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June 22, 1989

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Ms. Linda Pritt
Deputy Clerk
U.S. Court of Appeals
for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Re: The Society of the Plastics Industry, Inc. v.
Occupational Safety and Health Administration,
Docket No. 89-7249; Consolidated with No. 89-7073,
Court and Fiber, Inc. v. OSHA

Dear Ms. Pritt:

In response to the Court's order of June 12, enclosed for filing in the above-referenced proceeding are the original and three copies of the Docketing Statement of the Society of the Plastics Industry, Inc.

Sincerely,

Peter L. de la Cruz
Peter L. de la Cruz

Enclosures
cc: Counsel of Record

CTL027785

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

THE SOCIETY OF THE PLASTICS	)	
INDUSTRY, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 89-7249
	)	
OCCUPATIONAL SAFETY AND	)	
HEALTH ADMINISTRATION, UNITED	)	
STATES DEPARTMENT OF LABOR,	)	
	)	
Respondent.	)	

DOCKETING STATEMENT

Pursuant to this Court's order of June 12, 1989, petitioner, the Society of the Plastics Industry, Inc. (SPI) is submitting this Docketing Statement of the issues it presently intends to raise. SPI challenges the propriety of the Occupational Safety and Health Administration's (OSHA) promulgation of its final air contaminants rule, 54 Fed. Reg. 2332-2983 (Jan. 19, 1989) (amending 29 C.F.R. § 1910.1000), as it pertains to two substances -- styrene and ethylene dichloride.

1. OSHA adopted revised permissible exposure limits (PELs) for styrene which include an 8-hour time-weighted average (TWA) limit of 50 parts per million (ppm). In promulgating the rule, OSHA found that it was not feasible to achieve the PELs for styrene using engineering and work practice controls for "manual layup and sprayup" operations in

the boat-building industry. Thus, OSHA permitted the indefinite use of respirators to comply with the styrene PELs. 54 Fed. Reg. at 2431. In failing to permit the indefinite use of respiratory protection as a control technique for other manual layup and sprayup operations comparable to boat-building, OSHA acted arbitrarily, without substantial evidence of record and in conflict with the Agency's own factual determinations of feasibility. See Section 6 of the Occupational Safety and Health Act, 29 U.S.C. § 655; and 5 U.S.C. § 706.

2. OSHA adopted revised PELs for ethylene dichloride (EDC) of 1 ppm TWA and 2 ppm as a short-term exposure limit (STEL). Neither scientific literature nor the OSHA record supports the reduction of EDC PELs. Moreover, the PELs are not feasible. Therefore:

a. OSHA promulgated a Final Rule that arbitrarily and capriciously amends the PEL for EDC. See Administrative Procedure Act, 5 U.S.C. § 706(2)(A).

b. OSHA promulgated a Final Rule amending the PEL for EDC which is not supported by "substantial evidence in the record" nor the "best available evidence." See Sections 6(b)(5) and 6(f) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 655(b)(5), (f).

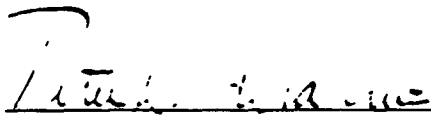
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c. OSHA has failed to establish that the EDC PEL will actually reduce or eliminate significant risks of material health impairment resulting from exposures to EDC. See Section 6(b)(5) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 655(b)(5).

d. OSHA failed to demonstrate that compliance with the permissible exposure limit for EDC is technologically and economically feasible. See Section 6(b)(5).

e. OSHA promulgated a final PEL for EDC dichloride that is not reasonably necessary to provide a safe or healthful employment and places of employment. See Section 3(8) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 652(8).

Respectfully submitted,


Peter L. de la Cruz

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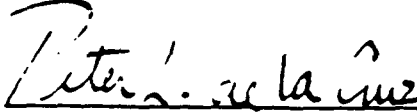
June 22, 1989

Counsel for the Society of the
Plastics Industry, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Society of the
Plastics Industry, Inc.'s Docketing Statement was mailed,
first-class, postage prepaid on this 23^d day of June, 1989 to
all individuals identified on the attached service list.



Peter L. de la Cruz

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*Put in VI file
for II's.*

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RECEIVED
JUN 28 1989
Sherry M. Carr

CTL027790



A Division of The Society of The Plastics Industry, Inc.

Roy T. Gottesman
Executive Director

June 19, 1989

TO: The Vinyl Institute Annual Meeting Attendees

RE: Annual Meeting Speaker Presentations

Thank you for attending the Annual Meeting of the Vinyl Institute on May 9, 1989. I trust you found the meeting and presentations valuable and of interest.

We have now been able to obtain copies of all of the presentations at the Annual Meeting and I am pleased to provide you with the attached set of these papers. If you have any questions on any of the material in this package, please feel free to contact the presenters. Contact information is attached for your use.

We look forward to your continued interest and participation in Vinyl Institute activities.

R. T. Gottesman

RTG/pmb
enclosures

RECEIVED
JUN 26 1989
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