

The Society of the
Plastics Industry, Inc.



StateReporter

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AIR POLLUTION

MI Air Pollution Control Bill Sum- mary

We previously mentioned in the *State Reporter* that HB 5012, which would rewrite the state's air pollution control regulations, had recently been introduced in the Michigan House by Representative Mary Brown. The text of the bill is now available, and a summary of its key provisions is provided below.

Known as "The Michigan Air Contaminant Prevention Act," the 40-page bill would:

- o Replace the existing Air Pollution Control Commission with a new eleven-member panel which would have broad authority and responsibility, including developing lists of toxic air contaminants and rules requiring all process emitting sources to comply with BACT and T-BACT (Best Available Control Technology and Best Available Control Technology for Toxics).
- o Authorize the Department of Natural Resources (DNR) to inspect a facility, copy records and conduct tests.

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DR. A. S. CUMMINGS

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BOR 007294

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- o Establish criteria for issuing a permit, which include characterization of the contaminant stream, control techniques, effects on health and the environment, and waste disposal methods.
- o Require all new processes or equipment to comply with new air emission rules to be developed by 1/1/92; existing processes would have to comply beginning Jan. 1, 2000 or have an exemption.
- o Regulate fugitive dust emissions.
- o Allow the DNR and citizens to sue air quality violators.
- o Establish a permit fee.

HB 5012 has been referred to the House Conservation, Recreation and Environment Committee, and Rep. Brown has not yet requested hearings on the proposal.

Contact the State Government Affairs Office at (202) 371-5333 for a copy of the bill.

SPI Testifies On South Coast (CA) Foam Emissions Rule

After several years of staffwork and development, the Board members of the South Coast Air Quality Management District (SCAQD) met on October 6th in El Monte, California, to give final approval to a rule designed to limit emissions of volatile organic compounds (VOCs) and chlorofluorocarbons (CFCs) for five basic categories of foam manufacture and application.

Compliance with the new rule would be accomplished by installing a collection system capable of capturing at least 90% of emissions by weight (or installed consistent with standard engineering guidelines) or by switching to an alternative blowing agent which did not emit the regulated substances.

The SPI was in basic agreement with SCAQD staff on the proposal with two exceptions: its post-manufacturing emissions capture requirement and its classification of polyurethane foam contractors as "manufacturers" and its mandate that they switch to alternative blowing agents by April 15, 1991.

The two weeks prior to the meeting were spent by SPI representatives briefing SCAQD staff and board members on our position. Additional research on the post-manufacturing emissions issue had been done by SPI and was made available. In addition, 30 members of the Polyurethane Foam Contractors Division met all day on October 5th to put the final position and arguments of their members together.

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A delegation of six testified for SPI. Many other SPI members were also in attendance, among a crowd of several hundred.

It was apparent from the Board's questioning of staff after the hearing that there was considerable sympathy for the industry's position, and further changes are being prepared for the Board's November meeting.

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CA Governor Vetoes CFC Legislation

Governor Deukmejian recently vetoed three bills designed to reduce CFCs or ban products made with ozone-depleting compounds.

AB 2020 (Cortese), legislation to ban the manufacture, use and sale of food packaging and rigid polystyrene foam products made with CFCs, was returned to the Assembly without the Governor's signature because he deemed the bill "unnecessary." Reasoning that "It is of little value to ban products which industry is already limiting," the Governor noted in his veto message that polystyrene producers are converting to CFC substitutes which do not deplete the ozone and that food packaging manufacturers have virtually eliminated their use of CFCs. Using the same rationale, Governor Deukmejian also vetoed SB 1192 (Marks), a proposal similar to AB 2020 except it would have banned rigid polystyrene foam products made with CFCs if substitutes are available.

Least offensive to SPI members of the three proposals, SB 231 (Roberti) would have established an advisory committee to oversee the reduction and eventual phase out the CFCs. It was also rejected by the Governor as a "cumbersome and unnecessary" program. The bill did contain some relief for industry in that it provides: "a city, county, or city and county shall retain existing authority to regulate CFC emissions, if the regulations are determined by the state board to be consistent with its regulations for the same product and for the same use of that product."

