

- 1279/75 Chemical Carcinogens in Industry. R.L. Carter and F.J.C. Roe. *J. Soc. Occup. Med.* 25: 86-94, July 1975. 72 refs.

Industry provides some of the clearest examples of chemical carcinogenesis in man. In this account the authors approach the problem from two angles. They first discuss some examples of industrial chemical carcinogenesis which have come into prominence during the last decade; they then consider certain broader aspects of the subject such as interpretative difficulties and conflicts of interest. In the first part they briefly discuss the polycyclic aromatic hydrocarbons, aromatic amines, some alkylating agents, vinyl chloride and asbestos.

--Cond. from text

- 1280/75 Acro-Osteolysis in a Polyvinyl Chloride Worker With an Atypical Industrial History. J.D. Stewart, et al. *J. Soc. Occup. Med.* 25: 103-109, July 1975. 11 refs.

Acro-osteolysis is described in a worker in the polyvinyl chloride industry who was not a cleaner of polymerizer vessels. Threshold Limit Values in force at that time for vinyl chloride monomer in the atmosphere were apparently not exceeded. Haematological and biochemical investigations were normal. Radiographs of the hands showed the characteristic transverse bony defects in terminal phalanges. Digital arteriography suggested both ischaemic and inflammatory disease. Fourteen months after he had stopped working with vinyl chloride the external appearances of his hands were unchanged, though, radiologically, partial healing of the bony lesions had occurred.

--Author's Summary

- 1281/75 HCN (Hydrogen Cyanide) and Cyanides: A Guide for Nurses. E.M. Farr. *Occup. Health* 27: 336-341, August 1975.

Cyanide in different forms is widely used in agriculture, pest control, in the manufacture of acrylic plastics, in the hardening of metals and in the rubber, pharmaceutical and photographic industries. Cyanide is also the most rapidly acting of all known poisons. Symptoms and treatment are discussed.

--Author's abstr.

- 1282/75 Parathion Administration in the Monkey: Time Course of Inhibition and Recovery of Blood Cholinesterases and Visual Discrimination Performance. L.W. Reiter, et al. *Toxicol. & Applied Pharmacol.* 33: 1-13, July 1975. 22 refs.

The effects of parathion (O,O-diethyl O-p-nitrophenyl phosphorothionate) administration on activities of acetylcholinesterase (AChE) in blood and pseudocholinesterase (ChE) in plasma were studied in bonnet (*Macaca radiata*) and rhesus (*M. mulatta*) monkeys. In addition, the effects of parathion administration on performance of learned visual discrimination tasks were studied in rhesus monkeys. Peak inhibition of AChE and ChE occurred about 6 hr after administration of 0.5, 1.0, and 2.0 mg/kg parathion po. The degree of peak inhibition was greater for ChE than for AChE, was dose-related for both enzymes, and was of about the same magnitude in both species, even though control values for AChE and ChE differed in the two species. Activities of both enzymes returned to control values within 2 wk at all dose levels. Administration of 2.0, 1.5, and 1.0 mg/kg parathion abolished performance of the learned tasks 5 hr later and for as long as 3-7 days. When performance of the tasks returned after the 2.0 mg/kg dose, the level of performance remained below pretreatment values for up to 3 wk. A dose of 0.5 mg/kg did not affect performance. Comparison of the present findings with other work showed that reversal of blood AChE and ChE inhibition after parathion administration occurred more rapidly in monkey than in man but required more time in monkey than in mouse. It was observed that scopalamine and methyl scopalamine also blocked visual discrimination performance.

--Author's abstr.

- 1283/75 Methylmercury Poisoning in the Rat: A Combined Neurological, Chemical, and Histopathological Study. C. Fehling, et al. *Toxicol. & Applied Pharmacol.* 33: 27-37, July 1975. 15 refs.

Methylmercury was given twice by gastric intubation to three groups of ten rats in a total dosage of 40, 20, or 0 (controls) mg Hg/kg. The rats were examined neurologically every other day from Day 4 to Day 15, when they were sacrificed after measurement of the motor nerve conduction velocities in the tail. The central and peripheral nervous systems were analyzed for mercury and examined histologically. The 20-mg/kg group showed transient neurological signs on Day 10, while the 40-mg/kg group demonstrated significant neurologic dysfunction by Day 4 with signs of improvement after Day 10. The nerve conduction

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velocities were slower in the 40-mg/kg group than in the controls, indicating a peripheral neuropathy. Mercury concentrations were highest in the brain and lowest in the spinal cord/sciatic nerve. The histopathological changes, restricted to the peripheral nervous system, were Wallerian degeneration and edema and degeneration of sensory ganglia. It is concluded that methylmercury in these doses induces a partially reversible peripheral neuropathy in the rat. The sensory ganglion cell is probably the primary target.

--Author's abst.

- 1284/75 Toxicity of Sodium Iodide in the Rabbit: Effects on Hydrogen Ion Homeostasis, Hepatic and Renal Functions. K.J. Lavelle, et al. *Toxicol. & Applied Pharmacol.* 33: 52-61, July 1975. 18 refs.

The effect of parenteral sodium iodide on hepatic and renal function and acid-base balance was studied in New Zealand white rabbits. Four groups of rabbits were infused intravenously with either 0.15 M NaCl or NaI in different concentrations, 0.03-0.15 M. Renal function as measured by blood-urea-nitrogen and urine protein excretion, hepatic cellular integrity, reflected in the serum activity of glutamic oxaloacetic transaminase, and acid-base balance determined by arterial pH and pCO₂, were the parameters chosen for study. The groups receiving the largest amount of iodide manifested severe hepatic changes, moderate renal changes, and metabolic acidosis. Histologic examination showed marked hepatic vacuolization and necrosis at the highest iodide dose. Renal tubular cells were vacuolated and occasionally necrotic. The genesis of the acidosis is obscure and may be augmented by an inadequate renal compensation for systemic acidosis. It is concluded that, in the rabbit, iodide is toxic to the liver and kidney and produces metabolic acidosis.

--Author's abst.

- 1285/75 Repeated Inhalation Toxicity of Diphenyl Oxide in Experimental Animals. R.E. Hefner, Jr., et al. *Toxicol. & Applied Pharmacol.* 33: 78-86, July 1975. 1 ref.

Repeated inhalation studies using rats, rabbits, and dogs were conducted at mean exposure concentrations of 0, 4.9, and 10.0 ppm diphenyl oxide (DPO) vapor. Exposures were 7 hr per day, 5 days per week for a total of 20 exposures. Additional groups of rats were exposed 7 hr per day to 0 or 20 ppm DPO vapor for a total of 20 exposures. No signs of toxicity or irritation were observed in animals exposed to 4.9 ppm. Eye and nasal irritation were observed in rats and rabbits but not dogs exposed to 10.0 ppm and in rats exposed to 20 ppm. Aside from this irritation no other signs of toxicity were discerned.

