

The brief also took strong exception to the secretary's argument that an OSHA inspection is "reasonable" because of its "limited scope." In Gibson's opinion, "It is difficult to conceive of a broader right of inspection or more expansive grant of authority than that granted by Section 8(a) of the Occupational Safety and Health Act."

The Government is preparing a reply brief which is due in January.

Other Federal Cases

In addition to the Gibson's case in the Fifth Circuit Court, appeals are pending in the *Rupp Forge* case (Sixth Circuit, No. 76-1960) and the *Hertzler* case (10th Circuit, No. 76-2020) but are not yet fully briefed. The employer in *Able Contractors* has raised the Fourth Amendment question in its appeal to the Ninth Circuit Court (No. 76-1615), but the Government has taken the position that the issue is not properly before the court. At least six other actions seeking to compel or enjoin inspections have been filed in federal district courts since December 1, 1975.

Lead

GENERAL MOTORS TO MEET WITH NIOSH TO DISCUSS DATA FROM DELCO-REMY PLANT

Representatives of General Motors Corporation and the National Institute for Occupational Safety and Health will meet January 6 to discuss data on lead exposure among employees at GM's Delco-Remy battery plant in Muncie, Ind.

Air and blood lead data derived from monitoring programs at the plant during the years 1974-1976 will be presented to NIOSH at the meeting, GM Medical Director Robert G. Wiencek told NIOSH Director John F. Finklea in a December 15 letter. GM also will discuss "the numerous factors which limit the use of our data in an attempt to achieve a valid correlation between air and blood lead concentrations," Wiencek added.

Information on lead exposure at the Muncie plant originally was requested in August by Paul Caplan, NIOSH division of criteria documentation and standards development, as part of a research effort on lead exposure, including the correlation between atmospheric lead levels and employee lead levels (Current Report, December 2, p. 819). The company declined the request.

Responding to Caplan's letter, Robert Chisman, safety director for Delco-Remy, said "it is preferable from the standpoint of the Corporation as a whole to make such a submission for all plants and divisions of the Corporation rather than on an individual plant-by-plant basis." NIOSH pursued its request then through the office of the general counsel, Department of Health, Education, and Welfare.

According to Wiencek, the information to be presented to NIOSH "will be recorded in reference to name, age, sex, date of hire, and race of subject employee." In addition, "any information regarding the frequency or incidence of job transfer due to excessive lead exposure will be noted," Wiencek told Finklea.

"In reference to female employees," the GM official said, "We will submit blood lead determinations at the time of pregnancy, if such an event had occurred. In addition, a study of 66 women employed at this plant between April, 1972-1975 will be submitted. This data consists of the name, date, and result of blood determination and the department to which the employee was assigned work."

The information also will describe "any significant process or ventilation changes during that corresponding period of time," as well as "sampling and analytical

procedures and personal monitoring utilized in obtaining the data," Wiencek said. Also provided will be a description of methods of quality control, and "proof of certification of the laboratory we are using with special notation of any changes in laboratories engaged for this type of analysis." All this information will be given to NIOSH "in writing," Wiencek told Finklea.

GM also has agreed to discuss its environmental and employee monitoring programs at Delco-Remy from 1954 to 1974, the official said. The company "will be prepared also to discuss the feasibility of future submissions of data accumulated during this period of time." Work practices prior to and since 1974 will be discussed as well.

Finklea told OSHA he was "pleased" that GM had agreed to meet with NIOSH concerning the lead data, and added that NIOSH had notified the HEW general counsel of the company's decision to meet with the institute. In regard to GM's assertion that there are "numerous factors" that limit the use of the data for correlating air and blood lead levels, Finklea said there "are always limitations on any set of data," and added that NIOSH is looking forward at any rate to seeing the information.

Tetrachloroethane

NIOSH RECOMMENDS LOWERING LEVEL OF EXPOSURE IN ESTABLISHED RULE

The present federal standard of 5 parts per million for occupational exposure to 1,1,2,2-tetrachloroethane should be lowered to 1 ppm as a time-weighted average concentration for up to a 10-hour workday, 40-hour workweek, the National Institute for Occupational Safety and Health recommended in a memorandum December 17.

The institute prepared a complete criteria document on the substance.

NIOSH noted that there is only one domestic manufacturer of the substance that still uses the compound in the production of trichloroethylene and tetrachloroethylene. Several companies use 1,1,2,2-tetrachloroethane as a carrier or reaction solvent in various chemical manufacturing processes. The only other current use of the chemical is as an analytical reagent in polymer characterization. The production figures for tetrachloroethane have not been made available. NIOSH estimated that in the United States 5,000 workers are exposed potentially to tetrachloroethane. As applicable under the Occupational Safety and Health Act, the proposed standard would apply to the processing, manufacture, use, or other occupational exposures to the substance.

