



OCCUPATIONAL SAFETY & HEALTH REPORTER

A weekly review of occupational safety and health developments

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Volume 11, Number 25

THE BUREAU OF NATIONAL AFFAIRS, INC.

November 19, 1981

HIGHLIGHTS OF CURRENT REPORT

➔ **BRAIN CANCER CASES** found by government investigators last year at a Union Carbide Corporation petrochemical plant in Texas City, Texas, have no connection to any worker exposures to chemicals used or manufactured at the facility, according to the findings of a Union Carbide epidemiological investigation. Union Carbide's study finds a total of 12 deaths from brain cancer among workers studied, compared with 7.42 deaths expected, and the company says the excess deaths may represent a "chance occurrence" (p. 475).

A **STOPGAP FUNDING BILL** for the Occupational Safety and Health Administration and other federal agencies for fiscal 1982 is approved by the House. In its vote, the House rejects a White House-backed amendment to institute a 5 percent reduction in funding levels set in the legislation (p. 475).

ETHYLENE DIBROMIDE should be treated as a potential occupational carcinogen, the National Institute for Occupational Safety and Health reports in a current intelligence bulletin. NIOSH recommends a ceiling limit for the substance of 130 parts per billion (p. 477).

INDIANA VARIANCE PROCEDURES should be reviewed by OSHA, to make certain that the state methods are in conformity with federal standards, the United Steelworkers of America urge. The union expresses specific concern about variances granted by the state to three companies from medical removal provisions under the lead standard (p. 477).

NEW DIRECTIONS GRANTS to fourth-year recipients are approved by OSHA on a preliminary basis. The grants contain about \$5 million in funds from OSHA and the National Cancer Institute (p. 477).

THE AFL-CIO WITHDRAWS its suit against the Labor Department seeking nullification of

OSHA's deferrals of its workplace hearing conservation standards (p. 479).

A **MOTION TO QUASH** an inspection warrant on the basis that the warrant alone, and not any of the supporting documentation, was served on a shipbuilding firm, is denied by a Wisconsin federal district court judge (p. 479).

OSHA'S GOALS FOR 1982 are outlined by Assistant Labor Secretary Thorne Auchter in a notice to agency field personnel. Among the agency's priorities will be development of a plan for reviewing hazardous conditions for which no standards currently exist (p. 479).

THE U.S. SUPREME COURT is asked by an employer to review a decision by the U.S. Court of Appeals for the Ninth Circuit which permitted a wall-to-wall inspection on a warrant that was supported by an employee complaint about one specific location in the workplace (p. 480).

A **PREDISPOSITION TO ASTHMA** and other respiratory diseases in the workplace can be shown by a variety of tests assessing changes in respiratory, cardiovascular, and other body systems, a symposium sponsored by the American Conference of Governmental Industrial Hygienists is told. Another speaker says that threshold limit values set by ACGIH's threshold limit values committee are intended to protect workers from becoming sensitized to substances in the workplace (p. 480).

REPAIR SHOP WORKERS once employed by Reading Railroad Company receive X-ray screening by NIOSH as a prelude to a planned mortality study of railroad shop workers across the U.S. who may have worked with asbestos 25 or more years ago. The screening is prompted by a NIOSH survey which finds five deaths from mesothelioma among former repair shop workers (p. 482).



Current Report

Carcinogens

UNION CARBIDE FINDS NO CORRELATION
BETWEEN CANCER CASES, PLANT EXPOSURES

Epidemiological studies by Union Carbide Corporation failed to find any correlation between brain cancer cases discovered at a Union Carbide petrochemical plant in Texas City, Texas, and employee exposures to chemicals used or manufactured at the facility, the company announced Nov. 11.

In a letter mailed to each employee at Texas City, Plant Manager Damon L. Engle and Plant Physician David H. Glenn said that the excessive occurrence of brain cancer "may represent a chance occurrence" and is not a result of any chemical exposure at the plant.

The Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health reported last year that they had found 18, and possibly as many as 25, brain cancer cases among employees at the Texas City plant. That was about twice the incidence rate found among the surrounding population, the agencies reported (Current Report, Oct. 30, 1980, p. 573).

