

*WGL/RR*

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FROM: T. G. Grumbles  
DATE: October 9, 1985

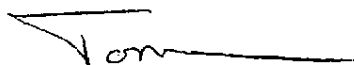
Interoffice  
Communication

SUBJ: NEW DOT PLACARD SPECIFICATION: EMPTY CONTAINERS

VISTA

Please pay special attention to the circled article on page 5 of the attached newsletter. For those products requiring "Empty" placards and "Empty: Last contained" designation on shipping papers, a change will be required in the next 12 months.

The word "empty" for shipping papers and placards must be changed to "residue".



Thomas G. Grumbles

ajo/8

cc Bill Tuzinkiewicz

VVV 000017754



# HAZARDOUS MATERIALS TRANSPORTATION

*Packaging & Handling Hazardous Wastes, Substances & Materials*

John Potter, Editor • Lawrence W. Bierlein, Esq., Editorial Consultant • Gordon Rousseau, Technical Consultant

Vol. 14, No. 19

September 30, 1985

INSIDE THIS ISSUE: Extensive cargo tank requirements stress manufacturing quality control, certification....Proposed tank rules would boost compliance costs, says industry....Senate endorsement of air toxics regulatory program will prod House on tougher EPA rules....EPA gives small quantity hazardous waste generators manifest compliance assistance....New "RESIDUE" placarding requirement to help responders in emergencies....Rail permit rule dispute to Supreme Court....Compressed gases shipping requirements eyed by DOT.

VVV 000017755

## CARGO TANKS SUBJECT TO STRINGENT PRESSURE VESSEL CODE

Asserting that the transport of hazardous materials in cargo tanks presents the same risks to public safety as fixed boilers or pressure vessels, the Research and Special Programs Administration (RSPA) and Bureau of Motor Carrier Safety (BMCS) are proposing tough cargo tank standards modeled on a fixed facility builder's code (HMT, Sept. 18, p. 2). New regulations in 49 CFR Parts 178 and 180 would emphasize "a qualification system for cargo tank manufacturers and repair facilities and independent inspectors to assure tank design construction and test quality."

All Department of Transportation specification cargo tanks with an interior design pressure of 15 psig or more would have to be constructed in accordance with the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code and certified by inspectors holding a commission from the National Board of Boiler and Pressure Vessel Inspectors. The manufacturers would have to be certified by ASME.

"The ASME code gives us independent inspections," an RSPA staffer told HMT. "It does away with industry self-certification where a manufacturer certifies that he is building tanks to 49 CFR specifications. Self-certification hasn't been working as well as we would like it." The proposed rules under Docket Nos. HM-183 and 183A also call for tighter operation, maintenance, repair and requalification procedures.

The new rulemaking particularly addresses the gasoline-carrying MC 306, the MC 331 used to transport liquified gases, the MC 312 moving high vapor pressure flammable liquids, and related tank designs. MC 306 tanks were found by RSPA and BMCS "to be highly susceptible to leakage, and present a substantial fire risk when they are involved in overturn accidents." MC 312 and 331 tanks, already constructed to ASME standards, "are poorly maintained, and repair and requalification of these tanks are major problems. Corrosion is a predominant problem."

There is evidence in some tanks "of stress cracking and placement of materials that are not compatible with the tank material." Under a proposed Part 173.33, shippers would justify that tank design pressures are adequate for hazardous materials to be shipped in tanks. Certain materials would no longer be authorized for transport in the lower pressure tanks. Cargoes readily leak from manhole closures in overturns

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when vents fail to withstand suddenly shifted load pressures, the agencies said. All closures would be designed under the proposed HM-183 to withstand a pressure of 36 psig without leakage or deformation. Existing tanks would be retrofitted with the new closures within five years. At least 25% of affected tanks in a carrier's fleet would have to be retrofitted each year.

"This is not a perfect document," the staffer said, "but it is a good one. All of our research indicated problems, and this is our attempt to remedy deficiencies. If people make good arguments on a safety basis, we welcome them. What we are proposing will give us better cargo tanks."

#### **TANK RULES MAY SHARPLY RAISE CONSTRUCTION, MAINTENANCE COSTS**

New requirements for cargo tanks proposed by RSPA and BMCS on Sept. 17 "would result in significant changes in repair, maintenance and inspection of cargo tanks," says National Tank Truck Carriers Assistant Managing Director Al Rosenbaum. "They involve more maintenance expense. It would cost more to keep carriers in compliance."

