

CHEMICAL MANUFACTURERS ASSOCIATION

Minutes of Meeting

Chemical Regulations Advisory Committee

CMA General Conference Room
2501 M Street, NW
Washington, D.C. 20037

Wednesday
April 28, 1982
9:30 a.m. - 2:20 p.m.

Members Present

E. Hamilton Hurst
(Chairman)
F. E. Bentley
Bruce H. Brubaker
Earl G. DeWitt
Fred D. Hoerger
Harold K. Latourette
Dean E. Leib
August B. Lindquist
John P. McCarthy
Thomas W. Mooney
(Part Time)
Robert Polack
Barbara J. Price
Curtis W. Smith
Carl W. Umland

Company

Nalco Chemical Company

Texaco Chemical Company
Diamond Shamrock Corporation
Ethyl Corporation
The Dow Chemical Company
FMC Corporation
Rohm and Haas Company
Stauffer Chemical Company
Koppers Company, Inc.
The Procter & Gamble Company

Reilly Tar & Chemical Company
Phillips Petroleum Company
Shell Chemical Company
Exxon Chemical Americas

Invited Guest

John Craddock
(Part Time)

Monsanto Company

CMA Staff Present

D. Christopher Cathcart
Stacia A. Davis
Robert J. Fensterheim
(Part Time)
Timothy F. O'Leary
(Part Time)
H. Christopher Nolde
(Part Time)
Randal P. Schumacher
(Part Time)
Janet A. Steel
(Part Time)

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Action Items

- CRAC will propose a letter for CMA to send to EPA recommending a two-year sunset provision for automatic Section 8(d) reporting.
- CRAC members will review memoranda on automatic Section 8(a) and 8(d) reporting and will send their comments to Janet Steel prior to the May 19, CRAC meeting.
- B. Price (Phillips Petroleum) will keep CRAC members informed on API's program on xylenes and toluene which are in ITC's list of chemicals designated for testing.
- The Testing Task Group will consider the propriety of ITC designating three esters (resembling DEHP) for testing.
- H. Hurst (Nalco) will talk with J. Todhunter or D. Clay (both of EPA) regarding release of draft EPA documents for comment prior to publishing in the Federal Register.
- R. Schumacher will see if other EPA Assistant Administrators are limiting release of EPA draft documents.
- CRAC members will review the legal aspects of a "quick release" procedure for certain PMN chemicals under Section 5 of TSCA. The members will provide their comments to C. Smith or C. Cathcart prior to the May 19, CRAC meeting.
- CRAC approved the IATG proposal for obtaining an outside consulting firm to conduct phase I of the CRAC survey project.
- C. Smith (Shell), H. Latourette (FMC), C. Cathcart and R. Sussman (C & B), will meet with Ed Klein (EPA) on May 13, to discuss the "delayed trigger" and "quick release" issues.
- CRAC members will review the memoranda on EPA's proposed "delayed trigger" Section 5(e) order and a proposed CMA recommendation that EPA use a Section 5(e) order and a significant new use rule for controlling new chemical development. Members will send their comments to C. Cathcart prior to the May 19, CRAC meeting.
- B. Brubaker will send D. Leib a copy of a questionnaire EPA sent to hexachlorobutadiene manufacturers and processors regarding use practices.

- R. Schumacher and C. Cathcart will arrange a luncheon for the next CRAC meeting.
- C. Cathcart will forward CRAC's recommendation that PCBs be viewed as an industry-wide issue to CMA's officers for appropriate action.

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1. Chairman Hurst convened the meeting at 9:30 a.m.
2. CRAC members approved the March 17, 1982, meeting minutes with the following change: page 3, item 3.B. "intergrated" should be "integrated".
3. Special Announcements
 - A. The following individuals have been appointed to the Chemical Regulations Advisory Committee for the term June 1, 1982, thru May 31, 1985:
 1. Calvin Benning, Essex Chemical Corporation
 2. J. Ronald Condray, Monsanto Company
 3. Anthony Di Battista, CIBA-GEIGY Corporation
 4. Gerald A. Hapka, E. I. du Pont de Nemours & Co.
 5. Thomas J. Robichaux, Petrolite Corporation
 - E. Hamilton Hurst will serve as committee chairman, and Thomas W. Mooney will serve as vice chairman.
 - B. Gordon Strickland has been named Deputy Technical Director. Randal Schumacher assumed G. Strickland's former position as Division Director, Health, Safety, and Chemical Regulations. Christopher Cathcart assumed R. Schumacher's former position as Staff Executive to the Chemical Regulations Advisory Committee. Timothy O'Leary is now Staff Executive to the Regulatory Impact Special Committee.
 - C. B. Price briefed CRAC members on American Petroleum Institute's program on xylenes and toluene. Both are on the ITC's list of chemicals designated for testing. She will keep CRAC members advised as additional information becomes available.
 - D. H. Hurst indicated that EPA (at least the Office of Pesticides and Toxics Substances) continues to withhold from the public draft documents for comment prior to Federal Register publication. H. Hurst will talk to Don Clay or John Todhunter (both of EPA) about this problem. R. Schumacher will determine whether other EPA Assistant Administrators adhere to this EPA policy.

- E. R. Schumacher and C. Cathcart will arrange a luncheon for the next CRAC meeting.

4. Reporting Task Group Report -- D. Leib

- A. The final Section 8(a) reporting rule was sent to the Administrator, EPA, for signature. EPA and OMB are still negotiating the Section 8(d) rule. EPA might publish the rule in the Federal Register by mid-July. CRAC members will review the memoranda on automatic Section 8(a) and 8(d) reporting and provide their comments to J. Steel prior to the May 19, CRAC meeting. CRAC proposes that CMA send EPA a letter recommending a two-year sunset provision for automatic Section 8(d) reporting.
- B. B. Brubaker expressed concern about EPA sending a questionnaire to hexachlorobutadiene manufacturers and processors. EPA may have circumvented TSCA and the Paperwork Reduction Act. He will send a copy of the questionnaire to D. Leib.

5. Testing Task Group Report -- J. Steel

- A. CRAC agreed with the following proposed EEC language change modifying the minimum pre-market data draft OECD decision language: "...that the Minimum Pre-Marketing Set of Data (MPD), together with its provisions for flexible application set forth as integral parts of this text in the Annex to this Decision, can serve as a basis for a meaningful first assessment of the potential hazard of a chemical to health and environment."
- B. CRAC approved the draft CMA comments on an EPA project to develop test data reporting formats, and recommends that the comments be forwarded to EPA.
- C. T. Mooney and C. Smith will consider a set of questions developed by F. Hoerger. The questions deal with issues on existing chemicals (excluding testing). They were developed as a result of F. Hoerger's meeting at the Conservation Foundation, which addressed voluntary testing.
- D. The Testing Task Group will consider the propriety of ITC designating three esters (resembling DEHP) for testing.

6. Control Regulations Task Group Report -- C. Smith

- A. C. Smith learned from Ed Klein of EPA, that publication of the proposed PMN exemption rule for low-volume chemicals and

site-limited intermediates may be delayed until EPA clears the proposed PMN exemption rule for polymers.

- B. CRAC members will review the memorandum on EPA's proposed "delayed trigger" Section 5(e) and a proposed CMA recommendation that EPA use a Section 5(e) order and a SNUR for controlling new chemical development. Members will send their comments to C. Cathcart prior to May 19.
 - C. CRAC will review the memorandum concerning the legal aspects of a "quick release" procedure for certain PMN chemicals under Section 5. members will send their comments to C. Smith or C. Cathcart prior to May 19.
 - D. C. Smith (Shell), H. latourette (FMC), C. Cathcart, and R. Sussman (C & B) will meet with Ed Klein of EPA, on May 13, to discuss the "delayed trigger" and "quick release" issues.
7. Communications Task Group Report -- B. Price
- CRAC members decided not to hold the June 17, CRAC TSCA Informational Meeting. The next Informational Meeting is tentatively scheduled for September 16, at the Ramada Renaissance Hotel in Washington, D.C.
8. PCB Briefing
- John Craddock of Monsanto, briefed CRAC on the CMA PCB program. He explained that SPAC believes incidentally generated PCBs should be considered a broad-based industry issue and submitted as a priority item to the CMA Executive Committee. CRAC agreed to support SPAC on this issue. C. Cathcart will forward CRAC's position to CMA's officers for appropriate action.
9. Impact Analysis Task Group Report -- C. Umland
- CRAC members agreed to commit \$20,000 to complete phase I of the questionnaire. The questionnaire is intended to survey chemical companies' activities to reduce unreasonable risk. Phase I includes developing a management plan and reviewing the draft questionnaire.
10. CSIN Task Group Report - A. B. Lindquist
- Due to insufficient time, a CRAC decision on the proper "Information Systems under TSCA" will be deferred to the next CRAC meeting.

11. Legislative Update -- C. Nolde

There are no new developments in Congress on TSCA. Congressman Florio continues to be occupied by other matters including RCRA, Superfund, Ground Water, the Clean Air Act debate, and general oversight of EPA and its budget cuts.

12. State Activities Update -- B. Brubaker

H. B. 841, which would alter the burden of proof in occupational diseases covered under workman's compensation, passed the House in Ohio. It does not appear the bill will go any further this year.

13. H. Hurst reminded the members that the next CRAC meeting is scheduled for May 19, at 8:30 a.m.

14. The meeting was adjourned at 2:20 p.m. CRAC members were invited to stay for a special presentation on EPA's program Integration Project (PIP). The presentation was made by Walt Kovalick and covered integrating EPA activities on toxic chemicals.