--Author's abst.

- 1286/75 The Acute Toxicity of Endrin and its Metabolites to Rats. C.T. Bedford, et al. *Toxicol. & Applied Pharmacol.* 33: 115-121, July 1975. 7 refs.

The acute oral LD50 values based on 10-day mortalities for endrin and three of its mammalian metabolites, anti-12-hydroxyendrin, syn-12-hydroxyendrin, and 12-ketoendrin have been measured in rats. The metabolites were all more toxic than the parent insecticide. LD50 values, rapidly of intoxication, sex differences, and analysis of the brain of rats dosed with the various compounds indicated that 12-ketoendrin may be the acute toxicant in each case. Thus the oxidative metabolism of endrin, while being responsible for the known relatively efficient elimination from rats of subacute doses of this pesticide, may also be responsible for its acute toxicity.

--Author's abst.

- 1287/75 Chromosomal and Dominant Lethal Effects of Vinyl Chloride. I.F.H. Purchase, et al. *Lancet* 2: 410-411, August 30, 1975. 5 refs.

The results show that there is a significantly increased ($P < 0.05$) percentage of B, Cu, and Cs cells in the exposed workers. These results, which confirm those of previous authors, suggest that vinyl chloride has a detectable effect on chromosomal aberrations in man. To check whether any genetic effects could be induced in the germ cells the authors carried out a dominant lethal study in mice. Fifteen male mice per treatment group were exposed to levels of 30,000, 10,000, and 3,000 p.p.m. of V.C.M. for 6 hours a day on 5 consecutive days, and an examination for dominant lethal effects in two females mated with each male for 8 consecutive weeks was carried out. There was no significant increase in the number of early deaths per implantation compared with a control group exposed to air alone, indicating that V.C.M. does not produce dominant lethal mutations in mice even at these exceptionally high levels. It appears, therefore, that the mutagenic effects of vinyl chloride, expressed as chromosomal aberrations in lymphocytes, do not occur in the germ cells. The reason for this could well be that active metabolites of vinyl chloride are responsible for the toxic effects and these do not reach the testis. The potential danger of mutagenic effects on the fetus via the sperm does not therefore seem to exist.

--Cond. from 'Letter to Editor'

► That Allied Chemical did not register kepone as an "economic poison" with the state commissioner of agriculture and commerce.

Attorneys for the plaintiffs have filed with the U. S. District Court interrogatory briefs indicating that the Travelers Insurance Company, which underwrote the Workmen's Compensation policy for Life Science, periodically inspected the plant to ensure the safety and health of the firm's employees.

In addition, the court brief indicates Travelers provided Allied Chemical with liability insurance, and states that "Plaintiff's counsel verily believes that Travelers may have a conflict of interest in its two capacities as Workmen's Compensation insurer of Life Science and public liability insurer of Allied."

U.S. District Court Judge Robert R. Merhige Jr. has ordered all documents and information about Life Science held by Travelers to be subpoenaed for the trial, slated for June 21 and expected to last three days.

Both Allied and Hooker have filed answers to the original complaint that charges the companies "knew or should have known" of the danger of kepone to Life Science employees but failed to warn them of any danger or to take "reasonable precautions against such danger."

Both chemical companies deny any negligence. Allied has maintained that any injuries suffered as alleged in the complaint "were solely and proximately caused by the negligence of fellow employees, agents, or servants of Life Science, over whom Allied had no control."

Allied's defense continues that "Whatever injuries the plaintiffs may have sustained . . . were results of risks which the plaintiffs voluntarily assumed with full knowledge, or the means of such knowledge, as to the risks inherent in the conduct which caused or contributed to cause their alleged injuries."

Also in its defense, Allied has stated to the court that the civil suit is barred by the provisions of the Virginia Workmen's Compensation Act.

OSHA Request

The Occupational Safety and Health Administration is seeking the cooperation of kepone users in following the recommended practices of good housekeeping to avoid over-exposing employees to the chemical.

Unions

AFL-CIO OFFICIAL SEES NO EVIDENCE THAT OSHA RULES INCREASE UNEMPLOYMENT

There is no evidence that workers have been deterred from invoking their rights under the Occupational Safety and Health Act because of worry about job security and possible layoffs, George Taylor, AFL-CIO Standing Committee on Occupational Safety and Health, said on December 31.

For example, when the vinyl chloride standard was a hot issue about this time last year, the Society for the Plastics Industry was very alarmed about the possible impact of a no detectable limit standard governing the use of vinyl chloride in the workplace, Taylor said. They claimed that two million jobs could be lost as a result of such a standard. "We find now that there has not been a single job loss, that we know of, since that standard has been made final. In addition, we find that many industries, on their own, are reducing the concentration of vinyl chlorides in the workplace in a satisfactory manner," he added.

"We can translate this into noise and a number of other health hazards for which standards are being shaped,"

Taylor said. "We think that pretensions that these standards are going to adversely affect employment are highly exaggerated if not made out of whole cloth by management."

Taylor said the record of four years has vindicated the AFL-CIO's position that the Occupational Safety and Health Review Commission should not have been included in the law. "Basically, it is a disaster. You have not only a tremendous backlog of contested citations but you have an inordinate time lag as examiners decide these cases," he said. "It is a three-man body which is at odds with itself. The former chairman, who has just recently been deposed, instituted and then withdrew a suit in federal court against the other two members. You have a situation which, for these and other reasons, still causes us to hold the position that the commission should not exist in the first place."

State Plans

Taylor said that under the stewardship of Assistant Secretary of Labor Morton Corn, OSHA is taking another look at its policy of encouraging states to come up with their own safety-health plans. Four states have withdrawn their plans, he said, and most of the other state plans are not very effective.

"The semiannual reports on the operation of these states' plans showed conspicuous and very definite weaknesses in the way the states are implementing their plans and meeting the test of providing programs as effective as the federal program," Taylor said. "There are at least three states that I can think of, Nevada, Maryland, and Indiana, whose plans, under any other administration, would have been thrown out by now, for reasons I have just mentioned."

Because of the pressure of the states and the historical position that OSHA has taken under two previous Secretaries, this will be one of the last policies which will be seriously reevaluated, Taylor said. "I think we have a long fight ahead."

Vinyl Chloride

EPA PROPOSES EMISSION STANDARDS FOR VINYL CHLORIDE AIR POLLUTANTS

A national emission standard for vinyl chloride emissions from ethylene dichloride-vinyl chloride and polyvinyl chloride plants was proposed by the Environmental Protection Agency on December 24.

In accordance with Section 117 of the Clean Air Act, the publication of the proposed standard was preceded by consultation with appropriate advisory committees, independent experts, and federal departments and agencies.

