

of the work they were to do, selling their services to an employer who had a good safety program which extended to force account (Chapman's) employees, and who supervised their work activities, as was the case on this record, employer (Chapman) met the requirements of the cited safety order (8 CAC 6815)." Loeb concluded, setting aside the citation and proposed \$325 civil penalty.

Hughes Aircraft

A citation for alleged serious violation of the standard governing exposure to 4,4'-Methylenebis (2-chloroaniline), or MOCA was set aside when a law judge said he could not find substantial health risk to employees despite evidence of MOCA in their urine. "It cannot be concluded that this employee was subjected to a substantial health hazard if the safety orders do not control his exposure to MOCA under the conditions established by the evidence," law judge Douglas M. Phillips said.

The case involves Hughes Aircraft, Torrance (Nos. 189-81 and 190-81), which was cited by DOSH for failing to monitor surface contamination of laboratory for MOCA and failing to perform urinalysis on employees who handled the substance. DOSH based its citations on wipe samples from the laboratory and urine samples from two employees. The latter evidence showed one employee had 61 micrograms of MOCA per liter in his urine (plus or minus 24 micrograms), while the other had less than 56 micrograms per liter. Three of 11 wipe samples showed detectable levels of MOCA.

Hughes Aircraft argued that the two citations are based on related standards and should be considered as one. Phillips agreed and said that 8 CAC 5215(d)(2) explains the urinalysis program required by 8 CAC 5215(d)(1). Phillips also concluded that the violation was not a serious one because of the employees' brief exposure, the small amount found by the division, and the employer's compliance with all other rules governing handling of MOCA.

In reducing the charge to nonserious, Phillips explained his rationale. The action level for MOCA is 100 micrograms, but DOSH presented no evidence that this was exceeded, he noted. He declined to accept the division's contention that any exposure to MOCA constitutes a serious violation because the standard itself does not require control measures until a certain level is exceeded. Phillips' decision reduced the citation to one nonserious violation and dismissed \$2,000 in civil penalties sought by DOSH.

Maryland

OSHA APPROVES PLAN SUPPLEMENT ON LEAD, ARSENIC, ACRYLONITRILE

A Maryland state plan supplement pertaining to occupational exposure to lead, inorganic arsenic, and vinyl cyanide was approved by the Occupational Safety and Health Administration, according to an August 18 announcement.

The OSHA notice (46 FR 41885) stated that the supplement provides for the adoption of federal standards as state standards comparable to 29 CFR 1910.19(g), 1910.1000, and 1910.1025 for occupational lead exposure; 1910.19(c) for acrylonitrile exposure; and 1910.19(e) for exposure to inorganic arsenic.

Copies of the Maryland state plan and its supplements may be inspected and copied at the Office of the Regional Administrator, 3535 Market St., Suite 2100, Philadelphia, Pa. 19104; Office of the Commissioner of Labor and Industry, 203 East Baltimore St., Baltimore, Md. 21202; and the

Technical Data Center, Room N-2439R, Third St. and Constitution Ave., N.W., Washington, D.C. 20210.

Michigan

HEALTH DEPARTMENT ISSUES 22 CITATIONS, \$10,788 IN FINES FOR JULY VIOLATIONS

Some 22 citations and proposed fines equaling \$10,788 were issued for 44 separate alleged violations of Michigan state safety and health standards found during July, according to an Aug. 26 Michigan Department of Public Health announcement.

In the announcement, Dr. Bailus Walker, state health director, noted that the more frequent violations included failure to correct previously cited conditions, excessive noise, failure to provide suitable quick drenching facilities, and violations concerning exposure to silica, lead, and carbon monoxide. Citing a Detroit plant where 17 violations were discovered, Dr. Walker said that one citation often includes multiple violations of health standards.

There were 83 complaints and referrals for suspected occupational health hazards submitted by employees or their representatives in July, according to the announcement, compared with 48 complaints in June. Some 15 referrals were submitted by the Michigan Department of Labor, while three others were from county or other state agencies.

California

STATE SUPREME COURT DENIES REHEARING IN MOBILE HOME MANUFACTURING CASE

The California Supreme Court denied a petition for rehearing in a case in which a state appeals court ruled that the manufacture of mobile homes in an assembly plant is governed by safety orders which apply to general industries rather than construction safety orders.

This Aug. 19 ruling in *Skyline Homes, Inc. v. Occupational Safety and Health Appeals Board* (3 Civ. 18717) let stand a decision of the California Court of Appeals for the Third Appellate District (Current Report, July 23, p. 152).

The appellate court held that a manufacturing operation such as Skyline's "is appropriately covered by the safety orders which apply to general industries."

Publications

NIOSH STUDY FINDS ISOCYANATE EXPOSURE RELATED TO CHANGES IN LUNG CAPACITY

Workers exposed to toluene diisocyanate (TDI) show annual respiratory declines in forced expiratory flow and single breath carbon monoxide diffusing capacity, according to a National Institute for Occupational Safety and Health study.

The study followed respiratory changes in 277 workers manufacturing TDI over a five and one-half year period who, prior to the study, had never been exposed to the compound.

The average annual decline in worker forced expiratory volume was 24 milliliters per year, the study found, a figure comparable to declines in control groups. Annual declines in forced expiratory flow between 25 and 75 percent of forced vital capacity and at 50 percent of forced vital capacity were 93 and 110 ml, larger than expected on the basis of cross sectional data, according to the report.