General Policy

STEIGER TO PUSH OSHA CONSULTATION IN HOUSE VOTE ON LABOR-HEW MONEY BILL

An additional $5 million for states to provide on-site consultation for occupational safety and health will be sought by Congressman William A. Steiger (R-Wis) when the House takes up the appropriations bill for the Departments of Labor and Health, Education, and Welfare on June 27.

The bill includes $100,816,000 for the Occupational Safety and Health Administration, $31,986,000 for the National Institute for Occupational Safety and Health, and $5,512,000 for the Occupational Safety and Health Review Commission. It would give NIOSH a $6,138,000 increase over the fiscal 1975 budget request, but would reduce funds for both OSHA and OSAHRC.

Steiger's amendment would provide funds for OSHA to give the states, under Section 7 (c) (1) of the Occupational Safety and Health Act, to use in providing on-site consultation to employers. The funds would be made available regardless of whether the state had an approved state plan.

The Labor-HEW appropriations bill, reported out of the House Appropriations Committee on June 24, would reduce the OSHA 1975 budget $1,684,000 from the Administration request, but would represent an increase of $30,408,000 above the 1974 appropriation.

The committee recommended a 10 percent reduction in the amount requested for office space, and a reduction of $1,427,000 for new positions. The 161 requested positions were approved, but the committee said that the positions are unlikely to be filled as early as contemplated. The committee also approved an additional 11 positions requested in the budget for staff to evaluate and accredit testing organizations.

In the OSHA budget, $42 million will be used for matching grants for the 30 states whose plans are expected to be approved by the end of the fiscal year. An additional $4 million is provided for matching grants for state statistical programs to develop injury and illness data.

The committee also approved an additional 150 positions to provide a total of 1,509 positions for federal enforcement activity. The new positions include 90 compliance safety and health officers, 30 industrial hygienists, and 30 clerical and supporting staff. The total number of compliance officers, including industrial hygienists, will increase from 800 to 920. An estimated 105,000 inspections will be completed, in worksites involving eight million employees.

NIOSH Funding

The committee recommended a $6,138,000 increase in the budget request for NIOSH. In providing the increase, which would bring the 1975 level to $31,986,000, the committee allowed for 95 additional positions. This would restore the positions eliminated in fiscal 1974.

NIOSH is expected to produce 26 criteria documents per year. The committee report directed HEW to fill all of the positions provided for in the bill, noting that a substantial part of the increase is to be used to address the problems posed by occupational exposure to petrochemicals and new energy sources.

Of the total increase provided, $2 million is for the support of training grants, and the balance of $4,138,000 is to support the additional staff, research, the development of criteria documents and technical services.

Review Commission

The bill includes $5,512,000 for the review commission, a reduction of $208,000 from the budget request, but an increase of $622,000 over the 1974 appropriation.

The committee said it reduced the budget request primarily because the commission has never filled all of its authorized positions and does not plan to do so in 1975. The committee also reduced the budget request for payment of rental charges by $20,000.

Health Hazards

PLASTICS INDUSTRY, UNIONS CLASH OVER PROPOSED VINYL CHLORIDE RULE

A standard requiring a stepped reduction of permissible levels of vinyl chloride in the workplace was recommended by the Society of the Plastics Industry, Inc., during a Labor Department hearing in Washington, D.C., on June 26.

The Occupational Safety and Health Administration scheduled the hearing to entertain comment on its proposed standard requiring "no detectable exposure" for vinyl chloride (Current Report, May 9, p. 1539).

According to the plastics industry, its recommended standard would be feasible over the next several years, assuming the development of new control technology.

The plastics industry's recommended standard included the following provisions for polyvinyl chloride resin plants:

(1) Effective October 5, 1974, a ceiling of 40 parts per million of vinyl chloride monomer and a maximum daily time-weighted average of 25 parts per million. Levels above 40 ppm would require the use of practical and effective respiratory protection.

(2) Effective October 5, 1975, a ceiling level of 25 ppm with no time-weighted average. Levels above 25 ppm would require the use of practical and effective respiratory protection.

(3) Effective October 5, 1976, a ceiling level of 25 ppm with a maximum time-weighted average of 10 ppm. Levels above 25 ppm would require the use of practical and effective respiratory protection.

For vinyl chloride monomer producing plants, the recommended standard includes the following provisions:

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(1) Effective October 5, 1974, a ceiling of 25 ppm and a maximum time-weighted average of 10 ppm. Levels above 25 ppm would require the use of practical and effective respiratory protection.

