Monsanto

FROM (NAME & LOCATION): M. A. Pierle

DATE: July 7, 1976

SUBJECT: PCB REGULATIONS

REFERENCE:

TO: R. G. Potter

cc. R. E. Bilger - B3NA
W. R. Corey - B2SA
K. W. Easley - 1920
R. W. Flint - 1740
R. S. Nelson - E1SF
P. S. Park - E2NE
R. A. Pohl - B2SB
J. C. Weber - B2SK
D. Wood - B2SD

The Utilities and Environmental Protection Group has reviewed a draft of the proposed PCB toxic pollutant regulations which are scheduled for July 14 publication by the Environmental Protection Agency. This memorandum states the U&EP Groups recommended actions with respect to proposed regulations.

Issue

Should Monsanto comment on the proposed regulation once issued? If so, what should be the extent of comment and continued involvement?

Facts

1. The draft regulation is not applicable to Monsanto's manufacturing operation, the W.G. Krummrich Plant, or the Village of Sauget wastewater discharge.

2. The regulation is applicable to some of our customer's operations and requires them to achieve either zero discharge or 1 part per billion (ppb) PCB in their wastewater discharges.

3. The preamble (background information) to the regulation documents toxicological impacts on fish, birds and humans. This information supplies the justification for controlling PCB's.

4. The preamble documents the technology and cost associated with the control of PCB's. This information demonstrates the feasibility of control.

5. Monsanto has publicly stated its intent to exit the PCB business.

6. Energetic opposition to the regulation would require the expenditure of technical and legal resources intermittently for up to six months.

7. If the regulation is unopposed the earliest enforcement action for non-compliance would be in 14-20 months.

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Discussion

Although this regulation does not directly affect the manufacturing operation at WGK, the background information on (1) toxicological justification for the standard and (2) the feasibility of controlling PCB's could indirectly affect this operation. As you are probably aware, the Regional EPA Office, without regulatory support, is attempting to impose a 1 ppb standard on both the Village of Sauget and the WGK Plant discharges. It would seem obvious that they are attempting to utilize the background information in the document as justification and rationale for imposing the 1 ppb limitation. Therefore, it behooves Monsanto to submit corrective comments where this background information is inaccurate.

Recommendations

The U&EP recommends that Monsanto's position on the proposed regulation (assuming it is essentially the same as the draft reviewed) be one of neither support nor opposition. Comments should be submitted which correct inaccuracies in the toxicological (Product Acceptability/Medical) or feasibility of control (U&EP/Mfg.) data base.

M. A. Pierle

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