

MINUTES OF MEETING
LABELS AND PRECAUTIONARY INFORMATION COMMITTEE
Hotel General Brock, Niagara Falls, Ontario, May 17-18, 1949

The meeting of the Labels and Precautionary Information Committee was called to order at 10:00 A.M. Tuesday, May 17, 1949, by Chairman Fuess. Following were present:

T. R. Aalto	W. A. Knapp
F. Bartenstein	F. S. Low
A. Q. Butler	W. W. Sunderland
J. S. Coey (Wednesday only)	J. B. Williamson
A. G. Cranch	J. T. Fuess, Chairman
S. J. Hill	

Alternates:

J. Walker (for J. S. Coey on Tuesday)
F. D. Sparre (for S. J. Hill)

Absent:

J. H. Foulger
R. D. Minteer

Guest:

George Douthett, J. T. Baker
Chemical Company

The Chairman reported to the Committee the regret of Mr. M. F. Crass that he was unable to be present at the meeting because of the press of other work. He also reported that Mr. Crass had advised that a new man was in prospect for the Washington Office and that when this man was obtained he would be available for attendance at the LAPI Committee Meetings. It was expected that he would be able to do much of the contact work which the Committee felt was essential.

I. MANUAL REVISION

The revised manual had been sent to all members of the Committee for review. The Chairman of the Subcommittee presented to the members minor changes which had been made in the copy since the original draft was sent to the members. The entire draft of the manual was reviewed carefully and changes and corrections made as seemed necessary. Except for the barium compounds to which reference is made in a later minute, the manual is now approved. The Chairman advised that because of the necessity of printing the manual as soon as possible and the difficulty in making any further changes, an absolute deadline of June 1 was to be placed on the manual. If any changes are to be made, they should be in the hands of the Chairman prior to that time since it will be impossible then to make any other corrections.

II. ACETIC ACID - ACETIC ANHYDRIDE

Mr. W. W. Sunderland, Chairman of the Subcommittee, reported that the data on these two compounds is still quite incomplete and inconclusive. There was considerable discussion resulting in a decision that present data do not

justify any change in the present labels for acetic acid glacial and acetic acid 80 per cent. These two labels will, therefore, appear in the manual as in the past. The present evidence indicates that the statements for acetic anhydride are not justified since the data do not indicate that the severe burns indicated are an actual result. Dr. Cranch moved that the single word "Danger" be changed to "Warning", that the word "Severe" be deleted in the statement of hazard and that the precautionary statements "do not" be changed to "avoid". This was seconded and approved.

III. CARBON TETRACHLORIDE

There were no new developments reported on this subject. Mr. Low, who had expected to attend the California Meeting, was unable to be there and we have no report now.

IV. BARIUM SALTS

The Subcommittee, headed by Mr. Williamson, was not in complete agreement on the label to be recommended and presented to the Committee. This was due largely to disagreement between the toxicity reports in the literature and verbal reports on the same subject. The Subcommittee is to check the report and data given verbally and will report to the Chairman of the Committee as to the label which will appear, as soon as the Subcommittee is in agreement. This report must be in the hands of the Committee prior to June 1 if these labels are to appear in the manual.

V. SYNTHETIC RESINS

An interim report was given by Chairman Williamson stating that many problems are being encountered and that progress is being made. This Subcommittee is to continue and to report at a later meeting.

VI. INSECTICIDE

This subject was reported and discussed in connection with Part III of the manual revision.

VII. SURGEON GENERAL'S AGREEMENTS

Dr. Cranch reported that the letters which he was to write for distribution by the Office of the Surgeon General were found to cover a much larger subject and to involve many more details than were originally expected. The enormity of the task has prevented completion of it at the present time. This work is continuing.

VIII. INTERVIEW WITH BOARD OF DIRECTORS

Chairman Fuess advised the Committee that in accordance with the instructions given him at the last meeting, he had had a meeting with the

IX. NEW YORK FIRE ORDINANCE

This subject tied in closely with the previous subject and was one of the reasons why the Chairman was asked to interview the Board of Directors. In accordance with the suggestion made by the Board of Directors that a task force of local firm members of MCA might be appointed to handle this type of problem, the Chairman was instructed to notify the Washington office that a task force is required to contact the proper officials of New York City for the purpose of effecting revision of the present New York City Fire Ordinance to be in closer agreement with present labeling practices and recommendations. The Chairman was also instructed to request a similar task force to interview the proper officials in Massachusetts in connection with the proposed labeling bill there for carbon tetrachloride and other hazardous compounds.