D. Christopher Cathcart
Associate Director
Health, Safety and Chemical
Regulations

Minutes subject to approval.

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CHEMICAL MANUFACTURERS ASSOCIATION
Chemical Regulations Advisory Committee

Minutes of Meeting

Ramada Renaissance Hotel
Board Room
1143 New Hampshire Avenue, NW
Washington, DC 20037

Wednesday
May 19, 1982
8:30 AM - 3:05 PM

Members Present

E. Hamilton Hurst
(Chairman)
F. E. Bentley
George Y. Brokaw
Earl G. DeWitt
Fred Hoerger
H. K. Latourette
Dean E. Leib
A. B. Lindquist
John P. McCarthy
T. W. Mooney
Robert Polack
Barbara J. Price
Curtis W. Smith
Carl W. Umland

Nalco Chemical Company

Texaco Inc.
Tennessee Eastman Company
Ethyl Corporation
The Dow Chemical Company
FMC Corporation
Rohm & Haas Company
Stauffer Chemical Company
Koppers Company, Inc.
Procter & Gamble Company
Reilly Tar & Chemical Co.
Phillips Petroleum Company
Shell Chemical Company
Exxon Chemical Americas

Invited Guests

J. Ronald Condray
Gerald A. Hapka

T. J. Robichaux

Monsanto Company
E. I. du Pont de Nemours &
Company
Petrolite Corporation

CMA Staff Present

D. Christopher Cathcart
Geraldine V. Cox (part-time)
Stacia Davis Le Blanc
George W. Ingle (part-time)
H. Christopher Nolde
Timothy F. O'Leary (part-time)
Robert A. Roland (part-time)
Randal P. Schumacher
Janet A. Steel
Gordon D. Strickland (part-time)

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ACTION ITEMS

- The Reporting Task Group will prepare and distribute a newsletter explaining the May 13, Federal Register notice, "TSCA Chemical Substances Inventory, Intent to Remove Certain Incorrectly Reported Substances."
- The Reporting Task Group will develop a position for CMA regarding the proposed TSCA Section 8(c) rule.
- The CSIN Task Group will distribute to CRAC revised copies of its paper, "Information Systems Under TSCA." The task group will seek CRAC's approval to forward the paper to Dr. John Todhunter, EPA.
- Upon EPA's announcement of a proposed low-volume chemicals and site-limited intermediates PMN exemption rule,
 - the Communications Task Group will send out a newsletter outlining CMA's position and requesting member companies to develop comments and submit them directly to EPA; and
 - the Control Regulations Task Group will establish a workshop with CSMA and SOCMA to develop coordinated industry responses to the proposed rule. C. Cathcart will contact the appropriate staff executives of those associations to arrange the workshop.
- The Control Regulations Task Group will develop a letter for CRAC approval to inform EPA that CMA does not support the TSCA Section 5(e) "delayed trigger" proposal.
- H. Hurst will present the CRAC survey concept to the CMA Executive Committee on June 2.
- Upon approval by the CMA Executive Committee, the Impact Analysis Task Group will initiate the pilot survey phase; this effort will be coordinated with CSMA and SOCMA.
- R. Schumacher will inform the CMA Communications Committee of the CRAC survey concept.
- S. Davis LeBlanc will review draft CMA comments on the EPA proposed PCB rulemaking to ensure that they are consistent with previous CMA positions.

- All CRAC task group chairmen will review and update their task group charters and provide copies to C. Cathcart prior to the CRAC Steering Task Group meeting on June 16.
- C. Cathcart will provide a CMA activities orientation to new CRAC members, C. Benning and T. Robichaux on June 15.

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1. Chairman Hurst convened the meeting at 8:30 a.m.
2. CRAC members approved the April 28, 1982, meeting minutes with the following changes:
 - A. Page 3, item 3.A., ". . . will serve as vice chairman." should read ". . . will serve as vice chairman for 1982-1983; and
 - B. Page 4, item 5.D., "esthers" should be esters.
3. Special Announcements
 - A. An ad hoc work group composed of Control Regulations, Reporting and Testing Task Group members will begin discussing the existing chemicals control policy for EPA. The new CRAC Existing Chemicals Task Group will assume this activity.
 - B. C. Cathcart will provide a CMA activities orientation to new CRAC members C. Benning and T. Robichaux on June 15. The other new CRAC members are already familiar with CMA.
4. Reporting Task Group Report -- D. Leib
 - A. A final TSCA Section 8(a) rule has not been released. The TSCA Section 8(d) rule is still in red border review.
 - B. The task group will prepare and distribute a newsletter explaining the May 13, Federal Register notice, "TSCA Chemical Substances Inventory, Intent to Remove Certain Incorrectly Reported Substances." The notice indicated 27 substances were incorrectly

reported, but only 15 were listed. The task group will follow-up on this with EPA.

- C. The Department of Commerce and Department of State are reviewing a U.S. Hazardous Goods Exports Policy. The document has not been signed.
- D. Publication of a TSCA Section 8(c) rule is unlikely this year. The task group will develop a proposed recommendation to EPA (e.g., requesting the Agency to withdraw the rule).
- E. The task group raised the question of industry liability to report toxicity data initiated by other government agencies to EPA under TSCA Section 8(e). CRAC decided not to elevate this as an issue.

5. Testing Task Group -- T. Mooney

- A. The task group welcomes comments from CRAC members regarding generic concerns raised in EPA's proposed test rule for diethylenetriamine (April 29, Federal Register).

6. CSIN Task Group Report -- R. Lindquist

- A. The task group will distribute to CRAC revised copies of its paper, "Information Systems Under TSCA." The task group believes that the Chemical Information System (rather than CSIN) currently operating in EPA, meets Congress' intent. Upon CRAC's approval the paper will be sent to Dr. John Todhunter, EPA.
- B. The Data Quality Workshop Planning Committee is revising its draft report and will send a final copy to CRAC.
- C. The CSIN Task Group recommended to CRAC that it disband upon completion of its paper. That activity would be monitored by a work group under the Reporting Task Group. CRAC accepted the recommendation.

7. Control Regulations Task Group Report -- C. Smith

- A. The low-volume chemicals and site-limited intermediates proposed PMN rule should be released for publication in the Federal Register in a few weeks. In anticipation of that notice, the CRTG plans to establish a workshop with CSMA and SOCMA to develop coordinated industry responses. C. Cathcart will contact the appropriate staff executives of those associations to arrange the workshop. The workshop will meet no later than July 13.
- B. The Communications Task Group will prepare a newsletter outlining CMA's position and requesting member companies to develop comments and submit them directly to EPA.
- C. At this time, CRAC decided not to recommend to EPA a "quick release" procedure for certain PMNs under Section 5.
- D. The CRTG will prepare a letter for CRAC approval informing EPA that CMA does not support the TSCA Section 5(e) "delayed trigger" proposal.

8. Impact Analysis Task Group Report -- C. Umland

- A. CRAC voted to support the survey plan and to proceed with the pilot survey. The pilot will involve 30 to 50 companies and will cost approximately \$24,000.

- B. The EPA Administrator, Anne Gorsuch, addressed a SOCMA luncheon meeting on April 2. Her views on TSCA appear to be more in accord with Congressional intent than the previous Administration's.
 - C. Congressman Gore's House Science Subcommittee will hold a hearing on EPA's decision not to take priority action against formaldehyde under Section 4(f) of TSCA. The hearing is scheduled for May 20.
10. PCB Update -- S. Davis Le Blanc

- A. Sufficient funding exists to develop comments through the entire rulemaking process. Comments on the first proposed rule are due May 24. The publication of the second proposed rule is imminent.
- B. The law firm of Kirkland and Ellis will help the project panel prepare the comments. CMA's Legal Department will review the proposed comments to ensure they are consistent with previous CMA positions.

11. CRAC Future Activities -- H. Hurst

- A. CRAC approved the following task groups:

<u>Task Groups</u>	<u>Chairmen</u>
Steering	T. Mooney
Control Regulations	C. Smith
Existing Chemicals	F. Hoerger
Reporting	R. Condray
Impact Analysis	J. McCarthy
Communications	B. Price

The CSIN Task Group will disband. The Reporting Task Group will monitor that activity. The Planning and Audit Task Group will disband. Those functions will be assumed by the new Steering Task Group.

- B. The Steering Task Group is composed of all CRAC task group chairmen. The task group chairmen will review and update their task group charters. They will provide copies to C. Cathcart prior to the CRAC Steering Task Group meeting on June 16.

