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9/8/87

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Executive Director

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August 31, 1987

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SEP 09 1987

C. E. DRUGGE

Mr. Mark A. Gruenwald, C.I.H.
Manager - Product Safety & Technical Services
Borden Inc.
960 Kings Mill Parkway
Columbus, Ohio 43229

Re: OSHA Labeling

Dear Mark:

Thank you for having sent me a copy of your letter to Peter de la Cruz dated August 3rd. Our meeting on August 24th with Frank White and his associates at OSHA was useful and I am hopeful that it ultimately will lead to a resolution and clarification of both labeling on PVC under the Vinyl Chloride Standard, and a determination that the Hazard Communication Standard does not apply to PVC.

The OSHA letter that you received concerning target organ effect labeling for PVC was raised during the meeting as one of the items needing clarification.

I attach for your information a copy of a file memorandum that I have written on this meeting which will give you an overview of the subjects we discussed and the outcome of this meeting. Separately, Peter de la Cruz will be in touch with the Borden representative on the Health, Safety & Environment Committee to obtain any industrial hygiene or monitoring information that you have regarding emissions of vinyl chloride from PVC in fabrication operations.

If you have any questions on this, or if I can be of further help, please let me know.

Sincerely yours,

Roy T. Gottesman

RTG/pmb

cc: P. de la Cruz



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Roy T. Gottesman
Executive Director

August 31, 1987

Memorandum To File

Re: Meeting With OSHA Concerning Labeling of Vinyl Chloride Polymers and Copolymers - August 24, 1987

This file memorandum will record the principle items discussed during a meeting held at the U.S. Department of Labor, Occupational Safety & Health Administration on August 24th. Participating in the meeting for OSHA were Frank A. White, Deputy Assistant Secretary, Tom Shepich, newly-named Director of Compliance Programs, and David Smith, Shepich's Deputy. Participating for the Vinyl Institute were Thomas G. Grumbles of Vista Chemical, and Peter de la Cruz of Keller and Heckman.

Discussion related to the following:

1. Labeling of Vinyl Chloride Polymers and Copolymers - In a May 12th letter to Peter de la Cruz, Frank White had indicated that labeling as per the definition in the OSHA Vinyl Chloride Standard (29 CFR 1910.1017) was required for vinyl chloride polymers and copolymers that had never been mass-melted or had only undergone mass-melting as in pellet production. He noted that additional labeling per the OSHA Hazard Communication Standard (29 CFR 1910.1200) did not apply to such products.

We explored the possibility of an amendment to the Standard that would not require labeling of PVC as regards to a cancer-suspect agent, based on the Ethylene Oxide Standard. A trial balloon was floated in which a new provision would be added to the Vinyl Chloride Standard based on the Ethylene Oxide Standard in which the following section would be added:

"This section does not apply to the processing, use, or handling of vinyl chloride polymer or copolymer products where objective data are reasonably relied upon that demonstrate that vinyl chloride polymer or copolymer is not capable of releasing vinyl chloride in airborne concentrations at or above the action level, under the expected conditions of processing, use or handling that would cause the greatest possible release."

Memorandum To File

Re: Meeting With OSHA - 8/24/87

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Mr. White indicated that while such an amendment might be worthwhile considering, based on the current backlog at the Agency and higher priority items, it was unlikely that such an amendment could be expected in a timeframe of less than 3-4 years.

2. Material Safety Data Sheets - The application of 29 CFR 1910.1200, the OSHA Hazard Communication Standard to material safety data sheets was also discussed. It was pointed out even prior to the adoption of this OSHA Standard, most PVC producers were already supplying material safety data sheets (MSDS) on a voluntary basis. We pointed out that significant reductions in vinyl chloride monomer in PVC that have been made since the adoption of the OSHA Standard. Because of recent information from IARC that there is insufficient evidence to classify PVC as either an animal or human carcinogen and applying the criteria for whether a substance must be treated under the Hazard Communication Standard, we have concluded that PVC is not a hazardous material, and that the Hazard Communication Standard does not apply. Not only does the IARC information support this position, but it was indicated that sufficient monitoring information exists to show that the levels of vinyl chloride emitted from PVC during processing are considerably below the action level.

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Mr. Grumbles discussed in detail a recent citation of one of Vista's customers, Greenwood Industries in Greenwood, Arkansas and a recent citation of Borden, both apparently due to field misinterpretations of the requirements under the Hazard Communication Standard. Because we feel that these citations are in error, the writer asked whether the Agency would consider issuing a directive to its field offices to the effect that a moratorium was being declared on any further citations until OSHA Headquarters clarified this issue. While Mr. White agreed that the issue was complex, he would not agree to a moratorium. It was agreed however, that the Vinyl Institute, through its member companies, would compile monitoring and industrial hygiene information that would serve to indicate that processors, i.e., downstream users of polyvinyl chloride resin are not subject to any significant exposure of vinyl chloride, and such information will be provided to OSHA in support of our position that the Hazard Communication Standard does not apply. If OSHA agrees with this position, they will issue an administrative letter to their field offices clarifying this situation.

Roy J. Gettesman

RTG/pmb

cc: P. de la Cruz
T. Grumbles

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