

U.S. Department of Labor
Occupational Safety & Health Administration
Hasbrouck Heights Area Office
500 Route 17 S., 2nd Floor
Hasbrouck Heights, NJ 07604-3091
Tel: (201)288-1700
Fax: (201)288-7315
OSHA Website Address: <http://www.osha.gov>



July 8, 2011

Christopher Witkowski
501 Third Street NW
Washington DC, 20001

Dear Mr. Witkowski:

In response to your complaint of health and/or safety hazards at:

BP Lubricants
1500 Valley Road
Wayne, NJ 07470,

This office received BP Lubricants original response (enclosed) to your complaint on October 11, 2010. After evaluation it was determined that the response was unsatisfactory and additional information was requested. This office has notified BP Lubricants requesting that the appropriate action be taken to correct the situation no later than August 8, 2011. Enclosed is a copy of that letter for your information.

We have not revealed your identity to the employer. When we receive additional information from the employer, a copy of the response will be forwarded to you.

Section 11(c) of the OSH Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity. If you believe you are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with OSHA. You should file this complaint as soon as possible, since OSHA normally can accept only those complaints filed within 30 days of the alleged discriminatory action.

Your continued interest in workplace safety and health is appreciated.

Respectfully,

A handwritten signature in cursive script that reads "Lisa Levy".

LISA LEVY
Area Director

(Contact person Kevin Sullivan) 201-288-1700
Enclosure

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July 8, 2011

Mr. Nicholas Cleary
BP Lubricants
1500 Valley Road
Wayne, NJ 07470

Dear Mr. Cleary:

This office received your response, dated October 11, 2010, to our letter concerning complaint number 204754030, dated September 27, 2010, regarding allegations of inadequate material safety data sheets (MSDs) for two of your products, BP Turbo Oil 2197 and 2380. The following items still need to be addressed:

1. The reason for the differences in content between older MSDs and newer editions, and between other countries' SDSs and the U.S. MSDSs.
2. Clarify why there are chemical ingredients listed in the regulatory information section, but not listed in any other sections, such as hazardous ingredients.
3. On the BP 2197 MSDS, tricresylphosphate (mixed isomers) is listed, but no information concerning the percentage of triorthocresylphosphate is included. Clarify why the regulatory information on the triorthocresylphosphate is not provided.
4. On the BP 2380 MSDS, no hazardous ingredients are listed, but the health hazard is "1". Clarify what the health hazard is, and explain how it exists if there are no hazardous ingredients.
- ~~5. Clarify why the address in Wayne, New Jersey is listed as the contact address, if it is not the address of the manufacturing facility.~~

In addition to providing the information requested above, provide BP's written hazard determination procedure and the hazard evaluations BP performed for BP 2380 and BP 2187 for OSHA to review. OSHA's Hazard Communication Standard (29 CFR 1910.1200) requires BP to perform hazard determinations, label containers, and provide the MSDS for all hazardous chemicals which it produces or imports. A copy of 29 CFR 1910.1200 is available on OSHA's website, www.osha.gov.

Please provide this information no later than August 8, 2011 in order to avoid an inspection of your workplace. If you have any questions regarding this matter, please feel free to call me or Kevin Sullivan, at (201)288-1700

Sincerely,

A handwritten signature in cursive script that reads "Lisa Levy".

Lisa Levy
Area Director

bp



BP Lubricants
1500 Valley Road
Wayne, New Jersey 07470

October 11, 2010

Mr. Michael Silva
Assistant Area Director
U.S. Department of Labor
Occupational Safety & Health Administration
500 Route 17S, 2nd Floor
Hasbrouck Heights, NJ 07604-3091

Re: BP Lubricants- Complaint No. 204754030

Dear Mr. Silva:

We are in receipt of your letter dated September 22, 2010 which calls to our attention a complaint that you received concerning an alleged safety and/or health hazard at our worksite located at 1500 Valley Road, Wayne, NJ 07470. The alleged hazards concern the accuracy and/or appropriateness of our MSDSs covering two of our products, BP Turbo Oil (BPTO) 2380 and BPTO 2197.

The BP Lubricants facility at 1500 Valley Road in Wayne, New Jersey is primarily an office building with a few small research and development laboratories. The two Turbo Oil products that are the subject of the complaint are not manufactured, used, or tested at that facility.

These two turbo oil products are supplied to the aviation industry and meet all applicable standards when used in those applications for which they were designed, developed, and approved. Additionally, these two turbo oil products are approved by the applicable original equipment manufacturers (OEMs) for use in the equipment they manufacture. The products are formulated to meet stringent U.S. Military and commercial jet engine equipment manufacturers' specifications and performance requirements. For your reference, we are providing you with the Material Safety Data Sheets for BP Turbo Oil 2380 and BP Turbo Oil 2197.

BPTO 2380 and BPTO 2197 are two of the most widely used synthetic aviation jet engine oils in the industry today. BPTO 2380 was formulated in the early 1960s while BPTO 2197 is a more advanced formulation developed in the early 1990s. Both products have accumulated millions of hours of safe and reliable operation in gas turbine engines and other applicable aircraft and engine accessories.

Over the years, BPTO 2380 and BPTO 2197 have undergone rigorous health and safety testing against approved and recognized government protocols. This testing takes into consideration the environment to which the fluids are exposed (e.g. temperatures, pressures, materials, etc.) in an aero gas turbine engine. Based on this testing and in compliance with applicable regulatory requirements, our MSDSs address the health and safety aspects of these products and highlight the hazards that may exist.

We have taken this complaint very seriously, and in response, have conducted a thorough re-evaluation of the product information in our files and the content of the MSDSs. Based on this re-evaluation, we confirm that our MSDSs appropriately and adequately reflect the health and safety concerns of BPTO 2380 and BPTO 2197 for the use in which they are intended.

More specifically, in both MSDSs:

Section 3 accurately reflects potentially hazardous, regulated ingredients and references tricresyl phosphate. N-phenyl alpha Naphthylamine is not present in either product above regulated levels.

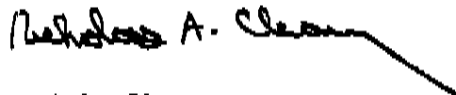
Section 5 identifies those combustion products that may be formed during thermal decomposition and includes a reference to carbon monoxide.

Section 11 summarizes relevant and supplemental toxicological information and addresses neurotoxic issues.

In response to your inquiry concerning Trimethylolpropane phosphate, it is not generated under normal conditions of use for either product.

We trust this response addresses the subject complaint to your satisfaction.

Sincerely,



Nicholas Cleary
Technical Services Manager