(2) Effective October 5, 1975, a ceiling of 10 ppm and a maximum time-weighted average of five ppm. Levels above 10 ppm would require the use of practical and effective respiratory protection.

Anton Vittone, president, B.F. Goodrich Chemical Company, and spokesman for SPI, said "such a commitment cannot be accomplished overnight since, in certain areas, the technology for accomplishing it is, as yet, not developed and, when developed, facilities must be installed requiring time for engineering, procurement, and installation."

OSHA Testimony

Daniel P. Boyd, director, OSHA Office of Standards Development, said the present judgment of the Labor Department is that vinyl chloride is a carcinogenic agent. As a basis for this judgment, Boyd cited recent data obtained by the Industrial BIO-TEST Laboratories of Northbrook, Ill., under contract with the Manufacturing Chemists Association, and the work of Professor Cesare Maltoni, Bologna, Italy, who testified at an earlier OSHA hearing on vinyl chloride (Current Report, February 21, p. 1189).

On June 20, Boyd said, Maltoni sent the following telegram to Assistant Labor Secretary John H. Stender:

"Our project on VC carcinogenesis includes 15 experiments one now completely ended, other ones already with results, other ones started few months or few weeks ago. The up to date results indicate that VC administered by inhalation produces in rats zymbal gland carcinomas, nephroblastomas, angiosarcomas of liver and other sites, skin carcinomas and probably hepatomas and neuroblastomas. Over 64 rats were exposed to 50 ppm for 1 year. We observed in the last 3 animals surviving 135 weeks from the beginning of the experiment 1 liver angiosarcoma, 1 intraabdominal angiosarcoma and 1 nephroblastoma. Moreover in the same group a subcutaneous angiopericitoma was observed. None of these tumors have been observed on control rats. In mice, VC produces angiosarcomas and angiomas of liver and of other sites, pulmonary tumors, mammary carcinomas and skin tumors. Over 60 mice exposed to 50 ppm for 7 months at the present moment, after 49 weeks of experiment, we have observed 9 mammary carcinomas, 2 liver fibroangiomas and 2 subcutaneous angiomas. Only one lung adenoma was observed in one control mouse. Ceasare Maltoni."

Boyd said there are essentially five manufacturing processes which involve vinyl chloride (VC) or polyvinyl chloride (PVC). The initial stage involves production of VC monomer. Next, the VC is polymerized into PVC, which is then compounded with additives. The fourth stage involves fabrication, or processing the compounded PVC into a finished or semi-finished product. The final stage involves the use or handling of the fabricated product.

Boyd said OSHA recognizes that exposure and control problems confronting employers in each of the stages may differ markedly from those in other stages.

Boyd asked that all supportive data be included with any recommendations for any level that differed from that proposed by OSHA of "no detectable level."

NIOSH Testimony

Dr. Marcus M. Key, director, National Institute for Occupational Safety and Health, said the results of NIOSH's first industrial hygiene survey will be available in about one month.

NIOSH asked the Department of Health, Education, and Welfare Committee to Coordinate Toxicology and Related Programs to define procedures for designing animal studies and to determine the compatibility of the estimated carcinogenic hazard with a socially acceptable risk. These procedures, when developed, should give guidance to experimental design of animal toxicological studies, he said. It is NIOSH's opinion, Key said, that the number of animals exposed in both the European and American studies have been too small to make statistically valid projections of no-effect levels.

Key noted the average age at death for the PVC production workers was 48.5, which is about seven years younger than the average age at death from liver cancer in the U.S. male population.

Key said of major importance are other possible health effects of exposure to VC. Among these is disabling liver fibrosis. This condition has been noted also in most of the U.S. cases of angiosarcoma of the liver associated with PVC production. It is not yet known whether the fibrosis is a precursor of angiosarcoma of the liver or to what extent it occurs among workers exposed to VC, he said.

He said as part of NIOSH's surveillance activities, it has compiled an extensive bibliography of the work literature on VC to provide guidance to the Labor Department and others who are concerned with the problem.

Key discussed also a NIOSH mortality study underway at five PVC production plants and a medical cross-section survey of current and former polymerization workers and controls being designed jointly by NIOSH and the Center for Disease Control.

It is the position of NIOSH that the only suitable respiratory protection devices for VC are supplied air respirators or positive pressure self-contained breathing apparatus, because the odor threshold of VC is considerably higher and a worker would have no indication as to whether he is or is not being adequately protected, he said.

NIOSH's recommended work practices standard was meant originally to be applied to the manufacture of synthetic polymer from VC. In view of the finding of appreciable concentrations of VC in fabrication operations and the reports of angiosarcoma in monomer production and in secondary manufacture, NIOSH recommends that exposure to this carcinogen be controlled whenever it is encountered in the workplace, Key said.

