

Manufacturing Chemists' Association, Inc.

(FOUNDED 1873)

1825 Connecticut Avenue, N. W.
WASHINGTON 9, D. C.

PLAINTIFF'S
EXHIBIT
CMA-176

L-539

MINUTES OF MEETING LABELS AND PRECAUTIONARY INFORMATION COMMITTEE

MCA Offices, Washington, D. C.

September 17-18, 1963

PRESENT

H. H. McIntyre, Chairman
C. B. Shaffer, Vice Chairman
L. W. Burnette
Robert H. Dewey
Chester L. French
J. T. Fuess

Joseph T. Gormally
James W. Hammond
Edward J. Hogan
Edward J. Masek
J. A. Mooney
Thomas W. Nale, M. D.
Richard F. Philpitt
G. Robert Sido
Donald P. Smoot
F. D. Sparre
R. G. Troup
N. E. Wendt
F. G. Stephenson, Staff Representative and Secretary

The Dow Chemical Company
American Cyanamid Company
General Aniline & Film Corp.
Commercial Solvents Corporation
Mallinckrodt Chemical Works
Distillation Products Industries,
Division of Eastman Kodak Company
Pennsalt Chemicals Corporation
Humble Oil & Refining Company
Allied Chemical Corporation
Diamond Alkali Company
FMC Corporation
Union Carbide Corporation
Olin Mathieson Chemical Corporation
Monsanto Chemical Company
Stauffer Chemical Company
E. I. du Pont de Nemours & Co., Inc.
J. T. Baker Chemical Company
American Potash & Chemical Corporation
Manufacturing Chemists' Association

PRESENT PART-TIME

General G. H. Decker
F. H. Carman
J. R. Carnes

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Manufacturing Chemists' Association

GUESTS

Arthur W. Sheldon
Morris B. Lore

M & T Chemicals Inc.
E. I. du Pont de Nemours & Co., Inc.

ABSENT

John F. Osteritter, M. D.
N. G. White

Celanese Corporation of America
Shell Chemical Company

Chairman McIntyre opened the meeting at 9:15 a.m. He introduced the guests.

Minutes of the May 14-15, 1963 meeting were approved as distributed subject to changing the words "more than" to "almost" in the 4th line of the second paragraph of item 3.42.

1.1 MEMBERSHIP

(a) The committee stood for a minute of silent respect to the memory of Sanford J. Hill who passed away in June 1963.

Mr. Hill was a founder member of the committee and played a major role in the development of the MCA system of labeling.

It was unanimously resolved to forward a gift of money for use by the main library of the Massachusetts Institute of Technology of which Mr. Hill was an alumnus.

(b) Committee membership The chairman discussed the need for balanced membership, particularly in the matter of personal qualifications. A review of the current membership is under way.

1.2 REPORTS OF STANDING COMMITTEES

Dyestuffs - no report

Pesticides - no report

Public Relations - no report

1.3 REPORTS OF LIAISON MEMBERS ON ALLIED COMMITTEES

1.3.1 CSMA

Mr. McIntyre reported that an up-dated edition of the CSMA compilation of hazardous substances labeling laws will be issued with an introduction discussing preparation warning labels. Final decision on issuance of a guide to use of Manual L-1 on preparing precautionary labeling for hazardous household products has been deferred until the CSMA write-up is available.

1.3.2 API

Mr. Hammond reported as follows:

On July 11, 1963, Deputy Commissioner John L. Harvey expressed the opinion of FDA on the question of labeling of petroleum distillates with viscosity as an index. FDA would not accept

the recommended viscosity of 45 SSU at 100° F even where the mineral oil contained no additive. They were not convinced that the products tested and submitted as proof were representative of all petroleum oils.

It was requested of API to furnish additional data on petroleum distillates. This information is now being prepared by three members of the API Committee on Precautionary Labeling. Mr. Harvey indicated that FDA would accept a viscosity of 70 SSU at 100° F for a breakpoint at which it would not be necessary to label products as "petroleum distillates for household use".

