

WILLIAM FODOR,  
354 Summit Ave.,  
Perth Amboy, N.J. 08861

Dated: November 11, 1976

Dr. Jerome P. Flesch,  
c/o National Institute of Occupational  
Safety & Health,  
Robert A. Taft Laboratories  
4676 Columbia Parkway,  
Cincinnati, Ohio 45226

Dear Dr. Flesch:

I am enclosing herein an original and copy of request for a health hazard evaluation as provided by the U.S. Department of Health, Education and Welfare, National Institute for Occupational Safety and Health. This request is being made for an evaluation of the Amboy Terminaling plant as set forth in the form which is completed herein.

I would appreciate your promptness in making this evaluation both retrospective and prospective.

You will notice that I am making this application as the Chief Shop Steward as well as the President of the Union Local 825.

Very truly yours,



William Fodor

Enc.

UCC 075272

The  
**HEALTH HAZARD EVALUATION PROGRAM**  
of the  
NATIONAL INSTITUTE FOR OCCUPATIONAL  
SAFETY AND HEALTH



UCC 075273

*Published by the:*

**Division of Technical Services  
National Institute for Occupational Safety and Health  
Center for Disease Control  
Public Health Service  
Department of Health, Education, and Welfare**

**UCC 075274** —

## INTRODUCTION

Section 20(a)(6) of the Occupational Safety and Health Act of 1970 charges the Department of Health, Education, and Welfare with the responsibility for evaluating the potential toxicity of materials used or found in the workplace, upon receipt of written requests by employers and employee representatives. HEW's National Institute for Occupational Safety and Health (NIOSH) is the agency which provides these on-site toxicity determinations. While these activities are the responsibility of the Division of Technical Services, several other Institute Divisions and programs contribute at various stages to the overall program. Coordination of on-site toxicity determinations are handled by the Division of Technical Services' Hazard Evaluation Services Branch in Cincinnati and supported by regional industrial hygienists. This hazard evaluation service is provided at no cost to the requesters.

This little pamphlet is comprised of four documents which will add to your understanding of the hazard evaluation service: (1) highlights of NIOSH's health hazard evaluation program, (2) a press release summary of the final regulations governing the program, (3) a copy of the published regulations themselves, reprinted from the Federal Register, and (4) a copy of the request form - to be used by employers and employee representatives in initiating requests for hazard evaluations. The request form is available in quantity from any NIOSH location.

For additional information concerning this highly important service, please feel free to contact me at the address below. Other general information about the work of the National Institute for Occupational Safety and Health may be obtained from: NIOSH, Office of Technical Publications, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20852.

Marshall E. LaNier, Director  
Division of Technical Services  
National Institute for Occupational  
Safety and Health  
Post Office Building, Room 506  
Cincinnati, Ohio 45202

UCC 075275

## HIGHLIGHTS OF NIOSH'S HEALTH HAZARD EVALUATION PROGRAM

The Hazard Evaluation Services Branch, one of five branches within NIOSH's Division of Technical Services, provides direct response to requests for toxicity determinations in the workplace as required by Section 20(a)(6) of the Occupational Safety and Health Act of 1970.

Final regulations of NIOSH's Health Hazard Evaluation Program, as it has come to be known, have been published in the Federal Register and give detailed requirements and operational procedures of the program. However, as an example of typical program procedures followed by NIOSH, the following highlights of a hypothetical request are presented here:

Having received a completed Request for Health Hazard Evaluation form from an employer or authorized representative of employees regarding alleged hazardous exposure to a potentially toxic substance in the workplace, the central Branch office in Cincinnati records, validates and researches the toxic substances identified on the request.

The request, along with the packet of technical information, is sent to a NIOSH regional industrial hygienist who then contacts plant management and employee representatives to schedule an initial field visit. Employee representatives requesting such evaluations may have their names held confidential if they so desire. An observational survey of the workplace is conducted with these representatives to elucidate the extent of the problem and to determine the number and type of environmental samples to be collected. Employee interviews are conducted to identify adverse symptomatology experienced by the workers. Findings from the survey are reported to headquarters and a strategy developed for the environmental-medical evaluation. Sampling, analytical, and medical tests are derived and conducted by NIOSH to determine the concentration of substances found and the potentially toxic effects to affected employees. Study results are assessed, and a final determination made.