SPI and other industry groups provided much information and input concerning these proposals throughout the legislative process.

New Britain, CT, CFC Ordinance Tabled

The City Council's Salaries and Ordinances Committee has tabled a proposed CFC ordinance very similar to a comprehensive measure restricting CFC use which was recently adopted in Irvine, CA. The Committee is awaiting a report from the city's Department of Health before proceeding with the proposal.

A new city administration will take charge in November. If the Ordinance Committee has not acted on the CFC proposal before the new government is in place, the legislation will have to be reintroduced and would not likely be considered by the Council again until late next year. SPI and several of its members are providing technical backup to local industry efforts on the ordinance.

MA House Panel Expected To Act Soon on CFC Bill

HB 5664 (Rosenberg), a proposal to reduce the "greenhouse effect" through the phaseout of substances such as chlorofluorocarbons (CFCs) which contribute to ozone depletion, has undergone major revisions by the House Ways & Means Committee, which is expected to report the bill soon.

The measure would essentially establish two lists: one of the most dangerous and another for less damaging substances that destroy the ozone layer. The manufacture, sale and use of these substances would be limited and then banned by specific dates.

Significant changes to the bill restrict the manufacture, sale and use of ozone-depleting substances to 1986 levels beginning next year; extend to January 1, 1995 the date by which substances included on the most dangerous list would be banned (unless used for medical purposes or recycled or reused); require the recovery and recycling of listed substances in the repair of auto or residential air conditioning, refrigerators and in process testing.

SPI has submitted comments and recommendations to our lobbyist to use in negotiations with staff of the House Ways & Means Committee. We have recommended: 1) that manufacturers be allowed to maintain records on listed substances instead of filing annual reports; 2) that certain products be exempted; 3) categorical phaseout by type of substances; 4) that language be added restricting warning labels to "products or containers visible to the general public" instead of universal product labeling; and 5) a provision permitting state preemption of local laws and regulations governing CFCs.

MISCELLANEOUS

MA Legislator Writes Plastic Pipe Ban Measure

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Legislation has been introduced by citizen petition and assigned to Representative Michael Morrissey (D) that would ban the use of plastic pipe in all commercial and residential buildings in the state.

Developed on behalf of state plumbers and fire fighters who are concerned about toxics released from plastic pipe, the bill (which has not been assigned a number yet) prohibits "the use of all types of plastics piping, (Polyvinyl Chloride), A.B.S. (Acrylonitrile-Butadiene Styrene), P.B. (Polybutylene), C.P.V.C (Chlorinated Polyvinyl Chloride) . . . in all types of commercial buildings. Further P.V.C., A.B.S., C.P.V.C shall be prohibited in residential dwellings, multiple family dwellings, hotels, motels, inns, condominiums and similar buildings over 6 stories or 60 feet in height. Further P.B. shall be prohibited beyond single family homes."

The measure is currently pending before the House Rules Committee, which is not expected to take action on the bill until early next year. Our lobbyists will closely monitor developments on this issue.

BOR 007297

STATE REGISTER

*--A digest of state administrative developments and proposed rules
of interest to the plastics industry*

Vol. 1, Issue V, October 27, 1989

CALIFORNIA

The California Energy Commission has proposed amendments to its regulations on **appliance efficiency** in order to increase the clarity and workability of the regulations, to update references to test methods and standards adopted by national organizations, and to bring the regulations into line with recent amendments to federal law.

The Commission will hold a public hearing on Wednesday, November 15, 1989, beginning at 10:00 a.m. The hearing will take place in the Commission's first floor Hearing Room A, 1516 Ninth Street, Sacramento.

Interested persons may mail in written comments by sending them to the Commission so that they arrive by 10:00 a.m. on November 15, 1989. Mail written comments to: Docket Office, California Energy Commission, Docket No. 89-AES-1, 1516 Ninth Street, MS 4, Sacramento, CA 95814.

