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Date 23 March 1976

To DEPARTMENT HEADS AND
SUPERINTENDENTS Subject APPLICATION FOR OSHA VARIANCE

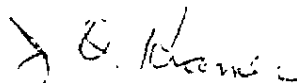
From J. D. Kramer VINYL CHLORIDE STANDARD

☐ Take Action	☐ For Your Approval	☐ For Your Info	☐ Discuss With Me
☐ For Your Comments	☐ As Requested	☐ File	☐ Note & Return

Attached is a copy of a letter from me to employees required to work in the PVC regulated area and a copy of a requested variance to allow the optional use of respirators below 10 ppm (as opposed to the 25 ppm in effect until 1 April 1976) until 1 January 1977. You should read this material and become familiar with the logic behind the request.

We have sent copies to the Union Committee members asking that they support our request. Copies will also be posted on the plant bulletin boards. I would like each of you who have people required to work in the regulated area (polymer building and pilot plant) to secure enough copies from Scottie Lynn to distribute a copy to all employees required to work in the regulated area. The subject should also be discussed in Safety Meetings to be sure everyone is informed.

If you have questions, we can discuss the matter at the regular Thursday Staff Meeting.


J. D. KRAMER

JDK:s1

TO: G. H. Edwards
J. R. Gough
T. W. Herbig
T. R. Low
K. R. Lucas
R. E. Luken
M. T. McHale
F. L. Riddle
J. R. Russell
R. H. Seeling
W. F. Smith
E. J. Steck
M. H. Stermon
G. F. Tillson
C. W. Welch

AP00040164



Air Products and Chemicals
INC.

CHEMICALS GROUP
MANUFACTURING DIVISION

Calvert City Plant
P. O. Box 97
Calvert City, Ky. 42029

J. D. Kramer, Plant Manager
Tel: (502) 395-4181

23 March 1976

TO: ALL EMPLOYEES REQUIRED TO WORK IN PVC REGULATED AREA

The attached form is a copy of an application for Temporary Variance and Interim Order submitted by Air Products and Chemicals, Inc. to OSHA. We have applied for a Temporary Variance from 29 CFR 1910.1017(g)(1) which, after 1 April 1976, requires the mandatory use of respirators when the concentration of vinyl chloride exceeds 1 ppm 8 hour TWA or 5 ppm 15 minute TWA. We have requested that the optional use of respirators be continued until 1 January 1977 when the concentrations are less than 10 ppm 15 minute TWA.

If you object to this Temporary Variance and Interim Order, you have the right under 29 CFR 1910.15 to request a hearing with the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor. This request must be filed in writing.

J. D. Kramer

J. D. KRAMER
Plant Manager

JDK:s1

AP00040165



Air Products and Chemicals
INC

CHEMICALS GROUP

Five Executive Mall, Swedesford Road, Wayne, Pa. 19087

12 March 1976

Honorable Morton Corn
Assistant Secretary of Labor
Occupational Safety and Health Administration
200 Constitution Ave. N.W.
Washington D.C. 20210

Re: Application for Temporary Variance
and Interim Order Pursuant to
Section 6(b)(6)(a) of the Occupational
Safety and Health Act of 1970

Dear Mr. Corn:

1. Air Products and Chemicals, Inc. ("Air Products"), a Delaware corporation with an office at 5 Executive Mall, Wayne, Pa. 19087 hereby applies for a Temporary Variance and Interim Order pursuant to Section 6(b)(6)(A) of the Act.

2. The addresses of the places of employment affected by this application are:

Air Products and Chemicals, Inc.
Polyvinyl Chloride Plant
U.S. Hwy. 95
Calvert City, Ky. 42029

and

Air Products and Chemicals, Inc.
Polyvinyl Chloride Plant
U.S. Hwy. 90
Pace, Florida 32570

and

Air Products and Chemicals, Inc.
High Pressure Research Laboratory
1 Possumtown Road
Piscataway, N.J. 08854

3. The portion of the standard from which Air Products seeks a Temporary Variance is 29 CFR 1910.1017(g)(1)

AP00040166

Honorable Morton Corn
12 March 1976
Page 2

which, after April 1, 1976, requires the mandatory use of respirators by employees exposed to vinyl chloride in excess of the permissible levels of 1 ppm 8 hour TWA and 5 ppm 15 minute TWA.

Air Products specifically requests a Temporary Variance and an Interim Order pending a decision on the application for Temporary Variance in order to permit until January 1, 1977 the optional use of respirators by employees exposed to levels of vinyl chloride less than 10 ppm 15 minute TWA.

4. Air Products is unable to comply with 29 CFR 1910.1017 (c) (1) and (2) and 29 CFR 1910.1017(g) (1) for the following reasons:

A) Lack of Suitable Respiratory Equipment

The expectation of OSHA that suitable respiratory equipment would be approved by NIOSH has not been fulfilled. There is no light, completely portable device that has full approval. Therefore, our only alternatives are the air-supplied systems with their concomitant hazards of trailing air hoses and restricted communications, or full-face cannister devices that are very short-lived and present more difficulties for breathing during heavy work. The currently available cannister devices are highly restrictive to vision, and are totally unsuitable for long-term use in southern climates, resulting in fogged facepieces, difficulties for men who wear prescription glasses, and irritation on the sensitive face and neck areas. We understand that NIOSH currently is testing a very promising device suitable for application in the low concentrations prevailing in our plants, and we request that this variance be granted while awaiting the outcome of this test program.