Organized Labor View

Peter Bommarito, president, United Rubber Workers, and spokesman for the AFL-CIO, said if PVC cannot be made and used safely, then the proposed standard must be replaced by an orderly procedure to phase out VC

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production and find substitutes for its products, or to phase out the products themselves.

"We have listened to experts from all over the world, and we have concluded that the Government goal of 'no detectable level' for vinyl chloride is both necessary and feasible," Bommarito said. The OSHA proposal comes closer to the ideal standard than any yet proposed or adopted for any workplace hazard.

The implications of the Italian and German studies for the hundreds of thousands of women involved in PVC processing are a dimension that, despite union persistence, seems to be overlooked, Bommarito said. It is clear that PVC particles with unreacted monomer could pose an obvious threat to the unborn child as well as to the mother in a matter of minutes.

A decision must be made whether the proposed standard will be met, (not can be met) or VC monomer production must be phased out, Bommarito said.

Industrial Hygiene Comments

Louis S. Beliczky, United Rubber Workers director, Industrial Hygiene, said certain operations, depending on the type of polymer, could result in concentrations of VC exposure approaching 1,000 ppm or more.

Beliczky listed several types of VC operations that provide more concern than others: PVC resin screening, sifting, sizing, blending, dispensing blended PVC into drums or hoppers, banbury mixing, drop milling, feed milling, three or four roll calendaring operations, and other related film, sheet, and coated fabric operations.

"It has been my experience during my visits to plants where the PVC products are manufactured to observe that little to no local exhaust is or has ever been provided to these operations," Beliczky said.

Beliczky recommended several changes to the OSHA proposed standard including the following:

(1) Change one ppm plus or minus 50 percent to read one ppm plus or minus 0.5 ppm.

(2) Under "Control Methods," the word insufficient should probably be changed to ineffective.

(3) "Scope and Application" should apply wherever VC is present.

(4) More specific information must be obtained to qualify decontamination.

(5) Some reference should be made qualifying the method of analysis and sensitivity of an acceptable analytical method.

(6) Absorption should specify inhalation, skin contact, and ingestion.

(7) Continuous monitoring systems for VC should be required.

(8) Any written emergency action plan should be submitted to OSHA for approval.

(9) Positive fail-safe lockout procedures should be required.

(10) Medical records should be retained for the lifetime of the employee.

"Our general impression is that some good objective judgment was used by the Office of Standards in preparing the proposed permanent standard for vinyl chloride," Beliczky said.

Health Hazards

DOL IMPACT STATEMENT ON VC DIFFERS FROM INDUSTRY VIEW ON PROJECTED COST

A preliminary assessment of the cost of compliance with the standard proposed for exposure to vinyl chloride (VC) indicates that the expenditures required will not be prohibitive, according to the Department of Labor Draft Environmental Impact Statement.

The standard was proposed by the Occupational Safety and Health Administration on May 9, and the Labor Department submitted the draft environmental impact statement to the Council on Environmental Quality on June 12. Deadline for comments on the statement is July 17.

The statement says the probable impact of the standard will be that, in addition to improving the quality of the work environment, the institution of control measures required by the standard will probably reduce the concentration of the vinyl chloride monomer in the ambient air.

The second major impact is the additional capital and other operating costs industry will incur in complying with the standard, the statement said. Compliance costs potentially threaten the existence of marginal firms, will raise prices for vinyl chloride products, and will encourage, to some degree, substitution of other products for vinyl chloride. The statement notes that offsetting these negative consequences is the fact that vinyl chloride is so central to many products that demand will be, at least in the short run, relatively unresponsive to price changes. Further, it states, costs in terms of medical expenses and diminished quality of life otherwise accruing to the worker will be internalized in the production process. Vinyl chloride, a petrochemical, is produced from irreplaceable natural resources, and reduced demand on these resources could be of merit, the statement said.

Substitute Materials

An increase in product costs may cause eventual substitution of other materials for vinyl chloride, the statement said. These include wood, metal, and rubber. Many of the substitute materials are in short supply, however.

Other Federal Actions

The draft statement said that since VC and polyvinyl chloride (PVC) are found in many places throughout society, many federal agencies in addition to OSHA have become concerned about possible exposures.

On April 26, 1974, the Environmental Protection Agency announced an emergency suspension of all pesticide spray products containing vinyl chloride and gave notice of its intent to cancel the registration of these products. At the same time, EPA requested that all existent stock of such products be recalled by the manufacturers (Current Report, April 25, p. 1480). The Food and Drug Administration took similar action (Current Report, February 28, p. 1224). Significant programs are underway to determine other areas where VC or PVC formulations should be regulated, the statement said.

