

PLAINTIFF'S EXHIBIT

BIR-759

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June 30, 1978

TO: OSHA Witnesses
RE: Final Testimony

Gentlemen:

We have now finished reviewing all the statements and have made some minor changes and format revisions to them. The alterations are aimed at conforming the written testimony and accommodating that which has evolved from the Hearings to date. Please review the enclosed copy of your testimony to fill in any blanks or to make any changes which might be necessary.

Our present intention is to limit the direct SPI presentation by submitting the bulk of the testimony (including yours) in writing on July 13, 1978. Accordingly, unless we hear from you to the contrary, we will plan to present your comments for the Record when SPI testifies before the Agency. Please call my secretary, Ms. Dawn Schachte, at 202/457-1175 by July 10, 1978 with any corrections or additions you wish to make to the attached version of your statement.

Cordially yours,

Joseph E. Hadley, Jr.

cc: Mr. Ralph L. Harding, Jr.
Mr. John R. Lawrence

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DRAFT

UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PROPOSAL FOR THE IDENTIFICATION, CLASSIFICATION
AND REGULATION OF TOXIC SUBSTANCES POSING
POTENTIAL OCCUPATIONAL CARCINOGENIC RISK

OSHA DOCKET NO. H-090

PATRICK H. DONAHUE

BIRD & SON, INC.
EAST WALPOLE, MASSACHUSETTS

Ladies and gentlemen, my name is Patrick H. Donahue. I am a chemical engineer with Bird & Son, Inc., East Walpole, Massachusetts, one of the major manufacturers of polyvinyl chloride (PVC) siding in the United States. I am here today to speak on behalf of my company and the members of the Vinyl Siding Products Division of The Society of the Plastics Industry, Inc. (SPI).

Bird & Son, Inc., was established in Dedham, Massachusetts in 1793 as a paper manufacturer. At the beginning of the present century the company expanded its operation to the manufacture of asphalt roofing and related materials. One of the pioneers in its development, Bird & Son, Inc., started to produce PVC siding in 1963 in Norwood, Massachusetts and subsequently in its Chicago, Illinois plant. In 1967 our plastic manufacturing facilities were consolidated at a new plant in Bardstown, Kentucky. Since then we have been a high volume processor of PVC compound by extrusion, injection molding and thermoforming.

Over the past 183 years Bird & Son, Inc., has been vitally concerned with the safety, health and welfare of its employees. We have wholeheartedly supported any regulation which was necessary and reasonable for the protection and safety of our employees. In the absence of regulations Bird & Son has employed some of the best consultants available to assure the safety and health of its workers and has pioneered in the efforts of industry to provide safe and comfortable working conditions.

Bird & Son, Inc. and other polyvinyl chloride siding manufacturers provide a unique building material that can be used to replace painted wood and other weathered siding or as the prime siding for new construction. Vinyl siding is a durable, low-maintenance product made in a variety of colors. It is accepted as a cladding material by the major building codes and by the Federal Housing Authority (FHA). PVC siding allows the average American to maintain his house in an architecturally acceptable and aesthetically pleasing level at a low initial cost and very little, if any, upkeep over at least a 25 year period. The savings involved are substantial because of the low maintenance. It is estimated that as many as 500,000 houses in the United States have now been clad with vinyl siding.

If applied to companies like ours, the implementation of the proposed OSHA standard for potentially carcinogenic materials will result in a significant increase in costs due to the requirements for monitoring, engineering controls, construction, medical surveillance, training, protective clothing and equipment, change rooms, scrap disposal, etc. In the competitive market of today the additional cost must be passed on to the consumer who would be unnecessarily burdened with the increase, or these innovative building materials that require a minimum of upkeep over the years would be priced beyond his reach.

It is difficult to understand the stringency of the proposed standard when dealing with a solid polymer with no known exposure hazard to employees involved in the processing of the material. I feel that there are sufficient experience data available in the vinyl siding industry—based upon earlier OSHA requirements for PVC—²⁰ allow for both product exemptions and action level standards to be used. Before additional costs are ^S~~formed~~_{forced} upon the consumer and the building industry by the implementation of the proposed standard, it is incumbent upon all concerned that the following criteria are met:

1. The standard is necessary to protect worker health.
2. The standard is a reasonable way to achieve a healthy workplace.

The determination of the above should be from an objective point of view by knowledgeable representatives of the government, scientific community, labor, business and public interest groups.

It is respectfully suggested that OSHA adopt a product exemption provision and an action level concept which will allow processors to achieve a safe working environment without unnecessary expenditures that will ultimately place a financial burden on the consumer.

It is also suggested that the American Industrial Health Council's Summary of Recommended Alternatives to OSHA's Generic carcinogen Proposal to be used as a guideline in the development of a reasonable standard.