As of June 1975, the National Cancer Institute had confirmed 27 cases of liver angiosarcoma among workers with a history of exposure to vinyl chloride, 15 in the U.S. and 12 in Europe and Canada. In addition, 11 cases have been reported and not yet confirmed. Most, but not all, of these confirmed cases have been among workers involved directly in polyvinyl chloride production. Cases of liver angiosarcoma have been reported in one U.S. and three European workers exposed to vinyl chloride, but not involved directly in polyvinyl chloride production. "These cases suggest that exposure to vinyl chloride at lower levels than usually encountered in polyvinyl chloride production plants is capable of causing liver angiosarcoma," EPA said.

Approximately 4.6 million people live within a five-mile radius of ethylene dichloride vinyl and polyvinyl chloride plants, EPA said. There are no dose-response data, and thus there is no absolute proof of adverse effects at the concen-

trations of vinyl chloride found in the ambient air. However, for carcinogens there may be no atmospheric concentration which poses absolutely no public health risk.

Interested persons may participate in the rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, EPA, Research Triangle Park, North Carolina 27711. A public hearing on the proposal will be announced.

Standards

OSHA SETS DEVELOPMENT PRIORITIES FOR PROPOSING NEW SAFETY REGULATIONS

The Occupational Safety and Health Administration has realigned its priorities in developing safety standards, an OSHA spokesman told OSHR.

The latest OSHA priorities call for developing "packages" relating to Subpart D of 1910 (walking and working surfaces, safety belts and harnesses and Subpart L of 1910 (fire protection, portable fire extinguishers), he said. In developing proposals for the two subparts, OSHA will treat the areas they encompass as total entities. "The subparts deal with a number of items, but it makes more sense to us to issue the proposals as complete packages," the spokesman said.

Proposals for agricultural field sanitation (1928) and agricultural machine guarding (1928.57) which originally were scheduled to be published by OSHA along with a number of health standards last fall (Current Report, September 18, p. 491) will be delayed until February or March, OSHR was told. Release of the agricultural proposals is being coordinated with the development of other OSHA projects, the spokesman said.

Standards

NBS STANDARDS PROVIDE ACCURATE MEASUREMENTS OF INDUSTRY POLLUTANTS

More accurate measurements of pollutants that are potential health hazards for industrial workers will be possible as a result of a new series of Standards Reference Materials (SRM's) developed by the Commerce Department's National Bureau of Standards.

The new SRM's for industrial hygiene analysis will provide accurate means for calibrating equipment and methods that are used to determine if workers have been unduly exposed to high levels of industrial pollutants and if the levels of pollutants in the workplace exceed federal health standards, the bureau said.

The SRM's are the outgrowth of a program, jointly sponsored by NBS and the National Institute for Occupational Safety and Health, to develop reference materials related to industrial hygiene analysis and for monitoring the workplace atmosphere. The three members of the series now available from the NBS Office of Standard Reference Materials are Freeze-Dried Urine Certified for Fluorine, Beryllium on Filter Media and Metals on Filter Media.

Freeze-Dried Urine Certified for Fluorine (SRM 2671) consists of two freeze-dried samples of human urine containing low and elevated levels of fluoride ion when reconstituted with water. The standard will be useful for industrial hygiene analysis in aluminum reduction plants and in the fertilizer industry.

Beryllium on Filter Media (SRM 2675) and Metals on Filter Media (SRM 2676) consist of membrane filters upon which have been deposited known and carefully reproduced quantities of salts of beryllium (in the case of SRM 2675) and of lead, cadmium, zinc, and manganese (in the case of SRM 2676). Three concentrations of metal salts have been deposited in the case of each SRM to simulate the amount collected under typical workplace conditions when atmospheric concentrations are near the detection level, at the threshold level of detection, and well above the threshold level.

SRM 2675 will be useful for monitoring the workplace atmosphere in the specialty ceramics and refractory materials industries. SRM 2676 will be useful for monitoring the workplace atmosphere in a variety of industries, including metal working companies, foundries, paint shops, and plating and welding operations.

In addition to the three SRM's now available, two others will be issued in the near future. Freeze-Dried Urine Certified for Mercury (SRM 2672) will consist of two freeze-dried samples of human urine containing low and elevated levels of mercury when reconstituted with pure water. This will be useful for industrial hygiene analysis in such situations as the electrical apparatus industry and in the production of chlorine and caustic soda where large quantities of mercury are used.

Quartz on Filter Media, SRM 2679, will be a series of three membrane filters upon which have been deposited known quantities of mixtures of silica and clay. SRM 2679 will find applications in the mining and ore processing industries.

SRM 2671 is issued as a set of two bottles, containing the freeze-dried material for in situ reconstitution. Each unit of SRM 2675 and 2676 contains a set of three membrane filters. The cost of each SRM is \$80 per unit. They may be ordered from the Office of Standard Reference Materials, Room B311, Chemistry Building, National Bureau of Standards, Washington, D.C. 20234. A separate announcement will be made when SRM's 2672 and 2679 become available.

Health Hazards

BUREAU OF STANDARDS DEVELOPS MONITOR FOR EXPOSURE TO MERCURY

A new sensitive monitor for determining the occupational exposure of a worker to mercury has been developed by scientists at the Commerce Department's National Bureau of Standards.

The monitor will help public health officials protect some 150,000 workers who are employed in industries where mercury exposure is a daily and potentially hazardous occurrence. The monitor was developed by Eugene P. Scheide and John K. Taylor, chemists in the NBS Institute for Materials Research in Gaithersburg, Md. In addition to its extreme sensitivity and selectivity for mercury, the monitor is portable, easy, and inexpensive to produce, and also reusable. Unlike other monitors currently in use, the NBS device gives the total accumulated dosage of mercury over a workday, rather than the concentrations of mercury a worker is exposed to at a given time.

Mercury poisoning was once a common occupational hazard associated with hatters who often went mad from the compound they used to cure felt and fur hats. Victims developed a tremor called "hatters shakes," which affected their eyes and limbs and added their speech. In advanced

stages, they developed hallucinations and other psychotic symptoms.

Use of mercury in the hat industry was outlawed in the 1940's. However, mercury poisoning is still an occupational hazard, NBS said. It is a prime component in the electrical apparatus industry, such as the manufacture of dry cell batteries, switches, and other electrical components. Its single largest use is in the production of two industrially important chemicals, chlorine, and caustic soda. Because of its versatile and unique properties, mercury and its compounds are also used widely in pharmacology, the paint industry, agriculture, and a myriad of other applications.

The NBS monitor will provide more accurate monitoring of workplace mercury concentrations, thus helping to insure that federal health standards are met. The monitor is much more sensitive than most other techniques now used, with an ability to measure mercury concentrations at the parts per billion level. Other industrial pollutants that might be present in a workplace do not interfere with the monitor's readings.

