



## Interoffice Communication

To Al Sather  
From Tom Grumbles  
Date September 10, 1980  
Subject LEAD STANDARD

Enclosed is a copy of the page of the court decision on the lead standard that makes specific reference to the plastics industry.

As we have discussed, this means the stay is still in effect for us and we must only continue to meet the PEL of 50  $\mu\text{g}/\text{m}^3$  by some combination of engineering, work practice, and respirator controls. Also enclosed is a memo from the legal department affirming our opinion.

A handwritten signature in dark ink, appearing to read "Tom Grumbles", with a long horizontal line extending to the right.

Thomas G. Grumbles

/yp

CCR 000002600



**From** Conoco Inc.  
P. O. Box 2197  
Houston, TX 77001

Dept. LEA01 - VAN

[illegible]

Send white & pink copies with carbons intact, white copy is returned with reply.  
1-51X3, 7-71

CCR 000002601

OSHR  
DLR

BNA

Date Filed: 8-15-80

Date Received: 8-15

---

## United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

---

No. 79-1048

UNITED STEELWORKERS OF AMERICA, AFL-CIO-CLC,  
PETITIONER

v.

F. RAY MARSHALL, Secretary of Labor, United States  
Department of Labor, and Doctor EULA BINGHAM, As-  
sistant Secretary for Occupational Safety and Health,  
United States Department of Labor, RESPONDENTS

CAST METALS FEDERATION, INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLE-  
MENT WORKERS OF AMERICA, UNITED STEELWORKERS  
OF AMERICA, AFL-CIO-CLC *et al.*, SHIPBUILDERS COUN-  
CIL OF AMERICA, OIL, CHEMICAL AND ATOMIC WORKERS  
INTERNATIONAL UNION, AFL-CIO, DIXIE METALS COM-  
PANY, NATIONAL CONSTRUCTORS ASSOCIATION, GENERAL  
MOTORS CORPORATION, BUNKER HILL COMPANY, STAND-  
ARD INDUSTRIES, and SCHUYKILL METALS CORPORATION,  
INTERVENORS

---

Petitions to Review the Occupational Health Standard  
for Lead Promulgated by the Secretary of Labor

---

Argued November 1, 1979

Decided August 15, 1980

---

5. OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard for the following industries: nonferrous foundries; pigment manufacture; shipbuilding; auto manufacture; solder manufacture; wire patenting; pottery; brick manufacture; agricultural pesticides manufacture; leather manufacture; pipe galvanizing; gasoline additives manufacture; linoleum-rubber-plastics manufacture; paint spraying; ammunition manufacture; smelting and refining of zinc, silver, gold, platinum, copper, and aluminum; machining; lead burning; glass manufacture; textile manufacture; book binding; steel alloy manufacture;terne metal manufacture; glass polishing and spinning; cutlery manufacture; diamond processing; plumbing; jewelry manufacture; pearl processing; casting; cable coating; electroplating; explosives manufacture; lamp manufacture; sheet metal manufacture; tin rolling; telecommunications; and independent collecting and processing of scrap lead (excluding collecting and processing that is part of a secondary smelting operation).

We remand the record to the Secretary of Labor for reconsideration, in the light of this opinion, of the feasibility of the standard for the industries listed in the previous paragraph. The Secretary shall return the record on the feasibility of the standard for these industries, with sufficient evidence and fuller explanation, within six months of the issuance of this opinion. In the interim one portion of our March 1, 1979 partial stay of the lead standard shall remain in effect: For those industries listed in the previous paragraph the stay of Section 1910.1025 (e) (1) of the standard, which requires compliance with the PEL by engineering and work practice controls, shall remain in effect. These industries, however, shall be immediately required to meet the PEL of 50 ug/m<sup>3</sup> by some combination of engineering, work practice, and respirator controls.