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to preempt again state jurisdiction over small farming operations.

The text of the letter follows.

"This is in further response to your request for our opinion on whether the amendment to the FY-77 Labor-HEW appropriations bill, restricting the application of the Occupational Safety and Health Act of 1970 in the case of certain small farm operations, would permit preempted States to reassume their occupational safety and health inspection authority where the restriction of Federal authority applies.

"In our opinion, the intent of the Act, for the broadest possible protection of workers would support such State coverage.

"Section 18(a) pertinently provides: 'Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety and health issue with respect to which no standard is in effect under section 6.'

"In providing for a comprehensive Federal-State program for occupational safety and health, Congress sought to improve employee protection by means of Federal regulation under the Act or through approved State plans which would be 'at least as effective' as the Federal program. At the same time, Congress did not wish to foreclose State protection of employees where no Federal regulations were in effect. Under the amendment to the appropriations bill, no Federal regulations are 'in effect' respecting small farming operations. The purposes of section 18 would, therefore, be best served by an interpretation which would permit a State to assert jurisdiction over small farming operations.

"A contrary interpretation would defeat the statutory purposes by depriving employees of small farming operations of any protection under either the Federal or State enforcement schemes.

"It should be emphasized, however, that should future appropriations legislation not contain such a prohibition on Federal activity, section 18(a) would then operate to preempt State jurisdiction as Federal regulation would then be 'in effect' as to small farming operations.

Benzene

RUBBER WORKERS WILL REPETITION OSHA FOR EMERGENCY TEMPORARY RULE FOR BENZENE

KANSAS CITY, Mo. (By an OSHR staff correspondent) — The United Rubber Workers will repetition the Occupational Safety and Health Administration for the issuance of an emergency temporary standard for benzene within the next few months, Louis S. Beliczky, United Rubber, Cork, Linoleum, and Plastic Workers of America told the American Conference of Governmental Industrial Hygienists on October 25.

Addressing a symposium on workplace control of carcinogens, Beliczky stated that the proposed OSHA standard for benzene may be one or two years away because of the requirement for an inflationary impact statement. The initial request for an emergency temporary standard was denied by OSHA because of insufficient data, Beliczky said. However, benzene is both a mutagen and a carcinogen, he said.

Following a request by the URW, NIOSH issued a revised criteria document on benzene which recommended that employee exposure be limited to one part per million as determined by an air sample collected at one liter per minute for two hours. The current OSHA standard for

benzene prescribes an eight-hour time-weighted average of 10 ppm.

Beliczky stated that many of the occupational safety and health standards which exist today are the result of organized labor's efforts to protect workers. The social and economic impact of occupationally-related cancer is massive, he said.

Health Hazards

INDUSTRIAL HYGIENISTS FORUM EXAMINES CONTROL OF CARCINOGENS IN THE WORKPLACE

KANSAS CITY, Mo. — (By an OSHR staff correspondent) — Regulation of chemicals by the Occupational Safety and Health Administration and the new Toxic Substances Control Act encourages awareness of carcinogens in the workplace, Nicholas A. Ashford, Massachusetts Institute of Technology, told the American Conference of Governmental Industrial Hygienists on October 26.

Addressing a two-day symposium on workplace control of carcinogens, Ashford said that the problem of carcinogens is complicated by the continuous introduction of new synthetic products into the workplace. Additionally, professionals have not been trained adequately to deal with carcinogens, he said. Current training emphasizes the explosive nature of chemicals, but fails to emphasize the toxicity and carcinogenicity of substances.

Ashford stated that cancer is not the only concern in the workplace. Additional problems related to workplace exposure are prevalent, such as chronic respiratory disease, chronic bronchitis, and emphysema, he said.

Compliance with OSHA standards does not guarantee employers immunity from civil suits by employees, Ashford said. OSHA may be slow in adopting new standards on many substances which are already in commercial use. Worker suits against employers or even supervisors are increasing, Ashford noted, and suits against manufacturers who produce chemicals already are here.

Ashford maintained that occupational safety and health legislation has evolved on a 'piecemeal basis,' and even with standards, exposure to some chemicals may occur. However, the Toxic Substances Control Act may be an effective way of limiting workplace exposure, he said.

OSHA Viewpoint

In response to criticism that OSHA has adopted only 16 standards for carcinogens, Grover Wrenn, chief, division of health standards development, OSHA, stated that OSHA has a limited capacity for dealing with a large number of carcinogens simultaneously. To date, most of OSHA's efforts have been concentrated on substances having high carcinogenic risk, he said.

The latency period for carcinogens, which may be some 20 to 30 years, may provide a false sense of safety, he noted. OSHA is continuing in the identification and evaluation of carcinogens, Wrenn said, adding that NIOSH already has identified about 1,500 substances as carcinogens.

Wrenn stated also that OSHA will continue to regulate MOCA (4,4'-Methylene bis (2-chloroaniline)) through the general duty clause. The federal standard for MOCA, which appeared in Subpart Z of Part 1910 of the Occupational Safety and Health Act, was vacated by the U.S. Court of Appeals for the Third Circuit.

