

HEALTH AND SAFETY COMMITTEE
1988 Planning Meeting
Hyatt Regency Hotel
Baltimore, Maryland

Friday, May 27, 1988
8:30 am - 12:00 pm

MEETING SUMMARY
GOAL 1 PRESENTATION

Goal 1: Promote product safety with manufacturers and customers by developing and implementing product safety guidelines and by establishing manufacturer/customer liaisons to communicate and resolve mutual product safety problems.

I. Status Report on 87/88 Goal 1 Activities

Rich Symuleski (Amoco Corporation; Chairman of CMA's Product Safety Task Group) reviewed the accomplishments of the Product Safety Task Group during 1987-1988 which were directed at achieving Goal 1 of the Health and Safety Committee. These accomplishments included the following activities:

- o Publication of the CMA "Product Safety Guidelines"
- o CMA's Second Annual Product Safety Conference (September 1987)
- o Establishment of a meaningful liaison with the National Association for Chemical Distributors (NACD)
- o Identification of hazard communication vehicles as an area of mutual manufacturer/customer concern, and completion of a project on MSDS variability to begin assessing resolution of this problem.

Symuleski noted several activities already under way to further the implementation of Goal 1 in 1988-1989:

- o CMA's Third Annual Product Safety Conference (October 1988) to be co-sponsored by NACD. The theme will be "Communicating Product Safety".
- o NACD and CMA representatives will participate in regional and national seminars held by each group over the coming year.

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- o The Product Safety Task Group will develop a resource list for NACD and other customer groups describing availability of useful training aids from CMA member companies.
- o The Product Safety Task Group will make recommendations to the Health and Safety Committee concerning options to reduce MSDS variability.

II. MSDS-Variability-Project

Sidney I. Lirtzman, Ph.D., (Dean, Program in Business, City University of New York; Fairfield Consulting Associates, Inc.) reported on the results of the project to assess MSDS variability on ten commodity chemicals. Overall results showed that there is significant variability among MSDSs for any given chemical in terms of format, content and communicability.

Discussion of the results of the study generated the following points and recommendations:

- o MSDSs are constructed for industry corporate cultures, yet are now being used as a communication vehicle for diverse audiences.
- o Do we need more than one document to convey chemical information to each specific audience?
- o The "understandability" of the words used in MSDSs (i.e. whether they communicate well) is the focal point of current litigation activity.
- o CMA could publish guidelines on way to write MSDSs.
- o CMA could use the CEFIC draft guideline on MSDSs as a starting point for a project to resolve some of the variability.

III. New Directions in Product Safety

Rich Symuleski addressed MSDS variability as an area in which CMA should be active during the coming year. He described the external pressures for uniformity as arising from the new uses of the MSDS, new audiences, the development of an electronic format for MSDS transmission, customer demands for standardization, and the European

movement toward harmonization of MSDSs. The American Society for Testing and Materials (ASTM) is also interested in beginning a project on MSDS standardization. In the regulatory arena, OSHA is working on "reference MSDSs" on commodity chemicals for its internal federal hazard communication program, and is soliciting EPA to join the effort for SARA Title III purposes.

Internal CMA activities on the MSDS issue must include a careful assessment of the findings of the MSDS variability study, followed by recommendations made to the Health and Safety and Executive Committees. Related activities on establishing a proposed MSDS repository within the CMA NCRIC system must also be supported and monitored to maintain consistency in CMA policy.

Symuleski outlined three areas of product safety concern for 1988-1989:

Product Safety and the Consumer

- o Indoor air pollution
- o Information availability under SARA Title III

Product Safety and the Environment

- o Ecotoxicity data
- o Ambient air criteria for toxics

Product Safety and the Worker

- o Worker concerns
- o Chronic low level exposures

To gain a better perspective on these three areas, the Committee convened breakout sessions in the latter half of the morning program.

IV. Breakout-Sessions

A. Group-1:--MSDS

Does industry need and support MSDS uniformity?

