

February 10, 1986

Docket Officer

Docket No. H-059C

Room N-3670

U. S. Department of Labor

Third & Constitution Avenue, N.W.

Washington, D.C. 20210

RE: Occupational Exposure to Benzene; Proposed Rule and Notice of Hearing,
29 CFR Part 1910, 50 Fed Reg 50512-50586, (December 10, 1985).

Conoco Inc. respectfully files the following comments in response to the Proposed Rule and Notice of Hearing published by the Occupational Safety and Health Administration (OSHA) on December 10, 1985. Please note that Conoco provided comments to OSHA during the previous benzene rulemaking under letter dated June 27, 1977, and on August 30, 1983, in response to the Request for Information, 48 Fed Reg, 31,412 (July 8, 1983). In addition, the North American Production Department of Conoco Inc. has filed comments specific to production activities by letter dated August 5, 1983, and is planning on submitting comments in response to this current proposed rule. Conoco Inc. wishes to strongly reinforce the position of OSHA and the North American Production Department that oil and gas drilling, production and servicing operations should be exempted from the proposed regulations as proposed in Section 1910.1028(a)(2)(vi). This exemption reflects that there

has been no indication of significant benzene exposure to oil and gas drilling and servicing operations. In addition to these comments, however, Conoco considers that there are several points that OSHA should consider prior to developing rulemaking on occupational exposure to benzene. Conoco Inc. appreciates this opportunity to submit comments and commends OSHA for efforts used to prepare this proposed rule.

GENERAL COMMENTS

Conoco believes the present permissible exposure limit (PEL) of 10 ppm adequately protects worker health, and thus, a PEL of 1 ppm will not substantially reduce worker health risks. Present industrial controls for minimizing benzene exposure are adequate to sufficiently negate health effects due to benzene. New regulations that more stringently control benzene exposures will force industry to spend monies that are not cost-effective in making a safer workplace. Listed below are comments on particular sections:

1910.1028[a][2][i]

Conoco would propose to include under Section 1910.1028(a)(2)(i) the storage, transportation, and distribution of crude oil subsequent to its final discharge from the production lease (i.e., wholesale storage facility). Thus, the exclusion would read:

(2) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, crude oil, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities.

1910.1028(a)(2)(ii)

EXEMPTION OF FACILITIES WITH VAPOR CONTROL SYSTEMS

We wish to commend OSHA for recognition that vapor control systems effectively remove vapors from the work areas of bulk wholesale storage facilities. However, Conoco would propose that Section 1910.1028-(a)(2)(ii) be expanded to include work operations at crude oil storage facilities which use vapor control systems.

VAPOR REGULATED CONTROL SYSTEMS

Regulated Areas, as defined in the standard, are only those with benzene exposures greater than the permissible exposure limit. However, the preamble expands this definition to include areas where exposures are above a short-term exposure limit (STEL) of 5 ppm averaged over a 15-minute sampling period. The 5 ppm STEL is not necessary for protecting worker health and should not be included or referenced as part of the proposed standard.

Conoco would point out that systems can be provided which effectively remove benzene vapors from the work area of any loading facility without

incurring the heavy cost burden dictated by the proposed definition of a "vapor control system." Various systems can collect vapor and move it to locations remote from work areas. Rather than processing the vapor or balancing it with the storage tank, as provided in the definition 1910.1028(b), the vapor can be handled by a remote venting system and dissipated away from work areas.

Conoco recommends that "vapor control systems" be defined as "any equipment used for containing the total vapor displaced during the loading of transportation vessels and removing it from the work area. This equipment also includes . . . back to the tank truck."

Estimated cost per facility for a "vapor control system," as defined in the OSHA proposal, ranges from \$460,000 for a vapor recovery system using carbon bed absorption technology to \$90,000 for a vapor disposal system which uses a flare for incineration. Expense to install each dissipation system, as recommended by Conoco, could range from \$7,000 to \$10,000, and thus, it is more cost-effective.

