

INFORMATION MEMORANDUM 81-X-20 (REVISED)
OSHA CPL 2-2.3

TO: All OSHA Directors, Supervisors and Industrial Hygienists

FROM: William M. Lybrand, Director of OSH

SUBJECT: Inspections and Citations Regarding Article VI, Sections 1910.1003, 1910.1004 and 1910.1006 through 1910.1017, Standards on Carcinogens.

DATE: May 1, 1981

This directive provides guidelines to be followed in inspection and in issuance of citations, where necessary, regarding that standards on carcinogens contained in Article VI, Sections 1910.1003, 1910.1004 and 1910.1006 through 1910.1017.

A. Explanation of Section 1910.1003, 1910.1004 and 1910.1006 through 1910.1017

(1) Regulated Areas.

The extent of the regulated area for each operation is as follows:

- (a) Paragraph (c)—Isolated system such as a glove box means the box; not the room within which the glove box is located.

(2) Exemption

Exemption percentages given in paragraph (a)(2) pertain to solid or liquid mixtures and not to airborne gases, vapors, dusts, mist, smoke, fumes, fog or smog.

(3) Citations

(a) Issuance

Each provision of Article VI, Sections 1910.1003, 1910.1004 and 1910.1006 through 1910.1017 became effective April 23, 1974

This means that from April 23, 1974, citations may be issued for any failure to comply.

(b) Categories

In evaluating violations of the standards, the guidelines of the South Carolina Compliance Operations Manual are to be followed regarding serious and nonserious and grouping.

(4) Imminent Danger.

- (a) Violation of any of the following subsections of the Standards exposes employees to the recognized hazard of inhalation, ingestion, or external contact with carcinogens.

| <u>Section</u> | <u>Topic</u> |
|---|--|
| 1910.1003, 1004, 1007, 1009, 1010 1011, 1014, 1015, 1016 | Carcinogens |
| (c)(1) | Isolated systems |
| (c)(2)(i), (c)(2)(ii) | Closed system operation |
| (c)(3) | Open vessel system operations |
| (c)(4)(i) through (c)(4)(viii) | Transfer; opening a closed system |
| (c)(5)(i) through (c)(5)(iii) | Maintenance and decontamination activities |
| (c)(6)(i) through (c)(6)(x), (c)(6)(xii) | Laboratory |
| (d)(2)(i), (d)(2)(ii), (d)(2)(iv) | Emergencies |
| (d)(3)(i) through (d)(3)(v) | Hygiene Facilities and practices |
| (d)(4)(i) through (d)(4)(iv) | Contamination control |
| 1910.1006 and 1008 | Methyl chloromethyl ether and bis-chloromethyl ether |
| (c)(1) | Isolated systems |
| (c)(2) | Closed system operation |
| (c)(3) | Open vessel system operations |
| (c)(4)(i) through (c)(4)(vi) | Transfer; opening a closed system |
| (c)(5)(i) through (c)(5)(iii) | Maintenance and decontamination activities |
| (c)(6)(1)(i) through (c)(6)(x), (c)(6)(xii) | Laboratory |
| (d)(2)(i), (d)(2)(ii), (d)(2)(iv) | Emergencies |
| (d)(3)(i) through (d)(3)(v) | Hygiene facilities and practices |
| (d)(4)(i) through (d)(4)(iv) | Contamination Control |

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|---|--------------------------------------|
| 1910.1012 and 1013 | Ethyleneimine and beta-propiolactone |
| (c)(1) | Isolated systems |
| (c)(2) | Closed system operation |
| (c)(3) | Open vessel system operations |
| (c)(4)(i) through (c)(4)(vi) | Transfer; opening a closed system |
| (c)(5)(i) through (c)(5)(iii) | Maintenance and decontamination |
| (c)(6)(i) through (c)(6)(x), (c)(6)(xii) | Laboratory |
| (d)(2)(i), (d)(2)(ii), (d)(2)(iv), (d)(2)(vi) | Emergencies |
| (d)(3)(i) through (d)(3)(v) | Hygiene facilities and practices |
| (d)(4)(i) through (d)(4)(iii) | Contamination control |

