

Interoffice Memo VIA FAX**CertainTeed**

To	Art Gellner	My Code	Ik. Ch	From	Ken Everhart	Mail Code	293	Ext.	12
Subject	B. F. GOODRICH RESIN - HAZARDS						Date 06-28-93		

Art:

I am contacting with you as CertainTeed's representative for PVC resins.

As mentioned in our telephone conversation this morning, on June 24th 1992 EPA visited our Grinnell facility and did a Community Right to Know inspection. The inspector did not take issue with anything we were doing except that he surmised that we had violated the SARA reporting requirement in our not reporting B F Goodrich Geon Vinyl Resins as hazardous. This conclusion was based on a review of the Geon MSDS (attached) which indicates that there are hazards associated with this material, which we know factually are not legitimate. CertainTeed had and continues to use OSHA 29 CFR 1910.1200 (d) which allows that if we take a position contrary to the MSDS we can do our own hazard assessment and base our reporting on that.

We were required by EPA to contact Iowa's OSHA group and have them agree with our assessment in order to vacate the violation, which OSHA had indicated, after some long and detailed dialogue, that they would confirm and agree with our position. Since that time, the parties involved have changed, and the person from that agency now involved has indicated that he feels we are wrong. He has taken that position based on a letter in the federal database from the Vinyl Institute arguing the legitimacy of the labeling requirements of Vinyl chloride (not related to the issue at hand).

We have engaged local attorneys to defend our position and we expect a meeting with the agency shortly.

The position of BFG does not serve anyone including them. Mike Colitti's position is that if BFG only offers hazardous resins, we will buy a competitors' product which is not listed as being hazardous. I agree with and support Mike's position.

Since then, BFG has issued a letter (also attached) which advises that while they continue to assess no hazards with the use of their product, and that they are not required to do so by regulation, they intend nonetheless to re-institute the carcinogen labeling of their products on rail cars, etc, which they had discontinued some 10+ years before.

Our company's position is that we report substances which are hazardous via SARA reporting obligations, but we do not over-report in order to mislead the public into believing that we are using several million pounds of materials which are considered hazardous but which don't represent any hazards.

If BFG is taking this position in some manner to further protect themselves, they need to know that they are going to pay a price to do so. Over-warning does nothing but confuse the regulatory community and it serves to cause others in the same industry to waste time demonstrating their rationale which happens to be different from BFG's.

Please let us know how your discussions go with BFG's representative.

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