

Manufacturing Chemists' Association, Inc.

(FOUNDED 1872)

1625 EYE STREET, N. W.

WASHINGTON 6, D. C.

Minutes of Meeting
LABELS AND PRECAUTIONARY INFORMATION COMMITTEE
Barclay Hotel, Philadelphia, Pa.
January 23 - 24, 1957.

PLAINTIFF'S EXHIBIT

CEL-1424

The meeting was called to order at 9:00 a.m. on January 23, 1957.

MEMBERS PRESENT

- J. B. Williamson (Chairman) American Cyanamid Company, 30 Rockefeller Plaza, New York 20, N.Y.
M. M. Walker (Vice Chairman) Pennsylvania Salt Manufacturing Co., Three Penn Center Plaza, Philadelphia 2, Pa.
A. G. Cranch, M.D., Celanese Corporation of America, 180 Madison Avenue, New York 16, N.Y.
J. H. Foulger, M.D., E. I. du Pont de Nemours & Co., Inc., Wilmington 98, Del.
C. L. French, Mallinckrodt Chemical Works, St. Louis 7, Mo.
S. J. Hill, E. I. du Pont de Nemours & Co., Inc., Wilmington 98, Del.
E. J. Hogan, Barrett Division, Allied Chemical & Dye Corp., 40 Rector Street, New York 6, N.Y.
F. S. Low, Chemical Divisions, Food Machinery and Chemical Corp., 161 E. 42nd St., New York 17, N.Y.
H. H. McIntyre, The Dow Chemical Company, Midland, Michigan.
R. D. Minter, Monsanto Chemical Company, St. Louis 4, Mo.
T. W. Male, M.D., Union Carbide and Carbon Corp., 30 E. 42nd Street, New York 17, N.Y.
R. G. Troup, J. T. Baker Chemical Co., Phillipsburg, N.J.
J. B. Tuttle, Esso Standard Oil Company, 15 W. 51st Street, New York 19, N.Y.
J. S. Walker (Jan. 24 only) Hooker Electrochemical Company, Niagara Falls, N.Y.
W. W. Yeager (for G. E. Brewer) Shell Chemical Corp., 50 W. 50th Street, New York 20, N.Y.
J. B. Young (for J. S. Walker, Jan. 23 only) Hooker Electrochemical Co., Niagara Falls, N.Y.
J. D. Kittelton (Secretary) Manufacturing Chemists' Association, Inc.

GUESTS

- R. E. Bradshaw, Olin Mathieson Chemical Corp., 460 Park Ave., New York 22, N.Y.
J. E. Flanagan, Jr., U.S. Public Health Service, 4676 Columbia Parkway, Cincinnati 26, Ohio.
W. H. Rond, U. S. Industrial Chemicals Co., 99 Park Ave., New York 16, N.Y.
F. D. Sparre, E. I. du Pont de Nemours & Co., Inc., Wilmington 98, Del.
A. H. Taylor, Air Reduction Co., Inc., 150 E. 42nd Street, New York 17, N.Y.
L. J. Waldbaur, General Aniline & Film Corp., Rensselaer, New York.

MEMBERS ABSENT

- J. T. Fuess, Eastman Organic Chemicals Dept., Distillation Products Industries, Rochester 3, N.Y.

MINUTES

It was moved, seconded and voted

THAT, the minutes of the meeting
of October 4 - 5, 1956 be approved.

1.3 ALLIED COMMITTEE ACTIVITIES

1.3.1 CSMA

Mr. Walker stated that the primary activity of this Association has been the development of the State Model Labeling Act.

1.3.2 API

It was proposed at the last Committee meeting that a letter be sent to API setting out the LAPI Committee's position in regard to API publication of a labeling manual containing statements of principles differing from those in the LAPI Manual. Such a letter was sent to Mr. Porter, President of API, by Mr. Crass, Secretary of MCA.

Following Mr. Crass' letter, a meeting of API and MCA representatives was arranged and held in New York City. The Secretary, Mr. Kittelton, distributed copies of Minutes of this Meeting.

Some time after this meeting, Mr. Porter replied to Mr. Crass and in his reply he suggested that the American Standards Association might properly consider labeling under their Sectional Committee method. The LAPI Committee is strongly of the opinion that MCA should not take part in any labeling discussions under an ASA Sectional Committee. Following this discussion,

It was moved, seconded, and voted

THAT, Mr. Crass in his reply to Mr. Porter state the LAPI position that it does not believe labeling matters should be referred to ASA but, rather, it suggests that a liaison committee of the two associations be formed whose purpose it would be to draw up joint labeling principles.

Mr. Hill voiced the opinion that additional joint meetings between MCA and API representatives should be arranged in the future.

1.3.3 NPV&L

Dr. Foulger said that NPV&L hopes to re-establish its labeling committee. Dr. Foulger recommended to Mr. Boland that the committee consist of individuals who are experts in the field of labeling.

1.3.4 ACGIH

Mr. Hill reported that he had not recently received any communication from this group but that he would meet with their Regulations Committee in St. Louis at the Industrial Health Conference. Mr. Hill said that he heard that ACGIH was drafting a new set of model labeling regulations.

Mr. Williamson delegated Mr. Hill as the official MCA representative in dealing with ACGIH. This appointment makes official Mr. Hill's representation of MCA in dealings with ACGIH over the past several years.

1.3.6 NFPA

Mr. Williamson stated that he had received an invitation from NFPA to serve on their new committee on Classification of Flammable Materials. Mr. Williamson was unable to attend the first meeting and delegated Mr. Uncles of his company to attend in his place.

Mr. Williamson said that he preferred not to serve on this committee and instead appointed Mr. H. H. McIntyre to represent the LAPI Committee.

1.3.7 DCAT

Mr. Hogan reviewed for Committee members MCA's relationship with DCAT in the labeling field.

This first started back in March of 1956 when a DCAT bulletin stated that they were considering the preparation of uniform labeling legislation. A meeting was finally arranged with Messrs. Flanagan and Freedman of DCAT; Messrs. Hogan and Kittelton represented the LAPI Committee. Matters of joint interest and concern were discussed and it was agreed that MCA would keep DCAT advised on labeling developments. Since that meeting, Mr. William Quinn, of Merck, a former LAPI Committee member, has been delegated by DCAT to follow labeling matters for them. Mr. Quinn's name will be placed on the LAPI mailing list to receive labeling material.

1.3.8 AMA

Dr. Foulger reviewed for Committee members MCA's relationship with the American Medical Association on labeling matters. Back in 1954 Nick Walker and Dr. Oranch attended a conference called by AMA to discuss hazards involved in household chemicals. At that time it was believed that if AMA established a committee, MCA and industry would be represented on it. Such was not the case.

Dr. Foulger also reviewed for members the issuance of a press release by AMA on the subject of drafting a uniform labeling act. Dr. Foulger said that following the issuance of this press release, he believed that he should meet with AMA officials to discuss this entire matter. Dr. Foulger, accompanied by Mr. Boland met with Dr. Stormont, Managing Director of AMA, and discussed AMA's labeling activities. Upon his return to his office, Dr. Foulger drafted a letter setting out in full the statements he had made to Dr. Stormont. This letter was read to the Committee by Dr. Foulger.

The LAPI Committee will be kept advised of future AMA developments by Dr. Foulger who is the official liaison member between MCA and AMA.

1.3.9 AIHA

Mr. Kittelton reported that the MCA Board of Directors had approved the expenditure of \$500 for an exhibit to be held at the 1957 Industrial Health Conference in St. Louis, Missouri.

At the last Committee meeting Mr. Minter and Dr. French were appointed to make plans for this exhibit. Mr. Minter reviewed for the Committee members preliminary details of the exhibit. He said that his company, Monsanto, had available display boards for use in the exhibit. Part of the money appropriated will be devoted to paying a construction force to set up the exhibit.

Mr. Minter said that he would write Committee members requesting certain labels to be used in the exhibit. He hoped to have at least three different company labels for each chemical illustrated.

Committee members discussed the manning of the exhibit and it was finally concluded that the MCA LAPI Committee would not meet in St. Louis. Mr. Minter and Dr. French will spend some time manning the exhibit and in addition it was hoped that LAPI Committee members who attend will also aid. The Committee felt that it would be desirable for Mr. Kittelton to spend about two days at the exhibit.

Committee members felt it would be desirable to distribute at the Conference copies of Mr. Hill's recent labeling speech before the Practicing Law Institute. In addition, there will be copies of the LAPI Manual there.

1.3.10 Public Health Service Labeling Committee Meeting

Mr. Flanagan reviewed for Committee members developments leading up to the calling of the meeting of the Public Health Service Labeling Committee. He said that the resolution calling for uniform labeling legislation was in a different form when it was first introduced. Mr. Flanagan was able to secure changes in the resolution to make it less objectionable.

Mr. Flanagan acknowledged that there is speculation that a Federal law is needed. However, Mr. Flanagan did not believe that this was the purpose of the resolution. To clear this matter up, Mr. Flanagan will call Dr. Sullivan of Oregon to learn what he had in mind when he first introduced the resolution.

