Vista Chemical Company
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~~TGG:~~ ~~JCL:~~ EAT: ~~NEH:~~ AJO: RF

XF: ______ VIS

August 27, 1990

Mr. Dennis Sampson
Plaze
9401 Watson Industrial Park
St. Louis, MO 63155

Dear Dennis:

This letter is in response to your question regarding the status of Vista LPA-210 under California Proposition 65 regulations. Specific to the Proposition 65 Chemical list, LPA-210 contains no detectable quantities of the listed chemicals, nor is it listed specifically by name or category.

Sincerely,

Thomas Grumbles

Thomas G. Grumbles, C.I.H.
Manager Environmental Affairs

dlj

cc: John McGrail-Lisle

TGG: JCL: ERT: MJH: AJO: RF

XF: ______

TO: Distribution

FROM: T. G. Grumbles
DATE: August 27, 1990

Interoffice Communication

VISTA

SUBJ: CMA RESPONSIBLE CARE DISTRIBUTION CODE OF MANAGEMENT PRACTICE

Attached are our comments on the subject Code. Major concerns on the Code are in the areas of application of the Code to ex-plant locations, scoring of progress of plants when activities are done by corporate groups (plants are the reporting locations) and ability to show progress in performance in areas out of our control such as rail and marine transport.

Internally resources to do some of the items required in the Code is a concern. It is clear that resources and skills, or ability, to do some of the items such as routing risk assessments are simply not available. Also, the plant responsibility versus S&T responsibility for many items is an area of confusion or debate. I'll address these internal issues in future correspondence and meetings.

CMA Board approval of the Code is expected in November with our first self-assessment due in March, 1991.

Tom

T. G. Grumbles

dlj
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Attachment

Distribution: **PLANT MANAGERS**

R. W. Seymour-Aber, L. R. Bauer-Balt, G. D. Williams-Blane, J. Pavao-Hmd, J. Friend-LCCP, J. W. Ware-LCLAB, R. A. Conrad-LCVCM, H. D. Garrison-Okc, P. L. Foote-Prem, V. W. Weiss-Austin

CTIRP MANAGEMENT COMMITTEE

T. H. Huffman, Paul Gowan, W. L. McClain, M. S. Reynolds
Keith Fogg-LCCP

cc: J. A. DeBernardi, R. D. Gamblin, G. G. Draper

DISTRIBUTION CODE OF MANAGEMENT PRACTICES

PURPOSE AND SCOPE

The Distribution Code of Management Practices seeks to reduce the risk of harm posed by the distribution of chemicals to the general public; to carrier, contractor and chemical industry employees, and to the environment. Adherence to the code will lead to continually safer chemical distribution and help member companies:

- o evaluate the risks associated with chemical distribution and methods to reduce those risks;
- o meet or exceed all regulations and industry standards governing chemical distribution;
- o provide emergency advice or assistance to people on the scene in the event of a chemical distribution accident or release;
- o develop new technologies to improve chemical distribution safety.

The code will also promote improvements in:

- o the safety performance of carriers and other providers of distribution services;
- o the public's preparedness in responding to chemical distribution emergencies;
- o the public's understanding of, and confidence in, industry efforts to improve chemical distribution safety.

The Distribution Code of Management Practices applies to all modes of transportation (highway, rail, marine, air and pipeline) and to the shipment of all chemicals, including chemical waste. The code also applies to distribution activities (storage, transfer and repackaging) occurring while chemicals are in transit between member companies and their suppliers and customers.

RELATIONSHIP TO RESPONSIBLE CARE GUIDING PRINCIPLES

This code helps achieve several Responsible Care Guiding Principles:

- o to recognize and respond to community concerns about chemicals and our operations;
- o to make health, safety and environmental considerations a priority in our planning for all existing and new products and processes;
- o to counsel customers on the safe use, transportation, and disposal of chemicals;

- o to operate our plants and facilities in a manner that protects the environment and the health and safety of our employees and the public;
- o to participate with government and others in creating responsible laws, regulations and standards to safeguard the community, workplace and environment;
- o to promote the principles and practices of Responsible Care by sharing experiences and offering assistance to others who produce, handle, use, transport or dispose of chemicals.

MANAGEMENT PRACTICES

Each member company shall have an ongoing chemical distribution safety program that includes:

1. Risk Management

    1.1 Senior management commitment through policy, communications and resources to ongoing improvements in chemical distribution safety.

    1.2 Regular evaluations of chemical distribution risks that consider the hazards of the material, the likelihood of accidents or releases, the potential for human and environmental exposure from release of the material, and the route of transport.

