proposal. OSHA staff, including industrial hygienist Patricia Waugh, Deputy Director of Health Standards Nelson Leidel, and James Estep of the Solicitor's Office, agreed that the agency is open to suggestions about the necessity for size of a regulated zone, but suggested that the zone was envisioned as a way to protect employees without requiring extensive exposure monitoring of airborne dust in the vicinity of blasting.

Waugh added that it was OSHA's contention that traditional requirements for engineering controls and work practices will not control the hazard of sandblasting, so that the operator will likely have to wear the most stringent type of respiratory protection.

Committee member Harry Carr, president of H. Carr and Sons, Inc., Rhode Island, suggested that OSHA write a more flexible standard for abrasive blasting in construction. He said that unpredictable environmental conditions and the changing nature of the construction site prohibit compliance with a set standard.

He suggested that if an employer had a specific question or problem about a regulated area, he be required to consult with OSHA before the job is begun.

Health Standards Report

Another audience member, Wayne Christiansen, representing the National Constructor's Association, also urged that OSHA develop a separate standard for construction. He further urged OSHA to delay adopting any health standards for construction until the agency has received and reviewed the committee's report on health standards.

That report, prepared by the committee's subgroup on health standards, was formally accepted by the committee May 16 for submission to OSHA administrator Eula Bingham.

The report reviewed several major areas of health standards development, and generally recommended that OSHA develop specific regulations for enforcement in the construction industry (Current Report, May 15, p. 1168).

Several members of the committee commented that OSHA should consider the health standards report before proposing an abrasive blasting or any other health standard for the construction industry. The committee also passed, but later rescinded, a motion to establish a workgroup to consider how the draft proposed abrasive blasting standard could be adapted to construction.

However, the committee agreed to submit to OSHA within 30 days further written comments on the draft proposal.

Workers' Compensation

'DRAMATIC IMPROVEMENTS' IN DOL EFFORT FOR FEDERAL EMPLOYEES SEEN BY ELISBURG

The Labor Department has made "dramatic improvements" in processing workers' compensation claims for federal employees, Assistant Labor Secretary for Employment Standards Donald Elisburg stated.

Elisburg testified on the DOL program May 13 before the House Labor Subcommittee on Labor Standards.

An automatic data processing system, installed over the past two and a half years, has cut the claims processing system in half, he said, changing a "degenerating claims operation to one with improved credibility and basic stability."

Three years ago, Elisburg said, the federal workers' compensation system was in a "state of collapse," with no mechanism to assure the tracking and location of claims or to determine how long claim processing took. The enlargement of the Office of Workers' Compensation Programs' (OWCP) ADP capabilities has since contributed substantially to increasing productivity and speed in processing claims, Elisburg said. A management information system, currently being phased in, is designed to identify work priorities and to aid in the early referral and placement of potential rehabilitation candidates.

Traumatic injury claims now are processed within 40 calendar days, according to Elisburg, with nearly 75 percent of them processed in less than that time frame. Three years ago, OWCP took three months to process these claims.

The processing of nontraumatic occupational disease cases has been reduced from 8.3 months to 6.5 months, with a goal of four months set for the end of fiscal 1981.

During fiscal 1979, OWCP reduced its pending inventory of cases from 127,000 to 87,000, according to Elisburg, although 31,000 new claims were filed that year. The Department now has "a system which will virtually eliminate the possibility of cases remaining undetected" and one that is "committed to providing federal employees with high quality, timely services," Elisburg said.

"Our objective is to make the FECA program a model for efficient administration of a workers' compensation program," he told the committee.

Firefighters

NEW POTENTIAL HAZARDS FOUND IN FIRES INVOLVING UF FOAM AND PVC-COATED WIRES

Electrical wiring coated with polyvinyl chloride (PVC) insulation generates phosgene gas when subjected to electrical arcing that may occur in fires involving electrical equipment such as transformer vaults or controls panels, according to research results released by the National Bureau of Standards (NBS) May 12.

Other research reported by NBS shows that urea formaldehyde (UF) foam, a material recently used in homes as thermal insulation, releases "substantial" quantities of toxic hydrogen cyanide gas when exposed to the elevated temperatures of a well-developed fire.

NBS and the U.S. Fire Administration are seeking to warn the firefighting community of the potential hazards indicated by the new research. Fire Administration Chief Gordon Vickery said that the research "provides us with further evidence that it is critical for firefighters to wear breathing apparatus, even after the fire has been put out and cleanup is underway."

Dr. Merritt M. Birky, head of the toxicology research program at the NBS Center for Fire Research, who conducted the phosgene study with chemist James E. Brown, said, "These are by no means the only hazards that confront firefighters, and our findings should not be viewed as startling revelations, but rather as a renewed warning."

The experiments showing the release of phosgene gas during electrical arcing in fires grew out of studies to determine whether phosgene, like the sensory and pulmonary irritant hydrogen chloride, is produced by burning PVC-coated wiring. Only trace quantities of phosgene were produced when wires were electrically overloaded and, separately, burned in a small furnace under conditions simulating a real fire.

But NBS scientists found that substantial quantities — approximately 35 parts per million — were produced when electrical arcing took place.

Gas Lingers

Like hydrogen chloride, phosgene gas lingers for some time after it is produced in a fire, though hydrogen chloride lingers longer. The gases may thus pose hazards through

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the cleanup period, when firefighters often remove breathing apparatuses.

