

September 5, 1974

MEMORANDUM TO MR. TOPOL

Re: Vinyl Chloride Record

The following is a brief summary of what I discovered during my review of certain record exhibits at OSHA.

Exhibit 123 - Impact of Proposed Standard on Department of Defense -- This is a virtually worthless document from the standpoint of both OSHA and industry. Apparently OSHA's point of contact within the defense bureaucracy is the Safety Office within the Office of the Assistant Secretary for Manpower. The focus of this Office is upon safety of Department of Defense workers and the comments pointed out that the Department of Defense does not manufacture any VCM or PVC. An appropriate inquiry could have been made to the Assistant Secretary for Procurement and Logistics to ascertain the true impact of the proposed standard on the Department of Defense, i.e., the effect of the likely shortage of or disappearance of PVC based materials.

Exhibit 149 - Additional Information from Health Research Group -- This document responds to a request made during the hearing to HRG that its charter and by-laws be

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submitted for the record. This exhibit contains nothing else.

Exhibits 152-156 -- These exhibits are manuscripts of presentations made at the New York Academy of Science's meeting on vinyl chloride in New York, May 10-11. Because of Selikoff's or the New York Academy's supposed copyright to print and publish these materials, OSHA will not allow them to be copied..

Exhibit 159 - Documents from IUD -- This exhibit consists of a folder containing three papers prepared by IUD and attaching a selected number of documents from the record of the New York Academy of Science's meeting. It is interesting to note that IUD was given the opportunity to copy these documents. According to the bureau at OSHA, however, this exhibit cannot be copied because it contains New York Academy of Science's documents. I am asking Helen to get copies of the three documents prepared by IUD which are entitled "General Comments," "Further Comments on Biological Effects," and "Feasibility Issue."

The first of these three is a highly intellectualized and academic discussion of internalization verses externalization of social costs, etc. It is at a level of abstraction that will not win the hearts and minds of OSHA decision makers.

The second discusses possible mutagenic effects of vinyl chloride and the number of women employees in the chemical industry. It does not appear to add new information to the public record. The third, dealing with feasibility, is the most forceful and significant of the three.

It criticizes the SPI proposal as not representing a true statement of what industry can accomplish calling it rather a "consensus position" designed to cause industry the smallest pain possible. It argues that there is no evidence in the record that companies with plants under construction made any change in the plans for these facilities to reduce the potential of VCM emissions, after the Goodrich disclosures in January, 1974. It cites the Dow monitoring data as showing that the SPI proposed levels are not good faith levels. It characterizes the A. D. Little study based upon assumption of a total shutdown of industry, as a "PR stunt." It urges that the only feasibility evidence in the record consists of non-good faith assertions by industry. Further it reiterates the point that industry has not and does not do preventive maintenance.

It is stated that the ten smallest PVC plants, which are also the oldest, have a total capacity of 490 million pounds per year; that current VCM supplies are short

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by approximately this amount; and that therefore if a stringent standard were to close down these ten plants, industry capacity would not drop below the available supply of VCM. Further it is argued that industry does not pay enough attention to reclamation of PVC wastes and use of so-called "extender materials."

A final note on the feasibility paper -- it quotes Giles E. Dish of Tenneco on the likely increasing profitability of the PVC industry, to support the point that a price hike of one cent or more to pay for "worker protection" can easily be handled.

J. T. Smith

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