In order to answer this question, the group began by listing the following MSDS audiences:

- o employees
- o customers
- o first responders
- o fire departments

- o police departments
- o LEPCs, SERCs
- o hospital emergency room personnel
- o general public
- o contractors

Next, the group identified possible format elements which would decrease MSDS variability:

- o minimum blocks of information
- o minimum format requirements
- o page numbers
- o name of chemical on each page
- o regulatory/electronic data interchange (EDI) compatibility
- o up-front blocks for first responder information, health hazard data, labeling information, and first aid
- o adjustment of format to avoid generation of supplemental data sheets

The uniformity of MSDS content was described in terms of the following elements:

- o minimum content requirements
- o types of sections
- o units of measurement
- o terminology/ definitions/ key phrases (e.g., application of standardized wording on file in CHEMTREC for first responders)
- o consistency with international recommendations and EDI program

The following recommendations were made as a result of the group discussion:

- o A CMA "users guide" is needed to encourage consistency in MSDS format and content. The guide should include a glossary of terms. Employees of manufacturers and distributors constitute the primary audience for MSDSs, and are most likely to benefit from such a guide; however, the needs of other MSDS audiences still may not be met.
- o Corporate cultural barriers must be assessed to make it easier for customers using MSDSs from different suppliers to understand all incoming data sheets.

- o The Product Safety Task Group should compile a set of recommendations for Health and Safety Committee consideration concerning CMA action to reduce MSDS variability.

B. Group 2: - Consumer and Environment

Consumer and environmental product safety concerns were described as follows:

- o disposal/recycling
- o indoor air pollution
- o health effects of air contaminants
- o air emissions
- o routes of exposure
- o communicating with the consumer, e.g., labeling
- o communicating with appropriate industry groups

The information needs arising from consumer and environmental product safety concerns were identified:

- o information on exposure levels
- o more toxicity data on products
- o examination of product applications and possible substitutes

The following future actions were recommended to better meet consumer and environmental product safety needs:

- o Use the Responsible Care program as a vehicle.
- o Characterize environmental exposure levels.
- o Work on continuous reduction of air emissions.
- o Take an aggressive position on these issues.

C. Group 3: - Workers

The group discussed the major product safety concerns in the workplace, and the regulatory and informational issues key to achieving product safety in this setting.

Producer concerns were identified as follows:

- o A product must not cause, or appear to cause, injury.
- o When injury occurs, producers must act prudently.
- o Producers need feedback on perceived concerns.
- o Can small producers achieve product safety?
- o Training is a high priority.

- o Suppliers should promote better industrial hygiene practices in customer workplaces.
- o What is the level of customer compliance with recommendations on supplier MSDSs?
- o What is the relative priority given to product safety by producers and customers?
- o Should medical surveillance programs be emphasized?
- o In what ways are product safety and marketing priorities at odds?
- o There is significant variability in customer product safety performance.
- o Language and cultural differences exist in the workplace.
- o What is the cost of product safety in terms of competitiveness?
- o How are trade secrets affected by product safety programs?
- o Distributors and downstream customers/consumers pose differing product safety concerns.
- o Some customers are less reputable than others.
- o Producers lack control over downstream product safety.
- o Is there a general assumption that producers are aware of faulty customer practices?
- o In a competitive market, the understatement of risk may lead to the selection of less costly practices.
- o Transportation is a significant product safety concern.
- o Producers must be aware of tolling liability.

Possible solutions to some of these workplace product safety concerns were listed by the group:

- o The supplier can train the customer.
- o The supplier must know the customer.
- o The supplier could engage in "partnering".
- o Producer sales forces should be better trained in health and safety concerns.
- o Generic OSHA standards might address some product safety concerns.
- o Substance-specific information may be needed to make generic OSHA standards work.

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- o Industry could support a stronger OSHA:
 - enforcement
 - consultation
 - training of inspectors
 - funding
- o Third party health and safety inspections referencing OSHA regulations could be endorsed by industry.
- o Industry could develop functional MSDSs.
- o Suppliers could include health and safety requirements in sales contracts.
- o Customers should insist on quality MSDSs from suppliers.
- o Health and safety should be included in marketing approaches.
- o A practice code could be developed under Responsible Care.
- o Products could be re-designed.

Participants indicated a commitment to supporting Goal 1 activities in 1988-1989.

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MEETING SUMMARY
GOAL 2 PRESENTATION

- I. Implement a comprehensive plant process safety, community awareness and emergency response program. Implement "accidental releases" portion of the air toxics control policy.

