

# Manufacturing Chemists' Association, Inc.

(FOUNDED 1878)

1825 Connecticut Avenue, N. W.  
WASHINGTON 9, D. C.

PLAINTIFF'S  
EXHIBIT  
CMA-252

Meeting of  
LABELS AND PRECAUTIONARY INFORMATION COMMITTEE  
Wednesday, September 23 & Thursday, September 24, 1959  
The Sheraton-Park Hotel  
Adams Hamilton Room  
Washington, D. C.

The meeting came to order at 9:00 A.M. on Wednesday, September 23, 1959.

## MEMBERS PRESENT

Chester L. French, Chairman  
Edward J. Hogan, Vice Chairman  
Ashley Cole (for Dr. T.W. Nale)  
Joseph T. Gormally  
Sanford J. Hill

Edward J. Masek  
Harry H. McIntyre  
John F. Osterritter, M.D.  
Richard F. Philpitt  
Ralph G. Troup  
John B. Tuttle  
Louis J. Waldbauer  
Nelson E. Wendt

John B. Williamson  
James D. Kittelton, Secretary

Mallinckrodt Chemical Works  
Allied Chemical Corporation  
Union Carbide Corporation  
Pennsalt Chemicals Corporation  
E. I. du Pont de Nemours & Co.,  
Inc.  
Diamond Alkali Company  
The Dow Chemical Company  
Celanese Corporation of America  
Olin Mathieson Chemical Corporation  
J. T. Baker Chemical Company  
Esso Standard Oil Company  
General Aniline & Film Corporation  
American Potash & Chemical  
Corporation  
American Cyanamid Company  
Manufacturing Chemists' Association,  
Inc.

## MEMBERS ABSENT

Robert H. Dewey  
James T. Fuess

J. A. Mooney

Norman G. White

Commercial Solvents Corporation  
Eastman Organic Chemicals Dept.,  
Distillation Products Industries  
Food Machinery and Chemical  
Corporation  
Shell Chemical Corporation

## GUESTS

A. G. Cranch  
Louis J. Fallon  
(September 24-A.M. Only)

Celanese Corporation of America  
Olin Mathieson Chemical Corporation

John H. Foulger, M.D.

E. I. du Pont de Nemours & Co.,  
Inc.

Alexander B. Hawes  
(September 23-A.M. Only)

Fowler, Leva, Hawes & Symington

R. D. Minter  
C. Boyd Shaffer  
G. Robert Sido  
F. Dallas Sparre

Monsanto Chemical Company  
American Cyanamid Company  
Monsanto Chemical Company  
E. I. du Pont de Nemours & Co.,  
Inc.

The Chairman welcomed the guests who were present and stated that the members who were absent had expressed their regrets.

Dr. French pointed out that there was an error in the previous minutes on page L-282, under (3) Toxicity Standards, "0.2 of a milligram" should read, "2 milligrams." With this correction,

It was moved, seconded and voted

THAT, the minutes of May 13-14, 1959  
stand approved.

## 1.2 SUBCOMMITTEE ACTIVITIES

### (a) Membership

The Committee briefly discussed the possibility of a Canadian representative as suggested by Mr. W. W. Hull of Canadian Chemical Company, Limited. It was the consensus of the Committee that the Secretary should consult Mr. Crass and that a Canadian representative should be invited to attend LAPI Committee meetings as a guest prior to full membership.

The Chairman pointed out that at the present time, there were four vacancies on the LAPI Committee. The Committee next discussed membership and,

It was moved, seconded and voted

THAT, the LAPI Committee recommends to the MCA Board of Directors, Mr. Dallas Sparre of E. I. du Pont de Nemours & Co., Inc. be appointed to membership on the LAPI Committee to fill one of the vacancies on the Committee, because of his expert knowledge of the pesticide field and because of the many outstanding contributions which he has made to the work of the Committee.

This motion was carried unanimously.

The Committee next discussed applications from Food Machinery and Chemical Corporation, Pennsalt Chemicals Corporation and American Cyanamid Company. The Committee concluded that the individuals nominated by these three companies were all competent in the field of precautionary labeling.

