

Advice & Counsel



Frank Altmayer, MSF, AESF Fellow

AESF Technical Director
Scientific Control Labs, Inc.
3158 Kolin Ave.
Chicago, IL 60623-4889
E-mail: faltmayer@sclweb.com

Ding Dong, the MP&M is Dead

Sung to the tune (with apologies) from "The Wizard of OZ"

Regular readers of this column are aware that anything written here about a regulatory issue is usually done with a tone of frustration and exasperation at what has/is being done to our industry by regulatory agencies.

Back in 1995 (see *P&SF*, June 1995), this column printed a letter from Steven P. Geil, Chemical Engineer, MP&M Work Assignment Manager (U.S. EPA), that made the statement along the lines of:

".....the data used to calculate the effluent standards are from actual MP&M sites at which EPA conducted sampling episodes. These sites have well-operated chemical

precipitation and sedimentation systems in place (or alkaline chlorination for treatment of cyanide)."

We (EPA and our industry) now know that this data was flawed beyond comprehension.

The following fax, which many of you have probably already received says it all:

GR REGULATORY UPDATE

MP&M—Final Rule Signed
No Further Regulation!!!

"The Metal Finishing Industry's concerted effort to address the technical, economic and policy foundations of EPA's proposed Metal Products and Machinery rule (MP&M) has paid off. EPA Administrator Christie Whitman has signed the final rule (to be published shortly in the *Federal Register*) in which the Agency concludes that no further regulation is necessary for jobshop and captive metal finishing operations. Accordingly, metal finishing facilities will continue to be regulated effectively by existing wastewater discharge limits under 40 CFR 413 and 40 CFR 433.

"The only new limits EPA has promulgated are for 'direct discharge' facilities in the 'oily only' MP&M subcategory. These limits narrowly apply to those facilities not currently subject to existing federal wastewater discharge limits. All metal finishing facilities are already covered by existing federal limits and are not, therefore, affected by these new limits.

"The industry's investment of nearly one million dollars for appropriate technical, engineering, economic and legal analysis, as well as its continued commitment and support to its Government Relations program, will save jobshop and captive metal finishing facilities more than

one billion dollars in avoided annual compliance costs. The industry's 'achievement of a generation' on MP&M reflects the industry's commitment to environmental excellence and sustaining an effective voice in Washington.

"For more information, please contact Christian Richter or Jeff Hannapel, The Policy Group in Washington, DC: 202-457-0630."

Two things that are worthwhile have come out of this mess:

1. EPA now realizes that industry representatives are a worthwhile source of technical information that can be used as a "reality check" for future efforts at writing regulations. It is frustrating to know that \$1 million dollars of donations from companies and individuals was spent to point out basic problems with the proposed regulations, many of which could have been discovered early on.
2. The metal finishing industry realizes that it has the leadership/wherewithal to gather the troops and fight a battle based upon the technical merits of a proposed regulation and make corrections.

One sad note is that the media and environmentalists have already claimed that EPA is un-doing the regulation of our industry—an outright lie. We are and still will be regulated by the Clean Water Act under regulations that are fair and adequate to protect the waters of the U.S.

The Heroes

There are numerous "heroes" who need to be mentioned (I hope I do not leave anyone out):

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Summary

Melvin Benarde sums it up very well in his new book *You've Been Had*. "If better health for all were in fact the nation's goal, the first priority would be modification of our self-destructive behavior. The public, however, is not concerned with the self. Why? It has been led to believe that a soup of synthetic chemicals has been loosed upon them by an uncaring military-industrial complex, and that this chemical fouling of the environment is responsible for what is perceived as our generally poor state of health. The environment, as commonly understood, does require vigilance, but for reasons other than human health. Consequently, we are flailing at windmills that pose minuscule risk and consume our energy, our time, and our taxes, whereas the major risks, the real killers, languish for lack of individual and institutional concern, support, and self-control."⁷ If you don't want to change your behavior pattern, take the easy way out—blame pollution, industry, and chemicals.