On August 16, Commissioner Larrick of FDA wrote to Mr. Frank Ikard, President of API, regarding the distribution of the bulletin "Petroleum Products and the Law". API has entered into a program to distribute some 60,000+ copies of this bulletin. Many petroleum companies are preparing their revision of the information contained in the bulletin for retail and service station dealers of petroleum distillates to make the dealer aware of the responsibility under the Federal Hazardous Substances Labeling Act. Humble is one of those companies who has prepared their own revision.

One of the matters receiving consideration by API in FDA Publication No. 17 is the instruction that glass containers should be definitely marked as breakable or the equivalent. As pointed out in the bulletin, these containers are prohibited by many fire department regulations.

1.3.3 NPV&L

Mr. Sparre reported that the NPV&L labeling committee is preparing a labeling conference between its members and the representatives of Federal and State agencies to develop more uniformity in labeling of hazardous substances used in the paint industry. It is expected that problems of weights and measures declarations will also be discussed.

NPV&L is also planning an inter-association conference in June, 1964, dealing mainly with the development of model regulations for weights and measures.

1.3.4 ACGIH

Mr. Hammond reported as follows:

The ACGIH bulletin of Threshold Limit Values for 1963 is now available. Many of the 1962 tentative values were

adopted in the 1963 values.

The Committee on Threshold Limit Values is now preparing recommendations for 1964 Threshold Limit Values. It is being considered to adopt 50 ppm for C₉-C₁₀ and 25 ppm for C₁₁-C₁₂ range of aromatic hydrocarbons and commercial solvents containing 40% of those compounds. The recommendation is based chiefly on sensory effect and irritation to mucous membranes. The LAPI members are invited to comment on any action of ACGIH, and these comments will be passed along to the proper officials in ACGIH.

1.3.5 CGA

Mr. Philpitt reported that CGA is still working on revision to pamphlet C-7 on Compressed Gas Containers.

1.3.6 NFPA

(a) Mr. Sparre reported that he had been asked by NFPA to assist in the work of revising NFPA No. 326, "Warning Labels for Containers of Flammable Liquids With Flashpoints Not In Excess of 150° F." in place of Mr. Sanford Hill, deceased. Since Mr. Sparre prefers to retain a personal membership on the committee, it was agreed to recommend that MCA should nominate two other LAPI committee members to represent the Association. The chairman named Mr. Burnette and Mr. Wendt.

(b) Mr. McIntyre reported that the NFPA Committee on Fire Hazards of Materials will meet on September 19 to review experience obtained through industry use of NFPA 704 M.

1.3.7 DCAT - No report

1.3.19 Copies of an article on Glue Sniffing by Dr. H. Jacobziner of the City of New York Department of Health were distributed to members of the Committee.

Mr. Hogan reported that at a meeting in New York on August 1, called by HIAA, it was agreed that an effort should be made to establish a chemical coordinating committee composed of public relations representatives of interested associations. It was hoped that associations would provide lists of individuals who would be available to act as field representatives of this coordinating committee to work on glue sniffing problems wherever they may arise.

1.3.20 Ad hoc Committee on Environmental Health

Mr. Fuess reported that the recommendations of the MCA

ad hoc Committee have been submitted to the Executive Committee of the Board of Directors.

1.3.21 Joint Committee on External Markings on Motor Vehicles

Mr. Mooney reported that there are no further developments in this matter but that it is anticipated that the joint committee will meet shortly. Mr. Sido was appointed to replace Mr. Hogan as the LAPI Committee's second representative on the joint committee.

2.1 FEDERAL LEGISLATION

(a) Mr. J. R. Carnes, MCA Director of Government Relations, reported on the status of federal legislation of interest to the committee, particularly the "Truth in Packaging" bill, HR 4487 and the Ribicoff pesticide hearings.

