

Chemical Manufacturers Association

Minutes of Meeting

OCCUPATIONAL SAFETY AND HEALTH COMMITTEE

CMA Headquarters

May 15, 1979

Washington, D.C.

ACTIONS

1. Prepare to testify at hearing of House Subcommittee on Labor Standards June 6, on Workers' Compensation and Occupational Disease. This is being coordinated with the Insurance Committee.
2. Revise drafts on epidemiology and embryo-fetotoxins, then make them available to member companies and selected outside contacts in preparation for their publication.
3. Vote via CMA representative to amend NFPA-30 on storage of flammable liquids to permit the use of plastic in addition to metal drums.
4. Consider recommended CMA reaction to OSHA citations based on general duty clause in the absence of specific regulations. NIOSH criteria documents to be referenced where this technique may be used, for example in the case of heat stress citations.
5. Research which safety and health standards might become null and void if not resubmitted per Federal Register, March 28, 1979, Part IV. This deals with standards, often the consensus type, originally adopted by reference.
6. Attempt to influence OSHA indirectly via contacts at NIOSH, EPA, the National Advisory Committee on Safety and Health and other agencies. The direct approach will also be continued.
7. Revise the Waste Disposal Manual and Guidelines for A Chemical Plant Safety Program and Audit to slant them toward use in academic laboratories. Also review publications, such as safety guides more than three years old.
8. Establish long-range planning group.
9. Discuss with Dr. Robbins, new head of NIOSH, letters from that agency to former employees exposed to regulated carcinogens. These letters leave the erroneous impression that certain medical tests, not specified in the regulation, are required.

Mr. De Martino convened the meeting at 9 a.m. The record of attendance follows:

MEMBERS PRESENT

Carl De Martino, Chairman	E. I. du Pont de Nemours & Company
Richard L. O'Connell, Vice Chairman	Olin Corporation
Linda M. Casey	Ashland Oil, Inc.
Emil E. Christofano	Hercules Incorporated
Robert M. Clyne	American Cyanamid Company
Richard D. Fulwiler	The Procter & Gamble Company
Peter W. Simmons	
(for Benjamin B. Holder)	
Richard O. Howard	Dow Chemical USA
Howard L. Kusnetz	Virginia Chemicals, Inc.
John M. Pardee	Shell Oil Company
Robert E. Rutherford	Eastman Kodak Company
Jack S. Snyder	Gulf Science and Technology Company
Frank A. Ubel	Merck & Co., Inc.
	Minnesota Mining and Manufacturing Co.
Milton Freifeld, Secretary	CMA Staff

PRESENT BY INVITATION

Gloria Portela-Cubria	Standard Oil Company (Indiana)
Gerry Cox*	CMA Staff
Chris Nolde	CMA Staff
Robert A. Roland*	CMA Staff
Jay A. Young	CMA Staff
David F. Zoll	CMA Staff

MEMBERS ABSENT

W. Mayo Smith	Air Products and Chemicals, Inc.
Arlin G. Voress	Union Carbide Corporation

*Present part-time

1.0 Minutes of Meeting March 15, 1979

These were approved as distributed.

2.0 Rotation of Members and New Chairman

Mr. De Martino thanked the outgoing members, Messrs. Fulwiler, Howard, Pardee, Rutherford and Voress for their service on the Committee during this past year.

The new Committee members, starting June 1, are: Dr. William J. McCarville, Mr. Richard B. Hoots, Dr. Donald W. Hillman, Mr. Arthur W. Sheldon and Mr. Harry A. Eschenbach. They were appointed by the Executive Committee and ratified by the Board of Directors.

Dr. O'Connell was appointed Chairman of the Committee for the next fiscal year by the same process.

3.0 President's Remarks

Mr. Roland commended the outgoing members for their contribution to the Committee's activities. He also took note of Mr. De Martino's fine leadership and the Committee's rise to the challenge of starting operations with new ground rules during a difficult period.

This Committee, and several others, have been invited to report through their officers to the Executive Committee at its September, 1979 meeting. Input regarding the Association's new operating methods would be welcome.

Mr. Roland also discussed briefly the Chemical Industry Image Communications Program the Association is planning.

4.0 Federal Cancer Policy

The risk assessment paper on carcinogens by the Interagency Regulatory Liaison Group (IRLG) is scheduled to be published in the Federal Register shortly, along with a request for comments. Since OSHA's record on this matter is closed, it will not join the other three agencies in signing that notice. The American Industrial Health Council (AIHC) has already drafted a comprehensive critique of this IRLG document, which it is offering to interested companies and associations as a basis for their response. The Task Group on Federal Cancer Policy, headed by Dr. M. N. Johnson, will draft a response to the IRLG paper, drawing from the AIHC critique.

There is some speculation that OSHA may be waiting for a Supreme Court ruling on the Benzene Case before issuing its final generic carcinogen regulation. This and other factors would probably delay that regulation until the end of the year.