"Carriers with their own repair shops have a big shock in store unless they hire authorized welders or get a 'U' or 'R' ASME rating," Rosenbaum tells HMT. "Carriers would not be able to use their own shops to do such major repairs as welds on tank shells unless the shops are ASME rated, and few carriers maintain such shops."

Rules proposed under Docket HM-183 substantially change inspection criteria and the way carriers perform tank tests, he adds. New tests include an annual visual test for most tanks, an internal visual test, a one-year pressure test, an annual test for leakage, a two-year sonic test for corrosion, and for certain MC 330 and 331 tanks that carry LPG, a fluorescent magnetic particle test every two years. "These tests are different, and they would be watched by an authorized outside party."

The financial impact of the proposed rules on tank truck carriers has yet to be assessed, Rosenbaum says. "For example, we don't know how much an authorized inspector will charge to witness tests and certify tanks."

Don Vierimaa, a Truck Trailer Manufacturers Assn. engineer, is troubled by ASME certification procedures requiring an inspector to certify tanks before they are sold. "It's a matter of scheduling these inspections when tanks are ready to be sold."

The National Oil Jobbers Council's Barbara Faulkner is concerned about the cost of retrofitting existing cargo tanks with new manhole closures "at a cost of up to \$1,250 per truck. This is a very significant expenditure." Fuel oil hauled in non-specification trucks "will not be affected by HM-183," she notes.

One tank manufacturer says that requirements to conform to ASME design standards will negate cargo tank designs "that have evolved for over 30 years and have served over a million and a half revenue miles without significant problems. Now, DOT says to start from scratch. We are being instructed to throw out a 30-year tank without knowing if a new design configuration will work."

VVV 000017756

"There are a lot of proposed requirements in HM-183 unrelated to accident or hazardous materials experience," he says. "Some tanks built to specifications outlined in HM-183 will be heavier, cost much more to make and will carry smaller payloads." Another tank builder told HMT, "it's easier to conjure up a so-called crashproof vessel, so if an untrained driver misbehaves, nothing will happen."

## The Washington Report

**Dear Reader:**

Section 172.202(a)(1) of the DOT hazardous materials regulations requires a shipper to enter the "proper shipping name" of a material on shipping papers. Section 172.301(a) calls for marking the "proper shipping name and identification number (preceded by 'UN' or 'NA' as appropriate) assigned to the material in Section 172.101 or Section 172.102 (when authorized)." Today's column addresses the task of selecting the shipping name, one of the most important of a shipper's responsibilities.

The narrative notes preceding the alphabetical commodity list in Section 172.101 say that a "+" mark preceding the entry for a particular material **fixes** the proper shipping name and class for that entry without regard to whether the material meets the definition of that class. If you have a specifically named chemical and it is preceded by a plus mark, you have no discretion to select the shipping name, but this happens rarely. In fact, it infrequently happens that the material you are shipping is listed specifically by name at all, with or without a "+" mark.

Section 172.101(c)(13)(ii) says that if this happens, "selection must be made from the general descriptions or n.o.s. entries" offered for that hazard class. "The name that most appropriately describes the material must be used, e.g., an alcohol not listed by name in the Table must be shipped as 'Alcohol, n.o.s.' rather than 'Flammable liquid, n.o.s.'"

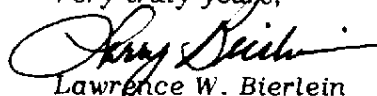
There are declining levels of specificity of the names shown in the table: 1. chemical name (e.g., acetone), 2. n.o.s. chemical family (e.g., alcohol, n.o.s.), 3. generic end-use (e.g., compound, cleaning, liquid), 4. generic end-use n.o.s. (e.g., medicines, n.o.s.), and 5. generic classification n.o.s. (e.g., flammable liquid, n.o.s.). In addition, a mixture or solution of a listed hazardous material and nonhazardous materials may be described by the listed material name if the word "mixture" or "solution" is added to it, and such a name does not already appear in the table.