- (b) Violation on any of these subsections, therefore, may be considered for possible issuance of a Notice of Alleged Imminent Danger, depending on the facts and circumstances in each case. Circumstances permitting the issuance of a Notice of Alleged Imminent Danger would be where it is determined that employees in fact are exposed to either: (1) direct external physical contact with a carcinogen in an area to be regulated or a nonregulated area, such as a cafeteria or change room, or (2) direct internal contact (inhalation, ingestion) with a carcinogen.
- (c) Alleged violations will be supported by compound label information, employee statements, photographs, ventilation measurements, other observed facts, tests and samples taken according to the NIOSH memorandums. (See attachments 1 and 2.)
- (d) Where the employer voluntarily eliminates direct external or internal contact with carcinogenic substance(s) by removing his employees or by providing interim measures for their protection, until permanent correction of the dangerous condition can be accomplished, no Notice of Alleged Imminent Danger will be posted. In the citation(s) that is (are) later issued, the interim protective measures will be required until the date set for permanent correction of the danger.
- (e) Where the employer refuses to eliminate the recognized hazard, citations will be issued only after initial court proceedings have been concluded regarding the imminent danger.

B. Action (Sections 1910.1003, 1910.1004 and 1910.1006 through 1910.1017).

1. Inspections.

- a. Inspections may be made in any establishment covered by the Act regardless of any previous list issued by the Office of Federal and State Programs of Regional Programs providing the establishment is likely to have one carcinogen or more of those specified in Sections 1910.1003, 1910.1004 and 1910.1006.
- b. Carcinogen inspections will be conducted by only a federal or State Agreement industrial hygienist. Basic conditions applicable for regulated areas of establishments to be inspected are given in the attached table. (See attachment 4.)
- c. No federal or state industrial hygienist should enter an area in which a carcinogen is manufactured, processed, used, repackaged, released, handled, or stored, without wearing the proper protective equipment as specified for that particular type of area by the requirements of Sections 1910.1003, 1910.1004 and 1910.1006 through 1910.1016, Sections (c)(1) through (4), (c)(6)(vii)(a), (c)(6)(viii)(a).
- d. A federal or state industrial hygienist should not enter areas where it is necessary to wear a continuous air supplied hood or air supplied respirator for adequate protection from a carcinogen.
- e. Where an employer does not have the change and shower rooms systems specified in (c)(4)(vii), a federal or state industrial hygienist should, after leaving a regulated area, remove his protective clothing and any other affected clothing and equipment; dispose of the clothing and decontaminate the equipment in the most feasible and safe manner, using such shower and disposal facilities as available at the establishment. In all cases, the federal or state industrial hygienist should protect himself against exposure to carcinogens.

2. Decontamination

When appropriate, the instructions from the manufacturer may be used as guidelines for decontamination or deactivation of carcinogens.

3. Respirator.

Where carcinogen particulate matter, below 1 percent in air, is a problem, respirator filters for highly toxic particles, including radioactive dusts, are recommended. (See Bureau of Mines or NIOSH approval schedule 21 B-90.)

4. Samples for Analysis and Completion of OSHA-35 Form.

- a. Each sealed sample must be placed in an appropriate tube and the outside of the tube marked, "Cancer Causing Substance:_____."

- b. The industrial hygienist shall promptly forward to the Assistant Director/OSH Compliance, a completed copy of Test Sample Data for each inspection of an area where carcinogens are manufactured, processed, used repackaged, released, handled or stored, giving the identification number of the carcinogen present, even though tests and samples may or may not have been taken.

5. Special Problems

Special problems presented during inspections will require interpretation of the standard in light of the specific situation found. The National Office, Division of Occupational Health Programming, should be consulted on such interpretative problems.

C. Effective Date

This directive is effective immediately and shall be retained until further notice.