Synthetic Chemicals

Barry Commoner, director, Center for the Biology of Natural Systems, Washington University, St. Louis, Mo., stated that some 70 to 90 percent of the cancer among humans is induced by environmental agents. While there is

no fixed number of carcinogens, he said, the number constantly is increasing because of new compounds that are introduced.

Over 100 billion pounds of synthetic organic chemicals are produced annually, Commoner said, and as chemical increase in complexity, toxicity increases also. Commoner asserted that the absence of an organic compound produced from a living cell may indicate that these organic compounds are incompatible with the human body.

Small Laboratories

Concern for chemicals of high toxicity is as important as the concern for carcinogens, Harry J. Ettinger, Los Alamos Scientific Laboratory, N.M., told the symposium. To date, OSHA has identified only 16 chemicals as carcinogens, he said, however, there is great concern in laboratories where there is little or no data on chemicals.

The OSHA standards were written primarily for industrial operations which differ from laboratories in operations, conditions, and chemicals, Ettinger said. OSHA should consider adopting separate standards for small laboratories, he recommended.

Proceedings

The two-day symposium brought together over 250 representatives from labor, private industry, governmental agencies, and academia. Proceedings of the symposium will be published and made available for purchase. For additional information on the proceedings contact William D. Kelley, ACGIH, 2205 South Road, Cincinnati, Ohio 45238.

Federal Agencies

OSHA PROPOSES RULES ON OPERATION OF FIELD SAFETY, HEALTH COUNCILS

Regulations providing for the operation of Field Federal Safety and Health Councils were proposed on October 29 by the Occupational Safety and Health Administration.

If adopted, the rules would expand subpart F of Section 1960 (Reference File 41:6260). The proposal substantially is the same as recommendations approved July 21 by the Federal Advisory Council on Occupational Safety and Health, except for "minor grammatical changes" (Current Report, July 29, p. 272).

The proposed rules set forth guidelines on the purpose, objectives, membership, organization, and operating procedures of Field Federal Safety and Health Councils, as well as the role played by the Secretary of Labor in council activities, and establishment of councils.

Objectives proposed by OSHA for the councils include these:

- ▶ To act as a clearing house for information on occupational injuries and illnesses.
- ▶ To conduct meetings providing technical advice to representatives of participating agencies and employee organizations.
- ▶ To promote improvement of safety and health programs in participating federal agencies.
- ▶ To promote coordination and cooperation to aid agencies having limited resources.
- ▶ To provide federal executive boards, federal executive associations, and labor organizations with information on safety and health management.
- ▶ To study safety and health problems peculiar to local conditions and suggest solutions for these problems.
- ▶ To develop a cooperative relationship with local community leaders.

Comments on the proposal should be submitted by December 15 to the OSHA Office of Federal Agency Safety Programs, First Floor, 2100 M St. NW, Washington, D.C. 20210

The proposed rules appear in the Full Text section of this report.

Carbon Dioxide

NIOSH SUGGESTS RAISING EXPOSURE LEVEL, ALSO RECOMMENDS CEILING CONCENTRATION

A time-weighted average exposure to carbon dioxide of 10,000 parts per million for up to a 10-hour workday, 40-hour workweek, was suggested by the National Institute for Occupational Safety and Health in August.

NIOSH also recommended a ceiling concentration of 30,000 ppm as determined by a sampling time of 10 minutes. This differs from the present federal standard which does not have a ceiling concentration and which sets the time-weighted average exposure at 5,000 ppm (Current Report, August 19, p. 347).

The gaseous phase of carbon dioxide is used commercially in the carbonation of beverages, in shield-arc welding operations, in the production of several organic and inorganic chemicals, and in bacteriology and biology to control pH in various biological systems.

The NIOSH recommendations for exposure to carbon dioxide appear in the Full Text section of this Current Report.

Acetylene

EXPOSURE LIMIT FOR GAS OF 2,500 PPM SUGGESTED IN NIOSH CRITERIA DOCUMENT

An exposure limit for acetylene of 2,500 parts per million for up to a 10-hour workday, 40-hour workweek was recommended by the National Institute for Occupational Safety and Health in July.

Acetylene is a gas that is used for the synthesis of a variety of chemicals, for welding and cutting of metals, and for miscellaneous purposes, such as an illuminant, NIOSH said (Current Report, July 8, p. 188).

The NIOSH recommendations for exposure to acetylene appear in the Full Text section of this Current Report.

Field Memoranda

OSHA EXTENDS DATE OF CANCELLATION FOR MEMORANDUM ON POURING PLATFORMS

The cancellation date of an Occupational Safety and Health Administration field memorandum dealing with metal pouring platforms was extended indefinitely by Field Information Memorandum 76-27, issued October 26.

According to Field Information Memorandum 74-101, issued December 24, 1974, Section 1910.23(c) (protection of open-sided floors, platforms, and runways) should not be cited for metal-pouring platforms in hot metal pouring operations except on consultation with the OSHA Office of Compliance Programming. The cancellation date for the memorandum was extended later by Field Information Memorandum 75-53, dated December 22, 1975, to June 30, 1976.