



INTERNAL CORRESPONDENCE

RECEIVED

MAR 24 1975

R. N. WHEELER, JR.

CHEMICALS AND PLASTICS

P. O. BOX 8361, SOUTH CHARLESTON, WEST VIRGINIA 25303

To (Name)	Mr. R. N. Wheeler	Date	March 24, 1975
Division	Location 514	Originating Dept.	R/D
Location			
Copy to	H. V. Hooper - 514	Subject	Exemption of UCAR Latex 1000,
	T. R. Smith - 511		UCAR Latex 508 and Milt 32
	M. O. Robinson - Jennat, Tucker		From OSHA VCM Standard
	R. J. Hanna - 511		
	J. C. Flanders - NYO-33		
	J. B. Saunby - 511		

We believe we have valid grounds for seeking the subject partial or complete exemption in the same manner as you are doing for vinyl solution and dispersion resins (re your letter of 2/3/75). We have successfully revised our processes to reduce residual VCM in the product to 5 ppm. Following the outline of your study, we would propose to gather the following information:

1. Establish typical values (average) and standard deviations for each product/manufacturing location combination by analysis of 8 to 15 samples per case.
2. Establish typical values for each storage tank and shipping container (truck and drum) for each latex by analysis of 8 to 15 samples per case.
3. Monitor personnel exposure (carbon tube) on latex loading and unloading operations for each latex in each shipping mode utilized.
4. Monitor personnel exposure (carbon tube) in paint manufacturing operations in at least two customer plants.
5. Monitor personnel exposure (carbon tube) on paint application by a) rolling and brushing and b) spraying.

We need your comments on whether or not you judge that all this information is necessary and sufficient for a quality proposal, whether or not all essential

UCC
032848

Mr. R. N. Wheeler
Location 514

-2-

Mar. 24, 1975

steps are covered.

Mickey Hooper has sent you a copy of the letter received by Air Products on an exemption for their BBT-8 Airflex 728 product. In your judgment, should a legal ruling on an exemption using their case as precedent be requested. Would such an approach require a less extensive monitoring and analysis program than outlined above. Mickey will also continue to work with you on finding a mutually satisfactory meeting date so we can discuss this proposal. Thanks for your continued help.

Very truly yours,

Walt (J. J.)

W. P. Miller

WPM:jt

UCC
032849

Ruth -
Pls put in Nicks
"Immediate Attn" folder -

Th
m

3-19-75

To: JCFlanders

RECEIVED

MAR 19 1975

cc: W P Miller

R N Wheeler

R N WHEELER

Subject: Air Products Exemption from OSHA
VCM's Standard

Craig -

Attached info Mo Robinson picked
up in Washington last week. Will work
with WPM & RNW towards a similar exemption
for 505, 1000, Milt - 31.

churs,

W H Hooper



Air Products and Chemicals
INC.

CHEMICALS GROUP

Five Executive Mall, Swedesford Road, Wayne, Pa. 19087

D. G. S.
MAR -4 1975

POLYMER CHEMICALS DIVISION

February 25, 1975

Mr. Ralph Armstrong
Mr. Victor M. Willis
Sherwin-Williams Company
11541 South Champlain
Chicago, Illinois 60628

Dear Sirs:

As you are aware, our Airflex^R BBT-8 is an ethylene-vinyl acetate-vinyl chloride terpolymer. It has been our opinion right along that the Federal Regulation concerning polyvinyl chloride resins does not cover the sale and use of this emulsion. Attached is a reply from the Occupational Safety and Health Administration agreeing to our petition that Airflex 728 is excluded from the provisions of the vinyl chloride standard. For purposes of the regulation the physical composition of Airflex BBT-8 is the same as Airflex 728 and is also classified as a "fabricated product."