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12. Next Meeting

H. Hurst reminded the members that the next meeting is scheduled for June 16, at 9:30 a.m.

13. The meeting was adjourned at 3:05 p.m.


D. Christopher Cathcart
Associate Director
Health, Safety and Chemical
Regulations

Minutes Subject to Approval

DCC:bal
060782

CHEMICAL MANUFACTURERS ASSOCIATION
Chemical Regulations Advisory Committee
Minutes of Meeting

CMA Board Conference Room A
2501 M Street, NW
Washington, DC 20037

Wednesday
June 16, 1982
9:30 AM - 2:30 PM

Members Present

E. Hamilton Hurst (Chairman)	Nalco Chemical Company
Calvin J. Benning	Essex Corporation
Bruce P. Brubaker	Diamond Shamrock Corporation
J. Ronald Condray	Monsanto Company
Gerald A. Hapka	E. I. du Pont de Nemours & Company
Fred D. Hoerger	The Dow Chemical Company
H. K. Latourette	FMC Corporation
John P. McCarthy	Koppers Company, Inc.
T. W. Mooney	Procter & Gamble Company
Barbara J. Price	Phillips Petroleum Company
T. J. Robichaux	Petrolite Corporation
Curtis W. Smith	Shell Chemical Company

CMA Staff Present

D. Christopher Cathcart
Stacia Davis Le Blanc
Robert J. Fensterheim (part-time)
H. Christopher Nolde (part-time)
Timothy F. O'Leary (part-time)
Randal P. Schumacher (part-time)
Janet A. Steel (part-time)

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ACTION ITEMS

- The CRAC task groups will review their charters and have them ready for committee approval at the August CRAC meeting.
- The CRAC task group staff executives will ensure that the charters conform to a consistent format.

- T. Mooney, F. Hoerger, R. Condray and C. Cathcart will propose an agenda, place and time for a CRAC retreat.
- The Communications Task Group will invite Don Clay, EPA, to have lunch with CRAC members at the July 21 meeting.
- The Testing Task Group will develop comments on EPA's proposed test rule for diethylenetriamine.
- H. Hurst will contact Don Clay (EPA) to request CMA opportunity to comment on TSCA Section 4 testing guidelines before they are published by the National Technical Information Service.
- The Existing Chemicals Task Group will prepare comments on EPA's proposed TSCA Section 4 rule for test cost reimbursement. The comments will be developed jointly with the Impact Analysis Task Group.
- The Reporting Task Group will develop comments on a draft version of EPA's final rule under TSCA Section 8(d).
- CRAC approved the CSIN Task Group's paper, "Information Systems Under TSCA" and will send it to EPA.
- The Reporting Task Group will follow the EPA CSIN activity.
- On June 21 the Impact Analysis Task Group will send the CRAC pilot survey to 22 CMA members who have agreed to participate in this initial effort.
- J. McCarthy and T. O'Leary will meet with CSMA and SOCMA staff to arrange final details of their participation in the survey.
- CRAC will review a draft letter regarding EPA's proposed "limiting" TSCA Section 5(e) order. Comments should be sent to C. Cathcart by June 25. Upon approval of the letter, C. Cathcart will forward it to Don Clay, EPA.

- CRAC members will develop positions recommending polymer systems which should be eligible in EPA's proposed polymer PMN exemption rule. Their comments and supporting data will be sent to C. Cathcart prior to the July 19 Polymer Work Group meeting.
- The Testing Task Group will review the mutagenicity and human health effects concerns in the draft EPA PMN exemption rule for low-volume chemicals and site-limited intermediates. C. Cathcart will ask the AINC Science Committee if it has a position on these issues. The Impact Analysis Task Group will review the risk assessment and economic impact segments of the rule. These groups will provide responses to C. Cathcart prior to the July 20 New Chemicals Task Group meeting.
- The New Chemicals Task Group will arrange an information exchange meeting with other trade associations on July 29. The subject will be the proposed PMN exemption rules.

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1. Chairman Hurst convened the meeting at 9:30 AM.
2. The May 19, 1982, CRAC meeting minutes were approved with the following change: add Testing Task Group and Chairman T. Mooney to paragraph 11A.
3. Steering Task Group Report -- T. Mooney
 - A. The CRAC task groups will review their charters and have them ready for committee approval at the August CRAC meeting. The task group staff executives will ensure that the charters conform to a consistent format.
 - B. CRAC agreed to hold a retreat in the fall or early winter. T. Mooney, F. Hoerger, R. Condray and C. Cathcart will propose an agenda, place and time.
4. Testing Task Group Report -- T. Mooney
 - A. The task group will develop comments on EPA's proposed test for diethylenetriamine. Comments are due June 28. A key question is whether the Agency

can require testing under TSCA Section 4 where there are no meaningful techniques.

- B. The EPA TSCA Section 4 guidelines have gone to the National Technical Information Service for publication. Copies will not be publicly available until August. H. Hurst will talk to Don Clay about CMA opportunity to comment on these guidelines before they are published.

5. Existing Chemicals Task Group Report -- F. Hoerger

- A. The task group will prepare comments on EPA's proposed TSCA Section 4 rule on test cost reimbursement. The comments will be developed jointly with the IATG.
- B. Jeanette Wiltse (EPA) expects to complete her existing chemicals project for Don Clay by mid-June. She indicated portions of her project will be available for review outside EPA.

6. Reporting Task Group Report -- R. Condray

- A. The Reporting Task Group will work with the Communications Task Group to convey reporting procedures information regarding the TSCA Section 8(a) rule to CMA member companies. The task group is planning a section 8(a) workshop for the CRAC information meeting in September.
- B. The task group will develop comments on a draft version of EPA's final rule under TSCA Section 8(d). This version appeared in the May 21 issue of Inside EPA. EPA plans to require automatic reporting of health and safety studies whenever ITC designates certain chemicals for TSCA Section 4 testing.
- C. The Departments of State and Commerce recommended changes to the US policy on hazardous exports. The report could imply that TSCA be amended. The key issue is export-specific (TSCA 12(b) rule) versus generic reporting.

7. PCB Update -- S. Davis Le Blanc

EPA proposed a rule on June 8 which would exempt all closed and controlled incidental PCBs from regulation

if owners certify that "no quantifiable releases" into the environment result from their use. Comments are due by July 8. The CMA Special Programs PCB Panel is developing the comments.

8. Legislative Update -- C. Nolde

A. The Humane Care and Development of substitutes for Animals in Research Act -- H.R. 6245 -- was cleared by a House Science Subcommittee. However, the funding was cut.

B. There are no forecasted TSCA oversight activities.

9. Chemical Substances Information Network (CSIN) Task Group Report -- J. Steel

A. CRAC approved the CSIN Task Group's paper, "Information Systems Under TSCA" and will send it to EPA.

B. Having accomplished its mission the task group will disband. The Reporting Task Group will follow the EPA CSIN activity.

10. Impact Analysis Task Group Report -- J. McCarthy

On June 2 the CMA Executive Committee approved the CRAC pilot survey project. The committee wants the historical questions separated from the main questionnaire and organized as an appendix. The IATG made the change. On June 21 the task group will send the pilot survey to 22 CMA members who have agreed to participate in this effort. J. McCarthy and T. O'Leary will meet with CSMA and SOCMA staff to arrange final details of their participation in the survey.

11. Control Regulations (New Chemicals) Task Group Report -- C. Smith

A. CRAC will review the draft letter which suggests to EPA that its "limiting" TSCA Section 5(e) order concept is inconsistent with the Act. Comments are due to C. Cathcart by June 25. Upon approval, the letter will be sent to Don Clay, EPA.

B. CRAC members will develop positions recommending polymer systems which should be eligible in EPA's proposed polymer PMN exemption rule. Their comments

and supporting data will be sent to C. Cathcart prior to the July 19 Polymer Work Group meeting.

- C. The Testing Task Group will review the mutagenicity and human health effects concerns in the draft EPA PMN exemption rule for low-volume chemicals and site-limited intermediates. C. Cathcart will ask the AIHC Science Committee if it has a position on these issues.

The Impact Analysis Task Group will review the risk assessment and economic impact segments of the rule. These groups will provide responses to C. Cathcart prior to the July 20 New Chemicals Task Group meeting.

- D. The task group will arrange an information exchange meeting with other trade associations on July 29. The subject will be the proposed PMN exemption rules.

12. Communications Task Group Report -- B. Price

The task group will invite Don Clay (EPA) to have lunch with CRAC members at the July 21 meeting, and suggest that he discuss the proposed reorganization of the Office of Toxic Substances.

13. CRAC Budget Update -- C. Cathcart

CRAC Minutes
June 16, 1982
Page Seven

15. The meeting adjourned at 2:30 PM.


D. Christopher Cathcart
Associate Director
Health, Safety and Chemical
Regulations

Minutes Subject to Approval

DCC:bal

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CMA 083367

CHEMICAL MANUFACTURERS ASSOCIATION
Chemical Regulations Advisory Committee

Minutes of Meeting

CMA Terrace Conference Room	Wednesday
2501 M Street, NW	July 21, 1982
Washington, DC 20037	9:35 AM - 3:40 PM

Members Present

E. Hamilton Hurst (Chairman)	Nalco Chemical Company
Calvin J. Benning	Essex Chemical Corporation
George Y. Brokaw	Eastman Kodak Company
Bruce H. Brubaker	Diamond Shamrock Corporation
J. Ronald Condray	Monsanto Company
Earl G. DeWitt	Ethyl Corporation
Anthony Di Battista	CIBA-GEIGY Corporation
Gerald A. Hapka	E. I. du Pont de Nemours & Company
Fred Hoerger	The Dow Chemical Company
John P. McCarthy	Koppers Company, Inc.
T. W. Mooney	Procter & Gamble Company
Curtis W. Smith	Shell Chemical Company

Invited Guests

Don Clay	U.S. Environmental Protection Agency
Marcia Williams	U.S. Environmental Protection Agency

CMA Staff Present

D. Christopher Cathcart
Geraldine V. Cox (part-time)
Robert J. Fensterheim (part-time)
H. Christopher Nolde (part-time)
Timothy F. O'Leary (part-time)
Randal P. Schumacher (part-time)
Janet A. Steel
Gabrielle H. Williamson