Affected employees are notified of the determination. A full report of the study including recommendations for controlling observed hazards, if appropriate, is sent to the employer; representative of employees; and the U.S. Department of Labor.

Health Hazard Evaluation Reports will be utilized in developing new standards where toxic substances are found but for which no standards exist. Information derived from health hazard evaluations will also be used in assessment of the validity of existing standards.

Jerome P. Flesch  
Chief, Hazard Evaluation Services Branch

UCC 075276

FINAL REGULATIONS

THE NIOSH HEALTH HAZARD EVALUATION PROGRAM

# federal register

## **Title 42—PUBLIC HEALTH**

**Chapter I—Public Health Service, Department of Health, Education, and Welfare**

**SUBCHAPTER G—OCCUPATIONAL SAFETY AND HEALTH RESEARCH AND RELATED ACTIVITIES**

### **PART 85—REQUESTS FOR HEALTH HAZARD EVALUATIONS**

On March 17, 1972, a notice of proposed rule making was published in the **FEDERAL REGISTER** (37 F.R. 5634) which prescribed the conditions and procedures

for conducting health hazard evaluations pursuant to section 20(a)(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(6)). That section directs the Secretary of Health, Education, and Welfare to determine, following a written request by any employer or authorized representative of employees, whether any substance normally found in a place of employment has potentially toxic effects in such concentrations as used or found and further provides that such determinations shall be submitted to the appropriate employer and affected employees.

Interested persons were invited to submit, within 30 days, written comments, suggestions, or objections regarding the proposed regulations.

In addition, on June 20, 1972, the proposed regulations and the issues raised by the public comments concerning them were discussed with the National Advisory Committee on Occupational Safety and Health established by section 7 of the Occupational Safety and Health Act. All public comments, as well as the views expressed by the members of the Committee, have been taken into consideration with the result that a number

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of changes, as discussed below, have been made in the regulations which were proposed. All comments in response to the rules as proposed and the transcript of the Committee proceedings on June 20 are available for public inspection at the National Institute for Occupational Safety and Health, Room 10-05, 5600 Fishers Lane, Rockville, MD.

1. *Applicability.* A statement has been added to the applicability section to indicate that Part 85 is not intended to preclude the use of other channels of communication with the National Institute for Occupational Safety and Health (NIOSH) to obtain information and assistance concerning toxic substances.

2. *Definitions.* Definitions of the terms "investigation" and "health hazard evaluation" have been added and these terms have been used throughout Part 85 in an effort to distinguish the physical inspection of a place of employment by NIOSH in conducting a health hazard evaluation, from the compliance inspection conducted by the Department of Labor. The definition of "toxic effects" has been revised to exclude those which produce acute discomfort.

3. *Procedures for requesting evaluations.* The main thrust of the comments on the procedures for requesting evaluations went to the question of who should be considered an "authorized representative of employees". The comments ranged from a suggestion that any individual employee should be allowed to make the request, to the contention that the authorized representatives should be limited to those who represent the employees for purposes of collective bargaining. The final regulations provide that an authorized representative may be either: (1) A representative for purposes of collective bargaining; (2) an employee of the employer who has written authorization from two or more employees employed in the work place where the substance is normally found, to represent them for purposes of the Act; or (3) where three or less employees are employed in the work place where the substance is normally found, any one of such employees. Objections to the Institute's withholding the identity of requesters have been considered and rejected. Such protection is, in our judgment, necessary to assure utilization of this procedure by employees. The option to withhold the requester's identity has been extended to those who have authorized the requester to represent them. Copies of these written authorizations must accompany the request.

