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**CMA REDACTION DOCUMENTS**  
**VOLUME 7**  
**38290 - 38698**

**9/9-10/85 (CMA 12657 - 12659 and 38290 - 38407)** - CMA Board of Directors Meeting Minutes.

The "unredacted" information pertained to "CMA's intervention in a judicial suit [NRDC] supporting EPA's proposed revisions of the Vinyl Chloride Hazardous Air Pollutant Standard. This litigation will resolve the question of whether EPA is properly interpreting Section 112 in developing standards that are sure and 'ample margin of safety'." The CMA/API intervened in the NRDC Suit on NRDC's contention that the "ample margin of safety" tests of Section 112... requires EPA to set at '0-Risk, 0-Emissions' Standards for all carcinogens. (CMA 12659).

CMA and API "will argue in support of EPA's position in the case, that the agency is authorized to take costs and feasibility into account in setting Emissions Standards under Section 112."

Except for the above, the remainder of the information was 'redacted' as "non-responsive" or withheld without explanation by CMA when it produced this document on at least three prior occasions.

Consistent with this prior practice with regard to every single Board of Directors Meeting produced prior to September, 1996, [?], CMA concealed the agenda for the meeting, including the references to various "TABs" (for example, TABs 1 - 8 at CMA 38290 - 291. These "TABs" appear to indicate documents which were enclosed along with the agenda for the upcoming Board of Directors Meeting. Unless I am mistaken, none of the documents that CMA has produced to the plaintiffs in this case including the Production in September, 1996 contains any documents which refer to these "TABs". Whether, if so, the extent to which, the documents referred to on these TABs corresponds to the subsequent meeting correspond (they do differ) is not known at this time. What *is* clear is that numerous items referred to of the agenda's of these meetings are not accounted for in CMA's production [check this. I want to make sure this is as systematic as it appears to be in this series]

Examples of the reports which are referred to on the agenda for the meeting, but apparently not included in any of the attachments to the meeting are Item 5 Special Report on the Status and Programs of the State Chemical Associations (TAB 1), Item 7 Tax Reform Legislation (TAB 2), Item 8 Superfund Reauthorization: including the "Communication Support" Meeting by Jon C. Holtzman. We know now that the Superfund Reauthorization Communications Group was not at all limited to Superfund issues and was extravagantly funded

to the tune of 3.5 to 5 million dollars a year, a very large portion of CMA's budget if I am not mistaken]

CMA concealed not only the reference to its "New CMA Film: 'Cleaning Up' – Jon C. Holtzman," [the same Jon C. Holtzman giving the "Communication Support" report (whose very existence was concealed) both by CMA's production, and by its very title – since [the document relating to the Communications Committee I am referring to is in the dictation on Q:\wp51\seh97\CMA REDACTION DOCUMENTS], the fact that CMA even generated "CMA Films" on such matters was concealed by CMA.

CMA concealed report of its Environmental Management Committee and the "Dingell Survey on Air Emissions" which concluded that everything was just fine with regard to safety equipment and procedures, inspection and safety review programs, and air emission measuring apparatus and techniques, presumably in the entire industry subject to the Dingell Survey, but ends with the perhaps ominous conclusion "there is substantial operator input (human factor) in most of these monitoring and safety systems." What this means to me is that what gets monitored and what gets reported depends upon "human factors more than the actual air emissions which are taking place (CMA 38293).

Back to the TAB's issue: The "Executive Summary" of the "State Chemical Organization's Status Report" attached as Exhibit "C" (CMA 38312 - 38318), for example, may or may not correspond to the material that went out with the agenda referred to at CMA 38290 - 38291. They may be the same, and they are obviously related. However, they don't appear to be the same. And the "Executive Summary" could be an abbreviated version of the report that was distributed with the agenda in advance of the meeting as opposed to the Executive Summary *subsequent* to the meeting with the minutes.

The CMA concealed its reference to the "ultimate public release" of the Dingell Survey on Air Emissions and "the individual companies' ability to be able to respectively respond to the issues that might be raised" by this "ultimate public release of the report." (CMA 38293)

The CMA concealed the existence and the Annual Report of its Environmental Management Committee (CMA 38393 & 38300 - 38304). The CMA concealed the EMC's boasting of its successful management of "Environmental Matters before Regulatory Agencies, Congress, Federal Court and the Public" in 1984 - 1985 and its close work with the SAC (State Affairs Committee) [whose existence was also systematically concealed by CMA] to address evolving State Environmental Issues."

