

OSHA-103.00M

TO: Safety Directors

FROM: T. G. Grumbles

DATE: May 16, 1986

Interoffice
Communication

SUBJ: OSHA ENFORCEMENT OF HAZARD COMMUNICATION STANDARD

VISTA

Recent enforcement activity at the LCVCM Plant and the chemical industry in general clearly shows that OSHA is enforcing many portions of the Hazard Communication Standard as if it were a specification standard, as opposed to a performance standard. Specifically, many of the MSDS content and hazard determination requirements are being enforced based on OSHA interpretations that certain specific items must be present on the MSDS and in the written hazard determination for company products (i.e., ALFOLS). What does this mean to us?

Enclosed is a citation received at the VCM Plant after OSHA reviewed the hazard determination and MSDSs for plant products. Item 8 of the citation is the one which has potential impact for all locations. OSHA is interpreting the cited paragraph to mean the chemical producer must identify in a positive way on all MSDSs if a chemical is an NTP, IARC, or OSHA carcinogen. OSHA has suggested a "check box" type arrangement as being best to meet this requirement. The affect of this method for hazard communication is debatable but that's how OSHA is interpreting and enforcing the standard.

I am currently considering how to best meet this requirement for Vista product MSDSs. Several companies have contested this specific citation and this OSHA interpretation may not hold in court. If OSHA wins, the MSDSs we are using in-plant would probably have to meet this requirement as well. In anticipation of OSHA's interpretation holding I'll reissue the consolidated carcinogen list with specific source references by each carcinogen. You should be considering how to revise your in-plant MSDS's if necessary. I think Ashby has done it and could share his solution.

A revised hazard determination procedure for Vista products has recently been sent.


Thomas G. Grumbles

ajo/9

Attachment

cc WLM, MMG

VVV 000000347

Vista Chemical Company

Lake Charles VCM Plant
VCM Plant Rd., P.O. Box 605

Westlake, Louisiana 70669
Phone (318) 494-5000

CERTIFIED MAIL # 241 411 068
RETURN RECEIPT

May 9, 1986

Mr. Paul J. Hansen
Area Director
Baton Rouge Area Office
OSHA-USDOL
2156 Wooddale Blvd, Suite 200
Baton Rouge, LA 70806-1486

Dear Mr. Hansen:

This letter is to confirm our understanding of the agreed method of compliance with the citations settled on in the Informal Settlement Agreement executed on May 2, 1986 (copy attached).

Items 2 and 7 of the citation will be abated by immediately proceeding to amend the Vista MSDS to contain the OSHA Permissible Exposure Limit for Ethylene Dichloride. The abatement date was extended to June 30.

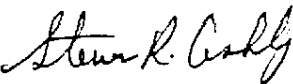
Item 5 will be abated by immediately proceeding to modify container labels for VCM Plant hazardous products by adding the company name and address to the label. Plant procedures will be implemented to assure no container leaves the workplace after the June 30 abatement date without the modified label.

Item 8 will be abated by immediately proceeding to modify the five Material Safety Data Sheets listed to indicate whether the hazardous chemical is listed in the latest NTP annual report, listed by IARC, or regulated by OSHA as a carcinogen. The abatement date was also extended to June 30.

As discussed at the conference, we would appreciate you sending us the OSHA interpretation letters regarding the requirement of 29 CFR 1910.1200(g)(2)(vii), specifically how the identified carcinogen sources are to be indicated.

We appreciate the time given to Vista to discuss and reach settlement on the citation.

Sincerely,


S. R. Ashby
Safety Director

kf
cc: RAC-TGG-WLM

VISTA

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