(b) Labeling of Household Pesticides

Members were provided with copies of the proposed revisions to the regulations for the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act. The chairman appointed Messrs. Sparre and Philpitt to prepare comments on the proposed revisions. These comments will be circulated to the whole committee for review and the final copy will be forwarded to CSMA and NACA for information before it is submitted to the Department of Agriculture.

2.2 STATE LEGISLATION

2.2.1 California

Mr. French read a report by the California Manufacturers Association entitled "Glue Sniffing Issue Settled". "Amendments to AB 1788 by Assemblyman John Quimby (D), San Bernardino, remove from manufacturers any responsibility for those who "sniff glue" to produce an intoxicated or exhilarated state. The responsibility is placed on the person who commits the act. The manufacture and use of toxic glues will be studied during the interim period."

2.2.11 Virginia

Mr. Sparre reported that the NPV&L will protest the "stop-sale" clause in the proposed hazardous substances labeling law.

2.2.22 Connecticut

Mr. Mooney reported that the bill to require the use of a poison label on all hazardous substances had been killed in committee.

2.2.32 Oklahoma

Mr. Hammond reported that Oklahoma Senate Bill No. 26 has become law in that State. Article 16 regulates marketing of substances in containers intended or suitable for household use. The Act, in general, follows the principles of the Federal Hazardous Substances Labeling Act.

2.2.34 Florida

Mr. Shaffer stated that he had nothing further to report.

2.2.41 Idaho

Mr. French stated that he had nothing further to report.

2.2.43 Alaska

Mr. French stated that he had nothing further to report.

3.0 REPORTS OF AD HOC SUBCOMMITTEES

(a) Chemical Safety Data Sheets

3.32 Sulfuric Acid

The secretary reported that a revised edition of this Safety Data Sheet has now been published.

3.42 Anhydrous Ammonia

The secretary reported that General Decker, MCA president, had requested a letter ballot of MCA member company manufacturers of anhydrous ammonia as a means of indicating the overall member company position in this controversy. The Ballot form was accompanied by a letter by General Decker analyzing the problem, and by a memorandum by Mr. McIntyre, chairman of the LAPI Committee, detailing the committee's reasons for changing the signal word for anhydrous ammonia from "WARNING" to "DANGER".

The matter will be submitted to the MCA Board of Directors for resolution, possibly at the November, 1963 meeting. The chairman appointed Dr. Nale, Mr. Masek and Mr. Sparre to prepare the LAPI Committee's presentation.

3.31 Phenol

Mr. Sido was appointed chairman of a subcommittee to review the precautionary label in the light of information contained in the text for the revision of the current edition of this Chemical Safety Data Sheet.

(b) Sensitization

Mr. Shaffer discussed the advisability of recognizing sensitization in the illustrative labels in Manual L-1, and suggested possible statements for use. No decision on wording was reached, but it was agreed that consideration would be given to labeling of known strong sensitizers in the next version of Manual L-1.

(c) Special statement in Chemical Safety Data Sheets

It was resolved that the special statement as drawn up by Mr. Masek, and used in Section 7.2.2 of the 1963 edition of SD-20, Sulfuric Acid, should be used in future editions of Chemical Safety Data Sheets, with modifications as necessary.

(d) Mono-, Di-, and Triethylene Glycols

The subcommittee of Messrs. Philpitt, Nale and Hogan submitted a detailed report reproduced as Appendix A attached. The report included a recommendation for use of the following precautionary label text for mono-ethylene glycol used for industrial purposes:

ETHYLENE GLYCOL

CAUTION! DO NOT TAKE INTERNALLY

The report also stated that present knowledge and experience does not indicate the necessity for precautionary labeling of di- and tri-ethylene glycols. After some discussion it was moved, seconded and carried by a vote of 9 to 5 that the subcommittee's recommendations be adopted.

