

SOCIETY OF PLASTICS INDUSTRY
VINYL CHLORIDE-POLYVINYL CHLORIDE PRODUCERS ASSOCIATION MEETING
WASHINGTON, D. C.
OCTOBER 11, 1974

Notes from the Meeting

Health Research Group or Labor Unions have not filed for appeal of standard.

The court action will concentrate in the Second Circuit Court of Appeals and will probably include SPI, Firestone, Union Carbide, and a consortium of Tenneco and others(?).

No requests for a stay have yet been filed.

SPI is discouraging others from petitioning except in conjunction with the existing parties. Keeping the number of petitioners low gives more time per party in the oral argument.

A poll of company intentions and actions regarding the standard is as follows:

<u>Company</u>	<u>Action</u>
Air Products	Filed for hearing
Allied Chemical	May file
Borden	May file
Continental	May file
Diamond Shamrock	May file
Dow	Will file if in the best interests of industry
Ethyl	May file
Firestone	Filed for hearing
General Tire	Limited participation
Goodrich	Will file, probably consolidating with others
Goodyear	May file
Great American	Will file with SPI

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<u>Company</u>	<u>Action</u>
Hooker	Filed for hearing
Olin	May file in consolidation
Pantasote	May file with SPI
PPG	May file
Robintech	Will not participate
Shell	Will not participate
Stauffer	May file
Tenneco	Has filed
Union Carbide Corporation	Has filed
Uniroyal	May file

Companies that do not want to be represented in the SPI action should inform Heckman by November 1.

The issues as seen by SPI for the Court action are:

1. OSHA has no evidence to support the levels imposed. No support for standard.
2. The standard violates the spirit of the Act in that it burdens employers and employees. Respirators are not feasible.
3. Some passes will be taken at other onerous provisions and the impracticability of some provisions.

Air Products suggested that the standard was unrealistic with regard to economic impact and emergency "bail outs".

Shell wondered about fire response in regulated areas.

SPI - No part of the new standard is in effect until January 1, 1975. The present emergency standard remains in effect until January 1, 1975.

The original SPI approach was that there was no basis for a stay based on irreparable injury and an expedited hearing would be requested.

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The court schedule might appear as follows:

File the record by October 29
 Petitioner's brief due November 15
 Government brief due December 13
 Petitioner's reply brief due December 20
 Oral arguments on December 23
 Ruling thereafter(?)

The objective was to get a decision by January 1, 1975.

The revised SPI position is as follows:

1. File brief by November 15 on expedited basis.
2. Request stay of execution on November 15 based on the following:
 - a) One company has indicated shutdown of plant (UCC).
 - b) Respirators, canisters, and monitoring equipment cannot be obtained by January 1, 1975.

SPI will formally ask OSHA for a stay of the new standard, and on refusal will petition the Court. The stay is not equivalent to a variance request; i.e., it suggests no alternative and is not one item but the entire standard. SPI will continue to press for an expedited hearing.

A committee of attorneys was named to coordinate the case:

- | | | |
|----|-------------------------------------|---------------|
| 1. | Jerome Heckman | SPI |
| 2. | Allen Topol | (?) |
| 3. | W. Connolly | Firestone |
| 4. | J. W. Whittlesey or
J. V. Murray | Union Carbide |
| 5. | W. Becker or Harold Fast | (?) |

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Other Items

Air Products is investigating an epidemiological study by the University of N. C. to determine a safe exposure level of VC for humans.

FDA - The prior sanction for PVC resins in food packaging is still in effect. The proposed interim regulation is still being polished and revised. Johns Manville reportedly gave FDA a method for extractable good for 5 ppb data. They are considering 1 ppm maximum in films to 5 mm (?), and 10 ppm for pipe. FDA has power to regulate water pipe and is moving in this direction. SPI provided FDA a 90-day feeding study data from Netherlands (10-10-74).

The SPI - EPA meeting will be in Cleveland on October 25 at 10:30 AM.

The proposed SPI VC public relations program is as follows:

1. Issue an updated background memo based on new standard, noting the inflationary effect, the lack of OSHA evidence, etc.
2. Develop press releases and feature articles as needed.
3. Contact Senators and Congressmen before and after the election to familiarize them with facts.
4. Have Team visit with leading media for editorial briefings.
5. Develop items on the safety of PVC products.

RNWheelerJr/ra

October 15, 1974

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