

STAFF REPORT

by

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June 5, 1974

MCA and companies participating in the MCA-administered vinyl chloride toxicological research project were extremely concerned over the implications of a recent article in "Chemical and Engineering News" that accused producers of vinyl chloride and MCA of withholding information vital to a determination of the health hazards to workers making vinyl chloride. The article made the statement based on an interpretation of a confidentiality agreement between U.S. and European groups conducting independent research on vinyl chloride.

Because of this and other publicity on vinyl chloride, MCA has prepared, and mailed to the press on May 24, a "Vinyl Chloride Chronology."

Significant dates from the chronology are these:

May 1970. At the 10th International Cancer Congress in Houston, Dr. P.L. Viola reported that 30,000 ppm VCM exposures at four-hours-a-day, five-days a week for a year, caused cancers in rats. This was the first time U.S. industry had heard of any cancer-related effects of VCM.

August 16, 1972. A letter to MCA bearing this date, sent on behalf of the European sponsors of then current VCM research, offered technical cooperation under the condition that "no disclosure of information arising from the European investigation should be made outside the individuals comprising the technical coordinating task group without the specific consent of the European group."

November 14, 1972. An MCA representative who visited Europe October 19-20 reported that the testing protocol of Dr. Cesare Maltoni, the principal investigator of European sponsors, showed surprising results. The European group declined to release its data, however, because there was still no agreement to comply with the European group's stipulation of confidentiality.

December, 1972. After much deliberation and with great reluctance to pledging confidentiality, the participating U.S. companies and MCA did so in an MCA communication to a representative of the European group. This was done because of the vital importance of learning of any indications from the European research and thus have a base to proceed on further studies, if needed, without the delays that could have resulted from duplication of effort.

July 17, 1973. MCA representatives presented to NIOSH a summary of the published toxicity data on vinyl chloride, along with a description of the industry and full details of the studies contracted under MCA administration. This was done with the expressed interest in taking advantage of any suggestions NIOSH might offer. A physician representing the European group reported that tumors had been observed in rats down to 250 ppm VCM, but that an epidemiological survey had indicated no increase in gross mortality from cancer and no increase in cancer morbidity or incidence among workers exposed to VCM.

On May 10, OSHA published a proposed permanent standard that would ban worker exposures to detectable levels of VCM. The deadline for comments and requests for a public hearing is June 10.

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The House Democratic Caucus voted on May 15 to approve petitions of Representatives William Green (D-Pa.) and Charles Vanik (D-Ohio) seeking rules to permit them to introduce amendments to the energy tax bill, H.R. 14462, when it comes up for House floor debate. There is some doubt as to what extent the action of the House Democratic Caucus binds the Democratic members of the House Rules Committee when it receives the bill for a rule.

Mr. Green's amendment would terminate the percentage depletion allowance for oil and gas effective January 1, 1974, instead of phasing out the allowance over a three-year period as provided in the Committee-approved bill.

Mr. Vanik's amendment would repeal the deduction for intangible drilling and development costs in the case of foreign oil and gas wells and would substitute a tax deduction for the tax credit allowed for foreign oil operations.

The status quo continues in toxic substances legislation, with still no sign of a renewal of the House/Senate conferences. You will recall that the conferees last met in September of 1973, making little or no progress at that time. The attention of the members was then diverted by such sensitive matters as the Arab-Israeli war, the energy crisis, the confirmation of Vice President Ford, and the continuing furor over Watergate developments.

We believe it is still likely that attempts will be made to resolve differences between the House and Senate versions of toxic substances bills. However, prospects appear to be increasing that there will be a major disruption in the conduct of normal Congressional business as the legislators turn their attention to impeachment proceedings. House activity on the impeachment question could extend until Labor Day, and the Senate would require at least two months to discharge its responsibility as an impeachment court. Should something approximating this timetable actually occur it becomes obvious that numerous legislative proposals will be left by the wayside.

A development which could have important impact on the progress of toxic substances legislation is the emergence of the vinyl chloride problem. The press, both nationally and locally, is showing increasing interest in this question. A recent story by a leading newspaper in the Nation's Capital discussed the health dangers which have been associated with the manufacture of vinyl chloride and went on to criticize the inaction of Congress in failing to pass a toxic substances control law. The article went so far as to lay the blame for the delay to the chairman of the House conferees.

Therefore, it appears that the following questions are relevant:

- What effect will vinyl chloride problems have on the outcome of future House/Senate conferences on toxic substances? Will the conferees now be inclined to opt for the more stringent and less reasonable Senate version, ignoring its impractical approach in the haste to report a "stronger bill"?
- If no further action is taken by the conferees and toxic substances legislation dies in the 93rd Congress, what will be its fate in the 94th Congress? With its revival of these proposals a certainty next year, would the vinyl chloride publicity produce a less reasonable and more punitive attitude in the Congress?
- In short, should we begin to consider actively seeking enactment of toxic substances legislation this year?

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