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ACTION ITEMS

- The Steering Task Group will provide at the August committee meeting a concrete proposal for a CRAC retreat.
- The Testing Task Group will review and comment on the Data Interpretation Guidelines. Comments are due October 31.
- J. Steel will send CRAC the TSCA Section 8(c) document acquired at the July 8 ATSAC meeting.
- The Testing Task Group will review the Section 8(c) documents paying particular attention to the economic analysis. It will consider providing comments to ATSAC.
- The Reporting Task Group will develop an agenda for a TSCA Section 8(a) workshop to be held at the September 16 CRAC Informational Meeting.
- G. Hapka, C. Smith and J. Steel will rework the language regarding EPA's definition of processor in the proposed TSCA Section 8(a) comments.
- C. Smith, G. Williamson and C. Cathcart will meet with EPA officials to discuss the Subcommittee on Commerce, Transportation and Tourism of the House Committee on Energy and Commerce requested access to all information on PMNs submitted under TSCA Section 5(a).
- On July 29 members of the New Chemicals Task Group will meet with representatives of other trade associations (API, SPI, SOCMA, CSMA, NPCA) to discuss the two proposed PMN exemptions rules for site-limited intermediates, low-volume chemicals and polymers.
- H. Hurst will testify for CMA before the Senate Subcommittee on Toxic Substances and Environmental Oversight on August 4, 1982. The Subcommittee will hold an oversight hearing on EPA's implementation of TSCA.
- G. Hapka, E. DeWitt, B. Price and B. Brubaker will comprise a work group to develop a written testimony for the hearing. CRAC will review and comment on the draft by July 29.

- H. Hurst, C. Smith, G. Hapka, T. Mooney, C. Cathcart and C. Nolde will hold a hearing preparation session with Michael Scott and Pat Waldo of SOCMA.
- C. Smith will invite Ed Klein, EPA, to have lunch with CRAC at the August 18 meeting.

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1. Chairman Hurst convened the meeting at 9:30 AM.
2. The June 16, 1982, CRAC meeting minutes were approved with the following change: on page 1, Bruce P. Brubaker should read Bruce H. Brubaker.

3. Steering Task Group Report -- T. Mooney

The task group is planning a CRAC retreat for November. Task group members have suggested that the retreat be held in conjunction with a CRAC meeting. The proposed agenda will focus on future planning and take a fresh look at the CRAC charter. The task group will provide a concrete proposal for the CRAC retreat at the August committee meeting.

4. Testing Task Group Report -- T. Mooney

- A. The task group will meet with Mr. Steven Newburg-Rinn, EPA, on August 10 to discuss his negotiated testing document.
- B. The task group will review and comment on the Data Interpretation Guidelines. The guidelines are for each of the tests included in the MPD battery. Comments are due October 31.
- C. The task group recommended and CRAC agreed to continue supporting the June 1982, proposal "can serve as a basis for" in the MPD decision language. T. Mooney will relay the decision to the IAG.
- D. CRAC approved the Testing Task Group charter.

5. Reporting Task Group Report -- R. Condray

- A. The task group will develop an agenda for a TSCA Section 8(a) workshop to be held at the September 16 CRAC Informational Meeting.
- B. CRAC reviewed the draft comments on the proposed amendments to the final Section 8(a) rule. Concern was expressed about the definition of processor in the preamble of the rule. G. Hapka, C. Smith, and J. Steel will rework the language in draft comments regarding EPA's definition of processor.
- C. J. Steel will send CRAC the TSCA Section 8(c) documents which were distributed to the public at the ATSAC Meeting.
- D. The task group will review those Section 8(c) documents paying particular attention to the economic analysis. It will consider providing comments to ATSAC.

6. New Chemicals Task Group Report -- C. Smith

- A. C. Smith, G. Williamson and C. Cathcart will meet with EPA officials to discuss the Subcommittee on Commerce, Transportation and Tourism of the House Committee on Energy and Commerce requested access to all information on PMNs submitted under TSCA Section 5(a).
- B. On July 29 members of the task group will meet with representatives of other trade associations (API, SPI, SOCMA, CSMA, NPCA) to discuss the two proposed PMN exemptions rules for site-limited intermediates, low-volume chemicals and polymers.

7. Legislative Update -- C. Nolde

- A. H. Hurst will testify for CMA before the Subcommittee on Toxic Substances and Environmental Oversight of the Senate Environmental Public Works Committee. On August 4, the Subcommittee will hold an oversight hearing on EPA's implementation of TSCA focusing on negotiated testing; the PMN process in general and CMA's exemption petition; Section 8(a) reporting; and international harmonization (OECD/MPD).

- B. G. Hapka, E. DeWitt, B. Price and B. Brubaker will comprise a work group to develop a written testimony for the hearing. CRAC will review and comment on the draft by July 29.
- C. H. Hurst, C. Smith, G. Hapka, T. Mooney, C. Cathcart and C. Nolde will hold a hearing preparation session with Michael Scott and Pat Waldo of SOCMA.

8. State Activities -- B. Brubaker

B. Brubaker reported on the following state proposed rules:

- New York Assembly Bill 11917 -- to establish industrial chemical survey on types of raw materials used, stored, manufactured or transported;
- California Assembly Bill 726 -- requires employers to respond in writing within three working days to written requests by employees for information regarding whether a work condition is dangerous to employees;
- Rhode Island 7813 Registration -- creates a registration system for industries engaged in potentially hazardous procedures; and
- Michigan Regulation 5762C -- concerns employee medical record and trade secrets.

9. Existing Chemicals Task Group Report -- F. Hoerger

- A. The task group is circulating the EPA concept paper on risk management advisories to CMA Special Programs panels for their views on this voluntary negotiated approach to controlling risk.
- B. The task group will review draft comments on the proposed EPA test cost reimbursement rule at its next meeting.

10. Communications Task Group Report -- C. Cathcart

C. Smith will invite Ed Klein, EPA, to have lunch with CRAC at the August 18 meeting.

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Page Six
July 21, 1982

11. Impact Analysis Task Group Report -- J. McCarthy

The IATG recommended and CRAC authorized the additional funding of \$3,700 for costs associated with Phase II of the pilot survey. These costs were incurred in resolving the CMA Executive Committee's concerns about the survey.

12. The meeting adjourned at 3:40 PM.

J. Christopher Cathcart
J. Christopher Cathcart
Associate Director
Health, Safety and Chemical
Regulations

Minutes Subject to Approval

DCC:bal

081082

CMA 083373

CHEMICAL MANUFACTURERS ASSOCIATION
Chemical Regulations Advisory Committee

Minutes of Meeting

CMA Board Conference Room B
2501 M Street, NW
Washington, DC 20037

Wednesday
August 18, 1982
9:40 AM - 3:35 PM

Members Present

E. Hamilton Hurst
(Chairman)
George Y. Brokaw
Bruce H. Brubaker
J. Ronald Condray
Earl G. DeWitt
Anthony Di Battista
Gerald A. Hapka

H. K. Latourette
John P. McCarthy
T. W. Mooney
Barbara J. Price
T. J. Robichaux
Curtis W. Smith

Nalco Chemical Company

Eastman Kodak Company
Diamond Shamrock Corporation
Monsanto Company
Ethyl Corporation
CIBA-GEIGY Corporation
E. I. du Pont de Nemours &
Company
FMC Corporation
Koppers Company, Inc.
Procter & Gamble Company
Phillips Petroleum Company
Petro-lite Corporation
Shell Chemical Company

Invited Guests

Edward Klein

Margaret Stasikowski

U.S. Environmental Protection
Agency
U.S. Environmental Protection
Agency

R. Sussman (part-time)

Covington & Burling

CMA Staff Present

D. Christopher Cathcart
Stacia Davis Le Blanc
H. Christopher Nolde (part-time)
Timothy F. O'Leary (part-time)
Randal P. Schumacher (part-time)
Langley A. Spurlock (part-time)
Janet A. Steel (part-time)

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ACTION ITEMS

- H. Hurst, B. Price and C. Cathcart will develop and implement a plan to convey CMA's position on TSCA as stated at the oversight hearing -- that it should not be amended at this time -- to top EPA officials.
- T. Mooney and C. Cathcart will select a location for the November CRAC planning meeting and report to CRAC.
- T. Mooney will develop a plan to let EPA know CRAC's concerns regarding coordination difficulties between the Health and Environmental Review Division and the Test Rules Development Branch.
- The Testing Task Group will review and critique OECD's Data Interpretation Guidelines.
- S. Davis Le Blanc will inquire as to the Interagency Testing Committee's (ITC) capability to handle confidential business information.
- The Testing Task Group will comment on the testing issues raised in the PMN exemption rules.
- The New Chemicals Task Group will send draft comments on the low-volume, site-limited intermediates to CRAC for its review prior to the September CRAC meeting.
- A work group was formed to develop and implement a plan to market the need and benefits of the PMN exemption rules to various audiences. Members are H. Hurst, B. Price, C. Smith, C. Umland (Exxon) and C. Cathcart.
- CRAC will send comments to EPA on its proposed test cost reimbursement rule.
- CRAC will send a letter to Don Clay (EPA) outlining CMA's concerns about the inclusion of certain chemicals in the final Section 8(a) rule.
- CRAC will send comments to ATSAC on EPA's Section 8(c) concept paper.