    1.3 Identification and implementation of risk reduction measures for chemical distribution.

    1.4 Reporting and investigation of chemical distribution accidents and releases, and implementation of preventive measures.

2. Compliance Review and Training

    2.1 A process for monitoring changes in, and interpretations of, regulations and industry standards for their applicability to member company chemical distribution activities, and for implementing those regulations.

    2.2 Training for all affected member company employees in the proper implementation of applicable regulations and member company requirements.

    2.3 An ongoing program for providing guidance and information to carriers and contractors who perform distribution activities for the member company on the member company's training and compliance requirements for the activities.

2.4 Regular reviews of member company employee, and carrier and contractor compliance with applicable regulations and member company requirements.

3. Carrier Safety Fitness

3.1 A process for selecting carriers to transport chemicals that emphasizes carrier safety fitness and regulatory compliance, and includes regular reviews of their performance and compliance.

3.2 Regular evaluation of customer and supplier programs for qualifying the carriers selected to transport chemicals to and from member company facilities to ensure that such programs include safety fitness criteria.

3.3 Feedback to carriers on their safety performance and suggestions for improvement.

4. Handling and Storage

4.1 Documented procedures for ensuring that containers are appropriate for the chemical being shipped by the member company, comply with testing and certification requirements and are free of leaks and visible defects.

4.2 Documented procedures for loading chemicals at member company facilities that will reduce emissions to the environment, protect loading personnel and provide securement of the load during transit.

4.3 Documented procedures for unloading chemicals at member company facilities that will reduce emissions to the environment, protect unloading personnel, and ensure that chemicals are unloaded into proper storage facilities.

4.4 Criteria for the cleaning and return of tank cars, tank trucks, and returnable bulk and semi-bulk containers, and for the disposal of cleaning residues.

4.5 An ongoing program for providing guidance and information to customers, distributors, and other receivers on proper procedures for unloading and storing member company chemicals.

4.6 A process for selecting facilities and sites that store or handle chemicals in transit that emphasizes safety fitness and includes regular reviews of such fitness.

5. Emergency Response and Public Preparedness

5.1 A process for responding to chemical distribution accidents and releases involving member company chemicals.

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TGG: JCL: ERT: MJH: AJO: RF

XF: ______________________

August 24, 1990

VISTA

Mr. Mike Heimowitz
CMA Distribution Division
2501 M Street, N.W.
Washington, D. C. 20037

Dear Mike:

Below are Vista Chemical Company's comments on the draft Code for Distribution. The comments below are in response to the questionnaire attached to the draft code.

1. **Is the purpose clearly defined? Please explain.**

   Yes. The purpose of evaluating and improving performance in all areas of distribution, including "ex-plant" operations is clear.

2. **Does the purpose clearly convey that the Distribution Code covers more than just transportation?**

   Yes. The last paragraph of the Purpose and Scope Section clearly states the application of the Code to other than transportation activities. However, the practical application of this aspect is troublesome. Please see response to Question 4.

3. **The Code is designed to achieve continual improvements in chemical distribution safety. Is this an appropriate goal?**

   Yes. The goal is appropriate. Distribution of chemicals presents "high profile" risks in chemical manufacture and risk. These risks are often less controllable than those at other points in the production and use chain.

4. **Throughout the Code, we have tried to differentiate between activities, actions and results that you can directly affect versus those that you can only affect indirectly, if at all. The management practices primarily cover the former activities -- those you can control. Have we done an adequate job maintaining the differentiation? Please explain.**

   Based on the July 19 memo regarding the applicability of the Code to all shipping points, terminal, storage locations and toll processors, Vista has serious concerns regarding the practical application of the Code and our ability to influence it's application at our "ex-plant" locations.

Vista routinely utilizes 50 to 70 ex-plant locations for other than transportation activities. These may include toll processors, bulk chemical storage facilities, repackagers, or "dry storage" warehouses. The number of facilities used in any given time-frame is variable. Vista has a program in-place to review the operations of these facilities which includes regulatory compliance and safety performance. This program includes "pre-use" reviews as well as ongoing reviews of "in-use" facilities.

However, to apply all aspects of this Code to all of these facilities would be extremely resource intensive and essentially unachievable based on our ability to influence or control many of the Code elements. Also, based on the very low risks presented by some of these activities, such as storage of PVC, the utility of the effort would be questionable.

From an administrative standpoint, the number of reporting facilities would frequently change which would make any meaningful trend analysis nearly impossible.

Also, the applicability to ex-plant locations makes it imperative that CMA continue it's liaison with organizations such as NACD and ILTA to facilitate the understanding of what their customers, CMA member companies, will be demanding.