EMC  
GRC

CMA boasted of the success of the EMC as well as the Government Relations Committee (GRC) in having "actively advocating re-authorization and

appropriate amendment of the full spectrum of Environmental Legislation..." in 1984 - 1985 (CMA 38300).

The CMA concealed its recognition that "during the past year, the rapidly escalating issue of air toxins has taken up an increased level of activity and has great significance to the EMC and the industry..." in fact, CMA concealed the very existence of the EMC, much less its issues, activities, etc.

The CMA concealed its recognition that a comprehensive work plan for "Air Toxins" which was already beginning to "obtain results" would "be one of the critical issues CMA/EMC will be addressing in the next few years."

CMA concealed its yearly summary of its activities with regard to ground water, RCRA, Superfund Issues, etc.(CMA 38301).

The CMA concealed that "the current and legal expertise of some 294 people from 62 companies is currently being tapped to achieve the goals of the EMC..." whose very existence was concealed by CMA, much less its "goals" or membership, or expertise, etc. (CMA 38302)

The CMA concealed "EMC Leader Training" which it described as "the most valuable resource that EMC and CMA have!" In other words, the CMA concealed its recognition that the work of the EMC as well as its 18 Task Groups, and 40 work groups was "the most valuable resource that the EMC and CMA have" which resulted in their holding "approximately 240 formal CMA meetings in the past year." Along the lines of training of "instructors" which primarily came from "CMA Staff and EMC Members..." (CMA 38302).

The CMA concealed language which shows the relevance of the EMC and demonstrates the bad faith of CMA and systematically deleting all references to the Environmental Management Committee throughout its production: The responsibility of the EMC "to help member companies understand their Environmental Responsibilities, which were "open to all CMA and Chemical Industry Counsel Members, and on a case by case basis open to other organizations" such as SOCMA, the API, etc. (CMA 302-303)

CMA concealed both the existence and the annual report of its State of Affairs Committee and of its State Chemical Industry Association and its Government Relations Committee (CMA 38293 - 294 and CMA 38305 - 38230). These portions which CMA deemed could not possibly lead to the discovery of relevant evidence shows that a Committee of the CMA called the State Affairs Committee (whose existence was systematically concealed by CMA) "has the responsibility of serving as the 'watchdog for the chemical industry interest at the state level.'" For the last four years it recognizes that "the stakes have been high at the state level", since the states may "go farther" than "the minimum

State  
A  
SCIA  
BRC

requirements" established by Environmental Legislation passed by Congress. CMA concerned that State Governments "... are no longer regarded as horse and buggy governments, as they were in the 1960's and are coming once again to be viewed as laboratories of innovation and democracy." [emphasis on the original]. The CMA concealed information it received from the Conservation Foundation that "environmentalist" who "a decade ago" would for "Federal solutions to pollution problems... now look frequently to the states, recognizing that Washington [i.e., the Regan Administration] has no monopoly on 'Environmental Virtue'".

1/2/85

The CMA systematically concealed its adversarial relationship with any regulation which came from anywhere even when initiated by a State Government, or even in this case, the League of Women Voters, etc., giving as an example, the influence of New Jersey legislation on the *Congressional Debate* on "Community Right-to-Know...". CMA's intense interest in direct involvement in these "local" activities making CMA a focal point of information gathered from the collective National Resources of our industry" is certainly evidence consistent with Plaintiffs' allegations and relevant thereto (CMA 38306 - 307): Member company personnel and state trade associations are routinely turning to CMA for advice and guidance" and there is liaison with other Trade Associations like API ..." which was considered as indications of success" which are "gratifying, but most importantly" illustrative that the "CMA approach" has clearly helped produce 'bottom line results' for member companies." CMA brags in particular about its success with "Community Right-To-Know" activities and defeating "the unprecedented flood of state bills" that were "promptly dumped into the legislative hopper" following the time when Bhopal hit in December..."

The CMA concealed that "although battles are still being fought in California, New Jersey, and Michigan, to date, all the laws passed this year are generally consistent with the CMA policy..." specifically bragging about the ability to retain "Trade Secrets," avoiding costly "labeling, environmental emission monitoring, and independent risk management audits," as well as, other priority issues" such as public compensation": "CMA's position was that NO Public Administrative Compensation Program was needed and tort law should not be changed. The CMA Policy Committee's marching orders to state troops in the field were clear—"Hold Per Pork Chop Hill". So, the CMA considers its State Policy Committee as issuing "orders to State Troops in the Field," and yet doesn't hesitate to decline State Jurisdiction in the Waldrop case without mentioning any of this type.

