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To: SPI Vinyl Institute

Legal Committee
Health, Safety and Environment Committee
EDC OSHA Working Group

Re: Agreement With OSHA on Use of Air-Purifying
Respirators

Ladies and Gentlemen:

Enclosed is a copy of an interim "settlement agreement" between the Occupational Safety and Health Administration (OSHA) and The Society of the Plastics Industry, Inc. (SPI) regarding the use of air-purifying respirators to meet the permissible exposure limit (PEL) for ethylene dichloride (EDC). The agreement provides that OSHA will permit the use of half-mask and full-mask air-purifying respirators under certain conditions to achieve the PEL for EDC in exchange for SPI's agreement to withdraw its Motion for Stay filed with the Court of Appeals on July 31, 1989. As you know, in its final rule, OSHA had established a September 1, 1989 deadline for complying with the new PELs using only engineering controls and modified work practices. The compliance policy agreed to by OSHA means that air-purifying respirators may be used to meet the PEL after September 1, 1989 for certain intermittent operations where engineering controls and changes in work practices are not sufficient. This agreement does not, in any way, affect SPI's Petition for Review of the final rule now pending before the Court.

Paragraph 1 on page 3 of the agreement sets out OSHA's policy for use of air-purifying respirators to reduce EDC exposures. In effect, OSHA has agreed to grant an exception to its policy prohibiting use of air-purifying respirators in situations where the PEL for a substance is below the odor threshold for the substance. Since these respirators are being permitted for use in concentrations below the odor threshold, a

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breakthrough could occur at a concentration in excess of the PEL without providing an adequate warning signal. Therefore, the agreement includes a schedule for regularly changing respirator cartridges.

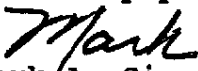
The current schedule provides that cartridges be replaced "at the end of any day in which the cumulative service life of the filter totals one hour or more." Thus, for example, a cartridge used for twenty minutes on one day and thirty minutes the next could still be used a third day for several hours but would be discarded at the end of that day.

While the schedule is very conservative, it is only temporary; it is subject to modification upon submission of test data showing that a schedule of less frequent cartridge replacements is justified. We understand that tests on the service life of cartridges used in various EDC concentrations are being conducted by cartridge manufacturers. Once these tests are completed and an alternative cartridge replacement schedule is developed, we will request that OSHA modify the schedule contained in the settlement agreement.

We also requested a modification of OSHA's policy on the "protective factors" employed when using air-purifying respirators. This policy allows half-mask respirators to be used only in concentrations up to 10 times the PEL and full-mask respirators to be used only in concentrations up to 50 times the PEL. OSHA, however, refused to modify this policy in the context of a settlement agreement. The Agency indicated that it has held firmly to this policy in the past and has been successful in defending challenges to this policy in court. Because the Agency intends to adhere firmly to this policy in other industries, it was unwilling to modify the policy as part of the negotiations in this case. OSHA did express a willingness, however, to give due consideration to a request for a variance from the policy upon submission of evidence demonstrating that a higher protection factor for half-mask respirators was justified.

We trust you will find this information useful. If you should have any questions, or if we can be of assistance in any other way, please give us a call.

Cordially yours,


Mark A. Sievers

Enclosures (2)

cc: Larry Thomas
Robert W. Sherman
Meredith Scheck

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