

JOSEPH E. KELLER
JEROME H. HECKMAN
CHARLES M. MEEHAN
WILLIAM H. BORGHESANI, JR.
ROBERT R. TIERNAN
WAYNE V. BLACK
DAVID L. HILL
MARTIN W. BERCOVICI
PETER M. NEMKOV
JOSEPH E. HADLEY, JR.
CAROLE C. HARRIS
PETER THOMAS SMITH
MICHAEL F. MORRONE
LARRY S. SOLOMON
JOHN B. DUBECK
CHRISTINE A. MEAGHER

LAW OFFICES
KELLER AND HECKMAN
1150 17TH STREET, N. W.
SUITE 1000
WASHINGTON, D. C. 20036

May 17, 1977

TELEPHONE
202 457-1100
CABLE ADDRESS "KELMAN"
WRITERS DIRECT DIAL NUMBER

202-457-1116

RECEIVED MAY 19 1977

John B. Stohlton, Esquire
Hoge, Fenton, Jones & Appel
P.O. Box 791
Monterey, California 93942

Re: SPI-PAC--California; Occupational Carcinogens
Control Act of 1976--Proposed Vinyl Chloride
Regulations

Dear John:

The purpose of this letter is to acknowledge receipt of your letters dated May 11, and May 13, 1977, and, by means of their copies hereof, to inform those that have been following this matter that the California Occupational Safety and Health Standards Board has adopted the amendments to the vinyl chloride standard subject to final approval in Los Angeles on May 26, 1977.

As we understand it, the final, official approval in Los Angeles is a formality. Since the final amendment which you detail in your May 13 letter does not affect the regulation of exposure to vinyl chloride per se, no difficulty should be expected relative to the approval of the final language. Also, the closing of the public hearing means that no more changes may be made unless a hearing to discuss changes is re-noticed and held prior to their adoption. As a result, the end seems very near indeed.

With regard to your May 11, 1977 correspondence, we appreciate receiving and are passing along herewith copies of the letters mailed by the California Department of Health to California employers relative to implementing the Gregorio legislation.

We were also pleased to see that, following up on our letter of April 29, 1977, you wrote to inquire about priorities for inspections. Since the above-referenced letters from the Department of Health highlight asbestos and vinyl chloride, it would seem reasonable to speculate

SPI-08001

John B. Stohlton, Esquire
May 17, 1977
Page Two

that those subject to the newly revised vinyl chloride regulations may well receive no-notice inspections at an early date. If and when you do get the information about inspection priorities, please let us know so that we can pass the word along at the earliest possible time.

Pending any questions, comments or suggestions that you or anyone receiving a copy hereof might have, we await your report that the California Occupational Safety and Health Standards Board has given final approval to the amended standard.

Cordially yours,

Joseph E. Hadley, Jr.

cc (with enclosures): Mr. Lloyd N. Darden
Mr. E. S. Nuspliger
Mr. John R. Lawrence
Mr. D. C. Neuchterlein
Mr. John T. Barr
Ernest K. Bean, Esquire
Gary Ford, Esquire
Mr. Ron Martis
Mr. Richard D. Savage
Ms. Frank Voke
Mr. Donald W. White
Mr. Robert L. Ferrante
Mr. Matthew M. Swetonic
Mr. Martin Ryan Haley

SPI-08002

HOGUE, FENTON, JONES & APPEL, INC.
ATTORNEYS AT LAW
P.O. BOX 791
MONTEREY, CALIFORNIA 93940
373-1241 AREA CODE 408

May 13, 1977

Joseph R. Hadley, Jr., Esquire
Keller and Heckman, Suite 1000
1150 - 17th Street, N. W.
Washington, D. C. 20036

Re: California Polyvinyl Chloride Standards

Dear Joe:

Confirming our telephone report of May 12, 1977, the California Occupational Safety and Health Standards Board has tentatively approved the amendments to the vinyl chloride standard.

The Board approved all of the changes that we previously sent you and additionally approved the placement of a new sentence to be inserted at the conclusion of the existing subparagraph (4). The insertion would read:

"However, the reporting requirements set forth in this subparagraph shall not apply to the use, processing, storage, packaging, or re-packaging of polyvinyl chloride."

We are, of course, very pleased with the insertion of the new language. We had attempted to gain approval for the new language, throughout the entire drafting procedure, but up until the day before the hearing, the staff was unwilling to make the insertion because they believed the existing language did not cover polyvinyl chloride. However, representatives of Johns-Manville also contacted the staff and managed to convince the staff that some users were likely to be confused by the requirements of the section unless the exemption was clearly set forth.