It was then moved, seconded and voted

THAT, the LAPI Committee recommends for appointment to membership on the Committee the following individuals:

Mr. Joseph T. Gormally, Pennsalt  
Chemicals Corporation

Mr. J. A. Mooney, Food Machinery  
and Chemical Corporation

Dr. C. Boyd Shaffer, American Cyanamid  
Company

(b) Pesticide

Mr. Dallas Sparre said that there was no report at this time. He mentioned the fact that the American Association of Pesticide Control Officials would meet in Washington on October 16 and 17 and that any Committee members interested in pesticides were invited to attend.

(c) Dyestuffs

Dr. Waldbauer reported that his Dyestuffs Subcommittee was off to a good start. A report on the activities of the Subcommittee was distributed.

Dr. Waldbauer said that three LAPI members who had been first appointed to membership on the Dyestuffs Subcommittee had named alternates who are technical experts in this field.

The Chairman then decided to name these three men to full membership on the Committee. He will notify the following individuals of their selection as members of the Subcommittee. These are:

Mr. W. H. Leyking, Allied Chemical  
Corporation

Mr. E. I. Stearns, American Cyanamid  
Company

Mr. F. E. Wagner, E. I. du Pont de  
Nemours & Co., Inc.

The desirability of distributing dyestuff minutes to the full Committee was discussed and it was concluded that this was not necessary, but that any decisions on labels should be submitted to the Committee.

(d) Model Industrial Act and Regulations

The Chairman had previously asked Mr. Ralph Troup to serve as Chairman of this Subcommittee, but Mr. Troup thought that in view of his activity on the Revision Subcommittee, he would have to decline. However, Mr. Troup agreed to continue as a member of the Subcommittee. The Chairman then named Mr. Ed Masek of Diamond Alkali as Chairman, and Mr. Masek accepted.

(e) Metals Packaging Subcommittee

Mr. Nelson Wendt reported that the work of the Metals Packaging Subcommittee was progressing and that they hoped to prepare two labels to be included in the new edition of the LAPI Manual which will be sent to the printer in January. Mr. Wendt said that he would ask that warning label study sheets be filled out. He will send the draft of labels and supporting information to LAPI Committee members for their approval and comments before the January meeting.

The Committee also suggested that it might be desirable for the Metals Subcommittee to draft a label for beryllium oxide which has proven to be quite a problem in Massachusetts.

1.3 ALLIED COMMITTEE ACTIVITIES

1.3.1 CSMA

Mr. Hill reported that the CSMA automotive group had discussed the labeling of brake fluids but would not at this time recommend a special precautionary label.

It was reported that last May, CSMA had prepared an official recommendation for a label for ethylene glycol. It was also reported that Mr. Ackerly had sent copies of a proposed CSMA aerosol regulation on the testing of aerosols to a number of states and also to New York City.

1.3.2 API

Mr. Tuttle reported that the next meeting of the API Labeling Committee would take place on November 8, 1959. At that time, five new labels would be discussed as well as a change in the kerosene label previously recommended.

### 1.3.3 NPV&L

NPV&L has not been officially represented at recent industry meetings called to discuss the Federal Hazardous Substances Bills.

Dr. Foulger stated that he had been asked to continue on the NPV&L Toxicology Committee.

It was mentioned that NPV&L had secured a ruling from the State of Indiana on certain of their products. The Secretary was asked to check with Mr. Dan Ring regarding this.

### 1.3.4 ACGIH

The Chairman stated that Dr. Nale had reported in writing by letter of August 11, 1959, regarding the ACGIH situation. It was the consensus of the Committee that we should continue to work with ACGIH.

Committee members were urged to send Dr. Nale any comments which they may have concerning the proposed ACGIH labeling regulations.

### 1.3.6 NFPA

Harry McIntyre reported that the NFPA Committee on Fire Hazards of Materials met during the second week of September and that progress was being made on a guide for identification of fire hazards in processing or storage. This would not apply to materials in transportation. The system has been previously described by Mr. McIntyre and is currently being used by Union Carbide.

