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R&S 140958

August 17, 1983

James W. Kachtick
Tenneco Oil
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Re: OSHA Labeling of PVC

Dear Jim:

Following your request at the Manufacturing Practices Committee meeting on August 4, 1983, enclosed are copies of opinion letters from the Occupational Safety and Health Administration (OSHA) on the labeling of containers holding polyvinyl chloride (PVC) resin. As you are aware, the labeling of PVC containers is governed by 29 C.F.R. § 1910.1017. It is our opinion that containers holding PVC resin need not carry the OSHA warning label when the handling, transport or further processing of PVC resin could not reasonably be expected to result in the exposure of workers to vinyl chloride above the action level of 0.5 parts per million (ppm) averaged over an 8-hour work day. The remainder of the letter traces OSHA labeling regulations and related interpretations.

Under OSHA regulations, containers of polyvinyl chloride must be labeled as follows:

Polyvinyl Chloride (or other trade names)
Contains
Vinyl Chloride
Vinyl Chloride is a Cancer-Suspect Agent

Section 1910.1017(l)(4). There have been few OSHA interpretations of the labeling requirements. One interpretation indicates that blended polyvinyl chloride resins may use the following modified labeling.

Blended Polyvinyl Chloride (PVC)
Contains Trace Amounts (0.5 ppm)
of Vinyl Chloride
Vinyl Chloride is a Cancer-Suspect Agent

OSHA letter of December 17, 1975 to R.N. Wheeler (copy attached).

Although the regulatory language appears to be written in an absolute form, it is subject to the definitional sections. In particular, the term "polyvinyl chloride" does not include "fabricated products," which are exempt from the provisions of the vinyl chloride standard.

The term "fabricated product" refers to one "which does not require further processing at temperatures, and for times, sufficient to cause mass melting of polyvinyl chloride resulting in the release of vinyl chloride." In the attached opinion letters, OSHA states that "release of vinyl chloride" means the release of an amount of vinyl chloride which would be likely to result in employee exposure at or above the action level without regard to the use of engineering controls. Thus, low residual monomer content resins, which would not release vinyl chloride in excess of the action level, would be exempt from labeling and further application of the regulation. Incidentally, the term "action level" is defined as a "concentration of vinyl chloride of 0.5 ppm averaged over an eight-hour workday." Section 1010.1017(b)(1).

In support of the position we have expressed here concerning the labeling requirements, OSHA has itself indicated that other provisions, such as training, are not applicable where the fabricating operations would not result in exposure to vinyl chloride above the action level. (See the enclosed copy of my letter of May 11, 1981 to J. Lawrence.) Therefore, if the PVC resin which you are shipping has a low residual vinyl chloride monomer level and will not result in exposure above the action level, the OSHA labeling regulations would not be applicable.

The OSHA regulation only refers to PVC "containers." It does not distinguish between railroad tank cars and other containers. Thus, the general position noted above applies to tank cars.

The discussion at the August 4 meeting also touched on the use of labeling tags at the tank car access ports. The following passage from OSHA's compliance letter on the vinyl chloride standard is instructive and supports the use of such tags if needed.

> Signs and labels must be legible. They must also be informative and distinctive enought to alert and warn employees of the potential hazards. There are no requirements on the size, color, or type of lettering on labels; only that they are legible. The CSHO will keep in mind the intent and purpose of the label and/or sign (employee protection) when determining whether or not they are legible. He will make certain that nothing detracts from the required warning or the information and instructions necessary for assurance of the employee's well being.

OSHA CPL 2-2.4, page 16, paragraph (31)(1)(a) (emphasis in original).

I trust that this information will satisfy your request. Please contact me if you have any comments or questions.

Cordially yours,

Peter

Peter L. de la Cruz

Enclosures

cc: G.R. Munger (w/o encs.)
R.T. Gottesman