



To Keith Fogg, Chris Markerson, Russ Prechtl, Robert Martin (via E-MAIL)

From Harry D. Garrison

Date August 27, 1996

Interoffice
communication

Subject **OSHA VCM EMERGENCY REPORTING REQUIREMENTS**

Over the years, there has been confusion regarding the reporting requirements specified in 29 CFR 1910.1017 (n) (2). The purpose of this memorandum is to provide clarification and guidance relative to this requirement.

When complete, this guidance will be incorporated into the corporate standard covering compliance with all requirements of 29 CFR 1910.1017. A new directory specifically for clarification/interpretive memos is being established on the WAN along with the other corporate standards. This memo will be added to that directory.

This memo supersedes all previous documentation, correspondence, guidance, etc. regarding the reporting requirements of 29 CFR 1910.1017 (n) (2); therefore, to avoid any future confusion, all previous documents should be purged from your files.

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Manager Safety, Health & Environment

cc: CWT, JPW, PJK, SHC, PEM, LLZ, TGG, JCL, DJM

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OSHA EMERGENCY REPORTING REQUIREMENTS**VINYL CHLORIDE STANDARD (29 CFR 1910.1017)****Regulatory Requirement**

29 CFR 1910.1017 (n) (2), the OSHA Vinyl Chloride Standard, requires the following:

Emergencies, and the facts obtainable at that time, shall be reported with 24 hours to the OSHA Area Director. Upon request of the Area Director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

Definitions and Background

29 CFR 1910.1017 (b) (5) defines "Emergency" to mean:

Any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in a massive release of vinyl chloride.

OSHA does not define the terms "**massive release**" in the regulation. The only guidance from the agency comes from various letters written by OSHA in response to questions regarding what constitutes a reportable emergency. To summarize the responses of record . . . "an emergency situation under the standard is one in which an employee is exposed to a massive release of vinyl chloride . . . , and . . . "in the absence of exposure, a release of vinyl chloride **need not be reported to OSHA.**" [Emphasis added].

Reporting Guidance

Based on the above and the apparent intent of the standard, the following must occur to trigger the 24-hour emergency reporting requirement to OSHA:

1. An emergency situation triggered by a sudden, unexpected release of vinyl chloride **and**
2. Employee exposure without regard to the use of personal protective equipment including respiratory protection.

The determination of what constitutes an emergency or massive release is necessarily a case-by-case determination. The limited OSHA guidance available would indicate that:

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1. A flange leak is not necessarily massive, but a seal failure or pipe break should be considered massive (especially if liquid VCM is discharged) .
2. A cylinder or sample bomb released in an open process area likely is not massive, but the same container in a laboratory or closed, poorly ventilated area may be massive due to the exposure conditions created.
3. In all cases, exposure to employees without regard to personal protective equipment, including respiratory protection, must also occur.
4. Mere exposure to VCM does not, in and of itself, necessitate reporting to OSHA. An employee exposed to VCM in routine operations, maintenance or laboratory activities, even at very high levels, does not constitute an "emergency" or "massive release." Examples of such activities may include equipment opening, line clearing, leak repair, etc.

The following should be considered when determining whether OSHA reporting is required:

1. Was there a sudden, unexpected release of vinyl chloride?
2. Did the event prompt any type of emergency action? (This can range from operator response, with or without respiratory protection, to isolate the source of the release to full-scale Emergency Response Plan activation.)
3. Given the physical location in which the release occurred and the amount released, were any employees exposed or potentially exposed based on actual measurements, calculations, observations or employee reports (visual, odor, contact, etc.)?

In most cases, it is strongly recommended that the corporate Safety, Health and Environmental Department and/or Legal Department be consulted if there is any question regarding reportability to OSHA.