

Diana, Sherri A. (CDC/NIOSH/EID) (CTR)

From: Dan Strachan <DStrachan@npra.org>
Sent: Wednesday, December 28, 2011 10:00 AM
To: NIOSH Docket Office (CDC)
Cc: Vasquez, Mario; Karen JONES; Lara Swett
Subject: Comments on NIOSH-240
Attachments: NPRA Comments on NIOSH REL 122811.pdf

To Whom It May Concern

Attached are comments from the National Petrochemical & Refiners Association (NPRA) on the NIOSH Request for Information: Announcement of Carcinogen and Recommended Exposure Limit (REL) Policy Assessment (NIOSH-240).

NPRA looks forward to your response.

Regards,

Dan

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In January 2012, NPRA will become AFPM

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December 28, 2011

NIOSH Docket Office
4676 Columbia Parkway
Room 111
Cincinnati, Ohio 45226

Re: Request for Information: Announcement of Carcinogen and Recommended Exposure Limit (REL) Policy Assessment (NIOSH-240)

To Whom It May Concern:

On August 23, 2011, the Department of Health and Human Services issued a Request for Information for the initial input on classification of carcinogens and establishment of recommended exposures limits (REL) for occupational exposures to hazards associated with cancer. NPRA, the National Petrochemical & Refiners Association, submits the following comments on behalf of its members.

NPRA is a trade association representing high-tech American manufacturers of virtually the entire U.S. supply of gasoline, diesel, jet fuel, other fuels and home heating oil, as well as the petrochemicals used as building blocks for thousands of vital products in daily life. NPRA members make modern life possible and keep America moving and growing as they meet the needs of our nation and local communities, strengthen economic and national security, and provide jobs directly and indirectly for more than 2 million Americans.

In review of NIOSH's mission, research and information in regard to a material should stop at the toxicology and epidemiology summary of a material, not set exposure limits such as RELS, which amounts to informal regulation. NIOSH should comment to OSHA in OSHA's exposure limit setting process. In setting RELS and IDLHs without this being part of OSHA rulemaking appears to be beyond their assigned mission.

NPRA members are concerned that NIOSH has the ability to change current accepted REL's with little input from outside stakeholders as was the case when NIOSH decreased the Immediately Dangerous to Life and Health (IDLH) values in half. These recommendations were adopted by other organizations and in some cases are not feasible to attain. In addition, there needs to be proof of a significant deviation in cancer levels of workers exposed to a particular chemical when compared to the general public prior to considering RELs for a specific chemical. Therefore, NIOSH needs to determine that a health risk of a substance exists at a particular threshold.



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In response to the specific questions NIOSH pose, NPRA member companies have provided the following responses:

- 1) Should there explicitly be a carcinogen policy as opposed to a broader policy on toxicant identification and classification (e.g. carcinogens, reproductive hazards, neurotic agents)?

NPRA members recommend that NIOSH is consistent with other international organizations specifically IARC as it considers toxicant identification and classification. In addition, NIOSH require valid objective testing when determining classification as approved by international organizations.

- 2) What evidence should form the basis for determining that substances are carcinogens? How should these criteria correspond to nomenclature and categorizations (e.g., known, reasonably anticipated, etc.)?

Again, NIOSH should be consistent with existing international programs when determining substances are carcinogens, specifically IARC.

NPRA looks forward to continuing an open, constructive dialogue with the Department of Health and Human Services on this and other industrial hygiene issues. If you have any questions, or if NPRA can be of any assistance, please contact me at (202) 552-8475 or at dstrachan@nptra.org

Sincerely,

Daniel J. Strachan
Director, Industrial Relations & Programs