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CHEMICALS AND PLASTICS

RIVER ROAD, BOUND BROOK, NEW JERSEY 08805

To (Name)	Dr. A. B. Steele	Date	January 27, 1975
Division		Originating Dept.	Product Distribution
Location	New York, New York	Answering letter date	
Copy to	See Attached Distribution List	Subject	SPI - PVC/VCM Ad Hoc Committee Meeting

The objective of the meeting was to develop a uniform approach to compliance should the court ruling be unfavorable to industry.

Marty Bercovici (SPI attorney) reviewed the current status. Since the parties have agreed, the Emergency Temporary Standard remains in effect until a decision by the court is rendered. The remaining issue is the matter of the 90 day lead time following the court's decision on the Petition for Review. He also emphasized that distribution considerations, in his opinion, were important in obtaining the stay and that should the regulation be returned to OSHA, that transportation input would be considerable before a new regulation is issued.

It was agreed by all present — Air Products, Ethyl, Goodrich, Monsanto, Shell, Stauffer, Tenneco, Union Carbide and CGA (Compressed Gas Association) that the labeling agreed to was a contingency measure and was to be implemented only if an unfavorable decision was rendered.

The labeling of VCM was discussed first and after several hours of pros and cons, it was decided to recommend the use of the DOT placard with Vinyl Chloride in 3/4" letters and Cancer Suspect Agent in 1/2" letters. On the reverse side (return instructions), they would be 5/16" and 3/16" respectively.

Since the movement of VCM in barges and TW's is restricted to PPG, it was left to them to work it out with the carriers in conjunction with CGA. It was pointed out that Section 74-167 of the July 23 Federal Register covers the Coast Guard responsibility on the movement of VCM on the water and that it is expected they will shortly come out with labeling requirements to preempt OSHA off the docks.

The shipment of VCM in cylinders will include the Cancer Suspect Agent by the DOT label. CGA will follow up on this.

Bulk shipments of PVC and Latex shall contain the required statement, "Polyvinyl Chloride Contains Vinyl Chloride, Vinyl Chloride is a Cancer Suspect Agent", in 3/8" letters in the vicinity of each outlet and on each hatch cover. This was deemed necessary since operators work in the vicinity of each and they are both areas of concentrations of VCM.

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Hopper trucks shall contain the statement in 3/8" letters on a tag or stencilled in the vicinity of the outlet. Tank wagons of Latex shall, like the hopper cars and tank cars, be labeled on the hatches and outlets. Bags of resin shall be labeled with letters 1/4" high on sides or ends. Bulk boxes shall contain a label with 1/4" letters on the two opposite sides. Drums of PVC shall contain a label with 1/4" letters.

It was also decided that the members would adopt the approach that a truck and/or a box car was not a container and, accordingly, no outside label was required. This was based on a decision by Peter M. Phillipps, an attorney in the firm of Covington and Burling, who represented three of the companies in the suit against the Department of Labor. The SPI attorney did not agree and there is some doubt that UCC will, but it has been referred to S. Hoffman for his opinion.

Mr. Smith, B. F. Goodrich, reported he had discussions with Lavino Shipping of Philadelphia, who handle a lot of the Goodrich resin going overseas, and Mr. Francis Scanlon, Director of the National Maritime Safety Association who is also a member of the firm of Deasy, Scanlon and Bender, attorneys for Lavino Shipping. They both stated:

1. They would not permit containerized loads across the docks if the container was labeled as containing product that was a cancer suspect agent.
2. They would not permit the movement across the docks of bags, cartons or drums so labeled.

The reasons given were:

- a. The stevedores wage rates would increase from \$7/hour to \$14/hour for handling hazardous material.
- b. The stevedores are permitted the use of their own doctors and, accordingly, the possibilities for claims would be excessive.
- c. Most of the stevedores already have liver problems related to excess consumption of alcohol, thus the potential for claims related to the handling of PVC are tremendous and they are not willing to accept such liability.

This information has been relayed to our International Department so they may assay our potential problems.

If an unfavorable decision is rendered by the court, a full membership meeting will be convened by SPI to get U/A on a unified approach to the labeling, handling and monitoring by the industry as it relates to the transportation of the product.



E. Bell

EB/mg

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Mr. Thomas H. Smith
February 11, 1975
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regulations to bear a "Cancer-Suspect Agent" label must be in containers or packages which are proof against leakage and the escape of vapors.

JUSTIFICATION -- To provide maximum packaging protection for commodities suspected of containing carcinogens under OSHA regulations.

Hearings on the Docket which will contain this proposal are scheduled to commence March 25, 1975. By copy of this letter, I am also bringing this matter to the attention of the Raw Materials Subcommittee and the newly established Hazardous Materials Subcommittee of the SPI Traffic Committee.

I anticipate that we will be discussing all of these issues at the meeting of the Ad Hoc Study Group on February 18. In the meantime, please feel free to contact me should you care to further explore any of the foregoing topics prior to that meeting.

Cordially yours,

Martin Bercolici

cc: PVC/VCM Ad Hoc Study Group,
SPI Committee on Distribution
Raw Materials Subcommittee,
SPI Traffic Committee
Mr. Ralph L. Harding, Jr. - SPI, N.Y.
Mr. Thomas McGrath - SPI, N.Y.
Mr. John Lawrence - SPI, N.Y.
Mr. Albert Evans - SPI, N.Y.
Ms. Juliette Cahn - SPI, N.Y.
Mr. Anton Vittone - B.F. Goodrich Chemical Co.

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