

CHEMICAL MANUFACTURERS ASSOCIATION

Record of Meeting

of the

Vinyl Chloride Panel

Meeting # 1

DATE: April 4, 1991

TIME: 9:30 a.m. - 3:00 p.m.

PLACE: Board Conference A
CMA Offices, Washington, D.C.

ATTENDEES:

John Coburn	Occidental Chemical Corp.
Gerry Jordan	PPG Industries
Mike Kerlegon	Vista Chemical Co.
John Klimavicz	Georgia Gulf
Burley Melton	Formosa Plastics Co.
Vergel Perry	Dow Chemical
Frank Sollman	B.F. Goodrich Co.
Richard Wagner	Borden Packaging & Industrial Pdts.
Marilyn Browning	CMA
Alma Howard	CMA
Henry Sauer (Part-time)	CMA
Thomas Schick (Part-time)	CMA
Has Shah	CMA
Randy Speight (Part-time)	CMA
Langley Spurlock	CMA

- 1.0 Following the introductions, Ms. Marilyn Browning discussed the CMA anti-trust guidelines and asked the attendees to strictly adhere to the guidelines.
- 2.0 Mr. John Coburn was elected chairman for today's meeting.
- 3.0 The group described its past activities under the auspices of the Vinyl Institute and identified the following needs and objectives of the new Panel under CMA. The Panel also formed task groups to address its needs and objectives.
 - 3.1 Incident Information Exchange - Ms. Browning and Dr. Has Shah will develop guidelines for this activity and distribute them to the Panel members. All presentations must be cleared by the company and by CMA counsels prior to the meeting. CMA

counsel must be present during any incident information exchange at a CMA Vinyl Chloride Panel meeting.

3.2 Emergency Response

- 3.2.1 Development and Execution of a Mutual Aid Network Agreement - This activity would be undertaken by the Panel with the guidance of CMA and an outside counsel.
- 3.2.2 Education and Training of Responders - This activity would be undertaken by the Education and Training Task Group of the Panel. Mr. Butch Polasek of Occidental Chemical Corporation was elected Chairman of the Task Group. The Task Group would a) develop an inventory of company equipment, b) develop an inventory of all rail members, contractors and responders, and c) assess all currently-used training materials to be used by the Panel in planning for future education and training of responders.
- 3.2.3 Selection of Territories - This would be a Panel activity to be coordinated by CMA with an outside contractor to preserve the company business confidential information. The Panel would receive an overview of currently-used routes and mechanical contractors and assess the existing emergency responsibilities including company territorial responsibilities.
- 3.2.4 Identify, Qualify and Contract with Responders - This activity would be undertaken by the Contractor Identification Task Group of the Panel. Mr. Vergel Perry was elected chairman of the Task Group.

3.3 Railcar Equipment Identification - This activity would be undertaken by the Railcar Equipment Identification Task Group. Mr. Frank Sollman of B.F. Goodrich Company was elected chairman of the Task Group. The Task Group would inventory all cars and equipment currently used. The long-term goal of this activity would be to assure that all cars in service can accept identical/compatible repair kits so that they could be appropriately serviced by the responder and to identify those cars that cannot accept such repair kits.

3.4 Public Communication - This activity would be undertaken by the Communications Task Group of the Panel and would be coordinated with CMA's Communication Department. Mr. John Klimavicz was elected chairman of the Task Group.

The Panel agreed to consider inviting vinyl chloride users to participate on the Panel and to develop a responsible care implementation program as future activities.

- 4.0 Mr. Randy Speight, Mr. Tom Schick, and Mr. Hank Sauer discussed CMA activities in the transportation and distribution areas.

- 4.1 Mr. Speight discussed the CMA Distribution Committee Structure and identified various Task Groups under the Committee (See Attachment 1). Of particular interest to the Vinyl Chloride Panel would be the Safety Issues Team; the Emergency Response Issues Team and its Emergency Response Training Task Group; the CHEMTREC/CHEMNET Task Group; and the TRANSCAER Task Group. Mr. Speight emphasized the need for coordination of activities between the Panel and the Distribution Committee.

The Safety Issues Team deals with the development and promotion of policies and procedures that will continuously improve the safe transportation, distribution and storage of chemical products. The Rail Safety Task Group deals with all aspects of rail transportation of chemicals. The Task Group also recommends to the CMA Distribution Committee the adoption of policies and procedures concerning rail operations and equipment applications which improve the safe and efficient rail transportation of chemicals.