It is critical that the shipping name you select from Column 2 of the DOT table matches the classification you already determined, and that is shown in Column 3. If you find an accurate name, but it is paired with the wrong classification, you **cannot** use that shipping name. Pick another one that may be slightly less descriptive, but that correctly matches correct class.

The pairing of shipping names and classifications is not just a matter of meaningless detail. The combination of these form the material description that will determine what packaging is authorized, the marking on packages, the labeling, the shipping documentation, and vehicle placarding, as well as the UN/NA identification number used in emergency response through DOT's Emergency Response Guide.

It is possible that more than one shipping name will seem equally appropriate. Examine the packaging alternatives for each name, as well as the emergency response that would be generated by the alternative identification numbers. Perhaps these safety considerations will direct your choice. You also may want to consider consistency with international regulations in choosing between equally descriptive names.

Very truly yours,

  
Lawrence W. Bierlein

VVV 000017757

**SENATE VOTES FOR FEDERAL AIR TOXICS REGULATORY PROGRAM**

The Senate endorsed a federal air toxics regulatory program September 27 when it passed Superfund reauthorization legislation (S-51) by a floor vote of 86-to-13. The Senate action will almost certainly prod House efforts to advance even more stringent requirements for Environmental Protection Agency action on air toxics.

Sponsored by Sen. Frank Lautenberg (D-N.J.), the Senate legislation requires EPA to publish an initial list of several hundred acutely hazardous substances drawn from the so-called August 1982 Seveso Directive of the Council of European Communities, and then to modify this list every two years. The CEC directive requires European companies to notify local officials and to complete risk assessments of the most hazardous substances they use, for emergency response planning by July 1988.

Lautenberg's Superfund amendment establishes extensive notification requirements triggered by EPA-determined quantities for each listed substance (HMT, Aug. 5, p. 2). Industries that produce, use or store listed substances would also submit Material Safety Data Sheets (MSDS) and new Emergency Inventory forms to state governors, emergency planning committees and EPA.

The House bill (HR 2576), originally proposed to revise other EPA regulation but now aimed at amending Superfund, sets forth more stringent requirements. It directs EPA to initially list and determine emission standards for 85 chemicals, and eventually add 11 other extensive inventories. "The Senate action gives us greater reason for offering our bill on the floor when Superfund is debated," a Health Subcommittee staffer tells HMT. "If the Senate version can advance, maybe ours will, too."

The staffer disagrees with EPA's argument that it is ill-equipped to administer a broad air toxics regulatory program rather and instead should offer guidance to state and local officials. "If our version is signed into law, EPA will have to gear up to do it. Industry is virtually on an honors system regarding emission controls of acutely toxic chemicals," he says. "EPA's expectation that local and state governments will bear the regulatory burden is very short-sighted. They don't have the health scientists on hand to go against industry."

Full House consideration of reconciled Judiciary, Ways and Means, Public Works and Energy and Commerce Committee Superfund bills may be delayed until tax reform and trade bills are dealt with.

**EPA AUGMENTS EFFORT TO HELP SQGS COMPLY WITH MANIFEST RULES**

VVV 000017758

Many small businesses who generate between 100 and 1,000 kg per month of hazardous wastes are getting assistance from the Environmental Protection Agency's Phase I outreach program, including general brochures with 18 different industry-specific inserts on how to comply with the Aug. 5 manifest requirements (HMT, July 24, pp. 1-2).

According to Barry Stoll of EPA's Office of Solid Waste, a first batch of tailored brochures was distributed in August to vehicle repair shops, cleaners/laundries, textile makers, wood preservers, equipment repairers and furniture refinishers. A second batch is now being sent to pesticide end users, chemical manufacturers, construction firms, motor freight terminals, printers, laboratories and vocational shops.

A third batch due to be mailed by mid October will go to metal manufacturers, formulators, cosmetics makers, the paper industry and leather goods producers. "We are preparing articles for the trade press to reach generators who miss our direct

mail efforts," Stoll adds. EPA is also working with the National Fire Protection Assn. to encourage fire departments to "act as an arm of EPA in informing generators through their public relations and as part of fire marshalls' regular inspections."

Phase II of EPA's outreach program next spring will help small quantity generators comply with single manifest rules slated to come out on March 31, 1986 (HMT, Aug. 5, p. 4). "We are still deciding what strategies to use," Stoll says. "This phase may be more difficult to implement because many state requirements are going to be more stringent than our proposed rules. We will focus on how to prevent confusion."

