Monsanto

NOV 8 1976

FROM (NAME & LOCATION) David Wood-St. Louis-B2SD

DATE November 5, 1976

SUBJECT EIA OBJECTIONS TO EPA 307(a) PROPOSALS

REFERENCE

TO W. W. Withers
D. Bishop
J. C. Weber
C. Paton

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Covington and Burling, EIA's Counsel, have sent me copies of affidavits supporting the EIA objections to the proposed 307(a) regulations. There are a number of statements which may impact Monsanto.

1. John Hutzler, Vice President Engineering of Aerovox declares that they will purchase Aroclor 1016 from Monsanto to satisfy their needs into the 2nd quarter of 1978 so that they will not need to use any PCB other than Aroclor 1016. He further acknowledges that Monsanto has agreed to make its railcar fleet available as interim storage (pp 9-10 Hutzler attached).

2. Roy Clark, V. P. and General Manager of UMC covers the same ground (pp 10-11 Clark attached).

3. Note that Messrs. Hutzler and Clark will probably be cross-examined November 15 or 16.

   We may wish to prepare a statement to cover any criticism of this inventory position which may receive adverse comment from Environment Defense Fund and NRDC in cross-examination.

Dan, if you need my help, please call.

David Wood

/deb
Attachments

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test marketing of both dry and liquid filled capacitors by some capacitor manufacturers. The advantages of the metallized polypropylene capacitor design is that it eliminates PCB, has a small size, is capable of operating at high temperatures, and has normal end of life failure mode of an open circuit. The disadvantages of metallized polypropylene are an upper voltage limitation of approximately 330 volts at this time, a capacitance drop during the life of the capacitor, and a relatively short life when compared to paper/PCB capacitors. Abnormal failure modes may require protective devices and a higher cost for metallized polypropylene capacitors when compared with paper PCB capacitors. In my opinion, metallized polypropylene has a very limited application at this stage of development.

11. Monsanto recently announced its intention to terminate all shipments of Aroclor 1016 on October 31, 1977. This announcement followed consultation with each of Monsanto's industrial purchasers of Aroclor 1016 to determine the industry's needs through the third quarter of 1978. After consultation with Monsanto, I have determined that my Company's needs for Aroclor 1016 will be satisfied by Monsanto into the second quarter of 1978. Accordingly, my Company will not use any PCB other than Aroclor 1016.

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Hutzler

12. Inventories will be adequate to guarantee a supply of Aroclor 1016 to the industry after October 31, 1977. Monsanto has agreed to make its fleet of tank cars available for storage, with a capacity of approximately three million pounds of material; I have been informed that if additional Aroclor 1016 is needed, additional storage can be maintained in 55-gallon drums thus guaranteeing an adequate supply of Aroclor 1016 by Monsanto through the time when PCB use must end according to the 1976 Toxic Substances Control Act. It is my opinion that there will be no necessity or incentive for the capacitor industry to use any PCB other than Aroclor 1016 for capacitor production between Monsanto's termination of shipments of material and the final phase-out of PCB use in 1978.

13. I can offer no definitive conclusion as to what dielectric fluid should be accepted after the ban on PCBs takes effect. I am unfamiliar with any definitive studies establishing the environmental acceptability of the possible substitutes and, as I have said, all pose very serious problems of safety, reliability and/or cost. In a recent publication by the National Bureau of

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Clark

comply with the proposed effluent standards, while a manufacturer of a different product next door would not be subject to the same requirement.

13. Monsanto has announced its intentions to terminate shipments of its Aroclor 1016 on October 31, 1977. Monsanto made this announcement only after consulting each of its industrial users of Aroclor 1016 to determine their needs until approximately the third quarter of 1978. These data obtained by Monsanto are proprietary, and I do not know the phase-out schedules of my competitors. After consultation with Monsanto, I have determined that my Company's needs for Aroclor 1016 will be satisfied by Monsanto through the third quarter of 1978. Accordingly, my Company will not be obliged to use any other PCB other than Aroclor 1016 as a capacitor impregnant.

14. Monsanto has agreed to make available for storage their fleet of tank cars, with a capacity of approximately three million pounds of material; I have been informed that if additional Aroclor 1016 is needed, additional storage can be maintained in 55-gallon drums guaranteeing an adequate supply of Aroclor 1016 by Monsanto through the time when PCB use must end according to the law. Based on these facts, it is my opinion that

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there is no necessity or incentive for the capacitor industry to use any PCB other than Aroclor 1016 for capacitor production between Monsanto's termination of shipments of material and the final phase out in 1978.

NATHAN RAY CLARK

Subscribed and sworn to before me this __ day of _____, 1976.

NOTARY PUBLIC

My Commission expires:

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