FROM (PLANT LOCATION AND PHONE): Barney Wander-G3WG-4-8886

DATE: March 9, 1981

SUBJECT:

REFERENCE:

TO: C. A. Sweets-A3SA*

D. R. Bishop-A3NB
W. D. Carpenter-G3WG*
V. Eveloff-C2SA*
John Hussey-A3NB
G. C. Rankey-A3NC
G. Roush Jr., M.D.-G2WG
M. C. Throdahl-D1D
T. F. Evans-G3WG*

George Roush passed along to me a copy of your memorandum of March 2 regarding "telling employees 'all we know about all substances'" versus "concerns of which we (Monsanto management) decide they should be aware."

While it may be ideal to make this distinction, you and others involved in this issue should know that this option does not always exist, and is growing less and less.

Nine states currently have laws specifying what information must be given to employees, and how the information must be presented (format, frequency, etc.). At least eighteen other states are considering such laws or regulations.

In those states where Monsanto has plants, we are attempting directly to positively influence proposed laws and rules. In states where we do not have plants, we are working with other companies and through the Chemical Manufacturers Association to influence these laws. Our concern goes beyond our own workplaces, because in many states, we are required to supply worker information to our customers. If such information is not supplied, products cannot be sold in those states.

In most states, the information that must be supplied is specified on a Material Safety Data Sheet (MSDS). A typical MSDS specification includes:

- CAS number
- Chemical name
- Common name
- Hazards or other risks including:
  - The potential for fire, explosion, and reactivity
  - Acute and chronic health effects or risks
  - Potential routes of exposure
  - Symptoms of overexposure
- Proper precautions, handling practices, necessary protective equipment, and other safety precautions
- Emergency procedures for spills, fire, disposal, and first aid

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A description in lay terms of specific potential health risks
Name of manufacturer, and date

In most states we have been successful in limiting the list of substances for which MSDSs must be prepared to those that are truly hazardous. In New York state, however, virtually every material must have an MSDS.

Other requirements include training (upon hiring or reassignment as well as periodically thereafter) posters, record retention, etc.

Of particular concern is a proposal in Ohio, sponsored by unions, that would require keeping records for each employee that indicate hour-by-hour exposure to materials, as well as changes in workmen's compensation that are particularly objectionable. We are active on several fronts in Ohio to prevent the union proposal from passing the legislature, but even if it doesn't, a peculiarity in Ohio state law could put the measure on a statewide ballot in 1982. Opposing a "worker right-to-know" bill in the public forum will be as difficult as opposing vanilla ice cream in Baskin & Robbins.

Following the withdrawal of the U.S. OSHA workplace "labeling" (i.e., "right-to-know") regulation, a coalition of unions and others have announced they will seek state laws and regulation throughout the country at the state level. The current activity in the states reflects this drive.

While I understand your concerns about providing workers with unnecessary information, the issue is becoming, to some extent, beyond our control because of legal requirements at the state level.

Barney Wander

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Att.*

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