

Manufacturing Chemists' Association, Inc.

(FOUNDED 1872)

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

PLAINTIFF'S
EXHIBIT
CMA-177

L-547

MINUTES OF MEETING LABELS AND PRECAUTIONARY INFORMATION COMMITTEE

Madison Hotel, Washington, D. C.

January 14-15, 1964

PRESENT

H. H. McIntyre, Chairman	The Dow Chemical Company
C. B. Shaffer, Vice Chairman	American Cyanamid Company
L. W. Burnette	General Aniline & Film Corporation
J. T. Gormally	Pennsalt Chemicals Corporation
J. W. Hammond	Humble Oil & Refining Company
E. J. Hogan	Allied Chemical Corporation
J. A. Mooney	FMC Corporation
J. F. Osteritter, M.D.	Celanese Corporation of America
R. F. Philpitt	Olin Mathieson Chemical Corporation
D. P. Smoot	Stauffer Chemical Company
F. D. Sparre	E. I. du Pont de Nemours & Co., Inc.
N. E. Wendt	American Potash & Chemical Corporation
N. G. White	Shell Chemical Company
F. G. Stephenson, Secretary	Manufacturing Chemists' Association, Inc.

GUEST

M. B. Lore	E. I. du Pont de Nemours & Co., Inc.
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ABSENT

R. H. Dewey	Commercial Solvents Corporation
C. L. French	Mallinckrodt Chemical Works
J. T. Fuess	Distillation Products Industries, Division of Eastman Kodak Company
E. J. Masek	Diamond Alkali Company
G. R. Sido	Monsanto Chemical Company
R. G. Troup	J. T. Baker Chemical Company

Chairman McIntyre opened the meeting at 9:30 a.m. He expressed apologies on behalf of a number of members who were prevented from attending by the severe weather conditions.

Minutes of the September 17-18, 1963 meeting were approved subject to the following changes:

Item 1.3.1 The "Introduction" referred to in this paragraph should include a statement that it would be for use of CSMA members interested in the Federal Hazardous Substances Labeling Act.

Item 1.3.3 The conference referred to in this paragraph will be held in February, 1964, and not in June as stated.

1.1 MEMBERSHIP

a) Memorial for Sanford J. Hill - It was reported that a gift of money, subscribed to by individual members of the Committee, has been forwarded to the Massachusetts Institute of Technology to purchase books for the Hayden Memorial Library of MIT. It was understood that a bookplate would be prepared and used in each of the books so purchased. The plate could read as follows: "In memory of Sanford J. Hill, Class of '21, from the members of the Labels and Precautionary Information Committee of the Manufacturing Chemists' Association Inc."

b) Membership changes.

1) Resignation - The Committee was advised that Dr. T. W. Nale has now retired and therefore had resigned his Committee appointment. A vote of thanks to Dr. Nale for his excellent services to the Committee was unanimously carried and it was recommended that a letter signed by General G. H. Decker, President of MCA, be addressed to Dr. Nale in commendation of his services to the Committee.

2) Appointment - The Committee unanimously resolved to recommend to the Board of Directors that Dr. C. U. Dernehl of Union Carbide Corporation be appointed a member of the Committee.

1.2 REPORTS OF STANDING SUBCOMMITTEES

1.2.0 Function and Purpose of Advisory Board

Chairman McIntyre stated that the purpose of the Advisory Board is to advise him on the functional operations of the Committee, in accordance with the terms of reference established by the Manufacturing Chemists' Association, Inc.

On recommendation of The Advisory Board, Chairman McIntyre presented for adoption the following procedures governing correspondence concerning Committee business:

1) Copies of all correspondence relating to designated

LAPI Committee activities are to be sent to the Secretary, the Chairman, and the Vice Chairman.

2) Copies of all correspondence between Advisory Board members concerning LAPI Committee activities shall be sent to the Secretary and to all members of the Advisory Board,

3) Statements reflecting an official position of the Committee or relating to an activity of the Committee are to be prepared by the Secretary and Chairman in consultation with appointed Committee members and issued by the Secretary. Unless specifically authorized by the Chairman, individual members are not to write statements of letters concerning designated activities in their capacity as LAPI members.

Following general discussion, the above items were adopted for inclusion in the overall Rules of Procedure of the Committee.

1.2.1 Legislative Subcommittee

Mr. Sparre, outlining procedure for the operation of the Legislative Subcommittee, stressed the need for early information on proposed legislation. Contact with related trade associations will be maintained. He also recommended that when it is decided that MCA should take action regarding any proposed legislation that copies of the bills under consideration should be obtained and distributed to all members of the Committee. The present State Legislative Subcommittees are to be continued.

