



7 1-7342-002-3
cc: D. DeBorgese
File
L. L. Diener
J. L. Diener

Roy T. Gottesman
Executive Director

September 17, 1986

Robert D. Luss, Esq.
Occidental Chemical Corporation
P.O. Box 699
Armand Hammer Boulevard
Pottstown, Pennsylvania 19464

Dear Bob:

Enclosed is a copy of a memorandum from Pat Toner and Roger Bernstein providing the final recommendations for disclaimer and classification language by the Toxicity Subcommittee of the New York State Uniform Fire Prevention and Code Council which were unanimously approved on September 15, 1986. The Code Council itself will vote on this on October 23, 1986.

As per our discussion on September 9th at the Legal Committee Meeting, these recommendations should be reviewed by your committee and a recommendation made to the Executive Board concerning a legal challenge. A copy of this letter and attachments is being sent to all members of the Legal Committee and to the Executive Board for their information and review.

Please let me know how you wish to go about developing a Legal Committee recommendation, i.e., do you wish to set-up a meeting or a telephone conference call to accomplish this?

I look forward to hearing from you.

Sincerely,

Roy

RTG/pmb
enclosure

cc: VI Executive Board
VI Legal Committee

RECEIVED

SEP 19 1986

L. L. DIENER
LAW DEPT.

A Division of
THE SOCIETY OF THE PLASTICS INDUSTRY, INC.
WAYNE INTERCHANGE PLAZA II 155 Route 46 West, WAYNE, N.J. 07470
(201) 890-9299

BOR 014663

The Society of the
Plastics Industry, Inc.



1025 Connecticut Avenue
Washington, D.C. 20036
(202) 822-6700

September 15, 1986

RECEIVED
SEP 17 1986

DR. R. T. GOTTES

TO: New York Combustibility Work Group

FR: Pat Toner and Roger Bernstein

RE: Final Toxicity Subcommittee recommendations for disclaimer
and classification language

The Toxicity Subcommittee of the Uniform Fire Prevention and
Building Code Council unanimously approved today three items:

- Paragraph on classification testing
- Language for the disclaimer which would be included
with the release of any test data
- Amendment to delete the "no more toxic than wood"
sections of parts 741 and 733, both titled "Plastic
Materials", in the present code

The next meeting of the full Code Council will be October 23, 1986
in Albany at 11:30 a.m. The Code Council is expected to vote
affirmatively on the toxicity amendment to the code, including the
following disclaimer and classification language:

Classification Testing Language

"Amend 1120.3 by adding a new subdivision as follows:

(d) A producer or group of producers may propose to the
Secretary of State to treat certain similar or related covered
products as a class. Any producer or group of producers proposing
such a classification must submit documents supporting and
justifying the proposal and any additional information requested
by the Secretary of State. The Secretary will review such
submission and approve those classifications that are deemed to be
consistent with the purposes of this part. Where a class has been
approved, each producer must submit, on a form prescribed by the
Secretary of State, a list of all its products that belong to the
class and a copy of the test report for the class. The filing by
a producer of the test report as required by this section shall
satisfy the requirement for all of its products in the class."

BOR 014664

Disclaimer

"This test is a measure of acute toxicity of the thermal decomposition by-products of the tested material using a specified procedure under controlled laboratory conditions. The test results alone do not constitute a characterization of the hazard, safety or risk of materials, products or assemblies under actual fire conditions. The results of this test, if used in any assessment of hazard or risk, should be considered in conjunction with all of the factors which are pertinent to an evaluation of the fire hazard of a particular end use."

This disclaimer language differs somewhat from the longer version suggested earlier by State Fire Administrator Frank McGarry.

In answer to questions asked by Toxicity Subcommittee members about who would determine whether or not a product belongs to a class, McGarry replied that his office has the expertise to make such a determination.

HPT/RB/bl

cc: Sheila Millar