Presentations

Dr. Richard Knowles, DuPont Company, presented an overview of his experiences as plant manager of DuPont's Niagra Falls, New York and Belle, West Virginia plants, in the areas of community protection, prevention and emergency planning. The presentation focused on the lessons learned by Dr. Knowles in working with the public and his employees in the areas mentioned above. Dr. Susan Hadden, Associate Professor, University of Texas, discussed the issue of community protection and addressing public perception of the risks posed by the chemical industry.

Discussion

The following points summarize Dr. Knowles' presentation on community protection, planning and prevention:

- o Senior Management needs to communicate its commitment of establishing strong community outreach programs at facilities with middle management.
- o Establishing a strong relationship of trust with local citizens does have a direct relationship on a company's needs.
- o Under the current structure, there are direct ties between government and industry and government and communities, but no formal structure to promote industry/community interaction. The development of community outreach programs allows industry to build bridges with the community before problems arise.
- o Industry do a better job listening to the public and re-thinking its position on issues.
- o Developing a community and employee outreach program to share information on community protection, emergency planning and prevention activities is the right thing to do from both a management and humanitarian standpoint.

- o CMA should continue to work with senior management from the member companies to promote these types of activities with middle management. Dr. Knowles suggested this could be accomplished by including these activities in performance reviews.

Discussion

The following points summarize Dr. Hadden's presentation on community protection addressing public perception:

- o One problem with Title III activities is that some state emergency response commissions (SERC) are not supporting local emergency planning committees (LEPC). Also, many of the representatives of LEPCs (i.e. emergency response officials) are not adequately trained.

- o The public's perception of issues that need to be addressed fall into three categories:

1. Citizens need supplementary information to make judgements on health issues. A survey conducted in Maryland and New Jersey points out that the public is interested in:

- A Company's past releases;
- Past inspections of the facility;
- Long term risks;
- Exposure routes of the chemicals produced; and
- How do local citizens find doctors that are familiar with chemical exposure incidents.

2. Current MSDSs do not provide citizens with good information. They are often not useful or understandable and are too technical. The public is interested in knowing:

- What the chemicals are used for;
- Health effects;
- How to get more information; and
- Community specific information on exposure.

Industry needs to look at developing a "Citizen MSDS" that focuses on this type of information.

3. A central system to share information is needed.

- o Dr. Hadden highlighted an example generic chemical information form. Dr. Hadden noted if industry could come to a consensus on the health effects, exposure routes and other key information on specific chemicals it would be a great help for local citizens. However, she pointed out the two major problems with this approach: 1) accuracy of the information and 2) the credibility of the information source on the specific chemical.

BREAKOUT SESSIONS

The following points summarize the major points presented by the work groups during the breakout session.

Group 1

How can CMA reach industry not involved in CAER?

- o CMA needs to encourage member companies to establish Plant Manager Networks, where possible, to reach out to other industries in their area.
- o CMA should continue its work with state chemical organizations to establish CAER/Title III Task Groups to manage industry program activities.
- o Explore developing a "Big Brother" approach, whereby, larger member companies would work with smaller companies that may be having difficulty implementing a CAER type program.

How can CMA assist LEPCs?

- o Support the Technical Assistance Team (TAT) approach in the five pilot states. Based on the success of the TAT approach, promote the concept with other CICs and State Emergency Response Commissions.
- o Continue to support state chemical organization's efforts to promote CAER.

Can a mechanism be developed to assist member companies in communicating information on circumstances surrounding accidental releases and near misses?

- o The work group felt that the liability associated with sharing such information was a major obstacle to keeping this activity from happening.
- o It was noted that the Safety Program's Task Group is exploring this issue further.

How can industry ensure the quality of information being developed by LEPCs under the hazard analysis process?

- o Industry representatives need to be directly involved with LEPCs and play an active role in the emergency planning process.

Group 2

What other activities should CMA undertake to continue to promote community outreach activities?

- o Continue with current communications efforts and emphasize the need for industry to listen to the public's concerns.
- o The industry needs to strengthen LEPCs as institutions by supporting them with resources and encouraging participation by public interest group representatives.

What are some issues or activities CMA should be exploring if present community outreach activities are not successful?

- o Promote the formation of a national LEPC organization to assist LEPCs with Title III implementation.
- o Examine developing an air emissions reduction proposal.
- o Make health effects information available to the public by developing a usable format for the public.

Group 3

What steps will the industry take to assure LEPCs have the necessary information to conduct hazard analysis and incorporate the results into the emergency planning process?