The P.H.S. Committee meets on January 29 to consider the practicability of uniform labeling legislation. Chairman Williamson will attend as an ex-officio member.

2.0 INTERNATIONAL

2.0.2 IAGLO Meeting in Miami

Dr. Foulger stated that he had attended the recent IAGLO meeting in Miami and informally discussed labeling matters with the labor officials. He was informed that the Executive Committee of IAGLO had voted to continue their Safety Committee activities and that a copy of their 1954 labeling resolution would be distributed to all IAGLO members.

2.0.3 ABCM

The Chairman, Mr. Williamson, stated that he had received a few letters on reconciling differences between the ABCM and MCA manuals. Committee members were of the opinion that the British had an entirely different concept of precautionary labeling due primarily to legislative and legal considerations.

Mr. Williamson agreed to send to Messrs. Minter and J. S. Walker copies of the letters he has received. It was hoped to have the letter to ABCM ready by the next meeting of the Committee.

2.1 FEDERAL LEGISLATION

Federal Hazardous Substances Act

(a) Committee Position on Federal Labeling Legislation

Committee members discussed Mr. Crass' letter which had been sent to the LAPI Committee on December 26, 1956. In his letter, Mr. Crass had asked for a policy decision by the LAPI Committee on whether labeling legislation should be left to the States or whether the Federal government's rule should be expanded through the development and passage of new Federal legislation.

Mr. Williamson said that, following receipt of this letter, he appointed a subcommittee with Mr. William Yeager of Shell Chemical as Chairman. This subcommittee drafted a reply to Mr. Crass. This was carefully considered by the Committee, together with the summary of past action by the Association in the Federal field. After this discussion,

It was moved, seconded, and voted

THAT, the letter as drafted be sent to Mr. Crass together with the summary.

A copy of Mr. Crass' letter together with the Committee's reply is included as Appendix B and C of these minutes and is hereby made a part of these minutes.

(b) Proposed Senate Bill

Committee members discussed a Federal Labeling bill which Senator Bush of Connecticut proposes to introduce in the Senate. Mr. Tuttle first heard about this bill and notified the Secretary, Mr. Kittelton, concerning it. He, in turn, checked with Mr. Hobbs, who learned that a bill had been drafted by the Food and Drug Administration at the request of Senator Bush. A meeting was then arranged with the Senator and his administrative assistant, Mr. Clark. Messrs. Crass, Hill, Williamson, and Kittelton attended this meeting and discussed with the Senator his proposed bill. He agreed to give MCA a copy of the bill provided our comments were sent to him in four days.

Messrs. Hill, Walker, Williamson, Sparre, Kittelton, and Dr. Foulger attended a meeting in Wilmington, Delaware, and redrafted the Food and Drug Administration's labeling bill together with a covering letter for signature by Mr. Crass. Mr. Hobbs relayed this letter and the MCA revised labeling bill to Senator Bush's office.

The MCA Washington office is following this situation carefully and will keep Committee members advised regarding it.

The Secretary was directed to send Mr. Waterhouse a copy of Mr. Crass' letter together with the MCA bill.

(c) Report of MCA's Subcommittee on Draft of Federal Hazardous Substances Bill

Dr. French reviewed for Committee members the recent developments in the preparation of MCA's proposed Federal Hazardous Substances Bill. He said that following the Cleveland meeting of the LAPI Committee a new draft of the bill had been prepared by Dr. French's subcommittee.

This draft was discussed with CSMA representatives in Philadelphia and there was a general meeting of the minds. The MCA and the CSMA model labeling bills are now in agreement.

The Chairman, Mr. Williamson, stated that he believed it was now in order for the Committee to approve the draft of the bill. This was done and Dr. French's subcommittee was then discharged.

Committee members agreed that Dr. French's subcommittee had done a great service for MCA, and it was because of their work that agreement was reached so rapidly on a substitute bill for Senator Bush.

(d) CSMA's Draft of (State) Hazardous Substances Bill

Mr. N. M. Walker agreed that much had been accomplished in the joint MCA-CSMA subcommittee meeting in Philadelphia. He said that the final CSMA labeling bill had not as yet been distributed to CSMA members. The CSMA bill is in the form of a State Act. Mr. Walker agreed to send copies to the LAPI Committee for their files.

2.2 STATE REGULATIONS

2.2.5 Massachusetts

The Chairman, Mr. Williamson, reviewed for the members and visitors present the new Massachusetts rules and regulations which have just been published. These cover the following chemicals and mixtures thereof: benzol, carbon tetrachloride, carbon disulfide, cyanide, methyl bromide, tetrachloroethane and beryllium oxide.

It was acknowledged that some manufacturers will have to print new labels. However, he felt that the new regulations were an improvement over the old ones.

Mr. Tuttle pointed out that no procedure had as yet been established by the State Authorities whereby a manufacturer might utilize the exception provision contained in the regulations.

2.2.18 Washington

Mr. N. M. Walker reported that an employee of Pennsylvania Salt of Washington had been sent a copy of the CSMA model labeling bill, and that he would give it to the state official drafting labeling legislation.

Later, Mr. Walker called a Pennsylvania Salt Company official in Washington who replied that he had talked to a Washington state official by telephone and that the Model Act which Mr. Walker sent was exactly what the officials desired.

The Chairman directed Mr. Walker to keep in close touch with the Washington situation and to notify him if additional help is needed from the LAPI Committee. It may be necessary for a LAPI Committee member to go to Washington if such help is desired.

2.2.22 Connecticut

Mr. Tuttle reported that he had talked to Mr. Waterhouse, Counsel for the Connecticut Manufacturers Association, who told him that the Legislative Council's bill had already been introduced. In the near future Mr. Waterhouse will secure the introduction of a revised bill which was developed at a recent meeting of industry representatives in New York City.

Mr. Waterhouse informed Mr. Tuttle that public hearings will take place before a joint House and Senate Public Committee. A labeling bill probably will be passed without too much trouble since the Governor and other state officials are desirous of securing such a bill.

Mr. Williamson stated that, for the record, the Connecticut Subcommittee consists of John B. Tuttle, Chairman, and Ralph Troup, member.

2.2.28 Texas

Committee members briefly discussed the proposed Texas labeling bill and in general felt that it was a good one.

It was pointed out that the law would become fully effective immediately, without a waiting period. It is generally acceptable to CSMA.

The Committee suggested that Mr. Maurice Crass write Dr. Henry Hoile and Mr. Joseph Lackey, Texas state officials, who will be concerned with the Texas labeling legislation. It was suggested that Mr. Crass indicate our general satisfaction with the bill and offer to cooperate with these officials in every possible way.

Dr. Foulger voiced the opinion that Mr. McIntyre's revision committee should investigate the Texas definition of "POISON". The revision committee agreed to do this and they will submit the Texas "POISON" definition to LAPI members for their consideration.

2.2.29 Maryland

The Secretary, Mr. Kittelton, read to the Committee the provisions of Maryland H-145. This bill would require a poison label for carbon tetrachloride and also that the buyer of the chemical be acquainted with the nature of carbon tetrachloride.

2.2.30 Arizona

The State of Arizona has promulgated regulations requiring that the phrase "Destroy empty containers" appear on certain insecticides. Mr. McIntyre stated that NACA's Legislative Committee has been following this quite closely. At the present time the requirement is not being enforced by the state.

2.3 CITY REGULATIONS

2.3.1 New York City

The Secretary reported that there were no new developments. The Committee suggested that Mr. Kittelton call Mr. Boland of NPV&L to inquire about the New York City situation and to offer the aid of the LAPI Committee in securing action on this matter.

3. LABELS - SAFETY DATA SHEETS

3.60 Acrolein Label

Dr. Nale sent to Committee members a Carbon and Carbide label for acrolein. Mr. Sparre had a number of comments concerning the label and the Committee agreed that certain changes should be made in it.

It was moved, seconded, and voted

THAT, the LAPI Committee suggest to the General Safety Committee the following label for acrolein:

ACROLEIN

DANGER! EXTREMELY FLAMMABLE
MAY BE FATAL IF INHALED
LIQUID CAUSES SEVERE BURNS

Keep away from hear, sparks, and open flame.

Keep container closed.

Do not breathe vapor.

Do not get in eyes, on skin, on clothing.

Use only with adequate ventilation.

In case of contact, immediately remove contaminated clothing, including shoes, and flush skin or eyes with plenty of water for at least 15 minutes; for eyes, get medical attention.

Wash clothing thoroughly before reuse.

⊗ POISON ⊗

First Air-Antidote

If inhaled: remove patient to fresh air; if breathing becomes difficult, start oxygen inhalation through suitable equipment.

If swallowed: make patient vomit immediately (finger down throat or if conscious give warm mustard water or salt water freely).

General: Call a physician. Keep patient warm, if conscious, give coffee.

3.61 Picric Acid Label

Committee members pointed out that only three companies manufacture this chemical and only one of these for external sale.

Dr. Foulger questioned the advisability of publication of a Safety Data Sheet on this chemical. He said that the MCA Medical Advisory Committee had advised against publishing such a Safety Data Sheet.

