

NOV 03 '84

To: T. G. Grumbles

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From: W. L. McClain
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Subject: OSHA EMERGENCY REPORTING: VINYL CHLORIDE

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VISTA

In preparation for the development of a standardized protocol for determining if a given vinyl chloride release or emission requires reporting to OSHA, I have reviewed the relevant regulations and background documents and offer the following analysis.

29 CFR Section 1910.1017 sets forth the OSHA requirements for the control of employee exposure to vinyl chloride. Section 1910.1017(n)(2) requires that "emergencies, and the facts obtainable at that time" be reported within 24 hours to the OSHA Area Director, and that a written follow-up report be submitted if requested by the Area Director. 29 CFR Section 1910.1017(b)(5) defines an "emergency" as ... "any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride." (Emphasis added.) Thus, under the OSHA regulations, an occurrence or event which is likely to, or does, result in a "massive" release of vinyl chloride must be reported to OSHA as an "emergency" event.

OSHA has never defined the terms "massive release" in the regulations. Although in April, 1975, OSHA by letter, not regulation, interpreted the terms "massive release" to mean ... "any operation or place where the concentration of VC is greater than 100 ppm.", that interpretation was subsequently acknowledged by OSHA to be inappropriate. Specifically, in October, 1975, OSHA by letter stated that ... "an emergency situation under the standard is one in which an employee is exposed to massive release of vinyl chloride, not necessarily exposure to concentrations of 100 ppm or greater..."; and, "In the absence of exposure, a release of vinyl chloride need not be reported to OSHA."

Based on the foregoing, one can conclude that two events must occur to trigger the OSHA 24-hour emergency reporting procedure. Namely, a massive release of vinyl

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chloride, and actual exposure to employees (regardless of whether the employees are wearing protective equipment). The determination of what constitutes a "massive" release is necessarily a case-by-case determination, taking into account the physical area (e.g., laboratory, pilot plant, plant process area), the source of the release (e.g. flange leak, relief valve discharge, pipe break, loading/unloading spills, etc.) and the quantity actually released. Webster's New Collegiate Dictionary (1977) defines "massive" to mean impressively large, large in scope or degree, large in comparison to what is typical, or being extensive and severe. The limited OSHA guidance would indicate that in general "leaks" are not "massive" but "pipe breaks" are usually massive, as are incidents where liquid vinyl chloride is discharged to the ground.

If I may be of further assistance in this matter, please contact me.



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Attorney
/dsb