- o The industry needs to get moving on this issue. Industry should provide data and be prepared to work with LEPCs to interpret the data and assist in developing hazard analysis.
- o Industry may have to provide resources to LEPCs to assist with this process (i.e. computer time).
- o To enhance industry credibility on the hazard analysis developed, it may be necessary to solicit third party involvement.

How can the industry involve local interest groups in its hazard identification, assessment and abatement activities without compromising those activities?

- o Industry should identify interest groups and attempt to establish who the key players are and the respective agendas of each group.
- o Establish a dialogue and other outreach initiatives to understand the groups' concerns.

- o Work with employees and retirees that may belong to local interest groups. Solicit their opinions on local issues.
- o What are advantages/disadvantages of working with environmental groups?
- o The work group identified several advantages and disadvantages to working with environmental organizations. However, the group concluded it was in the best interest of the chemical industry, despite any disadvantages, to establish positive relationships with these organizations.

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MEETING SUMMARY
GOAL 3 PRESENTATION

- I. Goal 3: Address basic issues arising from public concern about worker health in chemical and related industries.

PRESENTATION

Mike Wright, United Steel Workers Union, presented labor's perspective of the the health and safety agenda of the future. Mr. Wright talked briefly about his recent experiences with the explosion at the Pacific Engineering plant at Henderson, Nevada. He then discussed the following issues:

o Power-to-act

Mr. Wright believes that workers should be given broader rights to refuse unsafe jobs. He stated that even with OSHA regulations, it is difficult for workers to refuse an unsafe job without penalty and that a number of fatalities occur yearly because of unsafe conditions. Mr. Wright recommends that joint labor management health and safety committees be mandated for worksites.

o OSHA Standards

Mr. Wright believes the OSHA PELs should be updated quickly. He does not favor the current plan for adopting the current ACGIH TLVs. Mr. Wright suggested that OSHA categorize chemicals into groups for further consideration by advisory committees. These advisory committees would recommend PELs for substances within a class of chemicals based on all available data. Mr. Wright supports the concept of generic standards but still sees the need for PELs.

o High Risk Chemical Plants

Mr. Wright believes there is a need for an OSHA standard to identify and more closely regulate the small minority of plants where a catastrophic event could occur. The standard should include a comprehensive safety analysis and provide a mechanism to build in elements of safety. Mr. Wright also called for application of ASTM and ANSI codes, redundancy in plant systems and internal (in-plant) emergency response plans.

In response to questions, Mr. Wright made the following additional points.

- o Wellness programs should be part of a total workplace program only after workplace risks have been adequately addressed.
- o Compulsory exams should not be too restrictive and should appropriately assess the demands of the job.
- o Drug testing should not be done on a random basis. He believes that drug testing "for cause" should be accompanied by a general medical evaluation.
- o Epidemiology data should be available to all qualified researchers and should not be used as a basis for personnel decisions.

II. BREAKOUT SESSIONS

After a brief overview of Goal 3 and a review of 1987-88 activities by Irv Rosenthal, the committee adjourned to breakout sessions. Breakout sessions were used to identify activities and issues for the coming year. Major points from each breakout session are summarized below.

GROUP 1: Workplace Health Standards

1. Update PELs

- CMA supports the Z-Table revision. Even so, the opportunity for public revision and comment is essential.
- Need to find a method to update exposure limits; a database for limits would be helpful in this regard.

2. Methodology

- Develop general guidelines to ensure protection. Medical surveillance, monitoring, training and education, worker exposure, engineering guidelines could be the initial focus areas.

3. Revisiting OSH Act

- CMA opposes reopening OSH Act

4. CMA mechanisms for addressing issues

- OSHA Reform Task Group
- Exposures Assessment Task Group
- Hazard Assessment Task Group

- Health Programs Task Group
- Engineering Advisory Committee

Long Term Issues

1. Improvement/update of PELs
 - will not be settled in this administration
2. Workplace generic guidelines need to be developed:
 - Worker tracking (medical and exposure data documentation)
 - Protective Equipment
 - Medical Surveillance
 - Training and Education (Product use work practices)
 - Process design and material handling
 - o engineering
3. Exposure assessment strategy
 - generation of use-specific data
4. Data collection and exchange
 - Clearinghouse for exposure
 - Uniformity of data reporting
5. Customer work practices and exposures
 - Inspection, enforcement and education
 - What is the chemical industry's responsibility for customer exposure?
6. Address liability issues with insurers
7. Indoor Air Pollution
 - total exposure assessment will become necessary

