

TO: Distribution

FROM: T. G. Grumbles

DATE: June 29, 1987

SUBJ: PVC LABELING - RECENT DEVELOPMENTS

Interoffice
Communication

VISTA

Two recent events have impacted our policy and practice regarding PVC labeling practices. This letter is to convey information regarding those two events, briefly review the labeling history to date and summarize current actions and issues yet to be resolved.

HISTORY

The OSHA VCM standard requires VCM and PVC containers to be labeled with a specific VCM warning. This label caused multiple occurrences of overreaction when the residual VCM levels were so low as to create insignificant potential for exposure. Based on the above, the industry sought expert legal opinion regarding the applicability of the PVC container warning requirement. The opinion stated that if residual VCM levels were below levels which could create exposures above the 0.5 ppm action level, no warning was required. At about the same time the "safe" residual level was quantified by BF Goodrich and much of the industry proceeded to "delabel" where appropriate. Since 1984 we were not aware of any citations or other OSHA action regarding the PVC labeling issue.

The OSHA Hazard Communication Standard was promulgated and became effective in late 1985. This standard had stringent labeling requirements for "hazardous chemicals" as defined by certain "floor lists" of chemicals and by manufacturer's own hazard determinations. This standard added some confusion to the labeling requirements and the "hazard status" of PVC.

EVENT 1

As a result of the growing confusion, the Vinyl Institute aggressively sought a clarifying opinion from OSHA regarding those issues. OSHA responded (letter attached) that PVC containers must be labeled with the VCM warning regardless of the residual levels, that the VCM standard labeling requirements prevailed over those of the Hazard Communication Standard for PVC containers but all MSDS requirements of the Hazard Communication Standard apply to PVC. (The VCM Standard labeling requirements do not include the name and address of the manufacturer.)

EVENT II

Recently a Premiere compound customer had an OSHA inspection as a result of a union complaint. The customer received multiple citations, specifically for non-labeling of PVC containers according

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to the VCM Standard and PVC MSDS deficiencies, specifically no VCM exposure limit or health information. I attended the informal conference with the customer. Suffice it to say we did not prevail in our arguments and OSHA is still somewhat confused regarding the status of PVC.

CURRENT VISTA ACTIONS

As you are aware, we were proceeding to relabel PVC containers with a general informational warning label. The language on it regarding VCM content was purposefully not exactly as the VCM standard requires, and the label contained a statement that Vista had determined PVC not to be a hazardous chemical as defined by OSHA. Because of the events mentioned above we are changing our plan. Following are our immediate actions:

1. The label is being modified to reflect the recent OSHA actions by modifying the VCM warning to be as required by the VCM Standard, and the hazard determination statement is being revised. It is our opinion at this time that existing stocks of PVC bags, boxes and railcar labels may be used, at least until we receive new packages and labels. Further clarification on this will be coming to you.
2. The issue of the hazard status of PVC under the Hazard Communication Standard will be further pursued with OSHA. The Vinyl Institute probably will do this for the industry. OSHA's position that PVC is hazardous is contrary to the standard's provisions for hazard determinations. Vista still believes PVC to be non-hazardous based on the standard's definitions and determination procedures.

In the near term, we need to resolve how and what we communicate to our customers now that the "voluntary" labeling effort we were doing is no longer voluntary. Also Material Safety Data Sheets May have to be modified, depending on the resolution of the hazard status issue, and remailed to all PVC customers.

The confusion between the OSHA VCM Standard and the OSHA Hazard Communication Standard requirements and how PVC is "regulated" has complicated our effort to provide appropriate, accurate and adequate warning information to our customers. Hopefully, the current events will finally resolve these issues.



T. G. Grumbles

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Attachment

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