4. *Authority for investigation.* The section has been amended to make clear that the duty to conduct a health hazard evaluation and the authority to investigate and inspect for purposes of conducting that evaluation extend only to the place of employment with respect to which the request has been made, which under the definition of "place of employment" can be the entire factory or a single work place.

5. *Advance notice of visits.* NIOSH experience over the last several months has

revealed that failure to give advance notice can interfere with a thorough and effective plant visit and thus impede the health hazard evaluation. The very process to which the request is directed may not be in operation on the day of the visit and the problem becomes even more serious when the place of employment is not readily accessible. Furthermore, the employer and, in the case of employee requests, the employees may wish to have a particular representative accompany the NIOSH officer. The surprise visit would conflict with this desire. The Institute, after considering all comments on this matter, has concluded that the evil which this surprise visit is intended to avoid—the misrepresentation of actual production conditions—can be avoided by exercise of the authority under section 8 to conduct private interviews with appropriate employees. Thus, the Institute's decision to give employers advance notice must be read in the light of the authority of NIOSH to question employees privately.

Accordingly, the section on advance notice (§ 85.6) has been completely revised to provide that advance notices of visits to the place of employment may be given to expedite a thorough and effective investigation. Advance notice will not be given when, in the judgment of the NIOSH officer, giving such notice would adversely affect the validity and effectiveness of an investigation. In the case of employee requests, advance notice will be given by the Institute to the requester, the representative of the employees for purposes of collective bargaining if such representative is other than the requester, and to the employer. Where the request is from the employer, advance notice will be given to such employer and, upon the request of the employer, to an authorized representative of employees.

6. *Conduct of investigations.* The major change in section 85.7 concerns trade secret information. This provision has been expanded to set forth the procedure where the Institute questions the designation by an employer of certain information as trade secret information. Where the Institute questions the identification, the employer will be given written notice of the Institute's intention to remove the trade secret designation from such information. The employer may within that period request reconsideration and provide additional information in support of the trade secret designation. If, after reconsideration, the decision of NIOSH is to remove the designation, the employer shall then be notified. Since the decision does not become effective until 15 days after the date of the written notice, the employer has the opportunity to take appropriate steps to retain the trade secret designation.

7. *Representatives of employers and employees, employee requests.* This section of the regulations has been revised to provide that in the case of employee requests a representative authorized by the employees shall be given an opportunity to accompany the NIOSH officer

during the initial physical inspection of the workplace. Since NIOSH experience in the conduct of this program indicates that visits subsequent to the initial inspection are principally for the purpose of environmental sampling and medical examinations, the presence of the representative of employees will not be routinely requested during these aspects of the investigation.

8. *Imminent dangers.* In response to a number of comments, the term "serious hazard" has been deleted and the statutory phrase "imminent danger" has been substituted therefor.

9. *Notification of determination to employers, affected employees and Department of Labor.* The method of notifying affected employees of the determination was the subject of a substantial number of comments. Section 85.11 requires that the employer post a copy of the determination at or near the work places of the affected employees. However, no posting is required if the employer requests NIOSH to mail copies to the affected employees and furnishes the Institute with a list of the names and mailing addresses of the employees determined by NIOSH to be exposed to the substance which is the subject of the health hazard evaluation.

*Effective date.* These regulations shall be effective 30 days after their publication in the Federal Register.

Dated: October 16, 1972.

VERNON E. WILSON,  
Administrator, Health Services  
and Mental Health Administration.

Approved: October 30, 1972.

ELLIOT L. RICHARDSON,  
Secretary.

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*AUTHORITY:* The provisions of this Part 85 issued under the authority of section 8(g), 84 Stat. 1600; 29 U.S.C. 657(g).

#### § 85.1 Applicability.

The provisions of this Part 85 are applicable to requests submitted by any employer or authorized representative of employees pursuant to section 20(a)(6) of the Occupational Safety and Health Act of 1970 for a determination of potentially toxic effects of any substance normally used or found in any place of employment to which the Act is applicable. This Part 85 is not intended

to preclude the use of other channels of communication with the National Institute for Occupational Safety and Health to obtain information and technical assistance related to toxic substances.