Another important feature of the monitor is its portability, the NBS said. Many mercury monitors in use today are stationary and thus do not necessarily measure accurately the worker's real exposure to mercury. The NBS device, on the other hand, is so small and lightweight that the monitor can be worn on the worker's clothing in his breathing zone and used in conjunction with commercially available miniature air pumps.

The monitor is also easy and inexpensive to produce and store and can be reused at least 100 times. And, unlike other monitors currently in use, the NBS device gives the total accumulated dosage of mercury in a workday, called for by the National Institute for Occupational Safety and Health in its recommended standard, rather than the concentration of mercury a worker is exposed to at a given time.

The NBS chemists say that although the monitor was developed for monitoring mercury in the industrial workplace, it has other possible uses such as in studies of dentists and dental hygienists who have long term exposure to small concentrations of mercury.

Vinyl Chloride

WAGE-PRICE COUNCIL ASKS DELAY IN FDA RULES BANNING PVC PACKAGES

The Council on Wage and Price Stability asked the Food and Drug Administration on December 19 to delay proposed regulations banning certain uses of polyvinyl chloride for food packaging and to evaluate new industry data and technology for use of PVC.

Under the proposed regulations, based on present and out-of-date production processes, the use of PVC in semi-rigid and rigid containers would be prohibited in food packaging. At present, those kinds of PVC containers are used widely by the food industry as bottle-type containers and sheet wrappings.

The FDA regulations are aimed at preventing the human ingestion of vinyl chloride in the course of food and beverage consumption because of the possibility that the chemical may have carcinogenic effects when ingested. The problem arises because of the potential for vinyl chloride molecules to diffuse from the wrapper into the food or beverage, especially in the case of rigid and semi-rigid containers which have undergone relatively little heating and plasticizing, FDA said. FDA's proposed rules were filed on September 4, 1975, with a request for public comments by December 19.

While agreeing with FDA that the possible ingestion of potentially carcinogenic agents should be regulated, the council argued that FDA's proposed regulatory response to the problem may now be not only unnecessary but substantially more restrictive, and hence more costly, than is required. The council based this conclusion, in part, on new technical data submitted by various chemical manufacturers showing that the processes used to produce PVC have changed dramatically in the past few months as a result of industry response to new knowledge about the carcinogenic effects of vinyl chloride, as well as industry efforts to comply with the Occupational Safety and Health Administration standard for worker exposure.

The FDA regulations are based on the older production processes, the council said, noting that the OSHA worker exposure limits were substantially higher and therefore inconsistent with those FDA would impose. The council said FDA should evaluate these new processes to ascertain if the industry claims are accurate.

In the absence of this evaluation, the council concluded that FDA's proposed rules could cause greater than necessary costs because they would potentially prohibit even a minimal noninjurious presence of vinyl chloride in food. As currently proposed, the rules do not specifically define a minimum amount of vinyl chloride present necessary to invoke the prohibition. FDA's existing definition of "additive" would apply whenever a container can "reasonably be expected to become a component . . . of food packaged in the container." No level of reasonableness is defined, the council said. The proposed rules for vinyl chloride are no more specific. They would apply to any "detectable level of vinyl chloride." According to this standard, the council argued that FDA was committing itself to the prohibition of infinitesimally small and non-harmful levels of vinyl chloride, at a potentially great cost to the consumer.

After the evaluation, the council would recommend the promulgation of rules that prohibit the use of PVC in food packaging only when such use results in a specified level of residual concentration in food that exceeds a generally accepted level of health tolerance.

Appropriations

FORD SIGNS INTERIOR APPROPRIATIONS: \$79.4 MILLION SLATED FOR MESA ACTIVITY

The fiscal 1976 appropriations for the Department of Interior and related agencies (HR 8773) was signed by President Ford on December 23.

The Senate approved the bill on December 11 and sent it to the White House (Current Report, December 18, p. 1008). The bill includes \$79,473,000 for the Mining Enforcement and Safety Administration, including \$20,205,000 for the transition period. The President's budget request was \$79,500,000.

District of Columbia

DISTRICT OF COLUMBIA PLAN APPROVAL CONSIDERED BY DOL ASSISTANT SECRETARY

Approval of the revised job safety and health plan for the District of Columbia is now in issue before the Assistant Secretary of Labor for Occupational Safety and Health.

Early in 1973 the District initially submitted its plan. An informal hearing on May 9, 1973, raised serious questions in-

such bargaining representatives in accordance with the requirements of the National Labor Relations Act.

The rules were effective upon publication.

Vinyl Chloride

NIOSH REPORTS MORE BIRTH DEFECTS NEAR POLYVINYL CHLORIDE FACILITIES

Birth defects occur almost three times more often than normal among babies born in three Ohio towns where polyvinyl chloride is manufactured. Joseph Wagoner, director of field studies, National Institute for Occupational Safety and Health, told a California state senate hearing in Los Angeles.

The figures show that carcinogenic chemicals may endanger everyone in a community, not just those who work with the agents, Wagoner said. The three towns cited are Ashtabula, Painesville, and Avon Lake where polyvinyl chloride is manufactured.

Babies born in the communities to all residents, not just the wives of workers, are more likely to have birth defects affecting the central nervous system, Wagoner said. The number of such cases is almost three times that for the normal population.

Coal Mines

BLACK LUNG CLINICS BEGIN OPERATION IN SEVEN STATES; FUNDED BY GOVERNMENT

New black lung clinics are beginning operation in seven states, according to the United Mine Workers of America.

The clinics, which are funded by the Federal Government and supervised by the union, will provide the following services for afflicted miners:

- ▶ Testing for purposes of diagnosis and treatment of black lung disease.
- ▶ Physical therapy such as postural drainage and breathing training.
- ▶ Education in specific black lung disease problems and general health practices.
- ▶ Instruction in home care of the disease.
- ▶ Counseling on claims for black lung benefits.

The new clinics which have recently opened, or are expected to open soon, are located in the following states: Indiana, Kansas, Colorado, Utah, Kentucky, Tennessee, and Illinois.

The clinics in the Midwest and West are the first of a number of units established with funding from the National Institute for Occupational Safety and Health under a three-year \$1.2 million contract between NIOSH and the UMW. Additional clinics are expected to be set up in other areas where there are large numbers of miners at work.

Litigation

COMPANY ASKS SUPREME COURT TO CONSTRUE MEANING OF "WILLFUL VIOLATION" UNDER OSHA

An employer that was cited for a willful violation of the Occupational Safety and Health Act has asked the U.S. Supreme Court to rule on the meaning of "willful violation" as used in the Act.

The petition for certiorari, filed October 17, seeks Supreme Court review of the decision of the U.S. Court of Appeals for the Fourth Circuit in *Intercounty Construction Company v. OSAHRC* (3 OSHC 1337), which affirmed the decision of the Occupational Safety and Health Review Commission at 1 OSHC 1437.

