

CHROME COALITION

CHROME COALITION MEETING

NOVEMBER 14, 1995

Collier, Shannon, Rill, and Scott
3050 K Street, N.W., Fourth Floor
Washington Harbor
Washington, D.C.

Those in attendance were:

Dr. Joel Barnhart	- American Chrome and Chemicals
Dr. Mark Harris	- Chemical Land Holdings
Dr. Leah Porter	- Chemical Manufacturers Association
Mr. Douglas Nelson	- Color Pigments Manufacturing Association
Mr. Lawrence Robinson	- Color Pigments Manufacturing Association
Dr. Gerald Kennedy	- DuPont Central Research and Development
Dr. Grant Foley	- E. I du Pont de Nemours and Company
Dr. Jack Grosicki	- Engelhard Corporation
Mr. Frank Rutland	- Leather Industries of America
Mr. Michael Buczynski	- Occidental Chemical Corporation
Ms Gail Knipp	- Occidental Chemical Corporation
Mr. David Stephenson	- Occidental Chemical Corporation
Ms Stephanie Siegel	- Specialty Steel Industry of the United States
Mr. Chet Thompson	- Specialty Steel Industry of the United States
Mr. John Wittenborn	- Specialty Steel Industry of the United States
Mr. William Sonntag	- Surface Finishing Industry Environmental
Mr. Jaime Love	- Wayne Pigment Corporation
Ms Marianne Kaschak	- Industrial Health Foundation

The meeting was called to order at 9:10 a.m. by Dr. Joel Barnhart, Chairman of the Coalition.

Ms Kaschak read the Coalition Policy with respect to meetings covered by the antitrust laws. The Chairman emphasized the intent of the Policy and cautioned those present to observe both the letter and spirit of the antitrust laws. Counsel is present to insure against infringement. Introductions of the attendees followed.

Dr. Barnhart asked for corrections or additions to the July 25, 1995, minutes. There were none; the minutes stand approved as submitted.

Administered by:

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Since this meeting is the annual business meeting at which officers will be elected, the Chairman confirmed that a quorum is present.

Ms Kaschak presented the financial report which was accepted as prepared. On behalf of the Coalition, Dr. Barnhart thanked all members that contributed to the special assessment this past year.

Selection of Officers for 1996

As chairman of the nominating committee, Mr. Rutland, together with his committeemen, Dr. Harris and Mr. Wittenborn, nominated Dr. Joel Barnhart, Chairman, and Ms Gail Knipp, Vice Chair, to continue in their respective offices for 1996 and so moved. The motion was seconded by Mr. Stephenson and passed unanimously. Dr. Barnhart and Ms Knipp expressed appreciation for the confidence of the membership and thanked the committee.

With respect to the committee chairs, Dr. Barnhart asked that each continue to serve. Each agreed and were so appointed.

Coalition Administration

As is required in the by-laws, Dr. Barnhart asked for nominations of a management organization to assist in the administration of the Coalition business affairs. Ms Knipp nominated Industrial Health Foundation to continue in that capacity. Dr. Foley seconded the nomination and it passed unanimously.

Dues Structure for 1996

In light of increased activities necessary to address the proposed OSHA PEL rule for Cr⁺⁶, discussion ensued on funding for 1996 and its impact on the dues structure. Consensus of opinion suggested that increased dues together with a special assessment request would be necessary in the upcoming year to respond to the proposed rule. Mr. Wittenborn opined that a letter accompany the dues invoice addressing anticipated activities, stressing the cost, and alerting the membership that a special assessment will be requested during the upcoming year. This suggestion was unanimously supported. Mr. Rutland moved that the Coalition dues for 1996 be increased to \$950 for each general member and \$9500 for each of the producers. Dr. Harris seconded the motion and it passed unopposed.

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Consideration of Reciprocal Membership

Relative to a discussion initiated at the last meeting, Dr. Porter again broached the topic of membership reciprocity between the Coalition and the Metal Catalysts Panel of CMA. She stated that as written, Article III, Section 3.C. of the Coalition By-Laws may apply to other organizations, which prompted her to question CMA's membership status. Dr. Barnhart explained that ICDA provides worldwide chromium information to the Coalition and a membership vote, and reciprocal dues are waived. Ms Knipp concurred and further elaborated on the unique situation with ICDA. Dr. Porter indicated that the Metal Catalysts Panel have also been exchanging information with the Coalition but did concede that if reciprocity were established, the Coalition would not enjoy voting privilege if dues were not paid. She further agreed that the By-Laws should be amended to reflect specificity to ICDA. All agreed and Dr. Barnhart indicated that by the next meeting an appropriate amendment would be developed.

