

To: (See Attached Distribution List) Date: November 6, 1974

From: Dr. A. B. Steele

Subject: Vinyl Resin Operations
Flash Report

Vinyl Chloride Monomer

The following industry actions have been taken relative to petition for Court review of the OSHA Standard on Exposure to Vinyl Chloride:

1. On October 4, 1974, in conjunction with a Petition for Review and Motion for Transfer filed in the Sixth Circuit, the United States Court of Appeals for the Second Circuit issued an Order granting the Motion of Firestone Plastics to intervene in the Second Circuit cases filed by SPI and Hooker Chemicals.
2. On October 7, 1974, Union Carbide Corporation filed a Petition for Review in the Second Circuit.
3. On October 11, 1974, the Industrial Union Department of the AFL-CIO filed a Motion to intervene in the Second Circuit cases. On October 24th, the Court published an Order granting that Motion.
4. On October 17, 1974, the United States Department of Justice notified the Clerk of the United States Court of Appeals for the Second Circuit that Steven F. Eilperin, Esquire, Assistant Chief, Appellate Section, Civil Division of the Department of Justice will appear as counsel for the Respondents, the Department of Labor.
5. On October 21, 1974, the B. F. Goodrich Company filed a Petition for Review in the Second Circuit.
6. Also on October 21, 1974, the SPI, Hooker Chemicals, Union Carbide Corporation and the Department of Justice filed a Joint Motion for an expedited briefing schedule and expedited oral argument in the Second Circuit cases.

This week, however, we were informed that the Court will not sit during the week of December 23rd. The Clerk of the Court indicated that, in order for this case to be heard before the first of the year, it would have to be further expedited. Counsel on the Lawyer's Subcommittee obtained the agreement of counsel for the government: the Motion before the court has now been amended. The Record will still be filed on October 31st but Petitioner's briefs will be filed on November 12th, Respondent's brief will be due on December 9th and Petitioner's Reply briefs must be filed on December 13th. Presumably, oral argument in the case will now be scheduled for the week of December 16th.

November 6, 1974

7. On October 25, 1974, Diamond Shamrock Chemical Company filed a Petition for Review in the Sixth Circuit, followed on October 29th by a Petition for Transfer of that case to the United States Court of Appeals for the Second Circuit.
8. Early this week the Dow Chemical Company filed a Petition for Review in the Sixth Circuit and a Motion for Transfer of that case to the Second Circuit.

On the matter of filing a Motion for a Stay of the effective date of the Standard, we are currently busy gathering and collating data which would constitute grounds for such a stay. Specifically, current indications are that the abrupt increase in demand for respiratory protection devices may well exceed the ability of manufacturers of those devices to supply them to the industry by the effective date of the Standard.

In this regard, if the data we are able to gather shows that the supply for such devices will be inadequate, our first step is likely to be a Motion for a Stay of the effective date to be filed with the Occupational Safety and Health Administration (OSHA) almost momentarily. If OSHA is not responsive to such a Motion, a similar Motion could then be filed with the United States Court of Appeals for the Second Circuit on November 15th or thereafter, as provided in the agreement in the Motion for expedited proceedings.

Dispersion Resins

Production for the week was 101% of plan.

The Dispersion Resins chromatograph has been reset to 1 1/2 minutes/sample point instead of 2 minutes; thus, increasing the over-all sensitivity of the system. Effort will be concentrated on staying below the 25 ppm ceiling.

ABS:ml

A. B. Steele

UCC 095322

DISTRIBUTION LIST -- WEEKLY FLASH REPORT -- VINYL OPERATIONS

TO: Mr. E. Bell	312	Bound Brook (Bldg. 72)
Mr. G. P. Bigelow	33	New York Office
Mr. P. E. Bouffard	28	New York Office
Mr. L. D. Burnett	28	New York Office
Mr. J. L. Carvajal	514	South Charleston (Plant)
Mr. D. Engle	515	Texas City
Mr. E. F. Cox	312	Bound Brook (Bldg. 200)
Mr. R. G. Davis	312	Bound Brook (Bldg. 72)
Mr. M. E. Eisenhour	515	Texas City
Mr. C. R. Field	28	New York Office
✓ Mr. R. L. Frantz	515	Texas City ✓
Mr. J. E. Giffin	514	South Charleston (Plant)
Mr. R. J. Hanna	511	South Charleston (Tech Center)
Mr. J. M. Herbert	28	New York Office
Dr. M. H. Jellinek	32	New York Office
Dr. W. R. Manning	511	South Charleston (Tech Center)
Mr. S. A. Mortimer	28	New York Office
Mr. J. Nesmith	33	New York Office
Mr. G. J. Norberg	28	New York Office
Mr. G. T. Scott	28	New York Office
Mr. G. C. Shipston	28	New York Office
Dr. A. B. Steele	28	New York Office
Mr. G. F. Tacquard	515	Texas City
Mr. R. N. Wheeler	514	South Charleston (Plant)
Dr. V. Z. Williams	28	New York Office

UCC 095323