



Air Products and Chemicals
INC

CHEMICALS GROUP

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

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R. N. WHEELER, JR.

Honorable John Stender
U.S. Department of Labor
Occupational Safety and
Health Administration
1726 M Street N.W.
Washington, D.C. 20210

Re: Petition for Amendment of
29 CFR Section 1910.1017

Dear Mr. Stender:

Pursuant to 29 CFR Section 1905.3, Air Products and Chemicals, Inc. ("APCI") hereby petitions for an amendment to the definition of "fabricated product" as set forth at 29 CFR Section 1910.1017(b)6. Other petitions for an amendment to the definition of "fabricated product" have been submitted by Dow Chemical U.S.A. and Union Carbide Corporation. The purpose of this proposed amendment is to expand the scope of the fabricated products exemption as it applies to certain resins and compounds (homopolymers or copolymers of vinyl chloride) which contain residual vinyl chloride monomer at levels so low that fabricator and transportation employees working with such low residual level product would not be exposed to concentrations of vinyl chloride in excess of the action level of .5 ppm 8-hour TWA.

Proposed Amendment

It is specifically requested that 29 CFR Section 1910.1017 (b) 6 be amended to read as follows:

"(6) 'Fabricated product' means a product made wholly or partly from polyvinyl chloride

(i) which does not require further processing at temperatures, and for times sufficient to cause

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mass melting of the polyvinyl chloride resulting in the release of vinyl chloride to the workplace atmosphere in excess of the action level; or

- (ii) which does not contain more than .0050 weight percent (50 ppm) of residual vinyl chloride

Rational for the Proposed Amendment

The vinyl chloride standard (29 CFR Section 1910.1017) is complex, difficult to administer, and contains many burdensome requirements on employers. It requires the use of sophisticated and expensive monitoring and analytical equipment. These burdens are particularly oppressive to small businesses which manufacture fabricated products from polyvinyl chloride.

Subsection (d) of the existing standard requires each establishment to carry out a program of initial monitoring and measurement to determine if employee exposure to vinyl chloride monomer ("VCM") is in excess of the "action level." As shown in the attached exhibits covering a wide range of materials and a large variety of fabricating establishments, the residual vinyl chloride content of the polyvinyl chloride being processed can be well above 50 ppm without there being any employee exposure in excess of the action level.

Currently, if a fabricator is processing material containing less than 50 ppm residual VCM, he must nevertheless carry out the program of initial monitoring. Although this is a needless and burdensome exercise at this residual level, the burden is not thereafter lifted. Further monitoring is required "whenever there has been a production, process or control change, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level."

Accordingly, a fabricator might have to remonitor whenever it changes its supplier of resin, the grade of

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resin, the time or temperature of melting, its ventilating equipment etc.

It is submitted that so long as the residual level of VCM in the resin is less than 50 ppm (this could be certified by the resin producer) neither the initial nor the subsequent program of monitoring is necessary or appropriate. Accordingly, fabricators processing material containing less than 50 ppm residual VCM exclusively would be relieved of the burdens of the standard.

The requested redefinition of "fabricated product" would also serve to simplify the transportation and export of resins and compounds falling within the new definition. Petitioner is currently encountering resistance on the part of foreign purchasers of its PVC resins and compounds because of the warning labels required by 29 CFR Section 1910.1017(1)4. It is submitted that such labels are unnecessary for polyvinyl chloride containing low residual levels of VCM. Government regulations in such foreign countries generally do require such labelling, and foreign purchasers in such countries are alarmed. Although it is clear that OSHA has no authority to require such labels on containers of PVC after they have left the United States, OSHA does have the authority to require such labels so long as the product is in the United States and subject to handling by United States workers. It is impractical to remove the warning labels after the product has left the United States. The proposed amendment to the definition of "fabricated product" would serve to obviate the necessity of warning labels on containers of polyvinyl chloride containing low residual VCM.

In addition to granting relief as aforesaid, the redefinition of "fabricated product" would serve as an incentive to polyvinyl chloride producers to manufacture product containing less than 50 ppm residual VCM.

Data in Support of the Proposed Amendment

The data in the attached table provide the basis for this Petition. These data represent those monitoring

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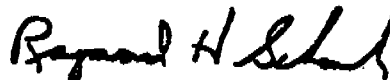
results taken at fabricators' plants in recent months where the residual VCM level of the raw materials was known. Petitioner has many other monitoring results in which the residual VCM level of the material was not measured (but which from operating experience we believe to be in the same range) that confirm these findings.

All results below 0.01 ppm for the 8-hour TWA have been reported as N.D. (Not Detectable) because of the demonstrated sensitivity of the carbon absorption method published by NIOSH. Differences in reported results in this range are not significant.