It noted also that despite the fact that VC and PVC have been present in large quantities for many years, little

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is known about their health effects. As a result, many studies have been initiated in the past several months, and others are being proposed.

The Center for Disease Control and the National Institute for Occupational Safety and Health are conducting a national search for records of all deaths from angiosarcoma of the liver since 1965, and are conducting epidemiological studies on many aspects of VC, the statement said. The most signficant effort is a comprehensive survey of workers from 11 polymerization and fabricating plants. Employee medical records are being subjected to intense screening to determine the scope and magnitude of VC effects. NIOSH is examining also the types of monitoring equipment that would be feasible for use in the workroom environment. A primary problem was developing monitoring equipment of greater sensitivity than was used in the past when the principle concern was the explosive potential of VC.

The National Cancer Institute is conducting some cell culture studies to elicit the carcinogenic mechanism of VC, the statement said.

The National Bureau of Standards is performing some preliminary investigations into the development of permeation tubes which could serve as more accurate calibration sources for vinyl chloride monitoring equipment. NBS also is examining the mechanism by which residual VC escapes from the polymer, according to the statement.

Alternatives

The statement examined alternatives to the "no detectable level" of exposure proposed by OSHA including (1) ban VC production entirely; (2) allow zero exposure; (3) retain the level of 50 ppm as specified by the emergency temporary standard (Current Report, April 11, p. 1411); (4) rely on personal protective equipment as the only source of protection; and (5) set a limit for VC concentrations in the workplace at some point between one ppm and 50 ppm. The statement points out that in the absence of scientific evidence to conclusively establish a specific safe level, the selection of a permissible level between one and 50 ppm would be judgmental.

Health Hazards

OSHA WILL NOT ISSUE IMMINENT DANGER CITATIONS FOR VINYL CHLORIDE STANDARD

Imminent danger citations will not be issued for alleged violations of the emergency Temporary Standard for vinyl chloride, according to Occupational Safety and Health Administration Program Directive 200-29.

As originally conceived, the directive provided for imminent danger citations (Current Report, May 2, p. 1516). The directive was recalled for revision before it was officially issued (Current Report, May 23, p. 1622).

The elimination of provisions for imminent danger citations was one of two significant changes made in the directive prior to its issuance. The second significant change involved the addition of a provision that employers monitoring for vinyl chloride conduct the monitoring on a workday with the maximum number of workshifts and that 75 percent of the workers on each shift be monitored.

Other changes to the directive were minor in nature.

Health Hazards

ECONOMIC IMPACT OF PROPOSED VINYL CHLORIDE RULES STUDIED BY A.D. LITTLE

Loss in employment would be a minimum of 1.6 million jobs under the vinyl chloride rule proposed by the Occupational Safety and Health Administration, according to the preliminary results of a study on the economic impact of the OSHA proposal by Arthur D. Little, Inc., Cambridge, Mass.

The study was undertaken at the request of the Society of Plastics Industry, Inc., following the OSHA proposal which calls for "no detectable level" (Current Report, May 9, p. 1539).

The study showed also that if the rule were adopted, the loss in production and sales in industry would be a minimum of $65 billion. Employing an input/output economic model for its analysis, the consulting firm was able to estimate not only the impact on the polyvinyl chloride resin industry itself, but also the effect on other major segments of the nation's economy by defining the interaction of the PVC industry with primary, secondary, and final demand markets.

The study notes that the unavailability of PVC resin would have a major effect on the automotive industry which utilizes PVC in the form of insulated wire and cable, component parts, upholstery and many other products. The possibility of using substitute materials over a short term basis to replace PVC in some applications is currently under analysis by A.D. Little.

Immediate Shutdown Impact

The study estimates show immediate shutdown would result in the vinyl chloride monomer industry loss of $0.2 billion, and some $0.6 billion in industries dealing with the PVC resin.

In construction-related industries, whose major products include paint, flooring, pipe, siding, panels, trim, insulated wire, and wall covering, there would be a loss of $14 billion in production and sales, and some 0.5 million jobs. In apparel-related industries, whose major products include outerwear, curtains, draperies, table covers, furniture, and upholstery, production and sales losses would be $2.5 billion and some 0.1 million jobs would be lost, according to the study.