### 1.3.8 AMA

The Secretary reported that at the time of the Federal hearing on S. 1283, he had talked to Dr. Conley of AMA who made it clear that AMA would be present at the time of the House hearing to push their own bill, H. R. 7352.

### 1.3.9 AIHA -- Exhibit at 1960 Industrial Health Conference

The Secretary reported that AIHA had invited MCA to again exhibit at the 1960 Industrial Health Conference. An offer of the Labeling Exhibit which had been used at the 1959 meeting was made. This would be exhibited with posters showing sample labels used by MCA members.

AIHA will notify MCA concerning the acceptance of the Exhibit.

### 1.3.10 Public Health Service Labeling Committee

In the absence of Mr. Joseph Flanagan, there was no report on this activity.

The Secretary reported that Mr. Flanagan would give a talk at the Annual Meeting of the American Public Health Association on the subject of precautionary labeling.

### 1.3.18 Meeting of Association of Food and Drug Administration Officials

It was stated that Dr. Stewart of Florida was not present for all of the meeting. It appears that the Food and Drug Officials will not take any position on pending hazardous substances labeling legislation.

## 2.0 INTERNATIONAL

### 2.0.1 ABCM

The Chairman reported that he had received a letter from Mr. Stevens of the ABCM reminding Dr. French that it was the LAPI Committee's turn to send a representative to Britain to discuss labeling activities with ABCM.

This matter will be considered at later meetings.

## 2.1 FEDERAL LEGISLATION

### (a) Hazardous Substances Labeling Bill

MCA's Federal legislative representative, Mr. James King, reported to the Committee on the current status of the hazardous substances labeling bills, S. 1283 and H. R. 5260. Mr. King said that the Senate hearing went rather smoothly but that the Committee did not report out the bill for a vote by the Senate. It might have done so but for three factors. The first was that the Interstate Commerce Commission had written a letter objecting to some provisions of the bill. Mr. Ackerly is now working out amendments with ICC and it is expected that these will remove ICC's objections. The second point of disagreement was that FDA suggested a Title II to S. 1283 which would extend the coverage of the law to Foods, Drugs, and Cosmetics. The third point of conflict is concerned with the coverage of the bill. It is important that a good statement be developed explaining why MCA believes the coverage of the bill should remain as it is rather than extending it as AMA suggests. Mr. King said he believed the chances for passage next year were good in both the Senate and the House.

The Committee discussed Title II, consisting of amendments to the Food, Drug and Cosmetic Act which the Secretary had

distributed. The Committee's position was that no formal action would be taken at the present time pending further study. Any member objecting specifically to the language should write the Chairman. If this becomes a controversial matter, MCA should attempt to have Title II deleted.

The matter of factory inspection was thoroughly discussed and Mr. King stressed FDA's strong desire for this provision. Committee members were of the opinion that FDA's right of factory inspection should be restricted and should not permit them to go back to the basic manufacturer. It was finally agreed that with the aid of Mr. King, LAPI Committee representatives would meet with FDA's Officials in an attempt to work out acceptable language on factory inspection.

The Committee also agreed that the legislation as far as scope is concerned should remain as it is. Reasons for this position will be developed.

Following discussion on the scope of the bill,

It was moved, seconded and voted

THAT, the LAPI Committee recommends that the scope of the bill should be continued as it is in the present legislation and not extended as the AMA desires.

(b) Bureau of Explosives Definitions

Mr. Tuttle said that he regretted he was not able to be present at a meeting which Mr. C. H. Mayhood of the MCA staff held concerning the Bureau of Explosives definition changes in the definitions of flammable solids and corrosive liquids.

The Committee was critical of the 10% feature of the corrosive liquids definition, but Mr. Tuttle pointed out that in both definitions, the phrase "under conditions incident to transportation" appear.

2.2 STATE LEGISLATION

2.2.1 California

Mr. Hill said that there was little activity in California but that he had talked to some of the California Officials who indicated that they would be able to attend the next MCA conference on precautionary labeling.

