

Chemical Manufacturers Association

Minutes of Meeting

OCCUPATIONAL SAFETY AND HEALTH COMMITTEE

CMA Headquarters

Washington, D.C.

Host International Hotel Houston, Texas January 9, 1980

MEMBERS PRESENT

R.L. O'Connell, Chairman
R.B. Hoots, Jr., Vice Chairman
Linda M. Casey
Emil E. Christofano
R.M. Clyne
Carl De Martino
H.A. Eschenbach
T.F. Evans
D.W. Hillman
B.J. Holder
H.L. Kusnetz
W. Mayo Smith
Frank A. Ubel

Jay A. Young, Acting Secretary

Olin Corporation
ICI Americas, Inc.
Ashland Oil Inc.
Hercules Incorporated
American Cyanamid Company
E.I. du Pont de Nemours & Co.
W.R. Grace & Company
Monsanto Company
Diamond Shamrock Corporation
Dow Chemical, U.S.A.
Shell Oil Company
Air Products & Chemicals Inc.
Minnesota Mining & Manufacturing
Company
CMA Staff

PRESENT BY INVITATION

Patrick C. Joyce
H. Christopher Nolde

CMA Staff
CMA Staff

1.0 WELCOME

Mr. A.D. Cyphers, Jr., DuPont, Chairman of the Texas Chemical Council Occupational Safety Committee and Mr. J.L. Rivard, Shell Oil, Vice-Chairman of that Committee jointly welcomed the participants to Houston, pointing out that the chemical industry can be considered to be the largest single industry in Texas. They described recent activities of the Texas Chemical Council's Occupational Safety Committee as a vital force in this part of the Texas industry.

2.0 MINUTES OF LAST MEETING

The minutes of the previous meeting, November 14, 1979, were approved.

PRIVILEGED MATERIAL REDACTED

In a related matter, E.E. Christofano, Hercules, reporting for the Intercommittee Task Group on Hazards Communications described Mr. Roland's letter of December 10 to Stuart E. Eizenstat, Assistant to the President for Domestic Affairs and policy. The letter stated that the degree of undue urgency assumed by OSHA and the Environmental Protection Agency (EPA) in the preparation of proposed labeling regulations should be reviewed; the letter offered the services of CMA in such a review.

5.0 OCCUPATIONAL ILLNESS AND INJURY GUIDELINES

Dr. R. Y. Levine, Olin, reported for the task group:

Every since CMA adopted the OSHA record keeping system for its statistical survey the task group has received requests to separate illness statistics from injury statistics. (Although this is not difficult in principle, it would require major changes in recording procedures for most companies.) Member companies were recently asked to break their total recordables into injury and illness; 80 companies responded. Analysis showed that 4.5% of all recordable injuries were occupational illnesses. This is to be compared with 3.9% for 1977, and 3.3% for 1978 for all manufacturing as reported by the Bureau of Labor Statistics. Further analysis, however, shows that the total recordables incident rate for member companies reporting to CMA is 3.7% and the corresponding of Bureau of Labor Statistics rate for all manufacturing is 13.2%. When these occupational illness figures are reduced to incidence rates, the CMA occupational illness rate for 1978 is 0.17% and the Bureau of Labor Statistics for all manufacturing is 0.44%.

In evaluating these reduced figures, note that OSHA considers ~~one-time~~ chemical burns and one-time inhalations of toxic or irritant chemicals to be traumatic injuries, not illnesses. Probably, in the chemical industry gas inhalations and chemical burns account for more recordable injury and lost workday cases than all other occupational illnesses. The Bureau of Labor Statistics reports that 6% of all fatalities in the manufacturing sector result from gas inhalation; chemical plant fatalities are included in that percentage.

Many people have informally expressed concern that the OSHA record keeping system is not adequate for keeping track of

chemically-related illness and injuries, but if adequate records are desired, additional record keeping requirements beyond those now imposed will be necessary.

Discussion of the current draft of the Occupational Illness and Injury Guidelines indicated that further review is necessary. Reviewers were asked to send their comments to Dr. R.Y. LeVine or to J.A. Young, CMA, at their early convenience.

6.0 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION STANDARDS

D.W. Hillman, Diamond Shamrock, reported for A. Kover, Diamond Shamrock, in his absence. The task group submitted a reponse on December 17 opposing the OSHA proposal to reduce reporting time for fatalities and multiple hospitalization accidents from 48 hours to 8 hours from the time of the accident.

