

Interoffice
Communication

TO: Distribution

FROM: W.L. McClain

DATE: December 7, 1989

SUBJECT: PVC/VC LITIGATION DOCUMENT ORGANIZATION

VISTA

Attached is the first attempt at organizing all relevant existing documents which could be needed in the defense of litigation involving either PVC or vinyl chloride. I would greatly appreciate it if you could review the index of the documents currently organized, and advise me as to whether you currently have additional documents which should be included in the index. If you do have such documents I can arrange to assist you in locating, organizing and reproducing them for the repository.

Your attention to this matter is greatly appreciated. If you have any questions please call me.



William L. McClain

/rmg

Distribution:
Tom Grumbles
Jack Drumwright
Rick Flammer
Pat Quinlan

5MEM.DEC

VVV 000007314

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Interoffice
Communication

TO: Distribution

FROM: T. G. Grumbles
DATE: December 13, 1989

SUBJ: CLEAN AIR ACT AMENDMENTS

TGG: ~~DEL~~ ~~SEP~~ ~~WEE~~ ~~AM~~ RF
XF: NONE

VISTA

Attached is a major issue comparison of the four most recent CAA amendment bills. At this time it appears S. 816 and H. R. 3030 are the most likely to survive. Also, attached is the list of Chemicals to be included as Hazardous air pollutants as it exists now in H. R. 3030 which is favored by the administration.

CMA has heard that the administration desires to have a bill done by April 20, Earth Day. Most insiders doubt that can happen.

T. G. Grumbles

T. G. Grumbles

dlj
.908

Attachment

Distribution:

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VVV 000007315

Health Based
Standards
(cont.)

allows. For threshold substances, insure concentrations below threshold with an ample margin of safety.

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in 6 years. No extensions are allowed.

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Permits

All new and existing regulated sources must have permits. Permit program may be administered by a state. If Administrator fails to meet deadlines for standards, sources have 6 months to get permit based on evaluation of best technology by independent, registered professional engineer.

All new and existing regulated sources must have a permit. Permit program may be administered by a state.

All new and existing sources covered by the Act must have a permit. The permit program is a new system to serve all provisions of the Clean Air Act. States must accept delegation of full authority or face sanctions. Expansive public comment and hearing procedures are required to get a permit. Permits are for up to 5 year terms. The EPA Administrator and the Governors in all neighboring states have authority to review all permit applications.

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Area Sources

States/EPA to study area source emissions and propose a strategy to deal with area source emissions.

States/EPA to study area source emissions. Within 3 years of enactment, EPA to publish list of area source categories that warrant regulation. All listed categories to be regulated within 8 years of listing.

Area sources may be listed in the source category list based upon the Administrator's judgment. Area sources are subject to the level of control generally achieved in practice.

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MAJOR ISSUES LEGISLATION INTRODUCED IN 101ST CONGRESS

H.R. 3108

H.R. 2585

S.1490

H.R. 3030

Sources to be Regulated

List of major sources to be published within 12 months of enactment, after notice and comment. Area sources may be listed. All listed sources are to be regulated.

List of major emitting facility to be published within 12 months of enactment, after notice and comment. Area sources identified on separate list. All listed source categories to be regulated. Includes controls of mobile source emissions.

List of major sources and those area sources designated by EPA to be published within 12 months of enactment. The list is not subject to comment or judicial review. 50% of listed source categories must be regulated. The other 50% are to be reviewed and regulated if warranted.

List of major sources and those area sources designated by EPA to be published within 12 months of enactment. The list is not subject to comment or judicial review. 50% of listed source categories must be regulated. The other 50% are to be reviewed and regulated if warranted.

Technology-Based Standards

MACT with "top down" approach for existing. More stringent for new sources ("super-LAER"). Benchmark of 90% reduction from uncontrolled emissions for existing sources.

BACT - Roughly same as Section 169 definition of BACT, but for existing sources, reduction must be at least that achieved by 90% of sources in the same category. Allows for "super LAER" for new sources.

MACT with "top down" approach for existing sources. More stringent for new sources.