On April 28, 1972, the Secretary of Labor issued the company a citation for willful violation of 29 CFR 1926.652(c) for failure to shore the sides of a trench in which a sewer was being installed. Review Commission judge Abraham Gold upheld the citation and \$10,000 penalty — the maximum for a willful violation — after concluding that the company's temporary removal of a mule (a trench-supporting structure) constituted a willful violation. He construed the term "willful" as "meaning an act committed intentionally, knowingly, or voluntarily, as distinguished from accidentally . . ." Subsequently, the decision was affirmed by the Review Commission, but the \$10,000 penalty vacated to \$5,000.

On July 23, 1975 the U.S. Court of Appeals for the Fourth Circuit affirmed the Review Commission decision, adding that "willful" means "action taken knowledgeably . . . in disregard of the action's legality. No showing of malicious intent is necessary."

In petitioning the Supreme Court, *Intercounty Construction* argues that the court below erroneously interpreted the meaning of willful and in so doing applied an incorrect measure of its conduct under the Act. It argues that the meaning of the term willful can only be gleaned by examining the Act's express statutory scheme for penalty assessment. Since a conclusion that a violation is "serious" requires that the condition was hazardous and that the employer knew or should have known of the hazard, a conclusion that a violation is "willful" necessarily requires more in terms of intent or motive. Reliance should be placed on the opinion of the Third Circuit Court in *Frank Irey, Jr. Construction Co. v. OSAHRC* (20 OSHC 1283), which stresses the distinction between "serious" and "willful" as consonant with the graduated penalty scheme of the Act, *Intercounty* argued. Thus, "willfulness" should be construed to mean acting with defiance or reckless disregard of consequences so as to be the equivalent of a knowing, conscious, and deliberate flaunting of the Act.

The employer petitioned that review should be granted because this case presents a significant and still unresolved question under the Occupational Safety and Health Act, on which the courts of appeals are in conflict.

The Court will decide whether to accept the case for review after the government has had an opportunity to respond to the petition.

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General Policy**UNION REITERATES DEMAND TO OSHA FOR INSPECTION OF RAILROAD WORKPLACES**

The International Association of Machinists and Aerospace Workers reiterated its request that the Occupational Safety and Health Administration inspect 385 railroad carrier workplaces in a letter dated April 1 to Assistant Labor Secretary Morton Corn.

The letter, signed by IAM Special Assistant Angelo Cefalo, noted that union members "are continuously exposed to excessive fumes, dusts, vapors, gases, soot, and noise" at the sites. Cefalo noted that the IAM previously requested such inspections in a formal complaint filed with OSHA against the railroad industry dated June 30, 1975 (Current Report, July 3, p. 155).

After noting that OSHA had not inspected the workplaces under the original complaint because of jurisdictional issues with the Federal Railroad Administration, Cefalo stated that "in a recent unanimous ruling by the U.S. Court of Appeals for the Fourth Circuit, the question of jurisdiction has been settled giving OSHA inspection rights over the safety and health of railroad workers" (*Southern Railway Company v. OSAHRC and Brennan* (3 OSHC 1940)).

The full text of Cefalo's letter follows:

"On June 30, 1975, our Organization filed an industry-wide complaint with OSHA on behalf of the IAM members employed in the Railroad Industry who are continuously exposed to excessive fumes, dusts, vapors, gases, soot and noise. In that complaint we requested an immediate inspection and investigation of the 385 Railroad Carrier workplaces where our members are subjected to poisonous work environments which constitute continuous health hazard producing systemic effects, including the respiratory system with potential harm to other parts of the body, also impairment of hearing due to excessive noise and skin effects.

"To date, there has been no investigation and no inspections. Reason given us for the lack of action on our complaint was that a dispute between OSHA and the Federal Railroad Administration (FRA) Department of Transportation (DOT), in which both agencies' claimed jurisdiction over railroad workers' safety and health, had to first be resolved either by the Congress or the Courts.

"In a recent unanimous ruling by the U.S. Court of Appeals for the Fourth Circuit, the question of jurisdiction has been settled giving OSHA inspection rights over the safety and health of railroad workers.

"We ask that you immediately order inspections and investigations of the work places listed in our complaint and take the necessary steps to have the industry abate the health and safety hazards to which our members continue to be subjected."

Vinyl Chloride

4/8/76

EXTENSION OF TIME IS ADOPTED FOR END-OF-SERVICE-LIFE INDICATORS

An extension to September 30, 1976, of the requirement for end-of-service-life indicators on respiratory protective devices was issued by the Mining Enforcement and Safety Administration on April 1.

The purpose of the amendment to Title 30, Chapter 1, Part 1, Section 11.205 (Reference File 41:9101) is to extend the previous December 31, 1975, deadline because there are no respirators with an end-of-service-life indicator approved

presently, and the safety feature is required for respirators used to prevent vinyl chloride exposure.

The Government has received only one application for approval of a respirator with an end-of-service-life indicator. When approval is issued, the manufacturer will require, and the extension will provide, sufficient lead time for the production of the respirators necessary to supply exposed workers.

The amendment will appear in a future Reference File supplement.

General Policy**POLICY ANALYSIS STAFF STUDYING SMALL BUSINESS, WILL ISSUE REPORT**

An executive level staff and an informal committee have been established in the Department of Labor to help the Occupational Safety and Health Administration coordinate its policies with those of other departmental regulatory agencies.

Studies on Occupational Safety and Health Administration policy options in the areas of small business and women in the workplace are being conducted by OSHA's new Policy Analysis Staff.

A report on small business will be presented to Congress by the end of this month, Joseph Kirk, staff director, told OSHR. The report will survey various governmental policies regarding small business and discuss options for future OSHA activity.

Following this report, the Policy Analysis Staff will deal with the subject of women in the workplace. A survey of existing information is underway and is expected to be completed later this month.

Kirk, who joined OSHA in January, said the Policy Analysis Staff will take a comprehensive look at areas addressed by OSHA, combining information from within the agency with data from other governmental offices and the private sector. The staff will report directly to Assistant Labor Secretary Morton Corn.

The staff, when fully manned, will include 10 professionals with expertise in a variety of areas, such as mathematics, policy evaluation, and regulatory agency operations, Kirk said. The first full-time staff member is expected to be hired within two to three weeks. Presently, three senior jobs are being advertised.

Secretary's Committee

The Secretary's Committee on Regulation, established by former Labor Secretary John Dunlop, "provides a forum" for the Occupational Safety and Health Administration and other regulatory bodies to exchange information and discuss matters of mutual interest, Deputy Labor Undersecretary Henry Perritt told OSHR.

Perritt, chairman for the committee, said that the committee was an outgrowth of Dunlop's views on social regulation. Often, regulatory bodies issue rules on a common subjects without consulting one another. More coherent policies can be established if all agencies are aware of each other's goal.