- The Reporting Task Group will review the Section 8(e) issues raised by EPA in the recent American Cyanamid case.
- The Impact Analysis Task Group (IATG) will review the economic analysis and risk assessment positions of the PMN exemption rules, and will provide input for comments by the New Chemicals Task Group.
- The IATG will review the economic portion of EPA's proposed test cost reimbursement rule. It will provide its input for comments to the Existing Chemicals Task Group.
- T. Mooney will invite a member of the Interagency Testing Committee to join CRAC at its September meeting.

* * * * *

1. Chairman Hurst convened the meeting at 9:40 AM.
2. The minutes of July 21, 1982, CRAC meeting were approved with the following change: page 3, paragraph 4.D., should read: "CRAC reviewed and commented on the Testing Task Group Charter."
3. Legislative Update -- C. Nolde

On August 4, Senator Slade Gorton's (R-Wash.) Subcommittee on Toxic Substances and Environmental Oversight (Committee on Environment and Public Works) held a hearing on TSCA Oversight. Hamilton Hurst, Vice President of Nalco Chemical Company, testified on behalf of CMA. Michael Scott, General Counsel of Mooney Chemicals, appeared on behalf of SOCMA, and EPA's Dr. John Todhunter, NRDC's Jackie Warren and CF's Terry Davies also testified.

The hearing went smoothly for CMA and we accomplished our objectives in providing a balanced review of the accomplishments of EPA in recent months. The issues raised were the ones we expected and there were no surprises. Chairman Gorton learned of the real progress the Agency has made in implementing TSCA, and particularly the advantages to the public and EPA, as well as

to industry, that will result from negotiated testing programs and PMN exemptions. This was strictly an oversight hearing, and the Subcommittee apparently sees no need at this time to consider amendments to TSCA.

A work group consisting of H. Hurst, B. Price and C. Cathcart will develop and implement a plan to convey CMA's position on TSCA as stated in the oversight hearing -- that it should not be amended at this time -- to top EPA officials.

4. PCB Update -- S. Davis Le Blanc

CMA urged EPA to withdraw the second proposed regulation on closed and controlled waste processes, given the inadequacy of the Agency's specification of analytical methods to determine nonquantifiability. CMA proposed that EPA establish a 50 ppm or higher regulatory cutoff. The Agency must report to the court on November 1, 1982, on the uncontrolled PCB generation proposal. CMA maintains that risks posed by incidental generation are de minimis.

5. Steering Task Group Report -- T. Mooney

- A. CRAC approved the Steering Task Group charter.
- B. CRAC approved the Task Group's committee retreat proposal (attached). The retreat is scheduled for November 17-19, and will be held in conjunction with a CRAC meeting. T. Mooney and C. Cathcart will select a location for the retreat and report to the committee.

6. Testing Task Group Report -- T. Mooney

- A. CRAC approved the Testing Task Group charter.
- B. The task group met with Messrs. Steven Newburg-Rinn, Douglas Bannerman, and Joe Merenda (EPA), to discuss a way of notifying companies of ITC-designated chemicals early.
- C. T. Mooney will develop a plan to let EPA know CRAC's concerns regarding coordination difficulties between the Health and Environmental Review Division and the Test Rules Development Branch.

- D. The task group will review and critique OECD's Data Interpretation Guidelines. Comments are due to EPA by October 4, 1982.
- E. S. Davis Le Blanc will inquire into ITC's capability to handle confidential business information (CBI). CRAC believes the ITC needs access to data containing CBI in order to effectively designate chemicals for further testing.
- F. The Testing Task Group will comment on the testing issues raised in the PMN exemption rules. The New Chemicals Task Group will include these issues in CMA's comments to EPA.

7. New Chemicals Task Group Report -- C. Smith

- A. The task group plans to send draft comments of the low-volume, site-limited intermediates to CRAC for its review prior to the September CRAC meeting.
- B. A work group was formed to develop and implement a plan to market the needs and benefits of the PMN exemption rules to various audiences. Members are C. Smith, H. Hurst, B. Price, C. Umland (Exxon) and C. Cathcart

8. Existing Chemicals Task Group Report -- J. Steel

CRAC approved the comments (with changes) regarding EPA's proposed test cost reimbursement rule. Comments are due to EPA by September 2, 1982.

9. EPA's Program Integration Project (PIP) Update -- E. DeWitt

E. DeWitt will meet with Walt Kovalick (EPA) on August 18 to discuss PIP.

10. Reporting Task Group Report -- R. Condray

- A. CRAC approved the Reporting Task Group's charter (with changes).
- B. CRAC plans to send a letter to Don Clay (EPA) outlining CMA's concerns about the inclusion of certain chemicals in the final Section 8(a) rule.

- C. CRAC will send comments to ATSAC regarding EPA's Section 8(c) concept paper.
- D. The task group will review the Section 8(e) issues raised by EPA in the recent American Cyanamid case.

11. Impact Analysis Task Group Report -- J. McCarthy

- A. To date, 19 out of 20 CMA member companies (and one member each from SOCMA and CSMA) have completed the pilot survey. The task group is evaluating the results of the pilot survey.
- B. The task group will review the economic analysis and risk assessment portions of the PMN exemption rules, and provide input for comments by the New Chemicals Task Group.
- C. The task group will review the economic portion of EPA's proposed test cost reimbursement rule, and provide input for comments by the Existing Chemicals Task Group.

12. Communications Task Group Report -- C. Cathcart

- A. The CRAC Informational Meeting brochure was mailed August 13.
- B. T. Mooney will invite a member of the Interagency Testing Committee to join CRAC at its September meeting.

13. The meeting adjourned at 3:35 PM.


D. Christopher Cathcart
Associate Director
Health, Safety and Chemical
Regulations

Minutes Subject to Approval
090782

DCC:bal

Attachment

CHEMICAL MANUFACTURERS ASSOCIATION

Chemical Regulations Advisory Committee

Minutes of Meeting

CMA Terrace Conference Room
2501 M Street, NW
Washington, DC 20037

Wednesday
September 15, 1982
9:00 AM - 3:10 PM

Members Present

E. Hamilton Hurst
(Chairman)
C. J. Benning
George Y. Brokaw
J. Ronald Condray
Earl G. DeWitt
Anthony Di Battista
Gerald A. Hapka

Fred Hoerger
H. K. Latourette
John P. McCarthy
T. W. Mooney
Barbara J. Price
Curtis W. Smith

Nalco Chemical Company
Essex Chemical Corporation
Eastman Kodak Company
Monsanto Company
Ethyl Corporation
CIBA-GEIGY Corporation
E. I. du Pont de Nemours &
Company
The Dow Chemical Company
FMC Corporation
Koppers Company, Inc.
Procter & Gamble Company
Phillips Petroleum Company
Shell Chemical Company

Invited Guests

Martin Greif
Carl W. Umland

Interagency Testing Committee
Exxon Chemicals America

CMA Staff Present

D. Christopher Cathcart
Robert J. Fensterheim (part-time)
Thomas J. Gilroy (part-time)
Stacia Davis Le Blanc
H. Christopher Nolde (part-time)
Randal P. Schumacher (part-time)
Langley A. Spurlock (part-time)
Janet A. Steel (part-time)

* * * * *

CRAC Minutes
Page Two
September 15, 1982

ACTION ITEMS

- CMA will forward comments to EPA by October 4 regarding the proposed PMN exemption rules for low-volume chemicals, site-limited intermediates and polymers.
- The CMA Communications Department will distribute copies of the PMN exemptions information package to members of the press in Washington, DC and New York City.
- The CMA Government Relations Department will distribute copies of the PMN exemptions information package to selected members of Congress and staff.
- C. Cathcart will apprise SPI, CSMA and SOCMA of CRAC's position on the polymers PMN exemption rules.
- CRAC will forward comments to EPA by September 29 regarding the Agency's change in policy concerning the substantiation of confidentiality claims for information contained in PMNs.
- C. Nolde plans to seek Hill staff judgment on how we best proceed on various TSCA issues.
- R. Fensterheim and S. D. Le Blanc will prepare a paper addressing the scope of future CMA involvement in the PCB issue. The paper will be given to CRAC on or before the October CRAC meeting.
- On October 4, H. Hurst will recommend to the CMA Executive Committee that it approve the proposal to initiate the full CRAC survey.
- T. Mooney will invite Mr. Irwin Baumel, Director, HERD, EPA, to meet with the CRAC members at the October committee meeting.
- C. Cathcart will distribute to CRAC an information package about the November Committee Retreat.

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CMA 083381

1. Chairman Hurst convened the meeting at 9:00 AM.
2. The minutes of the August 18, 1982, CRAC meeting were approved.

3. Communications Task Group Report -- B. Price

All arrangements for the September 16 CRAC Information Meeting have been made.

4. EPA's Program Integration Project Update (PIP) -- E. DeWitt

On August 18, E. DeWitt met with Walt Kovalick, Project Director for PIP to discuss that program. His office, which deals primarily with chemical-specific issues, tries to ensure that draft rules are consistent with other statutes. E. DeWitt will provide an update on this EPA project every other month.