5.0 Publication Program

5.1 Safety Data Sheets (SDS's)

Publication and distribution of SDS's has been discontinued pending a final decision on the matter, as voted by the Executive Committee in April. Dr. Young is taking all necessary steps to implement this decision. It was felt that CMA's proposed involvement in chronic hazard labeling could result in preemption of activities in an area thought to be the responsibility of each individual company. However, if the OSH Committee has strong arguments for continuance of SDS's, the Executive Committee indicated it will consider them. When polled on the matter, the Secretary reported, nine members of the Committee favored going along with this Executive Committee action and three were strongly opposed.

The need for a quick response from the Committee was questioned. The Secretary indicated that had the Committee decided to make a presentation to the Executive Committee, it should have been done at their May meeting in order to be effective. Otherwise, delays due to the Annual Meeting and vacation period would have created an untenable situation.

A strong feeling was expressed that there was a need for SDS's and hence they should be continued. Possibly a ground swell of opinion will lead to reconsidering publication of SDS's once again. Should that occur, however, it was noted this would require a greater commitment than in the past from member companies and increased staff for the project.

5.2 Guidelines for Chronic Hazard Labeling

The draft guidelines prepared by Dr. Boyd Shaffer's Task Group will not be circulated separately, but rather used as a starting point for revising the appropriate section of ANSI Z129.1.

5.3 Items for Reaffirmation or Revision

A task group is being organized under the leadership of Mr. Joseph Caporossi, American Cyanamid, to review Safety Guides and related items such as a film on sulphur trioxide spills. This is to implement the CMA policy of updating such publications every three years.

Dr. Young has identified a need in academic laboratories for publications similar to SG-21, A Chemical Plant Safety Program and Audit, and the discontinued Waste Disposal Manual. He therefore plans to revise these items so they are suitable for use in schools. They will then be submitted to this Committee and others, where appropriate, for approval.

6.0 Epidemiology

"Model Modules and Suggested Guidelines for Gathering Epidemiologic Data" has been revised, said Dr. O'Connell, taking into account comments made on the previous draft which had been approved by this Committee. Following further review by the task group, the document will be made available to member companies in preparation for its publication.

7.0 Embryo-fetotoxins - Draft Guidelines

Dr. Clyne indicated that a number of last minute editorial and technical comments have been received. Mrs. Gloria Portela-Cubria discussed the need for the legal section of the document and some of the proposed changes in it. It was recommended that the language in this section be changed so that it reads more like a guideline and less like a regulation. After it is revised, this draft should be resubmitted for Committee approval before being distributed more widely.

8.0 Long Range Planning Group

Dr. Cox suggested that establishment of such a group be considered to broadly review the structure and progress of the Committee and make appropriate recommendations. It could be composed largely of former Committee members. Dr. Clyne urged that its membership be reasonably stable so that continuity could be maintained. The Committee favored the concept.

9.0 Proposed Technical Department Meeting

CMA 060499

Dr. Cox also suggested that a meeting, lasting perhaps three days and involving all the technical committees, be held at a suitable location. Seminars on current issues could be included in addition to concurrent meetings of committees. This could serve as an update in several areas for member company representatives. The Committee agreed this sounded like a good idea.

10.0 Liaison

Dr. Fulwiler summarized reports received recently from representatives on National Fire Protection Association (NFPA) committees.

The Secretary relayed a request by Mr. Adcock of Dow to approve modification of NFPA-30 on Flammable Liquids to permit the use of plastic in addition to metal drums. The Committee directed Staff to investigate and take appropriate action.

11.0 OSHA Proposal on Access to Employee Exposure and Medical Records

11.1 Post-hearing Brief

This CMA document was submitted to OSHA in a timely fashion. A final regulation is expected this summer.

11.2 NIOSH Letter to Former Employees Exposed to Carcinogens

A meeting is being arranged with Dr. Robbins, new head of NIOSH, to discuss these letters as described at the last meeting by Mr. Christofano. These letters leave the erroneous impression that the company was required to perform certain biomedical tests. It was agreed discussing the subject with Dr. Robbins would be a better approach than simply writing him a letter about it.

12.0 Symposium

Mr. Christofano expects to transmit to the Secretary very shortly the program for the Symposium on "Informing Employees About Hazards in the Workplace", scheduled for September 14, 1979.

13.0 Future Issues

13.1 Contact With Agencies

The direct approach is not always successful in learning about OSHA's expected actions. Hence, the task group on the captioned subject recommended trying to keep track of OSHA's thinking through contacts at other agencies, such as NIOSH, EPA and the industry representatives on the National Advisory Committee on Occupational Safety and Health, said Dr. Ubel. In this connection, the new agreement between OSHA and NIOSH (per Federal Register, April 17, 1979) is especially important.

The task group also recommended that the Committee follow the development of criteria documents (CD's) closely, and consider having more input to them by recommending appointees to the groups that prepare these documents. In

addition, an attempt will be made to obtain a report on the progress of Policy Research Incorporated which has a NIOSH contract to review the process for writing CD's.