The major concern in occupational exposure to 1,1,2,2-tetrachloroethane is its potential for causing liver damage as well as gastrointestinal and neurologic disturbances, NIOSH stated. Initial signs and symptoms of intoxication include general malaise, anorexia, exhaustion, headache, and nausea. The later stages involve a progressive development of jaundice manifested by the appearance of pale stools and bile-stained urine. Delirium and convulsions have also been observed. Although specific information is not yet available, it is also important to consider that 1,1,2,2-tetrachloroethane may produce carcinogenic effects. This stems from the fact that tetrachloroethane is related structurally to a family of hepatotoxic, chlorinated hydrocarbons some of which NIOSH has designated as potential human carcinogens. The neurologic effects due to 1,1,2,2-tetrachloroethane intoxication are manifested primarily as tremors, pain in the limbs, "numbness" in

1, 1, 1-trichloroethane (methyl chloroform) is defined as exposure in excess of 200 ppm (1,091 mg/cu m), determined as a time-weighted average for up to a 10-hour workday, 40-hour workweek, NIOSH said. Because methyl chloroform is absorbed through the skin, and because spills are hazardous, NIOSH also recommended other preventive measures whenever the substance is used. These measures include labeling of containers, informing employees of the hazards, use of protective clothing, and provision of eye-wash and shower facilities. NIOSH estimated that 100,000 workers are exposed to the substance. The most prevalent use of this compound is as an industrial cleaning agent, specifically vapor degreasing and cold cleaning. Also, methyl chloroform is formulated into many products for home-use and workers may acquire additional exposure by this means.

- 891/76 U. S. Issues Voluntary Guides to Protect Workers From Lead, Mercury and Silica. Wall Street Jour. 188: 4, July 27, 1976.

The Labor Department issued nonmandatory guidelines designed to protect the health of more than a million workers exposed to lead, mercury and silica. The guidelines are being sent to about 14,000 employers, who are being asked to institute the work-practice and health-monitoring procedures voluntarily. The suggested rules "provide the best information we have, for those who want to use it," said Morton Corn, Assistant Labor Secretary for occupational safety and health. The guidelines don't change the existing federal standards limiting the amount of airborne lead, silica or mercury to which workers can be exposed. They spell out a variety of steps employers should take, however, including suggested methods and timetables for monitoring air concentrations and for housekeeping procedures. The lead guidelines, which previously were issued to cover smelting and battery operations, also will be sent to pigment manufacturers and other companies previously found to have potential lead exposure. About 1,600 companies that use lead will be notified. About 4,600 companies employing 150,000 workers will be asked to follow the mercury-exposure guidelines. The companies include many instrument manufacturers, battery makers and chlorine manufacturers. The department hopes to issue a standard covering lead exposure by the end of the year. Proposed standards on mercury and silica are at least several months away. The guidelines recommend types of medical examinations, including blood samples, urine tests and, in some cases, lung X rays, that exposed employees should be given. And they suggest that employers furnish workers with a physician's written opinion explaining test results and recommended steps to reduce exposure. All three guidelines spell out types of personal protective equipment suggested to prevent exposure to various concentrations of the substances. Mr. Corn noted that the guidelines contain many elements likely to be included in new permanent standards.

- 892/76 Animal Toxicity Tests on Styrene. Chem. and Eng. News 54: 24, July 5, 1976.

Animal toxicity tests on styrene are so far inconclusive, but they aren't finished yet. For instance, after 18 months of a scheduled two-year inhalation study of rats exposed to atmospheres six to 10 times the official standard, there has been no increase in mortality, but in males there has been a slight reduction in both body weight gain and in liver cell size. Other tests on rats and on dogs are under way. The entire project is being administered by the Manufacturing Chemists Association and funded by major producers of styrene and its polymers. MCA will make available all results as the studies are completed.

- 893/76 NIOSH Recommends Ceiling Limit of 100 ppm for Tetrachloroethylene. Occupational Safety and Health Reporter 6: 188, July 8, 1976.

A ceiling limit of 100 parts per million, as determined by a 15-minute sampling period, was recommended for occupational exposure to tetrachloroethylene by the National Institute for Occupational Safety and Health on July 2. NIOSH recommends that worker exposure to tetrachloroethylene should not exceed a time-weighted average concentration of 50 ppm for up to a 10-hour workday, 40-hour workweek. The present federal standard for tetrachloroethylene is 100 ppm for an eight-hour workday. NIOSH estimates that 275,000 workers in the U.S. are exposed to tetrachloroethylene. Major uses of the substance are for commercial drycleaning and as an industrial cleaning agent. According to NIOSH, most workers in drycleaning are exposed to tetrachloroethylene and other workers may be exposed where the substance is formulated into a variety of products for home use.