

INTEROFFICE
MEMORANDUM

RECEIVED

MAR 09 1977

Subject

OSHA and EPA Carcinogen Proposals

Date 8 March 1978

To R. Fleming

LAW DEPT.

Executive

(Location, Organization, or Department)

From J. T. Barr

Plastics R&D

(Location, Organization, or Department)

cc: R. H. Schenck
L. B. Tepper, M.D.

I spent Monday and Tuesday in Washington on matters relating to the OSHA and EPA carcinogen proposals. Monday was spent with Baise and Bowen at Beveridge, Fairbanks and Diamond helping complete the draft statement of SPI/AIHC for the 23 March meeting with EPA. A copy is attached.

On Tuesday morning, I attended a meeting of the AIHC Scientific Committee where matters relating to the OSHA testimony were reviewed. The important points are summarized below:

1. Copies of the OSHA submittal by AIHC will be mailed on the 13th (Alternative Plan) and 16th (Expert testimony and Booz-Allen report). You will get one copy directly. Additional copies may be purchased through the trade associations.
2. Barnard has met with Wren and OSHA lawyers. They seem willing to schedule the hearing in blocks - OSHA, Labor, Industry, Public, with AIHC and API leading off the industry group.
3. I have a preliminary list of 264 persons who have filed comments and 128 who have given notices to appear. These lists are not complete. AIHC is to get one complete set of the record, probably some time next week.
4. Arrangements are being made to assign one member of the Scientific Committee on a weekly basis to assist counsel in covering the hearing. Shall we participate? A proposal will be made to the Steering Committee that a technical person be hired to provide daily summaries of testimony for the group. The estimated cost will be about \$20M.
5. Barnard proposed getting agreement to limit all speakers to a 15-minute summary statement to be followed by cross-examination on the written record. This will be discussed at the Steering Committee.
6. The order of AIHC testimony is as given in my previous Steering Committee meeting report. One new scientific witness has been added, a Dr. Campbell of Cornell who will discuss the role of nutrition, and effects of the proposal on research.

(320)

AP00047954

TO: R. Fleming

Page 2

8 March 1978

7. Assignments were made to the committee to review, summarize, and prepare simulated cross-examination questions for the expert witnesses; and assignments will be made to review potentially hostile witness testimony. The same thing will be done with the OSHA testimony when it is available.
8. New references for the literature file should continue to be sent to Jane Rasmussen at MCA.
9. Rauch has met with Barbara Franklin of CPSC to push his proposal with that Agency. X
10. The next meeting was scheduled for April 13.

The meeting was adjourned after lunch to the Madison Hotel where we were joined by representatives of MCA and API, and where Baise distributed copies of the draft SPI/EPA proposal. Persons present were asked to provide comments by Friday, and if necessary, a session will be held Saturday so that a revised draft can be sent by messenger to Steering Committee members Monday. The matter of who, and under what name, will present the testimony is not settled. Exxon thinks AIHC should not take on this task. It will be discussed at the Steering Committee. MCA and API supported the SPI strategy as described by Baise. MCA will present testimony on the 23rd, API will enter written comments. Time will be reserved for both AIHC and SPI to preserve all needed options on testimony. API feels that EPA could be helped in deciding that TSCA is a preferred route to toxic chemical control, or at least could be used as a testing and rating process. Sections 4(f), 5, 6(c) and 9(b) would give EPA the freedom to use this route, rather than section 112.

The exact location of the 23 March meeting is not yet final. There are six who have filed notices to appear so far, most of these industrial. The panel will be:

Joe Pagent, RTP, Chairman
Dr. Roy Albert, CSG
Dr. Elizabeth Anderson, CSG
Gerald Gleason, Counsel
Herbert Auerback, Air
J. O'Conner
Dr. Mike Waters - Ames test expert.

It will be a legislative type hearing, with questions only from the panel. EPA has tentative plans to carry over for a second day if needed.


J. T. Barr

JTB/sjl
Att.

AP00047955

AIHC Scientific Committee Meeting

March 7, 1978

R. C. Barnard	Cleary, Gottlieb
E. Schwartz	Cleary, Gottlieb
Fred Hoerger	Dow Chemical U.S.A.
Marvin Friedman	Allied Chemical
Roger Mangham	Ethyl Corp.
Carrol Weil	Carnegie-Mellon U - Union Carbide
M.J. Sloan	Shell Oil Company
E. E. Christofano	Hercules
W. R. Taylor	Diamond Shamrock
C. F. Reinhardt	DuPont
J. T. Barr	Air Products
Marguerite Leng	Dow Chemical U.S.A.
Carl W. Umland	Exxon Chemical Co. U.S.A.
Maurice M. Johnson	B. G. Goodrich Co.
Robert J. Reichert	DuPont
Douglas Bess	Union Carbide

AP00047956