



February 2, 2015

OSHA Docket Office
Docket No. OSHA-2011-0196
U.S. Department of Labor
Occupational Safety and Health Administration,
Room N-2625
200 Constitution Avenue NW.
Washington, DC 20210

Submitted electronically at <http://www.regulations.gov/>

<http://www.regulations.gov/#!documentDetail;D=OSHA-2011-0196-0004>

Re: The Vinyl Chloride Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

Dear Sir or Madam:

The Vinyl Institute (VI) appreciates the opportunity to provide input to OSHA to assist the agency and OMB in assessing the need for and effectiveness of the Information Collection Requirements of the OSHA Vinyl Chloride Standard. VI is a U.S. trade association representing the leading manufacturers of vinyl, vinyl chloride monomer, vinyl additives and modifiers, and vinyl packaging materials. The VI's mission is to gather and communicate technical information to support the responsible manufacture, use and disposal of vinyl products, to build recognition among a wide range of stakeholders on the benefits and value of vinyl, and to maintain a level playing field with other materials.

OSHA amended its Hazard Communication Standard ("the HCS"), 29 CFR 1910.1200, in March of 2012 ("HCS 2012") to achieve goal of global harmonization in chemical hazard communication by incorporating almost all of the U.N. Globally Harmonized System for Classification and Labeling of Chemicals. OSHA further advanced the goal of harmonization by contemporaneously amending all of its substance-specific standards, including its Vinyl Chloride Standard, 29 CFR 1910.1017. Through those amendments, OSHA replaced the inconsistent labeling requirements in each of those standards with the uniform approach of HCS 2012.

We are filing these comments to address our concern that the OSHA Vinyl Chloride Standard might be misinterpreted to impose labeling requirements on containers of PVC in situations where the container in question does not hold a hazardous chemical covered by the HCS. This concern is based on the potential that those who are not familiar with the issues will misread the text of the 2012 Final Rule adopting HCS 2012 and the explanatory material in the referenced ICR.

As noted above, OSHA amended all of its substance-specific standards, including its Vinyl Chloride Standard, so that all chemical hazard communication labeling requirements imposed by those standards would follow the universal approach established by HCS 2012. This is clear from the language of 29 CFR 1910.1017(l)(1), (3), (4)-(6), and confirmed by data in the ICR. The ICR acknowledges that

Section 1910.1017 applies to the 28 sites in the United States that produce VCM, PVC or both, and not to the over 3000 sites in the United States that handle compounded and blended PVC resin, or the millions of sites in the United States that have a material composed of PVC.

Section 1910.1017(l)(1)(i)¹ establishes the basic requirement that the communication of chemical hazard information with respect to vinyl chloride will be governed by HCS 2012. Section 1910.1017(l)(3), titled “labels,”² addresses the format and content of a required label, but does not address whether a label is required in any given situation. That issue is solely addressed by Section 1910.1017(l)(1)(i).

For periods prior to June 1, 2015, Sections 1910.1017(l)(4)³ and (5)⁴ allow the employer to use a label with an alternative content to the one otherwise required by Section 1910.1017(l)(1)(i), but they do not address whether a label is required. That issue continues to be governed solely by Section 1910.1017(l)(1)(i).

¹ (l) Communication of hazards.

(1) Hazard Communication – General.

(i) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (§1910.1200) for vinyl chloride and polyvinyl chloride.

² (3) Labels. (i) In addition to the other requirements in paragraph (l), the employer shall ensure that [**when labels are required,**] labels for containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride are legible and include the following information:

CONTAMINATED WITH VINYL CHLORIDE
MAY CAUSE CANCER

(ii) Prior to June 1, 2015, employers may include the following information on labels [**when labels are required,**] of containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride in lieu of the labeling requirements in paragraphs (l)(3)(i) of this section:

CONTAMINATED WITH VINYL CHLORIDE
CANCER-SUSPECT AGENT

³ (4) Prior to June 1, 2015, employers may include the following information [**on labels, when labels are required,**] for containers of polyvinyl chloride in lieu of the labeling requirements in paragraphs (l)(1)(i) of this section:

POLYVINYL CHLORIDE (OR TRADE NAME)
Contains VINYL CHLORIDE
VINYL CHLORIDE IS A CANCER-SUSPECT AGENT

⁴ (5)(i) Prior to June 1, 2015, employers may include either the following information [**on labels, when labels are required,**] on containers of vinyl chloride in lieu of the labeling requirements in paragraphs (l)(1)(i) of this section:

VINYL CHLORIDE
EXTREMELY FLAMMABLE GAS UNDER PRESSURE
CANCER SUSPECT AGENT

or

(ii) In accordance with 49 CFR Parts 170-189, with the additional legend applied near the label or placard:

CANCER-SUSPECT AGENT

The foregoing understanding is also reflected in the following edited discussion in the ICR at 79 Fed. Reg. 72032, col. 1:

(F) Communication of VC Hazards (Sec. 1910.1017(l))

Under paragraph 1910.1017(l)(2), the employer shall include vinyl chloride and polyvinyl chloride (PVC) in the program established to comply with the Hazard Communication Standard (HCS) (Sec. 1910.1200). The employer shall ensure that each employee has access to labels [**when labels are required**] on containers of chemicals and substances associated with vinyl and [**unstripped**] polyvinyl chloride and to safety data sheets, and is trained in accord with the provisions of HCS and paragraph (l) of this section. The employer shall ensure that at least the following hazard is addressed: Cancer.

Section 1910.1017 requires the posting of signs at entrances to “regulated areas” and in “areas containing hazardous operations or where emergencies currently exist.” The ICR should be clarified to state that signs are required only where VCM emissions are in excess of the PEL or toxicologically significant levels of VCM are present.

We understand that OSHA would not be inclined to amend the language of the 2012 Final Rule to better reflect the intent of HCS 2012 as described above. However, we respectfully request that OSHA revise the ICR to explicitly reflect the fact that the requirement under Section 1910.1017 for a label based on the hazards of vinyl chloride is, per Section 1910.1017(l)(1)(i), solely determined by Section 1910.1200. That determination will likely depend on whether vinyl chloride is present in the PVC at a concentration of 0.1% or more although actual levels of VCM in PVC are almost always orders of magnitude lower than 0.1%.

Thank you for your consideration of these comments.

Respectfully submitted,

/s/ Richard Krock

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