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PLAINTIFF'S
EXHIBIT
AL-1035

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DEC 29 RECD

DATE : December 27, 1977
TO : OFFICIAL CORRESPONDENTS - ACTIVE MEMBERS
FROM : Edmund J Laubusch
SUBJECT : OSHA's PROPOSED GENERIC CARCINOGEN POLICY

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ANY THOUGHTS
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Representatives of the American Industrial Health Council plan to be available in Washington from January 9th-12th to help companies prepare testimony for April 4th hearings on OSHA's proposed generic standard on carcinogenicity. The deadline for submitting written comments, requesting time to appear at the April 4th hearings and submitting at least an outline of that April 4th testimony, is January 30th.

AIHC is putting together a team of experts in the areas of economic, science, alternatives and legal who will be in Washington at the offices of AIHC Counsel, Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Ave., NW, Washington, DC from January 9th-12th from 9 a.m. - 4:30 p.m. each day. They will be available to discuss individually and jointly questions involving an analysis of OSHA's regulations as well as to assist in drafting testimony. In addition, if there is a demand for it, assistance can be provided that week by a team in Chicago, Atlanta or other appropriate cities.

Companies planning to take advantage of this free service should let AIHC know when they plan to be in Washington by contacting Ms. Terri Brown at 914-725-1492.

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economic and technological aspects and thus meant "practicable", a construction "in accord with the clear intent of Congress and the purpose of the Occupational Safety and Health Act".

D. Different approach to animal data.

The OSHA proposal is relatively indiscriminate in attributing significance to mammalian test data irrespective of the size of dosage used, the overwhelming of normal detoxification mechanisms, and other experimental test conditions that are unrealistic for occupational purposes. Two biological circumstances dramatize the need for careful appraisal of animal data. Estrogens and androgens are carcinogenic to experimental species, and for estrogens, the occurrence of disease in humans has been documented. Yet estrogenic hormones are ever present at subthreshold or no-effect levels in the entire earth's population and are essential to life. Similarly, metals such as chromium, nickel, cobalt, selenium, and perhaps even arsenic are essential to man in small amounts but carcinogenic in excessive amounts. The following proposal would substantially differentiate among test results depending upon such criteria.

While the following proposal would require positive results in two different mammalian species in well designed and conducted experiments to warrant regulation as a carcinogen, it would not preclude OSHA from instituting a normal Section 6(b) rulemaking on a specific substance on the basis of a single such experiment where, in light of the best information available at the time, regulation for carcinogenic hazards might be appropriate.

E. The role of short-term tests.

OSHA's proposal would attribute some potentially signi-