMA vs. DHHS re: DHHS Annual Report on Carcinogens, and CMA & SPI vs. EPA re: CAIR and the OSHA PEL).

10. Confined Space Entry

The committee approved the concepts/positions contained in CMA comments on OSHA's Proposed Standard on Confined Space Entry.

11. CAER Code of Management Practices

The committee discussed the draft Responsible Care CAER code of management practices on CAER, and the process to be used in gaining member company support. Committee members were asked to provide D. Wiener with any specific comments immediately after the meeting adjourned.

12. Department of Transportation (DOT) Emergency Response Standard

The committee heard a presentation on the DOT's final rule HM 126(c) Emergency Response Standard and its potential for compromising trade secret information. The committee recommended:

- o CMA petition DOT to resolve the concern;
- o resolution of the issue not preclude the ability of first responders to get timely information needed for appropriate response to accidents and incidents involving hazardous materials;
- o CMA's working relationship with DOT be preserved;
- o CHEMTREC not be involved in maintaining confidential information; and
- o the Distribution Committee's jurisdiction as primary contact with DOT be preserved during this action.

The committee also recommended that potentially affected companies cooperate in providing examples demonstrating potential disclosure of trade secrets (not disclosed elsewhere and not easily discoverable). A select number of interested members will review the petition before filing on July 27.

13. Focus Area 3: Protection of Worker Health & Safety

I. Rosenthal reviewed the draft Focus Area 3 workplan and solicited comments and recommendations, particularly from sponsors. Comments should be forwarded to either I. Rosenthal or S. Tirey.

14. Regulatory Advocacy

The committee discussed ideas for critiquing the committee's regulatory advocacy and the advantages of doing so. Examples mentioned of advocacy that might be considered for review included:

- o Permissible exposure levels activities;
- o TSCA 8(d) activities;
- o ATSDR policy and program activities;
- o Title III activities, and
- o OSHA generic standards efforts.

The committee also discussed the CMA Board of Directors' pending assessment of regulatory advocacy by the Board Advocacy Committee.

15. Sponsor Reports

The committee heard sponsor reports on:

- o EPA's concern about the number of PMNs being filed and the Agency's plans to look at exemptions for low volume chemicals and expanding polymer exemptions;
- o A meeting planned for July 20, 1989, with Charles Elkins, EPA, to discuss TSCA reauthorization;
- o Kodak's litigation on PMNs that focuses on the process of manufacturing a chemical;

- o A proposed CMA/EPA workshop on PMN categories;
 - o A meeting with ATSDR to discuss CMA's ATSDR transition paper;
 - o Delays in publishing the DEA's rule on chemical diversion and trafficking and CMA's possible restructuring to provide a broad based ad hoc group to work with DEA issues. The group will be staffed by K. Olson. DEA may also employ a chemical industry executive knowledgeable in Latin American distribution;
 - o The activities of the Health Surveillance Work Group;
 - o EPA's proposed development of a TSCA manual;
 - o EPA's answers to TSCA 8(d) questions
 - o The importance of maintaining OSHA's role in the workplace and EPA's increased involvement in work place issues;
 - o CMA's publication of "A Manager's Guide to Quantitative Risk Assessment";
 - o A proposal to maintain the Chemical Release Inventory Task Group until the end of the calendar year. The committee agreed;
 - o An update on the Community Exposure Value Pilot Project;
 - o A report on the State Affairs Committee's Planning meeting; and
 - o A briefing on Congressman Henry's draft legislation on OSHA reform.
16. R. Van Mynen, Chairman, reminded the committee that the next meeting will be held on Wednesday, August 16, 1989.
17. The meeting was adjourned at 2:30 p.m.

Gordon D. Strickland

Gordon D. Strickland
Assistant Vice President
Technical Department

Minutes Subject to Approval

GDS:klp

CMA 060962