CMA concealed its recognition that "additional releases of toxic substances since Bhopal continue to erode *our privilege of self-regulation*. Instead of being innocent until proven guilty, industry can now look forward to justifying its existence and its very right to operate in the neighborhood." (CMA 38308)

The CMA concealed that it considered anyone in favor of "right-to-know" their opponents who would fight CMA for "emission monitoring and independent auditing of our plant safety programs" as well as it concealed its concern with Public Compensation that legislation such as that in Minnesota will cause "Plaintiff's lawyers" to "push to reduce 'burden of proof' for chronic health cases. Their carrot is hundreds of millions of dollars in court settlements." (The report G. F. Forte from Monsanto, Chairman for the CMA State of Affairs Committee) had earlier said that only Minnesota (of five states) had passed such a bill "and was very limited in its scope" – at (CMA 38308)

SAC

Wait's  
Nehumk

The CMA completely concealed its intense concern with "Public Relations" and "Advocacy Communication at the State Level..." and specifically concealed its reference to the establishment of electronic mail communication capability "with key chemical industry counsels to better meet their needs." (CMA 38310) The CMA certainly concealed its declaration of victory in the state arena with regard to the regulation of toxic chemicals: "On behalf of everyone who is out there in the trenches, I want to borrow a slogan used by the United Way a couple of years ago and say – 'thanks to you, its working -- for all of us.'"

CMA consistently concealed this "National Network" that it described as being "stronger than any one of us could have done on our own" and the intense activities relative to Plaintiff's conspiracy and state-of-the-art allegations which relate to the activities of the State Affairs Committee (whose activities were systematically concealed by CMA) to "do an even better job next year as the 'watchdog for our industry at the state level'" . (CMA 38311). Consistent with its other concealment's of the CMA involved at the state level, it concealed the executive summary of its State Chemical Organization Status Report (CMA 38312 - 318) which includes multiple references to the Louisiana Chemical Association and other similar "State Chemical Counsels" CIC's which had been in an area of increasing interest to CMA and to this Committee "during the last several years." The CMA concealed its conclusions with regards to the organizational classification of such state organizations, their needs, their programs and capabilities, their budgets and finances, and other "elements which prevent CIC programs from being fully effective" such as "negative media/ image of the industry in the state," the inability to network with other big business organizations and CMA," and the "credibility and militancy of the 'other sides' in the state," etc.

State  
Chemical  
Organization

The CMA concealed its distinction of its own mode of activity, that is, working through local CIC's rather than the "API approach of integrated State Petroleum Counsels funded and staffed by the National Organization" (CMA 38315).

Not only is this sort of documentation relevant to Plaintiff's claims of conservative action, they are practically definitive of them. The CMA is in fact

coordinating a Public Relations effort disguised as science on a national level, specifically including the coordination of "Senior Chemical Industry Executives" "from different companies in areas of mutual interest, etc." (CMA 3816).

The CMA concealed not only the existence of its Government Relations Committee (systematically concealed throughout CMA's production), but also its various reports, which would reflect its existence such as its report at CMA 38319 concerning its service" in direct lobbying of governmental officials at congressional level and "toward a coordinated industry Grassroots System to build local influence and congressional decision making..." as well as "legislative and communication programs closely coordinated" with a "Grassroots Emphasis" and the "exploration of greater involvement of employees in the industry advocacy" [like running some of them for governmental office], "emphasis on telling the Chemical Industry Safety Story..." heavier company involvement in the political process..." and "continued targeted utilization of outside legislative support services". (CMA 38320)

