Chemical Manufacturers Association

Minutes of Meeting

OCCUPATIONAL SAFETY AND HEALTH COMMITTEE

CMA Headquarters — Washington, D.C.

November 14, 1979

Dr. O'Connell convened the meeting at 9 a.m. The record of attendance follows:

MEMBERS PRESENT

Richard L. O'Connell, Chairman	Olin Corporation
Richard B. Hoots, Jr., Vice Chairman	ICI Americas Inc.
Richard M. Egan (for Linda M. Casey)	Ashland Oil, Inc.
Emil E. Christofano	Hercules Incorporated
Carl De Martino	E. I. du Pont de Nemours & Co.
Donald W. Hillman	Diamond Shamrock Corporation
Peter W. Simmons (for Benjamin B. Holder)	Dow Chemical U.S.A.
Howard L. Kusnetz	Shell Oil Company
Thomas F. Evans (for William J. McCarville)	Monsanto Company
[redacted] Mayo Smith	Air Products and Chemicals Co.
Frank A. Ubel	Minnesota Mining and Manufacturing Co.
David Sarvadi (for Milton Freifeld)	CMA Staff

PRESENT BY INVITATION

George W. Ingle (part-time)	CMA
Patrick C. Joyce	CMA
H. Christopher Nolde	CMA
David F. Zoll	CMA

MEMBERS ABSENT

Robert M. Clyne	American Cyanamid Company
Harry A. Eschenbach	W. R. Grace & Co.
Arthur W. Sheldon	M&T Chemicals Inc.
Jack S. Snyder	Merck & Co., Inc.

1.0 Minutes of the Meeting September 13, 1979

These were approved as distributed.

2.0 Report on Trip to Europe

Dr. O'Connell reported on his visit to the International Agency for Research on Cancer (IARC). Industry is poorly represented at the IARC monograph sessions and there is an opportunity and need for industry participation. The next session will address cancer hazards in the paper and leather industries.

2.1 Proposal to Amend European Directive

Mr. Ingle reported on the newest proposal to amend the European Economic Community's Directive, requiring companies to inform workers and the surrounding communities of the dangers that could result from normal operation as well as catastrophes at their facilities. Comments from the Committee are welcomed and should be conveyed through Mr. A. Sheldon to the Joint CMA/SOCMA International Affairs Task Group.

3.0 Litigation - Labeling

Mr. Joyce reported on the labeling situation particularly the CMA intervention in the lawsuit (Health Research Group et al vs OSHA). An FOIA request has been filed to obtain all pertinent OSHA documents. The suit also asks that the ANSI standard be made mandatory. CMA's counsel requested that the Committee review the proposed revised standard from the Task Group in that light.

4.0 Legislation

Mr. Nolde reported on the status of the Schweiker and Miller bills. The Schweiker bill provides incentives for employers to improve safety performance The incentives are exemptions from safety inspections, reduced penalties and limitations on OSHA's response to employee complaints. To qualify for exemption from safety inspections, an employer must be able to demonstrate, for each qualifying worksite, that no fatalities and a lost workday rate less than half the national average or that there were no injuries resulting in 2 or more lost workdays. Inspections would still be allowed to investigate certain serious situations, such as a death or multiple hospitalization, imminent danger and others. To qualify for reduced penalties, there must be fewer than 10 employees or an advisory safety committee with not more than half management representation and where a consultation program exists it must be "satisfactory." Health inspections are not covered. Also, in the case of an employee complaint, the employer must be accorded the opportunity of responding to the allegations before OSHA can conduct an inspection. The Committee expressed support for the concepts of the bill, but several members voiced reservations about the feasibility and likelihood of passage. Dr. O'Connell asked members to express their comments in writing directly to Mr. Nolde.

5.0 OSHA Standards

A discussion of a directive from G. Wrenn to OSHA field offices that, when investigating accidents resulting in fatalities or multiple hospitalization, compliance officers should attempt to gather proof of personal criminal liability. The questions raised resulted in a request that the CMA Office of General Counsel

discuss the issues in a memorandum to member companies.

The OSHA proposal to reduce the reporting period in the event of an accident resulting in a fatality or multiple hospitalization from 48 hours to 8 hours was distributed. The Comment period was reportedly extended to December 15. The National Association of Manufacturers is developing comments.

Mr. Hoots reported that Organization Resources Counselors, Inc. (ORC) is leading the effort to comment on the possible upgrading of certain standards (NFPA, for example) to current levels from those adopted in 1971. CMA is participating.

6.0 Epidemiology

Dr. Hillman reported that the Epidemiology Task Group met with several industry epidemiologists to review the draft. Aside from a change in title, the changes streamlined the document. The revised document will be sent to the Task Group and the Committee for information. The group was asked if the document was complete and correct. No objections were raised on these grounds. Mr. Freifeld was reminded to determine if Dr. Gaffey will update his paper on epidemiology.

7.0 Embryo-fetotoxins

Dr. O'Connell reported (for Dr. Clyne) that the embryo-fetotoxins draft had been distributed and only one comment received. It was agreed that the draft would be distributed to the Committee for a simple yes/no vote to recommend publication and to request staff to attempt to expedite publication, hopefully by January 1980.

8.0 OSHA Proposal on Access to Employee Records

Mr. Snyder reported on the Access to Medical Records issue. A California law goes into effect January 1, 1980 prohibiting disclosure of any medical record without written authorization of the person affected. A final draft rule is being circulated in the Agency. No action is needed at this time. One question which the Task Group was asked to address was how to treat exposure records.

9.0 Symposium

Mr. Evans reported that he would be attending the meeting of the Task Group in Cincinnati with NIOSH to plan the joint symposium on control technology.

10.0 Occupational Injury and Illness Statistics

The Committee deferred approval of the Occupational Injury and Illness Report revised guidelines until the January meeting. The Task Group was asked to send a representative to answer questions at that time.

11.0 Reference Standards

Mr. Kusnetz reported that some of the standards incorporated by reference in 1972 may have been adopted improperly. The task group will meet shortly to determine a course of action.

12.0 Future Issues

Dr. Ubel reported on Future Issues. It is clear that OSHA and NIOSH are working more closely. OSHA is apparently not going to question in any way the scientific determinations, and the NIOSH Health Hazard Evaluation group is being expanded and upgraded.

13.0 Next Meeting

The open meeting to be held in January was planned for Houston for January 16. Because of conflicts and budget problems, staff proposed to hold the meeting in Washington on January 9. There was strong sentiment against the change to Washington, pointing out the large concentrations of chemical industry in the area and the desire to give people from those facilities the opportunity to participate. Mr. Sarvadi pointed out that CMA was planning a general meeting of the Technical Department committees in Houston in September, 1980. It was moved and seconded to have the meeting in Houston on January 9, 1980. The Committee voted in favor of the motion, with one negative vote.

The meeting was adjourned at 12:50 p.m.

David G. Sarvadi, Director
Health, Safety and
Chemical Regulations

DGS:hec

Minutes Subject to Approval
December 4, 1979