

Additionally, the study noted that single breath carbon monoxide diffusing capacity and the diffusion constant were larger than cross sectional data had indicated.

Smoking did not appear to be related to lung volume and diffusing capacity changes in workers exposed to TDI, the report found, but annual declines in forced expiratory volume and flow showed significant relationships to the TDI exposure categories. Among non-smokers the differences in forced expiratory volume and high and low TDI exposure categories were greater than among current smokers.

To obtain a copy of the publication, "Respiratory and Immunologic Evaluation of Isocyanate Exposure in a New Manufacturing Plant" (NIOSH Publication No. 81-125) contact NIOSH Publications Dissemination, Robert A. Taft Laboratories, 4676 Columbia Pkwy., Cincinnati, Ohio 45228.

General Policy

INDUSTRIAL BACK INJURY FILM AVAILABLE FROM UNIVERSITY OF OREGON LABOR CENTER

Training, selection, conditioning, and job design are among the methods for reducing back injuries outlined in "Lost Time — The Industrial Back Injury," a new 20-minute film available from the Labor Education and Research Center, University of Oregon.

Developed under an Occupational Safety and Health Administration "New Directions" training grant, the film presents an ergonomic approach toward eliminating back injury hazards in the industrial environment by redesigning work processes and lifting tasks.

"Lost Time" features workers discussing their back injuries, interviews with safety inspectors, employers, orthopedic physicians, and an ergonomics expert, and footage of various industrial work processes.

The film may be purchased for \$290 or rented for five days for \$40 by contacting the Labor Education and Research Center, 154 PLC, University of Oregon, Eugene, Ore. 97403; tel: (503) 686-5054.

Publications

OSHA GENERAL INDUSTRY STANDARDS SUBSCRIPTION PRICE IS INCREASED

The price of a domestic subscription to the Occupational Safety and Health Administration's general industry safety and health standards has been increased to \$60, the agency announced Aug. 27.

Subscribers to the general industry standards receive the basic manual and updates reflecting regulatory changes until the price of the updates exceed the subscription price. Current subscribers will be charged \$55 for renewal.

The price of other Government Printing Office standards volumes has not changed, the notice continued. Other volumes include:

- Maritime Standards (volume II, \$7.50).
- Construction Standards (volume III, \$19).
- Other Regulations and Procedures (volume IV, \$24).
- Field Operations Manual (volume V, \$25).
- Industrial Hygiene Field Operations Manual (volume VI, \$28).

For information on ordering any volume contact the Superintendent of Documents, GPO, Washington, D.C. 20402; tel: (202) 783-3228.

Unions

KIRKLAND LABOR DAY MESSAGE SUMMONS DEFENSE OF HEALTH AND SAFETY PROGRAMS

AFL-CIO President Lane Kirkland Sept. 7 used his annual Labor Day message to workers to express "deep concern" over trends in social and economic policy, including the future of workplace safety and health programs.

"We have come far toward better wages, shorter hours, and safer working conditions in factories and offices, in farms and in workshops," the federation chief stated. "Yet there are those among us who still do not receive the full fruits of their labor, and others for whom the workplace remains a threat to their health and safety."

Kirkland added later in the address, "We observe Labor Day 1981 in a mood of deep concern, for these are difficult and uncertain times, and we in the labor movement are troubled about the direction in which our country appears to be headed."

Pointing to the labor unions' plans for a "Solidarity Day" march on Washington Sept. 19 to "dramatize the depth of our concern," Kirkland said they would join with others, including "those who believe with us in civil rights and civil liberties . . . in safeguarding the environment we hold in trust for generations to come . . . in a safer workplace and safer products."

The labor leader acknowledged that unions constituted an interest group but challenged those who would call it a "narrow" interest group. "The interests we represent are those of Americans in their role as workers — and they are not a narrow group," he asserted.

Kirkland's address came at the same time a newly appointed labor official in the Reagan Administration expressed hope that relations will improve between the federation and the Department of Labor.

In an interview with BNA, Malcolm R. Lovell, Jr., designated to be Under Secretary of Labor, said he is confident that Labor Secretary Raymond Donovan and Kirkland, whose current ties are almost non-existent, "will establish a cordial relationship over time." He added, however, that even if useful dialogue is established, organized labor should not expect substantive policy reversals on the Administration's part.

URL 05154

Safety and Health Administration's goals in fiscal 1982, according to a Nov. 2 notice by Assistant Labor Secretary Thorne Auchter.

The document, OSHA Notice PBM, transmitted to OSHA field staff information previously reported to agency senior management in October. Included in the notice were goals for fiscal 1982 in the areas of standards review and development, compliance, state programs, consultation and training, special projects, and federal agency programs.

OSHA will proceed with its review of hazards in workplaces not covered by federal standards by gathering relevant data and analyzing the data "in relation to risk," according to Auchter. The agency also will conduct economic and technological feasibility analyses if new or revised standards are necessary, he added.