References

1. Elizabeth M. Whelan, *Toxic Terror*, (Jameson Books, Ottawa, Illinois, 1985), 26.
2. Thomas H. Maugh II, "Cancer and Environment: Higginson Speaks Out," *Science*, **205**, 1363 (September 28, 1979).
3. Joseph A. Califano, Jr., "Draft summary: estimates of the fraction of cancer incidence in the United States attributable to occupational factors," with eight contributors but no authors. Presented to AFL-CIO, September 11, 1978.
4. Richard Wilson and Edmund A. C. Crouch, *Risk-Benefit Analysis*, (Cambridge, Massachusetts, Harvard University Press, 2001), 129.
5. Richard Doll and Richard Peto, *The Causes of Cancer*, (New York, Oxford University Press, 1981), 1256.
6. Melvin A. Benarde, *You've Been Had!*, New Brunswick, New Jersey, Rutgers University Press, 2002), 23.
7. Melvin A. Benarde, *You've Been Had!*, 26.

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- All of you who donated to the MP&M Fund. Your money was spent very wisely.
- All of you who wrote and submitted comments on the proposed regulations.
- All of you who took the time to go to one or more public hearings and provide information about the impact of this regulation on your company.
- The Executive Directors and Boards of AESF, NAMF and MFSA for approving the use of funds and recruiting donations for the effort.
- The AESF Branches that held raffles and meetings designed to raise funds for MP&M—notably Milwaukee, Chicago, Orange County, Grand Rapids, and Boston.
- Christian Richter and Jeff Hannapel of The Policy Group for spearheading the entire effort and pounding on EPA and legislators' doors on a frequent basis.
- Jack Wagner, URS, for spending countless hours going over the database and finding the buried treasures.
- Members of the Government Relations Board of AESF/NAMF/MFSA (Richard Leopold, John Lindstedt, Bill Saas, B.J. Mason, Bob McBride, Bill Wiggins, Bob Sica, David Marsh, J. Kelly Mowry) for finding the right people to fight the battle and spending the collected funds in a most efficient manner. A number of members spent an enormous amount of hours in meetings with EPA representatives.

A number of companies opened their doors and submitted themselves to being sampled by EPA and by outsiders to gather data that eventually refuted EPA's positions:

- Artistic Plating, Milwaukee WI, John Lindstedt
- Able Electropolishing, Chicago IL, Tom Schewe
- Alcaro & Alcaro Plating, Montclair, NJ, Tony Alcaro
- CAPSCO, Inc., Greenville, SC, Sammy Huffman
- Craftsman Plating and Tinning Corp., Chicago, IL, Jim Blackledge
- C. J. Saporito, Chicago, IL, Bill Kern
- Castle Metal Finishing, Chicago, IL, Phil Meier
- Finishing & Plating Services, Kenosha, WI, Bruce Laken
- Gatto Industrial Platers, Chicago, IL, George Gatto
- Hi-Temp, Chicago, IL, Bill Suzuki
- Northwestern Plating Works, Chicago, IL, David Jacobs and Jim Jacobs

- P&H Plating, Chicago, IL, Jeff Pytlarz
- Perfection Plating, Inc., Chicago, IL, Lou Belmonte
- Precision Plating Co., Chicago, IL, Jim Belmonte & Becky Bennet
- Reliable Plating, Chicago, IL, Jim Greenwell
- SWD Inc., Addison, IL, Mr. Dick Delawder
- Sterling Labs, Harwood Heights, IL, Herb DeGrenier
- Taskem, Inc., Cleveland, OH, Mark Andrus
- Three J's Industries, Inc., Chicago, IL, Joanne Marozza
- Western Rust Proof, Chicago, IL, Bob Paulsen
- Members of my own staff, who read a lot of "mumbo jumbo" and helped me translate it into English, including Jeff Zak, Joelle Zak, and Dan Bell.
- EPA officials who listened to our side and did not turn away from the facts, especially: Sheila Frace, David Ferguson, Christie Whitman, Tracey Mehan, Tom Gibson, Geoff Grubbs, Alex Cristofaro, Marv Rubin and Mindy Gampel.

May the future be a little brighter for all of us because of your efforts. *P&SF*

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