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FROM: T. G. Grumbles  
DATE: January 31, 1990

Interoffice  
Communication

SUBJ: TSCA PROCEDURES

VISTA

We are in general compliance with the TSCA Section 8 regulations. The section referenced in the EPA letter to John discusses Section 8(e) reporting. We have procedures in place to record and review health and environmental information that may be 8(e) reportable. These procedures are reviewed periodically with the Safety Directors and Environmental Coordinators, and posters (attached) are on bulletin boards in the plants. We periodically communicate our TSCA 8(e) and 8(c) obligations to those we believe should know. This is a "moving target" with people entering and leaving jobs that may be impacted by these regulations. The last such communication was done in December and is attached.

General TSCA compliance, including 8(e), is reviewed during environmental audits.

The type of testing discussed in the EPA letter is not the type we do routinely. In fact, except for the alumina whisker work and maybe some of the CLER sponsored environmental fate and effects work, we haven't done testing that would have the potential to result in an 8(e) reportable result since 1984. Vista has filed one 8(e). This was regarding the EDC contamination on the fence.

Much of the discussion in the letter is directed at Monsanto's recent experiences in this area. A recent Chemicalweek article on this is also attached.

*T G Grumbles*

T. G. Grumbles

dlj

Attachments

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As required by the law, EPA has defined "significant adverse reactions to human health or the environment," as follows:

Significant adverse reactions are reactions that may indicate substantial impairment of normal activities or long-lasting or irreversible damage to health or the environment.

Examples of significant adverse reactions to human health include:

- Long lasting or irreversible damage, such as cancer or birth defects.
- Partial or complete impairment of bodily functions, such as blood, reproductive, or neurological disorders.
- An impairment of normal activities, which is experienced by all or most of the persons exposed at one time.
- An impairment of normal activities, which is experienced each time an individual is exposed.

Examples of significant adverse reactions to the environment include:

- Gradual or sudden changes in the composition of animal or plant life in an area.
- An abnormal number of deaths of organisms (e.g., fish kills).
- A reduction of the reproductive success or vigor of a species.
- A reduction in agricultural productivity, whether crops or livestock.
- Alterations in the behavior or distribution of a species.
- Long lasting or irreversible contamination of components of the physical environment such as groundwater or soil.

The Toxic Substances Control Act (TSCA) was signed into law in October 1976. The purpose of TSCA is to ensure that chemical substances and mixtures are regulated in a manner that ensures that they do not present an unreasonable risk of injury to health or the environment.

This brochure provides a summary of the major provisions of EPA's TSCA Section 8(c) final rule, 40 CFR 717, which was published in its entirety in the August 22, 1983 *Federal Register*, Volume 48, Page 38178, and became effective on November 21, 1983.

It was the intent of Congress when it passed the Toxic Substances Control Act (TSCA) that the public be made aware of potential hazards to human health and the environment, and of the action to take if exposure takes place. This brochure has been developed to help inform you about this new TSCA 8(c) rule.

If you have questions beyond those covered here, please contact the TSCA Assistance Office:

Long Distance: (800) 424 9005  
Washington, DC: (202) 554 1404

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## Answers to Your Questions About the TSCA Section 8(c) Rule

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Office of Toxic Substances  
Environmental Protection Agency

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## About the 8(c) Rule

EPA has issued a regulation that will, for the first time, require the chemical industry to keep records of alleged "significant adverse reactions" to chemical substances and mixtures. This is being done under the authority of Section 8(c) of the Toxic Substances Control Act (TSCA).

The Rule requires the chemical industry to keep these allegations on record for thirty (30) years in the case of employee health, and for five (5) years in all other cases. EPA can inspect such records and require that the industry report the information contained in such records to the Agency.

## What Is an Allegation?

A worker on a new chemical process line tells his supervisor that he is experiencing spells of hand tremors and blurred vision while on the job. He thinks the problem is caused by the vapors he breathes in while refilling a mixing tank. His supervisor asks him to fill out and sign a brief form describing his problem. The worker does so. This is an 8(c) allegation.

Briefly, an allegation is a statement of an individual's belief that a chemical substance, mixture, etc., has caused harm to him, another person, or to the environment. But he is not required to provide proof or evidence of the adverse reaction.

The TSCA Section 8(c) rule defines an allegation as a "statement made without formal proof or regard for evidence, that a chemical substance or mixture caused a *significant adverse reaction* to human health or the environment."

## Who Can Make an Allegation?

Any person can make an allegation.

This includes anyone who has experienced or witnessed a "significant adverse reaction to human health or the environment."

In addition to individual company employees, consumers, or plant neighbors, allegations can be submitted by one person or a group on behalf of another person or group. For example, a person could make an allegation on behalf of an injured or deceased relative, or a union representative could make an allegation on behalf of one or more members.

## What Allegations Are Recordable?

The TSCA Section 8(c) rule is in no way attempting to limit or dictate the kinds of complaints or the content of allegations that a worker or any other citizen may make. Some companies may, as a matter of policy, keep every allegation they receive. But persons who submit allegations should be aware that under the 8(c) rule, industry is only *required* to record allegations that meet certain criteria. With this in mind, here are some basic suggestions for structuring an allegation.

### Sign Any Written Allegation

- Companies subject to the rule are not required to record unsigned written allegations.
- Companies must also deal with oral allegations, but may do so in one of two ways -- either by transcribing the allegation as orally presented to them, or by requesting that the allegor submit it in writing.

## Link Cause with Effect.

The allegation must make a link between a particular company's product, process, or effluent and the human health or environmental effect.

## Clearly State What Caused the Reaction

It is very important that the cause of the reaction be clearly identified. This is important because companies will be using such allegations by the chemical or other substance reported as a cause of the reaction. But, you don't have to know the exact chemical identity of the causative agent. You can cite a cause by:

- Naming the specific substance;
- Naming a mixture that contains a specific substance (e.g., a product brand name);
- Naming an article that contains a specific substance;
- Naming a company process or operation in which substances are involved; or
- Identifying an effluent emission, or other discharge from a site of manufacturing, processing, or distribution of a substance.

## Fully Describe the Adverse Reaction

The nature of the adverse reaction should be explained. If the reaction is a health effect, it would be helpful to explain how you discovered it and how you feel you were exposed. If the adverse reaction is an environmental effect, identify as best you can the affected plants, animals, or the contaminated part of the environment as well as the kind of reaction you observed.

## Significant Adverse Reactions

Finally, the industry is only required to record "significant adverse reactions."

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