Union Carbide's study, begun in 1979, found 12 deaths due to primary malignant brain cancer among the 6,588 Texas City employees studied. By comparison with U.S. rates, 7.42 cases would have been expected, the company stated.

The overall mortality rate of employees working at Texas City since 1941 is "significantly less" than the national average, 765 observed compared with 923.82 expected, according to the company.

Three reasons for labeling the four or five excess deaths a chance occurrence were given by Engle and Glenn:

- ▶ The company was unable to associate the deaths with any particular chemical exposures.

- ▶ The types of brain cancer found are present in the same percentages as those seen among the general population. Ordinarily, the company maintained, chemically caused cancer is a specific and often unusual type, different than those seen in the general population.

- ▶ Excessive brain cancer has not been confirmed in any chemical plant similar to the Carbide facility in any other part of the U.S.

"There is no cause for alarm," the company officials told the Texas City employees. They added that deaths due to cancer, "however small in number," will "continue to receive our attention and concern," and that Carbide will continue its investigations and cooperation with NIOSH in the agency's own on-going study.

Union Carbide said it expects that the NIOSH study will reflect conclusions similar to those of the Carbide investigation. Both studies used a common data base that includes the health and work histories of 6,588 workers who have been employed at the Texas City plant since 1941, according to the company.

Current standards and practices at the Texas City facility "provide more than adequate protection from known health hazards," Union Carbide asserted.

The Carbide study was reviewed by Dr. Brian McMahon of Harvard University and Dr. Philip Enterline of the University of Pittsburgh.

NIOSH Responds

A spokeswoman for the National Institute for Occupational Safety and Health, while stressing that the institute was pleased with the cooperative professional relationship it has experienced with Union Carbide, nonetheless questioned some of the company's interpretations of the data.

Spokeswoman Deborah Van Brunt told BNA Nov. 16 that, although NIOSH could corroborate the overall results reported by the company, an additional finding was made of a threefold increased risk among employees who worked at the plant 20 years or longer. In addition, NIOSH said it was aware of 23 — not 12 — brain cancer cases, as reported in its preliminary findings in August 1980.

The institute also took issue with the three reasons stated by Carbide for speculating that the excess may have been due to chance.

First, the institute acknowledged that the failure to find a correlation between particular exposures and the cases was "important evidence" but maintained that such evidence does not rule out an occupational hazard as the cause. Van Brunt added that the cause may be traceable instead to a class of chemicals or certain chemicals in combination with one another.

Second, the institute stated that brain cancer in general, as well as the types of brain cancer found at the plant, indeed represent an unusual and specific cause of death. Five such deaths usually are found among 100,000 white males in the general population, the institute maintained, making it the sort of "unusual" cancer attributed to chemical exposures by Carbide. In addition, the institute questioned that company assumption, saying that common types of cancer are related to occupational exposures as often as are unusual types.

Third, the institute, while acknowledging that no similar excess had been confirmed at other locations, contended that unconfirmed higher-than-expected incidence rates found at several plants "raise a very strong suggestion of brain cancer as an occupational hazard." NIOSH gave as an example a Union Carbide plant at South Charleston, W.Va., which it said used similar chemicals to those at the Texas City facility. A twofold brain cancer excess was found there, it noted.

Appropriations

HOUSE APPROVES STOPGAP FUNDING BILL,
REJECTING PROPOSAL FOR IMMEDIATE CUTS

The House of Representatives Nov. 16 approved a continuing resolution that would provide stopgap funding through the end of this fiscal year for the Occupational Safety and Health Administration and other agencies not yet appropriated funds by Congress.

The bill (HJRes 357) was passed by a vote of 195 to 187 after the House rejected by 201 to 189 a White-House backed amendment seeking to institute a 5 percent funding reduction in levels set by the stopgap legislation. The across-the-board amendment, introduced by House Minority Leader Robert Michel (R-Ill), was seen as an attempt to put into law at least part of the President's September request for a sweeping 12 percent cut in domestic programs.