Also anticipated for 1982 is development of a plan for reviewing safety and health standards existing as of January 1981. The review will be undertaken as directed by Vice President Bush's task force on regulatory review, Auchter observed.

In regard to compliance, OSHA will begin to identify and inspect hazardous areas in workplaces targeted for inspection, the notice reported. This will be done through the development and distribution of guidelines for inspection based on the records of specific establishments and historical data on similar workplaces. The guidelines are expected to be developed by April 1, 1982, according to the notice.

OSHA also will seek to achieve "more expeditious abatement" of hazards, Auchter indicated. As part of this process, the agency will (1) develop a penalty system which addresses credit for abatement, (2) assist employers in abating hazards, and (3) develop an improved complaint system.

State Programs

State program initiatives for the fiscal year will include giving final approval to fully effective state operations, Auchter stated. OSHA expects to revise by April 1, 1982, its benchmarks for determining when a state program is staffed adequately, he indicated.

A strategy for resolving the problem of differing standards among the various states also will be developed, according to the notice. OSHA will determine exactly how the respective standards differ and what effects these differences have, and then initiate a plan to deal with the situation.

Revision of the agency's state monitoring system also is planned. New criteria for determining the effectiveness of state operations will be developed by Jan. 1, 1982, and put into effect by July 1, 1982, the document reported.

The availability of consultation services to employers will be increased by June 30, 1982, Auchter indicated. This will be accomplished, he said, through reduction of the "paperwork burden" on the states under the 7(c)(1) program, and the providing of more consultation services to the states.

To ensure that the health and safety of federal employees is given adequate attention, OSHA expects to develop a comprehensive program of assistance to federal agencies by Jan. 1, 1982, and to put the program into effect by April 1, 1982, according to the notice.

Special projects planned by OSHA include the development of "innovative approaches" to encourage cooperation between employers and workers, the notice reported. "Several approaches" for encouraging cooperation will be developed by Jan. 1, 1982, and detailed in notices in the *Federal Register*, according to the document.

Litigation

EMPLOYER ASKS SUPREME COURT TO REVIEW INSPECTION BASED ON EMPLOYEE COMPLAINT

The U.S. Supreme Court was asked by an employer to review a decision by the U.S. Court of Appeals for the Ninth Circuit which permitted a wall-to-wall inspection on a warrant that was supported by an employee complaint about one specific location in the workplace.

The petition for the writ of certiorari was filed in the case of *J.R. Simplot Company v. Occupational Safety and Health Administration*, U.S. Department of Labor (No. 81-863).

The employer asked the federal district court in Idaho to limit the inspection to the plant area about which the employee complained, and to enjoin OSHA from issuing any citations beyond the scope of that limited inspection. When the district court refused the request and the Occupational Safety and Health Review Commission affirmed the citations based on the wall-to-wall inspection, Simplot asked the U.S. Court of Appeals for the Ninth Circuit to reverse both decisions.

The court of appeals ruled that the employer improperly sought relief from the district court since it had not yet exhausted its administrative remedies. The employer's argument that the Review Commission should have ruled the inspection illegal was rejected by the court because the scope of the inspection warrant was determined by the district court on the basis of reasonable inferences from the warrant application.

The court refused to decide the broad issue of whether an inspection following an employee complaint must be limited to the complained-of site. Instead it limited its decision to finding that the information presented to the district court in the warrant application supported the scope of this particular search warrant. The court declared that, absent proof of unreasonable mistake or bad faith, such a warrant is legal even if the district court's inferences from that information are incorrect.

In its petition to the Supreme Court, the employer argued that the appeals court erred by refusing to decide the broad issue of the scope of inspections following employee complaints. According to the employer, the court of appeals decided that the district court reasonably concluded that the worksite was a single facility. Lawyers for Simplot argued that this decision implies a finding that an employee complaint of existing violations supplies the probable cause necessary to make a wall-to-wall inspection of a single facility, even if that facility includes diverse operations with no reasonable connection to the complained-of areas.

According to the employer, this finding is contrary to the weight of authority among the circuit courts of appeals and should be reviewed.

Research

TESTS ASSESSING BODY SYSTEM CHANGES SUGGESTED FOR IDENTIFYING SENSITIVES

TUCSON, Ariz. — (By a BNA Special Correspondent) — A variety of tests assessing changes in respiratory, cardiovascular, and other body systems can show a predisposition to asthma and other respiratory diseases in the workplace, a researcher from the University of Cincinnati School of Medicine reported Nov. 9.

The tests are intended to show which workers may be affected by exposures in the work environment.

URL 05155

Some minimum requirements for testing were discussed by Stuart Brooks at a Nov. 9-11 symposium on "Protection of the Sensitive Individual," sponsored by the American Conference of Governmental Industrial Hygienists.

The requirements include pulmonary function tests, a physical examination at the time of employment, an occupational history of the worker, and X-rays which will show patterns of disease in the lungs such as an increase in nodules or pleural thickening in the lower lung, an indication of asbestosis.