The committee presently includes Assistant Secretary for Occupational Safety and Health Morton Corn, Labor Department Solicitor William Kilberg, and Assistant Secretary for Evaluation and Research Abraham Weiss, and their deputies. Other members include directors of DOL's wage and hour and pension programs, and their deputies.

federal program, subject to stringent further evaluation of actual effectiveness — the only real test of personnel and resource efficiency — before final approval is made, the Labor Department's brief asserted. That test also accomplishes Congress' aim of expanding and integrating nationwide enforcement, according to the Labor Department, and is the only test which provides a determinate yardstick for measuring the sufficiency of submitted plans' personnel and resources.

Asbestos

OSHA EXTENDS COMMENT PERIOD FOR PROPOSED RULE ON ASBESTOS

The period of public comment on proposed revisions to the rule for occupational exposure to asbestos was extended by the Occupational Safety and Health Administration to February 9, 1976.

The notice of extension of the comment deadline appeared in the Federal Register on December 17. The revisions, which were proposed by OSHA on October 9, would reduce the permissible exposure limit to an eight-hour time-weighted average of 0.5 fibers per cubic centimeter of air except for construction activities (Current Report, October 16, p. 638). The original deadline for filing public comments expired on December 8.

As originally directed, comments must be submitted in quadruplicate to the Docket Officer, Docket H-033, U.S. Department of Labor, Room N-3620, 3rd & Constitution Ave., N.W., Washington, D.C. 20210, telephone 202-523-9076. The data, views, and arguments will be available for public inspection and copying at this address.

The Federal Register notice also includes typographical changes to the proposed revision.

Noise

ECONOMIC IMPACT REPORT BY BBN SHOULD BE DELIVERED TO OSHA SOON

After a month of delay, the second economic analysis prepared by Bolt Beranek and Newman, Inc., for the Occupational Safety and Health Administration on workplace noise standards is expected to be delivered to OSHA soon.

The report includes an inflation impact statement which should be released in January by the agency for 45 days of public comment after it is reviewed by OSHA staff.

An economic analysis and inflation impact study were developed by BBN for five alternative noise standards: (1) a 90 dBA limit with a three-year compliance period, (2) a 90 dBA limit with hearing protection conditionally acceptable, (3) an 85 dBA limit within five years, (4) an 85 dBA limit within 10 years, and (5) an 85 dBA limit within 15 years (Current Report, October 9, p. 584).

Beryllium

OSHA EXTENDS COMMENT PERIOD ON PROPOSED RULE FOR BERYLLIUM

The period of public comment on a proposed rule for occupational exposure to beryllium was extended by the Occupational Safety and Health Administration to February 2, 1976.

The notice of extension of the comment deadline appeared

in the Federal Register on December 17. The rule, which was proposed by OSHA on October 17, would limit worker exposure to beryllium to an eight-hour time-weighted average of one microgram per cubic meter of air (Current Report, November 6, p. 801). The original deadline for filing public comments expired on December 16.

As originally directed, comments must be submitted in quadruplicate to the Docket Officer, Docket H-005, U.S. Department of Labor, Room N-3620, 3rd & Constitution Ave., N.W., Washington, D.C. 20210, telephone 202-523-8076. The data, views, and arguments will be available for public inspection and copying at this address.

The Federal Register notice also includes typographical changes to the proposal.

Trichloroethylene

OSHA EXTENDS COMMENT PERIOD FOR PROPOSAL ON TRICHLOROETHYLENE

The period of public comment on a proposed rule for occupational exposure to trichloroethylene was extended by the Occupational Safety and Health Administration to February 20, 1976.

The notice of extension of the comment deadline appeared in the Federal Register on December 17. The rule, which was proposed by OSHA on October 20, would maintain worker exposure to trichloroethylene at the present level of 100 parts per million parts of air on an eight-hour time-weighted average while reducing the ceiling limit from 200 to 150 ppm and eliminating the current 300 ppm peak concentration (Current Report, October 23, p. 733).

As originally directed, comments must be submitted in quadruplicate to the Docket Officer, Docket H-048, U.S. Department of Labor, Room N-3620, 3rd & Constitution Ave., N.W., Washington, D.C. 20210, telephone 202-523-8076. The data, views, and arguments will be available for public inspection and copying.

The Federal Register notice also includes typographical changes to the proposal.

Vinyl Chloride

LABOR DEPARTMENT RULES VC WORKERS ARE NOT REQUIRED TO TAKE EXAMINATIONS

Employees are not required to submit to medical examinations when they work with or near vinyl chloride, though the Occupational Safety and Health Administration standard requires that such examinations be made available by employers, according to Labor Department Associate Solicitor Benjamin Mintz.

Mintz interpreted the provisions of the vinyl chloride standard in a December 4 response to a query by Peter Bommarito, president of the International United Rubber, Cork, Linoleum, and Plastic Workers of America. The medical examinations are mandated by Section 1910.1017(k) of the standard (Reference File 31-8345), which states "a program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with the paragraph. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee."

While employers are required to provide an opportunity for medical examination to affected employees, the standard does not require employees to submit to medical examinations, Mintz said. "Accordingly, an employer affording an employee an opportunity for a medical examination would not be subject to citation under the Act if the employee refused to take the examination."

Personal Physicians

Bommarito also inquired regarding an employee who prefers to be examined by a personal physician, whether a statement of job suitability would be sufficient or if a copy of specific test results must be issued. The question concerned provisions in 1910.1017(k)(4) which provides "a statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee."

Mintz said this subsection prescribes that employers obtain a statement for the examining physician regarding each employee's suitability for continued exposure to vinyl chloride after any examination. "The subsection does not require the employer to obtain copies of the results of the specific medical tests administered to the employee," he said.

Bommarito's Response

Both questions arose from the cases at the Firestone Pottstown, Pa., plant, where a large number of employees work with vinyl chloride. Bommarito said. Commenting on Mintz's decision, Bommarito stressed workers should not "misconstrue" the importance "and significance of the need for medical screening and surveillance of workers exposed not only to vinyl chloride, but all other harmful chemicals in the workplace."

The union fought for a standard which would protect workers, and "I strongly urge our members to cooperate and participate in medical surveillance programs which are made available to them," Bommarito said. However, periodically there are extenuating circumstances which, as a matter of personal conviction, prevent a worker from participating in a medical surveillance program. Hopefully, these circumstances will relate to only a very small number of workers, he said.

This precedent-setting interpretation could mean that workers exposed to occupational hazards cannot be forced to undergo medical testing programs as prescribed in new federal standards, giving the worker himself freedom of choice, Bommarito said.

Health Hazards

DATA INSUFFICIENT TO SHOW CAUSE OF LIVER DAMAGE IN NEW JERSEY WORKERS

An evaluation of all available data was inconclusive in pinpointing vinylidene chloride as the cause of liver malfunction among several workers at the BASF Wyandotte Company plant in South Kearny, N.J.