Mr. Hogan again mentioned the fact that there were conflicts among the various State Departments of California over

acceptable precautionary labeling. The Chairman suggested that the Subcommittee investigate this and report later.

#### 2.2.4 Illinois

The Chairman reported that he and the Secretary had attended a hearing on S. 911 at which time the Model Hazardous Substances Labeling Law was substituted for the original bill. S. 911 is now law.

S. 912 was also discussed by the Committee. This bill has also become law and established a commission to study the sale of drugs and chemicals including hazardous substances. The Secretary will check with the Illinois Manufacturers Association to ascertain the best method of cooperating with this new Illinois study commission.

#### 2.2.5 Massachusetts

It was reported that H. 2402, the antifreeze labeling bill had been pocket vetoed.

#### 2.2.10 Oregon

The Committee discussed a letter which the Secretary received from Dr. Sullivan of Oregon regarding a label for Methyl Ethyl Ketone Peroxide.

This was thoroughly discussed and it was concluded that the Secretary suggest to Dr. Sullivan that he contact the manufacturer and urge him to prepare his label for MEK Peroxide in accordance with LAPI principles. Mr. Kittelton said that he would call Dr. Sullivan as suggested by Mr. Sanford Hill.

#### 2.2.18 Washington

Mr. Hill said that there was nothing new to report. Interested Washington industrial representatives are hopeful of a precautionary labeling bill being passed at the next Session of the Washington Legislature.

#### 2.2.25 Indiana

Indiana has forms available for filing under the new law which becomes effective on January 1, 1960. Any MCA member having products subject to the Indiana law were urged to write Indiana requesting these forms.

There may be a question as to what constitutes a hazardous ingredient, but this has not been ruled on by Indiana.

### 2.2.35 Rhode Island

Committee members discussed the passage of H. 1148 which concerns a study commission on the sale of hazardous chemicals.

This bill was passed in order to study how children obtain the necessary ingredients to make rockets. However, the wording of the bill is broad and possibly could be extended to authorize additional investigations.

## 2.3 CITY REGULATIONS

### 2.3.1 New York City Health Code

#### (a) Problems Raised by New Code

Mr. Masek of Diamond Alkali said he believed there were a number of problems raised by the new Code. Mr. Scriba has previously pointed out some of these.

Committee members said that it was not clear whether industrial chemicals are covered by the Code and Mr. Trichter has not ruled on this point. There was some discussion by the Committee about MCA writing for an interpretation on this point, but a final decision was not made.

It was pointed out, however, that there is a proviso in the New York City Code that if a chemical is labeled in accordance with applicable state or Federal law, such labeling would comply with the New York City Code. Since New York State has a regulation modeled after LAPI principles, most Committee members were not too concerned.

## 3.0 LABELS -- SAFETY DATA SHEETS

### 3.66 Benzoyl Peroxide

Mr. Sparre said that a Medical Section on this product was not yet available.

### 3.69 Boron Hydrides

Mr. Wendt said that he had not seen any additional information since May 22. This draft did not contain a Medical Section.

### 3.71 Methyl and Ethyl Acrylates

Mr. Sparre said that he now had labels from the manufacturers of these products and that he would carefully consider

all of them and prepare a composite label and refer it back to the manufacturers for their opinion. Following this, the label will be sent to the LAPI Committee for a vote .

### 3.75 Diethylenetriamine

The Subcommittee, consisting of Mr. Harry H. McIntyre and Dr. Thomas W. Nale, recommended that the label appearing in the Manual be retained.

Following this recommendation,

It was moved, seconded and voted

THAT, the Subcommittee's report is accepted and that the labeling now appearing in the Manual be recommended for inclusion in the safety data sheet.

It was further moved, seconded and voted

THAT, the Revision Subcommittee consider the statement concerning "Prompt Medical Attention," since some labels now merely state "Get Medical Attention."

