MINUTES of the three hundred fourth meeting of the Board of Directors of the Chemical Manufacturers Association, Inc., held at the Ritz-Carlton Hotel (Ballroom IV), Laguna Niguel, California, on Monday at 8:00 a.m. and Tuesday at 9:00 a.m., September 9 and 10, 1985. There were present:

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Directors:

George J. Sella, Jr. - Chairman
Harold A. Sorgenti - Vice Chairman
Robert A. Roland - President

Arthur E. Biggs	Hans H. Kopper
Robert D. Cadieux	Sidney M. Leahy
Carlyle G. Caldwell	Carl W. Lorentzen
Paul W. Chellgren	Robert H. Malott
W. H. Clark, Jr.	H. Eugene McBrayer
Harry Corless	Keith R. McKennon
Ralph S. Cunningham	Robert L. Mitchell
Keith H. Edmondson (1)	L. John Polite
Robert B. Fell (1)	Seymour S. Preston, III
F. Jack Fitzgerald	Thomas E. Reilly, Jr.
Robert C. Forney	M. Whitson Sadler
P. W. Ifland	Charles E. Stewart
Ray R. Irani (1)	S. Jay Stewart
John W. Johnstone, Jr.	J. R. Street
Robert D. Kennedy	Konrad M. Weis

Secretary: Charles W. Van Vlack
Treasurer: Gary C. Herrman
General Counsel: David Zoll

By Invitation:

Stuart T. Allen, SOCMA, E. I. du Pont de Nemours & Company
William M. Bellamy, Jr., Union Carbide Corporation
Frank W. Berryman, Chevron Chemical Company
Geraldine V. Cox, CMA
Kenneth E. Davis, Rohm and Haas Company (1)
Wells Denyes, Eastman Kodak Company
Garth F. Fort, Monsanto Company
Gary S. Furman, American Cyanamid Company
Edward D. Griffith, ARCO Chemical Company
Jon C. Holtzman, CMA
E. Hamilton Hurst, Nalco Chemical Company
Thomas W. Mooney, The Procter & Gamble Company (2)
Leslie F. Nute, Dow Chemical U.S.A. (1)
Ray E. Olsen, Exxon Chemical Company
Vernon R. Rice, E. I. du Pont de Nemours & Company
Allan J. Spilner, Rohm and Haas Company
William M. Stover, CMA
Juliane H. Van Egmond, American Cyanamid Company
James P. Watkins, American Cyanamid Company
William T. Wood, Jr., E. I. du Pont de Nemours & Company (1)

(1) Monday only
(2) Tuesday only

acutely toxic materials and low-level exposures to substances over longer periods of time; and, that CMA is prepared to help Congress design appropriate legislation while continuing to develop and implement new initiatives to control hazardous air pollutants. Also during the June 11 hearings, Congressman John Dingell (D-MI) voiced strong opposition to H.R. 2576. At the other day of hearings, there were industry witnesses, representing aluminum, electric power, motor vehicles and consumer products. An effort to affix portions of H.R. 2576 to the Superfund legislation failed during mark-up in the Energy and Commerce Committee. Even if Waxman succeeds in getting a bill out of his subcommittee, full committee consideration seems unlikely.

Senate Activity. In the Senate, committee hearings might get under way this fall on clean air amendments as a whole.

2. Regulatory Developments and Response

Revised Particulate Matter Standard. The Air Pollution Effects Task Group developed comments on EPA's proposed revisions to the particulate matter national ambient air quality standard. CMA's comments highlight several scientific and technical deficiencies in the proposal. The final standard will be the basis for states revising the state implementation plan for particulate matter.

New Source Performance Standards. The Process Emissions Regulation Task Group developed comments on EPA's proposed air oxidation processes and distillation operations new source performance standards. These comments were in response to EPA's reopening the comment period and requesting additional comments on its TRE regulatory model. CMA was generally supportive of EPA's proposed approach on its cost-effectiveness model, although we offered several technical recommendations to improve its applicability.

Vinyl Chloride NESHAPS Judicial Intervention. The Environmental Management Committee authorized CMA's intervention in a judicial suit 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 of the Clean Air Act in developing standards that assure an "ample margin of safety".

3. Technical and Research Activities

Dingell Survey Report. The Process Emission Regulations Task Group and its Monitoring Work Group have completed the analysis of a survey requested by Congressman Dingell of chemical industrial plant air monitoring. The survey was conducted in three distinct areas -- New Orleans-Baton Rouge, Niagara Falls, and Philadelphia-Wilmington-South New Jersey. The final report will be submitted to Congressman Dingell and to the Office of Technology Assessment.

Air Task Groups Sunsetting. The Environmental Management Committee disbanded the Air Regulations Task Group and the Toxics Integration Task Group. The activities of the Air Regulations Task Group will be conducted by a work group of the Process Emission Regulations Task Group. The activities of the Toxics Integration Task Group will be conducted by a work group of the Air Pollution Effects Task Group.

4. Litigation and Related Activities

Vinyl Chloride Litigation. CMA has moved to intervene in a court suit brought by the Natural Resources Defense Council (NRDC) challenging EPA's emission standards for vinyl chloride under section 112 of the Clean Air Act. This case will probably be the first to decide the meaning of the "ample margin of safety" test of section 112. NRDC contends that section 112 requires EPA to set "zero-risk, zero-emmissions" standards for all carcinogens. CMA and the American Petroleum Institute, who also intervened, will argue in support of EPA's position in the case, that the Agency is authorized to take cost and feasibility into account in setting emission standards under section 112. NRDC filed its brief on June 17, with EPA's response submitted on July 25. The CMA/API brief will be filed on August 19. A decision is expected by the spring of 1986.

I. Clean Water

1. Congressional Developments and Response

Clean Water Legislation. The Senate approved S. 1128 by a vote of 94-0 on June 13th. In the House, Congressman Robert Roe (D-NJ) worked out a block of committee amendments to H.R. 8 which CMA and industry representatives discussed with Roe. On July 23, the House passed H.R. 8 by a vote of 340-83. Despite the threat of a White House veto because of construction grant funding, it appears possible that Congress will complete work on S. 1128 before this session ends. S. 1128 and the House-passed version reflect CMA efforts for extensions, modifications deletions and report language clarifications. The bills are improved over original proposals in several areas CMA sought including: extended compliance deadlines; increased protection against citizen suits relative to administrative penalties; affirmative defense under criminal penalties; narrowing of the mandatory reopener requirements in NPDES permits; affirmation of the Fundamentally Different Factors (FDF) variance although with some procedural limitations; and a provision improving stormwater run-off requirements. CMA currently is preparing for conference activity in September.

Regulatory Developments and Response

Pretreatment. The Effluent Guidelines Task Group developed comments EPA's proposed revisions to its pretreatment regulations. The posal revises the definitions of "interference" and "pass through" for rposes of determining extent of pretreatment control necessary. CMA's ents generally supported the changes since they brought the initions more in line with our original views on this matter.

EPA Biomonitoring. The Water Quality Criteria and Standards Task developed comments on EPA's biomonitoring study conducted in Lima, EPA requested CMA to peer review the study. CMA's comments were

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