Further research will be conducted by the National Institute for Occupational Safety and Health after the first of the year, J. William Lloyd, NIOSH, told OSHR.

Ten employees who showed consistent liver damage will not be required to have a liver biopsy. After a December 16 meeting between representatives of the company, the United Rubber Workers union, NIOSH, and the Occupational Safety

and Health Administration, employees were told that a biopsy would be "strictly voluntary," one source told OSHR.

The situation arose after a company-sponsored study, begun in May 1975, showed that 27 out of 46 employees who were or had once been exposed to vinylidene chloride showed liver malfunction. Medical tests performed on the workers included enzyme tests and liver scanning.

The information was referred to Carroll Leevy, director, division of hepatitis, New Jersey College of Medicine and Dentistry. Based on a review of the most recent liver scanning tests, Leevy selected 10 employees who showed consistent liver damage, Lloyd said. Leevy requested a liver biopsy to gather further data. OSHA's New York office was contacted by the company on December 4.

Information gathered in the studies is not sufficient to indicate vinylidene chloride as the cause of the liver damage, Lloyd said. Out of 300 exposed employees at the plant, only 46 were tested initially. Employees are exposed to 300 to 350 different substances at the facility, as well.

After mid-January, NIOSH will conduct further discussion with the company on an in-depth study. Such a study would involve an examination of company medical records and measurement of workplace exposures. NIOSH's Division of Surveillance, Hazard Evaluations, and Field Studies would be in charge of the investigation.

Coke Oven Emissions

HEARINGS RECESS UNTIL JANUARY 6; STEELWORKERS "SATISFIED" WITH RESULTS

The hearings conducted by the Occupational Safety and Health Administration have produced several significant changes in the position of the steel industry concerning a proposed rule for coke oven emissions, James D. English, assistant general counsel of the United Steelworkers of America, told OSHR.

According to English, the American Iron & Steel Institute indicated in its testimony that a specification standard would be acceptable to the steel industry. "This is an important shift," English said. He added that in the past steel firms had been reluctant to endorse specific engineering controls and work practices for controlling coke oven emissions.

He cited testimony given in behalf of AISI by A. E. Mofitt, Jr., senior environmental chemist and toxicologist for Bethlehem Steel Corporation on December 9 which stated, "It would appear that, in the unique circumstances involved in this case, a specification standard might well make a good deal of sense."

Another major shift in the position of the steel industry, English said, was the acceptance by AISI of the limitations of the so-called Redmond study imposed by its coauthor, Carol K. Redmond (Current Report, December 11, p. 978). Previously, many steel firms which are members of AISI maintained that the Redmond study proved that a level of 0.56 milligrams per cubic meter of coal tar pitch volatiles (CTPV) or less would not increase workers' risk of lung cancer and recommended that OSHA utilize this level in its coke oven emission rule (Current Report, October 23, p. 733). Redmond herself testified at the hearings that her data would support only the current exposure level of 0.2 mg per cubic meter of CTPV (Current Report, November 13, p. 831).

The hearings are being held on a standard proposed by OSHA for coke oven emissions which calls for a level of 0.3 mg of respirable dust per cubic meter of air (Current

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ficer, OSHA, Docket No. H-017A, Room N-3620, 3rd & Constitution Ave., N.W., Washington, D.C. 20210. The comments and/or recommendations should be postmarked on or before April 12. Written submissions must clearly identify the issues addressed, the provisions of the proposal or the Standards Advisory Committee on Coke Oven Emissions where appropriate, and the position to be taken with respect to each issue addressed. All written submissions will be made a part of the record of the proceeding.

Persons desiring to appear at the hearing, including those who already filed notices of appearance for the original public hearing on the proposal which began on November 4, 1975, must file a notice of intent to appear postmarked on or before April 12, 1976, with Jeanne C. Werner, OSHA Committee Management Office, Docket No. H-017A, Room N-3633, 3rd & Constitution Ave., N.W., Washington, D.C. 20210, telephone 202-523-8024.

The notices of intent to appear at the hearing must contain the following information:

- ▶ Name and address of the person to appear.
- ▶ Capacity in which the person will appear.
- ▶ Approximate amount of time required for the presentation.
- ▶ Specific issues to be addressed.
- ▶ Detailed statement of the position that will be taken with respect to the issues.
- ▶ Detailed statement of the evidence with respect to each such issue addressed.

According to the notice, "the notices of intent to appear will be scrutinized closely for sufficiently detailed information concerning the position to be taken with regard to the issues specified and the evidence to be adduced in support of the position." Persons filing notices of intent to appear deemed not detailed sufficiently will be informed and given seven days from the date they are informed to file proper notice of intent to appear.

In those cases where the information contained in the notice of intent does not seem to warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and notified of this fact. In this case, the participant will have seven days from the date on which he is so informed to demonstrate why the allocated time is inappropriate.

General Policy

WILLIAMS ASKS RECONSIDERATION OF DOWNGRADING NIOSH PERSONNEL

The Secretary of Health, Education, and Welfare was urged to reconsider downgrading industrial hygiene positions of National Institute for Occupational Safety and Health personnel in a letter from Senator Harrison A. Williams (D-NJ).

Williams, chairman of the Senate Labor and Public Welfare Committee, asked Secretary David Mathews to respond to the following letter:

Dear Secretary Mathews:

"It has come to my attention that the Department of Health, Education, and Welfare has made a decision to downgrade the civil service NIOSH regional industrial hygienist positions in Philadelphia and Atlanta and may consider such downgrading in other regions.

"I believe it would be a serious mistake to downgrade these positions. The technical capability and program responsibility of these people is one of the essential barriers between workers and the occurrence of more tragedies like the kepone poisoning and vinyl chloride cancer hazards.

"The important and increasing responsibility of the people in these positions under the Occupational Safety and Health Act is clear. For example, the NIOSH regional industrial hygienist bears a major responsibility for health hazard surveys, required by Section 20 (a) (6) of the Occupational Safety and Health Act, which investigate suspected dangers to employees from potentially toxic materials and may trigger needed new OSHA standards.

The Department of Labor, with our encouragement, is redirecting the emphasis of their standards promulgation and enforcement effort into the occupational health area. For these supportive positions in OSHA's sister agency in HEW to be downgraded only serves to undercut that DOL effort as well as reduce the effectiveness of NIOSH's own activities."

"Further, the Secretary of Labor has recently notified you that the nation presently needs approximately 4,000 more certified industrial hygienists than are presently trained and available. In this tight labor market, it is already difficult for the Federal Government to attract the trained occupational health professionals they need to run these vital programs. A downgrading such as you are contemplating greatly exacerbates that problem.

