

05.14 '85 14:33 WHEP 01-01-1075 815 WA NE NJ



Attn: N. Gaffney

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2 pages

American Cyanamid Company
Chemicals Group
One Cyanamid Plaza
Wayne NJ 07470

August 15, 1985

(v)

James J. Concannon, Director
Office of Variance Determination
Occupational Safety and Health Administration
U. S. Department of Labor
Third Street and Constitution Ave., N.W.
Room N-3656
Washington, D.C. 20210

Dear Mr. Concannon:

American Cyanamid Company, Wayne, New Jersey, requests for its Chicago manufacturing facility a continuance in relief from the final blood lead trigger level of 50 $\mu\text{g}/100\text{g}$ for Medical Removal Protection (MRP) under the OSHA Standard for Occupational Exposure to Lead. Relief is requested in the form of a variance recognizing removal of an employee when his or her blood lead level exceeds 55 $\mu\text{g}/100\text{g}$ provided 5% or more of the workforce has blood lead levels greater than 50 $\mu\text{g}/100\text{g}$.

Our present variance granted on 3/15/85 expires 9/1/85. This variance authorizes removal of an employee when his or her blood lead level is equal to or greater than 60 $\mu\text{g}/100\text{g}$, rather than 50 $\mu\text{g}/100\text{g}$. This variance was granted because 10% or more of the employees would be involved in the MRP removal at a trigger level of 50 $\mu\text{g}/100\text{g}$. We no longer need the relief of a 60 $\mu\text{g}/100\text{g}$ trigger level with 10% of employees above 50 $\mu\text{g}/100\text{g}$, but rather relief at a trigger level of 55 $\mu\text{g}/100\text{g}$ with 5% of employees above 50 $\mu\text{g}/100\text{g}$.

Cyanamid has undertaken all feasible measures to comply with the OSHA Lead Standard at our Chicago Plant. Since 1971, we have spent \$654,700 in capital costs and incur \$257,200 in annual operating costs for its engineering, work practice and personal protection controls to reduce actual employee exposure to lead at the plant. Likewise, we have adopted and maintained a sophisticated respiratory protection program whereby most employees use MSA Duo-Flo full-face respirators. Although these measures have not reduced the blood lead levels of all employees to below 50 $\mu\text{g}/100\text{g}$, they have resulted in significant overall reductions in blood levels. For the initial 18 months that we owned the plant (July, 1971 - December, 1972) 93% of the employees had blood-lead levels at or above 50 $\mu\text{g}/100\text{g}$ and 42% of the employees had excessively high blood lead levels of 80 $\mu\text{g}/100\text{g}$ or above.

Since the interim order was granted on 9/2/83 and our temporary variance on 3/15/85, our average blood-lead level has declined from 40 to 36 $\mu\text{g}/100\text{g}$, the number of employees above 50 $\mu\text{g}/100\text{g}$ has declined from 2 (10%) to 1 (5%) and the number of employees having blood lead levels in the range of 40 - 49 $\mu\text{g}/100\text{g}$ has declined from 11 to 9.

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To discontinue our variance at this time on the basis that at least 10% of the workforce no longer has blood leads greater than 50 $\mu\text{g/g}$, would not only seem to penalize us for our progress, but would create unnecessary hardship in that there are no jobs at the plant to which MRP employees may be transferred. Thus, we are opting for a more stringent MRP compared to our present variance with our request for a trigger level of 55 $\mu\text{g}/100\text{g}$ provided 5% of the employees have blood lead levels greater than 50 $\mu\text{g}/100\text{g}$.

Health and Safety is the way of life for all employees at the Chicago Plant. The sophisticated health and safety program which includes engineering controls, personal protective controls and work practice controls is rigorously enforced and followed by employees. The grant of the OSHA Star Award to our plant on October 14, 1983, for its outstanding health and safety program attests to the quality of the program. Our acceptance of this award included our request to OSHA that annual reevaluations of our program be made. A biennial reevaluation was required by OSHA. The OSHA reevaluation in 1984 reconfirmed our excellent health and safety program and we are confident that our October, 1985 reevaluation will also point this out.

For the foregoing reasons, American Cyanamid requests that OSHA grant a continuance of the existing temporary variance for our Chicago Plant from the MRP removal level of 50 $\mu\text{g}/100\text{g}$ and the return level of 40 $\mu\text{g}/100\text{g}$. We request specifically a 55/40 $\mu\text{g}/100\text{g}$ MRP trigger level continuance with a provision that 5% rather than 10% of the workforce exhibit blood levels greater than 50 $\mu\text{g}/100\text{g}$ of blood. Pending final decision on this request for modification of our variance, we further request an interim order effective 9/1/85 be granted which stays the 50/40 $\mu\text{g}/100\text{g}$ trigger levels for the Chicago Plant.



C. S. Hellings, Manager
Industrial Hygiene Programs

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To: J. C. Caporossi Date: April 23, 1985
Location: Wayne Copy to: B. Coopersmith NA
From: C. S. Hellings APR 26 1985 H. C. Gaffney MG ✓
Location: Wayne M. Odian NA
Extension: 3028
Subject: OSHA - OCCUPATIONAL EXPOSURE TO LEAD STANDARD - MEDICAL REMOVAL PROTECTION
Reference:

An interim order was granted to our Chicago Plant in lieu of complying with the requirements of the subject standard. This interim order permits employees at the Chicago Plant having blood-lead levels of 50 mcg/100 grams of blood, (mcg) and above, but below 60 mcg to remain "on the job" provided stipulated conditions and requirements of the interim order are met. The interim order has been reviewed by OSHA since the initial grant and the variance was granted on 3/15/85 which extends to 9/1/85. At the Chicago plant we have one operator consistently at or above 50 mcg, but below 60 mcg, and two additional operators that occasionally rise above the 50 mcg level.

