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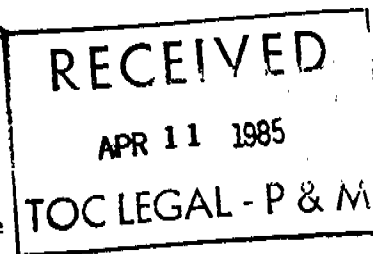


April 4, 1985

To: Vinyl Institute Manufacturing Practices Committee
Vinyl Institute Communications Committee
Vinyl Institute Legal Committee

FROM: Roy T. Gottesman

SUBJECT: New York Times Article on Proposed Changes in the Vinyl Chloride Emission Standard



As some of you may be aware, the New York Times carried an article in its Friday, March 29 edition concerning proposed changes in the vinyl chloride emission standard by E.P.A. The metropolitan New York edition carried this article (copy enclosed) with the head "E.P.A. Proposes Allowing Emissions of Cancer-Causing Substance." The issue I picked up in Houston was titled "E.P.A. Would Allow Vinyl Chloride Emissions" but the stories are identical.

As the newspaper article indicates, the reporter did not speak with anyone associated with the Vinyl Institute. I was en route to Houston when he was working on the story.

Since the newspaper account contained numerous errors, I phoned the writer, Philip Shabecoff, at the New York Times Washington Bureau, (202) 802-0373, upon my return to the office on April 1. Meredith Scheck had requested input from members of the Manufacturing Practices Committee regarding errors in the story and, armed with their input and my own review of the article, I felt it desirable to call Shabecoff and correct the erroneous information. Mr. Shabecoff, who was unavailable at the time of my two calls, did return my last call.

I told Shabecoff I was sorry that he had not been able to reach me and that I wanted to advise him of several errors of fact in the story he had written. Among the items I discussed with him were:

1. The statement that the E.P.A. "has proposed changing its rules to allow some uncontrolled air emissions of VCM is in error. I pointed out that even under the current standard, certain emissions of vinyl chloride are allowed such as from relief valves and drier exhausts. I noted that the purpose of the proposed changes was to clarify what constituted an emergency relief valve discharge and to remove any ambiguity in the current regulations.

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2. The changes proposed are not meant to make the rules easier to enforce but rather to provide the regulators and industry a set of understandable standards or guidelines that will be unambiguous, clear, and should result in better compliance.
3. I referred Shabecoff to the January 9, 1985 Federal Register Notice on the proposed changes which would allow 0.035 lbs. VCM discharged per 100 batches to a maximum of 4 lbs. per year. I specifically noted that this was not location dependent as the article states. He stated he had gotten his information on 1-7 lbs. permissible emissions from an E.P.A. informant and seemed upset that he had been misinformed.
4. The number of VCM plants stated in the article as "some 50" is in error as is the information on the number of such plants in New Jersey. There are no VCM plants in New Jersey, only PVC plants. When I mentioned this to Shabecoff, he wanted to know whether these plants emit vinyl chloride. I replied that I didn't know whether any individual plant emitted vinyl chloride or not, but that all had the potential to have such emissions.

Shabecoff was sorry that these errors had crept into his story, but he is not planning a follow-up since there is no "news peg" to hang a new story on. He now has contact information for the Vinyl Institute, and I would expect that he would call me in the future should he be writing about this issue again.

You should also be aware that the Vinyl Institute has filed a "Motion for Leave to Intervene" in the U.S. Court of Appeals for the D.C. Circuit in the litigation brought by the Natural Resources Defense Council (NRDC) against E.P.A. challenging the Agency's withdrawal of its 1977 proposed amendments to the vinyl chloride regulations. The battle on this issue will therefore be fought in the court-room, and I would prefer that we not try to fight the battle in the newspapers since the issues will be in litigation.

R. L. Gatesman

cc: Meredith Scheck
Peter de la Cruz
Frank Corbin
T. J. McGrath
L. Freeman, Jr.

enclosure

E.P.A. Proposes Allowing Emissions of Cancer-Causing Substance

By PHILIP SHABECOFF

Special to The New York Times

WASHINGTON, March 23 — The Environmental Protection Agency has proposed changing its rules to allow some controlled air emissions of vinyl chloride, a cancer-causing substance.

The agency said it was planning the changes to make the rules easier to enforce and therefore more likely to protect health.

Under current rules, discharges of vinyl chloride into the air are prohibited except in "emergencies" that are not preventable by the producing plant. If emissions can be prevented, they are not considered emergencies and are subject to penalties.

The agency has proposed that instead of prohibiting all but emergency releases, plants making vinyl chloride be permitted a certain number of discharges of the substance each year. The number of permissible emissions would range from four to seven, depending on the size and location of the

plant. The rules changes would set no limit on the amount of the individual discharges.

'Aggressive Enforcement'

Charles L. Elkins, the environmental agency's acting assistant administrator for air and radiation, said that the change was being proposed "so we can have an efficient, aggressive enforcement program without having to look at every single incident" involving the discharge of vinyl chloride. Now, each time there is such an incident, the staff of the environmental agency must investigate to determine whether or not it was an emergency.

According to E.P.A. figures, nearly a million pounds of vinyl chloride was discharged into the air from 1977 to 1980. According to an agency official in the office that prepared the proposed changes, who asked not to be identified, none of the discharges were a result of an emergency and they were accidental. Fines have been levied for the re-

leases, but the law also permits criminal penalties.

The proposed rules changes were published in the Federal Register in January and the comment period ended Monday. Final proposed rules must be issued and comments must be taken before any changes are put into effect.

Critics, including environmentalists and the environmental agency official said today that the changes would permit more vinyl chloride pollution of the air and thus increase the threat of cancer to people in the vicinity of plants.

Vinyl chloride, which is used in the manufacture of plastics and other materials, has been found to cause brain and liver cancer in humans and is currently one of five toxic air pollutants regulated by the Environmental Protection Agency.

There are about 50 plants producing vinyl chloride around the country, including five in New Jersey and one in Niagara Falls, N.Y., according to

E.P.A. data.

David D. Doniger, a lawyer for the Natural Resources Defense Council, an environmental group, said the proposed rule changes meant that the environmental agency, as a matter of policy, would permit discharges of a known cancer-causing substance into the air, even though "the best scientific evidence is that there is no safe level of exposure for any carcinogen."

'Screw Down on Emissions'

"If the Bhopal accident and the new information about release in New Jersey and elsewhere have shown anything this winter, it is that the E.P.A. has to screw down on emissions of toxic air pollutants, not ease controls," Mr. Doniger said.

The official in the E.P.A. office that prepared the changes said that the current rules did take up a considerable amount of time and money to enforce and that the changes would free resources to concentrate on a variety of other enforcement actions.

But the official said that if the changes were adopted, "There will definitely be more vinyl chloride in the air and we will be able to take much fewer enforcement actions."

"This is not sinister," the official said, "but it just so happens the effect is a loosening of the regulations."

Mr. Elkins said that in view of the criticism he had asked the agency's office of air quality standard to "another look at the proposed change" to make sure it is the best we can come up with.

Efforts to reach officials of the Vinyl Institute, the industry group that represents manufacturers of the subject, were unsuccessful. The institute's public affairs official said that the executives who could comment were traveling and could not be reached. The agency official said that the institute supported the rules changes.