We believe that these data justify the requested amendment to the definition of "fabricated product," and solicit your serious consideration. We will be glad to discuss this further with your staff if you so desire.

Very truly yours,

AIR PRODUCTS AND CHEMICALS, INC.



Raymond H. Schenck
Attorney

RHS*swc

bcc: A. R. Adams
J. T. Barr ✓
R. Fleming
J. V. Heider/file

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FABRICATORS EMPLOYEES EXPOSURE TO VINYL CHLORIDE

8-hour TWA by the Suggested NIOSH Method

<u>Date</u>	<u>Type of Operation</u>	<u>Material Used</u>	<u>VCM Content - PPM</u>	<u>Job Function</u>	<u>8-Hr TWA</u>
Apr. 28, 1975	Film Extrusion	Compound	1.5	Extruder Operator	ND
Apr. 20, 1975	Injection Molding	Compound	2.3	Molding Operator	ND
Apr. 13, 1975	Pipe Extrusion	Resin	221	Inspector	0.03
				Mixer Operator	0.49
				Extruder Operator - A	0.02
				Foreman	ND
				Extruder Operator - B	0.04
				Extruder Operator - C	0.02
				Extruder Operator - D	0.05
				Extruder Operator - E	0.01
Apr. 10, 1975	Record Pressing	Compound	85	Mold Operator - A	ND
				Mold Operator - B	ND
				Mold Operator - C	ND
				Flexible Film Operator	0.02
				Scrap Grinder	0.19
Apr. 8, 1975	Film Manufacture	Compound	18.0	Extruder Operator	ND
				Vacuum Forming	ND
Mar. 20, 1975	Extruder	Compound	29.3	Extruder Operator - A	ND
				Extruder Operator - B	ND
		Resin	20.2	Scrap Grinder	0.03
				Blender	ND
Mar. 11, 1975	Injection Molding	Compound	66	Operator	0.01
Mar. 6, 1975	Injection Molding	Compound	157	Operator	0.01

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FABRICATORS EMPLOYEES EXPOSURE TO VINYL CHLORIDE

<u>Date</u>	<u>Type of Operation</u>	<u>Material Used</u>	<u>VCM Content - PPM</u>	<u>Job Function</u>	<u>8-Hr TWA</u>
Feb. 25, 1975	Film Extrusion	Compound	27	Extruder Operator Winder Packer	ND ND
Feb. 5, 1975	Record Molding	Compound	36	Mold Operator - A Mold Operator - B Flexible Disk Operator Scrap Grinder	ND ND 0.03 0.08
Feb. 4, 1975	Injection Molding	Compound	8.7	Molding Operator	ND
Feb. 3, 1975	Film Extrusion	Compound	7.9	Extruder Operator - A Extruder Operator - B	ND ND
Jan. 23, 1975	Cove Molding	Resin	12.8	Compounder - A Compounder - B Compounder - C Extruder Operator Inspector	ND ND ND ND ND
Jan. 22, 1975	Flexible Profile	Resin	18.9	Hopper Loader Extruder Operator - A Extruder Operator - B Mixer Operator - A Mixer Operator - B	0.04 ND ND 0.09 0.10
Jan. 15-17, 1975	Shoe Soles	Resin	14.9	Blend Conveyor Operator Mixer Operator - A Molding Operator - A Molding Operator - B Mixer Operator - B Molding Operator - A Molding Operator - B Grinder Operator	ND 0.15 ND ND 0.34 ND 0.29 0.14

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FABRICATORS EMPLOYEES EXPOSURE TO VINYL CHLORIDE

<u>Date</u>	<u>Type of Operation</u>	<u>Material Used</u>	<u>VCM Content - PPM</u>	<u>Job Function</u>	<u>8-Hr TWA</u>
Jan. 15-17, 1975 (cont'd)				Mold Operator - C Mold Operator - D Weigh Man - A Mixer Operator - C Mold Operator - E Weigh Man - B Mold Operator - F Mold Operator - G	ND ND 0.46 0.01 0.03 ND 0.01 ND
Jan. 13, 21, 1975	Flexible Compound	Resin	3.7	Foreman Mixer Bagger Extruder Helper	0.01 0.04 0.02 0.02 0.01
Jan. 10-16, 1975	Flexible Profile Extrusion	Resin	2.2	Extruder Operator - A Extruder Operator - B Mixer Operator Hopper Operator Extruder Operator - C Extruder Operator - D Riser Operator	0.02 ND 0.41 0.05 0.02 0.02 0.04
Jan. 10, 1975	Injection Molding	Compound	36.8	Molding Operator	ND
Jan. 7, 1975	Injection Molding	Compound	54	Operator Helper	ND ND
Dec. 17, 1974	Citation	Compound	103	Operator - A Operator - B Operator - C Operator - D Operator - E	ND ND ND ND ND



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