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March 21, 1975

RECEIVED

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CABLE ADDRESS "KELMAN"

Mr. Thomas H. Smith
Director of Distribution
B. F. Goodrich Chemical Company
6100 Oak Tree Boulevard
Cleveland, Ohio 44131

Re: Labeling of PVC and VCM
Under the OSHA Standard

Dear Tom:

The purpose of this letter is to serve as a record of the meeting held yesterday and further advise the PVC and VCM producers of the discussion between the task force consisting of yourself, Grant Arnold of Ethyl Corporation, Phil Cupertino of Stauffer Chemical Company and the undersigned with members of OSHA's staff concerning the labeling of PVC and VCM materials. OSHA was represented by the Chief and a staff member of the Division of Occupational Health of the Office of Compliance Programming and by a Special Assistant to the Associate Assistant Secretary of Labor responsible for Federal and State compliance. It was my impression that the meeting on the whole was most fruitful.

Labeling

The primary purpose for the meeting was to discuss the approach to labeling adopted at the February 18 meeting of the Ad Hoc Study Group. A copy of the program adopted at that meeting is associated with this letter. With the exception of the labeling of VCM tank trucks, the OSHA staff was very receptive to the industry's approach. They appeared very pleased by the DOT placard approach to labeling VCM tank cars. With respect to the tags and labels for other transportation equipment and packaged material, both the size and placement were indicated to be satisfactory. The issues raised with respect to the labeling of VCM tank trucks related to the adequacy of the health

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hazard warning information in the event of an accident, inasmuch as the tags ordinarily would not be visible except to a person within arm's reach of the vehicle. They acknowledged that this system would be adequate for employees of shippers, carriers and consignees but indicated concern that fire or other emergency personnel may not have ready access to the health warning; however, such personnel are not within the ambit of the employer-employee relationship subject to the application of the labeling requirement. Additionally, with respect to VCM, the staff indicated they would be receptive to a request for variance of the "Extremely Flammable Gas Under Pressure" language of the full warning label.

Transition

We discussed the industry's requirement for an interim transition period during which time material presently packaged and in storage may not be in literal compliance with the requirement that every individual container be labeled. We advised the OSHA staff that it was the intent of the producers to label palletized units, but that existing inventories of palletized units would not be broken down in order to place the label on each bag. This approach seemed generally acceptable with the palletized unit being considered as the "package", provided however (1) that individual packages severed from that pallet for shipment must be individually labeled and (2) that the required warning label be obvious until the last package has been severed from the pallet. Placing the labels on the lowest level of bags would thus serve to meet this requirement. Application of the required warning would thus, from OSHA's standpoint, serve to satisfy the Standard from the standpoint of conveying the required warning to employees of the fabricators as well as employees of the producers or warehousemen maintaining storage facilities.

Export

The OSHA staff was very much aware of the export problems the industry is facing with respect to material bearing the OSHA-prescribed label. OSHA considers the

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refusal of certain stevedoring companies to handle labeled material simply as a form of pressure upon OSHA to modify the labeling requirements; and it was indicated that OSHA is under strong pressure from the longshoremen's unions to remain steadfast in the requirement of such warnings. Docks constitute the geographical boundary of the workplace environments under OSHA regulation, and it was evident that OSHA does not intend to apply a lesser warning standard to the docks than to any other area within its jurisdiction.

Import

It was indicated by the OSHA staff that PVC materials imported into the United States must be labeled from the point of first exposure of domestic employees. Accordingly, such materials must be labeled prior to being removed from the ship.

Samples

We raised for discussion the problems related to the movement of material samples, namely whether the Standard would apply to the UPS, Parcel Post and Airline distribution systems. Obviously, the monitoring and training requirements, if not the labeling alone, would preclude sample shipments. While acknowledging the practical problems presented by this situation, the OSHA staff did not indicate that a solution lay easily at hand. We were advised that upon submission of this issue, OSHA would consider *whether* and how it may alleviate the marking and other requirements of the Standard for movement of samples. One approach to this problem relates to the application of the labeling requirement to outer containers, which is discussed below.

Low Monomer Content Materials

During the meeting, we were advised that a request had been filed with OSHA to exempt PVC materials having such a low residual monomer content that would not produce

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an exposure above the action level from the labeling and other application of the Standard. Consideration is presently being given within OSHA to the issue of whether this may be accomplished by interpretation of the Standard or whether such an exemption will require an amendment to the Standard, with the latter appearing to be the more likely course of action at this time. Obviously, such a result would relieve the industry of many of the problems related to the discussion in this letter.

Labeling of Outer Containers

The issue of labeling of outer containers, i.e., motor carrier van trucks, box cars, etc., did not specifically arise during our meeting with the OSHA staff. The OSHA enforcement personnel, however, seemed principally concerned with the labeling of the primary container. For example, in discussion of the material sample situation noted above, the OSHA personnel indicated that the consignee would not be in violation of the Standard if the inner container were appropriately labeled, even if the outer package were not. On the other hand, there was some discussion of conveying the health warning to UPS or postal employees handling sample shipments; however, the tenor of this discussion related to the need to warn those handling more than a minimal quantity of a potential exposure problem rather than the requirement of compliance with the Standard *per se*. Additionally, we were advised by a representative of the New York Shipping Association that the export problems relating to asbestos have been largely solved by agreement with OSHA that labeling of the Sea-Land type of container is not required. I am reluctant to draw any conclusion from the absence of advice as to OSHA's interpretation except to note that the issue of whether the OSHA Standard does in fact require the labeling of van trucks and other similar "outside containers" is subject to varying interpretations.

We will be submitting a written request to OSHA for interpretation that the industry's labeling program complies with the Standard. Our letter will further comment

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upon the other issues we raised as described above. We will not be commenting upon an exemption for low monomer content resin since this discussion was initiated by the OSHA staff and further since this matter is the subject of a pending request and is currently under consideration. We will, of course, circulate a copy of our letter to OSHA at the time it is filed. In the meantime, should there be any questions concerning the foregoing matters, please feel free to contact me.

Cordially yours,

Arthur Rucodini

cc: PVC/VCM Ad Hoc Study Group
enclosure

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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.

G. B. H. Spaul
Carmichael City