The new continuing resolution will affect OSHA, the National Institute for Occupational Safety and Health, and the

OCCUPATIONAL HEALTH & SAFETY LETTER

Volume 11, No. 22

GERSHON W. FISHBEIN, PUBLISHER

November 22, 1981

Main Office • 1097 National Press Building • Washington, D.C. 20045 • (202) 347-3868

Published twice a month. Rate: \$110 per year; \$205 in combination with Environmental Health Letter

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NIOSH-OSHA TEAM TO DISPUTE UNION CARBIDE DATA, ANALYSIS OF BRAIN TUMORS:

A team of Government investigators headed by Dr. Richard Waxweiler of NIOSH and Dr. Victor Alexander of OSHA expect to publish shortly (perhaps in *Lancet* or the *Journal of the National Cancer Institute*) an updated version of their epidemiological investigation of brain tumors at Union Carbide's facility in Texas City, Tex.

The company recently acknowledged that a nearly two-fold excess risk of brain tumor existed among workers at the plant but that no occupational link could be found and therefore the excess must be considered a chance possibility.

The company reported 12 deaths due to primary malignant brain cancer and by comparison with national rates 7.42 would have been expected. The company considered all deaths of employees working at Texas City from 1941 through 1977 but confined the survey only to white male employees.

By contrast, the Government investigators studied all male employees, white and non-white, and carried their study through 1979. Using those yardsticks, the Government will report on incidence of 23 cases of brain tumors compared to an expected incidence of 10 cases. A NIOSH official familiar with the study told us the difference could be accounted for almost entirely by the inclusion of non-white workers and extension of the survey period for two years.

In addition, the Government investigators will challenge the Carbide hypothesis that the increased incidence is due a chance possibility. That may be true, but there is also the distinct possibility that some chemical or chemicals in the plant may be responsible and should be investigated, they say.

The company and NIOSH have been conducting separate studies but using the same data base. Carbide informed its employees that no correlation could be found between brain cancer cases and employment in the chemicals used or manufactured in the plant.

It said that the over-all mortality rate of employees working at Texas City since 1941 is significantly below the national average (765 observed vs. 923.82 expected) and that of the 765 deaths which occurred among 6,588 employees, 12 were due to primary malignant brain cancer and that, finally, no correlation could be found between brain cancer cases and employment exposure to chemicals used or manufactured at the Texas City plant.

In a letter mailed to each employee of the Texas City facility, plant manager Damon L. Engle and plant physician Dr. David H. Gilem stated that they believe the four to five cases of brain cancer "may represent a chance occurrence and that these cases are not due to chemical exposure at our plant," because:

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they said:

"First, we have not been able to associate these brain cancer cases with any particular chemical exposure. Second, the types of brain cancer are present in the same percentages as that seen in the general population. Ordinarily, chemically caused cancer is a specific and often unusual type, different than those seen in the general population. Finally, excessive brain cancer has not been confirmed in chemical plants similar to ours in other parts of the country."

"Brain tumors," it continues, "are a rare cause of death and while there must be concern over any increase in incidence, there is no cause for alarm based on the results of this study."

HERE'S A SWITCH—OMB OFFICIAL URGES SHIFT OF OSHA TO MERGE WITH NIOSH:

It's not unusual for someone to recommend the transfer of NIOSH to the Labor Department in a merger with OSHA.

But now a high-ranking official of the Office of Management and Budget suggests, in a view he describes as his own and not necessarily that of OMB, that OSHA be transferred to the Department of Health and Human Services and merged with NIOSH.

What is intriguing is not only that it came from John F. Morrall III, Deputy Chief of Social Regulation in OMB's Office of Information and Regulatory Affairs (again emphasizing that it was his personal view) but that it was presented at a conference on government regulation sponsored by the American Enterprise Institute for Policy Research, a think tank which has given the Reagan Administration some of its top officials and philosophy.

Morrall said that a combination of the significant risk test provided by the Supreme Court's ruling on benzene and the use of cost-effectiveness analysis called for in its cotton dust decision, could produce most of the public policy improvement expected from a cost-benefit requirement, which the Supreme Court ruled out. Detailed examinations for individual OSHA regulations—coke ovens, benzene, acrylonitrile and cotton dust in particular—illustrate the potential improvement from such a strategy, he said.

