

MINUTES of the three-hundred sixth meeting of the Board of Directors of the Chemical Manufacturers Association, Inc., held in the Great Heron Hall, Ocean Reef Club, Key Largo, Florida, on Monday and Tuesday, January 27 and 28, 1986.
There were present:

Directors	George J. Sella, Jr., Chairman (2) Harold A. Sorgenti, Vice Chairman Robert A. Roland, President Dexter F. Baker Max S. Bass Alan Belzer (1) Arthur E. Biggs Robert D. Cadieux Carlyle G. Caldwell W. H. Clark, Jr. Harry Corless Robert W. Davis Keith H. Edmondson Robert B. Fell F. Jack Fitzgerald Robert C. Forney D. George Harris P. W. Ifland (1) Ray R. Irani (1) John W. Johnstone, Jr.	Robert D. Kennedy Hans H. Kopper Sidney H. Leahy Carl W. Lorentzen H. Eugene McBrayer Keith R. McKennon Robert H. Mallot (1) Robert L. Mitchell (1) L. John Polite, Jr. Seymour S. Preston, III Thomas E. Reilly, Jr. M. Whitson Sadler James F. Schorr Charles E. Stewart S. Jay Stewart William Wishnick
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Secretary:	Charles W. Van Vlack
Treasurer:	Gary C. Herrman
General Counsel:	David F. Zoll

By Invitation:	William M. Bellamy, Jr. - Union Carbide Corporation Frank W. Berryman - Chevron Chemical Company Hal Bozarth - Chemical Industry Council of New Jersey Robert A. Christman - Mobay Corporation (2) Ken W. Cole - Allied-Signal Inc. (2) Geraldine V. Cox - CMA Kenneth E. Davis - Rohm and Haas Company Wells Denyes - Eastman Kodak Company Edward D. Griffith - ARCO Chemical Company Philip C. Holladay - Shell Oil Company Edwin C. Holmer - Exxon Chemical Company Jon C. Holtzman - CMA E. Hamilton Hurst - Nalco Chemical Company John F. Hussey - Monsanto Company (2) Bruce W. Karrh, M.D. - E. I. du Pont de Nemours & Company (1) Robert F. Kelley - Union Carbide Corporation (2) Conrad Kent (SOCMA) - Stauffer Chemical Company Vincent J. Marchesani - ICI Americas Inc. Thomas I. O'Brien - Union Carbide Corporation (2) Michael A. Pierle - Monsanto Company J. B. Reid - American Cyanamid Company (1) Vernon R. Rice - E. I. du Pont de Nemours & Company Randal P. Schumacher - CMA (1) Allan J. Spilner - Rohm and Haas Company (2)
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all carcinogens. CMA counters that EPA has flexibility under the statute to consider cost and feasibility in setting emission standards.

Vinyl Chloride Litigation. CMA previously intervened in a court suit brought by NRDC challenging EPA's emission standards for vinyl chloride. This case probably will be the first to decide the meaning of the "ample margin of safety" test in section 112 of the Clean Air Act. All briefs have been filed and a decision is expected this spring.

5. Communications

The department prepared a summary and question and answer document on the Dingell Survey.

9. Surface Water

1. Congressional Developments and Response

Conference on Clean Water Act Amendments. Conference on the Senate and House versions of S. 1128 may occur before conference on Superfund. The timing depends upon resolution of the controversy over construction grants funding, which is not an issue of direct concern to CMA.

CMA's five major issues, on which the Clean Water Act Task Group has begun distributing technical papers and discussing improvements needed by the conferees, are the following:

Compliance Deadlines - CMA supports the House version applying a 3 1/2 years deadline.

Penalties - CMA supports the House version providing for administrative penalty hearing (APA) procedures; fairer size of maximum administrative civil penalties; citizen suit preclusion relative to administrative penalties; fairer size of maximum judicial civil penalties; and, affirmative defense protection against criminal penalties.

Fundamentally Different Factors (FDF) Variances - CMA supports the House version allowing use of FDF compared to the almost totally restrictive Senate version.

Best Available Technology (BAT) Requirements - CMA prefers the House version providing more time and state responsibility.

Water Permits - CMA supports the House version which better defines the types of discharges that should be permitted and provides for a more comprehensive regulatory program.

Developments and Response

final rule. The Panel will review the rule once it is published.

Ethylene Dichloride. The EPA announced last October an "Intent to List" EDC as a Hazardous Air Pollutant under Section 112 of the Clean Air Act. The Panel provided comments on the announcement and is further evaluating several of the references given in the announcement. The Panel will further review the health effects and risk assessment on EDC presented in the announcement.

Ethylene Oxide. The Ethylene Oxide Industry Council provided comments to EPA on its recent "Intent to List" EO as a Potential Hazardous Air Pollutant. The EOIC Environmental Task Group is evaluating the EO emissions developed by EPA. The group is providing EPA with information to realistically estimate EO releases. The Task Group has also reviewed the EPA Human Exposure Model which is used in the Agency's Hazardous Air Pollutant program. EPA is presently surveying the industry to determine episodic releases or excursions from the annual average.

