

INTEROFFICE
MEMORANDUM

Date 4 February 1975

Subject VCM Analysis in PVC

To R. R. Spiegelhalter/M. H. Stermon

Pensacola/Calvert City

(Location, Organization, or Department)

From J. T. Barr

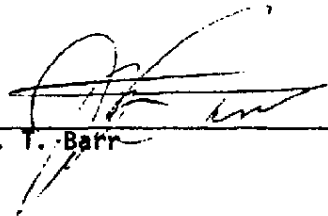
Valley Forge

(Location, Organization, or Department)

cc: A. R. Adams
T. L. Carey
~~R. E. Jones~~
J. D. Kramer
G. J. Mantell
E. A. Primeau
G. B. H. Speed

I talked to Glenn Schaff of B.F.G. today. He said that they were installing the head-space analytical method in all of their laboratories for VCM analyses in PVC. They are convinced that this is the quickest and best. You will recall that I described this in my trip report of the October Safety Association meeting in New Orleans.

He also said that they were presently running about 50 ppm in EP/GP resins at time of shipment.


J. T. Barr

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Re Jones
7977 files
WFLC v. ...

PVC, Vinyl Chloride Makers Weigh Meager Legal Options After Appeals Court Rebuff

By PETER B. GRIFFIN
Market Editor

Leading polyvinyl chloride producers gathered in New York late last week, under the auspices of the Society of the Plastics Industry, to determine what if any further legal action to take in an attempt to alter or forestall the implementation of Department of Labor's orders governing worker exposure to vinyl chloride. Those orders were upheld by a special Federal Appeals Court ten days ago when it rejected on all counts a five-part industry challenge to them.

Informed legal sources both within and without the industry, however, said last week that the options available to the industry are few now, with none offering realistic hopes of success. According to one source close to the industry court effort: "There are no real options. The case is worse now than before, and it was bad then."

By presstime Friday (February 7) no decision on whether to appeal had been made. There is still one VCM-related suit out-

standing in the Court of Appeals. It is a separate petition for judicial review brought by the Oil, Chemical & Atomic Workers Union (OCAW Vs. Brennan). In its legal challenge, OCAW seeks the tightening of certain health and work safety procedures and the inclusion of some others which were omitted from the original OSHA regulation. Disposition is not expected for several weeks.

The denial of the industry's petitions for judicial review of the standards and rules restricting employee exposure to VCM promulgated last October by Occupational Safety & Health Administration (OSHA), was a unanimous decision of a special three-judge Federal panel of the US Court

of Appeals for the Second Circuit (New York). The court's decision, filed January 31, came approximately four months after SPI and nine PVC and VCM manufacturers brought a series of individual and combined suits seeking court review, and remand, of the OSHA VCM standard, and about six weeks after expedited hearings on the case were held.

The effective date of the standard, originally set for January 1, was stayed by the court pending disposition of the case. The petitioners sought in their initial affidavits to have the original ninety-day lead time reinstated after court proceedings were completed, in the event the decision was against them. In the opinion delivered by the court it was agreed that "a reasonable lead time is appropriate" and it ordered the regulations to become effective in sixty days, or April 1. Until that date, the current emergency standard of fifty ppm will prevail.

In addition, the court said that "the time requirement as to respiratory protection ... be rescheduled accordingly." Thus, use of respirators in atmospheres containing less than twenty-five ppm of VCM will be at the discretion of employees until April 1, 1976, after which such use will be mandatory for exposures over one ppm (on a time-weighted average basis over an eight-hour period.)

According to legal authorities, the industry has essentially three options should it decide to take further court action: 1) they may petition the same three-judge panel for reconsideration; or 2) they may request the entire Second Circuit to sit en banc, or 3) they may file a writ of certiorari with the Supreme Court, asking that body to review the action of the Appellate Court.

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Air Products and Chemicals
INC.

INTEROFFICE
MEMORANDUM

Subject

Operating Manual for Compliance
Under the VCM Permanent Standard
for OSHA

Date 1/13/75

To W. R. Byrnes

(Location, Organization, or Department)

From A. R. Adams

(Location, Organization, or Department)

cc: H. L. Watson
J. T. Barr
T. L. Carey

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JAN 22 1975

R. E. JONES

Mr. Fleming has requested Larry Carey to prepare an operating manual which, in effect, will cover all of the company's compliance requirements from the receipt of the monomer through the conversion of the polymer to the dock and subsequent distribution of product to our customer. I haven't had the opportunity to talk to Larry as to his ideas on the content of such a manual; it does seem reasonable to me that Manufacturing's responsibility should start with the unloading of VCM and end with the shipment of product from our producing plants at Calvert City and Pensacola. Consequently, there is a significant amount of procedural development which must be carried out by you as Business Manager for Resins and the Distribution personnel. Will you please make it your responsibility to develop, as quickly as possible, a written operating manual for the delivery of product to Air Products' customers and follow the same format as that which will be used by Manufacturing. The result of such an effort will be one manual which should be available for inspection, if necessary, by OSHA representatives, but its primary purpose will be to answer all of the questions that operating people will have as to the requirements of the new law.

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MAR 13 1975

T. L. CAREY

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