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CABLE ADDRESS "KELMAN"
WRITER'S DIRECT DIAL NUMBER

202/457-1116

May 11, 1981

TELETYPE ONLY

Mr. John R. Lawrence
The Society of the Plastics
Industry, Inc.
355 Lexington Avenue
New York, New York 10017

Re: Employee Training Under OSHA Vinyl Chloride
Standard

Dear John:

The purpose of this letter is to inform you of the recent completion of a case involving the employee training provisions of the Occupational Safety and Health Administration (OSHA) vinyl chloride standard. As you may recall, in September, 1978, an OSHA inspector issued a citation to Hooker Chemical Corporation. The citation noted Hooker's alleged failure to provide training on vinyl chloride for employees who worked in the calendering, compounding and warehouse areas.

Hooker contested the citation for its Burlington, New Jersey facility on the basis that employees working in these areas were not required to be trained on the hazards of vinyl chloride. Both Hooker and OSHA's monitoring of vinyl chloride in the calender and compound facilities indicated concentrations significantly below the 0.3 parts per million (ppm) action level.

SPI-08162

cc: Mr. Jerome P. Carroll
 Ms. Stan Lichtenberg
 Mr. Thomas R. McGeehan

Peter L. de la Cruz

P.L.

Cordially yours,

Because the conclusion of this litigation may be of general interest, you may wish to further distribute this letter to the PVC Safety Group. As always, if you have any comments or questions, please feel free to contact me.

While the case has limited precedential value, it does clarify what is a regulated area and when training requirements must be met. In addition, the proceedings indicate that OSHA is unlikely to issue citations in circumstances similar to that which existed at Hooker's Burlington facility.

Because no party sought review by the Commission, and the Commission did not consider the issue one of compelling public interest, it chose not to review the case. Thus, under the Commission's order of March 31, 1981, the Judge's decision remains intact.

Although not requested to do so by any party, a Commissioner on the Occupational Safety and Health Review Commission directed that the case be reviewed. In responding to the review proceedings, OSHA changed its position and filed a letter stating that the Judge's decision should be affirmed. Significantly, OSHA stated that the training requirements were not applicable in this case because Hooker's compounding and calendering operations simply were not processes that could result in hazardous exposure to vinyl chloride.

In May, 1979, the administrative law judge issued a decision that adopted Hooker's position and vacated the OSHA citation. The judge held that the training provisions of the standard do not apply to areas where the vinyl chloride level in the ambient air is below the action level of 0.5 ppm.

Mr. John R. Lawrence
 May 11, 1981
 Page Two

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1. Went to the post box on
Thursday night and found

Dr. J. M. L. J.

5. 10. 1944

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REF ID: A66062

11. The following information is provided for the year ended 31 March 2014:

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U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
WASHINGTON, D.C. 20210



OSHA 10 1375

RECEIVED

DEC 2 1975

APC: OSHA
LAW DEPT.

Mr. Raymond E. Schenck
Attorney
Air Products and Chemicals, Inc.
Five Executive Mall
Swedesford Road
Wayne, Pennsylvania 19087

Dear Mr. Schenck:

This is in response to your letter of June 30, 1975 to Assistant Secretary John E. Stender petitioning for the modification of 29 CFR 1910.1017(b)(6), (formerly 29 CFR 1910.930(b)(6) recodified May 23, 1975), Exposure to Vinyl Chloride, Occupational Safety and Health Standards.

29 CFR 1910.1017(b)(6) defines a fabricated product as being one which is "made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride."

"Release of vinyl chloride" means the release of an amount of vinyl chloride which would likely result in employee exposure at or above the action level without regard to the use of engineering controls. Products which can be classified as fabricated products are exempt from the provisions of the vinyl chloride standard. All other products are subject to the requirements of the standard.

There are no plans presently to formally modify the vinyl chloride standard. Therefore, we hope that the above clarification of the regulation will satisfy your petition request.

Should you have further questions, please contact me or members of my staff.

Sincerely,

Larry White
Associate Assistant Secretary
for Regional Programs

SP1-08166

UNION LABORERS-UNION V ST DISTRICT COURT

ST DISTRICT COURT

CONVICTED (0.5 PM)

STANDARD INDUSTRIAL COMPANY (SIC)

Working may be used:
 The following are the conditions of the contract:
 1. The contract is for a period of 12 months.
 2. The contract is for a period of 12 months.

5. 29 CTS 1910.1017(4), 1910.1017(4), 1910.1017(4)

Therefore, it is not likely that the existing conditions
 will be changed. For those operations covered by the
 contract, the following is a requirement:

When opened after the contract is signed, the
 contract may yield light conditions of light conditions.
 There are also some conditions of light conditions.
 Employees should be aware of the possible consequences.
 Always the opportunity for conditions to occur and en-
 of course in contract with light conditions. There is
 a contract for all personnel who have any possibility
 of being in contract with light conditions to be aware
 of the evidence we have compiled on light conditions and
 the evidence we have compiled on light conditions and

that employees shall be aware of the nature of the
 occupational safety and health act of 1970 provided
 the standard does not specify a level of exposure to
 the standard does not specify a level of exposure to

4. 29 CTS 1910.1017(5) regarding

in future situations where contracting is a requirement.
 Standard in the program is available: evidence and also
 standard for your committee on contracting will be con-
 sidered, there are no plans presently to amend the

We hope that the above clarifications will satisfy your petition for modification and amendment of the vinyl chloride standard. As previously stated, there are no plans presently to formally amend the standard. There will be an addendum or modification of the Program Directive #200-35. Should you wish to discuss any matter further do not hesitate to contact me or members of my staff.

Sincerely,



Barry M. White
Associate Assistant Secretary
for Regional Programs

SP1-08168