The Commission's Public Adviser is available to assist any person who wishes to participate in this proceeding. For assistance, please call Thomas M. Maddock at (916) 324-3009 or toll-free in California at (800) 822-6228.

FLORIDA

The Florida Department of Agriculture has announced its intent to adopt uniform regulations in the method of sale of polyethylene products, mulch, peat and peat moss to reflect standards adopted by the National Conference of Weights and Measures as contained in the *National Bureau of Standards Handbook 130*, 1989 edition.

Questions regarding this matter should be directed to: Charles S. Schwenk, Director, Division of Standards, Room 137, Administration Building, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (904) 488-0645.

KANSAS

The Kansas Department of Health and Environment will conduct a public hearing at 1 p.m. Monday, November 20, in Conference Room A, Building 740, Forbes Field, Topeka. The adoption of amended regulations 28-31-1 through 28-31-6, 28-31-8, 28-31-8a, 28-31-9 and 28-31-14 and new regulation 28-31-8b will be considered.

Among the proposed amendments to their hazardous waste management regulations are:

- o Require **small quantity generators** that accumulate 25 kilograms or more of hazardous waste to either recycle, treat or dispose of the waste in the hazardous waste management facility.
- o Require groundwater samples analyzed in accordance with 40 CFR 264 and 265 Subpart F to be conducted by a laboratory that is certified for such analyses by KDHE.

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The proposed amendments are primarily designed to maintain KDHE authorization from the U.S. Environmental Protection Agency to carry out the federal hazardous waste management program in lieu of EPA.

Copies of the proposed amended and new regulations and a complete economic impact statement pertaining to them may be obtained by contacting John Paul Goetz, Kansas Department of Health and Environment, Building 730, Forbes Field, Topeka 66620 (913) 296-1607.

MINNESOTA

Notice has been given that the State Department of Public Service is seeking information or opinions from sources outside the agency in preparing to propose the amendment of *Minnesota Rules* Chapter 7640 governing Residential Thermal Insulation Standards. The adoption of the rule is authorized by *Minnesota Statutes*, section 325F.20 subdivision 1 and 325F.21 subdivisions 1 and 2, which requires the agency to establish standards for the product quality, safety, installation, and labeling of thermal insulation products, and to establish test programs and procedures to ensure that standards established by this chapter are met.

The State Department of Public Service requests information and opinions concerning the subject matter of the rule, including: revised ASTM standards, spray applied cellulose, standards for other insulation products and test standards and application requirements for insulation intended for exterior foundation wall insulation. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Bruce Nelson, Senior Engineer, Department of Public Service, Energy Division, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101, (612) 297-2313.

NEW JERSEY

The New Jersey Department of Environmental Protection, pursuant to its authority at N.J.S.A. 13:12E-6(a), will receive preliminary comments on contemplated changes to the Department's rules regarding the manifesting of nonhazardous waste.

Interested parties may submit in writing data, draft rules, opinions and other comments relevant to the preproposal on or before December 15, 1989 to: Carl Will, Division of Regulatory Affairs, New Jersey Department of Environmental Protection, CN 402, Trenton, NJ 08625.

The Department is considering proposing amended or new rules to establish specific requirements for the manifesting of nonhazardous waste or to ban the practice of manifesting nonhazardous waste entirely.

The Department is soliciting comments on the following issues, as well as on any other issues identified by commenters.

1. Should manifested nonhazardous wastes have to meet the same transportation, manifesting, and reporting requirements as are required for hazardous wastes?
2. What are appropriate penalties for submitting improperly completed nonhazardous waste manifests to the Department?
3. Should use of the uniform hazardous waste manifest form for nonhazardous wastes be prohibited? If such a rule is adopted, what penalties should there be for violations?

NOTE: For further information on any of these items or for assistance in contacting the appropriate state agency involved, contact the State Government Affairs Department of SPI at 202-371-5333.