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MAR 4 1974

LAH - 3/13
APH - File - Vinyl Chloride

DTB
9-10-74
Memorandum

March 1, 1974

TO: ORC OCCUPATIONAL SAFETY AND HEALTH STANDARDS GROUP
Ad Hoc Task Force VINYL CHLORIDE

From: Wayne T. Brooks, Leo Teplow, Bill Nichols

The enclosure was filed on the time and date which it bears in the upper right hand corner. After our most recent meeting on February 26, and then after conversations which John Whittlesey and I had with Nick Wheeler following Wheeler's meeting with NIOSH people, I came to the conclusion that ORC Occupational Safety and Health Standards Group should prepare and file a written statement.

There are about three main points in this statement. The one compliments NIOSH and OSHA for their efforts to gather information; the second, strengthens the position of the four people from industry; and the third states that a 6(b) procedure should be undertaken and an Emergency Temporary Standard is not warranted and that vinyl chloride has not yet been convicted.

*Since then,
things have
changed!*

OLI 1094

MAY 4 1974



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FILED: *JVO*

DATE: *2/28/74*

TIME: *4:5 pm*

INITIAL: *JVO*

February 28, 1974

Office of Standards

Occupational Safety and Health Administration

Room 203

1726 M Street, N. W.

Washington, D. C. 20210

Attention: Docket OSH-36

Sirs:

In response to Request for Information and Notice of Fact-Finding Hearing, which appeared in Federal Register January 30, 1974 at page 3874, the information contained herein is supplied by the Occupational Safety and Health Standards Group of Organization Resources Counselors. This group is composed of about forty companies in a number of different industries, with employment ranging from medium to large, and has as its purpose improving both the quality of standards and the process by which they are developed.

The January 30 publication requested information on possible hazards associated with the manufacture and/or use of vinyl chloride (chloroethene, Chemical Abstracts Service Registry Number 75014). Preparation of this letter has been withheld to almost the last minutes of the designated period to make possible basing this letter on consideration of all of the information, and the rapidly developing facts and circumstances.

Since the public disclosure on January 22 of the deaths of three workers who had been involved in vinyl chloride operations, the Office of Standards has proceeded expeditiously and with an impressive resolve to base its ultimate judgments on well founded facts. The Federal Register publication of January 30 testifies to such resolve.

OLI 1095

In the February 15, 1974 hearing, and in written statements, individual companies with vinyl chloride operations, Manufacturing Chemists Association, Unions representing workers in these operations and many others - health researchers and scientists - have responded and supplied information in the categories requested in the January 30 publication.

There has been similar effort made by NIOSH to become informed concerning the possible hazards associated with the manufacture and/or use of vinyl chloride. Company representatives, Union representatives and members of Manufacturing Chemists Association attended the NIOSH/CDC Briefing on Vinyl Chloride on February 12, 1974. After the open sessions, at the specific request of National Institute for Occupational Safety and Health, four industry representatives, eminently qualified by academic training, company responsibility and practical experience and whose objectivity and motivation is of the highest order, met with Union representatives and NIOSH representatives, and conducted full and free discussions concerning the possible hazards associated with the manufacture and/or use of vinyl chloride. These industry representatives were:

Dr. Z. G. Bell, Jr.
Industrial Hygiene
PPG Industries

Dr. M. N. Johnson
Medical Director
B. F. Goodrich Company

Dr. W. Mayo Smith
Group Research and Development
Coordinator - Chemical Group
Air Products and Chemicals, Inc.

R. N. Wheeler, Jr.
Assistant Products Manager
Union Carbide Corporation

On February 27, 1974 these representatives from the industry presented to NIOSH and to the Union representatives of employees their suggestions as to an Occupational Safety and Health Standard for the manufacture of synthetic polymer containing vinyl chloride. The suggestions and points of view expressed by the company representatives were the product of their own informed judgment aided and stimulated by the meeting of February 12, consideration of NIOSH Recommended Precautionary Monitoring and Control Procedures for Polymerization Processes Involving Vinyl Chloride, discussions with their fellows in Manufacturing Chemists Association, and information presented at the February 15 hearing.

ACCORDINGLY, A JUDGMENT CAN BE MADE THAT THE SUGGESTIONS AND POINTS OF VIEW EXPRESSED BY THESE COMPANY REPRESENTATIVES ARE ENTITLED TO RELATIVELY HIGH RANK, AND IN THE ABSENCE OF INFORMATION WHICH CAN IMPRESSIVELY CAST DOUBT ON THE SUGGESTIONS AND POINTS OF VIEW THEY ARE ENTITLED TO PREVAIL IN THIS STANDARD MAKING PROCEDURE.

An Occupational Safety and Health Standard expresses: as enforceable law - the technology of the workplace, without subordinating either. This result of Occupational Safety and Health Rulemaking cautions deliberate speed, and wise judgments based on valid facts and reasonable conclusions.

- o It is respectfully submitted that the information available at this time warrants the commencement of a regular rulemaking, under section 6(b) of the Occupational Safety and Health Act with respect of possible hazards associated with the manufacture and/or use of vinyl chloride; but, that the already underway informal - ad hoc rulemaking based on and proceeding from preliminary fact gathering will produce a much higher quality of standard than might result from issuing an Emergency Temporary Standard, which latter procedure is therefore not warranted.