Mr. Williamson said that in view of this development no label for picric acid would be prepared, and that the Committee was discharged.

3.62 Metal Hydrides

Mr. Kittelton reported that there was considerable doubt whether a Safety Data Sheet would be prepared on Metal Hydrides. In view of this, Mr. Williamson discharged the Committee.

3.63 Acetylene

The Committee discussed the advisability of preparing a label for this gas, and it was the sense of the Committee that such a label should be drafted. The Chairman designated Dr. Nale, Dr. Taylor and Mr. Troup as a subcommittee to prepare the label.

The Subcommittee met on the first day of the meeting and drafted a label which was presented to the full Committee on the following day.

It was moved, seconded, and voted

THAT, the following label be recommended to the MCA General Safety Committee for inclusion in the revised Safety Data Sheet on Acetylene. This label reads as follows:

ACETYLENE

DANGER! EXTREMELY FLAMMABLE

Keep away from heat, sparks and open flame.
Use with adequate ventilation.
Handle and use only in accordance with practice recommended by the acetylene producer.

5. REVISION OF MANUAL L-1

(a) A Report of Manual Subcommittee.

Mr. McIntyre, Chairman of this Subcommittee, reported that a meeting had been held recently in New York City and attended by Messrs. Troup, Hogan, and McIntyre. The Subcommittee considered the policy and area of responsibility with which it is charged.

The recommendations of the Subcommittee are contained in Appendix C, which is hereby made a part of these Minutes.

It was then moved, seconded and voted

THAT, the report of the Revision Subcommittee be accepted and approved by the LAPI Committee.

It was suggested that all changes in the Manual be submitted to members in advance of meetings.

(b) Revision of Acetyl Chloride and Sulphur Chloride Labels

At the last meeting of the Committee the Chairman appointed a Subcommittee to consider the labels of these two chemicals. The point had been raised that the labels needed a supplemental statement to explain why water should be kept out of the container.

The Committee considered the advisability of adding the supplemental statement and were of the opinion that it should be added for these two chemicals and, in addition, for chlorosulphonic acid.

It was then moved, seconded, and voted

THAT, the statement "Do not allow water to get into container because of violent reaction" should be added to the labels for acetyl chloride, chlorosulphonic acid and sulphur chloride.

This statement would replace the present statement on the three labels, which reads "Do not allow water to get into container." The three revised labels now read as follows:

ACETYL CHLORIDE

DANGER ! FLAMMABLE
CAUSES SEVERE BURNS

Keep away from heat and open flame.
Keep container closed.
Do not get in eyes, on skin, on clothing.
Avoid exposure to concentrated vapor.
In case of contact, immediately flush skin or eyes with plenty of water for at least 15 minutes; for eyes, get medical attention.

Do not allow water to get into container because of violent reaction.

CHLOROSULPHONIC ACID

DANGER! CAUSES SEVERE BURNS

Do not get in eyes, on skin, on clothing.
Avoid breathing vapor.
In case of contact, immediately flush skin or eyes with plenty of water for at least 15 minutes; for eyes, get medical attention.

Do not allow water to get into container because of violent reaction.

SULFUR CHLORIDE

WARNING! CAUSES BURNS
VAPOR IRRITATING

Avoid contact with eyes, skin, and clothing.
In case of contact, immediately flush skin or eyes with plenty of water for at least 15 minutes; for eyes, get medical attention.

Do not allow water to get into container because of violent reaction.

Committee members voiced the opinion that there are a number of labels in the LAPI Manual which contain inconsistencies and should be corrected. Mr. McIntyre's Revision Subcommittee will review all the labels in Manual L-1 to eliminate, so far as possible, any inconsistencies in wording.

(c) AAPCO Position on Deletion of Part III from Manual L-1

Mr. Sparre reported that he had discussed with AAPCO the possibility that MCA might drop Part III from the Manual. Mr. Heagy of AAPCO indicated that he would send a letter to MCA recommending that the Association continue publication of Part III in its present form.

Mr. Sparre said that he had discussed, unofficially, with the pesticide group the possibility that they take over publication of Part III. However, They felt that the LAPI Committee was the authority on labeling and should retain it.

LAPI members felt that the Chairman, Mr. Williamson, should investigate the possibility of the formation of an auxiliary group to aid the LAPI Committee in the preparation of the next revision of Part III.

It was moved, seconded, and voted

THAT, Mr. Williamson explore the possibility of the formation of an auxiliary labeling group, to be approved by Mr. M. F. Crass, Jr., Secretary of MCA, which would have the function of preparing Part III of the Manual together with pesticide labels.

31. Committee's Future Public Relations Activities

The Committee discussed the matter of public relations and it was thought desirable for Dr. Foulger to arrange a meeting with General Hull and Mr. Crass to consider this matter. Dr. Foulger will advise the Chairman of the time and date and if possible the latter will join him.

Committee members felt that whenever an invitation is extended to any member of the LAPI to make a speech, the offer should be accepted.

32. Poison Control Centers

Dr. Cranch reviewed for Committee members recent developments in this field. He said that at the present time there are about 30 centers scattered throughout the country. Of these, the most active appears to be the one in New York City which has 130 hospitals reporting to it.

A meeting was recently held concerning the need for a National Clearing Center. Those attending agreed that its function would be to collect information from the poison control centers, collate it and then distribute it, possibly in the form of a quarterly bulletin. It was finally decided that in view of monetary considerations a federal agency should assume the role of a clearing house. A meeting will soon be held with HEW and USPHS officials to discuss this.

Dr. Cranch believes that the poison control centers are on the right track now and are not primarily interested in engaging in labeling activity.

MISCELLANEOUS(a) Labeling Analysis Sheets

Members discussed labeling analysis sheets and it was felt that they were a good idea and should be used. Mr. Williamson and Dr. Nale agreed to send the Secretary, Mr. Kittelton, a sufficient number of the ones they are using for distribution to the members of the LAPI Committee.

(b) Proposed Labeling Workshops

Members discussed the advisability of holding one or two labeling workshops a year. The purpose of the workshops would be the education of MCA member company personnel in labeling matters.

The guests in attendance were asked their opinion and in general they thought it was a good idea.

The Committee concluded that before embarking on a program like this, they would like the MCA Washington office to write the Executive Contacts asking them if their company would be interested in participating in the program.

(c) N. C. Case of Porter et al v. Yoder and Gordon

Dr. Cranch and Mr. Kittelton reviewed for Committee members a recent North Carolina case involving the death and injury of workmen who had painted the inside of a storage tank without proper ventilation.

Suit was brought on the theory that the N.C. Pharmacy law had been violated because of a failure to label the paint can "POISON" as required by the law. Judgment was rendered in favor of the plaintiff and the case is now under appeal.

Members will be kept advised of developments.

(d) Closed Committee Session

Committee members discussed the advisability of holding closed Committee sessions. Several members felt that one day of a two-day meeting should be closed, but many others felt that one half-day would be sufficient to transact Committee business of a more confidential nature.

It was then moved, seconded, and voted

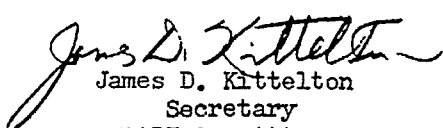
THAT, each LAPI Committee meeting include at least one half-day devoted to a closed session.

(e) Next Meeting of Committee

The Committee voted to hold its next meeting at the Homestead, Virginia or at Pinehurst, North Carolina on Thursday and Friday, May 16 and 17, 1957.

It was later decided that the Homestead, Virginia would be the meeting site.

JDK/sb


James D. Kittelton
Secretary
LAPI Committee

APPENDIX A

TO: Members of the LAFT Committee

SUBJECT: MCA Policy on Labeling Legislation

Dear Sirs:

I believe that most of you are familiar with the Association's background in the field of labeling legislation and its traditional stand that regulation of the labeling of hazardous substances should be governed by state laws rather than Federal. This policy took form during the early 1930's when, because of incidents involving personal injury and death through the handling or use of poisonous materials, the Congress considered labeling legislation. Hearings were called in which MCA took an active part. At our request, and with the concurrence of the Surgeon General's Office, the proposed legislation was permitted to lapse on the understanding that the chemical industry and the Surgeon General would collaborate in a voluntary program of adequate labeling for specific products. You are aware of the Surgeon General's Agreements which followed and their general success in taking care of the problems at issue.

These Agreements were terminated in 1952, as you know, and the Surgeon General, in his letter of notification to the Association, stated that his action in terminating the Agreements demonstrated a recognition of the broader phases of the subject of labeling and the greatly increased use of toxic materials which had occurred in this country since institution of the Agreements. The Surgeon General then endorsed the principles of labeling as set forth in Part I of Manual L-1.