The staff will now put the section in final form and the matter will be considered at the next meeting of the Standards Board, on May 26, 1977.

SPI-08003

Re: California Polyvinyl
Chloride Standards

May 13, 1977

The public hearing has been closed and we do not
anticipate any further problems with the standard.

Sincerely,

HOGE, FENTON, JONES & APPEL

John B. Stohlton

JBS/h

HOGUE, FENTON, JONES & APPEL, INC.
ATTORNEYS AT LAW
P. O. BOX 791
MONTEREY, CALIFORNIA 93940
373-1241 AREA CODE 408

May 11, 1977

Mr. Joseph R. Hadley, Jr., Esquire
KELLER & HECKMAN
1150 - 17th Street NW
Washington D. C. 20036

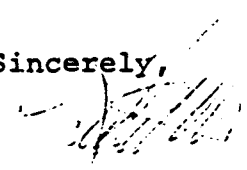
Re: Society of Plastics Industry - California

Dear Joe:

I am enclosing a photocopy of recent letters that were mailed by the California Department of Health to California employers. The letters were of course prompted by Senator Gregorio's bill of last year, SB 1678.

If you should have any questions, please do not hesitate to let me know.

Sincerely,


John B. Stohlton

JBS:ep

Enclosure

SPI-08005

LEWIS L. FENTON
EDWIN D. JONES, JR.
JOHN W. APPEL
CHARLES H. BROCK
PAUL J. TEN DOESSCHATE
CHARLES H. PAGE
W. R. ROSECRANS
H. T. MORROW
JAMES B. EGGERT
PHILIP YOUNG
JOHN L. HENDRY
JOHN B. STOHLTON
ALDEN E. DANNER
CHARLES R. KELLER
WILLIAM J. ELFYING

RICHARD K. HARRAT
RANDALL E. WILLOUGHBY
HOWARD R. LLOYD, JR.
RONALD M. WHYTE
MICHAEL D. MCSWEENEY
RAYMOND W. MAWORTH
GERALD V. BARRON
NOLAN M. KENNEDY
THOMAS M. R. DENVER
MICHAEL M. BRADSHAW
CHARLES R. DEAN, JR.
BRICK E. MCINTOSH
RONALD F. SCHOLL
RICHARD J. LOFTUS, JR.

HOGUE, FENTON, JONES & APPEL, INC.

ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY

POST OFFICE BOX 791

MONTEREY, CALIFORNIA 93940

373-1241 AREA CODE 408

May 9, 1977

J. HAMPTON HOGUE OF COUNSEL
CHARLES P. MCHARRY OF COUNSEL

Fred Ottoboni
Occupational Safety and Health Division
California Department of Health
455 Golden Gate Avenue
San Francisco, CA. 95814

Re: Poly Vinylchloride Standards

Dear Fred:

I read with great interest Senator Gregorio's recent memorandum concerning the efforts that were being made to implement his bill of last year. I was particularly interested in his request for priorities for inspections. Have priorities now been established? If they have I would certainly be interested in what the Department considers priorities to be.

Sincerely,

JOHN B. STOHLTON

John B. Stohlton

JBS:ep

SPI-08006

DEPARTMENT OF HEALTH

714-744 P STREET
SACRAMENTO, CALIFORNIA 95814

(415) 843-7900 Ext. 306



May 1977

TO: Official and Voluntary Health Agencies and Organizations
All Other Interested Parties

FROM: Office of the Director

SUBJECT: Open Letter to California Employers Concerning the Occupational
Carcinogens Control Act of 1976

I would like to call your attention to the enclosed "Open Letter to California Employers" which is being mailed to approximately 7,000 employers, whom we believe are potential users of regulated carcinogens within the State of California. That letter outlines the general provisions and definitions of the new Occupational Carcinogens Control Act of 1976 as well as standards, exemptions, reporting, inspections and penalties. The legislation resulting in the Act was carried by Senator Arlen Gregorio, Chairman of the Senate Health and Welfare Committee.

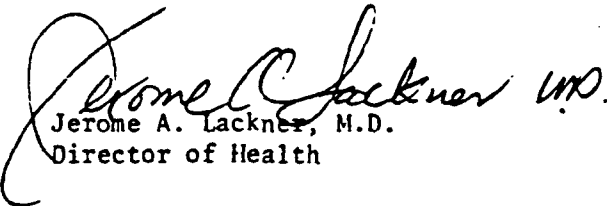
The Act specifically mandates notification of employers and an information and education program to alert them to their reporting responsibilities when using any of the regulated carcinogenic materials. The information and education program will begin once the enclosed letter is mailed to employers and will consist of newspaper coverage, public service announcements, notices in professional journals, trade magazines and the general press, and informational seminars.

