

U.S. Department of Labor

Acting Assistant Secretary for  
Occupational Safety and Health  
Washington, D.C. 20340

on your 4/15/80  
# 5-2725  
2 months  
Test env

SEP 2 1980

Mr. William N. Hall  
Attorney  
Cleary, Gottlieb, Steen & Hamilton  
1752 N Street, N.W.  
Washington, D.C. 20036

3

Representing: American Cyanamid Company

Dear Mr. Hall:

This is in reference to your request for a temporary variance and an interim order from Section 1910.1025(k)(1)(i)(D), Medical Removal Protection (MRP), of the Occupational Exposure to Lead Standard.

Our technical staff has made a preliminary evaluation of the data you have submitted concerning your facility located at 4500 West Fifteenth Street, Chicago, Illinois 60623. We found that approximately 10 percent or more of the total lead-exposed skilled workforce had average blood-lead levels for the previous six months at or above 50 ug/100g of whole blood. OSHA recognizes that removal of such a large percentage of your skilled workforce will be infeasible. Based upon that evaluation, OSHA has decided to grant an interim order temporarily relieving American Cyanamid from complying with the 50 ug/100g removal trigger. However, as conditions of the granted relief, you shall continue to comply with the 60/40 ug/100g medical removal and return triggers, all other provisions of the lead standard, and shall satisfy the conditions and requirements of the order set forth below.

Therefore, pursuant to the authority in Section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970, in 29 CFR Part 1905.10(c), and in the Secretary of Labor's Order No. 9-83 (48 FR 35736), it is ordered that the American Cyanamid Company be, and is hereby granted, an interim order effective on the date of this letter (with respect to your supervisory, maintenance, and skilled production employees referenced in your application for temporary variance) in lieu of complying with the requirement of 29 CFR 1910.1025(k)(1)(i)(D). A notice granting this interim order will also be published in the Federal Register in the near future.

The conditions and requirements of the interim order are enumerated below:

- (1) As presently required by 29 CFR 1910.1025(j)(2) of the lead standard, employers shall perform blood-lead and zinc protoporphyrin (ZPP) tests every two months on each employee whose last blood test indicated a blood-lead level at or above 40 ug/100g and who is exposed to lead above the 30 ug/m<sup>3</sup> action level.

1

CYWI 3-001051

N14504

- (2) For employees with blood-lead levels between 50-60 ug/100g, who work in jobs having airborne lead exposure at or above 30 ug/m<sup>3</sup>, the employer shall provide:
  - (a) A personal consultation with a licensed physician every two months; and,
  - (b) A comprehensive medical examination by a licensed physician every six months, or sooner as determined by a physician.
- (3) After each personal consultation and comprehensive medical examination, the physician shall make a written medical determination as to whether the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.
  - (a) If the employee is determined to have such a condition, the employee shall be removed from work having an exposure to lead at or above 30 ug/m<sup>3</sup>; or
  - (b) If the employee is determined not to have such a condition, the employer shall submit to the Office of Variance Determination a written statement from the physician stating that it is medically appropriate for the employee to continue to work at the employee's present job.
- (4) Employers shall remove each employee with blood-lead levels at or above 60 ug/100g and return the employee when the employee's blood-lead level is at or below 40 ug/100g, in accordance with the provisions of Sections 1910.1025(k)(1)(i)(C) and 1910.1025(k)(1)(iii)(A)(3) of the lead standard, except that removal shall be to areas where lead exposure is below 30 ug/m<sup>3</sup>.
- (5) The name and job classification of each employee on MRP and the area where the employee is assigned, shall be submitted to ~~the~~ **Office of Variance Determination** each time an affected employee is placed on medical removal protection as a result of either a blood-lead level at or above 60 ug/100g or the recommendation of a physician.
- (6) For employees with blood-lead levels at or above 50 ug/100g who are working in areas with air-lead levels at or above 30 ug/m<sup>3</sup>, respirator usage shall be mandatory during the entire workshift.

(2)

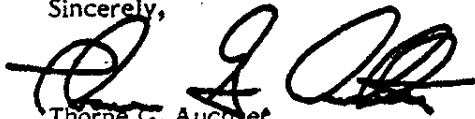
- (7) For all employees with blood-lead levels at or above 50 ug/100g who need not be removed under the terms of the order, the employer shall make an immediate inspection and evaluation of:
- (a) The lead-related work practices affecting the employee;
  - (b) The employee's respirator usage;
  - (c) The use and availability of hygiene facilities, and the employee's relevant personal hygiene habits; and,
  - (d) The existing engineering controls to determine whether they are maintained properly to ensure that such controls do not adversely affect the employee's blood-lead.

Based on that inspection and evaluation, the employer shall take all reasonable and appropriate corrective steps in these regards to reduce the employee's absorption of lead. The employer shall submit to the ~~Office of~~ **Variance Determination** a written report (within 45 days after the effective date of this order) documenting when and where the evaluation took place, any corrective actions that were necessary, and the name and job classification of the affected employee. (b)

- (8) For the duration of the interim order, the employer shall submit to the Office of Variance Determination blood-lead, ZPP, and air-lead data as accumulated every two months for all affected employees. (b) only done 50
- (9) The employer shall agree to allow OSHA to inspect its premises in connection with this variance application and this interim order.

As soon as possible, American Cyanamid shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for temporary variance and interim order. The Assistant Secretary may revoke this order at any time, without prior notice, whenever the applicant does not comply with any requirement of the order or the relevant standards, or if other information indicates that revocation of the interim order is warranted. Unless revoked, the interim order will remain in effect until a decision is made on the application for temporary variance.

Sincerely,

  
Thorne G. Auchter  
Assistant Secretary (b)

CYWI 3-001053