

HSIA Update

LEGISLATIVE AND REGULATORY NEWS FOR THE SOLVENTS INDUSTRY

August/September 1998

OSHA Amends MC Standard Compliance with PEL extended to April 2000 for many companies

In late August, the Occupational Safety and Health Administration (OSHA) issued a final rule extending compliance deadlines for many companies covered by the methylene chloride (MC) standard. The amendment to the standard extends the deadline for compliance with the 8-hour TWA permissible exposure limit (PEL) of 25 ppm (using respirators or engineering controls) for companies using MC in the following applications: furniture refinishing; polyurethane foam manufacture; foam fabrication; general aviation aircraft stripping; product formulation; adhesives for boat building and repair, recreational vehicle manufacture, van conversions, or upholstery; and construction work (including restoration and preservation of buildings, painting and paint removal, cabinetmaking, or floor refinishing and resurfacing). A similar extension is provided for achieving the short-term exposure limit (STEL) of 125 ppm by means of engineering controls.

The amendment comes almost 20 months after HSIA filed a legal challenge of OSHA's January 1997 standard, and follows lengthy discussions between HSIA, OSHA, the United Auto Workers (UAW). As a result, companies in the selected applications will receive between 18 and 36 additional months beyond the original compliance dates to comply with the 25-ppm limit and to use engineering controls to comply with the STEL. The compliance dates are outlined in the table below.

As reported in a previous issue of the Solvents Update, the amendment also adds provisions for medical removal protection (MRP), effective 30 days after the date of publication in the Federal Register (i.e., in late September). The MRP provisions, agreed to by OSHA, HSIA, and UAW, require employers to provide pay and benefits to employees temporarily removed (for up to 6 months) from methylene chloride exposure as a result of a medical recommendation for removal. The requirement to provide MRP results only if a physician (or other licensed health care professional) recommends removal after determining that exposure to methylene chloride may contribute to or aggravate the employee's existing cardiac, liver, neurological, or skin disease. The MRP provisions, moreover, include a presumption against removal if workplace exposure does not exceed the 8-hr TWA PEL of 25 ppm.

The changes to the compliance deadlines, and the addition of the MRP provisions, were originally included in a motion for reconsideration filed with OSHA by HSIA and UAW last fall and proposed by OSHA in early May. In response to comments received on the May proposal, the final rule includes a new requirement for quarterly STEL monitoring of the single employee expected to have the highest short-term exposures during the period covered by the compliance extension, if 8-hour exposures exceed the 25-ppm TWA limit (and short-term exposures are below 125 ppm). Employers must already conduct quarterly STEL monitoring if previous measurements show exposures above the STEL. This latest change extends this requirement to those employers whose initial measurements were below the STEL.

START-UP DATES FOR OSHA'S METHYLENE CHLORIDE STANDARD

	Polyurethane Foam Mfr.	Foam Fabricators		Selected Applications ¹		All Other Applications	
		fewer than 150 employees	150 or more employees	fewer than 50 employees	50 or more employees	fewer than 20 employees	20 or more employees
Engineering Controls/8-hour TWA & STEL	Oct 10, 1999	April 10, 2000	April 10, 1999	April 10, 2000	April 10, 1999	April 10, 2000 ²	In effect
Respirators/8-hour TWA	Oct 10, 1999	April 10, 2000	April 10, 1999	April 10, 2000	April 10, 1999	In effect	In effect
Respirators/STEL	In effect	In effect	In effect	In effect	In effect	In effect	In effect
Other Provisions ³	In effect	In effect	In effect	In effect	In effect	In effect	In effect

1. The selected applications are furniture refinishing; general aviation aircraft stripping; product formulation; use of MC-based adhesives for boat building and repair, recreational vehicle manufacture, van conversion, or upholstery; and use of MC in construction work for restoration and preservation of buildings, painting and paint removal, cabinet making, or floor refinishing and resurfacing.
2. Unchanged from original standard.
3. The new provisions for medical removal protection become effective 30 days after the date of publication of the amendment in the *Federal Register*.

Review the [OSHA compliance manual](#) for the methylene chloride standard.