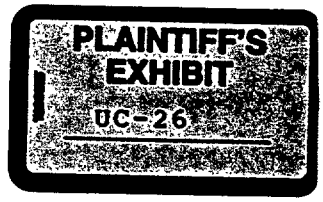
August 21, 1978



METALS DIVISION

SUBJECT: Toxic Substances Control Act, Procedure for Reporting Health and Environmental Risk Information

The Toxic Substances Control Act, which became effective January 1, 1977, gives to the Administrator of the Environmental Protection Agency broad powers to regulate industry with respect to the manufacturing, processing and distributing of chemical substances. The purpose of the Act is to determine the toxic effects of such substances and mixtures with respect to health and the environment, and if any existing or new chemical substance presents an unreasonable risk, to limit or control its production. The Act requires the Administrator to establish rules and regulations for inventory listing of existing substances, pre-market notification, record keeping and reporting.

However, Section 8(e) of the Act requires (without any prior rule-making by the Administrator) that:

> "Any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information."

On March 16, 1978 the Administrator published, in the Federal Register, a Statement of Interpretation and Enforcement Policy for Notification of Substantial Risk. The EPA Statement interprets the statute in such a manner as to hold individual employees directly accountable for compliance with the substantial risk-reporting requirements even though the business organization by which they are employed is also accountable. In this connection, it should be noted that any person held to have violated the Section 8(e) reporting obligation is liable for the payment of a civil penalty or fine of up to $25,000 and possible criminal prosecution involving imprisonment of up to one year. The EPA Statement indicates that an employing organization may relieve its individual employees of the responsibility for reporting substantial risk information directly to EPA by establishing, internally publicizing, and affirmatively implementing procedures for employee submission and corporate processing of pertinent information.

Accordingly, the following procedures will pertain:

1. Any Metals Division employee who becomes aware of information, from any source, indicating possible adverse effects to health or the environment attributable to products manufactured, processed, or distributed by Metals Division is required to

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notify within twenty-four hours by phone his or her supervisor who will communicate the information upward through their normal channels of communication to the facility or functional group manager. This individual will immediately contact by phone one of the following persons:

Metals Division
Toxic Substances Control Act Coordinator
C. R. Allenbach (Niagara Falls, N.Y., 716-278-3490)
or
R.F.X. Fusaro (New York Office, 212-551-5197)

The information reported by phone should be confirmed in writing.

The nature of the information to be reported covers only new and unreported hazards which may have a possible adverse effect to health and environment. This would include, for example: skin rashes, bodily effects resulting from spillage of our products; adverse effects to fish and plant life as a result of accidental spills in waterways; defoliation of trees and shrubs as a result of accidental escape of fumes and gases. If there is any question, report the information anyway.

2. The employee should forward copies of any study or report containing such information as soon as possible to the person notified. Employee memos should include the data and facts and avoid personal opinion on characterizing such data.

3. The Toxic Substances Control Act Coordinator will inform the Corporate Health, Safety and Environmental Affairs Department and initiate evaluation of the reported information utilizing resources such as medical, legal, technical, business, etc.

4. Confirmed reportable information will be submitted to EPA by the Corporate Health, Safety and Environmental Affairs Department within the allowed time period and in accordance with their instructions regarding format, etc.

5. Persons reporting Toxic Substances Control Act information will be informed of final actions taken by UCC. A copy of the final report to EPA will be sent to all persons involved in generation and development of information. When information is judged to be not-reportable under Section 8(e) of the Act, persons who initiated the report will be informed of the UCC decision and notified of their right to report to EPA as protected by statutory authority of the Act.

C. R. Allenbach

CRAllenbach:fhr

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