1.2.2 Manual Subcommittee

See 5.0

1.2.3 Labels Subcommittee

a) Mr. Philpitt stated that the function of the Labels Subcommittee is to prepare or review precautionary labeling at the request of the chairman or when the activities of the Committee make it necessary.

b) MCA Joint Task Group on Pyroforic Materials

The secretary reported that the LAPI Committee has been invited to participate in the work of the MCA Inter-committee Task Group on Pyroforic Materials. Members of this Task Group are:

Mr. E. O. Jones, Ethyl Corporation, Chairman
Mr. R. J. Carey, Stauffer Chemical Company
Mr. A. B. Chandler, Foote Mineral Company
Mr. R. J. Fieldhouse, Victor Chemical Division, Stauffer
Chemical Company
Dr. W. G. McKenna, Bureau of Explosives

The Task Group is concerned with transportation definitions of pyroforic liquids and solids, design features for containers, ICC Regulations, precautionary labeling, and testing and test apparatus.

After general Committee discussion it was agreed that Chairman McIntyre would contact Mr. E. O. Jones and make arrangements for LAPI Committee representation on the Task Group.

1.2.4 Special Projects

Subcommittee Chairman Gormally reported on the procedures to be followed by this subcommittee. He recommended that the Public Relations Subcommittee be discharged and the DCAT liaison subcommittee be placed on inactive status. He also reported that the LAPI Committee had been asked to appoint a representative to the MCA Committee on Environmental Health which is to be established.

1.3 REPORTS OF LIAISON MEMBERS OF ALLIED COMMITTEES

1.3.1 CSMA

Mr. McIntyre reported that CSMA General Precautionary Labeling Committee has broadened its scope to include all labeling matters, and that CSMA will shortly publish the necessary revisions to bring the Compilation of Hazardous Products Labeling Laws up to date.

1.3.2 API

Mr. Hammond reported that a revised edition of API Bulletin No. 2511 will be published early in 1964. This bulletin is a guide to the precautionary labeling of petroleum products.

1.3.3 NPV&L

Mr. Sparre reported that NPV&L, in cooperation with the National Conference on Weights and Measures and the Association of Food and Drug Officials of the United States, will sponsor a National Uniform Labeling Conference at the Statler Hilton Hotel,

Washington, D. C. on February 18 and 19, 1964. Mr. Sparre and Mr. McIntyre are to be members of discussion panels and Mr. J. D. Kittelton of MCA staff will participate in the panel on the final conference review.

1.3.4 ACGIH

Mr. Hammond stated that there was nothing to report. The next meeting will be held April 25-27 in Philadelphia.

Mr. Hammond then discussed the desirability of active opposition by MCA in changes in threshold limit values for toxic materials whenever these changes are considered unjustified. The Chairman requested that Committee members send their comments on proposed changes to Mr. Hammond.

1.3.5 CGA

Mr. Philpitt stated that he had nothing to add to his statement at the last meeting that CGA is working on a revision of Pamphlet C-7 on Compressed Gas Containers.

1.3.6 NFPA

a) Revision of NFPA No. 704 - Mr. McIntyre reported that NFPA Committee 704 - Fire Hazards of Materials - has been reactivated and that a meeting will be held on January 23, 1964.

b) Revision of NFPA No. 326 - Precautionary Labeling of Flammable Materials - Mr. Sparre reported that he is a member of a task group which is reviewing the requirements of this standard. A need for increased participation in NFPA matters by chemical industry representatives was stressed.

1.3.7 DCAT

It was agreed to remove this item from the permanent docket.

1.3.19 HIAA - GLUE SNIFFING

Mr. Hogan reported that on December 16, 1963 the Board of Health of New York City approved in principle a proposed amendment to the City Health Code to prohibit the sale of glues and cements to persons under 18 years of age unless the material is sold simultaneously with materials used for the construction of model airplanes or similar objects.

1.3.20 Environmental Health

Mr. Troup of J. T. Baker Chemical Company has been nominated as LAPI Committee representative on the MCA Environmental Health Advisory Committee. This Committee will consist of 5 members at large and also a representative from each of the following committees: Air Quality; Food, Drug and Cosmetic Chemicals; LAPI; Legal Advisory; Medical Advisory; Nuclear; Public Relations; Safety and Fire Protection; Washington Advisory; and Water Resources.

1.3.21 Joint Committee on External Markings of Motor Vehicles

The MCA Inter-committee Task Group on External Markings on Motor Vehicles used for Transporting Hazardous Commodities met in Washington on October 15, 1963. The trend of the discussion is now away from the use of a pictorial code and the use of more informative texts is being considered.

