

Employment Safety and Health Guide

The new MOCA standard is identical to the one adopted in early 1974 and invalidated in December by the U. S. Court of Appeals for the Third Circuit (§ 19,143, 1974-1975 OSHD). In that ruling the Court held that the standards-setting timetable in the Act was violated when the proposed rule was published before an advisory committee had submitted its report. The Committee submitted the report August 27, 1973; the proposal was first published August 16, 1973. The requirement that a permanent standard be adopted within six months after an emergency standard is adopted does not apply if an advisory committee is appointed, the Court held.

Under the new standards-setting action, no additional environmental impact statement will be required, although if new information on the environmental impact of the MOCA standard is presented, the director of the Office of Standards may amend the previous report. Comments on this or any other subject in connection with the standard are being sought by March 10 and should be submitted to the OSHA Committee Management Office, Docket OSH-70, 1726 M St., N.W., Room 260, U. S. Department of Labor, Washington, D. C. 20210.

In addition, an informal public hearing has been scheduled for April 1 at 9:30 a. m. in the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D. C. 20210. Anyone wishing to attend the hearing should notify the committee management office at the above address by March 18.

The notice and proposed standard appear at § 9668.

Appeals Court Decision on Vinyl Chloride Standard in This Report

As previously reported, a special three-judge panel for the Second Circuit Court of Appeals on January 31 denied plastics industry petitions attacking the permanent vinyl chloride standard and ordered that it become effective in 60 days. *The Society of the Plastic Industry, Inc. v. Department of Labor* appears at § 19,248. In turning back the industry challenge, the panel ruled that OSHA acted appropriately in extrapolating animal cancer studies to man and setting a 1 ppm exposure level for the chemical, since experts cannot identify a safe exposure level or the precise mechanism by which VCM produces cancer. In the area of safety, the court said, the Secretary is not restricted to the status quo, but may adopt standards which require improvements in existing technology or the development of new technology.

Expert Discusses Medical Aspects of Vinyl Chloride

In an interview published in OSHA's January issue of Job Safety and Health, Dr. Irving Selikoff, director of the Environmental Sciences Laboratory at the Mt. Sinai School of Medicine and deeply involved in the investigation of the VCM-induced liver cancer angiosarcoma, noted that very few workers were employed in the vinyl chloride polymerization industry in the late 1940's and early 1950's, yet the cases of angiosarcoma now showing up are derived from that small group. "The average duration of the cases now being seen is 20.5 years from onset of exposure," stated the cancer specialist. "Since most vinyl chloride workers began employment in the 1950's and 1960's, liver cancer that will occur in this much larger group will not appear until the 1980's and 1990's."

© 1975, Commerce Clearing House, Inc.

Employment Safety and Health Guide

Safe Level Not Known

Selikoff stressed that the level of vinyl chloride exposure associated with angiosarcoma is not known, and speculated on the potential threat to workers in fabricating plants if the level is low. At least three pieces of evidence link liver problems with work in fabricating plants. Six German tile workers are showing signs of liver disease, and in Scotland a case of angiosarcoma has been found in an individual who used polyvinyl chloride in an oilcloth factory. In Connecticut two angiosarcoma deaths in fabricating plants have been reported. One involved a worker who ran a wire coating machine that extruded PVC, and the other involved an accountant who occasionally entered a building where PVC was made into film.

While the new U. S. standard sets a 1 ppm exposure limit, some current limits in the rest of the world include Ontario's 10 ppm TWA with a 25 ppm ceiling and England's 25 ppm TWA with a 50 ppm ceiling. Holland and Italy have 50 ppm ceilings as does West Germany, Sweden has set a 1 ppm TWA, and Norway has temporarily banned PVC production.

Draft Standards for 11 More Hazardous Substances Completed

Draft standards have been prepared by OSHA on alpha-methyl styrene, styrene, terphenyls, vinyl toluene, acrolein, P-tert-butyltoluene, cumene (isopropyl benzene), cyclohexane, diphenyl (biphenyl), ethyl benzene, and furfural.

The standards will be issued as part of the standards completion project, which has as a goal completed standards on all toxic substances listed in Tables G-1, G-2 and G-3 of § 1910.93, with the exception of those substances for which NIOSH will issue separate criteria documents. In all cases of standards issued under the standards completion project, there will be no change in the exposure limits already in existence for each substance. In each case, the new standards will establish requirements in such areas as monitoring employee exposure, medical surveillance, methods of compliance, handling and use of liquid forms of the substance, employee training, record-keeping, sanitation, housekeeping, and so forth.

The draft technical standards were devised jointly by OSHA and NIOSH and reflect only the technical intent of those agencies; they do not necessarily contain the specific language which will appear in the proposed standards. Any comments should be submitted by March 5 to the Docket Officer, Standards Completion Project, OSHA, U. S. Department of Labor, Room 260, 1726 M St., N. W., Washington, D. C. 20210.

The draft standards are available for inspection and copying at certain OSHA regional and area offices listed at § 9667, where the notice appears.

Advance Copies of OSHA Oversight Testimony Requested

Dominick V. Daniels (D-New Jersey), Chairman of the House Select Subcommittee on Labor, has sent letters to 70 witnesses scheduled to testify in a continuation of OSHA oversight hearings begun last year, requesting advance copies of their submissions. Members of the subcommittee staff

will review the testimony in an attempt to cut down on the repetition that characterized last session's hearings. A staff member reports that the review may be completed by April.

Last year there were six days of OSHA oversight hearings in the Senate, but no more than a one-day session is now contemplated by the Senate Subcommittee on Labor. The hearing has not yet been scheduled.

Service of Settlement

The Review Commission agreement by (¶ 19,226), even though served by mail or personal delivery. Since the agreement representative had to take the Judge's action.

The Review Commission for violation of a standard suspended above a level the violation was determined. Commissioners held much weight on the been proposed by the

In dissent, Chairman penalty was too small a year and a half in Commissioners' ruling.

Badger Aluminum

Judge

A Judge's decision of safety standards, the Review Commission (¶ 19,235). After the decision in which he agreed employee falling to a level to sustain serious problems below the floor opening.

Decisions of the Review

Machine Guarding

A general machine operated injection machine \$600 proposed penalty tioned as a clamp and show the necessity for Judge held.

He also vacated instruction signs and (3)) requires that safety general instructions ruled the Judge, is to conclude that there been operated without operator of the machine the Judge's decision