5. New Chemicals Task Group Report -- C. Smith

- A. CRAC approved the comments on the low-volume, site-limited PMN exemption rules with some editorial changes. In addition, it approved the Polymers Work Group's recommended major changes in EPA's approach to PMN exemption for polymers. The work group advised CRAC that the current EPA proposal would be of little value to industry unless substantial changes are made (see attached memorandum). C. Cathcart will apprise SPI, CSMA, and SOCMA of CRAC's position on the polymers PMN exemption rule. CRAC will forward comments on both PMN exemption rules by October 4.
- B. CRAC approved the concept of distributing a PMN exemption information package to selected audiences. The CMA Communications Department will distribute copies of the package to members of the press in Washington, DC, and New York City. The Government Relations Department will distribute copies to selected members of Congress and staff.
- C. CRAC will forward comments to EPA by September 29 regarding the Agency's change in policy on the substantiation of confidentiality claims for information contained in PMNs (47 Fed. Reg. 28969). CMA supports EPA's decision to eliminate advance

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Page Four
September 15, 1982

substantiation of confidentiality claims for PMN information.

6. Legislative Update -- C. Nolde

- A. The PMN exemption information package will go to selected members of Congress and staff. The packages should be released the same time CMA submits its comments to EPA.
- B. Industry has lost ground on several issues lately. Congress appears to be sending industry a message. C. Nolde plans to seek Hill staff judgment on how CRAC should proceed with various TSCA issues.

7. PCB Update -- R. Fensterheim

R. Fensterheim and S. D. Le Blanc reviewed the status of the three PCB rules. They will prepare a paper addressing the scope of future CMA involvement in the PCB issue. The paper will be given to CRAC on or before the October CRAC meeting.

8. Testing Task Group Report -- T. Mooney

- A. Several work groups have been formed to review and comment on the OECD Data Interpretation Guidelines. U.S. State Department and EPA will be responsible for collating all U.S. comments for submission to the OECD.
- B. EPA officials believe that coordination will be improved between the Agency's Test Rules Development Branch and the Health and Environmental Review Division. This was accomplished by shifting some of the workload between these groups.
- C. The U.S. State Department will soon forward an official response regarding the MPD revision language to EEC.

9. Existing Chemicals Task Group Report -- F. Hoerger

- A. F. Hoerger and J. Steel will meet Jeanette Wiltsa and Joe Merenda (EPA), on September 15 to discuss the Agency's planned assessment activities on existing chemicals.

CMA 083383

- B. The task group is reviewing chemical hazard information profile documents for 1,3-dichloropropane and neopentyl glycol diglycidyl ether. The members are reviewing these documents to gain a better understanding of the Agency's thinking in developing this type of assessment document.
- C. CRAC approved the Existing Chemicals Task Group's charter.

10. Impact Analysis Task Group Report -- J. McCarthy

- A. The results of the pilot survey were good. However, the historical data did not appear to be worth pursuing.
- B. CRAC voted to proceed with the full survey. H. Hurst will present to the CMA Executive Committee on October 4 a proposal to conduct the full survey.

11. Reporting Task Group Report -- R. Condray

- A. J. Steel presented CMA's comments on EPA's Section 8(c) concept paper to ATSAC on September 9.
- B. There is concern that if the State and Commerce Departments proceed with their hazardous export policy, EPA may interpret that the policy would require amending TSCA. CMA has been advised (by outside counsel) that the matter could be handled administratively. Members of the CMA International Trade Committee and the Reporting Task Group will meet to develop a strategy to handle this matter.

12. Steering Task Group Report -- T. Mooney

- A. The Hotel Hershey, Hershey, PA, was selected for the site of the November CRAC Retreat. C. Cathcart will distribute to CRAC an information package regarding the retreat and hotel.
- B. T. Mooney will invite Mr. Irwin Baumel, Director, HERD (EPA), to meet with the CRAC members at the October committee meeting.

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Page Six
September 15, 1982

13. Mr. Martin Greif, Executive Secretary, Interagency Testing Committee (ITC) met with members of CRAC. Mr. Greif explained how ITC functions and specifically how it designates chemicals for further testing.
14. The meeting adjourned at 3:10 PM.


D. Christopher Cathcart
Associate Director
Health, Safety and Chemical
Regulations

Minutes Subject to Approval
101382

DCC:bal

Attachment

CMA 083385

1. The first part of the document is a list of the names of the members of the committee who have been appointed to study the problem of the

CHEMICAL MANUFACTURERS ASSOCIATION
Chemical Regulations Advisory Committee

Minutes of Meeting

CMA Terrace Conference Room
2501 M Street, NW
Washington, DC 20037

Wednesday
October 20, 1982
9:35 AM - 3:10 PM

Members Present

E. Hamilton Hurst (Chairman)	Nalco Chemical Company
C. J. Benning	Essex Chemical Company
Bruce H. Brubaker	Diamond Shamrock Corporation
J. Ronald Condray	Monsanto Company
Earl G. DeWitt	Ethyl Corporation
Anthony Di Battista	CIBA-GEIGY Corporation
Gerald A. Hapka	E. I. du Pont de Nemours & Company
Fred Hoerger	The Dow Chemical Company
H. K. Latourette	FMC Corporation
John P. McCarthy	Koppers Company, Inc.
Barbara J. Price	Phillips Petroleum Company
T. J. Robichaux	Petrolite Corporation
Curtis W. Smith	Shell Chemical Company

Members Absent

George Y. Brokaw	Eastman Kodak Company
T. W. Mooney	Procter & Gamble Company

CMA Staff Present

D. Christopher Cathcart
Robert J. Fensterheim (part-time)
Stacia Davis Le Blanc (part-time)
H. Christopher Nolde (part-time)
Timothy P. O'Leary (part-time)
David F. Zoll (part-time)

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ACTION ITEMS

- C. Nolde will seek to obtain copies of papers recently approved by the House Democratic Caucus. The papers challenge the "unreasonable" test on chemical risk.

- C. Smith and C. Cathcart will follow-up on the status of the OTA PMN data study with Ed Klein (EPA), and Michael Gough (OTA).
- CRAC members will review draft CMA comments on the proposed OMB rule to implement the Paperwork Reduction Act of 1980 and give their views to S. Le Blanc by October 22.
- CRAC members will review draft CMA comments responding to EPA's final TSCA Section 8(a) Asbestos Rule. Members will bring their responses at the next CRAC meeting.
- The Reporting Task Group will draft a Toxic Substances Newsletter addressing the status of EPA's guidance on TSCA Section 8(d) reporting.
- R. Condray will contact Doug Bannerman (EPA) to determine when the Agency will distribute a question and answer fact sheet on Section 8(d) reporting.
- Members of the Existing Chemicals Task Group will contact various EPA officials to get their views on an existing chemicals program.
- CRAC members will actively urge prospective CMA/CRAC survey participants to complete the survey.
- T. O'Leary and C. Cathcart will send a letter to CMA member company TSCA contacts urging them to participate in the CMA/CRAC survey.
- A panel of CMA representatives will participate in EPA's informal hearing on the proposed PMN exemption rules. C. Smith will serve as panel moderator and H. Hurst will present CMA's statements.
- H. Hurst and B. Price will ask EPA's Notice Review Branch officials to give their presentation of the PMN review process to additional industry audiences.
- Each CRAC member will propose the three most important issues facing his/her company over the next two years dealing with chemical regulations and product safety. Each issue will be presented on a single page. CRAC members will bring 22 copies of each issue with them to the CRAC retreat.

- T. Mooney, H. Hurst and C. Cathcart will complete during the week of November 1, the November CRAC meeting and retreat agenda.
- C. Cathcart will revise and distribute to CRAC copies of the CMA computer printout of CRAC issues.

* * * * *

1. Chairman Hurst convened the meeting at 9:35 AM.
2. The September 15, 1982, CRAC meeting minutes were approved.
3. Report on the Public Health Compensation Issue --
D. Zoll

The CMA Executive Committee is scheduled to decide CMA's involvement in this issue. The potential impact on industry and the Association could be substantial.

4. Legislative Update -- C. Nolde

- A. TSCA is not expected to be an oversight issue in the "lame-duck" session expected to begin November 29 and end December 17 or thereafter. Any of the following issues could be considered during this session: Clean Air, Clean Water, and Patent Term Restoration, Regulatory Reform, RCRA, and FIFRA.
- B. C. Nolde will seek to obtain copies of papers recently approved by the House Democratic Caucus. The papers challenge the "unreasonable" test on chemical risk.
- C. C. Smith and C. Cathcart will follow-up on the status of the OTA PMN data study with Ed Klein (EPA) and Michael Gough (OTA). In a previous telephone conversation, Gough told Cathcart that CMA and other interest groups will be able to review the study prior to its release to the Florio subcommittee.

5. Testing Task Group Report -- C. Cathcart

- A. Despite EPA assurances, it appears that the Test Rules Development Branch (Newburg-Rinn) and Health and Environmental Review Division (Baumel) are still at odds. The task group will continue to approach Don Clay (EPA) to resolve the problem.

CRAC Minutes
Page Four
October 20, 1982

- B. CRAC reviewed and concurred with an overview policy statement regarding the OECD Data Interpretation Guidelines (DIGS). The IAG prepared the policy statement for use at the OECD November High-Level Meeting.

6. Reporting Task Group -- R. Condray

- A. CRAC members will review draft CMA comments responding to EPA's final TSCA Section 8(a) Asbestos Rule (see attached draft letter). Members will bring their responses to the next CRAC meeting.
- B. CRAC members will review draft comments on the proposed OMB rule to implement the Paperwork Reduction Act of 1980 and give their views to S. Le Blanc by October 22.
- C. The task group will draft a Toxic Substances Newsletter addressing the status of EPA's guidance on TSCA Section 8(d) reporting. R. Condray will contact Doug Bannerman (EPA) to determine when the Agency will distribute a question and answer fact sheet on 8(d) reporting.
- D. The task group is preparing a paper outlining ways to improve the ITC process. There is a need to enhance industry input so that inappropriate chemical designations by ITC can be avoided.

