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To: SPI-PVC Safety Group
SPI-PVC Manufacturing Technology Committee
SPI-PVC Health Committee

Gentlemen:

The attached report which we think you will find self-explanatory concerns a recent decision of the United States Court of Appeals for the Second Circuit. In that case the Court overruled an Occupational Safety and Health Review Commission holding that the mandatory monitoring in the Emergency Temporary Standard for vinyl chloride did not apply when it would be useless, that is, when it could be reliably predicted that vinyl chloride would not be present above the permitted limits.

The new Second Circuit decision would require mandatory monitoring wherever vinyl chloride might be present.

Since the same mandatory monitoring language is employed in the final Occupational Safety and Health Administration Standard regulating vinyl chloride exposure, this decision would appear to require at least initial monitoring in all areas where vinyl chloride exposure might occur. Accordingly, relative to areas where monitoring for vinyl chloride has not been conducted because it was assumed not present in amounts which would exceed the permissible exposure limits, it would now seem prudent to conduct and compile a record of initial monitoring for vinyl chloride exposure.

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