As was CMA's systematic process, it redacted in its entirety the "report of the president" on a "CMA Association Issues and Program Report" . (CMA 38325 - 38376) despite the inclusion of such obviously relevant information as surveys indicating the principle of state legislatures to include "hazardous waste sites... identification of disposal sites... transportation of materials... regulation of generators and cleanup efforts... at a time when Federal aid to states is diminishing and economic pressures force us for austerity ... this CMA concealed the president's report that "the media has been focusing increasingly sophisticated attention on public health and safety matters. This concentration has been growing since before Bhopal and the recent accidental release of Institute, West Virginia. According to researchers, the media has been developing the theme of 'Corporate Axe as the Driving Force in American Society.' The upside is that the public sees business as the problem solver of choice. The downside is that the media loves to find feet of clay on the public's heroes." CMA conceals its reference to and use of the term "Corporate Governance Issues" (CMA 38328). The CMA concealed its discussion of the "growing separation between 'Grassroots Activists' – such as Lois Gibbs' Clearing House on Hazardous Waste, National Coalition against Toxic Waste, Ralph Nader's public interest research group, PRIG's and Greenpeace – *and the so-called gang of ten* – NRDC, Sierra Club, Wildlife, Audobon, Friends of the Earth, etc and that "activists say the traditional groups are becoming irrelevant to domestic environmental questions [by reason of their emphasis on "issues such as population control, trade policy, nuclear war, and world hunger."] and have lost touch with the proven , time tested confrontation to relationships with government and business. Recent accidents and incidents have strengthened the confrontational hand and could give the traditionalist second thoughts about their recent moves towards more business-like leadership and cooperative approaches." (CMA 38329).

The CMA concealed its involvement in providing testimony against Community -Right-to-Know (CMA 38330). The CMA totally concealed its "Grassroots activities" which include the specific targeting of 11 of 14 democrats who voted to report the Superfund Reauthorization Bill (H.R.2817) and that only 2 congressmen who voted against the bill were targeted and that all 7 republicans who were targeted voted for it. "In total, 18 out of 20 members who had been targeted by the Grassroots Program voted to reported to vote H.R.2817", primarily consisting of members of the Energy and Commerce Committee. (CMA 38330 - 332).

The CMA deleted its "Superfund" communications efforts (which other documents show were not at all limited to communications issues, but were instead a wide-ranging and very expensive propaganda campaign). Here, CMA concealed 84 National and Media Briefings "completed by CMA/Member company teams" resulting in "balanced editorial treatment" in the *New York Times*, *The Wall Street Journal*, *The Washington Post*, and regional newspapers, etc. CMA also concealed that this "communications effort" included materials "targeted to specific states and districts. This localized material (Texas impact for Texas, etc.) went to 30 major market areas." CMA concealed the fact that it filmed the press conferences of these members and "supplied same day television coverage to stations in their districts...", etc. (CMA 38333). As usual, CMA concealed all references to public compensation and "product liability" issues (CMA 38333 - 334).

CMA concealed its reference to a negotiated settlement with EPA and the NRDC towards developing "a procedure for negotiating test agreements and developing test rules under TSCA Section 4." (CMA 38337)

CMA concealed its President's report on Occupational Safety and Health, with specific discussions of worker right-to-know issues, occupational disease compensation, community right-to-know activities labeling hazard communication as well as CMA's intense involvement in Public Relations Activities following Union Carbide's Toxic Gas Release Institute, West Virginia. This type information is not essential to plaintiff's case, however, just try and understand any of the information CMA did *not* redact without this information. This information is not only likely to lead to the discovery of relevant evidence, it is absolutely essential for the discovery of relevant evidence, even the relevant evidence left after CMA was through redacting all of the rest of it. CMA concealed its position to legislation which would require NIOSH to establish a system for identifying, notifying, and preventing illness among workers who are at increased risk of occupational disease" such as Daniel Ross and his co-workers. CMA also concealed its concern with "Occupational Disease Compensation" Legislation which "would establish an employer/manufacturer insurance fund to compensate workers who had contracted asbestosis and other occupational diseases." (CMA 38340). CMA concealed its opposition to right-to-

know legislation which might involve "inventory/emissions 'mass balance' data reporting requirements." (CMA 38340)

*Dingell  
Survey*

CMA concealed all references to the "Dingell Survey" which CMA 38343 shows was conducted in only "three distinct areas -- New Orleans -- Baton Rouge, Niagara Falls, and Philadelphia -- Wilmington, South New Jersey." (CM 38343).

CMA concealed its involvement negotiations between chemical manufacturers and tank car providers, including enhancing the "competitive alternatives available to chemical shippers by allowing rail carriers to compete for freight when they do not control the track immediately serving a plant." (CMA 38347).

