Vista Chemical Company
15990 N. Barker's Landing Rd.
Post Office Box 19029
Houston, Texas 77224
Phone (713) 531-3200

~~TGG:~~ J~~CK~~: ~~MMG:~~ RF
XF: Customer Response

October 29, 1985

VISTA

Mr. N. E. Ward
The Lubrizol Corporation
29400 Lakeland Blvd.
Wickliffe, OH 44092

Dear Mr. Ward:

Per your request, a copy of the labels Vista will use for drum quantaties of ALFOL 810 and ALFOL 1218 Alcohols are enclosed. These labels were developed according to the criteria recommended in ANSI Z129.1-1982, Precautionary Labeling For Hazardous Industrial Chemicals. The bulk container label will be basically the same, but will not contain first aid or the empty drum hazard warning.

Please call if you have questions regarding the label content.

Sincerely,

Thomas G. Grumbles

Thomas G. Grumbles, CIH
Environmental Quality Manager

ajo/8

Enclosure

cc Joe Nigro

VVV 000017685

~~TGG:~~ ~~JGE:~~ MMG: RF
XF: none

Thomas G. Grumbles VISTA

To Dr. Drumwright
Mary Ann Fisher
Jim Carter

Date ~~8/29~~ 10/29

fyi

Some interesting reading regarding what you (employers) can do and what they (employers) can be held accountable for.

TGG

VVV 000017686

mmG -> JRD -> WLM

OCCUPATIONAL HEALTH & SAFETY LETTER

Volume 15, No. 20 | Gershon W. Fishbein, Editor & Publisher | Anne F. Geraghty, Associate Editor | October 22, 1985

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Highlights of This Issue

VVV 000017687

PENDERGRASS EXPECTED TO HEAD OSHA:

John A. Pendergrass, an industrial hygienist with 3M Company, is expected to be nominated as Assistant Secretary of Labor for OSHA, ending months of indecision and speculation. He has long been active in national industrial hygiene organizations.

TIPS ON HOW TO RESTRICT WORKPLACE SMOKING:

A valuable guide to companies seeking legal ways to restrict smoking in the workplace has been published by the Department of Health & Human Services.

Its publication comes shortly after a survey commissioned by the Tobacco Institute found that nearly one-third of large U.S. corporations have some type of no-smoking policy.

Of the 445 companies that responded to the survey of the 1,000 largest U.S. companies, 32 percent limited smoking on the job in some way and 24 percent had considered but rejected a smoking policy. About 3 percent banned smoking in work areas and 2.5 percent banned it throughout the facility.

European countries are following the general trend. One solution preferred by many European companies is to group people in open-plan offices according to whether or not they smoke.

"Not only have courts upheld the rights of workers who have sued to establish their right to work in a smoke-free environment, but decisions in some states also indicate that employers may suffer financial consequences for workers who are harmed by the smoke of others," said the HHS guide.

An analysis of cases related to smoking published by the American Lung Association in 1983 reports the following legal developments:

* There is legal precedent for holding employers responsible for smoking-related illnesses of employees who are allowed to smoke on the job. The California Supreme Court ruled that an employer was liable for one-third of the disability for an employee with emphysema because the employer permitted him "to inflict harm on himself" by smoking during working hours (<u>Fuentes vs. Workmen's Compensation Appeals Board</u>, 1976-77).
* A New Jersey Supreme Court case established that it is the employer's common-law duty to provide a safe workplace; this includes protecting the rights of non-smokers and providing them with a smoke-free working environment. The court found that "the right of an individual to risk his or her health does not include the right to jeopardize the health of those who must remain around him or her in order to properly perform the duties of their job" (<u>Shimp vs. New Jersey Bell</u>, 1976).
* It is the consensus of legal opinion that employers are fully within their

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constitutional and legal rights in banning smoking at the workplace. An exception is any workplace where the right to smoke is specified in a union contract.

• It is also the consensus of legal opinion that employers are within their rights in establishing hiring policies that disqualify smokers from eligibility for employment, as long as the policy is applied equitably.

• There appear to be no legal grounds for the claim that smoking at work is a "right".

The most common practice in effect today is banning smoking in elevators, hallways, auditoriums, sections of cafeterias, laboratories, rooms with delicate equipment, meeting rooms, etc. Many companies that seek an eventual total or near total ban on smoking use this type of policy as an initial step. They include Provident Indemnity Insurance, MSI Insurance and Boeing Co., among those cited by DHHS, which nevertheless adds:

"While a fine first step, it should be recognized that this type of policy makes smoking the norm — that is, smoking is acceptable everywhere except in areas designated as No Smoking -- rather than making no smoking the norm."

A few organizations have gone one step further and advertised that "smokers need not apply" for jobs in their companies.

"Provident Indemnity Life Insurance Company chose to implement a policy designed to ban smoking throughout the organization and on its grounds," the guide said. "Preceding its total smoking ban, Provident altered its job application form to include the policy and to warn smokers they would pay the difference between the smoker's and nonsmoker's insurance rates out of their own pockets. Spouses were also encouraged to participate in cessation programs."

