

Shelter Materials Group
Vinyl Building Products Group

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CertainTeed 

March 2, 1993

Mr. Doug F. Elders
Environmental Engineer
Toxic Substances Control Section
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

via Federal Express

RE: US EPA EPCRA Compliance Inspection, #VII-92-875E
Wolverine Technologies, Grinnell Iowa

Dear Mr. Elders:

As per your direction in our telephone conversation on February 16th, I did contact Mr. Don Petty, the Title III Coordinator with Iowa Labor Services, regarding the captioned matter.

Mr. Petty advised that Mr. Shashi Patel of this same office had determined that the substance in question, polyvinyl chloride resin was hazardous based on "the fact" that once the material was heated during the injection molding process, the pellets of PVC would possibly release vinyl chloride monomer. He also stated that since the Grinnell facility, which was subject to your June 1992 inspection, clearly had more than 10,000 pounds of this material, according to Mr. Patel, the facility was subject to the reporting obligations dictated by SARA. Mr. Petty added that the plant had received notice of Mr. Patel's determination and that the plant had subsequent thereto filed amended SARA reports to reflect these changes.

With all due respect, it appears that Mr. Patel, and possibly Mr. Petty have clearly erred in this matter by making incorrect assumptions regarding our manufacturing process, and in their interpretation of the hazards associated with polyvinyl chloride resins. These errors are irrespective to the facts which we presented in CertainTeed's polyvinyl chloride resin Material Safety Data Sheet in which it clearly attests "PVC is not considered a hazardous material under current Department of Labor definitions." I suggested this to Mr. Petty who suggested that he and I conduct a conference call with Mr. Patel, to attempt to get this matter cleared up. Mr. Patel was unavailable because of illness. Unfortunately, I too was unavailable thereafter, and for the next few weeks due to travel. I am now quite willing to take whatever action is required to resolve this matter quickly.

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Be advised that CertainTeed intends to vigorously defend its position through whatever administrative appeal procedures are applicable, as well as any further judicial review, if necessary. To that end, should any time period exist with respect to filing an appeal via your Administrative Appeal Procedure, please accept this correspondence as our notice of appeal for the first step of that process.

Please understand that our rationale for CertainTeed's position was clearly communicated to Mr. Patel in my letter to him dated August 7, 1992. Further, several assumptions made by Iowa Labor are in error; (1) the Grinnell facility does not injection mold, it extrudes vinyl, (2) the PVC resin is not in pellet form but is a powdered material, (3) no appreciable amount of vinyl chloride monomer is emitted during the extrusion/manufacturing process, (4) apparently, much of the information provided in the MSDS from which the agency made their decision was based on the statements regarding thermal decomposition, and the agency determined that since our process is a heat process, these were germane to the manufacturing process. However, thermal decomposition (degradation from fire) begins at 735 degrees (F) whereas our process does not exceed 360 degrees (F). No information relating to thermal decomposition is therefore relevant to our process. (5) PVC is conveyed within a closed conveying system in each of our facilities, therefore, under "normal conditions of use", this substance (which still have a very large mean particle size) does not represent a nuisance dust hazard. (6) According to the plant, no notice was received from Mr. Patel or any other official, nor did the plant amend or submit amended SARA submissions.

As I had communicated in my letter to Mr. Patel on August 7, 1992, CertainTeed did exercise our option as provided in 29 CFR 1910.1200(d) to assess the B F Goodrich PVC resin, and based on our expertise in making and processing PVC resins, and additionally, after confirmation by our staff of Certified Industrial Hygienists, CertainTeed continues to represent that PVC resin is not hazardous as defined in the applicable OSHA rules, and therefore it need not be reported under SARA 311 & 312.

I suggest and prefer that we resolve this matter in the most expeditious manner, and that we conduct a conference call within the next few days to that end. Please let me know when you will be available for such a call and I will be happy to coordinate

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the arrangements. Failing this, I ask that you consider that CertainTeed does plan to exhaust all administrative and judicial options available to our organization, and that this letter be considered a formal request for administrative appeal with your agency.

I look forward to hearing from you in this most important matter.

Sincerely,



Kenneth L. Everhart, Jr.
Manager, Safety & Environmental Affairs
Vinyl Building Products Group, &
Roofing Products Group

cc: S. Carr, Esq. VF 1125/1
M. Colitti VF 4125/2A
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S. Patel - Iowa Department of Labor (via Federal Express)
D. Petty - Iowa Department of Labor (via Federal Express)
J. Oleson - Grinnell #043
D. Smith - Grinnell #043

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