CMA concealed, its involvement in the "repeal of the causation clause which required a defendant in a Toxic Tort Case to prove that he did not cause the injury" in local matters such as Minnesota State Legislation, as well as other matters relevant to CMA's involvement in "local issues, and specifically concealed references to Louisiana's adoption of right-to-know" legislation. (CMA 38358)

CMA conceals the efforts of industry to "force states to recognize the Federal OSHA Standard Preemption over state law with regard to right-to-know. (CMA 38358)

CMA concealed that portion of its President's report dealing with CMA efforts at the state level relating to Toxic Air Pollution Issues including right-to-know, etc.

The CMA concealed its "strategy development" by which its EMC whose existence was systematically concealed" would work with the State Affairs Toxic Air Task Group [whose existence was systematically concealed] ... in preparing strategies to work the issue in the states. A system is being established to closely monitor the Legislative and Regulatory Activities in this specific High-Priority States and the Task Group is being expanded to include member companies with activities in those states. Communications Programs will be developed which can be used to advocate CMA policies at the state level through member companies and chemical industry counsels." (CMA 38360)

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CMA concealed references to CAER (Community Awareness Emergency Response) workshops held in New Orleans (CMA 38364) which the redacted portions revealed to be nothing more than a Public Relations Effort with virtually all discussion relating to "communications" with the assistance of "a pool of communications consultants from member companies who will offer assistance

to members without communications staff" which was recruited by the "Communications Committee" (whose existence systematically concealed).

10/21/85 (CMA 12660 - 12661 AND 38410 - 38557) - Board of Director Meeting Minutes.

As was its consistent practice, CMA concealed all references to committees not specifically identified in Plaintiffs' petition or interrogatories and systematically conceals information necessary for one to understand the relevant activities of these committees. Specific "redactions" here include references to CMA's Toxic Air Contaminant Policy as implemented by its Public Relations "CAER" Program as well as its massive "Federal Legislative Grassroots Program" which included each companies assigning a "company-wide Grassroots Manager" to the program as well as volunteering "personnel to serve as Congressional Liaison Representatives (CLR's) and Task Group members, etc. (CMA 38414 & 38419 - 422) How can CMA claim that a "Priority effort to create an association-based, coordinated Grassroots Advocacy System to Augment Industry influence on the course of Federal Legislation" is unlikely to leave to discoverable evidence? The same thing goes for the "Superfund Advocacy" which was not at all limited to Superfund issues, but was a "Grassroots System... employed to compliment Washington Lobbying efforts" and which worked daily in concert with company Washington representatives, Media Relations Specialist, and the CMA Staff team" conducting activities such as "identifying, training, equipping, and coordinating our local participants in their coalitions. The CMA concealed the entire membership of this group and its various existence.

CMA may consistent with this prior practice excluded all references to its involvement with "Clean Sites Inc. (CSI)" which, despite appearing to be an independent organization seeking funding from foundations such as the Melon Foundation, etc. In fact, was budgeted 75% by the CMA (by the Chemical Industry). (CMA 38415)

Consistent with its prior concealment's, CMA consistently concealed references to the Dingell Air Pollution Survey as to which there was "considerable discussion of the earlier decision to keep the summary report and data confidential, as requested by Mr. Dingell" (The Congressman who requested the report). As usual, CMA concealed every bit of its President's report except a single paragraph which specifically referred to Vinyl Chloride Litigation. One would not even know that the author of this report was the president by looking at any portion of it which was produced previous to the September, 1996 Production. Indeed, even now, CMA continues to illegally "redact" information in this document which it agreed was not confidential years ago based upon phony claims of "privilege". (See CMA 38557 in which CMA redacts that portion of its President's report describing the activities of its Office

of General Counsel (CMA never before asserted this document or any portion of this document was privileged and, in fact, its assertion of privilege with regard to a single portion of a publicly disseminated report from the President of the CMA is completely unjustifiable and in contempt of the Court's prior orders.

The CMA concealed its President's boast over having obtained a Superfund reauthorization bill (H.R.2005) "which is essentially sound and acceptable to the Chemical Industry in the house subject to a "counter attack" by "an environmental extremist" whose "efforts to stir up emotional media coverage have had little effect to date." (38524)

The CMA concealed its recognition that "Successful State of Affairs Advocacy depends significantly on the success of the local state business organization or the state chemical organization" and as a result an ad hoc Committee on CIC's had recommended increased CMA "commitment to these vital organizations." (CMA 38526) These concealment's are consistent with CMA's pattern of concealing its involvement in pro-industry propaganda efforts, even at the local level.

