



CHEMICAL MANUFACTURERS ASSOCIATION

December 30, 1980

David E. Menotti, Esq.
Associate General Counsel
Toxic Substances Division
U.S. Environmental Protection
Agency (A-132T)
Room 515 West Tower
401 M Street, S.W.
Washington, D.C. 20460

BY HAND

Dear Mr. Menotti:

This is a status report on the Chemical Manufacturers Association's response to EPA's request for assistance in the wake of EDF v. EPA, 79-1580 (D.C. Circuit, decided October 30, 1980).

As we have already informed you, it is in general CMA's desire to help the Agency obtain information which, among other things, will assist the Agency in determining the size and nature of the further "PCB" rulemakings necessitated by the Court's opinion. Accordingly, we have addressed your draft of the specific data survey questions which you presented to us on December 5, 1980 which focused on the so-called "50 ppm cut-off" issue, as well as the other matter of equal concern to us, the so-called redefinition of "totally-enclosed".

Attached is a draft of a survey form which we believe generally represents the categories of data which CMA would be willing to request of its members. We have already shared a copy of this document with members of EPA's staff. Under separate cover we have provided your staff with a brochure describing the Regulatory Research Service, outside consultant whom we are considering employing to assist us in collecting, aggregating and commenting upon the data.

In addition to providing the information submitted in response to this questionnaire, CMA anticipates submitting certain additional information to the Agency, including, but not limited to:

1. Available information on the analytical costs and problems associated with identifying the presence and concentration of "PCBs" at or below 50 ppm;

MONS 003293

2. Available information on the toxicity of "PCBs";
3. Available information on the existence and consequences of identified health or environmental exposures to "PCBs";
4. Available information on the problems and costs associated with the control of "PCBs" at concentrations below 50 ppm;
5. Available information on the range of potential "PCB" disposal problems occasioned by new levels of control of "PCBs".

To repeat information which we have already given to your staff:

1. Any data which we might provide to EPA would be presented in a fashion which would prevent any identification, through direct or indirect means, of the company source of the data.
2. Neither the wording, format or content of the survey form have been finalized nor have survey instructions been considered. The attached survey form, however, does represent the categories of information which we would be willing to request from our members.
3. Our willingness to request the information presented on this form from our members presumes that we will come into agreement on an appropriate period of time by which CMA may obtain and analyze the data.

At the last meeting of interested parties EPA staff members indicated, in response to a request from industry, that they would consider preparing a preliminary draft of the document which EPA envisioned would ultimately be presented to the Court by way of requesting a stay of the Court's mandate pending additional rulemaking. It was recognized in that meeting that industry communications would be greatly facilitated if EPA would put on paper a description of how it intended to present the hoped for understandings and commitments to the Court. I urge your earliest consideration of that matter.

We look forward to discussing all of these matters with you at today's meeting.

Sincerely,



David Forsyth Zoll
Assistant General Counsel
for Antitrust and
Regulatory Litigation

cc: EDF v. EPA litigants
other interested parties