

CHEMICAL MANUFACTURERS ASSOCIATION

Minutes of Meeting

Chemical Regulations Advisory Committee

CMA Terrace Conference Room
2501 M Street, NW
Washington, DC 20037

Wednesday
March 18, 1981
9:35 AM - 2:52 PM

Members Present

Lee Starr (Chairman)	Celanese Corporation	212/764-7953
F. E. Bentley	Texaco Chemical Co.	713/666-8000
George Y. Brokaw	Tennessee Eastman Co.	615/246-2111
Bruce H. Brubaker	Diamond Shamrock Corp.	214/745-2869
J. R. Condray (for M. C. Throdahl)	Monsanto Company	314/694-8883
D. E. Ellison	Virginia Chemicals Inc.	804/483-7353
G. A. Hapka	E. I. du Pont de Nemours	302/774-9466
D. L. Heywood	Union Carbide Corp.	202/551-4052
E. H. Hurst	Nalco Chemical Co.	312/887-7500
Dean E. Leib	Rohm and Haas Company	215/592-3563
A. B. Lindquist	Stauffer Chemical Co.	203/222-3233
Jack P. McCarthy (for A. W. Lawrence)	Koppers Co., Inc.	412/227-2262
Thomas W. Mooney	Procter & Gamble Co.	513/763-5187
Carl W. Umland	Exxon Chemical Americas	713/870-6762

CMA Staff Present

H. Christopher Nolde (p/t)	202/887-1134
Randal P. Schumacher	202/887-1386
Janet A. Steel	202/887-1280
Gordon D. Strickland	202/887-1388
David F. Zoll(p/t)	202/887-1158

CMA Outside Counsel

Peter Barton Hutt	Covington & Burling	202/453-6300
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ACTION ITEMS

- Dr. Starr will ask the EPA/OSHA contractor for the RFP number of the contract which examines industry recordkeeping and reporting.

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- Mr. Ingle was asked to contact Mr. Malone for a joint CRAC/IAG meeting to discuss CMA's position that the U.S. should vote against an OECD Council "decision" on minimum premarket data.
- Mr. Mooney will contact Mr. Steven Newburg-Rinn (EPA) and Mr. Jeff Schwartz to critique the first scoping session on ITC's priority chemicals.
- Covington and Burling will withdraw the notice of appeal in the NRDC v. Costle suit following CMA Legal Department consultation with company counsel.
- Mr. Schumacher will prepare a letter for Dr. Starr, commending RRS for their efforts in the PMN study.
- Mr. Mooney was asked to speak with Ms. Janie Kinney regarding inclusion on the agenda of the April 23-24 ATSAC meeting, a discussion of CMA's study on the impact of PMN requirements.
- CRAC members were asked to complete their review of the two-volume primer, "The First Four Years of TSCA," by March 25. Comments should be sent directly to Mr. Hutt.
- Statements defining the tactics to be employed in implementing the strategies outlined at the Airlie Retreat should be forwarded to Dr. Brokaw by March 25.
- At CRAC's request, Mr. Ellison agreed to brief Committee members on the Meta Systems proposal, at the April 14 CRAC meeting.

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1. Dr. Starr, chairman, called the meeting to order at 9:35 AM. Minutes of the February 18, 1981, CRAC meeting were approved with the following corrections:

(Page numbers refer to pages of the CRAC Meeting Book, March 18, 1981.)

- A. Page 3, add Mr. Carl Umland's name to the list of attendees.
- B. Page 7, item B, Change to read: "Dr. Wiltse believes that no final rule on Section 8(c) will be issued before the end of 1981."
- C. Page 9, item D: Delete the third sentence beginning with, "In CMA's meeting . . ."

- D. Page 10, item 9.A: Change ". . . CMA will fine an appeal . . ." to ". . . CMA will file an appeal"

The following reports supplement the chairman's reports listed in the March 18 CRAC meeting book:

2. Communications Task Group Report -- Mr. Condray

- A. Several Toxic Substances Newsletters (TSN) are being prepared and will address the following topics:
- Breaches of confidentiality in EPA's public PMN files.
 - CMA's Significant New Use Rule (SNUR) comments.
 - CMA's PCB Special Program.
 - CSIN report.
- B. CRAC members recommended highlighting action items in the Newsletter by setting them off using a box format; supplemental information on the topic being addressed would then follow.
- C. The O'Hare Hilton Hotel in Chicago has been reserved for the CRAC Informational Meeting on April 15. Mr. Zeckhauser of the Kennedy School of Government (Harvard) and chairman of the Advisory Panel, has been asked to speak on the NERA study. Mr. Boyden Gray, Counsel to Vice President Bush, has also been asked to speak and is expected to accept the invitation.
- D. The talk given by Mr. Hutt at the last CRAC Informational Meeting has been transcribed and is currently being edited by CMA staff. After initial editing is completed, the transcript will be sent to Mr. Hutt for his review and the final version will be sent to CRAC and the Informational Meeting attendees.
- E. Mr. Condray is preparing a regulatory calendar anticipated to be published periodically in the TSN. Comments on the format will be sought from CRAC when completed.
- F. The next American Chemical Society (ACS) meeting is scheduled for March 30, 1981.