In addition, Provident now has a new employee wellness committee and offers employees aerobics classes at work; CPR training; and an employee assistance program for the treatment and referral of alcohol abuse, drug abuse and emotional problems; bonus pay for not using sick leave; discounts on YMCA memberships; a walking club, and high blood pressure screening.

Without a doubt, many smokers are eager to quit, and an employer-sponsored smoking cessation program can help them, the guide says. They can take place at the worksite or in the community. Cessation programs appear to be most successful when linked with a strong anti-smoking policy by the company, broad-based health promotion programs, incentives to quit and environmental changes.

Incentives which companies have offered to help smokers quit include a discount on health and life insurance premiums, cash payments to quitters after six or 12 smoke-free months, selection of a 24-hour period to be free of smoking.

The guide offers a number of examples of companies with successful smoking cessation programs. Examples: Johnson & Johnson used a strong internal health marketing effort, tied to a broad based health promotion program, resulting in 23 percent of all smokers stopping during the first two years; Control Data Corp. offered employees cessation programs which were instructor taught, self-instructional or computer assisted. Twelve-month quit rates for the instructor-taught course showed that 30 percent of smokers are still off cigarettes and that another 43 percent are smoking an average of one-third less than when they entered the program.

Copies of A Decision Maker's Guide to Reducing Smoking at the Worksite can be obtained from the Office of Disease Prevention and Health Promotion, Public Health Service, U.S. Department of Health & Human Services, 200 Independence Ave. S.W., Washington, DC 20201.

WORKERS COMP AWARDS FOR JOB STRESS INCREASE:

Recent decisions from courts and administrative agencies have tended to broaden workers compensation coverage for job-related stress.

And, as expected, a cadre of lawyers has begun to take on cases for claims involving stress just as they have for fractures, chemical exposures, etc. The classified section of the Los Angeles Times recently published an ad with this headline:

"Emotional Disability Arising Out of Severe Stress on the Job? You May Be
a Eligible for Workers Compensation Benefits."

Only nine states have ruled specifically that workers compensation does not cover stress-related problems, according to a survey of current state laws by the National Council on Compensation Insurance.

The majority of states will pay only if the stress results from some sudden or unusual circumstance, but six states have allowed employees to collect even when the stress resulted from the normal demands of the job.

A precedent-setting decision was handed down in the case of a Raytheon employee of 33 years who was so upset the company's plans to transfer her to another department that she suffered what was described as a "nervous breakdown."

The Massachusetts Supreme Judicial Court ruled that she had a right to workers' comp and she collected $40,000. Walter P. Muther, president of Associated Industries of Massachusetts, said that the ruling "enormously extends" liability for emotional reactions to "everyday personnel decisions."

The rulings reflect modern workplace conditions and lifestyles. Emotional problems now account for about one claim out of 40 filed nationwide, according to a sampling by the National Council on Compensation Insurance. In California, which seems to lead the nation in this respect, 4,236 claims were filed last year for stress-related impairments, 3 1/2 times the number filed in 1980.

On a national basis, the claimants are divided almost equally between men and women and the average age is 38. The average age for other injuries is 41.

"The results could indicate that a new generation of workers who are more prone to stress, or at least more willing to view their emotional problems as compensable injuries, is maturing in the work force," said NCCI vice president Donald T. DeCarlo.

Legal expert say that the increasing number of workers comp claims may reflect the view that emotional problems are no longer concealed by employees, who are also unwilling to acknowledge that they are always at fault.

Note: NIOSH lists as one of its main goals the reduction of stress in high technology operations, resulting from findings that psychological illnesses are among the leading medical causes of time lost from work.

CHEMICAL OFFICIAL CITES CREDIBILITY PROBLEM:

A more vigorous effort on behalf of occupational health and safety is one of the key elements in helping the chemical industry overcome its credibility problem.

That assessment came not from a labor or a consumer advocate, as might be expected, but from the chairman of the board of the Chemical Manufacturers Association, who made it clear that the industry hasn't fully recovered from Bhopal.

George J. Sella, chairman, president and chief executive officer of American Cyanamid, told CMA's annual meeting that "the tragedy in Bhopal, and an unfortunate series of incidents since, delivered powerful blows to our industry's credibility."

Companies and plants "with long records of good performance, open communications and close relationship with their neighbors are facing tough questions and new concerns." Among those questions, he said, are:

- Can the industry protect the health and safety of workers and people in plant communities?
- Is the industry competent to operate its plants safely?
- In the event of an accident, will it alert communities?
- In the midst of severe pressures, will the industry continue to make the investments necessary to protect the public?

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"Our answer had better be a clear and loud 'yes' and that answer had better be backed by effective programs," Sella said.

Secretary of Labor William Brock delivered the keynote address at the meeting and did not make an immediate hit on all present. He assured the industry executives