The task group also thought it would be worthwhile to follow the new National Toxicology Program administered by the National Institute for Environmental Health Sciences, and to try to have input regarding the materials being tested. The Committee approved investigating these recommendations.

13.2 Legislative Activities

Mr. Nolde discussed a preliminary invitation for CMA to testify before the House Education and Labor Committee's Labor Standards Subcommittee. It is expected that a bill similar to S.420 will be introduced in the House and considered by this Subcommittee shortly. Since the framework for this bill is workers' compensation, any potential testimony is being coordinated with the CMA Insurance Committee. Section 5 of that bill deals with a study leading to suggested guidelines for relating occupation to specific diseases. Hence, the task group recommended that CMA present testimony at the Subcommittee hearings in order to be in a better position to influence the final outcome of this proposed legislation. Dr. O'Connell outlined remarks he plans to make in such testimony. The Committee endorsed this recommendation.

13.3 OSHA Citations

Mr. Kusnetz noted that the field operating manual for OSHA inspectors is due to be issued soon. Although it will not have the force of law, OSHA is expected to start making citations under the guidelines of this manual. It appears that companies may be cited under the general duty clause for recommendations made in criteria documents even in the absence of specific OSHA regulations. The Committee recommended investigating possible CMA reactions to this type of action by OSHA.

13.4 Standards Adopted by Reference

Mr. Kusnetz reported that the Federal Register of March 28, 1979 Part IV, carried a notice that certain standards, including Health and Safety Regulations (44 FR 1357), adopted by reference must be resubmitted by July 1, 1980 in order to remain in effect. He recommended that a task group be set up to research which standards might become null and void so that recommendations can be made regarding appropriate action. The Committee agreed this should be undertaken.

14.0 Chemical Substances Identification (Labeling)

EPA has taken the lead in this area and expects to publish a proposed regulation in about one year. EPA's effort has been relatively liesurely and informal until now, but the pace of this activity has been accelerated. OSHA has been working jointly with EPA on this matter and apparently has abandoned the idea of issuing a separate regulation.

Dr. Young reported that CMA representatives have been in touch with the EPA/OSHA group working on this project and have established a good

rapport with them. He also indicated that an intercommittee task group on hazard communication is being formed under the leadership of Roger Batchelor of Diamond Shamrock and will include representatives of the Transportation Committee and Chemical Regulations Advisory Committee, as well as OSHC.

15.0 Revision of ANSI Z129.1

A task group on this subject met under the leadership of Dr. Warren Jones, Eastman Kodak, and identified the changes needed in the Standard. Once the task group has developed its recommendations and they are approved by this Committee, they will be forwarded by letter ballot to the appropriate ANSI group. The item that received the most attention was chronic hazard labeling. A suggestion was made that it be handled separately in an addendum rather than in the body of the Standard. In this way, it may be possible to avoid losing the entire Standard in the event that a problem arises in passing a proposed revision relating to chronic hazard labeling.

16.0 Federal Trade Commission Trade Regulation Rule Task Group of the Engineering Advisory Committee

David Zoll of the Office of General Counsel and the captioned task group, is preparing testimony to be submitted in opposition to the FTC's proposed rule. The proposal was felt to be cumbersome and would discourage voluntarism in this area, said Mrs. Casey.

17.0 Suggested Data Bank for Safety Related Matters

Dr. Maizell of Olin, in a recent letter to the Secretary, proposed that CMA set up a data bank on safety related matters such as incidents and accidents. The Committee felt this type of activity was not in their charter which is to focus on major issues facing the chemical industry. The Secretary was directed to respond to Dr. Maizell in this vein.

18.0 Seminar on Health Effects From Pollutants

The Environmental Management Committee is planning the captioned seminar at which a small group of renowned scientists in related disciplines would be able to interact face to face. A major objective would be to help define new areas for relevant research. Attendance of CMA representatives would be severely restricted. The need for this seminar was questioned by the OSH Committee, but it did agree to send a liaison person if the project does go forward.

19.0 Advocacy for Special Projects

Mr. Van Horn described a proposed approach to this subject developed recently by a group which included OSHC representative, Dr. Mayo Smith. If the plan is approved, said Mr. Van Horn, continued representation from OSHC will be requested and, as required for individual projects, specific assistance might be asked of this Committee. When ready, the document will be distributed to this Committee.

20.0 American Conference on Chemical Labeling

During the CMA reorganization last year, the former Labels and Precautionary Information Committee was disbanded and its functions assumed by the OSH Committee. Nevertheless, members of the former LAPI Committee felt a need for continuing peer interchange. Accordingly, said Mr. Zoll, that group will have the captioned name and meet under CMA auspices periodically, primarily for exchange of information. The group will not report to any committee and the responsibility for recommendations on labeling matters will remain with OSHC.

21.0 Next Meeting

This is scheduled for July 17 in Washington, D. C.

The meeting was adjourned at 2:30 p.m.


Milton Freifeld
Secretary
Occupational Safety and Health
Committee

MF:hec

Minutes Subject to Approval
May 29, 1979

CMA 060503