I am aware that during the past year a LAFT subcommittee has been working on a draft of a Federal Hazardous Substances Labeling Bill. As I understand it, this bill is designed to replace the Federal Caustic Poison Act but would be utilized only in case of need. Of late some activity appears to be developing on the part of organizations and individuals not connected with MCA for the passage of a new Federal labeling act which would be considerably broader than the present Federal Caustic Poison Act. On November 14, 1956, Mr. Kittelton informed you that a recommendation for uniform labeling legislation had been adopted by the Environmental Sanitation Committee of the 55th Conference of the Surgeon General of the Public Health Service and the Chief of the Children's Bureau of State and Territorial Health Officials. It is our understanding that Mr. Joseph Flanagan has called a meeting of the Public Health Service Labeling Committee on January 29, 1957, to consider this recommendation and that your Chairman, Mr. John B. Williamson, has been invited to attend. Although we believe that the meeting is not for the explicit purpose of considering Federal legislation, it is entirely possible that the subject might be brought up for discussion.

Purpose of this letter is to make it clear that the Association has not officially changed its policy with respect to labeling legislation since that policy was developed during the early 1930's. We have consistently endorsed the principle that labeling legislation should be at the state level. If there is to be any change in MCA policy which would entail either recognition or endorsement of Federal labeling legislation, this would be matter for top level consideration,

and of necessity would have to be referred to the Association's Board of Directors. In reconsidering such policy, the Directors would expect a recommendation from the LAPI Committee, including adequate reasons and full documentation for their guidance.

Since this appears to be a matter of vital concern which may come to a head within the duration of the 85th Congress, it is suggested that individual LAPI Committee members evaluate their positions on the matter, consult with their company legal staffs, and be prepared at the next Committee meeting to state their views thereon. After a Committee position has been determined, the matter can be referred to the Board of Directors. At that time a policy decision will be sought on whether labeling legislation should be left to the states as heretofore, or whether the Federal Government's role should be expanded through the development and passage of new legislation.

I take this opportunity of wishing each one of you a happy and healthful New Year.

Very truly yours,

Secretary

MFCJr:bcs

APPENDIX B

January 25, 1957

a. Mr. Maurice F. Grass, Secretary
Manufacturing Chemists' Association, Inc.
1625 Eye Street, N. W.
Washington 6, D. C.

Re: MCA Policy on Labeling
Legislation

Dear Maurice:

ing The Committee has given serious consideration to your letter of December 26, 1956 requesting its views regarding the MCA policy on labeling legislation. On January 23 it instructed the Chairman to inform you as follows:

Included in the written statement which covers the organization, purpose, and procedure of the LAPI Committee are, among others, the following objectives:

"To cooperate with other committees, organizations and governmental agencies on problems relating to the labeling of hazardous chemicals."

"To promote uniformity in governmental regulations for the labeling of hazardous chemicals in conformity with the principles adopted by The Committee."

In the Minutes of the LAPI Committee meeting of May 16-17, 1956 this long established attitude of the Committee toward labeling legislation was reiterated:

"The policy of the LAPI Committee is unchanged in that it does not sponsor or suggest new legislation but stands ready to aid in its development."

In following this policy the Committee has, over the years, worked upon labeling legislation initiated by various states. LAPI has also found it expedient to work upon Federal labeling legislation. An outstanding example is the Federal Pesticide Act and its Interpretations.

LAPI experiences, particularly in recent collaborations in Massachusetts and Connecticut, along with the evidence of increasing interest in broader labeling legislation by public health, labor and other groups, convinced the Committee that it must prepare a draft of a Federal labeling bill to use when needed. This decision appears to have been timely for as stated in your letter of December 26:

"Of late some activity appears to be developing on the part of organizations and individuals not connected with MCA for the passage of a new Federal labeling act which would be considerably broader than the present Federal Caustic Poison Act."

We have subsequently learned of Senator Prescott Bush's intention to introduce in the 85th Congress a bill that seems intended to supersede the Federal Caustic Poison Act. We know you agree that MCA cannot ignore contemplated revisions or

extensions of this or similar acts federal or state. To protect the interests of MCA members, it is the decision of this Committee that it must actively participate in the development of any proposed labeling legislation in order that such legislation will be consistent with established MCA labeling principles. This is consistent with the recent action of MCA in favor of modernizing the Food, Drug and Cosmetic Act, as expressed in MCA Bul. No. 790 dated January 11, 1957.

Since no change in MCA policy is being requested no documentation has been prepared. However, the attached summary of some of the actions which MCA has taken in the past is illustrative of the type in which the Committee may find it desirable to participate in the future.

Very truly yours,

John B. Williamson

JBW:ab

CC: Mr. James D. Kittelton

PARTIAL LIST OF MCA ACTIVITIES WITH REGARD TO LABELING LEGISLATION

Ref. M. F. Crass letter on MCA policy on labeling legislation

1. In 1932 Bingham proposed a labeling bill. MCA worked out agreements with the Surgeon General of the United States as a substitute.
2. In 1936 a confidential labeling report to MCA executives started many members on labeling activity.
3. In 1944 LAPI was formed and in September the committee recommended that if the Bloem Bill resulted in a proposed amendment to the Federal Caustic Poison Act, MCA should request limiting its provisions to household packages.
4. In 1945 and 1946 MCA was successful (through LAPI) in having California Safety Orders drawn in accordance with LAPI principles.
5. In 1947 LAPI approved a new ICC Class B Poison definition and recommended it to other MCA committees. That definition became Federal "legislation" as an amendment to ICC regulations.
6. In 1947 the new Federal pesticide act was passed. MCA supported the legislation. LAPI created an insecticide subcommittee to write what eventually became Federal Interpretation 18 and Part III of Manual L-1. The chairman of the subcommittee was requested to convince USDA that the new ICC Class B Poison definition be adopted for pesticides. This subcommittee continues to date in constant liaison with USDA.
7. In 1948 MCA led or assisted in a move to amend Post Office mailing regulations for "poisons." Up through at least 1952 LAPI worked on drafts suggested by themselves and Post Office. Mr. Crass discussed these matters with Postal authorities from time to time.
8. In 1949 LAPI Chairman requested Board to study purpose of LAPI Committee in order to permit working with sponsors of labeling legislation. Board stated they did not wish large Washington staff for action on local statutes but preferred action by members in the particular locality. They did agree that a "task force" of members of individual companies could be requested by Washington office to serve on any special problem.
9. In 1950 Model State Act which had been under development for 5 years finally resulted in MCA Legal Advisory Committee recommending outside counsel to draft so that it could be ready for use in the event of pending state or municipal legislation.
10. In 1952 a policy statement appeared in LAPI Minutes to the effect that it is not MCA policy to sponsor state legislation.
11. In 1954 and 1955 LAPI Insecticide Subcommittee cooperated with USDA in editing and expanding Interpretation 18.
12. In 1955 it was reported that the Commissioner of Food and Drugs felt the Caustic Poison Act needed revision and that the initiative should come from industry. LAPI formed a subcommittee to draft such a revision

to be ready in case of need. The policy of the LAPI Committee was restated - we do not sponsor or suggest new legislation - we only aid during its development. This has been done, among others, in the cases of Oregon, Hawaii, Illinois, Rhode Island, Massachusetts, Connecticut, New Jersey, New York and the New York City regulations and/or acts as well as in the previously mentioned ICC Class B Poison definition; Federal Pesticide Act, regulations, and interpretations; and Post Office regulations.

13. Probably as a result of proposed Connecticut legislation on labeling hazardous household chemicals, Senator Prescott Bush requested a member of Food and Drug Administration to draft a tentative bill along these lines.
14. Mr. Crass, Mr. Williamson, Mr. Hill, and Mr. Kittelton discussed the matter with the Senator and obtained a copy of the draft which has now been re-drawn by a LAPI group.

APPENDIX C

Report of Subcommittee on Manual L-1

A meeting was held in New York at the office of the Dow Chemical Company on Wednesday, November 28, 1956. Present: R. G. Troup, E. J. Hogan, H. H. McIntyre.

Since this was the first meeting of an entirely new subcommittee, we discussed policy and attempted to establish our area of responsibility. It was agreed that, subject to the approval of the Chairman, the subcommittee would:

- 1) MAKE A STUDY OF THE INCONSISTENCIES IN TEXT AND LABELS OF THE CURRENT MANUAL L-1. PREPARE RECOMMENDATIONS FOR LAPI COMMITTEE CONSIDERATION AND APPROVAL TO JUSTIFY OR ELIMINATE INCONSISTENCIES DISCOVERED.
- 2) ASSEMBLE AND MAINTAIN ON A CURRENT BASIS FACTUAL REFERENCE DATA ON MANUAL L-1 TO PERMIT THE IMMEDIATE PUBLICATION OF A NEW EDITION, OR PUBLICATION OF SUPPLEMENTAL REVISIONS AS APPROVED BY LAPI COMMITTEE.
- 3) REVIEW ALL FUTURE PROPOSED REVISIONS IN CURRENT MANUAL L-1 TEXT OR LABELS TO AVOID OR JUSTIFY FURTHER INCONSISTENCIES.

If the above subcommittee objectives are approved, the following activities will be initiated:

Preparation of as complete a history as possible of current individual labels and text for immediate reference. When completed this record will be maintained on a current basis and reflect all future formal action of LAPI Committee relating to contents of Manual L-1.