B) Inability to Complete Our Engineering Program

Air Products has been diligent in its efforts to reduce worker exposure by every means possible, including extensive renovation of the operating plants. However, it has not been possible to complete by April 1st two of the major projects which will provide substantial reduction of exposures. The Escambia Plant, near Pensacola, Florida, is being completely rebuilt so that it will be a computer-controller, remotely-operated plant with as low an exposure as modern technology can

AP00040167

Honorable Morton Corn
12 March 1976
Page 3

provide. Funds were authorized for this project in late 1974, after several months of engineering and design, and work has proceeded steadily since that time, but it will not be possible to have the plant operable before the end of 1976.

Similarly, at Calvert City, Kentucky, a major renovation of the monomer recovery system is underway which includes replacement of all major equipment and its relocation outside the polymer building. It was stated in the testimony of Air Products at the OSHA hearing in June 1974 that this project was underway, but delays in delivery of equipment and in installation have pushed back the completion date to the early winter of 1976.

We therefore request that this variance be granted until these improvements can be completed.

C) The Effect of Other Regulatory Action

It became evident during the period that Air Products was attempting to comply with the OSHA standard that the Environmental Protection Agency would soon propose a standard on vinyl chloride emissions. It was therefore necessary to review each portion of our compliance program to assure that it would be compatible with the anticipated new regulations. This has delayed, and in some cases prevented, installation of abatement equipment until the full impact of the EPA regulations could be assessed. The final standard is expected to be promulgated in June 1976. We request that this temporary variance be granted so that we may evaluate the new regulations and be certain that our actions are compatible with the requirements of both agencies.

5. Air Products has been diligent in training employees in the use of respirators, but the approximate 45 % rate of turnover in our two PVC plants has substantially lessened the one year training and adjustment period contemplated by OSHA in the preamble to the standard (40 FR 36894).

Our area monitoring results show that for the past few months the polymerization areas have averaged about 2 ppm. The 8-hour personal monitoring results, without regard to the use of respirators, show that about 75% of the employees are exposed to less than 1 ppm in the normal performance of their

AP00040168

Honorable Morton Corn
12 March 1976
Page 4

duties. However, because of the ever present possibility of excursions, we are yet unable to assure our employees that they will not be exposed to greater than 1 ppm without a requirement that they wear respiratory protection whenever they are in the work area. It is to prevent their being subjected to the added hazard of wearing cumbersome respirators unnecessarily that we request this variance. Naturally, we will continue to supply respiratory protection to those employees who request it, and will continue to comply with the quarterly notice provisions on the health hazards of vinyl chloride and the purpose, proper use, and limitations of respiratory devices for those employees who elect not to wear respirators when exposed to vinyl chloride at concentrations less than 10 ppm 15 minute TWA. We will also continue to require the use of respirators in hazardous situations.

6. We expect to be able to comply with 29 CFR 1910.1017(g) (1) by January 1, 1977. We hope that the NIOSH test program will have been completed by then, and that a light, completely portable respiratory device will be approved and available. We also expect to complete our engineering programs by that date. Moreover, the EPA emission standard for vinyl chloride will have been finally promulgated, and we will have had a chance to coordinate our compliance with both EPA and OSHA standards.

7.(i) As noted in the discussion at 4A above, a light, completely portable respiratory device suitable for use in low level vinyl chloride concentrations has not yet been approved by NIOSH. As noted at 4B our engineering programs will not be completed until January 1, 1977.

(ii) Additional data, both from human experience and animal studies, have become available since the OSHA hearings in mid-1974. Maltoni has progressed in his inhalation and ingestion studies enough to confirm that 50 ppm exposure is near-borderline for chronic effects in animals, and sufficient epidemiological data are now available to determine that rats are more sensitive than humans. Dow has made available animal metabolic studies that demonstrate a dual metabolic pathway, the one for the lower concentrations being adequate to handle vinyl chloride without producing

AP00040169

Honorable Morton Corn
12 March 1976
Page 5

carcinogenic metabolites. The Tabershaw-Cooper study has been expanded to include many more long-exposure employees and to provide better follow-up of the original cohort. Additional studies at polymerization plants and for fabricator employees have shown no harm to these workers at relatively high exposures in the past. These and many other studies completed or underway offer convincing evidence that exposures of 10 ppm and lower are not harmful to humans. We, therefore, request that this temporary variance be granted.

8. Not applicable.

9. Air Products and Chemicals, Inc. certifies that the employees affected by this request for Temporary Variance and an Interim Order have been notified thereof by:

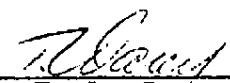
Delivering a copy to the authorized employee representative where applicable;

Posting copies on employee bulletin boards; and

Delivering a copy of this request, and the attached notice to each affected employee, with discussion of it at weekly safety meetings.

Very truly yours,

Air Products and Chemicals, Inc.

By 
T. L. Carey
Vice President - Manufacturing

TLC*swc

AP00040170