



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

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July 23, 2007

Curt Charley, Safety Director
Timber Products Company
PO Box 1669
Medford, OR 97501

Dear Mr. Charley:

This letter is in follow-up to a meeting held on June 6, 2007, with you, John Wasniewski and Mike Niedermeyer with Timber Products; and Todd Miller, PhD. and Sydney L. Batte with Hexion Specialty Chemicals. The meeting was held in our Medford Field Office with Doug Brandow, Health Enforcement Manager and Kermit McCarthy, Oregon OSHA's Occupational Health Laboratory Manager. The purpose of this meeting was to discuss variations in results when different analytical methods are used for bulk formaldehyde samples as well as the appropriateness of using different sampling methods to determine compliance with the formaldehyde standard.

Background

During a recent health enforcement inspection, we collected bulk samples of a resin in use to determine the amount of "easily releasable" formaldehyde. The samples were analyzed using an Oregon OSHA-derived method. In contrast to our method, the resin industry uses two different methods to assess "free formaldehyde" in urea-formaldehyde and phenol-formaldehyde resins they manufacture. These resin industry methods aid compliance with Department of Transportation (DOT) rules and OSHA's Hazard Communication standard. The presence of formaldehyde above certain thresholds drives compliance issues contained in the Formaldehyde standard, (OAR 437-002-1910.1048).

Conclusion

In reviewing the regulatory text of 1910.1048, Formaldehyde, and affiliated Federal Register preambles, we can find no definitive discussions that address bulk formaldehyde sample analysis methods. The resin industry typically uses the "iced sulfite" method for determining formaldehyde concentration in urea-formaldehyde resins and a method using hydroxyl amine hydrochloride to determine formaldehyde in phenol-formaldehyde resins. OSHA places no restrictions on such sampling methods. Therefore, these methods are acceptable for determining formaldehyde percentages listed on Material Safety Data Sheets.

We recognize that employers rely on Material Safety Data Sheets provided by manufacturers of chemical products to guide their good faith compliance efforts. In assessing an employer's compliance efforts, when there are potential occupational health-related issues, we may choose to do bulk formaldehyde sample analysis using either of the respective industry methods discussed above.

Sincerely,

A handwritten signature in black ink that reads "Marilyn K. Schuster". The signature is written in a cursive style with a large initial 'M'.

Marilyn K. Schuster
Policy Manager