

Manufacturing Chemists' Association, Inc.

(FOUNDED 1872)
248 WOODWARD BUILDING
WASHINGTON 5, D. C.

PLAINTIFF'S
EXHIBIT
CMA-285

June 16, 1950

TO MEMBERS OF THE LAPI COMMITTEE

Subject: Supplement to Minutes of the
May 3-4, 1950 Committee Meeting

Dear Sirs:

With the assistance of Mr. J. T. Fuess, additional information supplementing the Minutes of the May 3-4, 1950 meeting is sent to you herewith.

Correction. At the top of the first page of your Minutes, please correct the meeting date shown to May 3-4, 1950.

Minute V. New York City Fire Code. This matter is being progressed and you will be kept advised.

Minute VII. Carbon Tetrachloride - Massachusetts Statute. Mr. Frank Low now reports unanimous approval on the part of carbon tetrachloride producers of the revised label, which reads as follows:

CARBON TETRACHLORIDE

Danger! Hazardous vapor and liquid.
May be fatal if inhaled or swallowed.

Use only with adequate ventilation.
Do not breath vapor.
Avoid prolonged or repeated contact with skin.
Do not take internally.

M.C.A. Chemical Safety Data Sheet available.

This will advise you that Chairman Low and his committee, consisting of Messrs. Bartenstein, Knapp, and Sunderland will meet with Dr. John B. Skinner and his associates at the State House, Boston, on June 16, to discuss the Massachusetts Statute. A full report will be submitted to committee members by Mr. Low within the near future, with reference to both carbon tetrachloride and benzene.

Minute IX. Toxicological Testing. We reproduce herewith Dr. Cranch's full report:

TOXICOLOGICAL TESTING OF INDUSTRIAL CHEMICALS

"Conferring with Dr. John H. Foulger on the above it was agreed that there are definitely too few qualified laboratories available to handle properly the amount of such testing now required by the chemical industries, to say nothing of the steadily increasing demand for such testing.

"It seems obvious that industry should not be dependent upon educational institutions where the objective of the study may be quite different from the requirements of industry or the public, and where often the facilities and available personnel do not lend themselves to the type of study required. It seems equally obvious that many of the private laboratories doing work in this field are often poorly equipped to meet industrial needs.

"There would appear to be a real need for well staffed and equipped laboratories operated for industry to handle this work. Such laboratories might be established on a cooperative basis by groups of industries, under the sponsorship of the M.C.A. Funds would have to be supplied by interested industries for the establishment of such laboratories, but when operating it would seem that they could, within a very few years, become self-supporting, and be able to finance their own expansion and amortize the original investment. It would be possible to establish a reasonable basic charge for most of the tests required, which would include operating and maintenance costs, reserve for expansion, and amortization of original investment.

"As the objective of such laboratories would not be merely to establish a series of figures showing the results of certain tests, but to determine as nearly as possible the hazards to humans, there should be overall direction of the laboratory's activities by a physician trained in this field. Only by proper interpretation of the laboratory findings can its work be of real value to industry and the public.

"It is suggested that rather than establishment of only one such industry-operated laboratory, there should be more than one. These might be established either on a regional basis, or on the basis of particular fields of work as, for instance, in fine chemicals, plastics, or heavy chemicals, metallurgy, etc.

"There is at present a definite lack of trained personnel for staffing such laboratories, so it is suggested that one such laboratory might be established to work in the general field, this laboratory to serve also as a training school for personnel who could be available for the establishment of regional or special laboratories.

"It seems that the project would be best carried out on the basis of mutual support by various industries and not as an M.C.A. activity. The M.C.A., however, should be in a good position to recommend such a project and to aid in working out plans, and establishing standards. Above all any such laboratories should be operated on sound scientific principles and by personnel whose work would be such as to command confidence and respect."

Minute XI. Chemical Safety Data Sheets. You will recall that at the recent meeting, Mr. Fuess drafted and presented a proposal for consideration by the interested Committees, in an attempt to resolve contradictory opinions. A copy of Mr. Fuess' report is attached hereto.

