

VINYL INSTITUTE
HEALTH, SAFETY & ENVIRONMENT COMMITTEE

Nueces Room
Hyatt Regency/Riverwalk
123 Losoya Street
San Antonio, Texas

Wednesday
October 6, 1993
10 am - 3 pm

ATTENDEES:

Kenny Akins, Vista Chemical Co.
Frank Borrelli, Georgia Gulf Corp. CHAIRMAN
Kevin Cange, Georgia Gulf Corp.
Frank Conrad, CertainTeed Corp.
Bob Garner, Borden Chemicals & Plastics
Don Goodman, OxyChem (in part)
Jim Kachtick, OxyChem
Joe Ledvina, Vista Chemical
Ron McCreedy, Dow Chemical
Veldon Messick, Vista Chemical
Tom Morris, Dow Chemical
Don Pearson, PPG Industries
Meredith Scheck, Vinyl Institute
Herm Waltemate, The Geon Co.

I OPENING OF MEETING AND SELF INTRODUCTIONS

Mr. Borrelli, Committee Chair, convened the meeting at 10 am with a round of self introductions. He welcomed those that are not official members of the Health, Safety & Environment Committee and urged their participation.

II Update on Vinyl Institute EDC/VCM/PVC ad hoc Task Force Activity and Programs

Mrs. Scheck summarized the activity of the ad hoc EDC/VCM/PVC task force that has occurred since the committee last met on May 25, 1993 in conjunction with the VI Annual Meeting. She noted that activity included one meeting (June 15 to discuss testing protocols) and two teleconference meetings (June 7, August 27). Additionally, she stated that the ChemRisk analysis of the Greenpeace document "Dioxin Factories" had been completed in early September.

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Mr. McCreedy, task force co-chair, reviewed in detail the discussions during the teleconference relative to his company's activities in Alberta, Canada and the potential impact of this activity on the direction of any future testing initiatives. Mr. McCreedy noted that his company would be meeting with the officials in Canada during mid-October and noted that he would inform all members of the task force of the results of this discussion.

Mr. Borrelli, the other task force co-chair, noted that he would keep the regular members of the HSE Committee apprised of the details and future direction. Mr. Borrelli noted that at the Executive Board meeting held in conjunction with the Annual Meeting in May, there was a general consensus for development of a testing protocol if needed, but that there continues to be a divergence of opinion on an industry-wide approach in the task group.

The group discussed briefly the issue of sharing the ChemRisk report with state agencies. Mr. Kachtick noted that there is a new agency and staff in Texas that might find the report informational. Mr. McCreedy noted that as his company plans to share the report with the Canadian authorities and as it has been shared with European colleagues, that individual companies are free to use the report as they wish; however, the committee was advised that the task group will be considering the transmittal of the information to EPA and the general public as advised by counsel.

Mr. McCreedy commented briefly on the work being done by an ad hoc group (under the direction of Dave Penney of Vista) on the issue of risk assessment. He noted that the review which is looking beyond cancer potency will be shared with the HSE committee.

III Clean Air Act Update

A. General Provisions

Mr. Messick reported in detail on the work ongoing with the Chemical Manufacturers' Association on a number of issues related to the Clean Air Act, including the CMA comments on the Hazardous Organic NESHA and the General Provisions. He specifically noted the proposed requirements in the General Provisions as they apply to the need for a total plan regarding start up, malfunctions, shutdowns, etc. and noted efforts to review and modify these stringent requirements.

B. Enhanced Monitoring Requirements

Mr. Messick updated the group on the proposed enhanced monitoring provisions and noted that the regulation will have an accompanying Guidance Document. The provisions are to be applicable to Parts 52, 60 and 61. Significantly increased recordkeeping and continuous monitoring provisions are incorporated. He further noted that the enhanced monitoring requirements will be incorporated into the HON. Mr. Borrelli noted that he would discuss with Counsel whether there are any items that the vinyl industry has a unique view on and whether comments should be prepared during the 60-day comment period.

C. SPI Task Force Activities

Mrs. Scheck reviewed the activities of the SPI Clean Air Task Force and distributed a number of items prepared by staff that might be useful.

IV CMA Epidemiology Study

Mr. Messick provided a detailed update on four recent claims filed against his company for alleged health risks resulting from exposure to vinyl chloride. He stated that the lawyer involved in the litigation has reportedly sent "solicitation" letters to all individuals included in the CMA Epidemiology Study. Mr. Messick stated that internal company briefings on the issue have been held. He noted that his purpose in discussing the issue is to seek industry support in getting the CMA study updated, which would reportedly cost in the \$400-600,000 range. Mr. Messick noted that the CMA panel is scheduled to meet in January and that some guidance from industry leaders regarding the updating would be useful.