5.0 MANUAL L-1

(a) Guide Subcommittee

It was agreed to take no further action regarding the Guide to the Use Of Manual L-1 in Preparing Labels for Household Products pending committee review of the revised edition of the

publication of Compilation of Labeling Laws and Regulations for Hazardous Substances being prepared by CSMA.

(b) Mr. Shaffer suggested that the committee should consider the inclusion of a compendium of precautionary labels for basic chemicals in the next edition of Manual L-1. No action was taken on the suggestion pending further consideration. No decision was made as to when the next edition will be published but the subcommittee is to proceed with preparatory work so that the time required to publish the next edition can be kept to a minimum. Mr. Shaffer stated that the Manual L-1 subcommittee will revise the precautionary label study sheets, and develop toxicity study sheets where necessary. It was also suggested that Manual L-1 include a list of basic chemicals not requiring precautionary labeling.

18.0 RULES OF ORGANIZATION AND PROCEDURE

(a) Status of Present Rules

Copies of a letter from MCA legal counsel commenting on the Committee's Rules of Organization and Procedure were distributed. These comments will be taken into account in the development of new rules which will be prepared for review at a later meeting.

(b) Revised Terms of Reference

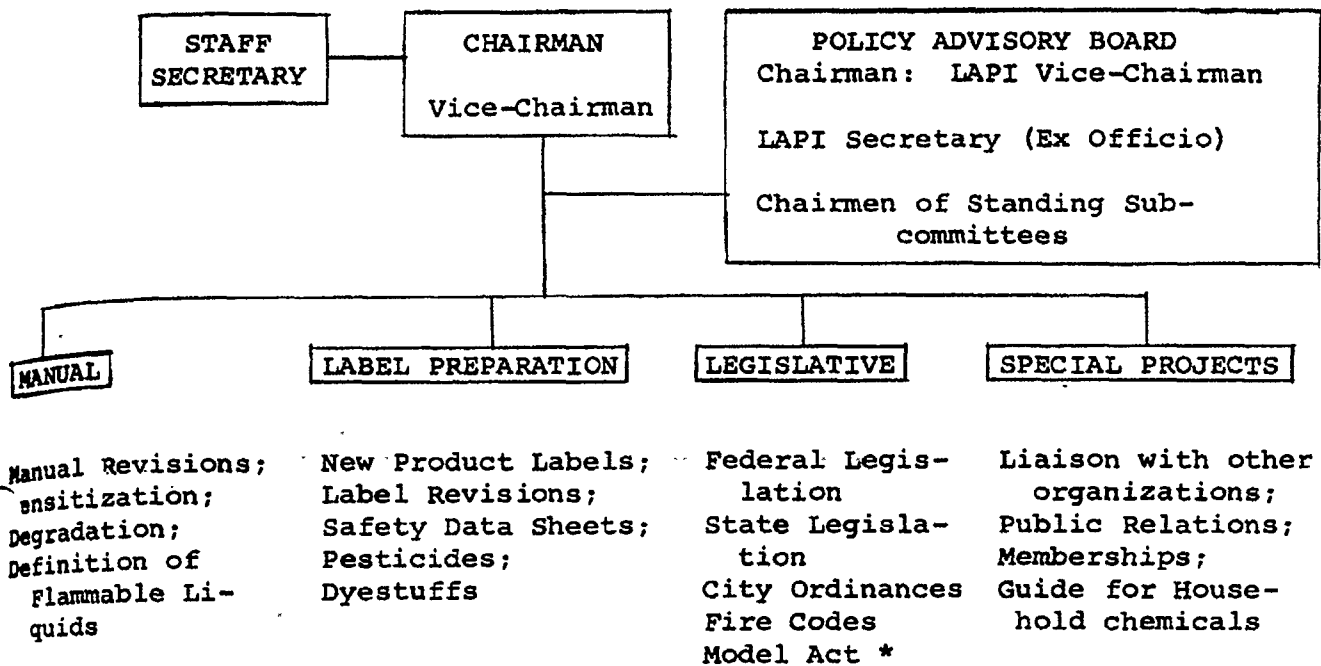
The "function" paragraph used in conjunction with the LAPI Committee membership list in the MCA official publication of "Officers, Board of Directors, Committee Members" has been revised to recognize the inclusive interest of the committee in labels for and the labeling of chemicals. It was recommended that new terms of reference based on an elaboration of this paragraph be included in the revised Rules of Organization and Procedure.