GROUP 2: Epidemiology/Causation/Compensation Issues

1. Refine ERIC proposal and communicate more widely
2. Epidemiology and animal toxicology testing: How should both be emphasized as an effective way to communicate safety?
 - development of data (models, animal species, relevant mechanisms)
 - risk assessments (epidemiology and toxicology)
 - carcinogen classification

Need to make toxicology testing more relevant to the human experience.
3. Continue to foster and improve communication and coordination between CMA and AIHC/CIIT
4. Risk assessments:
 - work with AIHC
 - academics
 - ATSDR
5. More analysis of compensation issues in the next year

GROUP 3: Safety Programs/Process Hazards Management

1. Immediate Activities
 - Encourage and lobby OSHA to issue Process Hazards Management Standard
2. Long Term Activities
 - Promote positive perception of chemical industry
 - o Develop program to communicate accurate safety and health information
 - o Seek ways to defuse public outrage
 - Develop resource documents/code of practices to support Responsible Care code of ethics
 - o Warehouse Safety Program is already under development

- o Promote customer/toller/non-CMA member product stewardship.
- o Continue to support and promote Process Hazards Management regulation writing effort at OSHA
- o Safety Programs Task Group activities underway include:
 - * Guideline for Auditing Safety Programs
 - * Research into Operator Certification
 - * Development of system for sharing accident information
- o Process Safety Analysis Task Group is developing a Management guide to Quantitative Risk Assessment.

3. Elements for Consideration

- How can the non-participating member and non-member companies be reached? (Particularly so if they may need help the most)
- CMA needs to be sensitive to the capabilities of small companies as it develops resource documents (and the Responsible Care code)
- CMA should explore the development of mechanisms to assist small companies in helping themselves

GROUP 4: Fire Fighting Next Year

Issue Identification

1. Federal Legislation and Regulation

- * - High-Risk Occupational Disease Notification and Prevention
- * - Title V of Clean Air Act amendments
- * - High-risk chemical plant legislation
- * - Use of generic 5(e) orders to regulate workplace
- Organized Labor's Health and Safety agenda (What is It?)
- Criminal prosecutions for health and safety violations (Corporate Criminal Liability Act)
- Workers' compensation reform
- Effectiveness of Hazard Communication Standard

2. State/Local Legislation and Regulation

- Criminal prosecutions for health and safety violations
- Increased state and local regulation/legislation
- "Right-to-Act" legislation
- Chemical hypersensitivity legislation

3. OSHA Issues

- * - Next Head of OSHA
- OSHA's plant process hazard standard
- OSHA's Z-Table update
- OSH Act Reform
- Adequacy of OSHA funding
- Future role of NIOSH
- Congressional attacks on OSHA's record
- Regulation/negotiation on health standards
- Size of OSHA fines

4. Title III Issues

- * - Responsible CARE
- SARA 313 information impact on workers (fugitives)
- Relationship of community health standards to workplace standards
- Health risks to emergency response personnel
- Toxic chemical use reduction (substitution/alternative)

5. Other

- Synergism of mixtures triggering compensation
- Access to health monitoring database
- Manufacturers obligations regarding customers' workplaces

* Indicates Priority Issues

Mechanisms To Handle Priority Issues

1. Use of generic 5(e) orders to regulate workplace
 - monitor (NRTG/EATG)
 - litigate (?)
2. OSHA process hazard standard
 - monitor (SPTG/PSATG); coordinate with ORC, CCPS
3. Worker Notification
 - Re-evaluate position early
 - Coordinate with other associations
 - Consider impact of ERIC
(Special Ad Hoc Work Group)
4. Next Head of OSHA
 - Prepare list of candidates
 - Prepare messages/briefing
(Transition Ad Hoc Work Group)
5. Position on OSHA's Z-Table Proposal
 - Respond (EATG)
6. High risk "chemical" plant legislation
 - Resolve technical content
 - State/federal issue (SPTG, PSATG)
7. Title V of CAA Amendments
 - Respond (SPTG/Engineering Advisory Committee)
8. Responsible CARE
 - Assign development of codes of practice to individual task
groups (e.g., Process Safety Code by the PSATG)