Monsanto

FROM (NAME - LOCATION - PHONE) J. H. Craddock - B3NA (4-4764)

DATE August 27, 1984 cc J. G. Nassif - E2ND

SUBJECT Monthly Report - August 1984
PCB Surveillance

REFERENCE

TO : W. B. Papageorge

HIGHLIGHTS

[redacted]

- New "Inadvertent" Generation PCB Rule

  EPA published the new "inadvertent" generation PCB rule in the July 10 Federal Register on schedule. The rule becomes effective October 1, 1984. As expected, the new rule followed closely the "consensus" rule proposed by the chemical industry (CMA) and environmentalist (EDF/NRDC) coalition.

- EPA - Spill Clean-Up Policy Draft

  EPA Assistant Administrator Jack Moore met with industry and environmental groups to discuss the merits of a spill/clean-up policy vs. regulation.

  EPA had proposed a draft policy statement for PCB spill clean-up which would require clean-up to background or zero ppm.

  Moore initially agreed to take the matter under advisement and not immediately sign the Agency proposed clean-up to "zero or background" policy. However, recent indications are that zealots in the Washington staff and regions (particularly Region V) are pushing for a late September publication of a strict clean-up policy without input from environmentalists and industry.

  Environmentalists have indicated they would like to develop another "consensus" group similar to that developing the successful "inadvertent" PCB rule to make a model rule recommendation to the Agency.

DETAILS

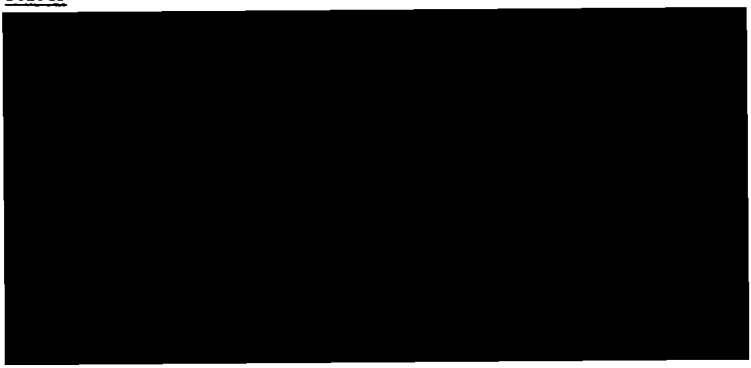
1. Objective

[redacted]

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Status



Monsanto PCB legal and management staff met with General Electric Company counterparts to discuss PCB issue, management strategies and future trends in litigation, regulations and research.

- Ohio State University (OSU) Dairy Cattle Research

The OSU dairy cattle research project has begun Phase II which includes study of reproductive effects of PCB fed animals. This work is defensive research for use in other possible farm-type litigation.

The research protocol and grant have been reviewed and approved.

Report #3 from Dr. Willett covering work in the second quarter of this year has been received. The results indicate that milk production was adequate for all animals and that high doses (1000 mg/day) of PCB did not have significant effects on milk productivity.

2. Objective

Influence more reasonable regulation of PCBs by State and Federal agencies.

Status

- EPA - Spill Clean-Up Policy Draft

EPA previously issued a draft policy statement for PCBs spill clean-up which would require clean-up to background or zero ppm. The CMA PCB Task Force as well as Monsanto are concerned about the overly stringent requirements of this policy statement and in effect lowering the 50 ppm disposal cut-off to zero in case of spills. Implications for clean-up under other EPA rules such as Superfund are apparent.

Monsanto and the CMA PCB Task Force have taken several steps in an attempt to convince EPA that the proposal is unworkable and excessive including:

- meeting with EPA Assistant Administrator Jack Moore,
- meeting with representatives of the public interest groups EDF and NRDC,
- meeting with attorneys and representatives of other affected industries, particularly the electrical industry which included Edison Electric Institute (EEI) representing the public utilities and National Electrical Manufacturers Association (NEMA) representing electrical equipment manufacturers.

Currently the major problem appears to be Agency politics, including some of Moore's Washington staff and also some Regional EPA personalities.

It's interesting that the public interest groups are working with industry groups again to force EPA to promulgate acceptable, practical regulations.

- New "Inadvertent" PCB Rule

EPA published the new "inadvertent" PCB rule on schedule. (Note officially the rule and subject PCBs are known now as "inadvertent" vs. "incidental" PCBs.) The rule becomes effective October 1, 1984.

Notice and guidance was given to Monsanto operating company environmental management and plant staff regarding this rule and its implications and requirements.

Operating companies are in the process of determining if any Monsanto products have levels above those required for notification and certification to the Agency. In addition, actions are being taken to provide proper documentation in the event of any PCB inspection by EPA in conjunction with this rule.

J. H. Craddock

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