3. Reporting Task Group Report -- Mr. Leib

- A. Members of the Section 12(b) Work Group met on March 10 to discuss CMA's concerns with provisions in the final

export rule. The Work Group recommends submitting a petition to EPA under the Administrative Procedures Act, preceded by discussions with EPA staff to inform them of the petition and CMA's concerns with the export rule provisions. Other trade associations will be contacted to provide a broader base of industry support.

- B. The Task Group is preparing comments on the proposed Section 8(a) recordkeeping and reporting rule on asbestos. Mr. Hutt has spoken to Mr. Ed Warren of Kirkland and Ellis, who is preparing comments for the rule. CMA's present plans entail submitting brief comments on general issues raised in the rule and ones which CMA has already addressed in past comments. The deadline for the comments has been postponed until April 27.
- C. The Task Group did not submit comments on the February EPA notice to remove 2-naphthaleneamine from the TSCA Inventory. EPA's Mr. Henry Lau stated that the Agency is preparing a policy statement on delisting, which he will provide to CMA prior to publication in the Federal Register. The Task Group plans to develop comments on the policy statement as soon as it becomes available.
- D. Recent information from OMB, reported in the trade press, indicates a reduced budget for EPA in the recordkeeping and reporting area. This action could mean that EPA might focus its rules to require industry to retain and submit information on specific substances.
- E. Dr. Starr reported that an EPA/OSHA contractor has contacted Celanese pursuant to a combined agency pilot study examining where companies keep records and what types of information are being retained. Information covered under Section 8(a) as well as exposure and health information are of interest to the contractor. Dr. Starr will ask the firm for the RFP number of the contract.

4. Testing Task Group Report -- Mr. Mooney

- A. The Task Group submitted comments on EPA's proposed environmental GLP standards and physical chemical test standards on March 16. EPA has scheduled a public meeting to discuss the comments received on March 31. CMA does not plan to participate.

- B. Members of the CRAC/EMC Aquatic and Avian Work Groups prepared technical comments on ten draft aquatic and avian effects test protocols. Company representatives met with EPA staff on March 10 to discuss the scientific merits and deficiencies of the draft test standards. Although the meeting appeared to be constructive, the effectiveness of the meeting will have to await further assessment.
- C. Members of the OECD Work Group met on March 4 to review the position paper drafted by Covington and Burling on the legal effect of an OECD "decision" on minimum premarket data (MPD). A position paper is being prepared and will be sent to Mr. James Malone, Assistant Secretary for Oceans and International Environmental and Scientific Affairs. Mr. Ingle was asked to contact Mr. Malone for a joint CRAC/IAG meeting to discuss CMA's position that the U.S. should vote against an OECD Council "decision" on MPD.
- D. EPA held a public scoping meeting on March 12 to review the need for testing compounds on the Seventh Interagency Testing Committee (ITC) list. EPA has indicated that it intends to hold similar meetings prior to all new rulemaking. While dialogue between EPA staff and the meeting participants was limited overall, public interest groups were particularly quiet. Apparent from the meeting was the need for EPA to describe its assessment of ITC's recommendations. Mr. Mooney will contact Mr. Steven Newburg-Rinn (EPA) and Mr. Jeff Schwartz to critique the first scoping session on ITC's priority chemicals.
- E. Prior to the scoping meeting, Messrs. Mooney and Umland met with Mr. Gary Tim (EPA) and Mr. Jeff Schwartz to share CMA's concerns about the meeting's format, and to clarify information outlined in the meeting announcement. Following the meeting with Messrs. Tim and Schwartz, CMA mailed letters to producers and importers of chemicals that appeared on the Seventh ITC List, encouraging them to participate in the March 12 Workshop.
- F. At its March 11 meeting, the Task Group reviewed two models prepared by Exxon and Procter and Gamble, for determining the priority of chemicals to be tested. The major difference between the two models was the step at which toxicological data and exposure information were considered. Further analysis of screening criteria is slated for discussion at the next Task Group meeting.

- G. The German government has scheduled a June meeting in Berlin to discuss approaches for determining which chemicals should receive priority attention for testing. Dr. Etcyl Blair and Mr. Don McCollister of Dow intend to speak at the meeting.

H. NRDC v. Costle Suit

CRAC members discussed with Mr. Hutt the March 16 *GRAFT* outlining CMA's alternatives in pursuing the notice of appeal filed on March 13. After a lengthy discussion, CRAC members defeated a motion to pursue an appeal by a 7 to 5 vote. Covington and Burling will withdraw the notice of appeal following CMA Legal Department consultation with company counsel.

