



INTERNAL CORRESPONDENCE

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SAFETY DEPT.

CHEMICALS AND PLASTICS

P. O. BOX 471, TEXAS CITY, TEXAS 77401

Mr. R. J. Taylor
Mr. J. W. Whittlesey - 501
(46)

DATE February 17, 1977

SUBJECT 3M Brand Vinyl Chloride
Respirator No. 8716

Ref. (1) Letter of R. L. Frantz
to J. B. Leverton re. 3M Brand
Vinyl Chloride Respirator No. 8716
dated February 10, 1977 (attached)

Ref. (2) Letter of W. P. Harris of
3M Company to R. L. Frantz
dated January 19, 1977 (attached)

Gentlemen:

This is to request your input and guidance regarding the use of subject
respirator in VCM exposure situations.

Specifically:

- (1) Do you recommend use of the mask in our vinyls departments
at this time?
- (2) What would our legal liability be considering possible "de minimus
citations"?

Any comments you may have would be most appreciated. Please contact
me if you have any questions.

JBL

Apparently a.k. if control can be
maintained e.g. $\leq 10\text{ppm}$, records
on which employee wears + amt. of
time each respirator is worn.
Looks as tho each respirator should
be numbered assigned, and record
JBL:ir maintained.
Attachments

Thanks,

John B. Leverton
John B. Leverton

Cost vs. service?

I don't oppose but ~~still~~ I have a concern whether they will
be used properly and whether we're willing to accept
citations - de minimus or not. RLV

UCC 094680

UNION CARBIDE CORPORATION

270 PARK AVENUE NEW YORK, N.Y. 10017

LAW DEPARTMENT

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MAR 3 1977

February 28, 1977

Mr. John B. Leverton
Manager
Safety and Environmental Affairs Department
Chemicals and Plastics Division
Post Office Box 471
Texas City, Texas 77590

Re: 3M Brand Vinyl Chloride
Respirator No. 8716

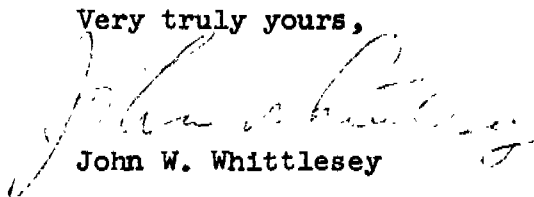
Dear Mr. Leverton:

In response to your letter of February 17 asking whether I recommend use of the 3M Brand Vinyl Chloride respirator in your vinyls department, it would appear, so far as the legalities are concerned, appropriate for use in atmospheres up to ten parts per million for two hour periods. I cannot comment on the physical capabilities of the device and will leave that to Mr. Taylor.

The OSHA letter, a copy of which 3M furnished you, specifically states that the "3M disposable cartridge respirator is acceptable for two hour use in atmospheres of up to ten parts per million vinyl chloride". The problem arises because it is not an approved respirator which OSHA's respirator regulation requires to be used, and cannot be tested for approval by NIOSH because of NIOSH regulations, the revision of which has not taken place. Accordingly, OSHA, if it finds such respirators being used in the course of any inspection will issue what amounts to notice of violation but which do not even comprise citations and certainly do not involve any penalties. The so-called deminimus situation is used in situations where no hazard appears but a technical violation of a regulation is apparent. As already indicated, it is not even classed as a non-serious violation and forms no basis, if more than one violation is found in subsequent inspection, for either a serious, repeated, or willful violation.

Under the circumstances, I would see no legal problems with the use of such respirators under the prescribed conditions.

Very truly yours,


John W. Whittlesey

JWW:me

cc: Mr. R. J. Taylor

UCC 094681