The following summarizes the status of complying with the interim order conditions and requirements:

A = Requirement, B = Status

1. A. Blood lead and zinc protoporphyrin tests are to be performed every two months on each employee whose last blood test indicated a blood lead at or above 40 mcg and who is exposed to lead above 30 mcg/M³.
B. This is being done and records maintained at the plant. Blood lead levels and airborne lead exposure levels will be in the CEMIS medical and the CEMIS Industrial Hygiene data bases, respectively, in the near future.
2. A. For employees with blood-lead levels between 50-60 mcg who work in jobs with airborne lead exposures at or above 30 mcg/m³, the employer shall provide:
 - a. A personal consultation with a licensed physician every two months, and
 - b. A comprehensive medical examination by a licensed physician every six months, or sooner as determined by a physician.

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- B. a. Has been done; however, not consistently on a two month basis during 1984. We are on schedule for 1985.
- b. Has been done in 1984 and on track in 1985.
- 3. A. After each personal consultation and comprehensive medical examination as detailed in 2Aa and 2Ab above the physician shall make a written medical determination as to whether the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.
- a. If the employee is determined to have such a condition, the employee shall be removed from work having an exposure to lead at or above 30 mcg/M³; or
- b. If the employee is determined not to have such a condition, the employer shall submit to the Office of Variance Determination a written statement from the physician stating that it is medically appropriate for the employee to continue to work at the employee's present job.
- B. This has been inconsistent with respect to personal consultation with a licensed physician that are on a 2 month basis during 1984; however we are on track in 1985. With respect to the six month physical examination, this was done in 1984. We are on track with this in 1985.
- 4. A. Remove employees with blood lead levels at or above 60 mcg and return only when blood lead level is at or below 40 mcg. Removal shall be to areas where airborne lead is below 30 mcg/M³.
- B. All blood levels are below 60 mcg.
- 5. A. Identify each name and job classification to the OSHA Office of Variance Determination when an employee is placed on medical removal protection as a result of either a blood lead level at or above 60 mcg or by the recommendation of a physician.
- B. No blood levels are at or above 60 mcg and no recommendation for removal has been made by the physician resulting from his physical examination.
- 6. A. Mandatory respirator usage during the entire work shift for employees with blood levels at or above 50 mcg and who work with air-lead levels at or above 30 mg/M³.
- B. This practice is being adhered to by all employees.
- 7. A. For all employees with blood lead levels at or above 50 mcg who need not be removed under the terms of the order, the employer shall make an immediate inspection and evaluation of:

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- a. lead related work practices affecting the employee;
- b. employee's respirator usage;
- c. use and availability of hygiene facilities, and the employee's relevant personal hygiene habits; and,
- d. existing engineering controls to determine whether they are maintained properly to ensure that such controls do not adversely affect the employee's blood-lead.

Based on this inspection and evaluation, the employer shall take all reasonable and appropriate corrective steps in these regards to reduce the employee's absorption of lead. A written report shall be submitted to the Office of Variance Determination within 45 days after grant of the interim order, documenting when and where the evaluation took place, any corrective actions that were necessary, and the name and job classification of the affected employee.

- B. This was complied with and will be performed again and documented by May 1, 1985. The re-inspection, re-evaluation and documentation by May 1, 1985 although not required, is believed prudent, since we were recently evaluated for the temporary variance and received an extension to September 1985.
- 8. A. For the duration of the interim order, the employer shall submit to the Office of Variance Determination blood lead, ZPP, and air-lead data as accumulated every two months for all affected employees.
 - B. Not consistent during 1984; however, on track in 1985.
- 9. A. The employer shall agree to allow OSHA to inspect its premises in connection with this variance application and this interim order.
 - B. We have never been requested specifically by OSHA to inspect our plant in regard to the variance application and this interim order. We have had an OSHA Star Visitation at our plant, at which time questions were posed about blood leads, airborne leads, interim order and plant industrial hygiene program. This visit did not prompt any citations or any recommendations for improvement -- in fact the report of this visit stated that we were doing an excellent job and striving for improvement. We would comply with an OSHA request to inspect in connection with the variance application and interim order.
- 10. A. Give notice to employees of the terms of the interim order granted and the temporary variance (recently granted).
 - B. This has been complied with. The notices have been posted and explained to employees.

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Our temporary variance will expire on September 1, 1985. We do not know whether an extension will be granted or if the 50 mcg blood level rule to remove will be invoked. I plan to keep in contact with Mark Duval of Cleary, Gottlieb, Steen and Hamilton to discuss this matter.

Although we were somewhat inconsistent in meeting several of the interim order's requirements during 1984 (2Aa, 3Aa and 8 above), we were evaluated late in 1984 for the variance and granted the variance on 3/15/85. We are on track now in 1985 and Mr. Gaffney related we will continue in this direction through 1985.


C. S. Hellings

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