Prepare and maintain an informative record of all labels ever formally considered by LAPI Committee. (Available data may not be sufficiently adequate to complete this effort. Subcommittee may have to call upon certain committee members to review their reference files for necessary authoritative data.)

Prepare and maintain an informal supplemental reference record covering the disposition of all other inquiries received by LAPI Committee relating to labels which, due to their special nature, were not formally considered by the Committee but directed to other committees or groups for consideration.

It is recommended that this subcommittee be established as a permanent subcommittee whose members are appointed at the time of installation of new officers.

1/23/57
H. H. McIntyre
The Dow Chemical Company
Midland, Michigan.

Manufacturing Chemists' Association, Inc. L-194

(FOUNDED 1872)

1625 EYE STREET, N. W.

WASHINGTON 6, D. C.

Minutes of Meeting
LABELS AND PRECAUTIONARY INFORMATION COMMITTEE
Park Sheraton Hotel - New York City
Thursday and Friday, October 10 and 11, 1957

The meeting was called to order at 9:30 a. m. on Thursday, October 10, 1957.

MEMBERS PRESENT

- J. B. Williamson (Chairman), American Cyanamid Company, 30 Rockefeller Plaza, New York 20, N. Y.
N. M. Walker (Vice Chairman) Pennsalt Chemicals Corporation, Three Penn Center Plaza, Philadelphia 2, Pa.
G. E. Brewer, Shell Chemical Corporation, 50 W. 50th St., New York 20, N. Y.
J. H. Foulger, M.D., E. I. du Pont de Nemours & Co., Inc., Employee Relations Department, Wilmington 98, Del.
G. L. French, Mallinckrodt Chemical Works, St. Louis 7, Mo.
J. T. Fuess, Eastman Organic Chemicals Dept., Distillation Products Industries, Rochester 3, N. Y.
S. J. Hill, E. I. du Pont de Nemours & Co., Inc., Legal Department, Wilmington 98, Del.
E. J. Hogan, Barrett Division, Allied Chemical & Dye Corporation, 40 Rector St., New York 6, N. Y.
F. S. Low, Chemical Divisions, Food Machinery and Chemical Corporation, 161 E. 42nd St., New York 17, N. Y.
H. H. McIntyre, The Dow Chemical Company, Midland, Mich.
T. W. Nale, M.D., Union Carbide Corporation, 30 E. 42nd St., New York 17, N. Y.
R. G. Troup, J. T. Baker Chemical Co., Phillipsburg, N. J.
J. B. Tuttle, Esso Standard Oil Company, 15 W. 51st Street, New York 19, N. Y.
J. S. Walker, Hooker Electrochemical Company, Niagara Falls, N. Y.
J. D. Kittelton (Secretary), Manufacturing Chemists' Association, Inc.

GUESTS

- R. E. Bradshaw, Olin Mathieson Chemical Corporation, 460 Park Avenue, New York 22, N. Y.
A. G. Cranch, M.D., Celanese Corporation of America, 180 Madison Ave., New York 16, N. Y.
R. H. Dewey, Technical Service Department, Commercial Solvents Corporation, Terre Haute, Indiana
F. E. Fallon, General Aniline & Film Corporation, 230 Park Avenue, New York 17, N. Y.
J. E. Flanagan, Jr., Robert A. Taft Sanitary Engineering Center, 4676 Columbia Parkway, Cincinnati 26, Ohio
W. J. Force, Commercial Solvents Corporation, 260 Madison Avenue, New York 16, N. Y.
H. M. Goodman, The Firestone Tire & Rubber Company, Firestone Boulevard, Pottstown, Pennsylvania

T. G. Hughes, Barrett Division, Allied Chemical & Dye Corporation, 40 Rector St., New York 6, N. Y.
H. Moras, Stauffer Chemical Company, 824 Wilshire Boulevard, Los Angeles 14, California
F. E. Ouellette, The Dow Chemical Company, Midland, Michigan
F. D. Sparre, E. I. du Pont de Nemours & Co., Wilmington 98, Delaware
R. M. Strockey, Mallinckrodt Chemical Works, Second & Mallinckrodt Streets, St. Louis 7, Missouri
A. H. Taylor, Air Reduction Company, Incorporated, 150 East 42nd Street, New York 17, N. Y.
L. J. Waldbaur, M.D., General Aniline & Film Corporation, Rensselaer, New York
E. L. Weinburg, General Aniline & Film Corporation, 230 Park Avenue, New York 17, N. Y.
J. A. Wilhelm, Celanese Corporation of America, 180 Madison Avenue, New York 16, N. Y.
J. M. Young, Hooker Electrochemical Company, Niagara Falls, N. Y.

MEMBERS ABSENT

R. D. Minter, Monsanto Chemical Company, Lindbergh and Olive Street Road, St. Louis 24, Missouri

The Chairman, Mr. John B. Williamson, welcomed the guests who were present. He stated he was pleased with their attendance, both at the Committee meeting and at the Conference the previous day.

It was moved, seconded, and voted

THAT, the minutes of the meeting of May 16-17, 1957 be approved.

1.3 ALLIED COMMITTEE ACTIVITIES

1.3.1 CSMA

Mr. N. Walker reported that CSMA had begun distribution of a Model State Hazardous Substances Act. This Model Act conforms to agreements which were reached at two Philadelphia meetings. MCA, in addition to other Associations, was represented at both of these meetings.

CSMA will undertake a widespread distribution of this Model Act. They will send it to the officials in various states who would be concerned with its enforcement.

Mr. Hogan said that he had received 250 copies of the Model State Labeling Bill from CSMA. They requested that MCA distribute the bill at the time of the Conference. However, the copies were received only a few days before the Conference and there was not enough time to secure the approval of the LAPI Committee for this distribution. Committee members considered this matter and were of the opinion that the bill should be distributed with proceedings of the Conference.

Mr. N. Walker said that he no longer is an official member of the CSMA Precautionary Labeling Committee, but remains as an alternate. Mr. Sanford Hill and Mr. J. S. Walker remain on the CSMA Labeling Committee.

1.3.2 API

Mr. Tuttle reported that the API Labeling Manual is about ready for publication. Final approval will take place before the November Annual Meeting of API. The Manual should be ready for distribution in January of 1958.

Mr. Tuttle said that the next API Labeling Committee meeting will take place on November 9, 1957 and at that time, the Committee will consider three new labels. The Committee will also consider a recommendation that the statement "Keep Out of Reach of Children" be put on the Kerosene Label.

1.3.3 NPV&L

One of the principal activities of this Association is an attempt to secure amendments of the New York City Fire Code to bring the labeling requirements into line with MCA's uniform principles of labeling. Results thus far have been disappointing.

1.3.4 ACGIH

MCA representatives met on the afternoon of October 8th with ACGIH representatives to discuss the ACGIH Model Labeling Regulations. Dr. Elkins, Stokinger and Moskowitz represented ACGIH, while Messrs. Brewer, Fuess, Hill, and Tuttle represented MCA.

Our representatives believe that considerable progress was made in bringing to the ACGIH men, a better understanding of the LAPI position. Although ACGIH did not agree to any specific changes in their draft, MCA representatives were of the opinion that the next revision of the ACGIH regulations will bring them more into line with MCA's uniform principles of precautionary labeling.

At the end of the discussion, Dr. Elkins summarized the LAPI position as he understood it. Mr. Fuess reported that Dr. Elkins' remarks were substantially as follows:

"MCA is adamant in opposition to sec. 7(i) (Instructions on label for disposal of containers). MCA does not like ACGIH's definition of poison, but admits MCA's definition is not perfect. Sensitizers is too complicated a subject for inclusion in regulations. The Advisory Board and enforcement should be decided by the mechanics of the Board. On the treatment of mixtures, there was no progress, there still being wide disagreement between MCA and ACGIH."

The task of the MCA-ACGIH Subcommittee, consisting of Messrs. Brewer, Fuess, Hill and Tuttle, having been completed, it was discharged by the Chairman.

1.3.5 CGA

Mr. Kittelton reported that the revised Acetylene Label had been approved by a letter ballot vote of six to one. This label is as follows:

ACETYLENE

DANGER! EXTREMELY FLAMMABLE

Keep away from heat, sparks and
open flame.

Committee members discussed CGA's proposed omission of signal words from labels. Committee members feel that this departure from LAPI principles is undesirable and should not be encouraged.

1.3.6 NFPA

Mr. Harry H. McIntyre, submitted a written report to the Chairman and the Secretary on the progress the NFPA Committee on Classification of Materials is making.

Some difficulty has been encountered in determining the scope of the Committee's activities. Messrs. McIntyre and Duggan will meet with MCA staff representatives to discuss the progress of the work of this Committee.

1.3.10 Public Health Service Labeling Committee

Mr. Williamson reported that an ad hoc committee had been appointed by the Department of Health, Education and Welfare to consider the Department's future participation in precautionary labeling programs. A memo submitted by Mr. Flanagan was referred to this ad hoc committee.

