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VCM-PVC MANAGEMENT SUMMARY

Vol. III, No. 3

ON THE REGULATORY FRONT

EPA:

Solid Industry Front at EPA Carcinogen Policy Hearings

On March 23, the chemical and plastics industry turned out in force at the Environmental Protection Agency's (EPA) public meeting to hear comments on the Environmental Defense Fund's (EDF) petition for a generic carcinogen policy for EPA... some 15 industry spokesmen from companies and associations testified...written submissions were sent in by two additional trade associations...the EDF spokesman had only two supporters, representing the Citizen Action Group and Citizens for Environmental Protection, both of Charleston, West Virginia.

The American Industrial Health Council (AIHC) and the Society of the Plastics Industry (SPI) in joint testimony told the EPA that the Agency's risk/benefit assessment procedures are "the first step toward a workable policy to deal with suspected carcinogens in the environment"...in separate testimony, the SPI cautioned against adopting a rigid cancer policy as advocated by the EDF...the AIHC said the EDF plan would result in "automatic, uncontrolled regulation" and the wrongful labeling of many substances as carcinogens...industry witnesses strongly opposed any "zero emission" requirement in whatever regulatory plan is adopted.

EDF criticized the EPA for acting on only four dangerous pollutants in seven years and said this pace is "unacceptable" and if the EPA doesn't act on the EDF petition within six months it can probably expect a lawsuit...the EDF spokesman offered a compromise stating that this group might be willing to drop its insistence on "zero emission" goals for known carcinogens but only if there is no substitute material available and only if "best control technology -- and we mean best" is required.

EPA panel co-chairman Walter Barber, indicating his impatience with the EDF's position said," if cost has no role here and there are no limits to technology, then you will have no stopping point for controls"...later he commented, "the whole program will lose credibility if controls are imposed to find the last atom."

SPI Files Additional Comments on EPA VC Standard

On March 9, SPI filed with the EPA supplemental comments to the proposed amendments to the national emission standard for vinyl chloride (VC)...last August, SPI submitted

a report by Dames & Moore on vinyl chloride concentrations around polyvinyl chloride (PVC) plants...the recent submission consisted of a new Dames & Moore report reviewing "maximum short-term concentrations under worst case meteorological conditions" and supplemental comments on the standard by the SPI Polyvinyl Chloride Safety Group.

FDA:

Court Extends Time For Filing AN Briefs

On March 14, the United States Court of Appeals for the District of Columbia Circuit granted the motion filed by SPI and several companies to extend the time for filing Petitioners' briefs in the appeal of the Food and Drug Administration's (FDA) acrylonitrile (AN) beverage container decision...under the Court's Order, the time was extended through May 21, 1978...because the 21st is a Sunday, briefs may be submitted to the Court through Monday, May 22, 1978.

In other developments, the SPI and the Monsanto Company denied consent to the National Research Defense Council (NRDC) to intervene in the AN case as the group had not filed a "Motion for Leave to Intervene " within the required period...the NRDC still can ask the Court for leave to intervene...in lining up efforts for support, SPI consented to the filing of an amicus curiae brief by the National Flexible Packaging Association... and has been advised that the Pacific Legal Foundation also wishes to participate in the appeal as an amicus curiae on the side of the Petitioners.

Maltoni Report Fails to Show AN is Carcinogenic

The final report of the acrylonitrile (AN) study by Prof. C. Maltoni of the Institute of Oncology and Tumor Centre of Bologna, Italy, fails to show whether or not AN is carcinogenic...the report concludes that under experimental conditions at a level of 5 mg/kg administered three times per week, AN exhibited a "borderline oncogenic effect"...however, the researchers say, "at present, our data do not make definitive evaluations possible" and point to the need for further investigations on the long-term effects of AN.

The inhalation and ingestion tests were performed on Sprague-Dawley rats, a type which has been bred in the Institute for years, the authors of the report said...pointing out that the incidence of tumors in control animals has been "suprisingly high," particularly in reference to encephalic tumors, the authors called for "wider scale histologic research with other rodents commonly used in experimental bioassays, since our knowledge in this field is rather limited."

No Such Thing As Absolute Safety, Says Sen. Kennedy

Speaking at the Food and Drug Administration's symposium on "Risk/Benefit Decisions and the Public Health" in mid-February, Senator Ted Kennedy said we must begin educating the public to the reality that there is no such thing as absolute safety..."Regulations

can never totally protect the public. Large segments of the American public already accept this fact. But it is time for persons in positions of leadership to strengthen this understanding with more candid discussion of the limits of regulation," he said.

Discussing risk/benefit analysis, Senator Kennedy said in particular we need more research aimed at improving our ability to evaluate the risks of chemicals...we must reduce the uncertainty involved in these risk assessments and we must make these assessments cheaper and faster.

FDA To Permit Comment on New VC Polymer Data

On March 21, in reply to a letter by legal counsel for Tenneco Chemicals, Inc. -- which requested additional time for comment before a final order was adopted by FDA on vinyl chloride polymer in contact with food -- William F. Randolph, FDA's Acting Associate for Compliance, said his agency was aware that the circumstances have "changed significantly" since the FDA proposal was issued on September 3, 1975...consequently, "we will be providing the public an additional opportunity to submit data and comments concerning vinyl chloride polymers in contact with food and to comment on the data that we have recently obtained"... the "precise nature" and "timing of that opportunity" have not yet been decided, he said.

OSHA:

SPI Asks For "Performance Standard" at AN Hearings

On March 30, at a public hearing on the Occupational Safety and Health Administration's (OSHA) proposed acrylonitrile (AN) standard, SPI testified that the permanent standard should be based on "specification of performance"...such a standard would "provide for the protection of the employee without limiting or inhibiting the employer from making full use of technology in achieving this protection," SPI said...SPI and Monsanto Company urged OSHA to give special attention to performance-related rules covering the processing of AN polymers and copolymers...regulation should be based on the levels of actual exposure experienced by the workers, rather than the amount of residual acrylonitrile remaining in the polymer, they said...in other testimony, Vistron Corporation said a 2ppm eight-hour time-weighted exposure limit for AN "is feasible and provides adequate protection."

Circuit Court Lifts Stay on AN Standard

On March 28, the U.S. Court of Appeals for the Sixth District, lifted the temporary stay of OSHA's emergency temporary standard on AN and denied an industry motion for a permanent stay of the standard...the temporary stay had been in effect since February 15... it will expire July 17, six months after its issuance.

OSHA Policy Could Cost $88 Billion

If OSHA's proposed carcinogen policy is put into effect and the rate of inflation increased as much as one percent the cost to society could be as high as $88 billion, the

American Industrial Health Council (AIHC) said at a news conference on March 27...the economic impact study was made for AIHC by the consulting firm, Foster D. Snell, a division of Booz Allen & Hamilton...an alternate plan for regulating cancer-causing substances in the workplace, developed by AIHC in January, would accomplish the same goal at a lower cost than OSHA's policy, a spokesman said.

ON THE MEDIA FRONT

Industry Has "Opportunity" in Monitoring Role, Says Selikoff

In an article in the February 1973 Job Safety and Health, Dr. Irving J. Selikoff, director of the Environmental Services Laboratory at Mt. Sinai School of Medicine, says that industry has the "best opportunity" for observing the human health effects of a toxic agent...ordinarily, if an agent is being developed, it is being developed and tested by industry, not academic groups, he said...industry also can observe possible human health effects on the first introduction of an agent..."it is likely that only industry can continue long-term monitoring -- this is not in the cards for government agencies or for union groups...the details of industrial processes are best known to the company and this opportunity is probably industry's alone," he said.