



NATIONAL TRANSPORTATION SAFETY BOARD
Investigative Hearing

Norfolk Southern Railway general merchandise freight train 32N
derailment with subsequent hazardous material release and fires,
in East Palestine, Ohio, on February 3, 2023

GROUP	D
EXHIBIT	
31	

Agency / Organization

Oxy Vinyls, LP

Title

**Oxy Vinyls Letter to NSTB Referencing SDS Source
Documents, April 11, 2023.**



14555 Dallas Parkway, Suite 400
Dallas, Texas 75254-4300
Phone 972.404.3800

April 11, 2023

VIA NTSB FILE MANAGER

Marc Dougherty
Hazardous Materials Accident Investigator (RPH-20)
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 94
[REDACTED]

**RE: Norfolk Southern Train Derailment, East Palestine, Ohio
(NTSB Investigation No. RRD23MR005)**

Dear Mr. Dougherty:

I am writing on behalf of Oxy Vinyls, L.P. ("Oxy Vinyls" or "Company") in connection with the above-referenced investigation. We are responding to the information request by the National Transportation Safety Board ("NTSB"), which was received via electronic correspondence on April 3, 2023.

As an initial matter, Oxy Vinyls notes that the recipients of this information have signed NTSB's Certification of Party Representative agreement, which requires signatories to take all reasonable steps to ensure that the employees and participants of the participating organization fully comply with the requirements contained therein. These requirements include, but are not limited to, the provisions of 49 C.F.R. Section 831.63, which limits the dissemination of investigative information related to this investigation. Pursuant to this provision, prior to the NTSB's public release of information, Party Representatives are prohibited from passing information obtained during the investigation to others within the participating organization without first obtaining the approval of the Investigator-in-Charge. Additionally, as stated in the agreement, Party Representatives shall not participate in the investigation with the purpose of preparing for litigation.

If any Party Representative receives a request for information provided by Oxy Vinyls or is considering broader dissemination or public disclosure of this information, please immediately contact Oxy Vinyls.

NTSB Informal Information Request Dated April 4, 2023: Provide the documentation in support of statements contained in Section 10 (stability and reactivity) of Oxy Vinyls, LP safety data sheet M9192 for vinyl chloride monomer, dated November 30, 2020.

RESPONSE: As the NTSB is aware, the Occupational Safety and Health Administration promulgated the Hazard Communication Standard, 29 C.F.R. § 1910.1200, pursuant to the



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Occupational Safety and Health Act of 1970. The Hazard Communication Standard requires chemical manufacturers and importers to obtain or develop a safety data sheet ("SDS") for each hazardous chemical they produce or import. 29 C.F.R. § 1910.1200(g). By their nature, SDSs are prepared for a wide range of potential users and are intended to broadly and generally discuss potential hazards that may be relevant to any number of uses and circumstances.

In response to this request, Oxy Vinyls provides the following source documents for the referenced SDS:

- ToxPlanet HSDB® - Hazardous Substances Data Bank- Vinyl chloride
- The Chlorine Institute and The Vinyl Institute Pamphlet 171- Vinyl Chloride Monomer (VCM) Tank Car & Cargo Tank Handling Manual, Edition 1 (July 2018);
- Sittigs Handbook of Toxic and Hazardous Chemical and Carcinogens, Sixth Edition (2012); and
- CDC- NIOSH Pocket Guide to Chemical Hazards- Vinyl chloride.

This information is Bates Labeled OXY-NTSB-000001 through OXY-NTSB-000165.

The Company reserves its rights related to the inadvertent disclosure of attorney-client information or work-product information included in this production. Under Federal Rule of Evidence 502, the disclosure of such information does not operate as a waiver in a federal or state proceeding if: (1) the disclosure is inadvertent, (2) the Company took reasonable steps to prevent the disclosure, and (3) the Company took reasonable steps to rectify the error. FED. R. Evm. 502(b). "The rule applies to inadvertent disclosures made to a federal office or agency, including but not limited to an office or agency that is acting in the course of its regulatory, investigative or enforcement authority." Explanatory Notes, Rule 502, Judicial Conference Advisory Committee on Evidence Rules, revised Nov. 28, 2007. Please immediately notify me if you discover information in this production that suggests the document is subject to the attorney-client privilege or protected by the work-product doctrine.

Sincerely,

A black rectangular redaction box covering the signature of Karenanne Stegmann.

Karenanne Stegmann

Enclosures

cc: Ruben Payan