

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STYRENE INFORMATION AND RESEARCH CENTER, *et al.*)
)
)
Plaintiffs,)
)
v.)
)
KATHLEEN SEBELIUS, *et al.*)
)
Defendants.)
)
)

Civil Action No. _____

DECLARATION OF JOHN SCHWEITZER

I, John Schweitzer, declare as follows:

1. I am Senior Director of Government Affairs for the American Composite Manufacturers Association (“ACMA”). ACMA is the national trade association representing companies that make products using combinations of styrene-containing thermoset polyester resin, glass or carbon fiber, and other materials. My responsibilities include understanding the economic, ecological, and health benefits of products made from styrene, as well as understanding the businesses that use them. My responsibilities also include understanding how regulatory actions affect businesses that use styrene and styrenic products.
2. I have personal knowledge of the following facts and, if called, could and would competently testify to their truth.
3. Styrene is used to make polymerized styrene, plastics and other products. The key features of many styrenic products are that they are lightweight, strong, corrosion-resistant, and easy to clean. Businesses use styrene to make products that promote health, safety, and a higher standard of living. Styrenic products include materials and products for use in the home, such as counter tops, lavatories, vanities, shower receptors, and bathtubs.

4. These “cast polymer” styrenic products are man-made, chemically-bonded, mineral-filled, polymeric materials which are molded and hardened to a solid material in a variety of shapes that meet diverse design needs. The manufacturing process permits a range of uses almost impossible to achieve with quarried stone.

5. Cast polymer is stronger, lighter weight, and less brittle than granite. It is more durable than porcelain. Cast polymer is affordable and inexpensive to transport, but they could be replaced with granite or tile.

6. The home-building and home-improvement industries are highly competitive, especially for kitchen and bath surface products. Since these products are visibly present in the home, they are vulnerable to consumer perceptions of toxicity.

7. Approximately 285,000 Americans are employed by composite manufacturing companies. Many of these companies are small, family-owned businesses making cast polymer products for the home.

8. I am responsible for providing extensive regulatory support to the styrenics industry on federal regulatory issues, including the Report on Carcinogens (“RoC”). Based on my years of experience, styrene’s listing on the RoC as chemical reasonably anticipated to be a human carcinogen will cause purchasers of kitchen and bath surface products to deselect styrenic products. Competitors will quickly and widely publicize the listing decisions, raising unfounded concerns about product toxicity and creating a false impression that cast polymer products are dangerous.

9. Styrene's listing on the RoC also will make it much harder for small cast-polymer businesses to hire and retain good employees, because it will create a false impression that workplaces with styrene are unsafe.

10. Styrene's listing on the RoC also will create a false impression that cast-polymer businesses are not safe neighbors. Neighbors of cast-polymer businesses will use the listing decision in their attempts to drive these small businesses out of their neighborhoods through zoning or nuisance actions, by publicizing the listing decision to local government agencies.

11. Styrene's listing on the RoC will force many small family-owned cast-polymer businesses to close because of lost market share and changes in local land-use regulation. These closures would further disrupt the home-building and home-improvement industries generally.

12. Styrene's listing on the RoC will disrupt the national economy, beginning with small family-owned cast-polymer businesses and then spreading to the home improvement and home building industries. Styrene's listing on the RoC also will create a long-lasting misperception that styrene and its products are dangerous to human health. In fact, styrenic plastics promote good health and sound business.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 13, 2011



John Schweitzer