In order to support our petition with OSHA we did carry out monitoring at representative paint manufacturing plants during the past few months. The low residual amounts of vinyl chloride in our product resulted in vinyl chloride exposures well below the "action level" of the OSHA standard. Consequently, work practices and conditions necessary for handling Airflex 728 are no more nor less stringent than those necessary for other emulsion products. Neither our product nor compounded products made from it require any special handling or labeling under the regulation.

Copies of the regulation itself, along with the reply from OSHA mentioned above are attached for your perusal. The caveat concerning "mass melting" appearing in the last paragraph while germane to the use of polyvinyl chloride resins, is irrelevant to most applications of Airflex BBT-8.

This exemption is indeed good news for both of our companies and will enable us to continue current areas of business and the development of promising new emulsions in the Airflex BBT-8 family.

Very truly yours,

H. L. Jaffe
General Manager
Polymer Chemicals Division

Enclosures
HLJ/acb
cc: J. Lenzotti, Sherwin-Williams
J. Tillman, Sherwin-Williams

UCC
032851



Air Products and Chemicals

CHEMICALS GROUP

Five Executive Mall, Swedesford Road, Wayne, Pa. 19087

POLYMER CHEMICALS DIVISION

AIRFLEX® 728 RECEIVES "FABRICATED PRODUCT" STATUS
FROM OSHA, AND IS THEREBY EXCLUDED FROM ANY
PROVISIONS OF THE VINYL CHLORIDE STANDARD
UNDER THE REGULATION PUBLISHED IN THE 4 OCTOBER 1974
FEDERAL REGISTER

Dear Mr. Customer:

Although our Airflex® 728 is an ethylene, vinyl acetate, vinyl chloride terpolymer, which contains very low residual vinyl chloride levels in the final product, it has been our opinion right along that the Federal Regulation concerning polyvinyl chloride resins does not cover the sale and use of our Airflex® 728 emulsion.

To support our position, monitoring was carried out at representative customer plants during the past few months, resulting in vinyl chloride exposures well below the "action level" of the OSHA standard. Consequently, work practices and conditions necessary for handling Airflex® 728 are no more nor less stringent than those necessary for other paint and emulsion products, and neither our product nor paints made from it require any special handling or labeling under the regulation.

Copies of the regulation itself, along with the reply of the Occupational Safety and Health Administration to our petition are attached for your perusal. The caveat concerning "mass melting", appearing in the last paragraph, while germane to the use of polyvinyl chloride resins, is probably irrelevant to Airflex® 728 since it is difficult to conceive of any practical combination of manufacturing conditions that would subject the binder or the paint to mass melting.

This is indeed good news for all concerned, and will enable us to continue our research and development programs leading to promising new emulsions in the Airflex® 728 family.

If you have additional questions or comments not covered here, please feel free to call on us at any time.

Very truly yours,

H. L. Jaffe
General Manager
Polymer Chemicals Division

HLS/acb
Attachments

UCC
032852

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
WASHINGTON, D.C. 20210

RECEIVED

JAN 22 1975

APCI CHEM. GROUP
LAW DEPT.

JAN 17 1975

Mr. Joseph T. Sebastianelli
Attorney, Air Products and
Chemicals Incorporated
Five Executive Mall
Wayne, Pennsylvania 19087

Dear Mr. Sebastianelli:

This is in response to your letter of December 18, 1974,
regarding the applicability of the vinyl chloride standard
to Airflex[®] 728 emulsion.

As you describe the composition of Airflex[®] 728 emulsion,
it would be considered polyvinyl chloride, since it is a
co-polymer of vinyl chloride. It would also be considered
a fabricated product, since its further processing does
not involve a mass-melting step. Consequently, the
material once so fabricated, is not subject to any pro-
visions of the vinyl chloride standard, 29 CFR 1910.93q,
dated October 4, 1974.

As noted in your letter, any mass-melting by a subsequent
processor would subject the material and operations to the
regulations of the standard.

Sincerely,

Richard P. Wilson

for Barry J. White
Associate Assistant Secretary
for Regional Programs

UCC
032853