"Although much can be done administratively," he said, "it can be accomplished mainly by reducing costs, not increasing benefits. Furthermore, a change in administrations could quickly lead us in the opposite direction. To assure more lasting reform, one that actually produces significant occupational safety and health benefits, legislation is needed. I recommend the following:

"(1) Merge OSHA into NIOSH at HHS where it can concentrate more on promoting occupational health and less on safety and labor issues such as pay, seniority and comfort.

"(2) Require cost-benefit balancing so that... more extensive cost-beneficial regulation can replace intensive inefficient regulation.

"(3) Press for reform of workers' compensation (experience rating, co-insurance and deductibles) to create incentives for firms to provide safer workplaces.

"(4) To deal with society's financial interest in reducing health and safety risks, reform the institutions that create these externalities since they create them for all risky situations, both in and outside the workplace.

In a subsequent interview with *OCCUPATIONAL HEALTH & SAFETY LETTER*, Morrall said one objective of moving OSHA into HHS and a merger with NIOSH would be to make the program more scientific and less responsive to the demands of labor. From a regulatory standpoint, he said, OSHA is currently moving in the direction sought by the Administration, is concentrating inspections and enforcement on the most serious violations, but that his suggestion for legislation transferring OSHA to HHS was predicated on the possibility of a subsequent administration much more so than that trend by administrative action. "In a practical standpoint," he acknowledged that such a move would probably have political repercussions.

OCCUPATIONAL INJURIES AND ILLNESSES CONTINUED

The Bureau of Census reported that in 1979, 1.2 million workers were injured or became ill as a result of occupational accidents or diseases. This figure is a 12 percent increase over the 1978 figure of 1.1 million.

The Carter Administration has set a goal of reducing occupational injuries and illnesses by 10 percent by the year 1990. The private sector during 1979-1980

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Confessions of One 'Inside-Dope Addict'

By Joanne Omang
Washington Post Staff Writer

Long before there was an Environmental Protection Agency, Gershon Fishbein made a living telling people what they needed to know about environmental issues.

His Environmental Health Letter marked its 20th anniversary last month, the oldest in the environmental business and the flagship of a one-man fleet of newsletters that has prospered in a field littered with failed publications.

Now there are hundreds of newsletters, specializing in technical minutiae and behind-the-scenes reporting within every industry, scientific and governmental subdivision. The Newsletter Clearinghouse Directory lists 2,400 newsletters in 150 categories, and about 400 of them are based in Washington, watching federal agencies at very close range. At least 50 specialize in environmental news, and customers include

their targets: EPA, for instance, subscribes to 30 newsletters, according to an agency official.

"Somebody once called us the 4th-and-a-half estate," Fishbein said in a recent interview. Little known outside their fields, the newsletters rarely spark Hill hearings or win big prizes for their investigative work, even though major newspapers often get tips or ideas for whole stories from them.

The majority are run by a few people who work hard for not too much money. If the newsletters survive the first two years, they tend to grow into multi-publication operations, according to Fred Goss, executive director of the Newsletter Publishers Association.

"Basically we're all inside-dope addicts," Fishbein said.

McGraw Hill's Washington Report on Medicine and Health launched newslettering in that field in 1947. Fishbein's was next, and then came the Business Pub-

lisher's Air/Water Pollution Report in 1963 and the Washington Drug Letter in 1969.

"The big explosion was in the mid-60s with the Great Society and the growing demand for specialized information," Goss said. The Bureau of National Affairs alone now has six environment-related publications.

Fishbein started his newsletter at the age of 40, when he decided that he didn't want to work for some one else anymore. A former reporter and editor at The Washington Post, Associated Press and the New York Herald Tribune, he was running the Washington office of the Medical Tribune, a magazine for doctors, when Congress began reorganizing the Public Health Service.

"It was old [former Democratic representative] John Fogarty of Rhode Island who suggested it," Fishbein recalled. The introductory issue accurately predicted that a new Bureau of Environmen-



GERSHON FISHBEIN
... environmental newsletter turns 20

tal Health would soon be set up within the Public Health Service.

He sent the issue to a list of 2,000 potential subscribers, offering it for \$50 a year, and got 125 buyers, a good return. Now EPA has 10,000 employees and Fishbein's newsletter, still bimonthly, sells for \$110 a year. His empire now includes the Occupational Safety and Health Newsletter and the Genetic Engineering Letter.