"EPA outreach will continue for a couple of years for certain industries who go to alternative waste management practices as a result of our rules," he says. "We will also tailor guidance to help industries comply with the entire EPA waste management system when standards for recycled used oil are added." Proposed waste oil rules are due by early November.

#### NEW "RESIDUE" PLACARD TO AID RESPONSES TO RAIL INCIDENTS

Emergency response personnel wanting to know more precisely whether a railroad tank car is fully loaded with hazardous materials or is only carrying a residue of those materials will be aided by a Sept. 26 RSPA rule change. Effective Oct. 1, 1986, rail carriers must replace the "EMPTY" placard with one that shows "RESIDUE".

RSPA is revising the entry on shipping papers from "EMPTY: Last Contained\*\*\*" to "RESIDUE: Last Contained\*\*\*". Carriers are advised that they are authorized to use the new placards and shipping paper entries as of Nov. 1, 1985. The agency had originally proposed to simply eliminate the EMPTY placard, "but this would have required that a tank car which contained only a residue of hazardous materials be placarded with the same warning placard used on a fully loaded rail car."

#### N.J., NEVADA DISPUTE RAIL PERMITTING RULE

New Jersey took a dispute with Nevada to the Supreme Court Sept. 20 over the rail transport and unloading of radium-laced soil for highway shipment to a Nevada waste facility. The Nevada Public Service Commission and City of Las Vegas both passed emergency permitting rules early this month requiring the shipper (New Jersey) to show the rail route, where the soil is to be offloaded and stored before disposal.

"We contend that both regulations are preempted by the Hazardous Materials Transportation Act and the Commerce Clause," New Jersey Assistant Attorney General Eugene Sullivan told HMT. "The Commission said we needed to be authorized by the state to transport this soil in addition to our permit to use the Beatty (Nevada)

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facility, and this has no basis in law." The Las Vegas U.S. District Court threw out the case, saying such interstate legal disputes must be settled by the Supreme Court. "We want to review the rail routing of radioactive materials to determine if it is as safe as possible," a PSC attorney says. "We don't view our regulation as having the effect of delaying this shipment." The radioactive soil, packaged in 55-gallon drums inside tractor trailers, will be transported on a 35-unit train.

A proposal to expand and make permanent the emergency radioactive materials rule after it expires Dec. 31 will be aired in a public hearing Oct. 9. It would cover all hazardous materials rail routing in the state. Clark County is also considering a permitting rule.

### DOT INTERPRETATIONS

\*\* A shipper interpreted Part 173.301(c) under general requirements for the shipment of compressed gases in cylinders to mean that a cylinder overdue for hydrostatic testing "may be shipped interstate and used, provided it was filled prior to the expiration of the test due date."

"Your understanding is correct," the Materials Transportation Bureau replied. "A cylinder for which prescribed periodic retest has become due may be shipped if it was filled prior to the expiration of the retest due date."

\*\* A company engineer asked MTB to clarify rules (Part 178.51-8a and 178.61-8a) on specification 4BA and 4BW cylinders, stating that "minimum thickness of cylinder heads shall not be less than 90% of the required thickness of the sidewall." The problem derives "from the lack of definition of 'sidewall' and 'wall thickness'," he says. "When calculating wall thickness, using the referenced formula, are the heads permitted to be of a minimum thickness equivalent to 90% of the calculated value?"

"As used in the rules, 'wall thickness' means the thickness of the cylindrical body section of the cylinder. Unless otherwise provided in the specification, the thickness of the heads must be at least equal to the minimum required 'wall thickness'," MTB replied. "In a DOT specification cylinder, the boundary of heads and the cylindrical body section is defined by the plane intersecting their tangent points. Accordingly, a head does not include any of the cylindrical body section."

The Bureau pointed out that Parts 178.51-8(a) and 178.61-8(a) "authorize head thickness to be not less than 90% of the minimum required wall thickness of the cylindrical body section. However, the thickness must be sufficient to satisfactorily pass the hydrostatic test requirements of Parts 178.51-14(c) and 178.61-14(c)."

