



UNION CARBIDE CORPORATION

17625 EL CAMINO REAL BOULEVARD
HOUSTON, TEXAS 77058

WU-0074 #4

Done
Nov
2

29 October 1982

TO: R. E. Peele 511

Attached are letters from Don Heywood and Doug Bess relating to UCC's compliance with the final rule requiring submission to EPA of certain unpublished health and safety information as authorized under TSCA, Section 8 (d). Please read them carefully and call me if you have any questions.

Your files are likely sources of this information and will have to be searched for reportable information relating to the chemicals on the list. Send the reportable information to the appropriate HS&EA manager. I should receive the material about toluene and xylene. I would suggest that you try to have this work completed by November 17th.

If the actual number of pages involved is small or if you have reason to believe your copy is the only one likely to surface, then I would suggest you copy all of the information for the division. On the other hand, if a division has many reports and it is likely they will also be in UCC's centralized files, then I would suggest you make an itemized list of the memos or reports and submit that to the division HS&EA manager. Then, he can review the list and request copies for only those reports he cannot locate elsewhere.

Notice also that we have to submit a list of on-going studies but that we do not have to submit data from these studies.

This sounds like a tremendous task at first but the following exclusions are helpful in limiting the amount of information to be reported.

1. Chemicals not on list are excluded.
2. Published data is excluded.
3. Mixtures with small amounts of listed chemical as impurity are excluded.
4. Most physical property data is excluded.
5. Chemicals not made or processed by UCC are excluded.

6. Data submitted to EPA or to other federal agencies (without confidentiality claims) is excluded.
7. Material in files retired before December 31, 1979.
8. Measurements of a listed chemical in the workplace or environment prior to October 1977.

Please call me if you have any questions.

Tom

T. L. Collins

TLC:ka
Attachment



INTERNAL
CORRESPONDENCE

UNION CARBIDE CORPORATION OLD RIDGEBURY ROAD, DANBURY, CT 06817

To (Name)	U.S. General Occupational Health	Date	October 21, 1982
Division	Committee Members		
Location	U.S. Corporate Product Safety	Originating Dept.	HS&EA
Area	Committee		
	U.S. Divisional Environmental	Area	P-2
	Protection Coordinators		
Copy to		Subject	Action Plan for Preparation of UCC Submittal under <u>Sec. 8(d) of TSCA.</u>

Sirs:

On September 2, 1982 a Final Rule was published in the Federal Register, effective October 4, 1982, requiring submission to the EPA of certain unpublished health and safety studies on identified chemicals or groups of chemicals; the term "health and safety studies" includes studies of environmental effects. The authority for this rule is Sec. 8(d) of TSCA. Reports on the first-identified list of chemicals are due December 2, 1982, and subsequent reporting will be required on a continuing basis as new chemicals are identified or studies undertaken. The purpose of this memorandum is to establish an action plan for reporting by Union Carbide and to define working relationships, and mutual responsibilities of the Corporate Health, Safety and Environmental Affairs Department and involved Divisions as to reporting procedures and practices. Because of the breadth and continuing nature of the rule, all U.S. Divisions will eventually be affected and involved with reporting. The Federal Register notice is enclosed (Attachment V); most of the notice is preamble - the rule is pp. 38791-38799. Carefully note that Attachments II and III outline what should be reported as well as what need not be reported.

Initial conversations with Division representatives and within the HS&EA staff have established that duplicative literature and file searches by each Division will be avoided if the package of basic, centrally located "health and safety studies" which are determined to be reportable is put together by members of the HS&EA staff or other centralized personnel. This "basic package" must be supplemented, however, by studies or reports that may be in Division files; more important, the Divisions must identify chemicals which they have "manufactured or processed" within the ten years prior to the effective date of the rule for which reporting may be required. Consequently, an "ad hoc" task group of HS&EA staff consisting of the following has been established to develop the plan for reporting and to coordinate the actual reporting: F.D. Bess, J.J. Brezinski, N.W. Gaines, R.G. Hanlon, D.L. Heywood (Chairman), and T.R. Tyler. Division representatives are hereby requested to do the following by the dates indicated.