Mr. Flanagan stated that he did not feel that there would be anything forthcoming from this group for a while. He promised to keep the LAPI Committee advised.

1.3.11 ASA

Mr. Cyril Ainsworth of ASA, attended the Thursday afternoon session of the Committee meeting and addressed it. He explained the history of the American Standards Association and emphasized that ASA, itself, does not formulate standards. It merely coordinates the work of other groups.

Mr. Ainsworth emphasized that if it were not for ASA, which is an independent organization, this activity would be handled by the Federal Government.

Mr. Ainsworth thoroughly explained to LAPI Committee members the three ASA methods. These are:

- (1) Existing Standards Method -- To use this method, evidence must be supplied that the standard is supported by the consensus of the groups concerned.
- (2) Sectional Committee Method -- Under this method ASA is requested to initiate a project by a group which acts as the sponsor. A Sectional Committee is formed which has as members those directly concerned with the standard to be adopted.
- (3) General Acceptance Method -- Under this method a conference of interested groups would be held. All substantially concerned groups would be invited to be present.

Committee members discussed the three methods with Mr. Ainsworth. He pointed out that the MCA Manual, "Warning Labels," would not be "a standard" but would be considered "a practice." Mr. Ainsworth said that under the Existing Standards Method a group may act as sponsor and also at the same time request that it be recognized as sponsor for any revision.

Mr. Ainsworth said that before a standard or practice is accepted, the record has to be examined to ascertain if a consensus exists.

The Committee gave its heartfelt thanks to Mr. Ainsworth for taking his time to explain ASA procedures.

After the departure of Mr. Ainsworth, Committee members thoroughly discussed the future position which MCA should adopt concerning the making of the LAPI Manual an ASA practice.

It was then moved, seconded and voted

THAT, the LAPI Committee not take the initiative in proceeding with any of the three ASA methods, but that the Committee is willing at any time to consider participation in a program sponsored by others for standardizing of precautionary labeling under the ASA program.

2.0 INTERNATIONAL

2.0.3 ABCM

ABCM representatives were invited to meet with the LAPI Committee at the time of the New York Conference. However, Mr. Stevens wrote Mr. Kittelton that it would not be possible to make arrangements for a meeting on such short notice. Rather, he suggested a meeting sometime in the Spring of 1958.

Mr. Williamson discharged the Subcommittee consisting of Mr. Minter and Mr. J. S. Walker, which had been appointed to draft a letter to the British, and which had completed its work.

Committee members discussed the ABCM labeling scheme with special emphasis on their requirements for a label with a white background, printed in

black with a border. J. S. Walker showed examples, prepared by Hooker, of how the ABCM scheme might be adapted to MCA labels.

Committee members discussed the advisability of continuing a specific study of ABCM labels such as prepared by Hooker.

It was then moved, and seconded

THAT, MCA continue a study of the ABCM plan for warning labels to be printed on a white background in black print with a border.

(This motion was defeated by a motion six to five)

Committee members then discussed the possibility of giving greater prominence to the LAPI labels.

It was then moved, seconded and voted

THAT, the Chairman appoint a subcommittee to consider the whole matter of prominence of LAPI warning labels.

This subcommittee will consider statement Number (8) on page 11 of the LAPI Manual, and will suggest how it should be changed, if they find a change is desirable. Mr. James S. Fuess was appointed Chairman of this subcommittee and Messrs. N. M. Walker and J. S. Walker as members.

2.1 FEDERAL LEGISLATION - FEDERAL HAZARDOUS SUBSTANCES BILLS

(a) Results of Letter Ballot

Mr. Kittelton reported that as a result of a letter ballot which he conducted, ten LAPI Committee members approved of affirmative action being taken to secure the enactment of a hazardous substances bill of the type now pending before the Federal Congress. Three Committee members did not approve of such action, one was neutral, and one did not vote.

(b) Joint Industry Meeting in Philadelphia

Mr. Fuess reported briefly on this meeting at which agreement was reached on several minor amendments to the Federal Hazardous Substances Bills now pending before the Federal Congress. In addition, agreement was reached on the Model State Hazardous Substances Bill" which CSMA is now distributing.

Mr. Fuess submitted a copy of his report on this meeting which is included as Appendix A to these minutes. Mr. Fuess said that much of the discussion was devoted to the problems of the soap industry.

(c) Introduction of Bill by Representative Williams of Mississippi

Mr. Kittelton reported that Congressman Williams had introduced H. R. 9063 which bill is identical to one introduced by Congressman Curtis of Missouri.

(d) Future Committee Position

Committee members discussed this matter. It was their consensus that MCA has a position of leadership in this field, and that Federal Labeling Legislation of the type now pending should be supported by MCA.

It was moved, seconded, and voted

THAT, the LAPI Committee recommends to the MCA Board of Directors that the labeling legislation now pending before Congress be supported.

(The exact wording of this motion will be developed by a subcommittee consisting of Mr. James T. Fuess, Chairman, and Dr. Foulger and Mr. George Brewer as members. As soon as this is available, it will be sent to members as a supplement to these minutes.)

The Chairman discharged with thanks, the Federal Hazardous Substances Subcommittee consisting of Dr. French, and Messrs. Troup and Tuttle.

Mr. Tuttle said that his Company was definitely interested in knowing whether MCA's Counsel had reviewed either the MCA draft of a Federal Hazardous Substances Act or the three pending Federal bills. Mr. Kittelton will check into this and report at the next meeting.

2.2 STATE LEGISLATION

2.2.7 New Jersey

During the New York Conference, Richard J. Sullivan and S. C. Rothmann of New Jersey Department of Labor, indicated that they desired to revise their labeling regulations to make them consistent with the latest revision of Manual L-1.

Mr. Williamson said that after the first of November, he and Mr. Hill would go over the present New Jersey regulations and make the necessary changes to bring them into line with the 1956 revision of the Manual. This marked copy will then be submitted to New Jersey authorities.

2.2.14 Kansas

CSMA and NPV&L are working closely with Kansas authorities on the development of regulations under the new Kansas law.

If a hearing is held, MCA should have representation at it. The Chairman will appoint a LAPI member to attend any hearing. Mr. Minter was appointed.

2.2.18 Washington

It was reported that there is considerable agitation in the State of Washington for passage of a labeling bill covering household chemicals.

2.2.22 Connecticut

Mr. Tuttle reported that on a number of occasions Mr. Plank had written

him voicing the opinion that the Connecticut statute was quite complete in itself, and for that reason needed little in the way of regulations.

Mr. Tuttle said that in spite of this, he believed that regulations would eventually be issued under the Connecticut law. Mr. Tuttle will continue his close liaison with this group.

2.2.25 Indiana

Mr. Williamson briefly reviewed a letter that he had sent to the LAPI Committee members in July pointing out certain criticisms of the proposed Indiana regulations, and asking for comments from LAPI Committee members, but he received only three replies.

Dr. Foulger said that he will schedule a meeting with Dr. Spolyar of the Indiana Department of Health in an attempt to straighten out some of these matters. He will report the results to the Chairman.

Following the meeting with Dr. Spolyar, Mr. Williamson hopes that LAPI representatives, together with CSMA and NPV&L representatives will meet with Dr. Sullivan to talk the entire matter over. Mr. Williamson requested that Doctors Foulger and Nale and Chester L. French represent LAPI if such a meeting is arranged.

It was reported that Indiana had issued application forms which should be used in registering products under the new Indiana law. Mr. Kittelton will secure copies for Committee members.

3.0 LABELS - SAFETY DATA SHEET

3.61 Picric Acid Label

Committee members were still of the opinion that publication of this safety data sheet is unnecessary. Mr. Kittelton was asked to talk this matter over with Mr. Stephenson. Any decision on appointment of a subcommittee was deferred pending additional consideration whether this safety data sheet is necessary.

3.65 Vinyl Acetate

Dr. Nale drafted the following label for consideration by the LAPI Committee:

VINYL ACETATE

Inhibited with _____

DANGER! EXTREMELY FLAMMABLE
Keep away from heat, sparks and open flame.
Keep container closed.
Use adequate ventilation.
Avoid prolonged or repeated breathing of vapors.
Avoid prolonged or repeated contact of liquid
with skin.
Ground drums and equipment before transferring
to avoid static sparks.

The Committee decided that it would be better to take more time to consider the label and to vote on it at the next meeting of the Committee.

3.67 Furfural

The Committee, with Mr. James Fuess present, considered the Furfural Label and approve a label with the signal word, "CAUTION."

The next day this action was reconsidered with Mr. Fuess absent, and the Committee decided that the signal word should be "WARNING" in view of the twin hazard statements.

It was then moved, seconded, and voted

THAT, the following label is approved for the Furfural Label for use in the proposed safety data sheet:

FURFURAL

WARNING! HARMFUL LIQUID
MAY BE ABSORBED THROUGH SKIN

Avoid contact with skin, eyes, and clothing.
Use only with adequate ventilation.
In case of contact, immediately flush skin
or eyes with plenty of water for at least
15 minutes; for eyes get medical attention

Mr. Williamson discharged the Furfural subcommittee with thanks.

