



A Division of The Society of The Plastics Industry, Inc.

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Sherry M. Carr

June 9, 1989

TO: The VI Legal Committee
The VI Health, Safety & Environment Committee

RE: OSHA SETTLEMENT OFFER ON EDC

Please contact me, Peter de la Cruz or Mark Sievers at Keller and Heckman
NO LATER THAN THURSDAY, JUNE 15TH indicating your views regarding OSHA's
settlement offer.

Thanks for your attention to this matter.

Meredith N. Scheck
Assistant Director

MNS/pmb
enclosure

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TO: The Vinyl Institute

Legal Committee
Health, Safety and Environment Committee
EDC OSHA Working Group

RE: OSHA Settlement Offer on EDC Air Contaminants Rule

Ladies and Gentlemen:

On May 23, 1989, we submitted to the Occupational Safety and Health Administration (OSHA) a Petition for Stay and for Reconsideration of the provisions of OSHA's final air contaminants rule establishing a permissible exposure limit (PEL) of 1 ppm for ethylene dichloride (EDC). Yesterday, Charles Gordon, an attorney in the Solicitor's Office of the Department of Labor, called in response to the issues that we raised in our petition and to propose terms for the settlement of our court action.

Mr. Gordon acknowledged our strong disagreement with OSHA's interpretation of the scientific evidence on the health effects of EDC. But, the Agency is unwilling to voluntarily commit additional Agency resources to further review and reevaluate its conclusions on that issue. While not willing to reopen the issue of health effects, OSHA is willing to reconsider the feasibility of complying with the 1 ppm PEL for EDC. The Agency has offered to provide a letter stating OSHA's position that the use of half-facemask air purifying respirators are appropriate and adequate for purposes of complying with the EDC PEL. OSHA would not impose any time limitation on the use of these respirators to comply with the PEL for EDC. In return for this letter, SPI and the Vinyl Institute would withdraw the Petition for Reconsideration with

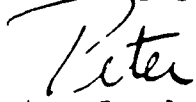
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the Agency and would not seek review on EDC before the Eleventh Circuit Court of Appeals where an SPI Petition for Review is pending.

We believe that a statement from OSHA explicitly authorizing the use of half-facemask respirators as a means of complying with the PEL for EDC would go a long way towards addressing many of the compliance issues raised by Vinyl Institute members. We recommend, therefore, that OSHA's settlement offer be accepted. The purpose of this letter is to invite your views and comments on OSHA's proposed agreement and to reach a consensus on whether to accept OSHA's offer. We ask that you contact Mark Sievers or me by Thursday, June 15, 1989 so that we can respond promptly to OSHA's offer. We will assume that an absence of response signifies a willingness to agree to this settlement offer.

We look forward to hearing your views on this matter. Of course, if you should have any immediate questions, please give us a call.

Cordially yours,


Peter L. de la Cruz

cc: Larry Thomas
Robert W. Sherman
Meredith M. Scheck

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