OSHA's Permissible Exposure Limit - Cr⁺⁶

In summarizing activities of the Coalition PEL ad hoc committee, Dr. Barnhart stated that the committee engaged in two teleconferences and met immediately prior to this meeting. Discussed was Peter Lees' presentation at the 11th International Symposium on Epidemiology in Occupational Health, his slides of which have been distributed. These showed a clear dose response relationship with increased risks even at exposure levels below the current OSHA limit. There are some apparent inconsistencies and seemingly faulty conclusions, based on the very scant data provided on the slides. OSHA received a computer printout of the basic data. Ms Siegel alluded to the reluctance of Johns Hopkins to release the data to interested parties; therefore, a request was made to EPA in early November under the Freedom of Information Act (FOIA). They have ten days to respond. In an effort to obtain these data should they be unattainable under FOIA, Mr. Wittenborn indicated that the Coalition will attempt to develop a confidentiality agreement with Johns Hopkins.

In the meantime, a request for proposal (RFP) will be prepared by Dr. Barnhart to critique risk assessments developed for OSHA, review the existing published literature relative to lung cancer incidence, and possibly review the information which, hopefully, will be available from the Peter Lees work. The draft RFP will be circulated within the ad hoc committee for revision, comment, and suggestions for qualified researchers to whom it should be sent. Suggestions included Dr. William Butler, Dr. Harris Pastides, Midwest Research Institute, and Pacific Environmental Services. Dr. Barnhart will develop the draft RFP by November 22, with the final completed by December 8.

Another anticipated concern discussed was that of medical monitoring and surveillance likely to appear in the proposed rule. In order to be prepared to address this issue, Dr. Harris suggested that the Coalition consider reconvening an IHF Expert Panel that addressed environmental medical

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monitoring in conjunction with another effort. The Panel is already familiar with all but possibly the most recent literature and has already addressed the effectiveness of the various techniques and can suggest the best method together with an evaluation of its benefits and limitations. Soon after the first of the year, IHF will contact the Panel members to identify a window of availability. In the interim, the ad hoc committee will select publications addressing this issue and forward these to OSHA.

The subcommittee also discussed possible activities to initiate relative to economic and technical feasibility issues since these are very industry-specific which are within the purview of the Coalition. As an initial step, the Coalition should seek to identify each type of facility, estimating the number of facilities and employees that will be impacted by the rule, and then alert these industries to what may be required. It was decided that the best mechanism to implement this activity would be to develop a newsletter (ALERT) of one or two pages chronicling the history of events, outlining the potential impact, and identifying what will be required, using the cadmium rule as a template. With respect to the survey spreadsheet data, Mr. Wittenborn will have it reviewed again and try to identify trends. This will be incorporated into the Alert as well. Mr. Wittenborn and Ms Siegel will draft such a newsletter and select a list of associations to which it should be sent. This will be sent to the ad hoc committee for comment prior to distribution to the associations.

Further discussion ensued on the proper tack to follow with OSHA at this point. It was suggested that the ad hoc committee meet with Adam Finkel and OSHA within the next few weeks to review the progress on the rule, identify the most recent timeframe, confirm that there will be stakeholder meetings and public hearings, and determine if it is appropriate to request an extension of the comment period at this time.

Dr. Barnhart asked if the Coalition should plan a legal strategy at this time. Collier, Shannon will prepare a summary of what can be challenged, the timeframe, and subsequent costs. Mr. Wittenborn will forward this to IHF for distribution. However, he suggested that efforts be directed at the public hearings so that they become part of the docket.

Companion to these discussions, Dr. Foley alluded to the OSHA site visit to their facility and shared the resultant laboratory analysis. He said that at the time of the visit, Mr. Perry (OSHA) indicated the proposed PEL may be 1 ug/m^3 . Also during the visit, OSHA asked if du Pont had done an epidemiological review. Dr. Kennedy indicated that it can be done, and their epidemiologist will be approached in this regard. Dr. Foley further added that OSHA appeared unsympathetic to the economic impact of such a low level.