7. Existing Chemicals Task Group Report -- F. Hoerger

- A. EPA does not appear to have a clear focus on TSCA Section 6 and existing chemicals assessment. Members of the task group will contact various EPA officials to get their views on an existing chemicals program.
- B. CRAC members were asked to suggest individuals who would be interested in joining the task group.
- C. Committee members suggested that an individual knowledgeable about risk assessment in the insurance industry should be invited to a CRAC meeting.

8. Impact Analysis Task Group Report -- J. McCarthy

The CMA Executive Committee approved the proposal for the full CRAC survey. The survey was mailed out to

CMA 083389

all CMA members (except those who participated in the pilot survey) on October 19. CRAC members will actively urge the survey recipients to complete the survey. T. O'Leary and C. Cathcart will send a letter to all CMA member company TSCA contacts urging them to participate in the CMA/CRAC survey.

9. New Chemicals Task Group Report -- C. Smith

- A. On October 4, CMA filed comments on EPA's proposed PMN exemption rules for low-volume chemicals, site-limited intermediates and polymers. On November 1, EPA plans to hold an informal hearing on the proposed rules. A panel of CMA representatives will participate. C. Smith will serve as panel moderator and H. Hurst will present CMA's statements.
- B. The task group developed PMN exemption information packages and distributed them to the media, selected members of Congress and staff and other trade associations.
- C. On October 7, EPA's Notice Review Branch gave a presentation on the PMN review process to members of the IAG and CRAC. Many participants indicated that the presentation was very informative. H. Hurst and B. Price will ask EPA officials to give their presentation of the PMN review process to additional industry audiences.

10. States Activities Report -- B. Brubaker

It appears that the New Jersey community and worker right-to-know state bill will get through the New Jersey Senate. This is viewed as the model state right-to-know bill.

11. Steering Task Group Report -- H. Hurst

- A. For the November retreat, CRAC members were urged to consider the course they wish to chart for the committee over the next several years. They should be particularly sensitive to the economic, legislative, and international impacts on their companies, the chemical industry and TSCA. Each committee member will propose the three most important issues facing his/her company over the next two years, dealing with chemical regulations and product safety. Each issue will be presented on a single page. Members

CRAC Minutes
Page Six
October 20, 1982

will bring 22 copies of each issue with them to the CRAC retreat and give them to H. Hurst, T. Mooney and C. Cathcart, Tuesday evening, November 16. Hurst, Mooney and Cathcart will sort the issues into categories for presentation and discussion at the retreat.

- B. T. Mooney, H. Hurst and C. Cathcart will complete during the week of November 1, the CRAC meeting and retreat agenda.

12. Future Issues -- H. Hurst

CMA staff has developed a preliminary computer listing of various committee issues and associated resource costs. H. Hurst reviewed the CRAC issues printout and recommended several improvements. C. Cathcart will revise and distribute to CRAC copies of the CMA computer printout of CRAC issues. CRAC task group chairmen can use these issue printouts as they guide their task groups' activities.


P. Christopher Cathcart
Associate Director
Health, Safety and Chemical
Regulations

Minutes Subject to Approval
110382

DCC:bal

Attachment

cc: S. Davis Le Blanc
Randal P. Schumacher
H. Christopher Nolde

CMA 083391

CHEMICAL MANUFACTURERS ASSOCIATION
Chemical Regulations Advisory Committee

Minutes of Meeting

Hotel Hershey
Hershey, Pennsylvania 17033

Wednesday
November 17, 1982
8:35 AM - 1:00 PM

Members Present

E. Hamilton Hurst
(Chairman)
George Y. Brokaw
Bruce H. Brubaker
J. Ronald Condray
Earl G. DeWitt
Anthony Di Battista
Gerald A. Hapka

Fred Hoerger
H. K. Latourette
John P. McCarthy
T. W. Mooney
Barbara J. Price
T. J. Robichaux
Curtis W. Smith

Nalco Chemical Company

Eastman Kodak Company
Diamond Shamrock Corporation
Monsanto Company
Ethyl Corporation
CIBA-GEIGY Corporation
E. I. du Pont de Nemours &
Company
The Dow Chemical Company
FMC Corporation
Koppers Company, Inc.
Procter & Gamble Company
Phillips Petroleum Company
Petrolite Corporation
Shell Chemical Company

Member Absent

C. J. Benning

Essex Chemical Company

CMA Staff Present

D. Christopher Cathcart
Stacia Davis Le Blanc
Randal P. Schumacher (part/time)

* * * * *

ACTION ITEMS

- At the next CRAC meeting, the Testing Task Group will submit its draft voluntary testing questionnaire for approval.
- T. Mooney, C. Umland and C. Cathcart will meet with S. Newburg-Rinn to discuss voluntary testing issues.

- S. D. Le Blanc will contact EPA's General Counsel's office to challenge the basis that CMA does not have standing to request a generic extension of the TSCA Section 8(d) reporting rule deadline.
- CRAC will send a letter to EPA presenting its views on the Agency's final rule under TSCA Section 8(a) for Asbestos Reporting Requirements.
- The Reporting Task Group will develop an Interagency Testing Committee (ITC) designation proposal for CRAC approval at the December meeting.
- The Existing Chemicals Task Group will conduct an in-depth review of EPA's document, "Toxic Substances Control Act: Existing Chemicals Program, October 1982."
- CRAC will file post-hearing comments regarding EPA's PMN exemption proposals. Comments are due November 30, 1982.
- B. Price will contact EPA to arrange a PMN program briefing for industry groups.
- CRAC members will develop TSCA reauthorization/oversight issues within their respective companies. They will discuss these issues at the December CRAC meeting.

* * * * *

1. Chairman Hurst convened the meeting at 8:30 AM.
2. The October 20, 1982, CRAC meeting minutes were approved.
3. Testing Task Group Report -- T. Mooney
 - A. The Testing Task Group is developing a brief (15 minute) questionnaire to determine how the voluntary testing process is working. The questionnaire will be sent to CMA Special Programs Panel chairmen and EPA representatives. The draft will be developed with L. Spurlock and the Special Programs staff's assistance. The questionnaire will be submitted to CRAC for approval at the next meeting.

- B. T. Mooney, C. Umland and C. Cathcart will meet with Steven Newburg-Rinn on November 29 to discuss voluntary testing issues.
- C. The task group is developing draft comments on the OECD Data Interpretation Guidelines. Comments are due to EPA by December 16. The task group plans to have comments to CRAC for approval before the next committee meeting.

4. Reporting Task Group Report -- R. Condray

- A. CMA's request for an extension of the TSCA Section 8(d) reporting deadline was denied. CMA received a verbal response indicating its request would not be considered because the Association was not a respondent party. S. D. Le Blanc will contact EPA's General Counsel's office to challenge the basis that CMA does not have standing to request a generic extension.
- B. The task group will develop an ITC designation proposal for CRAC approval at the December meeting. The proposal is designed to improve ITC listing procedures as a result of several deficiencies the task group has observed in ITC's present system.

5. Existing Chemicals Task Group Report -- F. Hoerger

- A. On November 9, EPA released a document, entitled, "Toxic Substances Control Act: Existing Chemicals Program, October 1982." The document has various trigger points and flow chart/logic patterns for action. The task group will conduct an in-depth review of the document. It has requested S. D. Le Blanc and R. Sussman (Covington and Burling) to provide a legal analysis.
- B. The task group members have contacted several EPA personnel to determine the status of the existing chemicals program. It appears that a special task force will assess existing chemicals. The selection of chemicals will be similar to the ITC selection process. Presently there are chemicals under review. The task group will try to determine these chemicals' identities from EPA.

- C. CRAC will improve its communication/coordination efforts with the Special Programs Advisory Committee (SPAC) through committee members and staff. This should ensure that SPAC can effectively bring generic chemical issues to CRAC's attention.

6. New Chemicals Task Group -- C. Smith

- A. EPA seemed receptive to CMA's and other industry representatives' comments at the Agency's November 1 public hearing on PMN exemptions. CMA will file post-hearing comments in response to EPA questions and public interest group assertions. Comments are due to EPA by November 30.
- B. The task group expects to see the draft Office of Technology Assessment's study on the adequacy of PMN data. CMA was asked to review the report.
- C. Editor's note: at the CRAC Retreat, C. Nolde reported that the General Accounting Office is studying the PMN process.

7. Impact Analysis Task Group Report -- J. McCarthy

The task group will meet December 16 to discuss the strategy of the survey results. CRAC members are invited to attend. C. Nolde and Ms. J. Auman (CMA Communications Department) will be present to address the legislative and communications aspects of this effort. This meeting is particularly important because the TSCA reauthorization hearings could be scheduled in late February. This is earlier than originally anticipated.

8. PCB Update -- S. D. Le Blanc

CMA was granted intervenor status in the electrical equipment rule litigation. The second rule addressing closed and controlled waste manufacturing processes was promulgated. The PCB Panel will petition the court to review the second rule. EPA has requested a time extension to develop the third rule regarding the incidental generation of PCBs.

