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May 23, 1995

MEMORANDUM FOR THE HAP TASK FORCE

Re: Memorandum of Understanding

Attached is a note of the May 9 conference call, during which the draft memorandum of understanding (MOU) was approved with minor changes. The attached MOU is the final version for signature by your company's authorized representative. If you are not the authorized representative, please be sure that you are designated as the alternate representative on the execution page, which should be returned to me after it is signed.

As agreed on the call, invoices will be circulated as soon as the MOU becomes effective (i.e., upon signature by three participants). Please keep in mind that each company must sign the agreement within 45 days of the effective date in order to avoid paying a penalty.

Also attached is a current list showing the individuals in each company who are receiving HAP Task Force mailings. Please let us know if there are corrections to this list, and we will share them with Peter Voytek.

Please do not hesitate to call Dan Kracov (202-457-5623) or me if there are any questions about the MOU. We look forward to working with you on this project.

Caffey Norman
W. Caffey Norman, III

Attachments

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HAP TASK FORCE

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HAP TASK FORCE (Cont'd.)

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Secretary and Counsel

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NOTES OF ORGANIZATIONAL MEETING

HAP TASK FORCE

MAY 9, 1995

An organizational meeting of the HAP Task Force was held by conference call from 1:45 p.m. to 2:30 p.m. on May 9, 1995.

ATTENDEES

J. Barter (PPG Industries, Inc.), D. Goldsmith (Georgia Gulf Corp.), M. Gruenwald (Borden, Inc.), B. Hayes (The Dow Chemical Co.), J. Knaak (Occidental Chemical Corp.), D. Pun (Formosa Plastics), B. Bryant (Vulcan Materials Co.), P. Voytek (Manager), C. Norman (Secretary).

DISCUSSION AND ACTION ITEMS

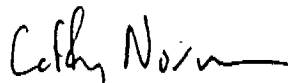
1. A draft memorandum of understanding (MOU) that would provide the structure for the HAP Task Force was discussed. C. Norman reported that minor comments had been received from Dow. J. Knaak and J. Barter indicated that they would provide any comments their counsel might have by Friday, May 12. P. Voytek reported that D. Penney had indicated that Vista Chemical Co. approved the MOU as drafted. It was agreed that C. Norman would circulate a final MOU for signature early the following week.
2. P. Voytek reviewed the more recent CMAI nameplate capacity data that he had circulated. It was agreed that the first assessment would be based on the 1994 CMAI nameplate capacity for ethylene dichloride. P. Voytek was asked to obtain a hard copy of the CMAI data for circulation along with the final MOU.
3. C. Norman discussed the basis for the recommendation in the April 14 memorandum that the initial assessment raise a total of \$100,000 for anticipated activities through 1996. It was agreed that the initial assessment should raise \$100,000. Invoices will be provided as soon as the MOU becomes effective (i.e., upon signature by three

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participants). It was agreed that the initial invoices will cover one-half of the assessment, and that a subsequent invoice will be mailed in October 1995 providing an option to pay that portion in either 1995 or 1996.

4. P. Voytek reported that EPA hopes by the end of May to send the proposed HAP test rule for OMB review. Assuming 90 days for OMB review, publication of the proposal is not likely before the fall of 1995. Voytek indicated that there may be an opportunity to interact with EPA staff on the proposed rule before it is published. C. Norman reported that EPA staff have indicated that the preamble will solicit proposals for fulfilling testing requirements by applying pharmacokinetic modeling to existing data.
5. P. Voytek reviewed the information he had circulated from the Toxics Release Inventory on releases of vinylidene chloride, chloroethane, and 1,1,2-trichloroethane. It was agreed that it would be appropriate for Voytek to follow up with EPA concerning the possibility of ensuring that processors would share the testing burden in the proposed test rule. C. Norman indicated that this would be an appropriate basis for comment, in any event, as it appears that the regulatory assumption that manufacturers would be able to recoup the testing costs may not apply to one or more of these HAPs. Company representatives agreed to make further inquiry within their companies as to commercial production of these materials.
6. The meeting adjourned at 2:30 p.m.

Respectfully submitted,



W. Caffey Norman, III
Secretary

Approved:

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Peter E. Voytek, Ph.D.
Manager