

minutes*J. G. Mullins*

Vinyl Institute
Manufacturing Practices Committee

Keller and Heckman Offices
Washington, D.C.

Thursday, August 4, 1983
9:30 a.m.

MINUTES

Attendees:

W.C. Holbrook, B.F. Goodrich Chemical
6100 Oak Tree Boulevard, Cleveland, Ohio 44131

Robert Oubre, Dow Chemical
Oyster Creek Division, Freeport, Texas 77566

Nathan M. Blackman, Borden Chemical
511 Lancaster Street, Leominster, Massachusetts 01953

J.A. Mullins, Shell Oil Co.
Post Office Box 4320, Houston, Texas 77210

Herm Waltemate, B.F. Goodrich Chemical
6100 Oak Tree Boulevard, Cleveland, Ohio 44131

James W. Kachtick, Tenneco Polymers, Inc.
Post Office Box 849, Pasadena, Texas 77501

W. Bailey Barton, Borden Inc.
165 N. Washington, Columbus, Ohio 43215

Joseph C. Ledvira, Conoco Chemicals
Post Office Box 19029, Houston, Texas 77072

J.A. King, Occidental Chemical Corporation
Box 699, Pottstown, Pennsylvania 19464

Susan G. Kuis, PPG Industries
One PPG Place, Pittsburgh, Pennsylvania 15272

Peter L. de la Cruz, Keller and Heckman
1150 17th Street, N.W., Washington, D.C. 20036

Jerome H. Heckman, Keller and Heckman
1150 17th Street, N.W., Washington, D.C. 20036

Christine A. Meagher, Keller and Heckman
1150 17th Street, N.W., Washington, D.C. 20036

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Attendees (Afternoon Session Only):

Harold J. Fast, B.F. Goodrich Company
500 S. Main, Akron, Ohio 44318

Mark Tucker, Dow Chemical
2030 Dow Center, Midland, Michigan 48640

Harvey Rosenzweig, Borden, Inc.
180 East Broad Street, Columbus, Ohio 43215

Alan Mack, Occidental Chemical Corporation
Box 699, Pottstown, Pennsylvania 19464

Roy T. Gottesman, Vinyl Institute
355 Lexington Avenue, New York, New York 10017

Gary Baise, Beveridge & Diamond
1330 New Hampshire Avenue, N.W., Washington, D.C. 20036

1. Chairman Holbrook called the meeting to order at 9:30 a.m.
2. Herm Waltemate discussed the activities of the Vinyl Chloride Safety Association (VCSA). Mr. Waltemate was the program chairman for VCSA. He indicated that VCSA is comprised of approximately 23 U.S. company members and 20 international company members. The Association meets once annually to share information. The next meeting is scheduled for October 20-21 in New Orleans. *A memorandum on the VCSA is attached.

Since the Vinyl Institute (VI) has been formed and because of the significant overlap of members of the VI and VCSA, there was a general discussion concerning whether the VI should perform the functions served by the VCSA. After some discussion, the Committee decided that a program should be established within the VI to provide the services rendered by VCSA and that VI representatives would make a presentation at the VCSA October meeting. The objective of that presentation would be to convince VCSA members to join the Vinyl Institute and continue their activities under VI auspices. Attendees were urged to encourage this approach within their own companies.

A Safety Subcommittee of the Manufacturing Practices Committee was suggested and agreed to as appropriate

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organization to coordinate new activities in place of the VCSA. In general, activities may include an annual meeting where production, safety and technical information could be exchanged among members. In addition, recommended guidelines could be developed and presented to a standards-making organization such as the American Society for Testing and Materials (ASTM) as the basis for safety standards. Other possible activities might be safety awards or the development of a mutual emergency response team similar to that operated by the Chloride Association.

3. Chairman Holbrook opened a discussion on a letter to the Environmental Protection Agency (EPA) suggesting changes to the relief valve discharge provisions of the vinyl chloride standard. A suggested draft letter had been circulated previously. The first issue was whether the Committee's proposal should emphasize a fixed numerical quantity limit or the development of relief valve discharge elimination plans. By a vote of 6 to 2, the Committee agreed to emphasize the numerical limit and present the discharge elimination plan as an alternative. Tenneco stated that the plan should be emphasized first and the numerical value presented as an alternatives.

Discussion next turned to the numerical limits to be suggested. Based on the emergency discharge data collected by the Vinyl Institute, a reasonable figure for releases from polyvinyl chloride (PVC) facilities appeared to be 50 pound of vinyl chloride monomer (VCM) per million pounds of PVC production.

