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SUMMARY OF TESTIMONY BY
UNIROYAL, INC.
IN OBJECTION TO THE PROPOSED
PERMANENT STANDARD 1910.93q
RELATING TO VINYL CHLORIDE EXPOSURE

DOCKET OSH-36

June 21, 1974



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I am Martin J. Kleinfeld, Commercial Planning Director of the Chemical Division of Uniroyal, Inc. I am a chemist and for nine years, from 1948 through 1956, I was involved in research and development and manufacturing of vinyl chloride and polyvinyl chloride resins. In subsequent years I have been successively Marketing Manager and Research and Development Manager for Uniroyal's PVC resin operations.

My associates are Dr. Walter Harris, Corporate Toxicologist; Mr. Benton Leach, Factory Manager of our Painesville, Ohio polyvinyl chloride manufacturing facility and Mr. Richard Weller of Arthur, Dry & Kalish, our legal firm.

Uniroyal has been in the business of manufacturing vinyl chloride monomer and polyvinyl chloride resins for 27 years. We are one of the world's major manufacturers of vinyl products such as coated fabrics (under the trade name of Naugahyde) and have been for 33 years.

While we were the third producer of polyvinyl chloride in the U.S. we have not expanded as rapidly as some and currently account for only about 3 percent of the total U.S. production. It is noteworthy, however, that with only 3 percent of the total production and about 300 people directly involved in the manufacture of these resins we affect about 25,000 employees in customers' fabricating operations dependent at least in part upon our resins. A simplified extrapolation of this ratio for the industry would suggest that as many as 800,000 employees could be adversely affected by a major cut-off of the polyvinyl chloride supply; and this does not, of course, account for the hundreds of thousands of

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workers whose jobs would be affected by a stoppage in the flow of fabricated products which are dependent upon polyvinyl chloride and not amenable to near future substitution of other materials, many of which are also in short supply as a result of the energy shortage.

As mentioned, our plant at Painesville, Ohio has been in continuous commercial operation for 27 years. During the first 14 years of operation we also produced vinyl chloride monomer at the same site. During these 27 years we have produced over 1.5 billion lbs. of PVC and have employed about 800 people in this plant during this period. 150 of these have worked in close proximity to the VCM/PVC operation for over 16 years; 56 of these for over 25 years. The medical data we have accumulated to date have disclosed no incidence of angiosarcoma and the incidence of abnormal liver function test results appears to be no greater than in the general population.

We are submitting to the OSHA at this time our written detailed discussion of our objections to the Proposed Standard; 19 are enumerated in our submittal. In the interests of conserving time I will highlight now only those points which we believe are of greatest importance relative to safety considerations and the economic impact of the Proposed Standard.

A. Objections to Specific Portions of Proposed Standard

- 1) Our major objection is to the "no detectable level" restriction. This has been detailed in our EXHIBITS A-1, A-2, A-3, A-7, A-9 and A-17 following.
- 2) We do not see the need for special protective clothing as we are unaware of any evidence that has proven a medical risk due to skin absorption of vinyl chloride gas. (See EXHIBIT A-6)
- 3) We believe the respiratory section should be written with more flexibility to allow the use of a greater variety of respirators based upon their proven ability to cope with the situation at hand. (See EXHIBIT A-11)

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- 4) "Emergency" situation by definition should be confined to release of large quantities of vinyl chloride. (See EXHIBIT A-4)
- 5) The mandatory requirement for removal of personnel from potential vinyl chloride contact areas if upon medical rescreening one or more abnormal liver function tests persist, leaves the examining physician no room for judgement. Furthermore, removal of an employee to an area with "no detectable level" of vinyl chloride, which in our opinion, is unlikely to be found consistently in the vicinity of a vinyl chloride or polyvinyl chloride plant, would appear to leave no alternative but transfer or dismissal. (See EXHIBIT A-16)

Summary of Objections to Specific
Sections of Proposed Standard 1910.93q

Section: (a) Scope and application (1) and (2)

Objection: Application to all areas where "detectable" levels are released. Inclusion of polyvinyl chloride containing "detectable" amounts of vinyl chloride.

Grounds and/or Suggested Changes:

Occupational health evidence does not warrant imposition of this Standard on all workplaces where a "detectable" level of vinyl chloride may be present. A "non-detectable" restriction is technologically infeasible in vinyl chloride monomer and polyvinyl chloride production plants. Some permitted level which has not been proven unsafe must be allowed in workplaces to avoid shut down of a major industry with the resultant severe effects upon both labor, i.e. loss of jobs, and our national economy.

There is no proven risk or any reasonable expectation of any medical risk from trace amounts of residual vinyl chloride in polyvinyl chloride in processing plants, i.e. fabricators. Further assurances of freedom from risk can be implemented by restricting the amount of free monomer in the polymer. Inclusion of the many thousands of processing workplaces under the total restrictions and demands of this Standard is we feel illogical as to need and unduly repressive as to cost and utilization of manpower. Ample precedent regarding exclusion of products containing trace amounts - e.g., 0.1% - of potentially hazardous materials may be found in Part 1910.93c-p, the recently promulgated standards on 14 alleged carcinogens.

We recommend that (a) (1) be rewritten so that it applies only to vinyl chloride and polyvinyl chloride production operations. For these operations, the provisions of the Standard would apply in all areas where exposures to concentrations of vinyl chloride in the workplace air exceed a specified "permissible level". Our definition of permitted level may be found under (b) (6) (EXHIBIT A-3).

We also recommend that (2) (2) be changed to clearly exempt both polyvinyl chloride processing workplaces as well as those workplaces involved in the handling or use of fabricated products from the scope and application of this Standard.