Another mass mailing will be made in June to potential users of asbestos and vinyl chloride. The mailing will be followed with media coverage similar to that following this mailing; however, the number of employers and employees to be reached will be considerably greater and we anticipate a very large number of inquiries from employers, employees and the general public.

I feel that this information will be of use in the event that you or your organization receive inquiries from staff, other groups or the general public. Copies of the Act (SB 1678) and the carcinogen regulations can be obtained by writing to:

California State Department of Health
Occupational Cancer Control Unit
2151 Berkeley Way
Berkeley, California 94704

or by calling the above unit at: (415) 843-7900, Ext. 306; or (213) 620-4290.


Jerome A. Lackner, M.D.
Director of Health

Enclosure

SPI-08007

Official and Voluntary Health Agencies
and Organizations
All Other Interested Parties

-2-

May 1977

DISTRIBUTION:

Local Health Jurisdictions:

Health Officers
Health Education Directors
Environmental Health Directors
Laboratory Directors
Nursing Directors
American Cancer Society, California Division
American Industrial Hygiene Association, Northern and Southern Divisions
California Dental Association
California Environmental Health Association
California Hospital Association
California Lung Association
California Medical Association
California Nurses Association
California Industrial Nurses Association
California Public Health Association, Northern and Southern Divisions
California State Department of Industrial Relations
California Society for Industrial Medicine
Region IX, National Institute of Occupational Safety and Health
Region IX, Occupational Safety and Health Administration

SPI-08008

DEPARTMENT OF HEALTH

714-744 P STREET

SACRAMENTO, CALIFORNIA 95814



(415) 843-7900 Ext. 306

May 1977

AN OPEN LETTER TO CALIFORNIA EMPLOYERS

SUBJECT: Occupational Carcinogens Control Act

This letter is intended to make you aware of major new legal responsibilities applying to California employers who use certain cancer-causing substances (carcinogens). These new responsibilities apply equally to employers in the private sector, such as commercial firms and companies, and to public employers, such as State agencies, cities, counties and public districts.

The purpose is the prevention of job-induced cancer.

The State's new Occupational Carcinogens Control Act, which took effect on January 1, 1977, requires State government to exercise strong leadership to prevent employees, employers and others from exposure to cancer-causing substances in the work place. A detailed list of the currently regulated carcinogens is provided on page 2 of this letter.

This new Act requires the State Department of Health to inspect work places where cancer-causing substances are used. Primary responsibility for enforcing these safety and health standards, as with all other job safety and health standards, rests with the State Division of Industrial Safety in the State Department of Industrial Relations.

Starting July 1, 1977, employers will be subject to increased civil penalties for violations of prescribed standards or orders relating to the use of the regulated cancer-causing substances. Penalties will include a \$500 fine for failing to report to the State Division of Industrial Safety use of these substances or incidents of over-exposure, a \$1,000 fine for a violation of standards or orders involving use of a carcinogen, and a \$5,000 fine for repeated violations.

The Department of Health is specifically directed by the Act to make every effort to learn the identity of existing users of carcinogenic substances, and to notify, inform and educate users about the requirements of the Act. We intend this letter to be one means of notifying, informing and educating.

Uses contemplated by the Act include the manufacture of a carcinogen, industrial uses of a carcinogen or formation of a carcinogen as a result of a chemical reaction, the sale or transfer of a carcinogen, the storage or disposal of such substances, the use of a carcinogen for research and the transportation of a carcinogen.

SPI-08009

Carcinogen, under the Act, means and includes the following recognized cancer-causing substances:

- (a) Any of the following substances and any compound, mixture or product containing such substances:

<u>Chemical Name</u>	<u>Common or Trade Name</u>
(1) 2-Acetylaminofluorene	2-AAF
(2) 4-Aminodiphenyl	4-ADP
(3) Benzidine (and its salts)	
(4) bis-Chloromethyl ether	BCME
(5) 3,3-Dichlorobenzidine (and its salts)	DCB
(6) 4-Dimethylaminoazobenzene	Methyl Yellow
(7) beta-Naphthylamine	2-NA
(8) 4-Nitrobiphenyl	4-NBP
(9) N-Nitrosodimethylamine	Dimethylamine
(10) beta-Propiolactone	Betaprone (TM)
(11) Methyl chloromethyl ether	CMME
(12) alpha-Naphthylamine	1-NA
(13) 4,4'-Methylene bis (2-Chloroaniline)	MOCA (TM)
(14) Ethyleneimine	EI

- (b) Asbestos, including chrysotile, amosite, crocidolite, tremolite, anthophyllite and actinolite.

