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RESEARCH & DEVELOPMENT

M I N U T E S R. N. WHEELER, JR. FEB 17 1975

PVC/VCM AD HOC STUDY GROUP
SPI COMMITTEE ON DISTRIBUTION

W. M. SMITH

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Thursday, January 23, 1975
9:30 a.m. - 4:00 p.m.

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Conference Room
Keller & Heckman
Washington, D.C.

Committee Members:

Tom H. Smith, Chairman
Edward Bell
D. V. Bierwert

(Substituting for Edwin F. Celette)

Roy C. Danziger
Gerry A. LaPointe

(Substituting for Sal Cincotta)

Richard L. Way
Martin Bercovici

B. F. Goodrich Chemical Company
Union Carbide Corporation
Monsanto Company

Air Products & Chemicals Inc.
Tenneco Chemicals, Inc.

Shell Chemical Company
Keller & Heckman

Guests:

Grant Arnold
George Coffenberg
Edwin A. Olsen

Ethyl Corporation
Stauffer Chemical Company
Compressed Gas Association

Opening

Chairman Tom Smith opened the meeting at 9:30 a.m. He expressed that the meeting had been called to undertake contingency plans with respect to the OSHA Standard for Exposure to Vinyl Chloride currently under Court review. Following the November 21st meeting of the full committee of PVC and VCM producers, there had been an expression of interest in developing for transportation purposes a uniform approach to the labeling required under the standard and, to this end, further defining requisite labels. This meeting of the Working Committee would explore those suggestions and make further recommendations to the full Committee at a later date as dictated by the outcome of the pending Court case.

Martin Bercovici of the SPI's legal staff was asked for his comments. He stated that it is impossible to predict when the Second Circuit Court of Appeals in New York will issue its decision. He stated that the industry has requested, in the event of an adverse decision, that ninety days be allowed for implementation of the Standard and that it was not unreasonable to expect that the Court would allow

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a reasonable period of time for compliance.

A Uniform Approach for Marking and Labeling

The Working Committee then addressed itself to the major reason for the meeting. The benefits of the uniform approach were listed as follows:

1. Uniformity of approach by all producers and shippers will facilitate compliance with the Standard with respect to the marking or labeling of transportation equipment.
2. Uniformity will enable OSHA inspectors to impartially judge compliance and effect uniform enforcement of the standards.
3. Transportation companies and carrier employees will become accustomed to seeing the prescribed warnings in the identical form and in identical locations regardless of the company making shipment. The carriers are accustomed to standardization in hazardous materials regulations and such uniform approach would be welcomed.
4. No unnecessary or unwarranted statements, markings or placardings would appear on transportation equipment or shipping papers to cause confusion to involved personnel.
5. Uniformity would be more effective in warning the employees of industry, who are intended beneficiaries of the warning.

The OSHA standards are directed to three main groups of employees. The employees of the VCM manufacturers, the PVC manufacturers, and the employees of fabricators. The marking or labeling of transportation equipment required by the OSHA standard is directed to the warning of the aforementioned employees. It is also directed to the employees of carriers who may be involved in loading or unloading of VCM or PVC where the carrier employees are involved in such operations and, therefore, should be alerted as directed by the standards.

Recommended Labels

VCM

The Working Committee considered the options of marking tank cars with the required warning (1) on the DOT "DANGEROUS" placard, (2) at or near the manway housing, or (3) both on the placard and at or near the manway housing.

After reviewing a number of inputs, including legal opinions, the thoughts of the Compressed Gas Association and the viewpoints of the Working Committee members, it was agreed that the Committee would recommend addition of the legend "CANCER-SUSPECT AGENT" to the DOT placard, in 1/2 inch letters inserted under the vinyl chloride identification.