3.68 Toluene di-iso-cyanate

The Chairman appointed a subcommittee consisting of Mr. E. J. Hogan as Chairman and Messrs. Minter and Hill as members to draft a label for this safety data sheet.

As soon as copies of a draft of the sheet are available, the Secretary will send them to the members of the subcommittee for their consideration in drafting the label.

5.0 REVISION OF MANUAL L-1

(a) Suggestion of Dr. Foulger for Revision of LAPI Definition of "Irritant."

Dr. Foulger suggested that the term irritant be redefined as follows:

"The term 'irritant' means any material which, under the proposed conditions of use with respect to dilution, solvent, etc., when in contact with the intact skin of the average person in good health, for a period not exceeding

fifteen minutes, will cause reddening or blistering, or other injury to the skin, which will not disappear within forty-eight hours after careful removal of the test material."

There was a considerable amount of discussion concerning Dr. Foulger's proposed definition. The Secretary was directed to have the minutes show that the LAPI Committee believes the definition for irritant should contain a quantitative test.

Dr. Nale and the other members of the Medical Advisory Committee will be asked for their comments. Dr. Foulger stated that he would welcome the comments of the Committee members or their medical departments. LAPI members will consult their companies and submit to Dr. Foulger any suggestions they may have. Dr. Foulger will prepare a digest of the various ideas to be distributed to the members before the January meeting.

(b) Report of Manual Revision Subcommittee

Mr. H. H. McIntyre, Chairman of the Revision Subcommittee, said that the Subcommittee held a meeting early in September and discussed a number of matters of interest. The Committee will try to ascertain the inconsistencies in the Manual and will suggest changes to eliminate them.

Mr. Troup is continuing with an indexing of the old minutes.

(c) Status of Part 3 Subcommittee

Mr. Sparre reported that he is continuing work on this matter and will soon send out a letter to certain MCA Executive Contacts asking their permission for selected individuals in their companies to serve on the Pesticide Subcommittee.

(d) Chemical Hazard Series of Association of Casualty and Surety Companies

This Association has replied to Mr. Williamson's letter in which he pointed out that the statements they were using regarding the MCA principles of precautionary labeling were not entirely accurate. Mr. Williamson's letter and their reply is included as Appendices B, and C to the minutes.

6. 0 PRECAUTIONARY LABELING CONFERENCE

(a) New York Conference

Committee members discussed the New York Conference and voiced their approval of it and the manner in which it had been conducted.

It was then moved, seconded, and voted

THAT, the MCA Secretary, Mr. Maurice F. Crass, Jr., write the Executive Contact of Mr. E. J. Hogan, Conference Chairman, and of the other LAPI members who participated in the Conference, thanking them for the fine job which was done.

The Chairman discharged with thanks the New York Labeling Conference Subcommittee.

(b) Future Conferences

This matter was thoroughly discussed and Committee members felt that for the next Conference there should be a budget and also increased public relations activities.

Members also discussed the location of the next Conference and concluded that the best location would be in Houston, Texas.

It was then, moved, seconded and voted

THAT, the next Precautionary Labeling Conference be held in Houston, Texas around the first of May, 1958, and follow the general pattern of the New York Conference.

(c) MCA Labeling Exhibit

Committee members discussed the condition of the labeling exhibit which was first used at the Industrial Health Conference in St. Louis. After its use in St. Louis, the labeling exhibit was removed from its supports and it now consists of a number of separate panels. After this discussion,

It was moved, seconded, and voted

THAT, the LAPI Committee recommends to the MCA Board of Directors, that a suitable permanent display be prepared setting out the efforts of MCA in precautionary labeling activities.

The action of the Board will be reported to the Committee by the Secretary.

31.0 PUBLIC RELATIONS ACTIVITIES

The Chairman directed that the Secretary place the following report in the minutes:

Mr. Low reported that the Committee would recall that this subcommittee originated with his suggestion that the MCA proceed with efforts to get one-minute broadcasts on the radio appealing to the public to "Read the Labels." The LAPI Committee endorsed this suggestion and it was referred to the Washington office for official approval.

The Washington MCA staff considered this proposal and it was carefully studied. It was felt that such an undertaking related more to household chemicals and therefore should be handled by one of the consumer trade associations.

32.0 POISON CONTROL CENTERS ACTIVITIES

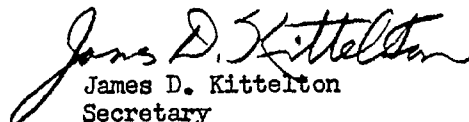
Dr. Cranch reported that coordination activity has begun in the

Department of Health, Education and Welfare. HEW's group will compile information received from the various centers and will also distribute information concerning new chemical products to the centers.

MISCELLANEOUS

(a) Next Meeting of Committee

The Committee decided to hold the next meeting in Washington, D. C. at the Shoreham Hotel on Tuesday and Wednesday, January 28 and 29, 1958. The Secretary was directed to make the necessary arrangements.



James D. Kittelton
Secretary
Labels and Precautionary
Information Committee

JDK:jmb

Attachment

Addendum to LAPI Committee
Minutes of October 10-11, 1957

LAPI COMMITTEE MOTION ON LABELING LEGISLATION
PASSED AT MEETING OF OCTOBER 10-11, 1957
NEW YORK CITY, NEW YORK

In 1944, the MCA through its Labels and Precautionary Information Committee initiated a voluntary program within the chemical industry for the prevention of injury from hazardous chemicals by means of the application of warning labels to the containers of such products. Principles were developed and their application to representative compounds was illustrated. With the publication of these recommendations in Manual L-1 "Preparation of Warning Labels" the MCA and the chemical industry it represents took the lead in this safety program. These principles have been accepted by practically all members of MCA. In the intervening years, the Manual has been revised many times, but the principles originally established were so well founded that only minor changes in them have been found necessary or desirable.

This program which has been entirely voluntary has found such favor with legislative and regulatory bodies, that many such agencies, both Federal and State, have employed all or portions of this program in the establishment of laws or regulations. Notable in this group are the States of California, Connecticut, Oregon, Illinois, New York, New Jersey, Texas, Territory of Hawaii, City of New York, U. S. Department of Agriculture (Pesticide Act) and the Interstate Commerce Commission (definitions). Some features of the program have been adopted in Massachusetts.

Members of the LAPI Committee have worked closely with legislative and regulatory officials in these areas in the development of their programs. The watchfulness of members of the committee in determining the imminence of legislation and subsequently presenting its program, backed by the reputation of the MCA and its leadership in the field of warning labeling has, with few exceptions, resulted in programs which generally have been acceptable to the chemical industry, and which enable it to operate under uniform rules.

MCA and its LAPI Committee have worked closely with other organizations notably the CSMA, NPV&L, API and NACA which have accepted the MCA principles and urged their use. In these organizations the work has been carried on largely by paid staff members. The efforts of the LAPI Committee and the MCA in this work have fallen almost entirely on the shoulders of individual members of the LAPI Committee whose time from their regular duties has been donated by their respective companies. This has been in accordance with a policy expressed some time ago by the Board of Directors of MCA. It has also been a policy of MCA and of the LAPI Committee that action should be taken by the MCA only after legislation has been proposed by others, or MCA was specifically requested for help.

This procedure has been successful in the past due to the leadership and reputation of the MCA and its LAPI Committee in the field of warning labeling and to the time spent by individual members. It is doubtful, however, whether such a program will be equally successful in the future in view of changed conditions.

-2-

There is now great activity by many organizations with special interests who have become interested in the problem of warning labeling. Model laws and regulations have been prepared or are in preparation by such groups for presentation to legislative and regulatory groups. Many of these proposals are contrary to MCA principles and their enactment in whole or in part would place the chemical industry in an impossible position, destroying its principle of uniformity. These organizations are well-known and carry great weight with the public and with legislative bodies. They are very active in obtaining publicity for their programs.

To compete successfully with these groups and obtain the type of program for which MCA and LAPI stand, requires specialized knowledge, training and experience. The amount of work which will be involved will be greater than can reasonably be expected from individual companies.

THEREFORE BE IT RESOLVED:

THAT, the LAPI Committee rescind its former motion of policy to the effect that no action on labeling legislation shall be taken by it unless and until such legislation has been proposed by others or request for assistance is made to the Association by authorized officials, and further be it resolved:

THAT, the LAPI Committee advise the Board of Directors of this action, and further be it resolved:

THAT, the LAPI Committee respectfully request and strongly recommend that the services of trained personnel from the staff of MCA be placed at the disposal of the committee for the purpose of preparation and review of legislation, dealing with warning labeling for hazardous chemicals, the presentation of approved legislation when such is considered appropriate and the prosecution of such before legislative and regulatory bodies, and further be it resolved:

THAT, immediate such action be taken in connection with bills now before Congress, such as S. 1900, H. R. 7388, and H. R. 9063.

Unanimously approved

APPENDIX A

REPORT ON JOINT INDUSTRY MEETING CALLED TO
DISCUSS FEDERAL LABELING BILLS

July 4, 1957
Sheraton Hotel - Philadelphia, Pa.