## 4.0 NEW AND REVISED LABELS

### 4.14 Oxalic Acid

Mr. McIntyre's letter of July 24, 1959, concerning the label for Oxalic Acid was discussed and Mr. McIntyre emphasized that the illustrative labels appearing in Part II are written for industrial use. Thus, accidental ingestion is less of a hazard than in the household field. The Chairman suggested that the Revision Subcommittee consider this point.

## 5.0 REVISION OF MANUAL L-1

### (a) Report of Fifth Revision Subcommittee

The Chairman of the Fifth Revision Subcommittee distributed a written report which is included as Appendix B to these minutes.

Mr. Hogan emphasized that Committee members would receive Part II very shortly from Mr. Troup. Comments and suggestions should be sent promptly to Mr. Hogan.

Mr. Hogan said that he felt it would be a good idea to have the Secretary of the General Safety Committee present at the

the January meeting to aid in preparing the revision. Dr. Foulger reported that the Medical Advisory Committee is presently reviewing safety data sheets to consider whether the Medical Sections need revision.

It was agreed that one full day of the next LAPI Committee meeting would be devoted to the revision of the Manual. Mr. Hogan said that his Subcommittee hoped to contact at least two manufacturers of every chemical for which a label appears in Part II and have them fill out a warning label study sheet. All Committee members would then receive copies of the completed study sheets for their files.

Mr. John B. Tuttle reported on the progress he was making in revising Part I of the Manual. A brief historical presentation of precautionary labeling will be included. Table I would not be changed but some of the sections of Part I will be rearranged.

Mr. Hogan said before the January meeting, Committee members will receive two copies of a draft of Part I. One copy should be returned with corrections or changes and the other copy retained for use at the meeting.

Mr. Sparre reported that he planned to follow the same plan as Mr. Troup, but emphasized that the minutes on pesticide labels are not as complete as those for industrial labels.

Mr. Kittelton reported that a Subcommittee of the Chemical Packaging Committee was considering the section in Part I relating to "Container Handling and Storage." As soon as any recommendations are forthcoming, these will be sent by the Secretary to Mr. Tuttle and Mr. Hogan.

## 6.0 LABELING CONFERENCE

### (a) Possible 1960 Conference

The Committee discussed the possibility of holding a conference in 1960. Mr. Tuttle pointed out that the American Management Association was still interested in a two-day seminar on precautionary labeling.

After this discussion,

It was moved, seconded and voted

THAT, the LAPI Committee recommends  
that a precautionary labeling conference  
be held during 1960.

It was agreed that a decision regarding a location would be made at the January meeting of the LAPI Committee and that

CSMA should be invited to participate actively in the conference.

#### MISCELLANEOUS

##### (a) Boeing Manual for Warning Label Preparation

Committee members discussed the Boeing Manual and Mr. Hill cautioned against using it. He said that there were some departures from LAPI principles, but that it apparently fills a need at Boeing.

##### (b) Placarding of Tank Cars

Committee members thoroughly discussed this subject and it was pointed out that it was not a new subject. At the present time, many MCA members are doing this in some way. The Chairman expressed the view that perhaps some recommendation should be included in the LAPI Manual on the subject.

Dr. French appointed the following Subcommittee to look into this matter and to prepare a recommendation:

Dr. Waldbauer, Chairman  
Mr. Edward J. Hogan  
Mr. R. D. Minter

##### (c) Frank Low Fund

The Secretary said that he had received a total of \$60.00 for the Frank Low Fund. This money will be used to purchase books for the Chemists' Club Library in New York City. There may be a small additional amount available after all the expenses are paid for the tribute to Mr. Williamson and Dr. Foulger.

##### (d) Labeling of Chemicals in Laboratories

The Committee heard a brief discussion from Dr. Osteritter of his company's program of labeling laboratory chemicals. Committee members observed samples of labels which Celanese is using at one of their laboratories. It was mentioned that a brief account of this appeared in the May issue of the American Paint Journal. The Secretary will send a copy of this to Committee members.

The consensus was that brief mention should be made in the next edition of the Warning Labels Manual regarding the labeling of laboratory chemicals.

