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CABLE ADDRESS "KELMAN"

January 21, 1976

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

Re: OSHA Required Labeling
of PVC Materials

Dear Tom:

The Occupational Safety & Health Administration of the Department of Labor has undertaken administrative changes to its program directive for enforcement of the standard for exposure to vinyl chloride which should serve substantially to alleviate the labeling requirement pertaining to PVC materials.

As you are aware, the Standard defines "fabricated product" as

a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride. 29 C.F.R. §1910.1017(b) (6).

In a prior interpretation, OSHA held that a solution resin which did not require mass melting in the processing and which did not result in the release of vinyl chloride in excess of the action level prescribed by the Standard may be classified as a fabricated product. OSHA has now, by advice to several producers, extended the definition of fabricated product by

Mr. Thomas H. Smith
January 20, 1976
Page Two

applying the same criteria pertaining to the interpretation of the phrase "release of vinyl chloride" it made for solution resins to those materials which do require mass melting in their processing. Specifically, OSHA has advised, as follows:

"Release of vinyl chloride" means the release of an amount of vinyl chloride which would likely result in employee exposure at or above the action level without regard to the use of engineering controls. Products which can be classified as fabricated products are exempt from the provisions of the vinyl chloride standard. All other products are subject to the requirements of the standard. If the employer uses or manufactures a product which is not a fabricated product, he must initiate monitoring procedures. If the monitoring reveals that the employees are not exposed to vinyl chloride at or above the action level, the employer's operations will be exempt from the provisions of the standard. However, if the monitoring reveals exposure at or above the action level, the employer must implement the procedures specified in the standard.

Thus, low residual monomer content materials which in processing would not release monomer in an amount in excess of the action level would be exempt from labeling and further application of the regulation. OSHA has apparently determined that application of the regulation, including labeling, is not required where there is no hazard, the latter being defined in terms of exposure above the action level.

We will advise the representatives of the ATA and the AAR of OSHA's new interpretation of the definition of fabricated product. To the extent that PVC materials may be classified for OSHA purposes as fabricated products, the carriers too are relieved of the necessity of adherence to the Standard.

Should there be any questions or desire to discuss the foregoing matter, please let me hear from you.

Cordially yours,

Martin Benavoli

cc: PVC/VCM Ad Hoc Study Group
of the SPI Committee on Distribution