

EAGLE-PICHER INDUSTRIES, INC.

AMERICAN BUILDING, CINCINNATI, OHIO 45202

July 1, 1971

Mr. Frank S. Bilton
Director of Purchases
Foseco, Inc.
P. O. Box 8728
Cleveland, Ohio 44135

Dear Mr. Bilton:

Re: Williams-Steiger Occupational
Safety and Health Act of 1970:
Your Letter of June 25, 1971

Thank you for your letter of June 25, 1971. This Company, including all of its Divisions, of course, intends to comply with all requirements of the Occupational Safety and Health Act and of the standards promulgated under it.

While we recognize that under Section 6(b)(7) the standards to be promulgated under subsection (b) of Section 6 are to prescribe the use of labels to apprise all employees of the hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure, and that under Section 8(c)(3) employers are to notify employees exposed to toxic materials or harmful physical agents to a greater extent than prescribed by a standard promulgated under Section 6, we are in some doubt as to whether the standards prescribing labels have yet been promulgated. Our copy of Part II of the May 29, 1971 Federal Register, carrying Part 1910 of Title 29, the National Consensus Standards and Established Federal Standards authorized by Section 6(a), indicates no such labeling requirement (to the best of our ability to locate it; we could have missed it) except for hazardous materials, and at Section 1910.1(b) indicates it was issued to comply with Section 6(a) of the Act. Section 1910.6 does state that the standards (part 1910) incorporate by reference what are apparently "established federal standards," and the labeling requirement you mention could be one of these, although we are unaware of that.

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If we have overlooked a provision of the Act or of the standards published to date please advise us so that we may consult the overlooked part and provide with our products what the law will require as of August 27, 1971. In the absence of such advice, we respectfully submit that the Act and the standards as they now stand do not require any further labeling of the products which we sell to you.

Yours very truly,

EAGLE-PICHER INDUSTRIES, INC.



David W. Matthews
Attorney

DWM:ca

CC: Mr. W. L. Simendinger
Mr. G. A. Patterson
Mr. W. A. Suhre, Jr.

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