#### § 85.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 and not defined below shall have the meaning given it in the Act. As used in this part:

(a) "Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.).

(b) "Authorized representative of employees" means any person or organization meeting the conditions specified in § 85.3(b)(4)(i), (ii), or (iii).

(c) "Investigation" includes a physical inspection of the place of employment pursuant to section 8 of the Act and means such inspection, sampling, observations, and other measurements reasonably necessary to determine whether any substance found in the place of employment for which the request is made has potentially toxic effects in such concentrations as used or found.

(d) "Health hazard evaluation" means the investigation and the determination of potentially toxic effects of any substance normally used or found in any place of employment to which the Act is applicable.

(e) "Place of employment" means any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by any employee of an employer.

(f) "NIOSH" means the National Institute for Occupational Safety and Health.

(g) "NIOSH officer" means a person authorized by NIOSH to conduct investigations.

(h) "Substance" means any chemical or biological agent which has the potential to produce toxic effects.

(i) "Toxic effects" are those which result in short- or long-term disease, bodily injury, affect health adversely, or endanger the life of man.

#### § 85.3 Procedures for requesting health hazard evaluations.

(a) A request for a health hazard evaluation should be addressed to the National Institute for Occupational Safety and Health, Hazard Evaluation Services Branch, U.S. Department of Health, Education, and Welfare, Cincinnati, Ohio 45202.

(b) A request for such an evaluation shall:

(1) Be in writing and signed by (i) the employer in whose place of employment the substance is normally found, or (ii) by an authorized representative of employees who are employed by such employer;

(2) State the requester's name, address, and telephone number, if any; the address of the place of employment where the substance is normally found; the specific workplace or workplaces involved, and the specific process or type of work which is the source of the sub-

stance or in which such substance is used;

(3) Specify with reasonable particularity the nature of the conditions, circumstances, or other grounds on which the request is made;

(4) State, where the requester is other than the employer:

(i) That he is an authorized representative, or an officer, of the organization representing the employees for purposes of collective bargaining; or

(ii) That he is an employee of the employer and is authorized by two or more employees employed in the workplace where the substance is normally found to represent them for purposes of the Act. Each such authorization shall be in writing and included in the request; or

(iii) That he is one of three or less employees employed in the workplace where the substance is normally found.

(5) Indicate whether the requester or those persons who have authorized the requester to represent them desire that NIOSH not reveal their names to the employer.

(c) The request shall, if the information is known to the requester:

(1) Identify the potentially toxic substance or substances involved;

(2) State the trade name, chemical name, and the manufacturer of each such substance;

(3) State whether the substance or the container of such substance has a warning label; and

(4) Specify the physical form of the substance, number of people exposed, length of exposure (hours, days), and occupations of exposed employees.

Note: The National Institute for Occupational Safety and Health has developed a form, entitled "Request for Health Hazard Evaluation," to assist persons in requesting evaluations under this part. Forms are available upon request from NIOSH, Hazard Evaluation Services Branch, Cincinnati, Ohio 45202, or from the NIOSH representative in any Regional Office of the Department of Health, Education, and Welfare.

#### § 85.4 Acting on requests.

(a) When a request meeting the requirements of this part has been submitted in accordance therewith and designated employees of NIOSH have concluded that there is reasonable cause to believe that an investigation is warranted, a NIOSH officer will inspect the place of employment, collect samples where appropriate and perform such tests as necessary, including medical examinations of employees, to the conduct of a health hazard evaluation.

(b) If there is no reasonable cause to conclude that an investigation is warranted, the requester shall be notified in writing of such decision.

(c) Investigations shall be conducted in accordance with the requirements of this part.

