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Memo to: Bob Downey and SPI VCM-PVC Communications Cmt. Date: 7/19/77

From: Jerry Blizin

Copies: R. L. Harding, Jr.

John Lawrence

Subject: EPA hearings on vinyl chloride and press reports

E. S. Nuspliger

Jerome Heckman

Joseph Hadley ✓

Gary Baise

Dick Titus

Bob Ferrante

Matt Swetonic

Don White

The "open meeting" called by EPA to receive comments of the plastics industry on proposed amendments to the air emissions standard for vinyl chloride opened on schedule today in a small meeting room of the EPA offices at Crystal Mall, in Arlington, Va. No press facilities were provided by EPA nor was there any press material provided to reporters by EPA.

As previously noted, EPA also had not put out any notice of the hearing to the wire services. So as of last Friday we put out our own notice which has been carried on the AP and UPI calendar of events and succeeded in generating some press queries.

However, five reporters were present and were provided with copies of SPI and member company statements and press releases. Additionally, SPI's press release was distributed citywide and printed on the national PR Newswire. The five at the hearing were: Bradley Graham, Washington Post; Penny Girard, Los Angeles Times; Constance D'Auvin, International Herald Tribune; Beth McNally, Bureau of National Affairs (Chemical Regulation Reporter) and a representative of Chemical & Engineering News.

Additionally, one of our pre-hearing briefings of 12 news people produced a front page story on today's Washington Star. Reporter Tom Love was briefed last Friday (see attached.)

As to the hearing itself, EPA's panel consisted of legal counsel Ron Naveen, who opened the meeting, together with Dave Becker of the Cincinnati office; Susan Wyatt and Jack Farmer of the Standards and Engineering Division in Research Triangle Park, N. C.; Richard Biondi, William Hamilton and Robert McGoy. McGoy is from EPA's office of carcinogenic assessment.

Naveen opened by saying the Administrator had taken the position that there is no difference between the "open meeting" and a public hearing and therefore deemed today's session to be a public hearing. He said the only questions permitted would be between the presenters of statements and members of the panel, and that there would be no cross examination.

During the hearing, no questions were asked of any witness by the panel although Naveen did ask Mr. Fleming of Air Products what he meant by a reference to "a double standard."

Ralph Harding was the opening witness and noted for the record SPI's objections to the "open meeting". His full statement is attached.

W. C. Holbrook followed with the SPI technical committee's comments.

Next, Attorney Robert Rauch of the Environmental Defense Fund, a former EPA employee who filed the EDF suit challenging the VCM standard, made a somewhat remarkable exposition of EDF's views.

According to Rauch, the proposed rules under discussion represent a "true compromise." He contended the original standard adopted by EPA was not responsive to the mandate of the Clean Air Act and was a "best available technology" concept "which was not what the statute required."

Rauch said because there is no safe threshold for VCM exposure the "only safe margin" of exposure is zero. "Many officials have said that to control vinyl chloride, we should shut down the industry. But EDF did not think this was a reasonable position and we have no desire to shut down the industry."

But the compromise, as Rauch proceeded to explain, is one in which the "whole purpose of this is to force technological improvements." Without the spur provided by EDF (and EPA), industry would not provide the radical new technology such as the ozone-UV process, Rauch claimed.

He said that Dr. Peter Infante, now of NIOSH, and Dr. Joe Wagonner, also of NIOSH, were to have been present, presumably at EDF's request, to present new medical evidence but he said they were tied up with an OSHA hearing on

benzene. He said he would present their reports to EPA later, saying Infante has observed birth defects and that other studies had detected mutagenicity in wives and chromosomal abnormalities in plant workers. (Presumably these are the same studies which CDC has reviewed and discredited.)

Rauch also referred to new work by Dr. Cesare Maltoni which he said EPA scientists did not have time to review adequately at the time the first standard was nearing adoption. (There was no rebuttal to the effect that Drs. Kuzmack and McGaughy of EPA had in fact reviewed Maltoni's data and found no new information on which to base a change in the standard.)

Rauch also went on to claim that there are confirmed health cases involving a fabricator of vinyl cloth and an operator of a wire insulating machine, (also reports which were discredited more than a year ago.)

Under Rauch's view, EDF was forced to sue because EPA didn't properly act on the information available to it and that the revised limits which have been proposed are "an important concession to industry, which he accused of negativism. In any case, the "compromise" was described by Rauch as infinitely preferable to an arbitrary emission reduction order which could have been prescribed. Industry would be much more believable if it expressed cooperation and willingness to try, Rauch contended.

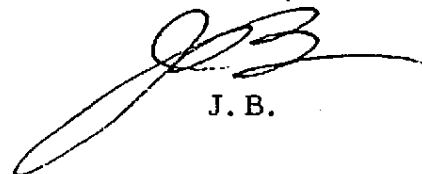
After Rauch's statement, Naveen attempted to say that the "court settlement is not necessarily the amendments that are proposed."

The concluding statements were by Fleming and W. C. Becker of B. F. Goodrich.

Copies of the statements made to the panel are attached, together with a copy of the SPI press release.

Our office also made available complete packages of testimony to the 12 news representatives who were briefed by a SPI team on July 14-15-18. These publications include the Washington Post, Star, International Herald Tribune, Los Angeles Times, Bureau of National Affairs, Business Week, Newsweek, Knight-Ridder Newspapers, TIME, Scripps-Howard Newspapers and Crain Communications (Advertising Age, Automotive News, Rubber and Plastics News, etc.) and to the wire services.

Extensive telephone briefings were given to several reporters prior to the hearings. These included: Jim Kemp, Channel 8, New Orleans; Gary Miller, Plastics Processing, Chicago, and Helen Kahn, Automotive News.



J. B.

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