



MANUFACTURING CHEMISTS ASSOCIATION

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WILLIAM J. DRIVER
PRESIDENT

September 23, 1977

Honorable Douglas M. Costle
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D. C. 20460

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Dear Mr. Costle:

We are concerned with proposed rules to further limit emissions of vinyl chloride as announced at Federal Register pp. 28154-28159, Volume 42, No. 106, Thursday, June 2, 1977.

The Manufacturing Chemists Association (MCA) is a nonprofit trade association having 193 United States company members representing more than 90% of the production capacity of basic industrial chemicals within this country. Our members not only have a direct interest in the control of vinyl chloride and existing or new vinyl chloride, polyvinyl chloride, and ethylene dichloride plants, but they have grave concerns about EPA's zero risk:zero emission approach to regulation, an apparent departure from the intent of Congress for reasonableness in enacting PL 95-95, The Clean Air Act Amendments of 1977, and the emission offset policy.

Zero Emission Goal - No Safe Threshold

EPA argues that because science has not been able to identify an incontrovertibly safe threshold for vinyl chloride there is none. Consequently, the only "adequate margin of safety" is viewed by EPA to be zero emission to achieve zero risk. This is spurious reasoning. Any margin, adequate or otherwise, is more than zero. Unless EPA wishes to ban vinyl chloride, there must be some emissions, because zero discharge is contrary to nature's laws of conservation of mass and energy.

We are concerned that the "no safe threshold" concept seems to be the major consideration in EPA's philosophy of control, i.e., once a substance is shown to be or is suspected of being carcinogenic the only safe exposure is zero. Controls based on "no safe threshold" rest on the unproven hypothesis which contends that there is no adequate margin of safety, i.e., a safe threshold, for any material suspected of biological damage. The hypothesis requires accepting the presumption that one molecule of a substance might cause someone--somewhere--sometime to suffer definitive unnecessary illness, injury, or death. A large body of science, including the World Health Organization and the Cancer Advisory Board, believes this wrong, that nature repairs itself, and, therefore, there is a safe threshold which can reasonably be anticipated to not endanger public health or welfare. That scientists have not reached a consensus on threshold levels of carcinogenicity was documented in the MCA statement of April 5, 1977 to the National Advisory Committee on Occupational Safety and Health. Dose rate, frequency, duration, etc., are critical. This especially so when the transient vagaries of the ambient atmosphere are taken into consideration.

Reasonableness

Under the recently enacted amendments to the Clean Air Act, a list of emissions is to be published, which in the Administrator's judgment, "...may reasonably be anticipated to endanger public health or welfare...". Thus, anticipated danger must be reasonable. The reasonableness test is specified in section 108 - Air Quality Criteria and Control Techniques, section 111 - Standards of Performance for New Stationary Sources, and section 112 - National Emission Standards for Hazardous Air Pollutants (NESHAP). NESHAP is the section recited as pertinent to the proposed further reductions in vinyl chloride emissions.

Without compelling new scientific evidence to show that there are "identifiable effects on public health and welfare" that need to be ameliorated beyond those implicit in the existing regulations, it is reasonable to judge that there is no endangerment. Hence, no further emission reduction can be justified. Mere suspicion is not sufficient.

Emission Offset

We have previously expressed our concerns regarding the anti-trust implications of the offset policy (W. J. Driver to Hon. D. M. Costle June 7, 1977, and testimony to House and Senate subcommittees during hearings on PL 95-95). In the case of vinyl chloride, the offset policy could favor concentration of the industry, hardly a desired competitive effect. Most importantly, the proposed regulation is based on a policy of no net increase due to new construction because of the hazardous nature of vinyl chloride. Diffusion modeling shows that, within a five mile radius of the plant, the average concentration is less than one part per billion under the existing regulations and that any reduction imputed to the proposed changes is less than 0.25 ppb. Such numbers are less than can be measured reliably and are in essence undetectable. It is pretentious, therefore, to believe any real change would result; the situation is not exacerbated. "Reasonable further progress" in emission reductions is not impaired because only a 1% reduction in total emissions will be achieved according to EPA's own estimates. This means that reasonably available control technology should be adequate under revised State Implementation Plans even for non-attainment areas.

In short, a requirement for emission offsets cannot be substantiated because there could be no detectable environmental benefits in view of the miniscule reduction in emissions.

Summary

In view of the lengthy deliberations that consumed 31 months in arriving at the existing regulations of October 21, 1976, EPA efforts to change those rules, which are geared to produce a 90% reduction in ambient concentrations of vinyl chloride, are unreasonable. There is no compelling evidence to act now and we question changing the rules partway through our commitments to meet the present regulations.

We urge close cooperative monitoring to determine the results achieved under existing regulations and a continuing exchange of scientific, engineering, and economic

data. The collective wisdom thus produced will further equip the agency to make a balanced reasonable assessment of the environmental benefits from incremental control steps.

Meanwhile we recommend that this proposed rule be withdrawn.

Sincerely,


W. J. Driver