

VI HEALTH, SAFETY AND ENVIRONMENT COMMITTEE

Harbor Court Hotel
Baltimore, Maryland

Wednesday
September 30, 1992
8:00 a.m. - 2:00 p.m.

Attendees:

Kenny Akins, Vista Chemical
Frank Borrelli, Georgia Gulf
Frank Conrad, CertainTeed
Peter de la Cruz, Keller and Heckman
Don Goodman, OxyChem (in part)
Bill Huff, Dow Chemical
Jim Kachtick, OxyChem
Kenneth Lee, PPG Industries
Mike Marshall, BFGoodrich
Veldon Messick, Vista Chemical
Ron McCreedy, Dow Chemical
Tom Morris, Dow Chemical
Don Pearson, PPG Industries
Meredith Scheck, Vinyl Institute
Sanford Stromberg, Elf Atochem

I. OPENING OF MEETING AND SELF-INTRODUCTIONS

Committee Chair Frank Borrelli convened the meeting at 8:00 a.m. with a round of self-introductions. He reviewed the committee mission statement and asked for a discussion of any changes. It was agreed that a focus of committee activities should continue to be a review of regulatory issues potentially impacting the industry. Mr. Borrelli noted that the key to making this activity successful is the timely sharing of views among committee members regarding the applicability and impact of proposed rules and potential regulatory issues.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the last full committee meeting, held May 28 in conjunction with the VI Annual Meeting were approved as submitted.

III. OZONE DEPLETION ISSUE

Mr. Borrelli summarized activities related to the August 28th special ad hoc meeting to address

- 57 FR 19166 - May 4, 1992 (NPRM to implement Section 611 of the Clean Air Act - Labeling)
- 57 FR 33754 - July 28, 1992 (Final rule/Ozone Protection)

and the September 2 meeting with U.S. Environmental Protection Agency. He thanked the committee members for their input and assistance in the preparation of the Supplemental Comments on the labeling proposal (filed on September 21, 1991).

Mrs. Scheck noted that at the August 28th ad hoc meeting, Counsel was asked to prepare a paper outlining possible options for further action. The paper was circulated to members on September 24. She noted that 6 companies responded in opposition to Option 5 (filing a legal challenge to 57 FR 33754) and that she had so notified the committee members. She asked for a discussion on the other options presented.

Mr. McCreedy noted that his company believes Option 1 should not be pursued as it has the potential to artificially divide VCM producers between those practicing intentional and unintentional carbon tetrachloride usage. He stated that Option 2 (Request for Interpretative Ruling from EPA Exempting Vinyl Chloride Protection for the Phase-Out Provisions under the CUBP Exemption) would be an acceptable course to pursue for further discussion. He noted this would not exempt companies from recordkeeping and reporting requirements.

After a lengthy discussion, it was agreed that a small task force would be convened by teleconference to explore whether an acceptable approach could be pursued following Option 2. Mr. Marshall stated he and Mr. Holbrook of BFGoodrich would take the lead on this issue. Others who volunteered were McCreedy, Dow; Messick, Vista; Takacs, OxyChem; Lee, PPG; Borrelli, Georgia Gulf and de la Cruz/Millar, K&H.

IV. ROUNDTABLE DISCUSSION ITEMS

A. Car Pool Requirements in Severe Non-Attainment Areas

Mr. Kachtick noted that this is an issue for his company in the Houston area and updated the group on activity being pursued by the Texas Air Control Board. No other members indicated any problems at the present time.

B. Multi-Media Audits

Mr. Kachtick described activity in the Region VI office and commented that the Reg. Director stated this approach will likely not continue. Mr. Akins reviewed activities in region IV, including triggering of audits by reporting under SARA/CERCLA. Mr. de la Cruz reviewed recent legal activity. It was agreed interest remains in keeping environmental audit issues on the agenda for further discussion.

C. Definition of the OSHA Term "Massive Release"

Mr. de la Cruz reviewed the original OSHA rule and subsequent related legal cases. Mr. Borrelli noted his company has recently examined the definition of when a spill is reportable. Mr. Kachtick noted his company's current policy is tied to exposure without proper equipment to material with a specified exposure level or specified quantity. Messrs. Marshall and Messick noted reporting decisions in their companies are made on a case-by-case basis. It was agreed that this issue should be kept on the agenda for further discussions.

Mr. Kachtick updated the committee on work underway within the Houston Regional Monitoring Network aimed at developing community exposure guidelines. He noted proposed guidelines for 13 chemicals (not including vinyl chloride) are being peer reviewed. He said he would apprise the committee of further development should the proposed guidelines be models for other chemicals.

D. Update on Current MSDS Practices

Mrs. Scheck noted the committee has sponsored 2 workshops on this issue (10/17/91 and 7/31/90) with the leadership of OxyChem focusing on practices related to MSDS/Labeling practices of resins and compounds. Mr. Marshall reviewed current company practices and recent discussions related to revising the label of resin. At the conclusion of the discussion, it was agreed that a task force would further explore this issue. The following companies will provide appropriate staff - OxyChem, Vista, CertainTeed, Georgia Gulf and BFGoodrich. (Following the meeting, Mr. Marshall indicated he will pursue the issue on an individual basis and contact Mrs. Scheck should a teleconference/task force meeting be appropriate).

E. Update on Use of Non-Flammable Clothing

Mr. Borrelli noted that discussion on this issue first took place at the last committee meeting and that it was

agreed continuing updates might be useful. Representatives of Georgia Gulf, Vista, CertainTeed, OxyChem, Dow and BFGoodrich discussed current practices within their companies including the type of clothing being used, workers covered and cleaning practices.

