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DON PEARSON

SEEMS LIKE THIS GIVES
IS MORE LEeway IF
WE CAN GET OSHA
VARIANCES FOR JOBS
THAT ARE DIFFICULT
TO ENGINEER EXPOSURE
OUT. JHP

July 29, 1991

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Mr. Donald Pearson
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Re: OSHA PEL for EDC

Dear Don:

In recently reviewing my file notes for the Vinyl Institute Health, Safety and Environment Committee, I realized that I had not yet written you concerning the relationship between the Occupational, Safety and Health Administration (OSHA) permissible exposure limit (PEL) for ethylene dichloride (EDC) and a settlement agreement entered into between OSHA and the Society of the Plastics Industry. As discussed below, the settlement agreement reflects a determination by OSHA that the new EDC PEL cannot be met by engineering and work practice controls alone for certain operations. The agreement also defines the types of respirators that may be used under various operating conditions.

In its rulemaking, OSHA lowered the permissible exposure limit for EDC from 50 to 1 part per million (ppm). 54 Fed. Reg. 2332 (Jan. 19, 1989) (29 C.F.R. § 1910.1000 Table Z-1-A). The final rule became effective March 1, 1989, and the startup date for compliance with any combination of controls was September 1, 1989. The startup date for compliance with a preference for feasible engineering controls is December 31, 1992.

Mr. Donald Pearson
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In August 1989, we entered into a settlement agreement with OSHA regarding the use of air-purifying respirators to meet the EDC PEL (a copy of the settlement agreement is enclosed.) This agreement provides that OSHA will permit the use of half-mask air purifying respirators for EDC concentration levels up to 10 parts per million (ppm), and full-mask air-purifying respirators at levels up to 50 ppm, provided the filter in each respirator is changed at the end of any day in which the cumulative service life of the filter totals one hour or more. The agreement covers intermittent industry operations for which engineering and work practice controls alone are inadequate to reduce worker exposure below the PEL of one ppm. In particular, we were concerned with the feasibility of using engineering and work practice controls to meet a 1 ppm PEL for column and other equipment cleaning.

The settlement agreement also provides that we may request the use of half-mask respirators at EDC concentrations above 10 ppm or for less frequent changing of filters if we provide test results to support such a change. While there was some discussion of conducting such tests, I am not aware that this has been pursued.

In any event, I trust that this letter will clarify that the settlement agreement's sanction of half and full-face air purifying respirators is not time limited. If you have any further comments or questions or if I can be of any further assistance, please let me know.

Cordially yours


Peter L. de la Cruz

cc: Frank Borrelli
Robert D. Luss, Esq.
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