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INDUSTRIES, INC.
New Bedford Mass. 02741

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October 7, 1975

PCB Committee

The following are the minutes of a meeting held at EIA Headquarters on Wednesday, October 1 attended by the following individuals: Ty Nourse of EIA; Jim Flynn, G.E.; Roger Wills, Westinghouse; Rich Rollins, Jard; Bill Papageorge of Monsanto; and Cliff Tuttle, Aerovox. The meeting convened at approximately 10 a.m. and after lunch the entire group with the exception of Ty Nourse met with Ken Ballentine of EPA. The bulk of the minutes cover what transpired at EPA.

1. Versar, a Virginia consulting firm, has a contract from EPA to study the PCB situation. Basically, the contract is being funded by the Enforcement Group, whose primary intention is to use versar's study as support for the Toxic Substances Act. The Toxic Substances Branch is riding on this contract in having Versar basically write the regulation on PCB.

   The puzzling thing is that Versar is only planning to visit capacitor manufacturers. They are not going to see transformer people or investment casters. At the time of the meeting, Versar had only visited Aerovox. The group consisted of Mrs. Contos, Mr. Hackman and Mr. Crawford. The latter individual works for Clark-Dietz, who has a sub-contract with Versar to determine the cost of capacitor plants treating their discharges to remove PCBs. Other things Versar stated they were investigating are:

   a. the economic impact on the capacitor industry of a total ban of PCBs;

   b. alternative methods of manufacturing A.C. capacitors with other impregnants;

   c. the impact on all U.S. industry if a ban were imposed;

   d. what kind of money has the capacitor industry spent to date to improve its environmental situation.

It is noteworthy that Versar was quite impressed by the fire retardant argument and also, apparently, is giving consideration to the recently released and long hidden study comparing 1016 with 1242. ((?)

2. EPA Planning and Evaluation has a continuing consulting contract with A.D. Little on all substances. As a result, that consulting organization may also be contacting capacitor people to try and determine the economic impact on U.S. industry of a total ban of PCBs.

3. Region 5 Headquarters in Chicago is becoming very PCB conscious because of the situation in Lake Michigan. On its own it has tentatively scheduled a national symposium on PCBs for mid-November. Washington would just as soon this not happen because it is afraid conclusions could drastically affect other toxic substances in a way that is not Washington's desire. Still, Region 5 may go ahead with the symposium. The problem is that industry has not been given notice to prepare testimony and this will obviously be required if an unbiased symposium is to be held.

4. The questionnaire which all capacitor manufacturers received (it also went to transformer manufacturers and supposedly all importers) was put together by the Enforcement Group. No help was asked or received from Toxic Substances or other technical people. Although replies are going to regional offices, they will eventually get to Washington and probably all responses will be compiled into one report by Versar.

5. The real surprise was that Ken Ballentine of Toxic Substances had never seen the test report comparing 1016 with 1242. He agreed that this was the first data that substantiated our contention that 1016 was much less benign and therefore justified a separate standard on discharges. We pointed out that varying standards would work well for industry and maintain the same effect on aquatic life. The reason for this is that capacitor manufacturers, because of the nature of their manufacturing process, must discharge more PCBs than transformer manufacturers, but the material being discharged is more benign since it contains a much smaller percentage of high homologs.

Poor choice of words!

We finally came up with the best argument yet and that was if multiple standards were not developed, capacitor people could resort to using the less expensive 1242 or 1254. They would still discharge the same number of parts per billion but would be putting into the receiving stream much less biodegradable material. This economic argument seems to work well with both Ballentine and Versar.

6. Ballentine mentioned that the flame retardant argument is being challenged in some quarters as being invalid. He wanted the incidence of fires to justify the need for non-burning askarels. We pointed out perhaps someone could estimate this but it has been so long since askarels were used that there was no data available to predict how many fires would occur if flammable impregnants were employed.

7. The EIA committee emphasized the need of EPA generating additional data on the effects of PCBs on aquatic life. We suggested the following would be helpful...

   a. comparison of fish taken to date with fish taken ten years ago in terms of their PCB content;

   b. additional studies documenting the biodegradability of 1016.

8. Ken Ballentine stated the probability of EPA taking emergency action as requested by the Natural Resources Defensive Council is very minimal. The emergency power of EPA will not be used relative to PCBs. Even EPA has accepted the fact that the adverse findings that are now being reported are the results of past practices and not present.

9. The status of the PCB standard is as follows:

   a. it's scheduled for release between mid-February and mid-March;

   b. it will be a Proposed Rule and not an Advance Notice; therefore, hearings will follow within 30 days and a standard will probably be in effect in the spring.

10. The standard will limit itself to stream conditions and effluent discharges. There will probably be no acute level although slug discharges will not be permitted. As of our meeting, Ken Ballentine could not even estimate what would be established for the chronic level. He said that the standard would depend heavily upon the report prepared by Versar.

11. In line with the Russell Train statement in the September 26 issue of the New York Times, the standard will start with desired goals for discharges which will be modified by industry's technical capability and economic considerations. The latter may not be given the weight we would prefer though.

12. Previous thinking has been reversed and there will not be individual standards depending upon the condition and flow of the receiving stream. The same standard will apply for everyone although Ballentine stated that a local office could increase the requirement on a case basis if local conditions so required.

Action items agreed upon by the EIA Committee were as follows:

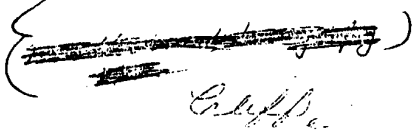
1. Papageorge to contact FDA and supply the test report comparing 1016 with 1242. Obviously he will suggest that in light of this that perhaps the five parts per million level now established for fish could be changed depending upon PCB formulation.

2. Tuttle to contact Versar and supply the 1016 vs. 1242 test report. In addition he is to point out the need of different standards for different compositions in order to prevent manufacturers from using the higher homologs.

3. Monsanto to supply estimates of half-life of each Aroclor compound to assist Versar and EPA in establishing varying standards.

4. Roger Wills to prepare a draft of a follow-up letter to Russell Train from Jim Adduci. One of the things that Roger will emphasize is why the 1016 vs. 1242 test report has been kept hidden for so long.

Obviously, the next four months, while the standard is being prepared, are going to be very critical. Numerous meetings with EPA and Versar will be necessary to insure that a fair regulation that we can live with is the final outcome. Also, contact with Congressmen must be made now. The writer and Wayne Peterson met with two Congressmen and a Special Assistant to Senator Kennedy on this subject and I think some progress was made. Attached to this report is a typical follow-up letter to one of the individuals visited.



Clifford H. Tuttle

Attachment

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