The underlying rationale for this decision is, as follows:

1. Several producers and the CGA have held discussions with DOT and OSHA, and DOT strongly favors this approach. Additionally, in the text of the OSHA report adopting the standard for exposure to vinyl chloride, and at the second full paragraph of page 35895 of the October 4, 1974 Federal Register, OSHA states that since the DOT placard already warns of the fire hazard, "only a statement concerning the carcinogenic hazard need be added to the Department of Transportation labels."
2. The alternate wording "EXTREMELY FLAMMABLE GAS UNDER PRESSURE" introduces new nomenclature for describing vinyl chloride which is different from the DOT nomenclature and therefore potentially confusing to persons in the transportation field.
3. The placard serves to give notice of hazard information to all persons handling the tank car. Further, specific notice at or near the manway protective housing for workers loading or unloading VCM tank cars should not be required in that such workers will be trained to handle vinyl chloride and further since the loading and unloading facilities will be subject to regulation pursuant to the standard.
4. Utilizing the placard approach will convey all relevant

hazard information warning at a single place on the tank car.

The recommendation for labeling of VCM tank trucks was left for further development. The Working Committee did not wish to make a recommendation with respect to tank trucks without the benefit of the advice of the limited number of parties affected.

Labeling of barge shipments of vinyl chloride will similarly be left to the development of appropriate guidelines by the limited number of shippers involved. It should be noted, however, that the Coast Guard is in the process of promulgating regulations which may preempt OSHA's jurisdiction.

Cylinders of vinyl chloride should be marked with the appropriate label using lettering of a size to be determined by the shipper.

Bulk Polyvinyl Chloride Products

It is recommended that hopper cars, latex cars and latex truck trailers are to be labeled, stenciled or tagged on or in the vicinity of all hatches and all outlets, in 3/8 inch lettering which contrasts in color to the background. Bulk truck trailers should be labeled in 3/8 inch lettering at or near the outlets.

The foregoing labeling with respect to bulk PVC products is intended to warn of the potential risks from exposure to trapped monomer which may escape from open hatches or outlets during unloading. Since bulk trailers are unloaded under pressure without need for opening the hatch, the Working Committee believes that a risk of exposure to monomer vapor is presented only at the outlets and accordingly that only the outlets should be labeled. Inasmuch as the label is required for "containers" of PVC, the labeling is not intended for the benefit of loading personnel who, in any event, must be trained for that function.

With respect to packaged PVC products, after considerable discussion the Working Committee recommends that bags should be stenciled or printed on the sides or ends in 1/4 inch lettering, contrasting to the background. Such lettering would be visible to workers handling both indi-

vidual bags and those observing the bags in a palletized unit. Bulk boxes should be labeled on front and back in 1/4 inch lettering, and drums should be labeled on the front in 1/4 inch lettering. The Working Committee concluded that such labeling will give appropriate notice to personnel handling such containers and that the lettering is appropriate in relation to the size of the container and in relation to the size of warning labels required pursuant to the hazardous materials regulations of the Department of Transportation.

In concluding its thoughts on the uniform approach, the Committee recommends that the warnings suggested above are sufficient to meet the regulations for any mode of shipment.

The Committee agreed to offer this contingency position for consideration by the entire Committee pending the Court ruling. It will call a meeting after the court ruling to consider whether to send a delegation to OSHA with this uniform approach. In the meantime, it encourages and would appreciate any position or comments from other members of the Ad Hoc Study Group.

Ocean Shipments

Tom Smith reported that informal discussions with a terminal operator indicated that they would refuse to handle bags or units labeled with "CANCER-SUSPECT AGENT". This company said they would feel comfortable handling ocean containers as long as they were not labeled. The Committee suggested an informal visit to the National Maritime Safety Association would be in order. The Committee Chairman and the legal counsel for SPI will arrange a meeting with NMSA and report back to the Ad Hoc Study Group.

Other Subjects

Several members have been providing test data to the American Trucking Association and the National Tank Truck Carriers. These two organizations are seeking background to determine the extent of the problem created by the regulations and to provide support in their seeking relief is necessary. These two organizations would appreciate help from any other

member of the Ad Hoc Study Group should they care to participate.

Several of the members have found that they have had no problem in meeting the requirements of the regulations so that their warehousing qualifies as non-regulated areas.

Adjournment

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Thomas H. Smith, Chairman