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August 1, 1986

DR. R. T. GOTTESMAN

FEDERAL EXPRESS

Roy T. Gottesman, Ph.D.
The Vinyl Institute
Wayne Interchange Plaza II
155 Route 46 West
Wayne, New Jersey 07470

Dear Roy:

As discussed at the Health, Safety and Environment Committee meeting on July 17-18, 1986, enclosed are draft comments to be filed with the Environmental Protection Agency (EPA) on its proposed use of a toxicity characteristic leaching procedure (TCLP) to determine whether solid waste is hazardous under the Resource Conservation and Recovery Act (RCRA) by reason of being toxic. I trust that the enclosed letter will be self explanatory and in keeping with the Committee's guidance.

Comments are due by August 8, 1986. I will review this draft with Joe King's hazardous waste task group at the August 6 meeting. Others receiving copies of this letter are also requested to comment on the draft. I will be receiving a copy of the Chemical Manufacturers Association's draft comments shortly and will confirm the propriety of an endorsement in our comments.

SPI- 12418

Roy T. Gottesman, Ph.D.
August 1, 1986
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If you have any comments or questions or if I can
be of any assistance, please let me know.

Cordially yours,



Peter L. de la Cruz

Enclosure

cc: W.C. Holbrook (w/enc.)
Robert D. Luss, Esq. (w/enc.)
Charles E. O'Connell (w/enc.)
Lewis R. Freeman, Jr. (w/enc.)
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SPI- 12419

DRAFT

EPA RCRA Docket (S-212)
U.E. Environmental Protection
Agency (WH-562)
401 M Street, S.W.
Washington, D.C. 20460

Re: Toxicity Characteristic Leaching Procedure;
Docket Nos. F-86-FC-FFFFF and F-86-TCSI-FFFFF

Dear Sir:

The Vinyl Institute, a division of The Society of the Plastics Industry, Inc. (SPI), appreciates the opportunity to comment on the Toxicity Characteristic Leaching Procedure (TCLP) proposed by the Environmental Protection Agency (EPA or Agency) under the Resource Conservation and Recovery Act (RCRA).^{*/} For the reasons noted below, finalization of the TCLP at this time would be arbitrary and capricious.

^{*/} Members of the Vinyl Institute include Air Products and Chemicals, The BFGoodrich Company, Borden Chemical, CertainTeed, Dow Chemical U.S.A., Georgia Gulf, ICI Americas, Occidental Chemical, PPG Industries, Vista Chemical, and the Vinyl Council of Canada. Members of the Vinyl Institute account for approximately 82 percent of the domestic production of vinyl chloride and 63 percent of the domestic production of polyvinyl chloride.

SPI, the major national trade association of the plastics industry, is a corporation organized under the Not-for-Profit Corporation Law of the State of New York. Its 1,800 member companies and individuals and 49 operating units include those who supply raw materials, process or manufacture plastics or plastic products, and engineer or construct molds or similar accessory equipment for the plastics industry. The majority of SPI members are the processors and converters of plastic resins into end products which represent 75 percent of the dollar volume sales of plastics in this country.

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The TCLP was proposed as a replacement for the current extraction procedure (EP) leaching test on June 13, 1986. 51 Fed. Reg. 21,648 (June 13, 1986). As the preamble noted, efforts to evaluate the proposed performance method were still in progress. A subsequent Federal Register notice in July 1986 stated that reports on some of these evaluations were available but additional efforts were still underway. 51 Fed. Reg. 24,856 (July 9, 1986). That document also established an August 8 deadline for comments on the "available" reports. Because the basis for the Agency's decision is still being developed, finalization would be arbitrarily premature.

The equipment proposed to be used for conducting the TCLP is generally unavailable. Thus, interested companies have not been able to use the precise equipment mentioned in the proposal to determine its real impact. Further, the equipment may be unnecessarily costly. (The fluorocarbon lining may have a very short life if abrasive materials must be tested.) Again, due to the unavailability of the prescribed test equipment, efforts to conduct comparative testing with alternative equipment has been thwarted. Similarly, the reproducibility of the test is still open to question.

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Collectively, all of these factors indicate that an inadequate comment period has been provided. The evolving and as yet incomplete nature of the EPA records supporting the TCLP and the inavailability of proposed test equipment has made it impossible to evaluate the practicality and impact of the proposal. There has been no meaningful opportunity to comment. Nonetheless, we believe that the deficiencies noted above seriously undermine the validity of any change in the RCRA toxicity characteristic determination method at this time. We also support the comments filed by the Chemical Manufacturers Association on the TCLP proposal.

If you have any questions or require additional elaboration on the points raised here, please contact us.

Sincerely,

Roy T. Gottesman, Ph.D.
Executive Director

SPI- 12422