1910.1028(a)(2)(iv)

EXEMPTION OF CONTAINERS AND PIPELINES CARRYING MIXTURES WITH LESS THAN
0.1 PERCENT BENZENE

Conoco would recommend that the exemption of 0.1 percent be increased to a more practical 0.5 percent, as the arbitrary 0.1 percent is unnecessarily low. Human exposure to these liquids is minimal, and Conoco is not aware of information indicating that hydrocarbon liquids containing 0.5 percent

benzene pose a significantly increased health hazard compared to liquids having 0.1 percent benzene.

1910.1028(a)(2)(v)

EXEMPTIONS FOR LOCATIONS WITH MIXTURES OF 0.5 PERCENT OR LESS

Conoco recommends that the 0.5 percent to 0.1 percent reduction at the end of five years be deleted from the standard (see reasons stated above).

1910.1028(a)(2)(vi)

EXCLUSION OF NATURAL GAS OPERATIONS

Conoco believes that natural gas gathering and processing operations should be excluded from the requirements of the proposed rule. The proposed rule, 1910.1028(a)(2)(vi), specifically excludes oil and gas drilling, production and servicing operations. Historically, natural gas plants have been considered to be part of, and similar to, production operations. This position can be supported by the fact that EPA has included natural gas processing plants in its "Crude Oil and Gas Production" category for new source performance standards. Additionally, in all major oil and gas producing states, Conoco's Natural Gas Products (NGP) operations are regulated under the same authority that regulates oil and gas production (i.e., Railroad Commission, Corporation Commission, etc.).

To clarify the applicability of the exclusion to NGP operations, we recommend the following change to 1910.1028(a)(2)(vi):

"(vi) Oil and gas drilling, production, and servicing operations,
including oil and gas gathering and gas processing
operations."

1910.1028(g)(1)

RESPIRATORY PROTECTION--GENERAL

As required in 1910.134(a)(3), the wearing of personal protective equipment must be the joint responsibility of the employer and the employee.

Conoco emphatically requests that the paragraph 1910.1028(g)(1) be revised to state, "The employer shall provide respirators and assure that they are used where required by this section. The employee shall use the provided respiratory protection in accordance with instructions and training received. Respirators shall be used in the following circumstances."

1910.1028(g)(5)

RESPIRATORY PROTECTION

Respirator Fit Testing--Appendix E, Section I (19) states, "Qualitative Fit Testing shall be repeated at least every six months," whereas quantitative fit testing is to be repeated annually. There is no justification for more frequent fit testing with the qualitative procedure. Granted, quantitative tests do not rely on the wearer's subjective response (e.g., smell, taste, irritation); education and

training can overcome this concern. Extensive experimental work has proven qualitative fit testing to be a reliable method for evaluating respirator fit. The qualitative test does not give a precise numerical value for protection factor; however, the isoamyl acetate test ensures with 95 percent confidence, 97 percent of respirator wearers will pass with protection factor of 100 or greater, utilizing half-mask respirators.¹ Increasing the frequency of testing will not improve this performance.

1910.1028(i)(4)

EMERGENCY EXAMINATIONS

Emergency is not sufficiently defined either in this paragraph or in definitions. Exposure to undiluted benzene vapors in a spill would undoubtedly constitute an emergency situation, but it is inconceivable that exposure to benzene in motor gasoline vapors would normally constitute an emergency. Legal liabilities regarding medical record confidentiality, along with the added cost of short-term emergency deadlines, make this an item that will be unnecessarily burdensome to industry.

¹T. J. Nelson, O. T. Skrevedt, J. G. Loschiavo, "Development of An Improved Qualitative Fit Test Using Isoamyl Acetate," Journal of ISRP, (1984), 225.

1910.1028(j)(1)

Conoco recommends that the regulated areas should be posted with the following legend:

DANGER

BENZENE

CANCER HAZARD

All other recommended language is redundant to specific training given to workers and unnecessarily detracts from emphasis of the above-mentioned warning.

1910.1028[j][3]

INFORMATION AND TRAINING

Conoco recommends that the benzene hazards communication information and training requirements (1910.1028(j)(3)) be modified to require training and information initially, and only require that information be provided annually (currently, the proposal reads at least annually).

Sincerely,

Barbara Gutmann

Legal Department

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