The task group did not submit a response on the advance notice of proposed rulemaking on confined spaces since information was submitted on this matter in 1975 to OSHA and in 1978 to the National Institute for Occupational Safety and Health (NIOSH).

Comments were not submitted on the proposed OSHA standard Subpart F - Electrical. This is the same standard adopted in October as National Fire Protection Association (NFPA) 70E which was supported by the CMA Electrical Committee at the meeting last October. CMA is working with other interested groups such as National Association of Manufacturers, Organization Resources Counselors Inc., National Agricultural Chemicals Association and the American Petroleum Institute on a response to the proposed revision of Subpart H - Hazardous Materials, Part 191.

An advanced notice of proposed rulemaking on lockout/tagout is expected within a few months. The task group has submitted information to OSHA on this matter taken from the CMA safety guide on the same subject.

7.0 EPIDEMIOLOGY

D.W. Hillman, Diamond Shamrock, and M. Miller, IMC, reported.

The draft has already been approved by the Committee. The title will be changed to prevent confusion with a similarly titled document to be published by the Interagency Regulatory Liaison Group (IRLG); other nonsubstantive editorial changes will be made before publication.

An updated version of the CMA publication, "A Brief Overview of Occupational Epidemiology", written by W.R. Gaffey, Monsanto, is being reviewed. It will be published upon the conclusion of the review.

8.0

IARC REQUEST WOOD AND LEATHER

R.L. O'Connell, Olin, reported that we have been invited to participate as observers with the IARC working group to evaluate carcinogenic risks in the wood and leather industries. The American Paper Institute is also interested in participating. Dr. O'Connell will make informal inquiries to open a space for participation by the American Paper Institute.

9.0

MEDICAL RECORDS9.1 OSHA PROPOSAL FOR ACCESS TO MEDICAL RECORDS

In the absence of J.S. Snyder, Merck, Jay Young reported that the proposal had not yet been published; no action is recommended at this time.

9.2 H.R. 5935 - MEDICAL RECORDS PRIVACY BILL

H.C. Nolde, CMA, reported that Congressman Preyer's bill was put on the Committee agenda for the purpose of determining whether CMA should favor the bill as possible support for our position on OSHA's proposal regarding access to employees medical and exposure records. The bill is designed to protect the privacy of medical records kept by medical care facilities. It would guarantee patients' rights to inspect and copy their medical records under certain conditions, and would restrict disclosure with and without patients' permission. The bill applies to hospitals, nursing homes, and medical care facilities certified for Medicaid or funded by the federal government; corporate medical departments do not appear to be subject to its requirements.

The bill probably offers only scant support for our position on medical records access because it permits release of medical records without patient permission in various situations. Especially Section 124, for example, permits disclosure, without patient authorization, for use in a health research project as well as to a public health authority (under certain conditions); Section 129 permits disclosure to the patient's legal representative.

After discussion of these and related issues, it was concluded that CMA not take a position in support of the Preyer bill, H.R. 5935.

9.3 S. 2153 - OSHA REFORM BILL

Mr. Nolde reported that the draft bill circulated at the last Committee meeting was introduced, with some changes, by Senator Schweiker and bipartisan co-sponsors (Williams, Church, Cranston, Nelson and Hatch) on December 19. S. 2153 would exempt from routine safety inspections workplaces with good safety records, based on the number of reported workday injuries. Before OSHA could inspect on an employee complaint, it would be required to notify the employer to provide opportunity to furnish satis-

factory assurances that appropriate corrective action had been taken. The purpose of the bill is to target OSHA enforcement toward hazardous workplaces, and provide the Agency with consultative tools to supplement its enforcement role.

Mr. Nolde described some of the changes between the advance draft and S. 2153 as introduced, including the formula by which a company would qualify for exemption from safety inspections (no occupationally related deaths and no more than about 2 to 3 lost workday injuries per 100 full time employees), the amount of penalty reductions, the outside consultation program, and the imminent danger exclusion.

Discussion centered on the computation of occupational injuries resulting in one or more lost workdays, the fact that health inspections are not affected by the Schweiker bill, the effect of targeting OSHA's resources away from routine safety inspections and toward health and serious safety hazards, and the advisory safety committee/penalty reduction that is an optional feature of the bill.

Mr. Nolde indicated that the Senate Labor Committee is expected to hold hearings on S. 2153 in February/March, and with Chairman Williams and other liberal Democrats co-sponsoring the bill, there is a good chance for approval by the Committee and possible passage by the Senate this year.

