TELEPHONE NATIONAL 8-2588

Manufacturing Chemists' Association, Inc.

(FOUNDED 1872)

1625 EYE STREET, N. W.

WASHINGTON 6, D. C.

Minutes of Meeting
LABELS AND PRECAUTIONARY INFORMATION COMMITTEE
American Cyanamid Offices
Sixty-First Floor - 30 Rockefeller Plaza
New York City

April 10, 1958

The meeting was called to order at 10:00 a. m. on Thursday, April 10, 1958.

MEMBERS PRESENT

J. B. Williamson (Chairman), American Cyanamid Company
N. M. Walker (Vice Chairman) Pennsalt Chemicals Corporation
J. H. Foulger, M.D., E. I. du Pont de Nemours & Co., Inc.
S. J. Hill, E. I. du Pont de Nemours & Co., Inc.
Edward J. Hogan, Allied Chemical & Dye Corporation
Frank S. Low, Food Machinery and Chemical Corporation
H. H. McIntyre, The Dow Chemical Company
Thomas W. Nale, M.D., Union Carbide Corporation
R. G. Troup, J. T. Baker Chemical Co.
John B. Tuttle, Enjay Company, Inc.
N. G. White (for George Brewer), Shell Chemical Corporation
James D. Kittelton (Secretary), Manufacturing Chemists' Association, Inc.

GUEST

A. G. Cranch, M.D., Celanese Corporation of America

MEMBERS ABSENT

Chester L. French, Mallinckrodt Chemical Works
J. T. Fuess, Distillation Products Industries
R. D. Minteer, Monsanto Chemical Company

2.1 FEDERAL LEGISLATION

(a) Review of AMA Bill

Congressman Curtis of Missouri sent MCA a copy of American Medical Association's Model Uniform Hazardous Substances Act and asked that comments on it be sent to him. This meeting of the Committee was called for the express purpose of considering the AMA Bill.

The Chairman, Mr. Williamson, said that with the approval of the Committee, he believed it would be desirable to appoint a subcommittee to work out the language for the specific changes to be made in the AMA Bill, based upon the suggestions to be given by the assembled members.

He also believed it would be desirable for MCA delegates to meet with representatives of the other three trade associations who have been working closely with LAPI, namely, API, CSMA, and NPV&L. These organizations have agreed to attend such a meeting. The meeting will be held in Philadelphia on April 17.

Mr. Sanford Hill voiced the opinion that the MCA LAPI Committee should take the lead in this matter and develop some very specific suggestions for submission to Representative Curtis.

After this discussion

It was moved, seconded and voted

THAT, the LAPI Committee approves of Mr. Williamson's action in appointing a subcommittee of Mr. N. Walker and Sanford Hill to meet with representatives of CSMA, NPV&L, and API to formulate an industry position on the AMA Bill.

(This motion was passed unanimously)

The Committee then proceeded to consider the proposed AMA Model Uniform Hazardous Substances Act. The following decisions were made:

1) It was agreed that the statement of the purpose of the Act be amended to regulate only "the sale of hazardous substances intended for household use." This would eliminate commercial and industrial substances from the AMA Bill. Dr. Foulger stated that toxicological considerations differ, depending on whether a chemical is intended for household or industrial use. Furthermore, it was pointed out that at the present, there is no agency in the Federal Government which could handle the precautionary labeling of industrial products. It was also emphasized that there did not appear to be any real need for a law requiring precautionary labeling of industrial chemicals.

2) The Committee noted that AMA had included "(4) strong sensitizer" in their definition of hazardous substance. The Committee deferred consideration of this until they discussed the definition of the term "strong sensitizer."

3) The Committee carefully considered the definition of the term "toxic." The AMA definition of toxic requires a test on white rats and on rabbits for a duration of 14 days. Dr. Foulger said that such a test is quite ridiculous, since observation of the animals would be most significant during the first 48 hours. Also, few laboratories would have the facilities to maintain and the personnel to closely observe animals for a period of 14 days. Many times the animals would die from causes other then those connected with the administration of the hazardous substance. Dr. Foulger pointed out that 14 days of the life span of a rat would be equivalent to 14 months in a human being. During a 14 month period, a human being would normally be treated for any ill effects due to exposure to a hazardous substance. Committee members agreed that there would not be enough facilities in the United States to take care of all the testing which would have to be done under the AMA definition of toxic.

It was pointed out that using this definition of toxic, ordinary sodium chloride would have to be labeled as toxic as would sodium bicarbonate. However, the definition would not require a label for carbon monoxide, carbon tetrachloride, methanol and benzol, and phosgene would be only a border line case. Committee members felt that the AMA definition would require that CAUTION be placed on the label of practically every chemical.

