

TO: Safety Directors

FROM: T. G. Grumbles

DATE: May 16, 1986

Interoffice
Communication

SUBJ: OSHA ENFORCEMENT OF HAZARD COMMUNICATION STANDARD

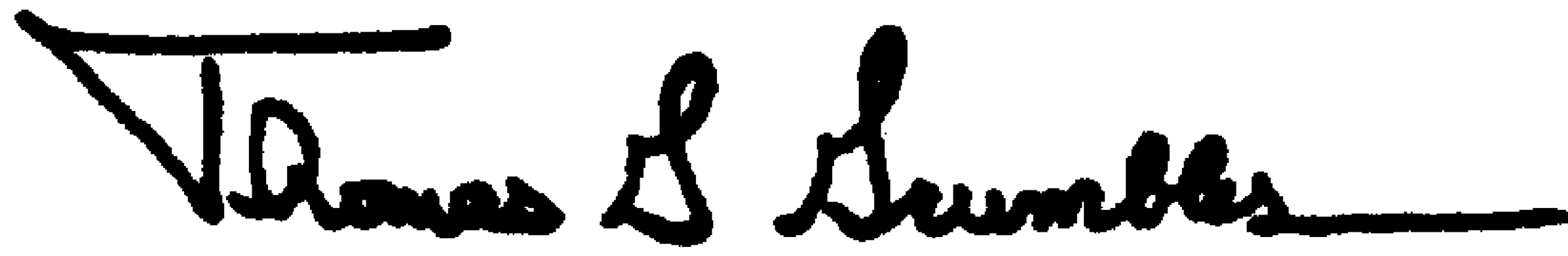
VISTA

Recent enforcement activity at the LCVCM Plant and the chemical industry in general clearly shows that OSHA is enforcing many portions of the Hazard Communication Standard as if it were a specification standard, as opposed to a performance standard. Specifically, many of the MSDS content and hazard determination requirements are being enforced based on OSHA interpretations that certain specific items must be present on the MSDS and in the written hazard determination for company products (i.e., ALFOLS). What does this mean to us?

Enclosed is a citation received at the VCM Plant after OSHA reviewed the hazard determination and MSDSs for plant products. Item 8 of the citation is the one which has potential impact for all locations. OSHA is interpreting the cited paragraph to mean the chemical producer must identify in a positive way on all MSDSs if a chemical is an NTP, IARC, or OSHA carcinogen. OSHA has suggested a "check box" type arrangement as being best to meet this requirement. The affect of this method for hazard communication is debatable but that's how OSHA is interpreting and enforcing the standard.

I am currently considering how to best meet this requirement for Vista product MSDSs. Several companies have contested this specific citation and this OSHA interpretation may not hold in court. If OSHA wins, the MSDSs we are using in-plant would probably have to meet this requirement as well. In anticipation of OSHA's interpretation holding I'll reissue the consolidated carcinogen list with specific source references by each carcinogen. You should be considering how to revise your in-plant MSDS's if necessary. I think Ashby has done it and could share his solution.

A revised hazard determination procedure for Vista products has recently been sent.


Thomas G. Grumbles

ajo/9

Attachment

cc WLM, MMG

VAB.0001088193