F. Practices Regarding OSHA Confined Spaces

Messrs. Pearson and Huff described current practices at their companies regarding entertaining and working in confined spaces. Mr. de la Cruz noted that he would discuss this topic with the firm's industrial hygienist and provide input to staff for distribution.

V. LEGAL REPORT

A. EDC

Mr. de la Cruz noted the Petition for Rehearing before the Eleventh Circuit is pending. In the interim, the 1 ppm level is technically "on the books", but counsel noted OSHA is enforcing at the previous standard level. He noted the deadline for providing compliance data for engineering controls has been moved to December 1993.

He reviewed possible disposition of this issue in the courts and noted that he would keep the committee apprised.

B. California Prop 65

Mr. de la Cruz summarized the comments filed for the VI in July. He noted that the application of Prop 65 requirements in the workplace, noting that CALOSHA regulations now incorporate Prop 65. Counsel noted that he would keep members apprised of activity on this issue.

C. California "Hot Spot" Inventory

Mr. de la Cruz reviewed the requirements of California AB 2588 in which companies were required to provide emissions estimates with the state agency responsible for "plotting" these estimates in order to determine whether there are any unique "hot spots".

Mr. Goodman stated that the issue relative to vinyl chloride in California is not active. He commented that some limited monitoring at fabricator facilities with personal monitors had been completed but that levels were below the detection level.

VI. OLD BUSINESS

A. Initiator Containers

Mr. Stromberg noted that at the last committee meeting, he reported that the issue of waste minimization / initiator containers were scheduled to be discussed in conjunction with the August 1992 meeting of SPI's Organic Peroxide Producers Safety Division. He noted the issue has broadened beyond containers to boxes and includes the relationship of any proposed action to the EC Packaging Directive. Mr. Stromberg stated that representatives of the major producers are to meet in October, with further discussion scheduled at the November OPPSD meeting. Mr. Borrelli thanked him for his continuing efforts and expressed continuing interest on the part of VI member companies.

B. Unit Risk Factor

Mr. McCreedy noted that the pharmacokinetic study of VCM underway is slightly behind schedule, with a draft report expected now in November 1992, and completed peer reviewed document about a year away. He noted that he believes this approach is preferable to the multi-stage linear approach being taken by the EPA and noted that this issue has been discussed at the VI Technical Committee. Mr. Borrelli noted that in the state of Delaware a risk-based state air toxic proposal had been circulating, and while it has a low priority, it is expected to resurface in 1993.

Following discussion, Mr. de la Cruz stated he would talk further with Mr. McCreedy about submitting additional comments in California referencing Dow's comments.

C. Development of RVCM Data Report

Mrs. Scheck noted that the data received to her original request for RVCM/Pipe Grade data was incomplete and insufficient for purposes of comparison. Mr. de la Cruz reviewed the litigation involving asbestos that had spurned the original request from the Uni-Bell PVC Pipe Association for assistance in updating their pamphlet.

It was agreed that data on hand would be provided through Dr. Gottesman to the Uni-Bell PVC Pipe Association, and that an updated, revised survey would be completed on an expedited basis using January-June 1992 data.

Mrs. Scheck noted that when originally discussed, the group believed there was value in developing an article

for publication using the data and that Mr. Ledvina had offered to pursue this at the appropriate time. (Note: Following the meeting, Mr. Messick noted that Vista is still interested in accepting the assignment for the committee.)

D. VCNet Liaison Report

Mr. Borrelli updated the committee on training activities under the VCNet that have occurred since the May meeting.

E. Safety Subcommittee

Mrs. Scheck reviewed discussion she has had with some VI members regarding the reconstituting of a Safety Subcommittee and commented that there was considerable sentiment in continuing to focus on specific safety issues through the approach that had been used with the seminars, rather than to focus on an annual-semi-annual safety meeting.

It was agreed that a survey would be prepared to determine whether there are any topics/recommendations for a safety seminar in the near term.

F. Angiosarcoma Registry

Mr. Borrelli noted that with the retirement of Dr. Drumwright from Vista that the stewardship of the Registry is to be assumed by Dr. LaGost of Solvay.

G. EPA Mixture/Derived From Rule

Mr. de la Cruz noted that the rule was remanded to the Agency. The Agency announced September 28 that it will be withdrawing the rule and will reconsider the issue.

Counsel noted that the Chemical Manufacturers' Association, which has supported a concentration-based exemption, has been active in this area. It was agreed that no VI action is necessary at this time.

H. Hazardous Organic NESHAP

It was noted that the HON went to the Office of Management and Budget December 24, 1991 and that it is expected to be released within the next several months. It was agreed that the VI should continue to carefully follow this rule, particularly the general provisions section.

VII. NEW BUSINESS

A. CANTOX

Mr. Borrelli briefly reviewed the CANTOX project and stated that the critical review team had asked for some assistance in the review of material developed to date. Mr. Lee offered to review the HCl section; Mr. Borrelli will review the section on the physical/chemical properties; and Mrs. Scheck was asked to inquire whether VI consultant Dr. Magee could review the dioxin portion. (Note: Dr. Magee was asked for his assistance.)

VIII. ADJOURNMENT/NEXT MEETING

There being no other business, the meeting was adjourned at 2:00 p.m. The next meeting of the committee was set for February 4th in New Orleans at the call of the chair.

Respectfully submitted,



Meredith N. Scheck
Assistant Director