Motor vehicle-related industries, whose major products include upholstery, paint, insulated wire and cable, and component parts, would have $35 billion in sales and production losses, and some 0.6 million job losses. Specialty products industries whose major products include phonograph records, telephone and telegraph equipment, and lighting equipment, would suffer $8 billion in sales and production losses, and 0.3 million jobs. Miscellaneous products industries, whose major products include bottles, hoses, packaging, film, credit cards, medical tubinb, footwear, luggage, handbags, toys, and sporting goods, would

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suffer minimum losses in production and sales of $4.7 billion and 0.1 million jobs, the study showed.

The president of SPI, Ralph L. Harding, said "the effect on the nation's economy and on the social order in terms of the human hardship it would cause would be catastrophic. We expect the final results from A.D. Little will show a potential loss in excess of two million jobs. This is all the more regrettable in light of the fact that the industry is taking every possible step to reduce worker exposure to VC monomer," he said.

Harding noted that while the industries involved fully recognize their obligations to reduce worker exposure to as low a level as is possible, the proposed OSHA standard is "technology infeasible to achieve, even with the highly sophisticated methods of in-plant control that have been developed by the industry over the years."

Legislation

INDUSTRY ASSOCIATIONS FAVOR ON-SITE CONSULTATIVE INSPECTIONS

On-site consultative inspections for job safety and health hazards were endorsed by major manufacturing and commercial associations in hearings before the House Education and Labor Committee's Select Labor Subcommittee on June 25.

The hearings, which will continue twice a month for the rest of the present term of Congress (Current Report, March 21, p. 1326), are focused on the effects of the Occupational Safety and Health Act and proposed legislation to improve its effectiveness. Representatives from the National Association of Manufacturers, Chamber of Commerce of the United States, Associated General Contractors of America, and Congressman David Towell (R-Nev) testified.

All of the spokesmen indicated that there is widespread recognition in industry of the need for occupational safety and health legislation, although there was wide disagreement with the methods used to enforce OSHA to date. Changes to OSHA most frequently recommended included elimination of penalties for first nonserious violations, consultative inspections, and the filing of economic impact statements with proposed standards.

NAM View

Michael P. Stinton and John Johnson, National Association of Manufacturers, recommended a number of changes to OSHA under two broad categories: administrative and legislative. NAM differed from the view expressed by Assistant Secretary of Labor for Occupational Safety and Health John H. Stender that the first phase of standards development is largely complete. "Much work remains to be done," Stinton told the subcommittee.

Among the administrative changes to OSHA recommended by NAM were:

- Better means should be made for the dissemination of proposed rules, standards, and regulations.
- The Occupational Safety and Health Administration should propose performance-type standards where possible.
- OSHA should make maximum use of standards advisory committees.
- Jurisdictional issues between OSHA and other federal agencies should be resolved now and the Secretary of Labor should issue the overdue 4(b)(3) report.
- An effort to reduce recordkeeping should be made by OSHA.

Legislative priorities endorsed by NAM include the following recommendations:

- On-site consultative inspections should be made available to an employer of any size. These inspections should be under OSHA.
- Economic impact statements should be issued with publication of proposed rules setting new and revised standards.
- First-instance nonserious penalties should be eliminated.

Chamber of Commerce

Richard B. Berman, director of labor law, and Richard O'Brecht, labor relations attorney, Chamber of Commerce of the United States, stated that the fundamental problem concerning OSHA was one of perception. OSHA, they stated, is "dominated by the erroneous assumption that employers simply will not act voluntarily to eliminate workplace hazards."

Among the legislative changes to OSHA recommended by the Chamber of Commerce were:

- On-site consultations.
- Filing economic impact statements with proposed standards.
- Modification of Section 17(c) to prohibit imposition of a penalty for a first-instance nonserious violation.
- Permission to use equipment in non-compliance with OSHA where the continued use would not result in a serious hazard.
- Extension of time for the effective dates of emergency standards so that they will become effective 30 days after publication in the Federal Register.
- Certain other changes involving posting requirements, contest period, and walkaround rights.

All of the proposed changes would encourage desired voluntary compliance with OSHA, the spokesmen stated.

AGC Recommendations

Leonard E. Dodson, chairman of the safety committee, Associated General Contractors of America, stated that bills which would discriminate in the application of OSHA based on size of the firm are unacceptable to AGC as are bills which would differentiate between light and heavy construction, Dodson testified.

Specific recommendations from AGC concerning OSHA were:

- Application of OSHA equally to all state and municipal operations involving state and municipal employees.
- "Good Samaritan" coverage for both employer and employee.
- Uniform standards or requirements for OSHA and state plans.
- Consultative services to all without penalty.
- Provisions of OSHA area directors to grant variances.

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