Mr. Borrelli suggested to Mrs. Scheck that the Executive Committee/Executive Board be asked to discuss at its December 7/8 meeting. Mrs. Scheck noted that as Mr. Schneider is a VI officer and serving on the Executive Committee, it would be appropriate for him to lead such a discussion. Mr. Messick noted that his company's chairman has already spoken with Roger Hirl of Occidental Chemical.

V VCNet Report: Policy for Road Closures During VCM Releases and Related Topics

Mrs. Scheck noted that she spoke with John Coburn of OxyChem on October 1 regarding the interest of VCNet in seeking technical guidance on the appropriateness and need for potential development of an industry policy regarding road closures during a VCM release beyond the determinations currently used on a company-by-company (indeed plant-by-plant) basis. She noted that Mr. Coburn's term of office as the head of VCNet is to be completed by Vergel Perry of Dow. Mr. Morris suggested that examination of a percent of the LEL with consideration of duration might be appropriate. It was suggested that Mrs. Scheck discuss the issue further with Has Shah to clarify the issue and for appropriate follow up activities.

Mrs. Scheck noted that the VCNet plans to meet with OSHA for the purpose of discussing emergency entry provisions and clarifications of the definition of confined space. Mrs. Scheck reviewed counsel's letter about possibly adding to this discussion further discussion regarding clarification of the interpretation of labeling requirement should the committee determine that this might be a useful dialogue. Mr. Waltemate noted his general concerns about this planned meeting, and his particular concern regarding emergency entry provisions. Following discussion, Mrs. Scheck was asked to apprise counsel of the concern expressed regarding discussing the labeling requirements with OSHA.

VI Update on Unit Risk Factor

Mr. McCreedy noted that the manuscript is now undergoing peer review, which seems to be moving slowly. He commented that funding was set-aside in the Technical Committee budget for a Phase II, although those funds (due to other requirements) are not available at present. He noted that the Technical Committee will reconsider at the appropriate time. He noted that the pharmacokinetic (PB-PK) approach has not been yet accepted by the EPA. Mr. McCreedy also noted that vinyl industry had submitted comments to the Louisiana Department of Environmental Quality urging a PB-PK approach, but that industry was told that it wouldn't be considered by the DEQ until the data was published. Therefore, industry still owes the Louisiana DEQ a report when it is available.

VII Use of Audit and Enforcement Commission

Mr. Kachtick reviewed the status of the agreement between Jim Blackburn and Formosa Plastics under which a three-person commission was established that has the authority to compel the company to comply with recommendations made by outside auditors and approved by the commissioners. He noted the unique nature of the agreement reached and the power given to the commission as a potential model that other groups may pursue. Mrs. Scheck was asked to distribute the July 12 memorandum with the minutes of this meeting.

VIII Discussion of Committee Mission

Mr. Borrelli noted that Mr. Burnett had asked him to have the committee discuss whether there was a continued need for the group as a standing committee of the Institute as many of the "hot" issues affecting the industry were being handled by the creation of ad hoc task forces reporting through the Issues Management Committee since the IMC was created at the Annual Meeting. Mr. Borrelli noted his personal view that as the committee's meetings are now scheduled to be three times a year (one on conjunction with the VI annual meeting, and one in conjunction with the Vinyl Chloride Safety Association's annual meeting) and at the call of the chair subject to an issue requiring discussion, the present structure is appropriate.

During discussion Mr. Kachtick commented that he believed the committee had provided a valuable tool during the adoption of the regulations implementing the Clean Air Act (and its amendments) and should be retained, with its central core being helpful in providing the correct contacts and technical information to any ad hoc groups created under the IMC structure. Following discussion, Mr. Borrelli agreed to discuss with Mr. Burnett the committee's sentiments.

IX VI Literature

Mrs. Scheck noted that review of several pieces of literature was needed and agreement was reached as follows:

- FACTS About Working with PVC: The members of the Committee have 30 days to make any additional suggested changes to this piece, with members to pay particular attention to the language in the introduction regarding "nonhazardous". These changes and those already approved in the dust section will be forwarded to Edward Howard & Co. for language consistency and formatting suggestions, with reprinting on an expedited basis.