The Emergency Response Issues Team deals with the development and promotion of programs that will lead to improved safety in the handling of chemical incidents. The Emergency Response Training Task Group develops and produces training programs for public sector emergency response personnel to improve their preparedness to respond to chemical incidents. The Task Group monitors the operation and expansion of a lending library of training aids for the use of emergency response personnel. The CHEMTREC/CHEMNET Task Group develops and promotes the practices and activities of transportation emergency response. The TRANSCAER Task Group develops and implements a national community outreach program to improve the real and perceived performance of systems for community awareness, emergency planning and incident response pertaining to the transportation of hazardous materials.

- 4.2 Mr. Hank Sauer discussed CMA's National Chemical Response and Information Center activities. The Center includes CHEMTREC, CHEMNET, the Chemical Referral Center, and Emergency Response Training Programs. A package of information detailing these services was distributed at the meeting.
- 4.3 Mr. Tom Schick discussed the Hazardous Material Transportation Act components that would be relevant to the Vinyl Chloride Panel. These include the study of tank car design and the study of the Applegate system. The Applegate system is a computerized tracking system of all

shipper-initiated movements. CMA follows relevant regulatory agency activities in these areas.

Mr. Schick discussed his concerns regarding the draft Vinyl Chloride Policy Statement and Agreement that was put together by company representatives. The November, 1987, CHEMNET Policy Statement and Agreement used by the vinyl industry now is superseded by the January, 1991, version. Also, the language for insurance coverage in the for-hire contractor agreement for Georgia Gulf needs to be revised because of the unique financial situation of the company. Mr. Schick volunteered to work with representatives of Georgia Gulf to draft a language that would provide appropriate liability coverage for for-hire contractors.

5.0 Ms. Browning reviewed the CMA practices for hiring out-side counsels for the CHEMSTAR Panels. The Panel agreed to a two-step approach in retaining a counsel for the Vinyl Chloride Panel. As a first-step, the Panel will retain Keller and Heckman, pending CMA's approval, to complete the drafting of the Vinyl Chloride Network Policy Statement and Agreement. In the second step, the Panel will consider other counsels along with Keller and Heckman for a long-term relationship.

6.0 Ms. Alma Howard identified the following issues that should be resolved by the Panel before finalizing the mutual aid and for-hire contractor agreements:

- An SCDI is basically defined in the CHEMNET Agreement. Does the Panel want to use the same guidelines or does it want a team to respond to any VM release?
- CHEMNET is considering having two types of teams -- "eyes-on" and "hands-on". The "eyes-on" approach has the advantage of usually having someone available closer to the scene that can respond and provide accurate feed-back to the shipper as well as providing expert guidance to the incident commander. Would the VCN agreement include both approaches or just one?
- The territories within which a team is expected to respond should be a part of the operating rules. Saying a team must respond if the emergency is in your assigned territory sometimes may not be feasible because of other emergencies. Perhaps the operating rules should state that the team should respond or find another responder to handle the incident.
- For-hire contractors need to be identified and put under contract.
- If the shipper cannot be contacted, does CHEMTREC have the authority to activate the for-hire contractor?

- Does CHEMTREC call the shipper first, or does the company responsible for that territory? CHEMTREC's role and responsibilities must be stated clearly in the agreement.
 - How are orphan shipments to be handled? If the incident is in the territory handled by a for-hire contractor, can CHEMTREC activate the contractor and will the mutual aid companies agree to reimburse the contractor?
 - Is the Panel planning to develop minimum training standards for the industry response teams?
 - Is the Panel planning to have minimum response equipment requirements, such as Midland Capping Kits, for the response teams?
 - Financial net worth and/or insurance requirements need to be defined.
- 7.0 Mr. Coburn will revise the draft Vinyl Chloride Network Policy Statement and Agreement for vinyl chloride and the associated operating procedures. The revised draft will be sent to all Panel members and will be discussed over a conference call.
- 8.0 The Panel member companies were unable to identify any other company that should be invited to join the Panel at this time. The Panel will consider inviting users of vinyl chloride in the future.
- 9.0 Dr. Langley Spurlock reviewed CHEMSTAR support services.
- 10.0 The Panel agreed to share the \$88,000 budget on an equal basis. The budget is for 12 months, and it is described in the CMA letter of February 15, 1991, to Miss Meredith Scheck of the Vinyl Institute.
- 11.0 The Panel elected John Coburn of Occidental Chemical Corporation to be Chairman of the Vinyl Chloride Panel. Mike Kerlegon of Vista Chemical Co. was elected Vice Chairman of the Panel.
- 12.0 Ms. Browning briefed the Panel on the information exchange procedures at CMA and the do's and don't's for such exchanges. The Panel members then exchanged information on recent incidents for the benefit of other companies.
- 13.0 The meeting adjourned at approximately 3:15 p.m.

Has Shah

Hasmukh C. Shah, Ph.D.
Manager, Vinyl Chloride Panel

Subject to Approval

CMA DISTRIBUTION COMMITTEE STRUCTURE