A simple microphone placed on the chest can show an increase in wheezing, or detect crackling sounds which appear on a graph as crags and may indicate asbestosis, Brooks reported. Spirogram results in which the rapidity of exhaled air is measured can show early development of asthma, he added.

Characteristics of asthma in the workplace such as bronchial spasms and hypertensive airways can be detected through the use of methocoline, a drug not yet approved by the Food and Drug Administration, the researcher said.

Another method of detecting work-related disease is the RAST test, a cellular incubation method which shows reactions indicating asthma, according to Brooks. A cold air challenge test, in which workers hyperventilate into a bag, has been used for platinum workers to show hypertensive airways, also an indication of asthma, the conference was told.

Brooks also urged the use of questionnaires to show if worker symptoms abated during weekends and other periods away from the workplace.

Threshold Limit Values

In developing threshold limit values for workplace chemicals, the ACGIH threshold limit values committee has followed the principle that TLVs should be set to protect workers from becoming sensitized, according to Marshall Steinberg, Hazleton Laboratories, Vienna, Va., who has been a member of the committee since 1973.

The committee also believes that, through the use of screening tests, the TLVs should either prevent the exposure of hypersusceptible or sensitive workers or at least minimize the number of such workers who might be exposed, Steinberg said.

However, once a worker becomes sensitized to a substance, the committee "has always advocated" that "one ought to exclude him from the place of exposure rather than attempt to recommend a threshold limit value that would protect the sensitized worker," Steinberg stated.

The committee may have an advantage over other standards-setting groups associated with the federal government in that it can approach the setting of a valid TLV on the basis of available scientific data rather than "complicated sociological or political relationships," he also remarked.

Two-phase or multi-phase exposure guidelines may be needed to protect workers in newly industrialized nations, according to Edward Fairchild, visiting professor at the University of Texas Health Science Center, on assignment from the National Institute for Occupational Safety and Health. Under such an approach, nations would be given the option of adopting "start-up" exposure limits, which, while "attainable and reasonably safe," would not be as stringent as the limits that might be adopted later, Fairchild commented.

Without such an approach, it is possible that most countries in the early stages of industrialization would not make a serious effort to control hazardous exposures, Fairchild contended. He added that many nations have workforces

comprised of sensitive individuals who might stand a better chance of protection if this method were followed.

Fairchild suggested that the International Labor Organization take the initiative in convening a meeting, in cooperation with the World Health Organization, to develop a list of start-up exposure limits. It should be made clear, he emphasized, that the meeting would not be a "battleground of crusaders for either more severe or more lenient limits," but instead a channel for developing start-up and operational limits intended as forerunners to "full-blown, fine-tuned standards."

Ethylene Dibromide

CAL/OSHA STANDARDS BOARD HEARS INDUSTRY CRITICISM OF EDB AMENDMENT

SACRAMENTO — (By a BNA Staff Correspondent) — Claiming epidemiological studies have not confirmed a hazard from exposure to ethylene dibromide (EDB) at levels below the current federal standard, dozens of citrus industry witnesses lined up Nov. 12 to protest California's proposed exposure limit of 130 parts of EDB per one billion parts of air (ppb).

The California Occupational Safety and Health Standards Board took testimony for nearly 12 hours in Sacramento from industry representatives, state officials, and union leaders on a proposal to make permanent the 130 ppb standard adopted on an emergency basis in September (Current Report, Oct. 15, p. 392).

Witnesses for citrus growers charged that the emergency standard already has virtually stopped fruit exports to Japan and has led some grocery chains in California to refuse to buy produce treated with EDB. Medical experts testifying for the growers maintained that EDB has been used as a produce fumigant for 55 years and no epidemiological studies have reported diseases in workers attributable to exposure to the chemical.

Defending the proposed 130 ppb standard, state occupational health officials argued that animal tests show EDB is a mutagen and carcinogen at very low doses. They also maintained, over industry objections, that the proposed rule is feasible.

Uniform National Rule Asked

Some grower witnesses asked for a uniform national EDB standard, but among the witnesses there was not agreement on what the exposure limit should be. Daryl Arnold, president of the Western Growers Association, suggested a federal standard of 2000 ppb over an eight hour work day with a 1000 ppb action level.

However, the Chemical Manufacturers Association supported a 500 ppb eight hour standard with a ceiling concentration of three parts of EDB per one million parts of air (ppm). L. Vernon White, testifying for CMA, also said exposure testing should be done by personal samplers only and that grab samples should not be allowed for enforcement of the rule.

Steven Bomsey, Florida Citrus Packers, told the board the current federal EDB standard of 20 ppm is adequate. He said that since the emergency standard took effect in September no Florida citrus has entered California. He called the proposed California rule an unreasonable burden on interstate commerce and added that compliance with the 130 ppb level is, in his view, not consistently attainable.

Medical experts hired by industry interests testified that human epidemiological studies have not confirmed animal

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