

MBOCA Consortium HPV Status Report

by Donald P. Gallo, esq., Reinhart Boerner Van Deuren s.c.

A meeting of the MBOCA Consortium was held on Sunday, May 7, 2006 in Orlando, Florida during the PMA annual meeting. The meeting was attended by 28 persons representing 22 companies. The meeting started with an update on the status of the Consortium's sponsorship of MBOCA in the USEPA HPV program. Given that the USEPA had published the Consortium submittal; on February 7, 2006 the comment period ran through June 7, 2006 and companies were encouraged to submit comments on the Consortium's sponsorship and the submittal of the robust summary.

The group then discussed the need to raise approximately \$150,000 for the upcoming testing requirements to comply with the HPV. It was noted that the PMA is paying the management and administrative expenses for coordinating the Consortium's sponsorship and that D. Gallo, M. Katz and M. Kocak are the liaisons to the PMA Board of Directors.

There was discussion of what methodology should be used to allocate the costs for the testing among the members of the Consortium. Discussion followed on the fairest method to allocate the costs. It was suggested that all parties, manufacturers, distributors, and processors should provide funding, however, distributors will be the key financial contributors and it would be up to them to work with the manufacturers to contribute to this funding.

It was decided that the MBOCA Consortium would function as a voluntary partnership with decisions made on a consensus basis. Distributors will be asked to provide information through a client/attorney relationship with Donald Gallo, Attorney, Reinhart, Boerner, Van Deuren, S.C. The Consortium will establish a single purpose fund to receive funds from donors. Pledges from donors will be invoiced to the distributors of the product in phases as funds are needed. At the conclusion of the program, remaining funds will be allocated back to donors in proportion to the contributions.

The meeting was concluded with the following actions steps being identified:

Action Steps:

- Don Gallo will work with our consultant to determine the cost of conducting the additional testing under the HPV program.
- Each participating distributor will establish a client relationship with Attorney Don Gallo in order to confidentially set up the information needed to develop the allocation system.
- Distributors will provide three years of MBOCA sales data in pounds of product to Don Gallo.
- D. Gallo will determine the allocation for each Distributor based upon an average over the last three years and then send a bill as the first phase of the allocation to fund the non-administrative HPV activities.
- D. Gallo will establish an email chain to periodically distribute information on the MBOCA sponsorship with EPA.

Following is a status of the HPV activities:

MBOCA-HPV Public Comments to the Robust Summary Submittal –

The public comment period concluded on June 7, 2006. PMA followed up with Karen Sands of USEPA to find out whether or not there were any comments. She stated that PETA and the Environmental Defense Fund did submit comments and that the USEPA will also be submitting comments. Only the EDF comment is posted on the web site; the PETA comment will be posted soon and the USEPA summary and comment will be posted when it is received by the HPV program. You can review these comments on the USEPA website at <http://www.epa.gov/chemrtk/whatsnew.htm>

Note that the EDF comment is generally complimentary of the test-plan submittal and of the industry's "effective program" including acknowledging OSHA's and EPA's complimentary references to the industry's "program to control employee exposure." The EDF comments are also constructive from a technical viewpoint.

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Regulatory Affairs Division

by Mike Kocak, chair, C.U.E., Inc.

Chemical Monitoring Program

The monitoring of Health, Environmental and Safety activities concerning ten chemicals that are commonly used in our industry continues. One item to surface is that the EPA has removed MEK (methyl ethyl ketone CAS# 78-93-3) from the list of Clean Air Act Hazardous Air Pollutants (HAPs). It is still, of course, considered a VOC. This action can greatly reduce the regulatory burden associated with emitting MEK. Later this year the Regulatory Affairs Division will conduct a chemical monitoring survey of the membership.

BRMA MBOCA study

The British Rubber Manufacturer's study on workers exposed to MBOCA continues. The study began three years ago in the United Kingdom to track workers that were exposed to high levels of MBOCA several decades ago. It is being conducted by Dr. Tom Sorahan, Professor of Occupational Epidemiology, Institute of Occupational Health, University of Birmingham, England. Because of the low mortality rate of the participants in the study, there is not enough research data available yet to complete the study. Project completion is expected in 2009.

Polyurethane MSDS

The MSDS document has been updated to conform to the latest ANSI specification. It is available on the PMA website in PDF and Word formats. The Word version can be easily updated with your particular company's information.

Self-Certification Program

The criteria for inclusion in the PMA's HES Self-Certification program have been updated and will be available soon. Compliance, Level II, has been more focused exclusively on compliance activities, while more options have been made available to attain level III, Leadership.

MBOCA HPV Consortium

A consortium of companies has been formed to sponsor MBOCA in the USEPA HPV challenge program. The required robust test summary has been completed and submitted. Public comments have been made and are generally supportive. The Consortium is in the process of developing an allocation system for funding the necessary testing. Please see Don Gallo's full report on pages 3 & 4.

Technology Division

by Amy Clement, Chemtura Corporation

Over the last two years, the Technology Division has been busy tying up loose ends. The primary focus in 2005 was the changes to the PTS, and now, A. Clement is looking forward to the future of the Division as new projects are taken on to benefit the members. Many ideas were generated.

Educational Involvement

Discussion was held on the benefits of offering financial support to research programs at universities, or possibly sponsoring graduate or undergraduate research. A survey will be sent to PMA members on the value and interest in becoming involved in academic studies and projects. There is some concern that involvement in the academic world could be quite costly.

Technical Paper Presentations

Discussions centered on the possibility of shortening the papers to allow for more papers. Due to much discussion and conflicting opinions of those present, a survey will be drafted and sent to the members on what they would like to see regarding technical papers in the future.

Also open for consideration is the possibility of having Mini-papers/mini-reports given during the technical division meeting. These would be 5-7 minute presentations of an idea or concept announcing new technology. These mini-papers/mini-reports would give the Technology Division more ideas of what's available to offer to members.

Glossary

It was decided that a glossary of terms would be useful to the members. The glossary will be developed with help from members and posted on the PMA web site.

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Japan - MBOCA HPV Testing Program –

It is our understanding that although the Japanese HPV program is moving forward concurrent with the USEPA HPV program, no testing has been conducted for either program; however this creates an opportunity for the Consortium to work with the sponsors of MBOCA under the Japanese HPV program. We will work with our HPV consultant to develop a list of tests that may need to be conducted for both the Japanese and USEPA HPV programs and then proceed to work with the distributors/manufacturers on funding of these tests and sharing of the information between the sponsors under both the Japanese and USEPA HPV programs.

Please do not hesitate to provide comments to either Jennifer Rzepka at the PMA office or to Don Gallo at dgallo@reinhartlaw.com or 262-951-4555.