Ethylhexanoic Acid. The Ethylhexanoic Acid Panel met with EPA to discuss the proposed test rule for EHA under Section 4 of TSCA (50 Fed. Reg. 20678). EPA has speculated that dermal exposure to EHA might occur during processing, although manufacturers and major processors have indicated to the Agency that most operations occur under conditions where exposure is unlikely. To bolster its no-exposure argument, the Panel contracted with Temple, Barker and Sloane, Inc. to conduct a survey of handling practices among processors of EHA. The survey responses indicated that dermal contact with EHA during processing is virtually non-existent. Ninety percent of the responders instruct their employees to wear gloves when they may have contact with EHA, and five percent distribute EHA without repackaging. Given these results, the Panel feels that EPA cannot justify a finding that exposure to EHA in the workplace "may present an unreasonable risk of injury."

The Panel will continue to work with EPA to document the position that a No-Test Decision should be made for EHA. EPA is expected to publish its conclusion in the Summer of 1986.

Fluorocarbons. In October 1985 the Fluorocarbon Panel released its report on the production, use, and emissions of chlorofluorocarbons 11 and 12 through 1984. Production of CFC-11 increased from 1,427 million pounds in 1983 to 1,531 million pounds in 1984, according to the Alexander Grant and Company compilation.

Members of the Panel met in early October with Department of State and Environmental Protection Agency officials to review upcoming activities under the United Nations Environment Programme's (UNEP) Committee for the Protection of Stratospheric Ozone. Two economic workshops are being planned for 1986, as well as an EPA/UNEP conference

present an unreasonable risk of injury." The Panel also feels that cannot use data needs for the Clean Water Act to justify testing Section 4 of TSCA. Finally, the Panel's comments point out that requirements for Water Quality Criteria are excessive, and that the standard test battery should be reduced to reflect the state-of-the-environmental testing. The Panel's comments were also presented to a public meeting on the proposed rule on November 22. The Panel and EMC will continue to work with the Water Office to develop a more appropriate testing approach.

The Phthalate Esters Panel also provided EPA with comments on the final report on "A Ranking System for 307(a) List of Priority Pollutant chemicals from EPA's Water Priority Pollutant List. The industry has a vital interest in the content and eventual application of the report since any chemical can be listed or delisted as a priority pollutant.

EPA plans to announce its final procedures in May 1986.

Polychlorinated Biphenyls. The Panel is continuing efforts towards the development of a national standard for addressing PCB spills. Various meetings were held with representatives from the National Electrical Manufacturers Association, the Edison Electric Institute, the Natural Resources Defense Council and the Environmental Defense Fund.

The Panel has begun developing its strategy for addressing EPA's initiatives to bring PCB regulations into RCRA.

The Fifth Circuit Court of Appeals granted the Panel's motion to intervene in the lawsuit brought against EPA's new regulations on the use of PCBs in transformers. The petition was granted despite EPA's motion opposing the intervention.

Rubber Additives. The Panel has agreed to conduct a comparative metabolism study of mercaptobenzothiazole and mercaptobenzothiazole disulfide. The study will be conducted at Southern Research Institute. The Panel is in the process of preparing comments in response to EPA's proposed TSCA Section 4 test rule on MBT.

Titanium Dioxide. The Panel last month met with officials from the National Cancer Institute to discuss the Institute's proposed epidemiologic study of titanium dioxide workers. NCI will address the Panel's concerns in the report that it will submit to the Board of Scientific Counselors for approval of the study. The NCI Board will meet in March 1986, and if the approval is granted, the study will begin by the end of the year. The TD industry plans to fully cooperate with NCI during the conduct of the study.

Vinylidene Chloride. The Panel attended an EPA seminar on VDC. Dr.

Cesare Maltoni discussed the toxicology studies performed on VDC. The Panel will continue to track Dr. Maltoni's VDC study.

Water Additives. The Panel was formed in late 1985 to evaluate the National Sanitation Foundation's regulatory program for direct and indirect potable water additives. The Panel is preparing a position paper on organic polyelectrolyte potable water additives. The Panel will participate in the January NSF meeting designed to inform the public on how the regulations will be established.

Zinc Dialkyl Dithiophosphates. The ZDDP Panel recently decided to sunset after four years of conducting an active research and advocacy program. The ZDDP program was organized in 1981. Participating companies sponsored a three-phase research program designed to study the mutagenic potential and possible reproductive effects associated with exposure to this class of oil additives. Seven producers and one user sponsored the \$400,000 program.

Research results from Panel-sponsored research were shared with EPA and the Interagency Testing Committee (ITC). These studies were deciding factors in the ITC decision not to recommend ZDDPs for further health or environmental effects testing.

III. DEPARTMENTAL PROGRAM NOTES

Office of the President

International Affairs

Meetings with Foreign Trade Associations. A continuing discussion with the European Council of Chemical Manufacturers Associations (CEFIC) and the Japan Chemical Industry Association (JCIA) has resulted in agreement to meet with both JCIA and CEFIC in the United States during the first six months of 1986. These meetings are reciprocal and will have a broad agenda, focussing on differences between emerging U.S. and foreign systems of labeling to identify toxic materials and safe workplace and handling procedures.

State Relations Department

State Activities

The Superfund Program continues to support the Washington based efforts on Superfund reauthorization. Most of this work is being