There is at this time, an organized, well planned and directed, ongoing search for, and assembling of, scientific, technological, epidemiological and medical information with respect of Possible Hazards of Vinyl Chloride Manufacture and Use.

In the very useful public briefing in Cleveland on February 12, the Director of National Institutes for Occupational Safety and Health stated that the deaths of four workers of the B. F. Goodrich plant in Louisville cannot be explained by chance alone and that an occupational cause or causes must be presumed.

We agree with the conclusion that these deaths cannot be explained by chance alone; and, because the present state of knowledge does not explain these deaths the research and investigation now under way is imperative.

The compelling reason for avoiding an Emergency Temporary Standard springs from these circumstances. There is only a limited number of people - with limited time - available in NIOSH and OSHA, among company operating managers, physicians, hygienists and toxicologists, and among union representatives and physicians, hygienists and toxicologists who have the qualifications and experience needed to consider and evaluate the Possible Hazards of Vinyl Chloride Manufacture and Use. If rulemaking by issuing an Emergency Temporary Standard should be undertaken, rulemaking becomes the dominant occupation. Time is spent in extensive formalities which have not proven to be useful in the cause of employer safety and health. Such rulemaking procedure has tended to drive persons into firm positions with scant hospitality for tentative judgments or exploratory suggestions. There is an attendant polarization and an adversary gamesmanship which is unproductive tending to bring ill-repute upon the whole process.

These few qualified people should be freed to work directly upon the important and demanding assignments which are awaiting them.

The Request for Information proceeds in two courses, the first is directed toward a vertical industry standard applicable to the possible hazards associated with the manufacture and/or use of vinyl chloride; the second is directed toward the possible hazards associated with exposure to a specific substance - vinyl chloride.

Question (1) of the January 30 Request for Information inquires about "The toxicity of vinyl chloride" and (2) inquires about "The toxicity of other chemicals involved in the manufacture and use of vinyl chloride." As late as the 1973 publication the TLV for Vinyl Chloride has been set at 200 ppm. At about the same time some researchers were stating 50 ppm might be an attainable level in certain operations. But, information is not conclusive that vinyl chloride is alone the toxic agent. As the second question acknowledges, there are other chemicals involved in the manufacture and use of vinyl chloride.

Although it must be presumed that an occupational cause or causes existed for the four Louisville workers' deaths, it is not sufficiently strong or persuasive to single out vinyl chloride to the exclusion of some other cause or causes. We do not mean by this to exculpate vinyl chloride, but rather to assert the same tentative conclusions as Dr. Key did in his remarks in the February 1, 1974 meeting on liver cancer study: "Vinyl chloride is the chief suspect among the more than 50 chemicals used in the plant".

- o That statement must be received as Dr. Key's evaluation of the then state of the evidence implicating vinyl chloride chief among the more than 50 chemicals used in the plant. Comparing this conclusion with the separate conclusions stated as to each of the "carcinogens" in the Standards promulgation in Federal Register of January 29, it is apparent that much more convincing evidence was required to promulgate those Standards than is presently available as to Vinyl Chloride.

With regard to questions 3 and 4 the number of companies, the number of plants and the number of employees as well as the technologies involved are by now well known or readily available. The manufacturing companies have made every effort to produce and make available all relevant information and to cooperate in the inquiries of NIOSH and the Office of Standards.

This letter is not in opposition to rule making with respect of possible hazards associated with the manufacture and/or use of vinyl chloride, nor is it a counsel of delay. We are urging

the reasoned course of expending effort and funds towards an end which based on the available facts indicates with some degree of conviction that hazard will thereby be reduced and the workplace effect on employee health improved.

The quantum of proof in rulemaking is obviously not to be determined by homage to civil or criminal law requirements. Section 6(f) of OSHA/70 states it as "...conclusive if supported by substantial evidence in the record considered as a whole". The stresses of the tragic circumstances do not invalidate the need for some reasonably accurate judgments. Accuracy of judgment has become difficult and the temptation to give the appearance of doing something is compelling.

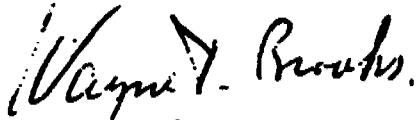
When NIOSH presents a criteria for a recommended standard, it makes an evaluation of the recommendation against the state of knowledge and has expressed the evaluation in these terms:

"Compliance with the standard should prevent adverse effects of occupational exposure to -- [the specifically named substance]. The standard is measurable by techniques that are valid, reproducible and available. Sufficient technology exists to permit compliance with the recommended standard".

The facts and circumstances which prevailed when NIOSH found that statement appropriate, are not present as to Vinyl Chloride.

Respectfully submitted,

ORGANIZATION RESOURCES COUNSELORS, INC.
OCCUPATIONAL SAFETY AND HEALTH STANDARDS GROUP


Wayne T. Brooks
Director Occupational
Safety & Health Services

WTB/cs