

PCB

hearing on the standard proposed by the Occupational Safety and Health Administration for coke oven emissions as an industry witness.

According to Finklea, the recommendations submitted by the committee to OSHA do not represent a NIOSH-approved document. In fact, Finklea added, "the majority of institute scientists including myself do not agree with the approach or the substance of this report." "The official NIOSH position was presented at the hearing by Deputy NIOSH Director Edward J. Baier, he wrote (see related story this issue).

At the hearing, Eula Bingham, associate director of the department of environmental health, University of Cincinnati, requested a clarification for the record of the status of the liaison committee. "The committee is not officially sanctioned by the Department of Health, Education, and Welfare, and its views do not represent those of NIOSH," Baier stated.

School is scheduled to testify when the public hearing resumes on November 24.

Health Hazards

GENERAL ELECTRIC REPORTS 65 WORKERS AFFECTED BY PCB'S OVER 15-YEAR PERIOD

At least 65 employees of the General Electric Company became ill over a 15-year period under conditions that may have been caused or aggravated by exposure to polychlorinated biphenyls, G.E. said at a November 10 hearing in Albany, N.Y., called by the State Department of Environmental Conservation.

The hearing was held in regard to a complaint filed by the department against G.E., in which the company was charged with violating New York water quality standards by dumping PCB's from two plants into the Hudson River.

Some 49 of about 1,800 employees working in areas exposed to PCB's reported to dispensaries with complaints about allergic dermatitis, the company said. Another 16 employees reported nausea, dizziness, eye irritation, nasal irritation, asthmatic bronchitis, and fungus.

General Electric submitted the information in response to an interrogatory from the Department of Environmental Conservation. It refused to disclose the names of employees who had become ill on the grounds that such a disclosure would violate the confidentiality between physician and patient.

After a 10-day recess, the hearing is to resume November 30 with testimony from various New York state agencies on PCB levels in fish samplings from the Hudson River. Other witnesses from the U.S. Environmental Protection Agency, the Department of Health, Education, and Welfare, and the Department of the Interior will testify on the effects of PCB's.

NIOSH Bulletin

A report on the industrial uses and toxicity of polychlorinated biphenyls was issued on November 3 by the National Institute for Occupational Safety and Health (Current Report, November 6, p. 798). NIOSH noted that an outbreak of poisoning occurred in 1968 in Japan among 1,000 people who ingested PCB contaminated rice bran oil for a period of seven months.

There was no connection between the New York hearing and the issuance of the NIOSH bulletin, a spokesman for the NIOSH Office of Occupational Health Surveillance and Biometrics told OSWH.

Work on the bulletin was begun in mid-September, the spokesman said. Because there has been "a lot of

speculation" among environmentalists on the effects of PCB, NIOSH wanted to study the data on occupational exposure.

Polychlorinated biphenyls are used by General Electric in the manufacture of capacitors at plants at Fort Edward and Hudson Falls, N.Y. A corporate spokesman declined to comment on the hearing, stating "it would be improper to issue any facts at this time due to legal factors."

Enforcement

FAA STANDARDS FOR RADIATION HAZARDS PREEMPT OSHA JURISDICTION. OSAHRC RULES

The Federal Aviation Agency's adoption of standards governing the transportation of radioactive materials preempts Labor Department jurisdiction to enforce occupational safety and health standards directed at the hazard of employee exposure to radiation.

This 3-1 ruling of the Occupational Safety and Health Review Commission was issued November 8 in a case involving American Airlines, Inc. (No. 9393).

American was cited because it did not make radiation evaluation studies, provide its personnel with radiation monitoring equipment, post radiation areas with cautionary signs and maintain radiation exposure records, contrary to the Labor Department's standards at 29 CFR 1910.96(d)(1), (d)(2), (e)(2), and (n)(1). The company admitted non-compliance with respect to employees working at its cargo facility at LaGuardia Airport, New York, but argued that the Federal Aviation Agency (FAA) regulates the working conditions of its employees insofar as radiation hazards are concerned. The commission majority, concluding that American's claim was valid, vacated the citation in its entirety.

The FAA has adopted standards governing the transportation by air of dangerous articles, including radioactive materials. However, the Labor Department contended that the FAA standards do not affect the working conditions of the employees in American's terminal who handle the packaged radioactive material and further claimed that no FAA regulations cover the hazards arising from improperly packaged or damaged articles.

The Labor Department's argument, according to the majority, recognizes that compliance with the FAA standards will protect the same employees Labor seeks to protect. The commission pointed out that Labor's real concern is that the FAA standards may not be sufficiently stringent, or may not be complied with. Nevertheless, Section 4(b)(1) of the Occupational Safety and Health Act does not permit the Labor Department to enforce its standards simply because another Federal agency's standards may not be effective, or may be violated, the commission stated. Because proper packaging and labeling affords protection to the workers who handle the cargo in the terminal, the commission concluded that American was not required to comply with the cited standards.

Concurring with Chairman Frank R. Barnako's lead opinion, Commissioner Robert D. Moran said that the reasons advanced in the chairman's opinion were unnecessary because the airline industry is not covered by the Occupational Safety and Health Act.

Commissioner Timothy Cleary, in dissent, would affirm Judge Joseph Chodes' holding that the working conditions in American's hangar were subject to regulations promulgated and enforced by the Department of Labor. In Cleary's opinion, the FAA regulations in question are not addressed to