

BORDEN, INC.

960 KINGSMILL PARKWAY, COLUMBUS, OHIO 43229



MARK A. GRUENWALD, C.I.H.
MANAGER
PRODUCT SAFETY & TECHNICAL SERVICES

RECEIVED
AUG 10 1987
DR. R. T. GOTTESMAN

August 3, 1987

Mr. Peter L. de la Cruz, Esquire
Keller & Heckman
1150 Seventeenth Street, N.W.
Washington, D.C. 20036

RE: OSHA LABELING

Dear Peter:

Dr. Gottesman suggested I send to your attention the attached letter we received from OSHA concerning target organ effect labeling for PVC.

In light of your ongoing discussions with OSHA concerning a clarification on the labeling of PVC as a carcinogen under the Vinyl Chloride Standard and the Hazard Communication Standard, I believe you might also want to address the issue raised in the attached letter at your August 24 meeting with Frank White at OSHA. This appears to be a generic issue for the PVC industry as a whole to address.

In the interim, we plan to contact the OSHA area office in Illinois to determine the basis for their "suggestion".

We would appreciate any comments that you might have on this subject.

Sincerely,

Mark A. Gruenwald

MAG:sls:attachment
cc: Dr. Gottesman

SPI-01475

TELEPHONE (614) 431-6610
TELEX 246-692

U.S. Department of Labor

Occupational Safety and Health Administration
344 Smoke Tree Business Park
North Aurora, Illinois 60542
(312) 896-8700



July 8, 1987

Borden Chemical Division
Borden, Inc.
180 E. Broad Street
Columbus, OH 43215
Attn: Mark Grenwald

Dear Mr. Grenwald:

Representatives of the Occupational Safety and Health Administration (OSHA) recently visited the following company:

The above mentioned company purchases the following chemical(s) from you:

PVC Homopolymer

At the time of the visit, labels on shipped containers of hazardous chemical(s) supplied by your company were found to be deficient in the following areas:

The label did not give a proper hazard warning to include the following: Respiratory Irritation, Eye Irritation which is target organ and effect.

You are required under OSHA's Hazard Communication Standard (29 CFR 1910.1200) or your State's right-to-know law to perform hazard determinations, label outgoing containers properly and provide copies of MSDS for all hazardous chemicals which you produce or import. A copy of the standard is provided for your reference.

Please immediately send proper labels for the containers of hazardous chemical(s) listed above to your customer.

Thank you for your assistance. If you have any questions regarding this matter, please feel free to contact me at (312) 896-3700.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ken Yotz".

Kenneth Yotz
Area Director

SPI-01476

RECEIVED
JUL 15 1987
M.A. GRUENWALD



A Division of The Society of The Plastics Industry, Inc.

Roy T. Gottesman
Executive Director

August 31, 1987

Memorandum To File

Re: Meeting With OSHA Concerning Labeling of Vinyl Chloride Polymers and Copolymers - August 24, 1987

This file memorandum will record the principle items discussed during a meeting held at the U.S. Department of Labor, Occupational Safety & Health Administration on August 24th. Participating in the meeting for OSHA were Frank A. White, Deputy Assistant Secretary, Tom Shepich, newly-named Director of Compliance Programs, and David Smith, Shepich's Deputy. Participating for the Vinyl Institute were Thomas G. Grumbles of Vista Chemical, and Peter de la Cruz of Keller and Heckman.

Discussion related to the following:

1. Labeling of Vinyl Chloride Polymers and Copolymers - In a May 12th letter to Peter de la Cruz, Frank White had indicated that labeling as per the definition in the OSHA Vinyl Chloride Standard (29 CFR 1910.1017) was required for vinyl chloride polymers and copolymers that had never been mass-melted or had only undergone mass-melting as in pellet production. He noted that additional labeling per the OSHA Hazard Communication Standard (29 CFR 1910.1200) did not apply to such products.

We explored the possibility of an amendment to the Standard that would not require labeling of PVC as regards to a cancer-suspect agent, based on the Ethylene Oxide Standard. A trial balloon was floated in which a new provision would be added to the Vinyl Chloride Standard based on the Ethylene Oxide Standard in which the following section would be added:

"This section does not apply to the processing, use, or handling of vinyl chloride polymer or copolymer products where objective data are reasonably relied upon that demonstrate that vinyl chloride polymer or copolymer is not capable of releasing vinyl chloride in airborne concentrations at or above the action level, under the expected conditions of processing, use or handling that would cause the greatest possible release."

SPI-01477

Memorandum To File

Re: Meeting With OSHA - 8/24/87

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Mr. White indicated that while such an amendment might be worthwhile considering, based on the current backlog at the Agency and higher priority items, it was unlikely that such an amendment could be expected in a timeframe of less than 3-4 years.

2. Material Safety Data Sheets - The application of 29 CFR 1910.1200, the OSHA Hazard Communication Standard to material safety data sheets was also discussed. It was pointed out even prior to the adoption of this OSHA Standard, most PVC producers were already supplying material safety data sheets (MSDS) on a voluntary basis. We pointed out that significant reductions in vinyl chloride monomer in PVC that have been made since the adoption of the OSHA Standard. Because of recent information from IARC that there is insufficient evidence to classify PVC as either an animal or human carcinogen and applying the criteria for whether a substance must be treated under the Hazard Communication Standard, we have concluded that PVC is not a hazardous material, and that the Hazard Communication Standard does not apply. Not only does the IARC information support this position, but it was indicated that sufficient monitoring information exists to show that the levels of vinyl chloride emitted from PVC during processing are considerably below the action level.

Mr. Grumbles discussed in detail a recent citation of one of Vista's customers, Greenwood Industries in Greenwood, Arkansas and a recent citation of Borden, both apparently due to field misinterpretations of the requirements under the Hazard Communication Standard. Because we feel that these citations are in error, the writer asked whether the Agency would consider issuing a directive to its field offices to the effect that a moratorium was being declared on any further citations until OSHA Headquarters clarified this issue. While Mr. White agreed that the issue was complex, he would not agree to a moratorium. It was agreed however, that the Vinyl Institute, through its member companies, would compile monitoring and industrial hygiene information that would serve to indicate that processors, i.e., downstream users of polyvinyl chloride resin are not subject to any significant exposure of vinyl chloride, and such information will be provided to OSHA in support of our position that the Hazard Communication Standard does not apply. If OSHA agrees with this position, they will issue an administrative letter to their field offices clarifying this situation.

Roy J. Getteman

RTG/pmb

cc: P. de la Cruz

T. Grumbles

SPI-01478

Scope and Application of Vinyl Chloride Standard

Based on the ethylene oxide standard (§ 1910.1047(a)(2)), we recommend that a new provision be added to § 1910.1017(a)(2)(ii), the scope and application of the vinyl chloride standard.

This section does not apply to the processing, use, or handling of vinyl chloride polymer or copolymer products where objective data are reasonably relied upon that demonstrate that the vinyl chloride polymer or copolymer is not capable of releasing vinyl chloride in airborne concentrations at or above the action level under the expected conditions of processing, use, or handling that will cause the greatest possible release.

"Final version finalized @ 5/24/87 meeting."