Minute XIII. N.F.P.A. Warning Labels for Containers of Flammable Mixtures. Mr. Fuess' report on his recent conference with Mr. Alan Cobb is reproduced herewith:

"The chairman met with Mr. Alan Cobb of N.F.P.A. and also talked with Mr. Harold Crouch, member of the flammable liquids committee of that group. It was pointed out that the 1949 Draft Recommended Standard for Warning Labels for Containers of Flammable Mixtures would require a label for liquids flashing at 20° F. or below at variance with that recommended in the Manual L-1 and that general acceptance of that label would result in confusion due to contradictory requirements. It was agreed that this was undesirable. Mr. Cobb agreed to take this up with N.F.P.A. at their next meeting, July 17, and felt sure that their proposal would be modified to correspond to the M.C.A. label for liquids flashing at 20° F. or below.

"The exception to the labeling requirement for products whose containers bear I.C.C. labels was pointed out as being undesirable and it is probable that this recommendation will also be changed to eliminate this exception."

Minute XVII. Exchange of Minutes of Committee Meetings. The intent here is to exchange Minutes with the several Committee Chairmen only. It is not practicable for the Washington office to send Minutes of each committee meeting to every active committee member. Members of any committee, however, may receive copies of specific Minutes of other committees upon request.

Uniform Labeling Act. Under date of May 28, 1950, you were advised that the Legal Advisory Committee recommended retention of outside counsel to draft a suitable Bill. This matter will be presented to the Association's Board of Directors on June 19 for consideration.

Very truly yours,

M. F. Crass, Jr.
Secretary

MFCJr./rrb
Attachment

SAFETY DATA SHEETS

The Legal Advisory Committee, through Mr. Hansen, suggests in his letter of March 6, 1950 that the label to be included in a Safety Data Sheet shall not be prepared until the General Safety Committee and the Medical Advisory Committee have completed their portions of the proposed sheet. This would then be submitted to the LAPI Committee for their preparation of a label and finally the complete text, including the label would be submitted to the Legal Advisory Committee for approval. He also suggests that the Legal Advisory Committee be given the privilege of making changes, believed necessary for legal reasons because of statements in the Safety Data Sheets, in the LAPI approved labels.

The LAPI Committee agrees that the first portion of this proposal represents the most desirable and most accurate method of preparing the labels. However, this committee feels that it cannot consent to the final portion of this proposal. The preparation of warning labels has always been the direct responsibility of the LAPI Committee. The LAPI Committee welcomes advice and comments but feels that it can not now delegate its authority to another committee and that the final responsibility for labels should continue to rest with this committee.

The proposed schedule for compilation of Safety Data Sheets is without question a desirable one, but it could only result in serious delay in their publication, a result which would prove unsatisfactory to all concerned. The following procedure is therefore suggested.

1. As soon as a product or products on which a Safety Data Sheet is to be written are known, the Washington Office will advise the chairman of the LAPI Committee, furnishing the product's name and the publication schedule.
2. The chairman of LAPI will immediately assign to a subcommittee the problem of preparing a label for inclusion in the Safety Data Sheet.
3. Such a subcommittee will prepare a tentative label based upon technical and medical knowledge of the manufacturers.
4. The tentative label will be presented to and acted upon by the full LAPI Committee at its next meeting.
5. The approved tentative label will then be submitted to the Washington Office for inclusion with the technical and medical sections of the Safety Data Sheet for presentation to the General Safety Committee and to the Legal Advisory Committee.
6. Should either of these committees find what appear to be errors or discrepancies with other data to appear in the Safety Data Sheet, the LAPI Committee will be so informed through its chairman.
7. The LAPI Committee will then act upon these suggestions and prepare and approve a final label. It is believed that in most instances, this can be done by letter ballot.

This procedure will mean that all groups involved in the problem will be working concurrently and, if followed, should cause no delay in the preparation of the Safety Data Sheets.

The Committee recommends that this procedure be presented to the other committees involved.