- (c) Vinyl chloride.

- (d) Any other substance for which standards are adopted and in effect due to cancer-causing properties and any compound, mixture or product containing such a substance, except as specifically exempted from such standards.

Specific standards for the safe use of the recognized, cancer-causing substances, listed above in subparagraphs (a), (b) and (c), have been set by the State Occupational Safety and Health Standards Board and appear in Title 8, California Administrative Code, as Sections 5208, 5209 and 5210. These standards remain in effect until amended or repealed by the Standards Board.

Additionally, the new Occupational Carcinogens Control Act requires written reports by employers to the State Division of Industrial Safety on the use of regulated carcinogens and also written reports of any incident which results in the release of a carcinogen into any area where employees may be potentially exposed. At present such reports are required for the 14 substances listed under (a), and for vinyl chloride listed under (c), above. Reporting will be required for asbestos on approximately July 1, after the State Occupational Safety and

Health Standards Board has completed hearings scheduled in early May. In the future, reporting requirements for additional cancer-causing substances will be adopted by the Board as provided in (d), above.

The reporting process is easy. All an employer must do is send a postcard or letter to the Chief of the Division of Industrial Safety, 455 Golden Gate Avenue, San Francisco, California, 94102, with the following information:

The name and address of the location where the carcinogen is used.

The number of employees working with the carcinogen including maintenance personnel. •

The manner in which the carcinogen is present; e.g., whether it is manufactured, processed, used, repackaged, released, stored or otherwise handled.

Another feature of the new Act is that after July 1, 1977, inspection fees must be paid by employers (unless this provision of the law is changed) to the Industrial Safety Division according to a fee schedule adopted by the Division Chief. The fees range from \$25 to a maximum of \$500, depending on the time required and the number of employees affected. Employers will not be charged for more than one inspection for the same use in any one calendar year, though more than one inspection may be performed. These inspections must follow Cal/OSHA legal procedure, with no advance notice to employers permitted.

The Act requires the State Department of Health to respond to complaints from employees regarding potentially unlawful use of the regulated cancer-causing substances in their work places. The Department will give priority to investigation of such complaints.

To help employers achieve compliance with the provisions of the Occupational Carcinogens Control Act, the State Department of Health will provide penalty-free, no-charge consultative services and educational programs. These services will be provided on request by any employer or employee.

Copies of regulations on the regulated carcinogens and information on how to comply with the Occupational Carcinogens Control Act may be obtained by contacting one of the offices listed below:

In Northern California

State Department of Health
Occupational Cancer Control Unit
2151 Berkeley Way
Berkeley, CA 94704

(415) 843-7900, Ext. 306

In Southern California

State Department of Health
Occupational Cancer Control Unit
1449 West Temple Street
Los Angeles, CA 90026

(213) 620-4290

May 1977

Employers who currently have carcinogenic substances on their premises but who choose not to keep them should not hastily dispose of such substances. Employers are required by the State Health and Safety Code to contact the State Department of Health's Hazardous Waste Unit for permission to dispose of these substances. Contact the Unit nearest you:

Headquarters Office

744 P Street
Sacramento, CA 95814

(916) 322-2337

Berkeley Office

2151 Berkeley Way
Berkeley, CA 94704

(415) 843-7900, Ext. 434

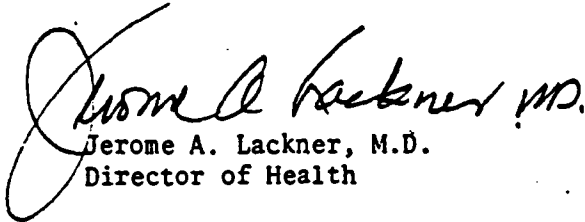
Los Angeles Office

Post Office Box 30327
Terminal Annex
Los Angeles, CA 90030

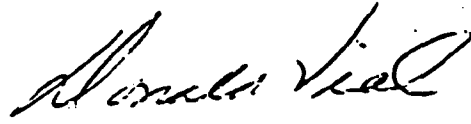
(213) 620-2380

The State Department of Health and the State Department of Industrial Relations provide this information to employers now to alert them to their major legal responsibilities under the Occupational Carcinogens Control Act and to give maximum lead time for planning to achieve health and safety standards mandated by the law. Both Departments will work cooperatively with employers and employees to simplify compliance with the Act in the interests of worker safety.

Sincerely,



Jerome A. Lackner, M.D.
Director of Health



Donald Vial, Director
Department of Industrial Relations

SPI-08012