#### § 85.5 Authority for investigations.

(a) Employees of the National Institute for Occupational Safety and Health who have been issued the NIOSH official credentials (consisting of HSM Form

599-2 entitled "Identification Record") are authorized by the Director, NIOSH, for the purposes of section 20(a)(6) of the Act and pursuant to section 8, to enter without delay and at reasonable times any place of employment for which a request has been submitted, to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein as may be directly related to the determination whether any substance normally found in the place of employment for which a request has been submitted has potentially toxic effects in such concentrations as used or found. In connection with any such investigation, such NIOSH employees may question privately any employer, owner, operator, agent, or employee and review records required by the Act and regulations, and other related records.

(b) Areas containing information which is classified by any agency of the U.S. Government in the interest of national security will be inspected only by NIOSH employees who have obtained the appropriate security clearance.

#### § 85.6 Advance notice of visits.

(a) Advance notice of visits to the place of employment may be given to expedite a thorough and effective investigation. Advance notice will not be given when, in the judgment of the NIOSH officer, giving such notice would adversely affect the validity and effectiveness of the investigation.

(b) Where a request in accordance with this part has been made by an authorized representative of employees, advance notice in accordance with paragraph (a) of this section will be given by NIOSH to the requester, the representative of the employees for purposes of collective bargaining if such representative is other than the requester, and to the employer.

(c) Where a request in accordance with this part has been made by any employer, advance notice will be given by NIOSH to the employer. Upon the request of the employer, NIOSH will inform the authorized representative of employees of the visit. Provided, The employer furnishes NIOSH in writing with the identity of such representative and with such information as is necessary to enable NIOSH promptly to inform such representative of the visit.

#### § 85.7 Conduct of investigations.

(a) Prior to beginning an investigation, NIOSH officers shall present their credentials to the owner, operator, or agent in charge at the place of employment, explain the nature, purpose, and scope of the investigation and the records specified in § 85.5 which they wish to review. Where the investigation is the result of a request submitted by an authorized representative of employees, a copy of the request shall be provided to the employer, except where the requester or any person authorizing the requester pursuant to § 85.3(b)(4)(ii) has indicated

that NIOSH not reveal his name to the employer, in which case, a summary of the basis for the request shall be provided to the employer.

(b) At the commencement of an investigation, the employer should precisely identify information which can be obtained in the workplace or workplaces to be inspected as trade secrets. If the NIOSH officer has no clear reason to question such identification, such information shall not be disclosed except in accordance with the provisions of section 20(a)(6) and section 15 of the Act. However, if NIOSH at any time questions such identification by an employer, not less than 15 days' notice to an employer shall be given of the intention to remove the trade secret designation from such information. The employer may within that period submit a request to the Director, NIOSH, to reconsider this intention and may provide additional information in support of the trade secret designation. The Director, NIOSH, shall notify the employer in writing of the decision which will become effective no sooner than 15 days after the date of such notice.

(c) NIOSH officers are authorized to collect environmental samples and samples of substances, to take or obtain photographs related to the purpose of the investigation, employ other reasonable investigative techniques, including medical examinations of employees with the consent of such employees, and to question privately any employer, owner, operator, agent, or employee. The employer shall have the opportunity to review photographs taken or obtained for the purpose of identifying those which contain or might reveal a trade secret.

(d) NIOSH officers shall comply with all safety and health rules and practices at the place of employment being investigated, and they shall provide and use appropriate protective clothing and equipment. In situations requiring specialized or unique types of protective equipment, such equipment shall be furnished by the employer.

(e) The conduct of investigations shall be such as to preclude unreasonable disruption of the operations of the employer's establishment.

**§ 85.8 Provision of suitable space for employee interviews and examinations; identification of employees.**

An employer shall, on request of the NIOSH officer, provide suitable space, if such space is reasonably available, to NIOSH to conduct private interviews with, and examinations of, employees. NIOSH officers shall consult with the employer as to the time and place of the medical examination and shall schedule such examinations so as to avoid undue disruption of the operations of the employer's establishment. NIOSH shall conduct, and assume the medical costs of, examinations conducted under this part.