The Institute had not compiled data on discharges from VCM facilities. While specific figures were mentioned by attendees, given the lack of data at hand, it was decided that the VCM producers would check their individual experience levels before settling on a recommended VCM limit. (Subsequent to the meeting, this was established at 25 pounds of VCM per million pounds of VCM production.) A lengthy discussion of the actual language of the letter to EPA and suggested amendments to the vinyl chloride standard ensued. A copy of that letter was distributed by Keller and Heckman on August 10, 1983.

4. Jerry Heckman and Gary Baise reviewed EPA enforcement activity. In particular, they reviewed the July 1, 1983 decision in United States v. Ethyl Corp., which held that

the emergency discharge provisions of the vinyl chloride standard were unenforceable work practices as opposed to enforceable emission standards. Gary Baise reviewed the statutory, legislative and regulatory foundations for the decision.

There were a number of conflicting reports as to whether EPA would appeal the Ethyl decision. Since the Ethyl case had been decided, EPA had filed actions against Borden's Monochem unit in Louisiana and the Occidental/Firestone Louisiana facility. There was some indication that additional litigation would be instituted by EPA shortly.

In light of the Ethyl decision, it seemed incongruous for the government to continue to file actions before the same judge. The group discussed whether it would be appropriate to contact EPA to discuss its litigation strategy generally. Mr. Heckman reported that Ethyl Corporation's general counsel requested that the Vinyl Institute defer action until the government's time for appeal had run. Based on the understanding that SPI action in August would not be able to stop the filing of additional cases, the Committee did not oppose deferring SPI contact with EPA enforcement personnel until after August 29. This recommendation was forwarded to the Legal Committee.

Joe Ledvina reported that Conoco had received its second Section 114 letter although it had no discharges from its Oklahoma City plant since 1981. The EPA regional office indicated that it wanted information on all discharges including leaks, and not just relief valve discharges.

5. Jim Kachtick raised the issue of labeling PVC hopper cars. From the discussion, it appeared that most companies used tags on the portals to identify the contents to workers. Peter de la Cruz indicated that he would prepare a package on Occupational Safety and Health Administration (OSHA) labeling. (A copy of that material is enclosed.)
6. Christine Meagher and Jerry Heckman presented a report on the plastic pipe controversy in California. A chronology of the plastic pipe controversy is enclosed. At present, testing is being conducted on leachates and plumber's health. It is anticipated that the testing and data collection will be completed by the end of 1983. After the data collection is completed, a draft environmental

impact report (EIR) will be released. After a six month comment period, SRI, the contractor preparing the report, will prepare a response to comments. A final document is not expected until late 1984 at the earliest.

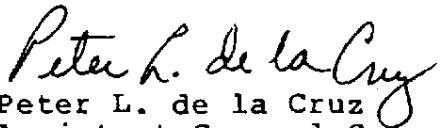
7. Potential EPA regulation of VCM in drinking water was discussed. In particular, EPA was examining contaminants in drinking water from pipe and other mechanical sources. Nina McClellan of the National Sanitation Foundation (NSF) is a member of EPA's Drinking Water Advisory Committee. Ms. McClellan is in continual contact with Keller and Heckman and other Vinyl Institute members and thoroughly aware of Vinyl Institute interests.

For some years, the NSF standard has required that residual VCM in drinking water pipe be 10 parts per million (ppm) or less. At this level, there is not much measurable migration of VCM from the pipe to the water. In any event, SPI will be able to make a presentation to EPA on this issue if the Agency tentatively decides to begin proceedings aimed at the regulation of VCM in drinking water.

8. A report by the California Department of Health Services on ambient air monitoring for vinyl chloride around landfills was discussed. A copy of the report is enclosed. The concern with this report is that it implies that PVC or PVC sludge is a substantial source of VCM. This could lead to an unwarranted ban on PVC from landfills. Based on prior industry experience, there were no problems with air or ground water contamination in the past. Attendees agreed that this subject should be followed closely to avoid future problems.
9. Joe Ledvina reported on the Clean Air Act Coalition's statement on vinyl chloride. Neil Helmers of DuPont, who is head of the Chemical Manufacturers Association (CMA) unit working on this matter, referred the Coalition's statement to Mr. Ledvina and SPI for developing a possible response. Since that time, CMA has drafted a response on toxic air pollutants generally, and no further action is needed at this time.

10. Chairman Holbrook adjourned the meeting at 3:30 p.m.

Respectfully submitted,


Peter L. de la Cruz
Assistant General Counsel