"I urge you to rethink your decision. I would like to hear from you on this issue before final action has been taken."

Unions

VINYL CHLORIDE
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RUBBER WORKERS HIT OSHA DELAY ON SEVERAL OCCUPATIONAL HEALTH RULES

The United Rubber Workers are deeply concerned that when the vinyl chloride standard becomes enforceable at one and five parts per million on April 1, 1976, adequate respirator protection will not be available as required by Section 1910.939(g)(4). Peter Bommarito, URW president, said in a February 24 letter to Labor Secretary W.J. Usery.

The URW director of industrial hygiene has contacted the Occupational Safety and Health Administration, the National Institute for Occupational Safety and Health, and the West Virginia NIOSH offices regarding the availability of chemical cartridge respirators with an organic vapor cartridge which provides a service life of at least one hour for concentrations of vinyl chloride up to 10 ppm, Bommarito said. Top OSHA officials are aware of the Firestone Tire and Rubber Company's request for a temporary variance regarding the discretionary use of respirators at concentrations below 25 ppm. "I am quite sure that all polymerization facilities throughout this country will not be able to meet the one and five ppm standard and that respiratory protection other than supplied air respirators should long have been available and approved by NIOSH. For some reason, there seems to have been inactivity in the development of such a respirator," Bommarito said.

"I am aware of some of the technical difficulties encountered in the development of such a respirator, but I am also aware that previous restrictions defining its development have been loosened," Bommarito said.

Granting such temporary variances certainly does not fulfill OSHA's commitment in protecting workers exposed to vinyl chloride, he said. Such variances tend to dilute the effectiveness of the standard and set precedents which are unacceptable.

Heat Stress-Labeling

Organized labor also has a grave concern regarding the obvious reluctance on the part of OSHA to issue two standards which relate to heat stress and hazardous materials labell-

ing, Bommarito said. The advisory committee report on heat stress has been "gathering dust" in the Department of Labor since April 14, 1974. No real attempt has been made by the Office of Standards Development to resurrect this standard even though more definitive information is available either through NIOSH, Harvard University, and the University of North Carolina's schools of public health, and the U.S. Navy Department.

"I strongly urge that you investigate the possibility of activating studies to reconsider the development of a standard on heat stress," Bommarito said. The Standards Advisory Committee on Hazardous Materials Labelling completed its deliberations about a year ago, and forwarded their recommendations to the former Assistant Secretary of Labor John Stender. This committee report has received minimal attention and it is obvious that the labelling of hazardous materials, development of material safety data sheet, and other germane issues included in the report have not received proper attention.

Although portions of the committee's recommendations may be incorporated in your current health standards, the issues of labelling and development of material safety data sheets have not been properly addressed, Bommarito said. "I request your assistance in this matter."

Excess Lead Exposure

The problem of occupational exposure to lead has faced the workers of this world for centuries "and I am astounded that conditions in some of our workplaces today are as deplorable as they were a century ago," Bommarito said. "As I look at the process of developing a standard for lead, I foresee an attempt by industry to stall the promulgation of an effective standard so that we could only hope to see such a standard promulgated in the later part of 1977 or 1978. Such a delay would certainly put many workers who are already at risk at unnecessary continued risk," he said. It is conceivable that an emergency temporary standard may have to be issued.

"Your offices and the offices of NIOSH are aware of our current serious problem related to vinylidene chloride," Bommarito said. "There is some indication that the BASF-Wyandotte Corporation is not acting in good faith in situations where we know members of my union have or are encountering serious liver damage. I am hopeful that OSHA and NIOSH can initiate action to encourage BASF to act responsibly regarding this issue."

Although the Rubber Workers are facing many other serious environmental health and safety problems, "I am hopeful that you can take time from your busy schedule to encourage action and provide us assistance in the above-mentioned areas," Bommarito concluded.

Legislation

BLACK LUNG BENEFITS MEASURE APPROVED BY HOUSE BY VOTE OF 210-183

A bill which would liberalize black lung benefits for coal miners was passed on March 2 by a vote of 210 to 183, with the support of the United Mine Workers.

The Bill, HR 10760, was reported by the House Labor Committee last December (Current Report, January 8, p. 1081). It contains most of the provisions of HR 3333 introduced by Congressman Carl Perkins (D-Ky) with the support of the UMWA and the Black Lung Association.

The House agreed to two amendments to the bill which had been passed by the House Labor Committee:

► An amendment that prohibits the rereading of X-rays and provides that the opinion of the claimant's physician

concerning the presence of black lung disease must be accepted.

► An amendment providing for a study of white lung disease (silicosis) by the House Committee on Education and Labor.

UMWA Reaction

"We support the bill in its present form, but it still needs improvement," a UMWA spokesman told OSHR. The spokesman termed the amendment which prohibits the rereading of X-rays of claimants "one of the most important provisions of the bill."

The spokesman noted that the UMWA had pressed hard for an amendment which would allow all miners who have worked at least 25 years underground to qualify automatically for benefits. Such an amendment was rejected by the House by a division vote of 27 to 25. In its present form, HR 10760 grants automatic benefits to anthracite miners with 25 years of underground experience but requires bituminous miners to have worked 30 years underground.

According to the spokesman, Senate hearings on the bill should begin around March 23. "Passage of the bill in the Senate should be easier, and we will make a definite effort to strengthen it there," OSHR was told.

The bill has been denounced as a "rip-off" by its Republican opponents in the House and is opposed by the Ford Administration. In view of the closeness of the House vote, the UMWA spokesman admitted that "there would be no way to beat a veto of the bill by the President."

Variances

OHIO FIRM AMENDS APPLICATION FOR VARIANCE FROM POWER PRESS RULE

The Interlake Stamping Corporation, Willoughby, Ohio, has amended an earlier application for a variance from Occupational Safety and Health Administration standards that prohibit a presence-sensing point of operation device from being used as a tripping mechanism on mechanical power presses.

The company's initial application was announced on May 20, 1974, seeking a variance from the presence-sensing device requirement and from other rules concerning the conduct of mechanical power press operations. The latter requirement was revised on December 3, 1974, eliminating the need for the variance. The other requirement is the subject of the amended application. In the application, Interlake seeks an experimental variance involving volunteer employee operators of five 22-ton Bliss OBI mechanical power presses.

The application seeks approval to test the improvements in employee safety and health to be realized from use on the five presses, each equipped with an air friction clutch, an Erwin Sick electronic light curtain, and rigid guarding to prevent all entry to the point of operation not covered by the light curtain. The experiment also is designed to validate data indicating successful use of this press design in Sweden and West Germany.

General Policy

SECTION 1910.309(a) WAS STANDARD MOST FREQUENTLY VIOLATED IN 1975

The most frequently violated standard in fiscal 1975 was Section 1910.309(a) (electrical requirements), according to Occupational Safety and Health Administration data.