X. TOXICOLOGICAL TESTING

At the Washington meeting the Chairman was instructed to appoint a special committee to report on how toxicological data might be obtained. Discussion brought out that there is a great interest on the part of the member companies, as represented by the committee, in obtaining accurate information on toxicity for new compounds and for old compounds for which complete data are not now known. It was felt that some means should be made available for those companies which are not fully equipped with toxicological departments and are therefore unable to carry on the necessary testing. The question was brought up whether the Association should subsidize some medical school or other organization, perhaps by guaranteeing a certain amount of business each year; whether the Association might be able to make arrangements with some such organization to which member companies might be referred with assurance that the data would be dependable. Also included was the question of how data which is now available in various companies and organizations, including such groups as the Interstate Commerce Commission, might be collected and made available to member companies. There was considerable interest shown in this subject and considerable discussion followed. The Chairman appointed a subcommittee of Cranch, Low and Bartenstein to study this question and report at a later meeting.

XI. PROPOSED FORUM ON LABELING

In view of the fact that the committee meetings are now considered as closed meetings, and there is a great deal of interest by member companies in the subject of precautionary labeling, it has been suggested that an open meeting or forum be held on this subject. It was pointed out that such a meeting would involve a considerable amount of work on the part of all members of the LAPI Committee and that at such a meeting it would be expected and hoped that every member of the committee would have some part. It was proposed that the whole subject of precautionary labeling be broken down into a number of smaller parts which would be the subject of short talks by each member of the committee to be followed by a question period. The question of this forum had been presented to the Washington office and to the Board of Directors and had received approval from them. The Committee was in favor of such an open meeting but felt that for the first meeting it would be desirable and advisable to limit the invited guests to member companies. The Chairman was instructed to discuss

with Mr. Crass a possible date and arrangements, details, program, etc. Such a forum or open meeting would probably take the place of the next meeting of the Committee and it may be desirable to hold, in conjunction with such open meeting, a closed one-day session to take care of other business before the Committee. The proposed date was October.

XII. CHLOROSULFONIC ACID

A proposed label for this chemical to appear in the forthcoming Chemical Safety Data Sheet was presented. The following label was approved:

CHLOROSULFONIC ACID

DANGER! CAUSES SEVERE BURNS

Do Not Get in Eyes, on Skin, on Clothing.
Avoid Breathing Vapor.

In case of contact, immediately flush skin or eyes
with plenty of water for at least 15 minutes; for
eyes, get medical attention.
Do not allow water to get into container.

XIII. MODEL STATE LABELING BILL FOR HAZARDOUS CHEMICALS

Dr. Knapp presented a letter from Mr. Hansen of the Legal Advisory Committee on this subject. This letter is reproduced in Exhibit B. The Committee agreed to approve the report from Mr. Hansen through Dr. Knapp and to recommend the deletion from the proposed bill of Section X.

XIV. MISCELLANEOUS

Mr. Williamson reported that the Rubber Chemical Subcommittee is still studying the question and that a report will be presented at a later date.

Mr. Fuess reported the notification from Washington that the Territory of Hawaii is extremely anxious to obtain copy of the new manual for use in their regulations. Since this has now been approved, he was instructed to present to them a preliminary copy as soon as it could be presented in acceptable form.

Mr. Fuess also reported advice from the Washington office that the proposed definition for Class B Poison under the IBC Regulations had been sent to Mr. Campbell. Other associations had been interested in this and asked for the opportunity of reviewing it as a result of which the suggested definition had been forwarded to them. There is no report of further action on this subject.

Mr. Butler brought up the question of activity by the subcommittee on labeling of reagent chemicals, pointing out the correspondence between the Washington office and California on this subject. It was decided that the

subcommittee would act as a stand-by committee, only awaiting results of this correspondence and deciding at that time what further action is to be taken.

