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VC
TO: All Members of:

J. D. BURNS

SPI Food, Drug and Cosmetic
Packaging Materials Committee;
General Polyvinyl Chloride Interest
Mailing List;
Ad Hoc Liquor Bottle Committee;
Plastic Pipe Institute
(Executive Board);
Plastic Bottle Division
(Voting Representatives);
SPI Executive Committee;
SPI Public Affairs Committee;
VC and PVC Producers Committee

Ladies and Gentlemen:

Late Friday afternoon we received the unhappy word that a Decision was filed in the United States Court of Appeals for the Second Circuit unanimously denying the industry's Petitions for Review of the Occupational Safety and Health Administration's (OSHA) Standard for Occupational Exposure to Vinyl Chloride. Under the terms of the Court's opinion, 60 days "lead time" will be allowed before the Standard, as originally written, will become effective. This delayed effective date also applies to the respiratory protection requirements of 29 C.F.R. §1910.93g(g)(1) which allows employees an option during the first year as to whether a respirator is actually worn at concentrations of less than 25 ppm.

The Decision, dated January 31, 1975, was written by Mr. Justice Clark. Official copies of the Court's opinion will be sent to you as soon as they become available.

The options now available to industry, should it desire to continue its legal challenge of the Standard, are to Petition the United States Court of Appeals

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Pending our having had much more of an opportunity to consult with other counsel and the leadership of the industry, we shall make no further comment at this time regarding our views about the advisability of pursuing the case in any specific way. We will keep you posted on further developments, as usual, and will send you reproductions of the Court's Slip Opinion, probably tomorrow.

Cordially yours,

Norman W. Wickman

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