

GRACE

036-16300
Construction Products Division

TO: Mass State Regulations File DATE: June 29, 1984
FROM: S. Venuti SUBJECT: Mass Right-To-Know Regulations
cc: R. C. Ericson file: Mass State Regs.
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RECEIVED

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The Massachusetts Right-To-Know Regulations, as finalized the week of 6/24/84, will directly impact vermiculite labels and Material Safety Data Sheets. Deadline for compliance is 9/26/84.

The original proposed regulations raised two major concerns: 1) the Regulations would have required listing all ingredients by name on product labels, and by name and percentage on Material Safety Data Sheets, and 2) the Regulations would have designated all known or suspect carcinogens present in 1 ppm, as extraordinarily hazardous substances.

The final Regulations require labels and Material Safety Data Sheets to identify chemicals which are included on the Massachusetts Hazardous Substance List only. Nonhazardous ingredients do not have to be listed. The final Regulations still consider carcinogens present in 1 ppm to be extraordinarily hazardous substances. These have been specifically identified on the Hazardous Substance List with a "C" notation.

Labelling and MSDS requirements are exempt if the hazardous substance is 1) intentionally added at < 1%, 2) present as an impurity at < 2%, and 3) present at < 1 ppm if it is an "extraordinarily" hazardous substance.

This will require that all vermiculite-containing products (straight vermiculite, Monokote, Metro-Mix, etc...) list tremolite on the labels. It is not necessary to identify any hazards associated with tremolite on the label. It is possible to include qualifying statements about potential exposure and amounts present. I would recommend using the following statement: "contains less than 0.005% tremolite fiber. Refer to the Material Safety Data Sheet for additional information."

Reference to tremolite is also required on all Material Safety Data Sheets for these products. The supplemental information section on MSDS #2-801 appears to satisfy this requirement for the most part. A revision to include the CAS Number for tremolite is necessary however.

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It is an OSHA requirement to provide an MSDS to all employees. Since reference to tremolite is already included on the vermiculite MSDS, and expected to be added to the MSDS's for mixed products, including the same reference on the labels does not tell the users any more than they would be told otherwise.

Attached is a breakdown of all existing Right-To-Know Laws (State and Federal) indicating supplier labelling requirements for carcinogens. A decision is needed as soon as possible to label for Massachusetts only or for all states. It appears that labels and MSDS's designed to satisfy both OSHA and Massachusetts would satisfy all current Right-To-Know Laws.

Stephen Venuti
S. Venuti

SV:dm

Attachment

Footnote:

When the original proposed regulations were issued, A.I.M. suggested that they would be challenged in court if significant changes were not made. Apparently, A.I.M. is happy with the final regulations. At a seminar - 6/26/84, W. McCarthy, Vice-President and General Counsel for A.I.M. commented that the 1 ppm level for carcinogens is "very low but probably appropriate."

I also spoke with R. Mastrangelo, Associate Counsel for A.I.M. He voiced the opinion that the 1 ppm level designated for carcinogens is based on a sound foundation and consistent with the authority granted the commissioner of public health under the Act. He further indicated that A.I.M. had no interest in challenging this point in court.

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RIGHT-TO-KNOW CARCINOGEN LABELLING BY SUPPLIERConcentration Requiring MSDS or Label Reference

<u>State</u>	<u>MSDS</u>	<u>Label</u>	<u>Limit Not Specified</u>	<u>1% Intentional 2% Unintentional</u>	<u>0.1. 1 ppm</u>
California	X			X	
Connecticut	X	X	X		
Florida	X			X	
Illinois	X	X			X
Iowa	X	X			X
Maine	X	X	X		
Maryland	X	X			X
Massachusetts	X	X			X
Minnesota	X	X	X		
New Hampshire	X		X		
New Jersey	X			1%	
New York	X		X		
Rhode Island	X	X			X
West Virginia	X		X		
Wisconsin	X			X	
OSHA	X	X			X
<u>TOTALS</u>	16	9	6	4	5 1