In view of the critical nature of these discussions, Ms Knipp suggested that IHF develop an action list of these deliberations and forward it to the ad hoc committee prior to issuance of the minutes. IHF will comply.

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Reports of Standing Committees

A. Solid Waste Committee - Mr. Frank Rutland

Alluding to the aftermath of the Leather Industries of America's (LIA's) litigation regarding Municipal Sludge Regulations, Mr. Rutland referred to the final rule which amended part 503 to reflect those issues which the U.S. Court of Appeals remanded to EPA for additional justification or modification. The Agency deleted the current land application pollutant limits for Cr and added it to a list of unregulated pollutants eligible for removal credit. EPA also published the proposed rule in the same October 25, 1995, issue of the Federal Register in which it proposed 12,000 mg/kg Cr removal credit ceiling for land application. There is a 60-day comment period, and Mr. Rutland feels that this number should not go unchallenged and every effort should be explored to undermine EPA's assessment approach. He stated that the arguments made previously to discredit the 600 mg/kg value can be used in this situation as well, but he is soliciting any and all data which can be employed to discredit this number. Mr. Sonntag expressed his willingness on behalf of the Metal Finishers to submit comments along with LIA's. Dr. Barnhart will generate comments from American Chrome and Chemicals. Dr. Harris indicated that Eastern Research could not reproduce the model even though they did the original evaluation for EPA. He further suggested that it may be advantageous to actually do some partitioning and analysis on sludge samples. He is amenable to providing comments on the model.

B. Clean Air Committee - Mr. Chet Thompson

With respect to the Title V Permits Rule, Mr. Thompson stated that under the EPA proposal published in August, major source facilities could automatically include minor new source review permits with a full operating permit with no need for separate state approval. Once facilities receive a new source review permit, they will no longer have the delay caused by the Title V process.

Relative to the Compliance Assurance Monitoring Rule, Mr. Thompson stated that a stakeholders meeting was held in August in Research Triangle park, North Carolina, and it is his understanding that it is very similar to the original Enhanced Monitoring.

C. Clean Water Committee - Dr. Joel Barnhart

Mr. Wittenborn alluded to Effluent Guidelines (ELGs) for metal working materials, indicating that the comment period closed on October 24, 1995. Mr. Sonntag stated that he had submitted comments which should have significant impact, so much so that EPA may have to rethink the entire issue. A questionnaire has been developed for Phase II of the process.

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Mr. Wittenborn referenced the group permitting application requirements for storm water discharges. EPA has published the final rule in the September 29, 1995, Federal Register and it becomes effective immediately in the eleven non-delegated states.

D. Toxicology and Human Effects Subcommittee - Dr. Mark Harris

Dr. Harris reported that the IRIS Development Group of EPA has identified chromium as one of the chemicals for which toxicity data will be revised. One possible explanation for this is that there is presently no reference concentration (rfc) for chromium.

He also reported that New Jersey has issued its proposed clean-up standards, which are as follows:

- 78,000 ppm - Cr⁺³ residential
 - (not regulated) - industrial
 - 15 ppm - contact dermatitis
 - 130 ppm - lung cancer, residential
 - 190 ppm - lung cancer, industrial
- } Cr⁺⁶

Maxus Energy Corporation commented extensively on the draft.

Relative to recently published material on chromium, Dr. Harris referred to a "Business Wire" article referencing research on chromium picolinate supplements purporting severe chromosomal damage. It is anticipated that this research will be published in the near future. A copy of the handout is enclosed.

*- make sure that picolinic acid is culprit rather than Cr.
Revis minutes to reflect
Clarification in next minutes to reflect above.*

The next meeting is scheduled for 9:00 a.m., Thursday, January 18, 1996, at the offices of Collier, Shannon, Rill, and Scott in Washington, D.C. Lunch will be arranged by Mr. Wittenborn's office.

The meeting adjourned.

Respectfully submitted,

Marianne C. Kaschak
Marianne C. Kaschak
Project Coordinator

MCK/sk
Enclosure