

U.S. DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
CASE NO. 74-2071

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

OIL, CHEMICAL AND ATOMIC WORKERS)
INTERNATIONAL UNION,)

Petitioner,)

v.)

PETER J. BRENNAN, SECRETARY,)
UNITED STATES DEPARTMENT OF)
LABOR, and JOHN H. STENDER,)
ASSISTANT SECRETARY OF LABOR)
FOR OCCUPATIONAL SAFETY AND)
HEALTH,)

Respondents.)

No. 74-2071

MOTION OF THE SOCIETY OF THE PLASTICS
INDUSTRY, INC. FOR LEAVE TO INTERVENE

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, The Society of the Plastics Industry, Inc. hereby moves the Court for leave to intervene in the above-captioned proceeding which relates to a Petition for Review of the recently promulgated Occupational Exposure Standard for Vinyl Chloride (29 C.F.R. §1910.93q; 39 Fed. Reg. 35890, et seq., October 4, 1974).

In support of its Motion, The Society of the Plastics Industry, Inc. (SPI) states that it is a Corporation organized under the Not-for-Profit Corporation Law of the State of New York. It is composed of approximately 1400 member companies

- 2 -

and individuals who supply raw materials; process or manufacture plastics or plastics products; engineer or construct molds or similar accessory equipment for the plastics industry; and engage in the manufacture of machinery to make plastics products or materials of all types. SPI is the major national trade association of the plastics industry; its membership is responsible for an estimated 75% of the total dollar volume of sales of plastics in this country.

It is the interests of the Society's Vinyl Chloride Monomer and Polyvinyl Chloride Resin Producers Committee in the Occupational and Safety Health Administration's (OSHA) Occupational Exposure Standard for Vinyl Chloride which SPI hereby seeks to represent. The Society through its officers, various members and counsel participated extensively in OSHA's rulemaking proceedings and presented comprehensive testimony relative to the proposed Permanent Standard concerning vinyl chloride during the Agency Hearings conducted in June and July, 1974. At those Hearings, the Society pointed out that its membership includes 22 companies which account for over 99% of domestic vinyl chloride and polyvinyl chloride capacity. Additionally, at least 600 of SPI's processor members are active in converting PVC resins into component or end products. The Society's concern with PVC thus begins with the manufacture of vinyl chloride monomer

- 3 -

and carries forward through its polymerization into PVC, the various conversion processes all the way to its multitude of end uses, and ultimately to its disposal.

Additionally, the Society filed its own Petition for Review of this Standard on October 1, 1974 before the United States Court of Appeals for the Second Circuit, participated in oral argument in that case on December 13, 1974 and, along with other parties to that case, was granted a Stay of the OSHA Standard pending the decision of the Second Circuit. At the time of the filing of this Motion, that Stay remains in effect, the United States Court of Appeals for the Second Circuit not yet having handed down its decision on the merits. A copy of that Court's Stay Order is attached.

In essence, this Motion has been filed so that the interests of the Society's members will be fully represented before this Court in the event that the Oil, Chemical and Atomic Workers Union International's Petition for Review is not transferred for consolidation with the Second Circuit cases.

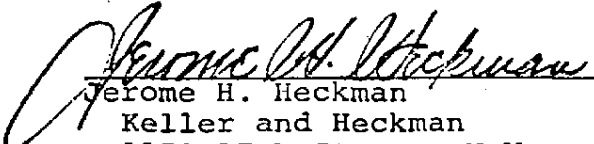
WHEREFORE IT IS RESPECTFULLY REQUESTED that, for the foregoing reasons, the instant Motion to Intervene

WHD 00020006595

- 4 -

filed by The Society of the Plastics Industry, Inc., be
granted.

Respectfully submitted,


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January 2, 1975