UCC 006738

1. What domestic Divisions are requested to do. (and completion date)

- a. Identify a single Division contact for the effort. (November 4, 1982)
- b. Identify chemicals on the first list (see Attachment V, pp. 38791-38798) which the Division manufactured or processed since October 1972 and for which, therefore, submission of any applicable health and safety studies is required. (November 17, 1982)
- c. Itemize any known studies in Division files for which reporting may be required. (November 26, 1982)
- d. Develop a Division management review system by which the Division may approve, request confidentiality treatment for, etc. any studies which the Corporation must submit on chemicals which the Division manufactures or processes. (November 26, 1982)
- e. Communicate the conclusions of the Division review of the proposed submission to HS&EA. (December 2, 1982)

Simultaneously, the HS&EA task group is undertaking the following actions by the dates indicated.

2. What HS&EA is doing (and completion date).

- a. Develop and initiate action plan (October 22, 1982).
- b. Collect and itemize reportable health and safety studies from centralized files - Bushy Run, Corporate Applied Toxicology, Corporate Medical, HS&EA Product files, R&D Environmental files, etc. (October 18 - November 24, 1982).
- c. Provide "mid-course" status report and improved guidelines to all Division contacts (November 17, 1982).
- d. Provide completed proposed report to appropriate Divisions for review, identification of confidential information, and request approval (November 24, 1982).
- e. Prepare final submission and submit to EPA (December 10, 1982).

These parallel activities are presented as charted against time in Attachment I. Obviously, this simultaneous identification and compilation of reportable studies will require extensive communication and coordination. Division contacts should consult with the task group member in the identified area of responsibility as we proceed: F. D. Bess, environmental; N. W. Gaines, Occupational Health; R. G. Hanlon, Industrial Hygiene; D. L. Heywood, general; T. R. Tyler, toxicology; J. J. Brezinski or C. E. Colwell, specific chemical information.

3. What must be reported. Examples of "health and safety studies" which qualify for reporting are given on p. 38791 of the attached rule, and discussed elsewhere in the text. A summary list of the kinds of studies is included herewith (Attachment II) along with a list of what need not be submitted (Attachment III) as specifically excluded in the rule. In general, unpublished reports or lists of ongoing studies (or those of which we are aware but which are not in our possession) must be reported. The present rule is significantly less onerous than the rule which issued in 1978 (with which UCC complied on a Corporate basis) which was subsequently withdrawn. In general, any reports previously submitted to EPA or other Federal Agency, published in outside literature, studies on non-Inventory chemicals (i.e., R & D compound) or on most mixtures need not be reported. It has also been determined that reviews, evaluations, or assessments of collections of available reports, for purposes such as management actions, decisions as to reportability under Sec. 8(e) of TSCA, or for setting workplace standards etc. do not qualify as "health and safety studies" for purposes of this rule.

4. "Starter" List of Chemicals for UCC Reporting Consideration. Since identification of chemicals which have been manufactured or processed within the Corporation during the past ten years is a massive chore and time is not unlimited, we are enclosing a "starter list" of chemicals which the Committee has been able to identify. (Attachment IV). We are augmenting this with input from Dr. Colwell's Inventory, which is complete only for compounds manufactured during 1975-1979 and partially complete for chemicals processed during 1975-1977. There is no way any Corporate group can identify all chemicals for consideration of reporting, however, and we must depend on each Division to be accountable for identifying chemicals on the current (and subsequent) lists for reporting. It is imperative that each Division initiate this effort immediately, since experience with the Inventory in 1979 and, more recently, Sec. 8(a) (among other efforts) has shown us that complete compilation of such chemical lists is not simple. Your help in identifying chemicals which are part of businesses which UCC has either dropped or sold is also requested. Meanwhile, the Task Group is proceeding to identify health and safety studies which may warrant reporting based on the "starter list", but (again) each Division is requested to examine its own files.