**§ 85.9 Representatives of employers and employees; employee requests.**

(a) NIOSH officers shall be in charge of investigations. Where the request for

a health hazard evaluation has been made by an authorized representative of employees, a representative of the employer and a representative authorized by his employees who is an employee of the employer shall be given an opportunity to accompany the NIOSH officer during the initial physical inspection of any workplace for the purpose of aiding the investigation by identifying the suspected hazard. The NIOSH officer may permit additional employer representatives and such additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the investigation. However, if in the judgment of the NIOSH officer, good cause has been shown why accompaniment by a third party who is not an employee of the employer is reasonably necessary to the conduct of an effective and thorough investigation of the workplace, such third party may accompany the NIOSH officer during the inspection. *Provided, however,* that access by such persons to areas described in paragraph (d) of this section shall be in accordance with the requirements of such provision, and access to areas described in paragraph (e) of this section shall be with the consent of the employer. A different employer and employee representative may accompany the officer during each different phase of an inspection if this will not interfere with the conduct of the investigation.

(b) NIOSH officers are authorized to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this section. If there is no authorized representative of employees, or if the NIOSH officer is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters directly related to the health hazard evaluation.

(c) NIOSH officers are authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly physical inspection.

(d) With regard to information classified by an agency of the U.S. Government in the interest of national security, only persons authorized to have access to such information may accompany an officer in areas containing such information.

(e) Upon request of an employer, any representative authorized under this § 85.9 by employees in any area containing trade secrets shall be an employee in that area or an employee authorized by the employer to enter that area.

**§ 85.10 Imminent dangers.**

Whenever, during the course of, or as a result of, an investigation under this part, the NIOSH officer believes that there is a reasonable basis for an allegation of an imminent danger, NIOSH will immediately advise the employer and those employees who appear to be in immediate

danger of such allegation and will inform appropriate representatives of the Department of Labor or the State agency designated under section 18(b) of the Act.

**§ 85.11 Notification of determination to employers, affected employees and Department of Labor.**

(a) A determination made pursuant to section 20(a)(6) of the Act will, as a minimum: (1) identify and set forth, where appropriate, the concentrations of the substance(s) found in the place of employment and the conditions of use, and (2) state whether such substance(s) has potentially toxic effects in such concentrations, as well as the basis for such judgments.

(b) Copies of the determination will be mailed to the employer and to the authorized representatives of employees.

(c) Except as hereinafter provided, the employer shall post a copy of the determination for a period of 30 calendar days at or near the workplace(s) of affected employees. The employer shall take steps to insure that the posted determinations are not altered, defaced, or covered by other material during such period. The employer will not be required to post the determination if the employer requests that copies of the determination be mailed to affected employees and furnishes NIOSH with a list of the names and mailing addresses of the employees employed in the workplace(s) designated by the NIOSH Officer. In the latter event, NIOSH will mail such copies to affected employees at the mailing addresses provided by the employer.

(d) For purposes of this section, the term "affected employees" means those employees determined by NIOSH to be exposed to the substance(s) which is the subject of the health hazard evaluation.

(e) Copies of all determinations will be forwarded to the Department of Labor and the appropriate State agency designated under section 18(b) of the Act. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6 of the Act, the Secretary of Health, Education, and Welfare will immediately submit such determination to the Secretary of Labor together with all pertinent criteria.

**§ 85.12 Subsequent requests for health hazard evaluations.**

Where a request is received for a health hazard evaluation in a place of employment in which an evaluation under this part previously has been made, the Secretary may make a subsequent investigation if, as a result of the passage of time or additional information, he deems such a subsequent investigation consistent with the purpose of the Act.

[FR Doc 72-10042 Filed 11-6-72; 8:51 am]

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

REQUEST FOR HEALTH HAZARD EVALUATION

This form is provided to assist in registering a request for a health hazard evaluation with the U.S. Department of Health, Education, and Welfare as provided in Section 20(a)(6) of the Occupational Safety and Health Act of 1970 and 42 CFR Part 85. (See Statement of Authority on Reverse Side).

