

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
WASHINGTON, D.C. 20210



OCT 1 1975

N. E. Seyler, Plant Manager
Universal PVC Resins, Inc.
786 Hardy Road
Painesville, Ohio 44077

Dear Mr. Seyler:

This is in response to your June 30, 1975 letter to Mr. Kenneth Bowman, Area Director of the Cleveland, Ohio Office of the Occupational Safety and Health Administration (OSHA) concerning OSHA's recently promulgated standard, 29 CFR 1910.1017, regulating employee exposure to vinyl chloride.

The answer to your first question is that it is not mandatory that an employee take the tests set forth in the standard. An employer must provide to each employee, who is exposed to vinyl chloride in excess of the action level, the opportunity to take these tests and examinations. The employer must make it convenient for such employees to take the tests, must actively encourage employees to take the tests and must warn employees of the dangers inherent in refusing to take them. The instances in which employees will refuse to take the tests should be very rare. If abnormalities are found in the initial examination the employer has an obligation to provide the opportunity for follow-up examinations if necessary to diagnosis the employee's condition or to determine whether further exposure to vinyl chloride would be detrimental to his health. Note that Appendix A of the standard provides that follow-up exams be administered as soon as practicable, preferably within 3 or 4 weeks of the initial exam.

The answer to your second question is contained in answer to Question #1.

As regards your third question, an emergency situation under the standard is one in which an employee is exposed to massive release of vinyl chloride, not necessarily exposure to concentrations of 100 ppm or greater. The medical surveillance offered to employees exposed to emergency conditions will be left to the discretion of the employer's physician. We will not cite employers for violation of the standard if their physician makes a professional judgment that no examination is warranted.

In answer to question 4, the employer need only provide the opportunity for examination as set forth in answers #1 and #3.

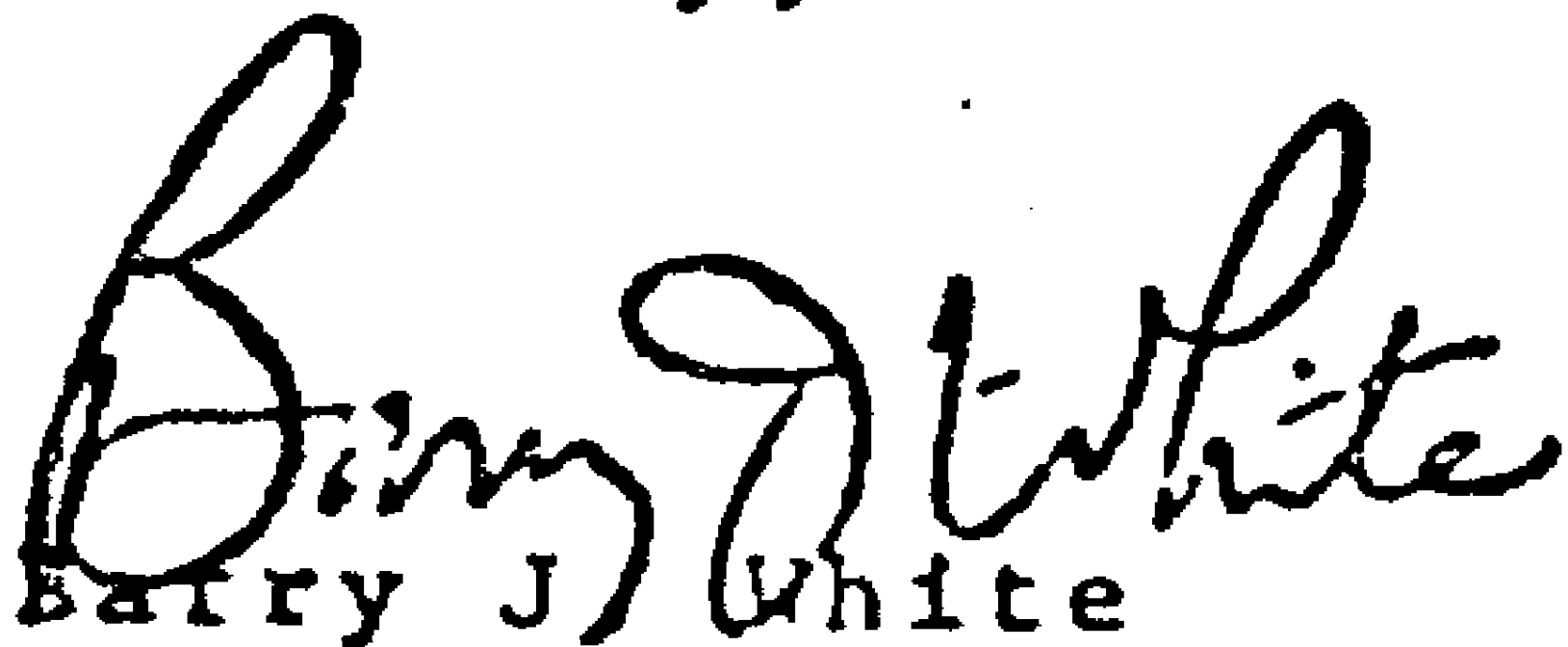
Question 5: An emergency situation is one in which employees are exposed to a massive dose of vinyl chloride. In the absence of exposure, a release of vinyl chloride need not be reported to OSHA. The employer, must, however, assure that employees do not enter the area in which the emergency occurred until the emergency has abated.

Question 6: If an employee refuses medical examination, no suitability statement need be issued.

Question 7: It is an employer's responsibility to retain the services of a physician who is willing to issue statements of suitability. Questions relating to possible civil liability should be referred to your private counsel,

I trust that this is the information you desire and I hope it will be helpful to you.

Sincerely,



Barry J. White
Associate Assistant Secretary
for Regional Programs