U.S. Department of Lab r

Occupational Safety and Health Administration
Washington, D.C. 20210

Reply to the Attention of:

MAR 15 1995

received
3/17/95

Hasmukh C. Shah, Ph.D.
Manager, Vinyl Chloride Panel
Chemical Manufacturers Association
2501 M Street, N.W.
Washington, D.C. 20037

Dear Dr. Shah:

This is in response to your letter of July 26, 1994, requesting clarification of the Application of the Vinyl Chloride Standard (29 CFR 1910. 1017) and the Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120; HAZWOPER). Please accept my apology for the delay in this reply.

You have questioned the practicality of complying with 1910.1017(g)(5)(i) which reads as follows:

> "Entry into unknown concentrations or concentrations greater than 36,000 ppm (lower explosive limit) may be made only for the purposes of life rescue;"

You have expressed your understanding that the more updated emergency response provisions of 1910.120(q) do not apply since HAZWOPER states in 1910.120(a)(2) that where there is a conflict or overlap between standards the provision more protective of employee health and safety applies.

We do not agree with your understanding. HAZWOPER allows entry into unknown atmospheres or into concentrations greater than the lower explosive limit for emergency response purposes. However, as you point out in your letter, failure to respond to leaks of vinyl chloride could itself lead to catastrophic failures or explosions that could be life threatening. Thus, we interpret the HAZWOPER provisions to be more protective to worker safety and health. We will be notifying our enforcement offices to enforce HAZWOPER section (q) instead of 1910.1017(g)(5)(i).

We hope this information is helpful. Thank you for bringing this matter to our attention.

Sincerely,
Richard Fairfax

for Ruth McCully, Director
Office of Health Compliance Assistance

CMA 111818