In the UF foam studies, which were based in part on NBS-sponsored research at the University of Utah and the University of Pittsburgh, NBS scientists found that from 15 to 24 percent of the material's weight was converted to toxic hydrogen-cyanide gas when exposed to the elevated temperatures of a highly-developed fire. Birky noted that, though UF foam does not readily support combustion because of its high nitrogen content, "it certainly does when exposed to the intense heat of an extensive fire."

NBS noted that hydrogen cyanide gas poses a danger not only to firefighters but also to spectators nearby or downwind from the fire. The bureau advised that firefighters check carefully for burning or hot UF foam and take special precautions to keep bystanders away from such fires.

Other recommendations advised the use of a fogging hose, which sprays a fine mist, in areas where electrical systems are concentrated, after power to the building has been turned off. Hydrogen chloride and hydrogen cyanide are very soluble in water, while phosgene is decomposed by water to hydrogen chloride and carbon monoxide.

Regulatory Reform

LEGISLATIVE VETO PROVISION ADDED TO BILL DURING HOUSE PANEL MARKUP

A provision that would allow Congress to veto regulations issued by the Occupational Safety and Health Administration and other federal agencies was added to a regulatory reform bill (HR 3263) during markup of the measure May 14 by the House Judiciary Committee.

Added to the bill by a 16 to 15 vote, the provision was less drastic than a plan backed by the committee's Republican members. However, it was opposed by the Carter Administration, which originally sent HR 3263 to the House.

Sponsored by Representative Dan Glickman (D-Kan), the legislative veto would require both the House and Senate to pass a concurrent resolution in order for Congress to overturn a regulatory agency. Only major rules of executive branch and independent regulatory agencies would be vulnerable, and the veto power could not be used retroactively to nullify existing regulations.

The resolution disapproving a rule must state how the agency's action is inconsistent with the statute from which its authority is derived. The amendment does not require that the resolution be signed by the President to become effective, Glickman noted.

Glickman said he was offering the amendment as a substitute for a legislative veto plan proposed by Representative Thomas Kindness (R-Ohio), which would have made it easier for Congress to veto a rule. Action by only one house would be enough unless the other house objected -- the approach known as the modified one-house veto.

Notwithstanding, the Administration remains opposed. "We don't like it. We think it's unconstitutional," a White House official commented regarding the Glickman amendment.

In other action, the committee approved 17-14 a change by Representative George Danielson (D-Calif), the bill's sponsor, to restore language making possible the use of expedited proceedings for agency rulemakings that treat general issues and do not involve penalties or fines. As an example, Danielson said, an agency should not be required to use a lengthy, trial-type proceeding which includes cross examination to revoke a license when there is no allegation of culpability.

An amendment that would have required regulatory agencies to obtain warrants before conducting inspections in most instances was defeated 12-19. Kindness, the sponsor, cited as precedent the Supreme Court's *Barlow's* decision limiting warrantless inspections by OSHA (6 OSHA 1571).

In that decision, Kindness maintained, the court found the Fourth Amendment protection against illegal searches "applies to business premises just as much as it does to residences." Danielson countered that the decision, in fact, upheld warrantless inspections under a number of statutes and that Kindness's amendment would interfere with critical regulatory inspections that protect the public's health and safety. "We should not become a bunch of Lilliputians tying down the Gulliver of government," Danielson urged the committee.

Meetings

FIRST EASTERN SAFETY COUNCIL CONGRESS WILL BE HELD IN WASHINGTON, MAY 29-30

A presentation on Occupational Safety and Health Standards in the 1980s will highlight the sessions of the first annual Eastern Regional Safety Congress and Exposition to be held in Washington, D.C., May 29-30.

OSHA officials, including Jerry Purswell, director of safety standards, and Bailus Walker, director of occupational health standards, will speak at the workshop.

Labor Secretary Ray Marshall will speak at the closing session of the conference.

The regional conference, which will take place at the Washington Hilton, is being held by the National Safety Council in cooperation with 16 eastern safety councils. The exposition will display up-to-date safety equipment and services, according to the National Safety Council.

The morning session of the first day offers a workshop on safety program assessment, with lectures given on factors and characteristics of successful occupational safety and health programs and safety program practices in record-holding plants.

The afternoon of the first day will include two workshops as well as special sessions. The first workshop will discuss the Occupational Safety and Health Review Commission, including "Employers' and Employees' Rights While Contesting an OSHA Action," by Timothy F. Cleary, chairman of OSHRC; "The Role of the Safety Professional Under the Act," by Frank R. Barnako, commissioner, OSHRC; "Health Issues at OSHRC, Past, Present, and Future," by Bertram Robert Cottine, commissioner, OSHRC; and "Trends in OSHRC Rulings," by Robert C. Gombar, general counsel, OSHRC.

The other Thursday afternoon workshop will cover "Safety and Health Program Techniques That Work."

The special sessions Thursday afternoon will consist of six roundtable discussions. Participants are invited to attend the discussions if they have particular questions to put to experts in the fields of safety programs, safety training, occupational medicine programs, off-the-job safety, industrial hygiene, and product safety.

Four workshops will be the features of the Friday morning session. They include "Occupational Safety and Health Controversies in the 1980s"; "Supervisor's Safety Day: How to Improve Your Safety Effectiveness"; "Occupational Safety and Health in the 1980s"; and "Bottom Line Benefits of an Effective Safety and Health Program."

Registration at the show is available at a cost of $55. Further information may be obtained from the Office of Congress Planning, National Safety Council, 444 North Michigan Ave., Chicago, Ill., 60611.

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