June 6, 1977

METALS DIVISION

PLAINTIFF'S EXHIBIT

UC-3913

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 during 1977 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."

Accordingly, the following procedures will pertain:

Notification by Employee

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 notify within twenty-four hours by phone one of the following persons:

   C.R. Allenbach (Niagara Falls, Ext. 3490)
   R.F.X. Fusaro (N.Y., Ext. 5197)

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.

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.

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