### CALENDAR OF COMING EVENTS

\*\* Oct. 7-8, 1985, "Meeting the New Requirements on Hazardous Waste", sponsored by "Inside EPA Report" and Center for Energy and Environmental Management in Alexandria, Va. Fee is \$650. Contact Leila Martin at 703/250-5900.

\*\* Oct. 20-23, 15th annual Eastern Transportation Law Seminar of Assn. of Transportation Practitioners, Marriott Crystal Gateway Hotel in Arlington, Va. Member fee is \$350, non-members, \$375. Contact Buddy Piccolino, 202/466-2080.

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Affiliates: Product Safety Letter®, The Food & Drug Letter®, Washington Drug Letter®

Editorial Office: Hazardous Materials Transportation, 1117 N. 19th St., Suite 200, Arlington, VA 22209-1798.

Phone: 703/247-3424. Circulation: 703/247-3433.

Executive Editor: Robert Varela

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Circulation Manager: Madelyn Colnes

Reader Services: Beverly Luna

Publisher: David Swit

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Watchdog Service Manager: Jeffery Williams

VVV 000017760

TGG: ~~EL~~ (M)TG: RF  
XF: Eto in Ethoxylates

TO: Rick Tuttle

FROM: Tom Grumbles  
DATE: October 8, 1985

Interoffice  
Communication

SUBJ: ETHOXYLATE RESIDUAL ETO SPECIFICATION

VISTA

I have had several conversations with Dr. Oakes at Economics Laboratory regarding Eto residual levels. It appears that the FDA is studying the residual Eto issue and doing a risk assessment for residual Eto in devices and for products used in direct and indirect food uses as approved by FDA. This could result in a regulatory specification for residual Eto in products made from ethoxylates. This of course would indirectly affect residual levels in feedstocks.

We should be mindful of this issue as it could affect our ethoxylate markets and we may be asked to certify residual levels from affected customers in the future. I believe this is why EL is approaching us with this request. I'll continue to monitor the FDA activity and we should certainly continue our efforts to maintain residual Eto levels as low as feasible. Also toll processors should be closely monitored regarding residual levels in their products.



Thomas G. Grumbles

ajo/8

cc C. F. Putnik  
H. W. Hilgers  
C. J. Matson  
R. A. Klein  
O. C. Kerfoot  
J. A. DeBernardi

VVV 000017761



TGG: JCL: MMG: RF

XF: Aberdeen

TO: John Friend

FROM: Tom Grumbles

DATE: October 8, 1985

Interoffice  
Communication

SUBJ: ABERDEEN PLANT INDUSTRIAL HYGIENE PROGRAM ASSESSMENT

VISTA

The program assessment was conducted on September 24 - 25. The team consisted of myself, Keith Fogg, Safety Director LAB plant, Dr. Drumwright, Medical Manager, and Michele Goodreau, Environmental and Health Specialist. Action taken on the recommendations from the 1983 audit report were reviewed and discussed. Interviews were held with personnel in the safety department, various hourly operations and laboratory employees, and operations and mechanical supervision.

Interviews with staff indicated a good awareness of and commitment to the industrial hygiene program. In particular, the supervisory follow-up on measured overexposures to find exposure sources is good. Employee interviews did not reveal any overt health or safety concerns. The mechanical department does safety audits on a random basis and uses a form to assure consistency in this effort. This type of "self-auditing" is a very positive idea and certainly encouraged.

Below are the assessment team's recommendations. Items noted on the walk-through inspection and discussed with you are not included below.

1. A large amount of time was spent reviewing and discussing the respiratory protection program. Specific recommendations are below.
  - a. The respiratory protection program should contain specific selection criteria for respirator use. The program lacks specificity as to the selection criteria for specific jobs, or classes of jobs with known exposure potential. There appears to be some confusion as to what equipment should be considered in VCM service and subsequently what respiratory equipment is needed for jobs on that equipment.
  - b. Reference was made in conversations to various letters that had been issued addressing specific uses of respirators. These "guidance" letters should be consolidated into the program.
  - c. The manufacturer instructions included in the program as appendices should be reviewed and consideration given to removing them from the policy. They are redundant in many cases and of little practical use as written.
  - d. Based on action taken in (a) and (b) above, Section II, Selection of the program should be revised to reflect current practices.