##### (e) Public Relations Activities

The Secretary reported that Mr. Charles Wallace of the MCA Public Relations Staff had aided a local writer in preparing an

editorial on precautionary labeling. This was entitled, "Labels can save Lives." Mr. Kittelton said that to-date, about thirty clippings were available and that it was believed additional ones would be received.

The Committee requested that the Secretary relay to the MCA Public Relations Department its thanks for this fine work and to suggest that if possible, a similar editorial be prepared in another six months or so when the legislation is again being considered by Congress.

(f) Poison Proofing Your Home

It was suggested that the Secretary write Johnson and Johnson complimenting them on the publication of this booklet and suggesting that the next edition contain additional recommendations for reading the label.

(g) XIII International Congress on Occupational Health

The Chairman reported that two speakers on industrial labeling would be included on the program of the Congress. Dr. Nale will present one on some aspect of industrial toxicology or health and Dr. L. J. Waldbauer will present a paper on the principles of precautionary labeling.

(h) Next Meeting of Committee

It was agreed that the next meeting of the Committee would take place on Tuesday, Wednesday and Thursday, January 19, 20 and 21, 1960 in Washington D. C. at the Sheraton-Park Hotel.

James D. Kittelton, Secretary  
Labels and Precautionary  
Information Committee

Minutes Subject to Approval  
October 7, 1959

JDK/jmb

Attachment

APPENDIX A

TRIBUTE TO  
DR. JOHN F. FOULGER AND MR. JOHN B. WILLIAMSON

On the evening of September 23, the Committee had dinner in the Blue Room of the Shoreham Hotel in Washington, D. C. and honored Dr. Foulger and Mr. Williamson, two retiring members of the Committee.

Silver trays and gifts were presented to both Dr. Foulger and Mr. Williamson.

The inscription on Dr. Foulger's tray read as follows:

To  
Dr. J. F. Foulger  
In Appreciation For Dedicated Service  
From LAPI Committee  
1947-59

The inscription on Mr. Williamson's tray read as follows:

To  
J. B. Williamson  
In Appreciation For Dedicated Service  
From LAPI Committee  
Chairman 1956-58  
Member 1949-59

Both retiring Committee members expressed their gratitude and appreciation to the Committee. The Chairman of the Committee, Dr. French, in reply, expressed the profound regrets of the LAPI Committee in the retirement of two long-time and valuable members of the Committee.

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October 7, 1959

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APPENDIX B

September 23, 1959

Mr. Chester L. French, Chairman  
Labels and Precautionary Information Committee  
Sheraton Park Hotel  
Washington, D. C.

SUBJECT: REPORT OF LAPI MANUAL  
REVISION SUBCOMMITTEE

The subject committee reports definite progress and activity. The initial review of Part II by Mr. Ralph Troup has been prepared and is now being reviewed by the Subcommittee for their review and consideration.

Parts I and III are presently in process and initial presentations will be made to LAPI Committee membership before the end of October, 1959.

By October 1st all LAPI members will receive a complete copy of the Part II basic revisions. As you see, Mr. Ralph Troup has completed an excellent job of presentation.

The presentation is a complete listing of all caution statements considered by the LAPI Committee, as covered in the Committee minutes. With each caution statement you will find reference notations that will lead you to cross references in LAPI meeting minutes. Some changes in nomenclature have been made and the order of appearance reflects these changes. You will find specific comments throughout the pages covering recommended changes or adjustments for your consideration.

The Subcommittee recommends that you review Part II as soon as practical considering all comments and if you have any recommendations or suggestions that could be useful to the Subcommittee in future discussions, please send them promptly to the Subcommittee Chairman. It is further recommended that you retain this presentation, considering it as your work sheets when the full LAPI Committee meets to consider and approve revisions in the LAPI Manual. You can add your own reference notes, flash points, LD-50 data or anything else which you may decide would then prove helpful in our general discussions.

Dallas Sparre  
Ralph Troup  
John Tuttle  
Edward Hogan, Chairman  
John Williamson, (House Guest)

Copied by MCA  
October 7, 1959