5. Control Regulations Task Group Report -- Mr. Umland

- A. Following an intense schedule of review sessions, comments on the ICF Study and CMA's own analysis of PMNs filed were submitted to EPA on March 16, 1981. The study shows that EPA's proposed PMN requirements have already had a measured impact on innovation within the chemical industry. An analysis of information in the public record shows that a high proportion of substances for which PMNs were filed are low-risk substances. As indicated in the Regulatory Research Service (RRS) report and in the accompanying CMA comments, the data support EPA's adoption of an exemption policy under Section 5(h)(4) for these substances, to reduce the unwarranted regulatory burden. Mr. Schumacher will prepare a letter for Dr. Starr, commending RRS for their efforts in the PMN study.
- B. Mr. Mooney was asked to speak with Ms. Janie Kinney regarding inclusion on the agenda of the April 23-24 ATSAC meeting, a discussion of CMA's study on the impact of PMN requirements.
- C. The PMN Exemptions Work Group has forwarded recommendations for Section 5(h)(4) exemptions to CRTG. Categories of substances for which exemptions are recommended include: low-volume compounds, intermediates, polymers, and categorical substances such as interchangeable salts. The Task Group will review a draft petition to exempt these low-risk substances at its April 2 meeting, with the hope of having a final petition ready by April 14.

- D. The CRTG will not comment on the Polaroid exemption application notice, reserving instead the opportunity to submit detailed comments on general policy issues in CMA's exemption petition. CMA will file brief comments supporting expeditious EPA review of Polaroid exemption application. Comments are due by March 27.
- E. CRAC members were asked to complete their review of the two-volume primer, "The First Four Years of TSCA," by March 25. Comments should be sent directly to Mr. Hutt. Copies of a 42-page summary of the primer were distributed to CRAC.
6. Planning and Audit Task Group Report -- Dr. Brokaw
- A. Economic Impact Task Group Charter (refer to p36 of the March 18 meeting book):
- Under the section titled "Mission", item 1 should read, "Ensure that the implementation of all regulations under TSCA adequately consider"
 - Under the section titled "Charter", item 1 should read, "Collating and analyzing appropriate"; item 2 should be deleted and the following items renumbered; item 4 should read ". . . Executive Order 12291."
 - Under the section titled "Objectives, 1980-81," item 1 should read "Under the guidance and direction of CRAC, assist"
- With the corrections noted above, CRAC approved the Charter for the EITG.
- B. For those CRAC members who have not already done so, statements defining the tactics to be employed in implementing the strategies outlined at the Airlie Retreat should be forwarded to Dr. Brokaw by March 25.
7. CSIN Task Group Report -- Mr. Lindquist
- A. Mr. Lindquist recommended that the CSIN white paper be distributed to CMA members and that copies be sent to EPA. Action on this will be deferred until staff determines whether internal CMA review is completed.
- B. In line with its new mission and charter, the Task Group is looking for individuals with regulatory expertise to

complement those already active on the work groups and Task Group.

8. Economic Impact Task Group -- Mr. Ellison

- A. The Advisory Panel has sent CMA a draft report on the NERA study. Concurring with the comments of the Task Group, the draft report authored by Mr. Zeckhauser finds the NERA report to be a "commendable and successful first effort." The draft report did, however, recommend that the executive summary be completely rewritten and the methodology employed in Chapter 6 be further detailed.
- B. At CRAC's request, Mr. Ellison agreed to brief Committee members on the Meta Systems proposal, currently being considered by EPA, at the April 14 CRAC meeting. Mr. Ellison reported that EPA appears to be receptive to the idea of a joint CMA/EPA study examining economic impact of TSCA.
- C. CSMA is proposing to study the impact of PMN regulations on companies which have not yet filed a PMN, and has retained Regulatory Research Services to develop the survey questionnaire and analyze the submitted data. The EITG will continue to follow the progress of the study and determine if CMA members' interest might warrant participation in the study.

9. Oversight Task Group Report -- Mr. Brubaker

- A. Reauthorization hearings on TSCA were scheduled by Rep. Florio's House Subcommittee on Commerce, Transportation and Tourism for March 24. The format of the hearing will include three panels having representation from EPA, industry, and environmentalist groups. Speakers for the three panels include:
 - EPA: Mr. Edwin Clark and Dr. Warren Muir
 - Industry: Dr. Etcyl Blair (CMA), Ms. Barbara Price (API) and Mr. David Schlaudecker (Chamber of Commerce).
 - Environmentalists: Ms. Jackie Warren (NRDC) and Mr. Terry Davies (Conservation Foundation)

- B. Conversation with Mr. Florio's staff indicates that the Subcommittee has interest in specifically examining four areas pertaining to TSCA:
- Strengths/weaknesses in EPA initiatives to date
 - Impact of testing requirements
 - Ways to expedite the regulatory process
 - Recommendations for improvement
- C. CMA's written testimony for the hearing will be formed from the 42-page summary of the primer, "The First Four Years of TSCA". A preface will be added to the summary, which will be taken from the draft testimony prepared by Mr. Strickland. Copies of the testimony will be delivered to the Subcommittee on March 20.
- D. A pre-testimony briefing for industry participants is scheduled for 2:00 PM on March 23 at CMA.
10. The next CRAC meeting is scheduled for 9:00 AM on April 14 at the O'Hare Hilton Hotel, Chicago.
11. Dr. Starr adjourned the meeting at 2:52 PM.

Gordon D. Strickland for
Randal P. Schumacher
Associate Director
Health, Safety and
Chemical Regulations

Minutes Subject to Approval

RPS:bal
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Distribution: COL