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(c) The chairman proposed a reorganization of the committee as suggested by the following chart:

MANUFACTURING CHEMISTS' ASSOCIATION
LABELS AND PRECAUTIONARY INFORMATION COMMITTEE

ORGANIZATION CHART



* Could go to "special projects" if necessary.

Subcommittee chairmen were appointed as follows:

Manual	- C. B. Shaffer
Label Preparation	- R. F. Philpitt
Legislative	- F. D. Sparre
Special Projects	- J. T. Gormally

Final details of the proposal will be presented at the next meeting of the Committee.

NEXT MEETING

The next meeting will be held at the Sheraton Park Hotel, Washington, D. C. on January 14-15, 1964.

Minutes Subject to Approval

SS:cm

/22/63

APPENDIX A

9/16/63

TO: MEMBERS OF LAPI COMMITTEE

SUBJECT: Report of Ethylene Glycol Subcommittee

As recommended by the Chairman, a meeting of this subcommittee was held in New York City on August 27, 1963 to review current data available and determine if precautionary labeling for ethylene glycol was justified on the basis of these facts. The subcommittee decided to also include diethylene glycol and triethylene glycol in this review.

A search of LAPI Committee Minutes, for prior action on these chemicals, revealed that in 1945 on the basis of facts available at that time it was determined that no precautionary texts were needed for these chemicals.

Dr. T. W. Nale reviewed the chemical and physical properties of these three chemicals as well as current animal toxicity data. This information revealed that the LD₅₀'s were as follows:

Ethylene Glycol	- 8.54 grams per kilogram
Diethylene Glycol	- 20 grams per kilogram
Triethylene Glycol	- 22.6 grams per kilogram

It should be noted that each of these are above the 5 gram per kilogram FHSIA classification. To complete our review a discussion was also held concerning human experience with these three chemicals over the past 20 years.

After carefully reviewing all information, the subcommittee concluded that although ethylene glycol can be classified as a low order of toxicity, human experience and animal data indicates that it is toxic if ingested. In view of experience within industry of the deliberate ingestion of various alcohol type materials and the fact that single dose oral toxicity to humans is greater than to animals a precautionary statement against ingestion should be considered.

Vapor and mist studies for ethylene glycol indicate that there is almost no hazard from this source, therefore, the subcommittee did not feel that precautionary statement concerning the inhalation of vapor and mist was warranted. The subcommittee therefore recommends for consideration the following precautionary label text for ethylene glycol when used for industrial purposes:

CAUTION:

Do Not Take Internally.

In view of the fact that current data does not reveal experience of deliberate ingestion by humans of diethylene or triethylene glycols the subcommittee cannot recommend for consideration any precautionary texts for these chemicals when used for industrial purposes.

The subcommittee would further recommend that the precautionary text developed and approved for ethylene glycol does not have to be included in the next edition of the Manual. The Manual now contains sufficient illustrative precautionary texts for chemicals of very moderate hazard, such as chlorinated naphthalene and coal-tar creosote. The addition of another such illustrative text would not illustrate anything that is not already covered in our Manual.

Attached are copies of Toxicology Studies on these three chemicals and a special memorandum on ethylene glycol, prepared by Dr. T. W. Nale, for your careful review and consideration.

Respectfully submitted,

R. F. Philpitt, Chairman
E. J. Hogan
T. W. Nale, M.D.