

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210

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File-PVC



MAY 12 1987

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Mr. Peter L. de la Cruz
Keller and Heckman
Law Offices
Suite 1000
1150 17th Street, N.W.
Washington, D.C. 20036

Dear Mr. de la Cruz:

This is in response to your letter of December 29, 1986, regarding the regulation of vinyl chloride polymers and copolymers. Please accept my apology for the delayed response.

Thank you for the copy of the citation you sent to illustrate the type of Agency enforcement actions that some Vinyl Institute members have experienced and believe to be inappropriate. As you may be aware, this citation has been modified by Settlement Agreement.

I would like to clarify the Occupational Safety and Health Administration's requirements for labelling vinyl chloride polymers and copolymers and for providing material safety data sheets for these substances.

According to the definition at 29 CFR 1910.1017(b)(9) in the vinyl chloride standard, vinyl chloride polymers and copolymers that have never been mass melted, or have only undergone an intermediate mass melting process such as when processed into pellets, are polyvinyl chloride. Such substances must bear labels containing the information specified in 29 CFR 1910.1017(1)(3) or (1)(4), depending upon whether they are waste material or products. Any additional labeling specified in the hazard communication standard, 29 CFR 1910.1200, does not apply to these substances. The material safety data sheet provisions of the hazard communication standard do apply to them, however.

Vinyl chloride monomers and copolymers that have been formed into a product by molding, calendaring, extrusion or other similar process, and which do not require further processing at temperatures and for times sufficient to cause mass melting resulting in the release of vinyl chloride, are "fabricated products" and exempt from the vinyl chloride standard. These fabricated products would be covered by the labelling and material safety data sheet requirements of the hazard communication standard, however, if the hazard determination required by the standard indicates that further operations done on the products such as sanding, heat sealing, etc., present a potential hazard to employees.

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As regards the Field Information Memorandum dated October 23, 1975, Subject: Enforcement of Vinyl Chloride Standard with Respect to Low Residual Monomer Resins, which you presented in our October meeting, the document is no longer in effect.

Please do not hesitate to contact me if you have further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Frank A. White', with a large, stylized loop in the middle.

Frank A. White
Deputy Assistant Secretary

VVV 000008785