- Community Health Effects: Mrs. Scheck noted the background of the development of this document. She further noted that it had not been distributed in quite some time, but this copy remains the active file copy. It was suggested that Mrs. Scheck discuss any necessary updating with Mr. Penney of Vista; should it be decided that a revised document would be valuable Mr. Kachtick volunteered to head a work group to undertake this project.
- FACTS About Working with VCM: Mrs. Scheck distributed copies of the document. Members were asked to review the document over the next 30 to 60 days and return any necessary updates to Mrs. Scheck. Mr. Garner volunteered to head a task group to rewrite the document should major revisions be required.
- Storage, Shipping & Handling: Mrs. Scheck noted that this paper was prepared in 1987 and, like the Community Health Effects paper, was retained in the files as is without any updates prepared. Following discussions, it was suggested that Mrs. Scheck contact Vergel Perry and Has Shah of the VCNet program to determine whether VCNet has or plans to assemble a document(s) that would be an appropriate substitute.
- Other Literature Needs: Mr. Waltemate suggested that there is a need for literature and related materials beyond what is available that can be used in annual training programs. It was suggested that committee members investigate this need within their own companies and should an interest develop that a special task force of committee members be created.

X Update on Martin v. American Cyanamid

Mrs. Scheck noted that Mr. Waltemate had asked for a report from Counsel regarding the September 15, 1993 action by the Court of Appeals for the Sixth Circuit that reversed the Occupational Safety and Health Review Commission and upheld the OSHA interpretation that an appropriate hazard warning on shipping container labels must include identification of hazardous chemicals' effect on target organs under the Hazard Communication Standard.

Mrs. Scheck distributed copies of counsel's October 4 letter to all present and reviewed its basic content in which Counsel agreed to keep the Committee apprised of any further action on this issue. It was suggested that an additional copy of the memo be appended to the minutes of the meeting.

XI Union Carbide Cancer Risk Study

A Union Carbide Q and A document developed to be used in conjunction with the company's August 26 press release (previously distributed to the committee) on two recently completed health studies of workers employed at the company's Bound Brook, New Jersey facility addressing pancreatic cancer was distributed. It was noted that this material had been distributed to the members of the Executive Board at its September 8 meeting by Union Carbide's Board Representative Ray Azrak.

XII Updates on Vinyl Institute Programs and Issues

Mrs. Scheck updated the group on activities since the last Committee meeting, particularly the Institute's plans for the upcoming meeting of the International Joint Commission in Windsor, Ontario. She noted that the Vinyl Institute is formally participating in the activities of the Chlorine Chemistry through both staff and committee involvement.

XIII Committee Membership

Mr. Borrelli noted that with Mr. Messick's reassignment within Vista and with Mr. Ledvina's return from Brussels that Mr. Messick would be leaving the committee and Mr. Ledvina would be rejoining the group. Mr. Borrelli expressed his personal thanks to Mr. Messick for his involvement and participation and especially for the liaison activities with CMA. As follow up to the meeting, Mr. Borrelli wrote to Mr. Messick expressing his personal thanks and that of the entire committee.

XIV Process Emissions

Mr. Goodman briefed the Committee on activities underway within the SPI to gather data on process emissions to help those processing polyethylene based materials have data sufficient to comply with the items in the amended Clean Air Act. He noted that one of the reasons that this work is important is that states are beginning to implement permit programs and charge fees to processors based on their emissions factors. Additionally, SPI has been highly critical of a report done for the USEPA by MRI entitled "Development of Test Strategies for Polymer Processing Emission Factors." Mr. Goodman noted that the current work going on within SPI represents a substantial investment. Mrs. Scheck noted that she has received a few calls in recent weeks from vinyl processors seeking similar background data. Following discussion, it was agreed to keep this item on the agenda.

XV CertainTeed Request

Mrs. Scheck distributed copies of an October 4 letter from counsel ("Re: CertainTeed EPCRA Matter") and also appended to the minutes of this meeting which outlines CertainTeed's request for the Vinyl Institute to become involved in EPA administrative proceedings. Also discussed on a company-by-company basis were information being used to determine actions as required by the Hazard Communication Standard (29CFR 1910.1200).

Following discussions, it was agreed that members would reexamine current company policies and that a special meeting to further discuss the provisions and requirements of Sections 311 and 312 would be held if necessary.

XVI Adjournment/Next Meeting

It was agreed that the next meeting of the Committee would be January 25, 1994 in Atlanta, with any additional required special meetings at the call of the chair. There being no other business, the meeting was adjourned at 4 pm.

Respectfully submitted,



Meredith N. Scheck
Assistant Director