The question was also raised as to the final decision on the question of bulk packaging of USP chemicals under Food and Drug Regulations. Mr. Bartenstein reported that Carl Anderson had been working on this subject but as yet there is no agreement between the committee and the Food and Drug officials. There is nothing definite on this subject which can be reported now.

No date was set for the next meeting, as this depends upon the action taken in connection with the open meeting or forum discussed earlier.

ADJOURNMENT

There being no further business, the meeting adjourned on Wednesday, May 18, at 5:30 P.M.

J. T. FUESS, Chairman

EXHIBIT A

The work of the LAPI Committee is familiar to you. We feel quite proud of our work toward uniform and more effective labeling of hazardous chemicals. The general acceptance of our efforts has indicated its need and its importance.

But the scope of our work is limited and must necessarily be so because of the makeup of the Committee consisting as it does of men from individual member companies. The limits of our Committee work have never been thoroughly defined but I would like to read how our group at its last meeting defined our work.

"It is the purpose of the LAPI Committee to furnish guidance and leadership to the chemical industry in the preparation of high-standard and uniform precautionary labeling for hazardous chemicals.

"This purpose is to be achieved by (a) the preparation of a useful manual and (b) education of the industry (employer, labor and consumer groups) and legislative bodies insofar as practical and feasible. It is not equipped with the personnel nor has it the time to be active with respect to legislative measures. Its activity, therefore, insofar as legislation is concerned must be limited primarily to promoting labeling that will limit the need for legislative regulation on the subject, or that will serve to encourage revision of outmoded legislation."

As a result of this, there is what might be called a blank spot which has worried us and which we feel is so important that I have been asked to present the problem in the hope that some means might be found to implement our work and fill in this blank spot. The principles of warning labeling are excellent but principles are of little value unless they are followed, in this case especially, by legislative bodies.

The blank space to which I refer is the one between our Committee as developers of principles and of specific labels and the legislative bodies which must and will enact the laws, ordinances, etc. as well as those who are charged with administration of regulations. We have had a number of examples in which this has been forcibly brought to our attention and there are now a number of new and pressing situations which in our opinion should have immediate attention.

Perhaps the most important of these and one which affects a great number of our member companies is the very antiquated New York City fire ordinance. This is very arbitrary, requiring specific labeling which is entirely out of date with modern practice and from which the regulatory groups claim they have no discretion. In fact, it is impossible to label certain products, primarily flammables (the New York City ordinance still insists on the word inflammable), to meet the New York City ordinance and still be able to sell in California and, conversely, if you label to meet California and other state requirements, it is impossible to obtain a certificate of approval permitting sale in New York City. The authorities charged with administering this ordinance fully agree that the ordinance is outdated and not satisfactory but they say they have no discretion and can do nothing until the ordinance is changed.

Another very difficult situation is presented in California and concerns Carbon Tetrachloride labeling. This is a case where completely uninformed groups have tried to force what really amounts to misleading labeling and to revert to old practices. We tried to take care of this situation by correspondence and by attendance at hearings of company representatives who were informed of this situation only by letter. The result is a label which we don't think is very satisfactory and which actually conflicts with that required by another department in the same state. A review of the discussion at the hearing clearly indicates the somewhat confused thinking and the lack of anyone present thoroughly acquainted with the basic principles of warning labeling.

Also proposed in California is a new labeling section of their poison laws which they propose to have ready for enactment at this session of the legislature. The indications from the hearing are that this may be quite bad unless it is carefully discussed and directed. Just this last week I received from Maurice Crass a proposed pharmacy law from Oregon which has some points in it which are not good from the industry point of view. A glance at the legislative review from the Washington office indicates action being taken in quite a number of states on labeling and each one of these should be carefully checked and watched.

