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RECEIVED

FEB 13 1987

DR. R. T. GOTTESMAN

February 10, 1987

Roy T. Gottesman, Ph.D.
The Vinyl Institute
Wayne Interchange Plaza II
155 Route 46 West
Wayne, New Jersey 07470

Re: OSHA Labeling

Dear Roy:

This letter is intended to provide an update on our efforts to obtain from the Occupational Safety and Health Administration (OSHA) a letter indicating that polyvinyl chloride (PVC) resin and compound with a low residual vinyl chloride monomer level need not be labeled as a carcinogen or so designated on material safety data sheets (MSDSs) under either the OSHA vinyl chloride standard or the OSHA hazard communication standard. We met with OSHA in late October 1986, subsequently forwarded a citation on this issue and have been attempting to obtain a written response.

As you may recall, Occidental Chemical challenged an OSHA citation alleging that the company's MSDS was deficient for failing to indicate that PVC was a carcinogen. The administrative proceedings had been stayed several times awaiting a definitive letter of interpretation from OSHA headquarters. The administrative law judge indicated that he did not wish to wait any longer and would proceed to decide the case. The regional OSHA attorney handling the matter conferred with OSHA headquarters and agreed to dismiss the citation if Occidental would agree to place a line on its MSDS stating that PVC was not carcinogenic. In other words, OSHA was demanding some indication as to whether or not the substance was carcinogenic. Occidental accepted this disposition. We interpreted this as a positive development and renewed our verbal requests for a letter.

SPI-08159

Roy T. Gottesman, Ph.D.
February 10, 1987
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On February 9, Frank White indicated that he had received a draft letter from his staff. However, he wanted to review this matter with his staff because the letter was short, provided no substantive response to points we raised in our prior letter and meetings and, it was a unfavorable opinion. During our discussion he indicated that he was unaware of the Occidental settlement and would also discuss this apparent inconsistency with the staff.

Obviously things continue to remain in an unsettled state because the good news contained in the Occidental settlement does not appear to be translating readily into a favorable opinion from OSHA headquarters. I will continue to press for a favorable resolution with Frank White and advise you promptly of any developments. In the interim, if you have any comments or questions, please let me know.

Cordially yours,



Peter L. de la Cruz

cc: Robert D. Luss, Esquire
W.C. Holbrook
Charles E. O'Connell
Lewis R. Freeman, Jr.
Robert W. Sherman

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