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HAND DELIVERED

Joseph Hadley, Esquire
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Re: Meeting with Environmental Defense
Fund Counsel

Dear Joe:

On March 28, 1980, John Barr, W. C. Holbrook, Nick Wheeler, John Dubeck, Scott Bowen, and myself met with representatives from the Environmental Defense Fund (EDF), Robert Rauch, and Larry Corcoran to continue discussions on what agreements could be developed with respect to the issues raised by pending amendments to the National Emission Standards for Vinyl Chloride. The amendments were proposed by EPA on June 2, 1977, and have yet to be promulgated.

The meeting was opened by summarizing the issues EDF wanted to discuss. They were:

1. whether the emissions from process vents and fugitive leaks can be lowered;
2. whether the Vinyl Chloride Standard can be amended to lower the stripping levels for residual vinyl chloride monomer to reflect actual levels being achieved presently by a majority of the industry;

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3. whether the number of emergency relief valve discharges and the amounts emitted can be reduced significantly, and what type of program could be initiated to bring about the reduction; and,
4. whether an offset procedure could be developed which would be acceptable to the industry.

After considerable discussion, the industry representatives appeared to convince the EDF representatives that little could be gained from reducing emissions from process vents and from fugitive sources.

It was further agreed that it is possible to lower the stripping levels, but there would have to be more than two categories or a number of resins may be lost because not all of them can be stripped to lower levels. EDF's counsel appeared to have some sympathy with this argument.

With respect to the emergency relief valve discharges, considerable time was spent educating the EDF representatives on design, operation, and problems related to relief valves. EDF continued to assert that the exposures caused by this type of discharge is troublesome and causes a problem for public health which must be dealt with quickly. EDF advised us again that a Freedom of Information Act (FOIA) request had been filed with respect to emergency relief valve discharges, and their review of the information leads them to believe that the industry needs to do a better job of controlling discharges. We were further advised that EDF would be sending a letter to EPA detailing the results of the FOIA review and requesting EPA to take action to reduce both the number and amount of vinyl chloride emissions.

Yesterday we received the EDF letter, and it is enclosed. The letter suggests in the first paragraph that

"if additional efforts are to be made, the greatest return . . . will be had from stricter enforcement of the current emergency discharge restrictions, . . . and promulgation of the pending amendments to the standards . . . which will lower the emission limits for resin stripping"

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First, my notes suggest that the industry representatives never agreed to "stricter enforcement" but suggested that fewer emergency relief valve discharges are the goal and the industry record has been improving steadily. It was suggested that the number of emergency discharges is quite small when compared with the number of batches being charged. Regarding the pending amendments, we never agreed to their promulgation. Even though we discussed the resin stripping issue in detail we continued to question why the lowering is necessary with its attendant cost when there is no apparent health problem. It was suggested to Mr. Rauch that EPA's own report to Congress on the Cost of the Clean Air Act declares the Vinyl Chloride Standard will cost the industry through 1986 approximately Seven Hundred Sixty-Three Million Dollars (\$763,000,000) to implement. To add additional costs when not one death can be associated with exposure to vinyl chloride in the ambient air is creating an expensive insurance policy.

The offset issue was discussed only briefly. We advised Mr. Rauch that we continue to take a strong position against offsets. He indicated he would pursue this issue in some alternate fashion.

The meeting, although tense at times, ended on a cordial note with both sides believing some progress had been achieved. The progress was in terms of narrowing the issues to some extent although Mr. Rauch continued to assert that EDF wants vinyl chloride emissions "worked down to zero."

With respect to the letter which articulates EDF's new position to EPA, we will obtain the FOIA data EDF received and suggest it be reviewed to determine whether the facts asserted in the letter are accurate. Next we will determine what EPA plans to do in terms of a response to the EDF letter. If it appears EPA will take positive action on the EDF proposal, we suggest the Manufacturing Technology Committee meet to determine options and courses of action for consideration by the PVC Safety Group.

If you have any questions, please advise.

Cordially,

Gary H. Baise

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Enclosure

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