Ab  
Hoe  
Committee  
on  
CIGCS

CMA concealed its concern with National Television Coverage of the Superfund Reauthorization Debates: See if BS's Bill Moyers did a review of Superfund Issues and his commentary painted Florio as an embattled defender of the people being frustrated by industry lobbyist (at least he didn't say 'chemical' industry lobbyist)" and this recognition of the CMA's intent to conceal its influence although it admits it has continued to respond to heavy demands for industry comment and to go on the road and targeted media tours" (CMA 38527).

Consistent with its pattern of concealment of its entire "Grassroots Program" in general, CMA conceals its President's report that "the Grassroots Program is working hard to maintain pressure on Congressmen through the constituent contact developed over the last two years," including efforts over recent weeks to "request member companies to maximize their letter and phone contacts from employees to members of the House and Senate." Consistent with its prior efforts to conceal all activities of its "Grassroots Committee" in general and the "communications" aspect of that program in particular, CMA concealed its having conducted interviews at 102 publications and 65 cities, including an alternative news network, providing same day service to media in targeted congressional districts..." the materials for which are "targeted" to specific states (CMA 38531). CMA concealed all references to Public Compensation" issues such as Product Liability and "Victim Assistance Demonstration Programs. (CMA 38531 - 532).

Grassroots  
Committee

Consistent with its other efforts, CMA concealed all discussion of TSCA which, in a pejorative label which is itself relevant, is referred to as Item "E Governmental Control of Chemical Production/Innovation (TSCA)" (CMA 38534)

CMA concealed its boards concerned with "worker right-to-know" and "Occupational Disease Compensation" and "Community Right-to-know", as usual. (CMA 38537)

The CMA continues its concealment of its Environmental Management Committees (EMC's) Production at the request of Congressman Dingell, of the "Dingell Survey Report".

CMA, consistent with its systematic efforts to conceal all evidence of its involvement in "State Legislative and Regulatory Activity, conceals here its discussion of "potentially serious impact" of "public compensation" bills intended "to assist people they have been exposed to hazardous substances which have affected or could affect their health... industry's major concern is the causation section... of course the financial cap only 3 million dollars would limit the current three year spending *but the pilot program could result in statistics indicating the need for a significantly larger fund in the future, and, hence, a potentially serious impact on the chemical industry in the state.*" (CMA 38549)

Consistent with its prior practice, CMA concealed its opinion that "reinforcing the preemption of Federal OSHA Hazard Communication Standard overstate right-to-know laws which cover manufacturers is a major goal for CMA." (CMA 38550)

As usual, CMA concealed all evidence of its then nascent Community Awareness and Emergency Response Program (CAER) as well as its liaison with various trade associations, specifically addressed in Plaintiffs' allegations, including the API, the Chlorine Institute, etc. (38552-553)

The CMA concealed the very existence of its "Technical Department, it of course concealed the report of its "flurry of activities" including air monitoring surveys conducted by Congressman Dingell and the New Orleans – Baton Rouge Area, developing a CMA draft air toxins policy; hosting "Risk Analysis Seminars" and publishing them as "Risk Analysis in the Chemical Industry". (CMA 38557). The remainder of the page this is on is redacted as "privileged", ignoring the fact that this page is no more "Confidential," much less "privileged" than any of the rest of this document which has been produced, bit by bit, in four separate versions without any prior claim confidentiality or privileged being mentioned except to specifically stipulate no confidentiality existed as to these minutes.

1/27-28/86 (CMA 12662 - 12666 AND 38561 - 38698) - Board of Directors Meeting.

(own  
Committee)

Consistent with this systematic practice of producing no documents which either refer to or reflect the activities of the CMA "Communications Committee," CMA concealed such relevant matters as the Committee's recommendation of "indemnification of Plant Managers against the risks of working with the press..." (CMA 38569) and the entire Communications Committee report itself (CMA 38678 - 38687) which all but proves Plaintiffs' allegation that the CMA's Scientific Efforts are nothing but part and parcel of its over all public relations plan, and indeed, that its entire CAER Program is nothing more than the Province of its Communications - i.e. propaganda] Committee". Here, CMA concealed its Commission of Cambridge Reports to "Determine the extent of the public's feelings about chemicals" in the wake of the Bhopal disaster in December, 1984: "without going into all of the details, the Public's view of the Chemical Industry was fairly straight forward: we are perceived as the number one environmental risk to society and the number 2 safety risk, with a nuclear power industry ranked as number 1... by overwhelming majorities, the public supports legislation to create right-to-know laws, mandatory emergency planning, and buffer zones around chemical plants. Perhaps one of the most disturbing findings was that 64% of those polls aren't so sure that the benefits they get from chemicals are worth the risk. And about 60% of the public wants more regulation of the chemical industry even if such regulation results in higher prices for consumer products. Further, it will come as no surprise to you that we rank last among industries in terms of public favor ability - below even the nuclear power and alcohol industries." (CMA 38678 - 38679). The fact that "only 51% of those surveyed "felt that we are just out to make a buck regardless of environmental consequences" seems as actually encouraging. (CMA 38679), which is not surprising since "on a public confidence scale of 1 - 10, it is unlikely that we will achieve the 7 or 8 level we enjoyed in the 50's and 60's, when we were regarded as being the source of miracle products. In fact, a reachable target would be 4 or a 5 - that gray middle ground of public tolerance that will permit us to operate our businesses in a reasonable manner . (CMA 38681)