The House is a different situation entirely, with the relevant Subcommittee very much beholden to organized labor which strenuously opposes the bill. Nevertheless, hearings on OSHA reform are expected in the House. The Chamber of Commerce and NAM are supporting the general principles of the Schweiker bill, with the caveat that it does not go far enough to satisfy industry.

9.4 WORKERS' COMPENSATION

Mr. Nolde described the recently completed Department of Labor draft interim report on occupational disease compensation. It found, inter alia, that nearly 2 million workers are disabled by occupationally related diseases, and only 5% of the severely disabled ever receive workers' compensation benefits due in part to difficulties in establishing the causal relationship. The report's findings and recommendations for improving the existing compensation system will be prominently featured in continuing hearings on workers' compensation/occupational diseases legislation this spring: S. 420 (Williams/Javits) and H.R. 5482 (Beard). (A synopsis and the draft report itself has been mailed to OSH Committee members.)

10.0 SYMPOSIUM - SPRING 1981 WITH NIOSH IN PHILADELPHIA

A joint meeting with NIOSH representatives was held on December 5 in Cincinnati; the next meeting is scheduled for January 17 at the same location, J.A. Young, reported.

Seven symposium topics have been identified. These are: materials sampling, material transfer/handling operation, maintenance, repair and/or cleaning operations, equipment operations, training and work practices, monitoring and record keeping, recent advances.

Each session will last for about one and one-half hours and consist of two or three talks followed by a panel discussion in which the speakers respond to questions from the audience. On the first day of the conference, four topics will be presented and on the following day and early afternoon the other three topics will be presented. Additional details will be provided as they become available.

11.0 BUDGET

Dr. O'Connell described the proposed OSH Committee budget for the next CMA fiscal year indicating that it will include costs for open meetings and for projects not yet fully identified. Dr. O'Connell asked for suggestions for possible projects. The budget will also include a contingency fund for projects to be identified later.

12.0 SAFETY GUIDES

Jay A. Young reported for J.S. Snyder, Merck. Twelve of the 22 safety guides are currently out-of-print. Of these the task group recommends that three, SG-3, "Flammable Liquids--Storage and Handling of Drum Lots and Smaller Quantities", SG-5, "Plastic Foams--Storage, Handling, and Fabrication", and SG-20, "Safety Inspection Committee for A Small Plant", be revised. SG-2, "Housekeeping in the Chemical Industry", should be considered for publication in a multi-media format as best suited for this subject matter. Three safety guides should be revised if further regulatory agency developments do not fill the need. These are SG-9, "Disposal of Hazardous Waste", SG-10, "Entering Tanks and Other Enclosed Spaces", and SG-18, "Identification of Material". There is no need for five safety guides; they should be allowed to remain out-of-print. These are SG-6, "Forklift Operations", SG-7, "Guide for Storage and Handling of Shock and Impact-Sensitive Materials", SG-11, "Off-the-Job Safety", SG-12, "Public Relations in Emergencies", and SG-19, "Electrical Equipment in Hazardous Areas".

An outline for a new safety guide tentatively titled "Training the Trainer" will be prepared and evaluated by the task group.

On Motion duly made and seconded, the Committee concurred with the recommendations of the task group.

13.0 CHEMICAL ABSTRACTS SERVICE SAFETY DATA SHEET PROPOSAL

Ron Dunne, Chemical Abstracts Services, described in detail the proposed clearinghouse for material safety data sheets to be operated by the Chemical Abstracts Services. He asked the Committee to review this proposed approach to distribution of safety and health information. This will be an agenda item for consideration at the next meeting of this Committee.

14.0 APPOINTMENT OF REPRESENTATIVE TO NFPA TECHNICAL COMMITTEE ON FIRE PREVENTION CODE

The representative of this Committee to the NFPA Technical Committee on Fire Prevention, P.W. Simmons, Dow, is no longer able to serve in this capacity. Dr. O'Connell asked for recommendations for a replacement in order to make an appointment.

15.0 MEMBERSHIP

T.F. Evans, Monsanto, was introduced as a new Committee member, replacing W.J. McCarville, Monsanto for the remainder of his term.

16.0 NEXT MEETING

After discussion, the next meeting was set for March 13, 1980 at the CMA office, Room 404, Washington, DC.


Jay A. Young for
Milton Freifeld
Staff Executive
Occupational Safety & Health
Committee

JAY:elf

Minutes Subject to Approval
February 6, 1980