

L. L. Poole

B. F. Goodrich Chemical Company

Inter-Organization Correspondence

To SEE DISTRIBUTION	From T. H. Smith
Location	Location Cleveland
Department	Department 5429
Subject SPI MEETING WITH OSHA ON DISTRIBUTION MATTERS	
Date 3/24/75	

The PVC-VCM Ad Hoc Study Group of the SPI Committee on Distribution met with OSHA representatives on March 20, 1975, in the offices of Keller and Heckman in Washington. Those in attendance, in addition to myself, were:

OSHA

Charles Ray McClure - Chief Division of Occupational Health, Office of Compliance Programming

Flo H. Ryer - (Reports to McClure)

Del Flowers - Special Assistant to Barry White, Associate Assistant Secretary of Labor, Federal and State Compliance

SPI

Grant Arnold - General Traffic Manager, Ethyl Corporation

Phil Cupertino - Product Traffic Manager, Stauffer Chemical Company

The major purpose of the meeting was to discuss the SPI's proposed uniform labeling procedure with OSHA. OSHA was aware that we desired to talk about other problem areas such as handling of samples, anticipated problems in truck terminals and ocean piers, and enforcement, particularly after a variance has been requested. The OSHA people prefaced the meeting that they could give us some indication of their final position but that it would be necessary for us to submit our program in writing and final approval or rejection would be made later. Ray McClure acted as the spokesman for OSHA, but as the meeting progressed both Flo Ryer and Del Flowers tempered Mr. McClure's comments and thinking which leaned toward a more hard line approach than the others. Marty Bercovici acted as the spokesman for SPI but all of us were called upon as matters became more technical.

After some discussion of our organization and our purposes, the uniform labeling procedure was presented verbally and was accepted in a favorable fashion. A copy of the recommended labeling is attached but this was not given to OSHA. Ray McClure was interested in why we approached certain aspects the way we did and, particularly in the vinyl monomer area, questioned in depth. Based on their comments we expect few changes from our proposal. We did ask for a rewording on the nomenclature "Extremely Flammable Gas Under Pressure". We suggested "Flammable Compressed Gas" which is the nomenclature now used by the Department of Transportation.

We brought up the problem of transition until our present stock of bags and boxes were depleted and new stocks could be printed with the required warning. They initially were insisting that every bag be identified but later acknowledged they would consider favorably a system of labeling pallet loads. Their indication was that any transition would be limited to 120 days.

It was after our discussion on the labeling procedure that Ray McClure offered that a major problem area has come to their attention and it is export trade. He said that he had heard from a number of stevedoring companies and shipping associations, as well as actively working on Goodrich's request. He then proceeded to talk directly to me saying that both he and Mr. Wrenn had looked favorably on our request for non-labeling of export shipments but that the Soliciter was not agreeable. I later decided that he meant Ed Klein. They felt our request was an exception to the regulation and they could not grant an exception at this time. (Ray McClure used the word "exception" and may be using it in lieu of "exemption"). They would consider a variance, but a variance requires an alternate proposal granting equal or better protection to the worker. Mr. McClure said that they plan to go back to the Soliciter and ask him to reconsider because it is not their intention to disrupt the flow of business.

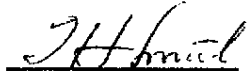
There was further discussion about how they expected the industry to maintain export business if OSHA insisted on labeling. They mentioned that the same problem came up concerning asbestos and the piers are continuing to handle asbestos. We know that this was done by container movements leaving identification off the exterior of the container. Ray McClure emphasized that he was interested in maintaining a label on each package and said he wanted each bag identified in case the unitized shipments were broken down on the piers and handled as individual bags.

On samples they seem to accept the approach that we should label the primary container but would over-package for transportation and not label the exterior. Throughout our conversation, as well as in our discussion on samples, they recognized the public relations aspect and the implication of the word "Cancer".

They are putting out a Program Directive which should be available to the field by April 1. It will not contain specifics on labeling. They plan to issue Field Information Memos on labeling and on transition procedures. Flo Ryer will maintain contact with Marty Bercovici so that we are aware when these are issued.

They suggested that if a point bothers us we should ask for an interpretation. They said the proper person to address inquiries to is Barry White, Associate Assistant Secretary of Labor, Federal and State Compliance. They used the word "important" that these go to him rather than Messrs. Wrenn, Reese or McClure. This may have been done because of the presence of Del Flowers. If a variance or exception is involved they will not enforce the point in contention until some directive is issued by them. They also mentioned that an exception is a long process since it requires a change to the regulation. They suggested a variance, if at all possible.

Some of the parting comments were that it was commendable the way the industry was reducing the level of monomer content in their products and OSHA intends to recognize this by removing certain requirements on very low content products. They also emphasized the need for the employer-employee relationship in handling VCM-containing products. Their definition not only involves the normal relationship but one such as a company with its carriers or with its warehouses.


T. H. Smith

THS/lc
Attachment

DISTRIBUTION

E. M. Begnaud
W. F. Brune
R. D. Buehler
H. J. Fast
K. Greene
E. W. Harrington
A. L. Hatfield
W. S. Lodge
J. F. Malone
J. L. Nelson
E. B. Osborne
R. D. Scott
R. L. Toole ✓
A. Vittone
P. J. Weaver
B.M.G. Zwicker

NGC 16303

RECOMMENDED LABELING OF
VINYL CHLORIDE AND POLYVINYL CHLORIDE
UNDER THE OSHA STANDARD

VINYL CHLORIDE

- Tank Cars: Use the wording "CANCER-SUSPECT AGENT" on the Department of Transportation prescribed "DANGEROUS" placard, in 1/2 inch lettering, inserted under the vinyl chloride identification.
- Tank Trucks: Label, stencil or tag the legend, "VINYL CHLORIDE, EXTREMELY FLAMMABLE GAS UNDER PRESSURE, CANCER-SUSPECT AGENT" on or in the vicinity of all hatches and all outlets, in 3/8 inch lettering, contrasting in color to the background.
- Cylinders: Use "CANCER-SUSPECT AGENT" legend near the DOT label in 1/4 inch lettering.

POLYVINYL CHLORIDE

Hopper Cars,
Latex Cars, Bulk
Truck Trailers &
Latex Truck Trailers:

- Label, stencil or tag the prescribed legend on or in the vicinity of all hatches and all outlets, in 3/8 inch lettering, contrasting in color to the background.
- Bags: Stencil, print or sticker the prescribed legend on the sides or ends, in 1/4 inch lettering, in a color contrasting to the background.

POLYVINYL CHLORIDE, cont.

Bulk Boxes: Label with the prescribed legend on the side or sides which bear the product identification, in 1/4 inch lettering.

Drums: Label the prescribed legend on the front of drums, in 1/4 inch lettering.

PVC WASTE PRODUCTS

Bulk Equipment: Label, stencil or tag with the legend: "CONTAMINATED WITH VINYL CHLORIDE, CANCER-SUSPECT AGENT", in the vicinity of all hatches and all outlets in 3/8 inch lettering, contrasting in color to the background.