Present were representatives of:

CSMA	Dr. H. W. Hamilton Robert Ackerly - Cummings, Sellers, Reeves & Conner Robert Morse - Boyle Midway Nicholas Walker - Pennsalt Chemicals Corporation
NPV&L	Charles E. Loucks Daniel Boland
Soap Association	George Hopper - The Procter & Gamble Company Adison Driggs - Lever Brothers Company Shelby Fitze - Davies, Richberg, Tydings, Landa and Duff
DCAT	Arthur DeVincentio
MCA	William Yeager - Shell Chemical Corporation Sanford Hill - E. I. du Pont de Nemours & Co., Inc. James Fuess - Distillation Products Industries

Curtis 7388 and Bush 1900 (labeling bills)

The soap producers group wants soap exempt from the bills and feared that the definition of "irritant" would bring soap under regulation. They were hesitant to accept the interpretation, accepted by the others, that the bills cover "hazardous substance" (Curtis Sec. 201 (o)) which is defined in Sec. 201 (f) and that an irritant (Sec. 201 (j)) must meet all the requirements of a hazardous substance before it is covered. They hesitate to accept the interpretation that "normal living tissue" (Sec. 201 (j)) eliminates allergies. They desired an elimination of "irritant" and an exemption for soap. It was the consensus of the other groups present that pressure from others (AMA, ACGIH, Food and Drug, etc.) would make it impossible to have irritant deleted, that irritant is an important group and that for strategy reasons it would be unwise for us to request a change. Therefore, we would not request a change in this, nor an exemption for soap, but would not oppose such an exemption if they wished to initiate it.

Mr. Ackerly reported a possibility of hearings on the Curtis Bill but little likelihood of such on the Bush Bill. The groups reviewed the differences between the bills and agreed upon the wording which was preferred, and for which the associations represented (Principally MCA, CSMA, NPV&L) would plead in any discussions or hearings. Since the Curtis Bill was, in general preferred and since it is most likely to come up first, the notations are made on that.

/s/

James T. Fuess

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APPENDIX B

July 29, 1957

Mr. J. F. Van Namee, Director
Engineering & Research Division
Accident Prevention Department
Association of Casualty & Surety Companies
60 John Street
New York 38, New York

Dear Mr. Van Namee:

You will recall our conversation regarding the Chemical Hazards Information Series published by your association. Our committee fears that some readers may misinterpret the statements appearing in certain issues of this series where the statement is made that the Manufacturing Chemists' Association has no labeling requirements. Our Warning Labels Manual, from which a number of your specimen labels have been taken, does not pretend to include precautionary statements for all hazardous chemicals but only attempts to include illustrative examples to help the manufacturer who is preparing his own.

We also note statements in certain of your issues implying that the U. S. Public Health Service has certain precautionary labels it recommends. Some years ago, the Surgeon General of the USPHS entered into voluntary agreements with the manufacturers for a limited number of their chemicals. With the development and the widespread acceptance of MCA principles these agreements were discontinued. The USPHS approves the principles we have adopted for precautionary labeling but does not approve warning statements for specific products.

We suggest that you might find some statements similar to the following would meet your purposes for future issues of your series and would avoid the misunderstandings that have been possible with the language used on earlier occasions.

- (1) It is recommended that each container bear labels displaying precautionary statements based upon the principles described in the WARNING LABELS Manual of the Manufacturing Chemists' Association, and that due consideration also be given to the requirements of applicable statutes, ordinances, or regulations.

(Among the illustrative labels appearing in this manual is the following for (name of chemical))

(Insert here appropriate text)

alternative
statements

or

(One manufacturer uses the following label which he states conforms with these principles):

(Insert here appropriate text)

(2) For transportation purposes the I.C.C. Regulations require

(no label)

alternative
statements

or

(the-----label designated for-----).

Very truly yours,

AMERICAN CYANAMID COMPANY

/s/

J. B. Williamson, Chairman,
Labels and Precautionary Information Committee
Manufacturing Chemists' Association, Inc.

APPENDIX C

August 14, 1957

Mr. J. B. Williamson, Chairman
Labels & Precautionary Information Committee
Manufacturing Chemists' Association, Inc.
1625 Eye Street, N. W.
Washington 6, D. C.

Re: Chemical Hazards Information Reports

Dear Mr. Williamson:

This will acknowledge your letter of July 29, 1957 regarding the labeling information furnished in our reports in the above series.

We certainly appreciate receiving your comments and suggestions. Please be advised that your suggestions will be incorporated into our future bulletins in the General Hazards series.

Very truly yours,

/s/
James F. Van Namee, Director
Engineering & Research Division

Manufacturing Chemists' Association, Inc.

Minutes of Meeting
LABELS AND PRECAUTIONARY INFORMATION COMMITTEE
Sheraton-Park Hotel -- Washington, D. C.
January 28-29, 1958

The meeting was called to order at 9:30 a.m. on Tuesday, January 28, 1958.

MEMBERS PRESENT

J. B. Williamson (Chairman), American Cyanamid Company
N. M. Walker (Vice Chairman), Pennsalt Chemicals Corporation
George E. Brewer, Shell Chemical Corporation
J. H. Foulger, M.D. (Wed. Only), E. I. du Pont de Nemours & Co., Inc.
C. L. French, Mallinckrodt Chemical Works
J. T. Fuess, Eastman Organic Chemicals Dept., Distillation Products Industries
S. J. Hill, E. I. du Pont de Nemours & Co., Inc.
Edward J. Hogan, Allied Chemical & Dye Corporation
Frank S. Low, Food Machinery and Chemical Corporation
H. H. McIntyre, The Dow Chemical Company
R. D. Minter, Monsanto Chemical Company
Thomas W. Nale, M.D., Union Carbide Corporation
R. G. Troup, J. T. Baker Chemical Co.
John B. Tuttle, Enjay Company, Inc.
J. S. Walker, Hooker Electrochemical Company
J. D. Kittelton (Secretary), Manufacturing Chemists' Association, Inc.

GUESTS

R. E. Bradshaw, Olin Mathieson Chemical Corporation
Daniel W. Byles, Vick Chemical Company
A. G. Cranch, M.D., Celanese Corporation of America
R. H. Dewey, Commercial Solvents Corporation
J. E. Flanagan, Jr., Robert A. Taft Sanitary Engineering Center
George Hopper, Procter & Gamble Company
O. A. Mooney, Food Machinery and Chemical Corporation
R. F. Philpitt, Olin Mathieson Chemical Corporation
F. L. Rider, Stauffer Chemical Company
Dr. C. B. Shaffer (Wed. A.M.), American Cyanamid Company
F. D. Sparre, E. I. du Pont de Nemours & Co., Inc.
E. M. Swisher, Rohm & Haas Company
L. J. Waldbaur, M.D., General Aniline & Film Corporation
E. L. Weinburg, General Aniline & Film Corporation
General J. E. Hull (Tues. A.M.), Manufacturing Chemists' Association, Inc.
Frank H. Carman (Tues. A.M.), Manufacturing Chemists' Association, Inc.

The Chairman, Mr. Williamson, welcomed the guests who were present at the meeting and stated that the LAPI Committee was especially pleased to have General Hull and Mr. Carman present.

3.67 Furfural

Mr. Fuess reported on correspondence he has had with The Quaker Oats Company and stated that this company is now in the process of amending the medical section of the safety data sheet.

The Secretary was instructed to record in the Minutes that the label adopted at the last meeting should be deleted pending receipt of the amended medical section on furfural. The Secretary was further instructed to inform Mr. Stephenson that a label will be submitted to the General Safety Committee after the revised safety data sheet has been received.

3.68 Tolyene Diisocyanate

Appointment of a subcommittee to draft a label for this chemical was deferred pending receipt of a draft of the safety data sheet.

3.69 Boron Hydrides

Appointment of a subcommittee to draft a label for this chemical was deferred pending receipt of a draft of the safety data sheet.

3.70 Isopropylamine

Appointment of a subcommittee to draft a label for this chemical was deferred pending receipt of a draft of the safety data sheet.

3.71 Methyl and Ethyl Acrylates

Appointment of a subcommittee to draft a label for this chemical was deferred pending receipt of a draft of the safety data sheet.

3.72 Phosphorus Pentasulfide

Appointment of a subcommittee to draft a label for this chemical was deferred pending receipt of a draft of the safety data sheet.

Mr. Minter stated that he would be willing to serve on a subcommittee to prepare a label for this chemical. He gave the Secretary a copy of a proposed label which is as follows:

PHOSPHORUS PENTASULFIDE

WARNING! Contact with water or acid slowly liberates poisonous
and flammable hydrogen sulfide gas
Harmful Dust

Avoid prolonged or repeated breathing of dust or evolved gas.

Avoid contact with skin, eyes, and clothing.

Keep container tightly closed.

Avoid friction or rough handling because of fire hazard. Smother
fires with carbon dioxide or sand.

Use only with ADEQUATE ventilation.