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Health Based Standards

Within 3 years of promulgation of technology-based standards, evaluate residual risk. For known, probable, and possible carcinogens minimum risk is to be less than 10^{-4} in short term, 10^{-5} as quickly as technology

Within 4 years after promulgation of technology-based standards, evaluate residual risk. Require maximum risk to be less than 10^{-6} for non-threshold substances. For threshold substances, require that emissions

Within 7 years of promulgation of the technology-based standard, evaluate remaining risk. If risks are unacceptable, promulgate standards within 2 years of the evaluation. Sources must comply with the standard

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VVV 000007317

**Accidental
Releases**

Requires hazard assessments, to be updated biennially, for most facilities handling listed substances. Creates Chemical Safety and Hazards Investigation Board with relatively broad powers to investigate accidents and propose regulations to reduce accidents.

Administrator to promulgate regulations to provide for prevention and detection of accidental releases. Requires risk management plans for facilities handling listed substances. Creates a Chemical Safety and Hazards Investigation Board with the same duties and authorities as the NTSB. The Board can also make recommendations to the Administrator for improved methods for preventing, detecting, and responding to accidental releases.

An Air Pollutant Release Investigation Board is created. The Board includes EPA, DOL, and other agencies as appropriate. The Board must investigate any major life-threatening releases of air pollutants and generate a report. The report and its findings may be used as evidence in any lawsuit unless the U.S. is the party.

Administrator to promulgate regulations to provide for prevention of and response to accidental release.

An Air Pollutant Release Investigation Board is created. The Board includes EPA, DOL, and other agencies as appropriate. The Board must investigate any major life-threatening releases of air pollutants and generate a report. The report and its findings may be used as evidence in any lawsuit unless the U.S. is the party.

October 16, 1989

Expect a new Round of 114's
on this list

TABLE A-1. HAZARDOUS AIR POLLUTANTS

CAS NUMBER	CHEMICAL NAME
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorine
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
7664417	Ammonia
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
105602	Caprolactam
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene

TABLE A-1. HAZARDOUS AIR POLLUTANTS (Continued)

CAS NUMBER	CHEMICAL NAME
319773	Cresols/Cresylic acid (isomers and mixture)
95487	Cresols/Cresylic acid (isomers and mixture)
108394	Cresols/Cresylic acid (isomers and mixture)
106445	Cresols/Cresylic acid (isomers and mixture)
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3'-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide

TABLE A-1. HAZARDOUS AIR POLLUTANTS (Continued)

CAS NUMBER	CHEMICAL NAME
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,2-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
7783064	Hydrogen sulfide
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
78933	Methyl ethyl ketone (2-Butanone)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine

TABLE A-1. HAZARDOUS AIR POLLUTANTS (Continued)

CAS NUMBER	CHEMICAL NAME
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91255	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride

TABLE A-1. HAZARDOUS AIR POLLUTANTS (Continued)

CAS NUMBER	CHEMICAL NAME
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	Xylenes (isomers and mixture)
108383	Xylenes (isomers and mixture)
106423	Xylenes (isomers and mixture)
0	Antimony compounds
0	Arsenic compounds (inorganic including arsine)
0	Beryllium compounds
0	Cadmium compounds
0	Chromium compounds
0	Cobalt compounds
0	Coke oven emissions
0	Cyanide compounds ^a
0	Glycol ethers ^b
0	Lead compounds
0	Manganese compounds
0	Mercury compounds
0	Mineral fibers ^c
0	Nickel compounds
0	Polycyclic organic matter ^d
0	Radionuclides (including radon) ^e
0	Selenium compounds

NOTE: For all listings above containing the word "Compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic) as part of that chemical's infrastructure.

^aX'CN where X = H or any other group where a formal dissociation may occur. For example, KCN or Ca(CN).

^bIncludes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH)_n-OH

Polymers are excluded from the glycol category.

FOOTNOTES FOR TABLE A-1 (Continued)

^cIncludes glass microfibers, glass wool fibers, rock wool fibers, and slag wool fibers, each characterized as "respirable" (fiber diameter less than 3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) greater than 3.

^dIncludes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

^aA type of atom that spontaneously undergoes radioactive decay.