In the past, situations such as this have usually been taken care of by personal appearances of individual members of the Committee or by Mr. Watson and in some instances by correspondence. Personal appearance is, of course, far more satisfactory and is in most cases an absolute necessity. An evidence of this are the results that have come out of California by the Industrial Accident Commission and their labeling which was handled by Mr. Watson personally. If it hadn't been for his presentation of the case, I think we would all now be very unhappy with the situation. The cooperative work with other groups on the Insecticide Act was handled personally by one of our members at considerable expense to his company. There have been a few cases, notably Hawaii and Oregon where the handling has been done by correspondence successfully, but on the other side I have mentioned the Board of Pharmacy situation in California which hasn't gone so well when handled that way. All of the people whom we have contacted in connection with any of these laws and regulations have been most appreciative of our help in their labeling problems when they understood that our aim, the protection of the user, was the same as theirs. The problem, however, is to contact these groups before their laws are made or are written to a point where a change is either impossible or very embarrassing. The problem is to make these contacts, follow them up and assist in the preparation of laws, where imminent, which will be uniform and effective and to head off unwise and uninformed legislation. In effect, to carry the work of the LAPI Committee to those whose duty it is to establish and administer regulations of any kind. If this is not done, we of the MCA and the chemical industry as a whole will find ourselves saddled with such a variety of laws, ordinances, regulations, etc., that none of us will be able to operate without a portable printing press to prepare labels for each state as the chemicals enter that state.

We feel that this work is beyond the scope of the LAPI Committee as now constituted and that it is so important and so essential to the members of the Association that some means should be provided to follow it through. It seems that it will be necessary if the work of the LAPI Committee is to be effective. We aren't attempting to pass our work on to anyone else, but our Committee

Exhibit A

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is always ready to advise and review if we can only have somebody who will carry the ball.

I suppose I should have some constructive suggestions as to how this can be done. Mr. Watson did much of it in the past by personal attendance at hearings and by missionary work, but it has grown now to such an extent that it hardly seems possible that the Secretary of the Association can take on this job and do it as it should be done with all the other work which he has to handle.

EXHIBIT B

Statement to be read by Dr. Knapp at LAPI Committee meeting on Tuesday, May 17, 1949:

Mr. Hansen has asked me to advise the Committee that he regrets his inability to attend this meeting, but so that the Committee may be apprised of the current status of the proposed uniform state Act governing the labeling of hazardous chemicals, he has requested that I read the following report:

You will recall that at the LAPI Committee meeting of November 15-16, 1948, I presented and reviewed the draft of the proposed uniform state hazardous chemical Act, as well as of the interpretative statement prepared to accompany it. The advisability of making some revisions in the Act was agreed upon and the members of the Committee also were of the opinion that the interpretative statement should be enlarged to set forth more specifically what the Act is intended to accomplish.

The Act has been revised as requested and the interpretative statement appropriately broadened and supplemented. However, neither the Act nor statement has, as yet, been submitted to the Legal Advisory Committee for the reason that in my opinion there is one provision in the Act which requires further consideration by the LAPI Committee before the Act is submitted to the Legal Advisory Committee. That provision is Section 10, which provides in substance that any person distributing, delivering or transporting a hazardous chemical labeled in compliance with the Act shall not be held liable for damages predicated upon his failure to give notice of the inherently dangerous characteristics of such hazardous chemical.

I am most reluctant to recommend or sponsor legislation which would contain any provision relieving manufacturers of liability on the basis set forth. The possible dangers to public health, resulting from the use of hazardous chemicals, is a matter which is attracting ever increasing attention from legislative bodies. You are all probably aware of the recent attacks that have been made on DDT as adversely affecting the nation's milk supply, which has resulted in a prohibition against its use on cattle or cattle feeds or in dairy barns. Cannery, food companies and governmental authorities are currently most concerned with the possible deleterious effect on the public health resulting from chemical residues on fruits and vegetables.

As a result, the Committee on Food, Drug and Cosmetic Law, of the American Bar Association, now has under consideration a suggested amendment to the Federal Food, Drug and Cosmetic Act to provide advance governmental control of new chemicals for spraying growing fruits and vegetables analogous to its "new drug" control. Donora has made the public conscious of the toxic effect of chemical manufacture through air pollution, and stream pollution by chemical plants is being more rigidly controlled to prevent deleterious effect on drinking water, bathers and fish life.

All these matters have received wide comment in the public press (particularly during recent weeks). In view of the fore-

Exhibit B

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going, it seems to me entirely out of order for industry or the MCA to make any such proposal as is contained in Section 10, and I believe that it would only result in unfavorable publicity.

It is my suggestion that deletion of Section 10 be considered at this meeting and it is my recommendation that the Committee advocate that it be deleted.

As stated above, the proposed bill is complete in all other respects, and it will be submitted to the Legal Advisory Committee after a decision has been reached with respect to Section 10.