

TO: RAY GOMEZ

FROM: J.W. LEWIS

April 22, 1992

SUBJECT: Response to your 4/7/92 request for information for Ohio Prop. 65

This note is in response to your four questions to Mike Marshall.

1. The list of 458 chemicals was compared to the SARA 313 list of chemicals. There are 215 SARA 313 chemicals on the list. Avon Lake reported 29 SARA 313 chemicals in 1990 and Akron reported 12. Connie Dillon is conducting a search to determine if we use the chemicals on the Prop. 65 list. I can tell you now that, even if we use the chemicals on the Prop. 65 list, we do not have any environmental release data on any of them other than the SARA 313 chemicals.
2. The State tax under section 3752.19 is based on SARA 313 releases. Therefore, for 1990, the tax is as follows:

|             | <u>Pounds</u> | <u>Tax</u>    |
|-------------|---------------|---------------|
| Akron       | 913,895       | 9,138.95      |
| Avon Lake   | 923,125       | 9,231.25      |
| Brecksville | <u>28,852</u> | <u>288.52</u> |
| Total       | 1,865,872     | \$18,658.72   |

3. Section 3752.06 provides the right to an individual living or working within a 2 mile radius to file a complaint against a company which may cause an exposure requiring a warning. There is a requirement under section 3752.03 to semi-annually notify individuals and businesses located within the area where the exposure occurs. This requirement, however, does not apply if the responsible person can demonstrate that the exposure poses "no significant risk" for any individual and "no observable effect" assuming exposure to 1000 times the level for reproductive toxins (see 3752.05 (cc)(1 and 2)). "No significant risk" is defined under 2752.02(H) as 1 excess case of cancer in an exposed population of one million. We would have to do a risk assessment for vinyl chloride emissions at Avon Lake and aniline and butadiene at Akron to determine if there is a one in a million excess cancer due to their emissions.

If over the one in a million risk, then semi-annual written notice would have to be given to those within the area of exposure. Also, if an exposure is less than 12 months, section 3752.03 is not applicable (i.e. warning not required) (see section 3752.05(B)(1) and (2)).

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The annual 313 emissions reported in 1990 indicate three chemicals of concern at Akron and Avon Lake which may need a risk assessment to determine if there is great<sup>er</sup> than one excess cancer per million exposed from their emissions.

| <u>Plant</u> | <u>Chemical</u> | <u>#/yr</u> | <u>#/hr</u> |
|--------------|-----------------|-------------|-------------|
| Akron        | Aniline         | 114,800     | 13.1        |
|              | Butadiene       | 80,000      | 9.1         |
| Avon Lake    | Vinyl chloride  | 29,700      | 3.4         |

I believe the area of concern will be much less than 2 miles, but have no way to estimate the logistical difficulties and costs for semi-annual written warnings.

4. The definition of consumer product exposure should be revised to any significant exposure, then define "significant exposure" similar to the definition of "no significant risk." This would eliminate the need to place warning labels on products only because they contain traces of one of the 458 chemicals in the product.

I trust this is responsive to your request. Please contact me if you need clarification on my comments or need additional information.

  
Jim Lewis

JWL/rm  
INFO65

cc: M.M. Marshall  
W.C. Holbrook  
K.J. Willings

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