5. Miscellaneous Definitions.

- a. Manufacture includes, as with the rest of TSCA, to import for commercial purposes. "Process" includes, in our definition, to blend, repackage, repurify, otherwise prepare for further distribution in commerce, or to use as solvent or a chemical reactant in the manufacture of other chemicals. We are requesting that a Division who has product accountability for a particular chemical also accept the accountability for identifying chemicals and pertinent "health and safety" studies on chemicals used in the manufacture of that chemical for purposes of complying with this rule, even if another (host) Division may actually perform the processing. "Process" does not include handling chemicals for maintenance, repair, cleaning, etc. or other purposes which clearly are "use"

purposes, including the manufacture of articles. For purposes of definition of "manufacture" or "process" in situations which are not totally unambiguous, please contact the undersigned or another member of the committee; it is important that we arrive at decisions that are both correct and consistent across the corporation; this same request applies to other definitions, standards, scope etc. for this rule, such as "what is a 'health and safety study'".

- b. Retired Files for purposes of describing those files which need not be searched if retired prior to December 31, 1979 means "records separated from those records in active use".
- c. The mixture reporting is complex, but conversations with EPA have indicated that the required reporting mixtures, (716.9 (c) (1), (2), and (3)) is to be interpreted that mixtures are not excluded from reporting if, e.g., they should contain a small amount of a stabilizer in admixture with a reactive monomer which was really the subject of the study and which is on the list for required reporting.
- d. Broad studies directed toward plant atmospheres, community air, employee epidemiology studies, are generally reportable only (a) if one or more of the chemicals studied are on the list requiring reporting and (b) such studies are undertaken with a view to gathering specific data for purposes or relating the information to health or environmental effects; conversely, sporadic gathering of data apart from a purpose of conducting a study to relate specific chemicals to health and environmental effects are generally not reportable. For example, environmental impact analyses (to the extent they are based on calculated rather than measured concentrations) or effluent stream analyses are generally not reportable. In any event, to qualify for reporting, specific chemicals must be on the published lists for which reporting is required.
- e. Physical properties are generally not reportable and most often are published data anyway. Exceptions, however, are specific chemical properties conducted for purposes of health and safety studies, and will consist, for UCC's reporting requirements of physical property data contained in other reports such as Bushy Run studies, octanol/water distribution coefficients, and the like.
- f. Contract studies done, e.g. at Bushy Run, Oak Ridge, or the Corporate Aquatic & Environmental Sciences group are to be reported by the organization which sponsors the study.
- g. Joint Industry studies such as under CMA panels, SOCMA, etc. may be reported by any participating company if they have not been previously submitted to the EPA or another Federal

Agency. In this regard, summaries or synopses of such studies are not considered submissions of the studies themselves, and one company should submit the actual studies and other members list the studies if reporting is required.

- h. Future reporting on chemicals on this (first) list will be required for three years after the effective date of the rule, i.e., up to October 1985; specific time-related reporting rules exist for handling studies presently underway or for studies initiated during the next three years.
- i. An extension to the December 2 deadline for reporting on the first list will probably be granted and it is our intention to request an extension.

Finally, please note that this reporting requirement is complementary to but distinctly different than the TSCA Sec. 8(a) reporting (manufacturing, potential exposure and release information) currently being developed by the Divisions for submittal prior to November 19, 1982. Further, the list of chemicals for the health and safety study (8(d)) report is different than that for Sec. 8(a), although there are some chemicals in common. Please call with questions: our work is laid out for us and what we are initiating will become a continuing reporting requirement for UCC - hence our standards and practices must be logical, legally correct, and consistent. I look forward to our first "checkpoints" in the action plan, viz., November 4, to learn who the principal Division contact is, and November 17 to learn what other chemicals on the list may require reporting because of having been manufactured or processed in your Division.

Very truly yours,

D. L. Heywood

D.L. Heywood, for the 8(d) Task Group

Attachment
DLH/cas