

CertainTeed Corporation
750 E Swedesford Road
PO Box 860
Valley Forge PA 19482-0101
215 341-7000

CertainTeed 

September 24, 1993

Mr. Robert H. Burnett
~~Executive Director~~
Vinyl Institute
Wayne Interchange
Plaza II
155 Route 4
Wayne, New Jersey 07470

Re: Member Request for Assistance

Dear Mr. Burnett:

I am writing to you on behalf of CertainTeed Corporation in an effort to illicit the support of the Vinyl Institute in our efforts to resist an EPA citation involving our use of polyvinyl chloride (pvc) resin at our Wolverine Technologies Facility in Grinnell, Iowa.

On June 24, 1992, the EPA conducted an Emergency Planning and Community Right To Know Act (EPCRTKA) inspection at the Wolverine facility. The only alleged violation noted was the failure to report use of pvc resin and/or the failure to submit a Material Safety Data Sheet (MSDS) for pvc resin to the local emergency planning organizations.

CertainTeed takes the position that it is not subject to EPCRTKA enforcement because there is no rational basis to have a MSDS for pvc resin. EPA and OSHA are apparently taking the position that the vinyl chloride in pvc is a hazardous chemical, and that vinyl chloride or other hazardous chemicals can be released when pvc resin is processed, we simply do not agree.

Since receipt of the citation, the matter has bounced around between Iowa, the EPA and OSHA. However, we have received a letter recently from the EPA rejecting our position and demanding that we comply. We have instructed our attorneys to oppose this action and seek administrative and/or judicial review.

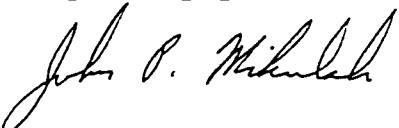
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We believe that this issue raises a significant question that has an impact upon our entire industry. As such, we are asking that the Vinyl Institute join us in this effort and provide whatever assistance may be at your disposal. We also believe that the active participation of the Vinyl Institute in these proceedings will send a strong signal to the regulatory authorities that this is an important policy matter that needs serious and careful consideration.

If you should require any further information concerning this matter, please feel free to contact either the undersigned, CertainTeed's inhouse counsel, Sherry M. Carr (215) 341-7224 or the attorneys we have retained to represent us in this matter, Messrs. Bruce Campbell and Doug McLeod at the firm of Blackwell, Sanders, Matheny, Weary & Lombardi in Kansas City, Missouri. Their telephone number is (816) 274-6800.

Very truly yours,



John P. Mikulak
President Vinyl Building
Products Group

JPM/mjc

ccs: S. M. Carr, Esq.
C. A. Gellner ✓
J. Oleson
M. Romano
Blackwell, Sanders et al.

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