Vista proposes that the Code have one or more distinct elements that deal with "ex-plant" non-company owned facilities versus applying all elements of the Code to all locations used. This element, or elements, would include the requirement to establish and maintain pre-use and/or ongoing compliance type reviews at the facilities.

5. **Overall, does the Code clearly convey the need to establish a dialogue between chemical distribution professionals and the community?**

   Yes.

6. **Do you feel parts of the Code are redundant? If so, which parts?**

   No.

7. **Do you feel the member evaluation form will be useful to monitor and evaluate your progress in implementing the Code? (Remember, one form will be submitted annually to an agent of CMA. The report will list the status of each of your company's plants on each aspect of the Distribution Code.)**

Yes. The self-evaluation is generally a good tool for assessing progress. However, this Code presents a practical problem in scoring, in that the corporate office has a significant role in many of the activities described in the Code and it is difficult to determine how to include these activities.

For example, all ex-plant operation assessments are done by a corporate, or non-plant, group. Regulatory monitoring is generally done at the corporate offices with implementation of changes at the plant level.

How to score these activities, that are not specific to a location, is not clear.

8. **Is there a need for and would you attend a workshop for RC coordinators on self evaluation and implementation of the Code?**

Yes. There is need for a practical application type workshop. I would urge you to consider gathering questions from member companies prior to the seminar to assist in program development.

9. **Should the Distribution Contacts also attend?**

Yes. This Code impacts multiple departments in Vista and we would probably have several people attend.

10. **Should the Code be expanded? If so, what should it include?**

No comments.

11. **Is the Code sufficiently flexible and realistic for your company to implement the management practices in a way that takes into account current safety programs and organizational structure?**

If not, how would you propose the Code be changed?

The Code areas impact multiple organizational areas with Vista, many of which are non-plant groups. As discussed in our answer to Question 7, this creates some confusion in self-assessment scoring. Also, as discussed in our answer to Question 4, the application of all Code elements to all ex-plant locations is impractical. Suggestions for a Code change in this area are also discussed in this answer.

Guidance on plant activities versus "corporate" programs and how to score these may be enough to prevent significant changes to the Code.

12. **How long do you think it will take your company to reach Stage VI on all Code elements?**

This is difficult to establish, however, it's safe to say that Element 1, Risk Management and Element 4, items dealing with documentation will take several years to complete for all routes and all operations.

13. **What additional resources do you think you will need to implement this Code (both internal and external)?**

If these resources are made available, do you think the Code will be realistically achievable?

Vista will need practical implementation assistance on Items 1.2. If the Code continues to apply to all ex-plant locations all member companies and CMA will have to work together with those locations and trade groups to which they belong to influence progress and assure we maintain operational flexibility in the facilities available to be used.

Internally, manpower is a significant concern and difficult to define. It is clear that the impact will be significant.

14. **Will the implementation of this Code result in continual improvement in performance in each of the management practice areas?**

Yes.

15. **Do you have any other comments regarding the Code and its implementation?**

In Vista's experience, application of some parts of this Code, specifically Sections 2 and 5 will be difficult to implement in marine transportation areas.

In general, many elements of this Code involve influencing activities very much out of our control. Rail transport is the best example, with marine transport a close second. This causes a feeling of uneasiness in terms of our potential to demonstrate progress as Vista, and as an industry. This emphasizes the need for us all to be working with other groups and our transportation vendors to implement programs in their organizations.

Sincerely,

Thomas Grumbles

Thomas G. Grumbles, C.I.H.
Manager Environmental Affairs

dlj

TO: R. D. Gamblin

FROM: T. G. Grumbles
DATE: August 24, 1990

Interoffice Communication

SUBJ: PROGRESS REPORT

VISTA

1. MJH attended a seminar on US/Canada transborder hazardous materials transportation regulations.

2. Apparently the Applegate Bill, an onerous piece of legislation which calls for a hazardous materials transportation computer tracking system estimated at $2.1 billion annually, has been defeated. Representative Applegate has accepted a compromise that would entail a 25 month study of hazardous materials identification systems.

3. Comments on the Responsible CARE Distribution Code of Management Practice were prepared and sent to CMA. We expressed concerns on several areas of the Code, specifically the application of all elements of the Code to all "ex-plant" locations and operations.

4. ERT and JCL participated in a meeting at the LCCP to thoroughly review the 3rd-3rd land ban waste regulations and the impact on LCCP operations.

5. Two new labels were entered in the labeling system.

6. Six COEDs ordered MSDSs were sent out.

T. G. Grumbles

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