After this discussion

It was moved, seconded and voted

WHEREAS, the AMA definition for toxic is extremely impractical in the light of good toxicological practice and existing facilities for testing animals, now therefore be it voted THAT, the AMA definition of toxic appearing in lines 18 through 22 on page 1, and lines 1 through 11 on page 2, be deleted and that the present definition of toxic appearing in the Curtis Bill, H. R. 7388, be substituted, and

It was further moved, seconded and voted

THAT, the definition of poison appearing in the Curtis Bill be inserted in the AMA Bill.

4) The Committee noted that AMA had deleted the term "substantial" from the definition of corrosive. It was therefore agreed that the definition of corrosive should be the same as the one now appearing in the Curtis Bill.

5) The Committee considered lines 18 - 22, on page 2 of the AMA draft which defined the term "strong sensitizer" and concluded that this was a very poor definition for the term.

After this discussion

It was moved, seconded and voted

THAT, the inclusion of a sensitizer definition be approved, but that an attempt be made to substitute the LAPI definition of "physiological sensitizer" appearing on page 8 of Manual L-1. This definition is as follows:

"A material which as ordinarily handled does not necessarily cause any discernible reaction in living tissue but which after initial or repeated contact with the tissue of some individuals may, at a later date, produce a prompt inflammatory reaction on contact, even in minute amounts, with the tissue of the same individuals."

6) The AMA statement on the definition of "extremely flammable" reads as follows: "This term shall also include extremely flammable substances which are flammable at or below twenty degrees Fahrenheit in the presence of air, oxygen or other suitable oxidizing substances."

Committee members felt that such a statement is meaningless and that the phrase "in the presence of air, oxygen or other suitable oxidizing substance" should be omitted from the definition.

7) The Committee discussed the term "radioactive" defined in lines 7 - 11 on page 3, and concluded that the definition used there is technically unsound.

It was therefore suggested that the Atomic Energy Commission be asked to define the term.

8) In the definition of "label," AMA specifies that the term "label" means a display of written, printed, or graphic matter upon or attached to the immediate package or container of any substance; .....

Committee members could not see the point in specifying package or container. They agreed that this would only lead to confusion and that the words "package or" should be omitted from the definition.

9) The Committee next considered the definition of the term "misbranded package" and agreed that the words "or bulk container" should be omitted from the Bill. In addition, the word "intended for household use" should appear after the words retail package.

The Committee noted that the AMA draft specified the "recognized non-protected name." It was suggested that the term generic be substituted for "non-protected."

The Committee next considered AMA's attempt to explain the use of the three signal words, DANGER, WARNING or CAUTION. The Committee in general, felt that the theory behind this effort was desirable, but they were very critical of the way AMA has attempted to accomplish this. It was agreed that subparts, D, E, and F should be omitted and the wording of the Curtis Bill be followed. This is as follows: "one of the following signal words: (D) DANGER, (E) WARNING, or (F) CAUTION." It was suggested that our reason for making this change is that the AMA approach only considers a single hazard, whereas the total hazard should be considered in deciding which of the three signal words to use. (The Committee agreed that pressure is increasing to explain the use of the three signal words.) This matter should be considered at future meetings of the Committee.

The Committee discussed the phrase in lines 18 and 19 "when required by the Commissioner" and it was agreed that this should be deleted so that requirement (G) would read as follows "as affirmative statement of the principal hazard or hazards, such as Flammable, Vapor Harmful, Causes Burns, Absorbed Through Skin, or similar wording descriptive of the hazard."

In lines 1 and 2 of page 5, the AMA draft reads "retail packages offered for household use." The Committee agreed that the statement should be changed to "retail packages intended for household use."

(b) Approach to AMA

The Chairman, Mr. Williamson, suggested that following the Inter-Association meeting, a letter be sent to the American Medical Association, inviting them to send representatives to a meeting with industry to discuss their proposed Bill. Mr. N. Walker said that he believed it would be very desirable to meet with AMA on our own terms, rather then to meet at their invitation. He pointed out that a few years ago, he attended a meeting at AMA Headquarters, and that every word spoken was recorded. The invitation to AMA should indicate that no press release on the meeting is to be issued without the prior consent of all those present.

2.3 CITY REGULATIONS

2.3.1 New York City

The Committee discussed the proposed New York City Regulations on hazardous substances in a general way and agreed that very careful consideration should be given to it. To do this, a meeting of the full LAPI Committee will be held on Thursday, May 22nd in Room 5810 of the American Cyanamid Offices in New York City.

3.0 LABELS -- SAFETY DATA SHEETS

3.72 Phosphorus Pentasulfide

The Chairman appointed a subcommittee consisting of Mr. Troup as Chairman and Mr. Minteer as member to draft a label for inclusion in the Safety Data Sheet.

James D. Kittelton

James D. Kittelton
Secretary
Labels and Precautionary
Information Committee

JDK/jmb

April 18, 1958