Name of Establishment Where Alleged Hazard(s) Exist Amboy Terminaling Company  
Company { Street 560 State St., Telephone 442-9550  
Address { City Perth Amboy, State New Jersey Zip Code 08861

1. Principal Company Activity packing and transportation of bulk chemicals namely, P.V.C., and  
(manufacturing, construction, transportation, services, etc.) allied chemicals  
2. Specify the particular building or worksite where the alleged hazard is located, including address at factory at 560 State St., Perth Amboy, N.J.

3. Specify the name and phone number of employer's agent(s) in charge.

4. Describe briefly the hazard(s) which exists by completing the following information: PVC, VC Monomers,  
Identification of Hazard or Toxic Substance(s) Bisphenyls, Polystyren, & other organic VC  
Trade Name (If Applicable) as above suspensions, as well as vinyl resins.  
Manufacturer Union Carbide Does the material have a warning label? Yes ☐ No ☐  
If Yes, attach copy of label or a copy of the information contained on the label. only PVC as of recent  
Physical Form: Dust ☒ Gas ☐ Liquid ☐ date ☐ Mist ☐ Other ☐  
Type of Exposure? Breathing ☒ Swallowing ☒ Skin Contact ☒  
Number of People Exposed \_\_\_\_\_ Length of Exposure (Hours/Day) \_\_\_\_\_  
Occupations of Exposed Employees all employees are exposed to handling the product  
and are known as material handlers.

5. Using the space below describe further the nature of the conditions or circumstances which prompted this request and other relevant aspects which you may consider important, such as the nature of the illness or symptoms of exposure, the concern for the potentially toxic effects of a new chemical substance introduced into the workplace, etc.

It appears that there have been at least four known cases of  
cancer and probably many more which are not known as of this  
time and it is important for the employee who are no longer  
there to know what their physical condition may be doing due to  
this exposure as well as for those who are still working to know  
what hazard exists for them by virtue of this exposure.

6. (a) To your knowledge has this hazard been considered previously by any Government agency? \_\_\_\_\_  
(b) If so, give the name and address of each, \_\_\_\_\_  
\_\_\_\_\_ no \_\_\_\_\_  
\_\_\_\_\_  
(c) and, the approximate date it was so considered, \_\_\_\_\_  
7. (a) Is this request, or a request alleging a similar hazard, being filed with any other Government agency? no (b) If so, give the name and address of each, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned (check one)

- ☐ Employer  
☒ Authorized Representative of employees\*

**Chief Shop Steward & President**

ii (circle one)

believes that a substance (or substances) normally found at the following place of employment may have potentially toxic effects in the concentration used or found.

Signature \_\_\_\_\_ Date Nov. 11, 1976  
Typed or Printed Name William Fodor Telephone: Home - \_\_\_\_\_  
Address { Street 354 Summit Ave. Business - \_\_\_\_\_  
City Perth Amboy State N.J. Zip Code 08861

If you are a representative of employees, state the name and address of your organization.

**Chief Shop Steward & President of  
International Union of Operating Engineers, Local 825**

Please indicate your desire:

- ☒ I do not want my name revealed to the employer.  
☐ My name may be revealed to the employer.

Authority:

Section 20(a)(6) of the Occupational Safety and Health Act, (29 U. S. C. 669(a)(6)) provides as follows: The Secretary of Health, Education, and Welfare shall, . . . determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary of Labor, together with all pertinent criteria.

"Authorized representative of employees" means any person or organization meeting the conditions specified in 42 CFR Part 85.3 (b) (4) (i), (ii) or (iii):

- (i) -- that he is an authorized representative of, or an officer of the organization representing, the employees for purposes of collective bargaining; or  
(ii) -- that he is an employee of the employer and is authorized by two or more employees employed in the workplace where the substance is normally found, to represent them for purposes of the Act. Each such authorization shall be in writing and included in the request; or  
(iii) -- that he is one of three or less employees employed in the workplace where the substance is normally found.

Send the completed form to:

National Institute for Occupational Safety and Health  
Hazard Evaluation Services Branch  
U.S. Department of Health, Education, and Welfare  
Cincinnati, Ohio 45202

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