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9. EPA Program Integration Project (PIP) Update --
E. DeWitt

W. Kovalick indicated that presently TSCA requires about one-seventh of PIP's efforts. He believes TSCA Section 8 should be used increasingly to gather data for action under other laws.

10. State Activities Report -- B. Brubaker

The New Jersey right to know bill now has a companion bill (word-for-word) in the Assembly. In addition, the Texas Bar Association is planning a right to know bill next year.

11. Communications Task Group Report -- B. Price

B. Price will contact EPA's Notice Review Branch to arrange a PMN program briefing for industry groups. If feasible, this presentation will coincide with a CRAC Informational Meeting. The meeting should be held in February.

12. The meeting adjourned at 1:00 PM.


D. Christopher Cathcart
Associate Director
Health, Safety and Chemical
Regulations

Minutes Subject to Approval
120682

DCC:bal

cc: J. Auman
G. Baker
S. Davis Le Blanc
T. O'Leary
C. Nolde
R. Schumacher

CMA 083396

CHEMICAL MANUFACTURERS ASSOCIATION

Chemical Regulations Advisory Committee

Minutes of Meeting

CMA Board Conference Room A
2501 M Street, NW
Washington, DC 20037

Wednesday
December 15, 1982
9:40 AM - 4:40 PM

Members Present

T. W. Mooney
(Vice Chairman)
C. J. Benning
George Y. Brokaw
Bruce H. Brubaker
J. Ronald Condray
Earl G. DeWitt
Anthony Di Battista
Gerald A. Hapka

Fred Hoerger
H. K. Latourette
Barbara J. Price
T. J. Robichaux
Curtis W. Smith

Procter & Gamble Company
Essex Chemical Company
Eastman Kodak Company
Diamond Shamrock Corporation
Monsanto Company
Ethyl Corporation
CIBA-GEIGY Corporation
E. I. du Pont de Nemours &
Company
The Dow Chemical Company
FMC Corporation
Phillips Petroleum Company
Petrolium Corporation
Shell Chemical Company

Members Absent

E. Hamilton Hurst
(Chairman)
John P. McCarthy

Nalco Chemical Company
Koppers Company, Inc.

Invited Guests

J. J. Bonin
J. Kenney
R. M. Sussman

Shell Chemical Company
Union Carbide Corporation
Covington and Burling

CMA Staff Present

E. Jean Auman (part-time)
R. Garrity Baker
D. Christopher Cathcart
Robert J. Fensterheim (part-time)
Stacia Davis Le Blanc
H. Christopher Nolde (part-time)
Randal P. Schumacher (part-time)
Gordon D. Strickland (part-time)
Langley A. Spurlock (part-time)
Richard L. Wilson (part-time)

• * • * • * • *

ACTION ITEMS

- J. Auman will interview H. Hurst on December 16, for the CMA News. The interview will focus on CRAC activities under TSCA.
- The Steering Task Group will convene immediately after this CRAC meeting to develop a preliminary TSCA reauthorization/oversight strategy. In addition, it will organize itself to develop the appropriate supporting documents, such as issue papers that must be used in connection with anticipated congressional hearings. These documents will be available for CRAC approval at its January 1983 meeting.
- C. Cathcart will prepare a line item in CRAC's 1983/84 budget to ask for \$30,000 in research and consulting fees for the CMA PCB Program Panel activity. The final sum to be committed will depend on the amount CRAC receives in its total fiscal year 1983/84 budget.
- CRAC members will review a draft letter to be sent to J. Merenda (EPA). The letter objects to EPA's denial of CMA's request for extension of the Section 8(d) reporting deadline. CRAC members will have their comments to S. Davis Le Blanc by December 22.
- CRAC approved the Reporting Task Group's proposed changes to the Interagency Testing Committee (ITC) chemical designation process. The task group will develop and send its comments to EPA by early January 1983.
- The Existing Chemicals Task Group will develop comments about EPA's Existing Chemicals Program Report. The task group will have comments ready for CRAC review at the committee's January 1983 meeting.
- F. Hoerger, G. Hapka, C. Umland, S. Le Blanc and C. Cathcart will meet with D. Clay, M. Williams and J. Wiltse (EPA) on January 5, 1983. The meeting's purpose is to begin dialogue about EPA's Existing Chemicals Program.

- CRAC approved the Testing Task Group's proposal to comment about the OECD's Data Interpretation Guidelines. Comments will be sent to EPA on December 22, 1982.
- H. Hurst will brief the CMA Board of Directors on January 10, 1983. He will present CRAC's activities for 1982 and discuss the committee's future objectives.

• * • * • * *

1. Vice Chairman Mooney convened the meeting at 9:40 AM.
2. The minutes of the November 17, 1982, CRAC meeting were approved.
3. CMA Communications Program Report -- R. Wilson

Mr. Richard L. Wilson, CMA Vice-President for Communications, presented CRAC an overview of CMA's communications program. Ms. Jean Auman will provide public relations/communications support to CRAC activities. She will interview H. Hurst on December 16 for CMA News. The interview will focus on CRAC activities under TSCA.

4. Legislative Update -- C. Nolde

The General Accounting Office (GAO) is conducting studies about TSCA. In the House, Congressman Florio's subcommittee requested a study of the PMN review process. The final report should be completed by the end of summer. In the Senate, Senator Gorton's subcommittee requested the GAO to study the legality of the voluntary testing program. The report is scheduled to be released December 22, 1982, and is not expected to be unfavorable to EPA.

5. Steering Task Group Report -- T. Mooney

CRAC spent a major part of the meeting identifying key TSCA issues which must be considered in preparing for TSCA reauthorization/oversight. The Steering Task Group will convene immediately after this CRAC meeting to develop the appropriate supporting documents such as issue papers that may be used in connection with anticipated congressional hearings. These documents will be available for CRAC approval at its January 1983 meeting.

6. PCB Update -- R. Fensterheim

The CMA PCB Program Panel needs an additional \$125,000 to support its efforts in fiscal year 1983/84. Specifically, the Panel requested \$30,000 in research and consulting funds from CRAC. It will request the remaining \$95,000 for legal fees from the CMA Legal Department. Depending on the amount of research and consulting funds CRAC receives in fiscal 1983/84, CRAC agreed to provide up to \$30,000 to support the Panel's research and consulting activities. If CRAC has sufficient funds to support the Panel, then two members of CRAC will serve as nonpaying participants on the PCB Panel. They will be from companies that are not Panel members. C. Cathcart will prepare a line item in CRAC's 1983/84 budget requesting up to \$30,000 in research and consulting fees for the CMA PCB Program Panel activity. This item will be in addition to normal CRAC budget requests. The final sum to be committed to the Panel will depend on the amount CRAC will receive in its total fiscal 1983/84 budget.

7. Reporting Task Group Report -- R. Condray

- A. EPA recently sent a second letter to CMA explaining its denial of the Association's request for extension of the Section 8(d) reporting deadline. That explanation does not appear to completely justify EPA's decision. Therefore, CMA members will review a draft letter to be sent to J. Meranda (EPA). The letter objects to EPA's denial of CMA's request. CRAC members will have their comments to S. Le Blanc by December 22.
- B. CRAC approved the Reporting Task Group's proposed changes to the ITC chemical designation process. The task group will develop and send its comments to EPA by early January 1983.

8. Impact Analysis Task Group Report -- H. Latourette

Eighty-eight companies have responded to the survey thus far. The IATG expects over 100 companies to respond by the deadline. The task group and CRAC members will meet December 16 to develop the strategy for handling the survey data.

9. New Chemicals Task Group Report -- C. Smith

- A. The task group is reviewing the Office of Technology Assessment's (OTA) draft report about the adequacy of data submitted on PMNs. The task group is developing draft comments responding to the OTA study. Comments are due to OTA in early January.
- B. C. Smith will be retiring soon. G. Hapka will become chairman of the New Chemicals Task Group.

10. Existing Chemicals Task Group Report -- F. Hoerger

- A. The task group will develop comments about EPA's Existing Chemicals Program Report. The task group will have comments ready for CRAC review at the committee's January 1983 meeting.
- B. F. Hoerger, G. Hapka, C. Umland, S. Le Blanc and C. Cathcart will meet with D. Clay, M. Williams and J. Wiltse (EPA) on January 5, 1983. The purpose of the meeting is to begin dialogue about EPA's Existing Chemicals Program.

11. State Activities Report -- B. Brubaker

New York passed a law in its state building code to require toxicity testing of combustion fumes. Ten other states are developing similar bills.

12. CRAC Communications Report -- B. Price

A date has not been set for a PMN/CRAC information meeting.

13. Testing Task Group Report -- T. Mooney

- A. CRAC approved the Testing Task Group's proposal to comment about the OECD's Data Interpretation Guidelines. Comments will be sent to EPA on December 22, 1982.
- B. The task group is proceeding with its voluntary/negotiated testing survey. It is working with the CMA Special Programs staff to develop the survey. The survey will be limited to members of CMA Special Program panels and perhaps a few EPA staff.

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December 15, 1982

14. Future Activities -- T. Mooney

H. Hurst will brief the CMA Board of Directors on January 10, 1983. He will present CRAC's activities for 1982 and discuss the committee's future objectives.

15. The meeting adjourned at 4:40 PM.


D. Christopher Cathcart
Associate Director
Health, Safety and Chemical
Regulations

Minutes Subject to Approval
010783

DCC:bal

cc: J. Auman
R. Baker
S. Davis Le Blanc
C. Nolde
T. O'Leary
R. P. Schumacher