The CMA concealed its knowledge that "while the public is concerned about spills and leaks and accidents, they feel it is the long-term health effects that are most important... the public is very concerned about chronic health effects from exposure and use of chemicals. In implementing a strategy to rebuild our reputation, we should realize that there is little opportunity to do something dramatic to showcase our efforts. H. Clarke, said in Washington recently, 'we haven't been caught doing good.' There is little we can do of a positive nature that will make page one or the evening news. And that is probably good. With our luck we would have Dan Rather signing off with 'and this is the 10<sup>th</sup> straight day without a major chemical mishap" [i.e., the less said about i.e., the public relations battle we won not when balanced information is

provided concerning chemical hazards, but when no information about chemical hazards whatsoever].

The CMA concealed that the CAER and NCRIC Programs are "indeed Public Relations motivated and created" in the course of "responding to Bhopal." The thing about CAER and NCRIC Programs is that they will not "*be seen* merely as public relations gestures..." but something more. CMA "has given the industry an activist response that involves an operating commitment by line management... directed for – square at the public's major concerns about industry. Not coincidentally, they also provide an excellent communications opportunity at the local and state level that we must use to our advantage." CMA concealed its Communication Committee's boasting, that ironically, as a result of Bhopal, "we now have access to these [media] people as never before." (CMA 38682) The CMA concealed that it "fielded" 10,000 calls from the media in 1985.

CMA concealed that the report of its Communication Committee that it was not the result of any particular "media bias" or such as that, but that actually, a "professional view is that our treatment by the media could have been a lot worse" and that "on balance, the industry received fair treatment. This occurred as a natural result of increased personal contact between the medial and members of our industry." CMA 38682.

The CMA concealed all references to the "CMA Superfund Editorial Contact Program." Refer to it as 38683. Previous documents (a cross-reference ???, who that the CMA communications effort was a much broader ranging activity than its title implied. Here, CMA actively solicited "editorials favorable to CMA's position" with results which were "nothing short of incredible" which "proved once again that the industry's greatest communication assets are the people in this room and your peers in other CMA Member companies. To those in the media, you ARE the Chemical Industry.

As usual, CMA concealed its coordination of CIC's at the state level and coordination of "activity by senior companies executives and communications activities", such as those facilitated by its Risk Perception Seminar for Senior Communications Executives..." (CMA 38684 - 85).

CMA concealed its own recognition that responsible at that activities under CMA's "Responsible Care Program might lead to "negative repercussions at the home office." CMA actually proposed to indemnify plant managers against the risk of working with the medial at the local plant level..." in case they would make "a slip of the tongue or misquote" which might have negative repercussions at the home office.

CMA concealed that "the Communications of the CAER Handbook was a joint effort of the Communications and the CMA Staff". (CMA 38686) CMA conceals its expressed statement that the only "chemical emergency" worth considering as one that might "develop... into a national story...": "we should remember that there is no such thing as a National Chemical Emergency, only a local incident that develops into a National Story." And that a job done right will keep the story from "escalating" into a National Story.

CMA concealed the fact that it even had an "Air Toxic Control Policy" such as those addressed in an Exhibit N to this report (CMA 38692) which should require companies to "use the best available scientific information and procedures to assess" chemical release hazards and "institute programs as needed to protect employees in the community from such potential releases..." (CMA 38692-695)

The CMA concealed its rejoice over both the Senate and the house having rejected "The Victim's Compensation or Federal Cause of Action Provision" to superfund. (CMA 38696)