VVV 000017762



John Friend  
Page 2  
October 8, 1985

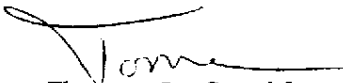
2. In Blending and Compounding several recommendations regarding lead exposures are made below.
  - a. Maintenance personnel work in the lead areas and are included in the blood lead program. Consideration should be given to monitoring maintenance jobs in this area to determine airborne lead exposures. This could be area monitoring if done carefully.
  - b. A review of personnel clean-up procedures at the end of shift should be done to assure proper disposal of contaminated work clothing, and that personal hygiene guidelines are followed.
  - c. To obtain a total dust measurement approximately one-third of the lead air samples are handled at the plant before shipment to the analytical laboratory. This practice should be stopped as there is potential to disturb the integrity of the lead analysis. Total dust numbers could be obtained by the laboratory being used for lead analysis.
3. To determine the effectiveness of exhaust ventilation systems and quantify exposures, air sampling of welding operations in the maintenance shop should be considered.
4. Further sampling of short-term exposures should be done to determine respiratory protection needs and workplace procedures.

For recognized high potential exposure jobs where air-supplied equipment is used, a review of "job-site" preparation should be done to preclude casual exposures to those not directly involved in the job.

5. There was some concern expressed during interviews regarding the validity of the VCM monitoring. Several instances of measured overexposures on personnel who never entered the vinyl area on the day of sampling were mentioned.

The quality control program that I was to assist the plant in developing has not been developed. I still plan on proposing a mechanism to independently verify the sampling and analytical methods the plant is using.

Please let me know if you wish to discuss any of the above. We are available to assist in accomplishing the above recommendations. I want to thank-you and your staff for their time and cooperation during the plant visit.

  
Thomas G. Grumbles

VVV 000017763

ajo/7  
cc RDG, JRD, KLF, ALS



IGG: ~~JCL~~ ~~MING~~ RF  
XF: LCCP

TO: J. A. DeBernardi

FROM: Tom Grumbles  
DATE: October 8, 1985

Interoffice  
Communication

SUBJ: BULK CONTAINER LABELING

VISTA

I just received your September 20 memo regarding the subject. Your recollection of the problems encountered regarding the OSHA VCM warning label is correct except that the basic issue was labeling PVC hopper cars and containers.

Specifically, in response to your concerns the plan is that bulk container labels will be affixed to outlet connections in the dome area or bottom valve area of cars where it is most likely an "unloader" will see the information. The "tag" will be applied with the seals that are already placed on each shipment container. Dedicated equipment, i.e., VCM and MeCl RC's, can have a decal or sticker applied in the dome area if desired.

For your information, OSHA recently stated publically, for the first time, that bulk containers should be labeled in addition to DOT labels. Also several customers have specifically requested that bulk containers have labels specifically affixed to unloading valves.



Thomas G. Grumbles

ajo/8

cc RTF, TSR, SFP

VVV 000017764



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**MCCORD CORPORATION**

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November 8, 1974

TELEPHONE  
313/875-7000

Mr. Edward Largent  
OSHA  
Dept. of Labor Technical Services  
300 South Wacker  
Room 1201  
Chicago, Illinois 60606

Dear Mr. Largent:

After reading the standard on Exposure to Vinyl Chloride, printed in the Federal Register (Vol. 39, No. 194 - Friday, October 4, 1974), one area needs further clarification as to its interpretation.

Section (c)(4) p.35896 of the standard states:

"The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm and plus or minus 25% over 1.0 ppm."

The preamble to the Vinyl Chloride Standard begins to define a 95 percent confidence level as (p.35893, III(4)) "that the employer is required to take a sufficient number of measurements so that the results obtained are statistically valid." Unfortunately the reader is left without knowing what a "sufficient number" is, no formula or minimum number given.

Secondly, I do not understand the accuracy range requirement completely (p.35896 (c)(4)). I assume it pertains to the analytical procedure and not to the sampling procedure. Please clarify this position of the standard by explaining what is meant by "plus or minus 50 percent from 0.25 through 0.5ppm . . .", and if it pertains to both analytical and sampling procedures or just to the analytical portion.

Your help in this matter will be greatly appreciated for I have been unable to obtain a satisfactory explanation thus far.

Very truly yours,

*Sarunas S. Mingela*  
Sarunas S. Mingela  
Industrial Hygienist

VVV 000017765

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