1.3.22 Formation of Inter-Association Labeling Committee

The Committee discussed the need for an inter-association labeling committee. On a motion moved, seconded and carried unanimously, the Chairman was authorized to appoint a task group to prepare a proposed scope for an inter-association labeling committee and to report at the next meeting.

1.3.23 Weights and Measures

Mr. Sparre reported that the Industry Weights and Measures Drafting Committee, appointed at the meeting of the Industry Committee on Quantity Declaration of the National Conference on Weights and Measures, has prepared a questionnaire regarding the placement, type sizes etc., of net-quantity statements on packages. This questionnaire will be submitted to the full industry committee in due course.

Mr. Sparre will be MCA representative on the Drafting Committee. MCA will continue to work towards inclusion of wording so that requirements for statements regarding net weight contents will not apply to industrial packages.

1.3.24 Toxicity Rating

Dr. Shaffer reported that he is working with the Committee on Toxicology of the National Research Council to prepare toxicity ratings for hazardous substances for use by the Coast Guard in regulating the transportation of hazardous sub-

stances by inland waterways.

2.0 INTERNATIONAL

2.01 ILO Committee

The Secretary reported that no indication of further action by the ILO in the matter of precautionary labeling has been received.

2.03 ABCM

The Secretary reported that copies of the thirty-ninth meeting of the Marking of Containers Committee held on October 3, 1963 have been distributed to Committee members.

2.1 FEDERAL LEGISLATION

Mr. Sparre reported that a letter signed by General Decker was sent to the Director of the Pesticides Regulation Division, U. S. Department of Agriculture on December 20, 1963 stating the Association's viewpoint on the proposed revisions of regulations under the Federal Insecticide, Fungicide and Rodenticide Act. An acknowledgment of this letter has been received. Comments were also submitted by CSMA and NAC. New regulations have been scheduled for publication in the Federal Register of Thursday, January 16th. Twenty days will be allowed for comment. The proposed new regulations will be scrutinized and a decision made as to whether MCA should submit further comments.

Mr. J. R. Carnes, MCA Director of Government Relations, reported on the status of Federal legislation of interest to the Committee. This included HR 8148 and HR 8901.

The Committee reviewed and discussed recent changes in Regulations under the Federal Hazardous Substances Labeling Act.

The Secretary reported on the status of MCA activities regarding the proposed revisions to the safety and health standards for Federal supply contracts under the Walsh-Healey Act. An extraordinary meeting of the Safety and Fire Protection Committee will be held on January 30, 1964 to prepare an MCA position to be presented at the public hearings on March 17, 1964. It was agreed that Dr. N. G. White would represent the LAPI Committee at the January 30 meeting.

2.2 STATE LEGISLATION

Mr. McIntyre reported that he will have discussions with

MCA staff regarding the procedure to be adopted for advising Committee members regarding legislation proposed in the various States during 1964.

2.3 NEW YORK CITY

The Chairman and Mr. Sparre reported on recent resolutions adopted by the New York City Department of Health amending the Health Code under Article 173 and also reviewed recent proposed revisions of Fire Department regulations. Following general discussion by the Committee, it was agreed that the resolutions of the New York City Health Department and the Fire Department should be carefully followed by the Committee, and that Committee representatives attend any future meetings in connection with these revisions.

3.0 REPORT OF AD HOC SUBCOMMITTEES

a) 3.31 Phenol

A report was received from Mr. Sido recommending that the precautionary label for the revised edition of the Chemical Safety Data Sheet should be as given in the 1961 edition of Manual L-1. The Committee unanimously approved the recommendation.

b) Ethylene Glycols

Mr. Philpitt referred to the subcommittee report adopted at the September 1963 meeting. This report was included as an appendix to the minutes of that meeting. A recommendation had now been received that, because the report makes no mention of the litigation which led to the creation of the subcommittee to study available data and to make a recommendation for precautionary labeling, the matter should now be re-opened. Mr. Philpitt reported that the subcommittee had reviewed this proposal and wished to recommend against it. The Committee accepted the subcommittee's recommendation that the matter not be re-opened at this time.

5.0 a) Manual L-1 Guide to Precautionary Labeling of Hazardous Chemicals

Dr. Shaffer reviewed with Committee members a general plan to be used by his subcommittee in the next revision of Manual L-1. It was agreed that it is not yet time to start on this revision. Chairman McIntyre asked committee members to consider Dr. Shaffer's proposals, particularly those regarding development of a compendium-type manual, and to be prepared for further discussion at the next meeting.

b) Toxicity Data Sheet

Dr. Shaffer submitted for adoption a revised toxicity data sheet for general use in the preparation of precautionary labels. Members were asked to review this sheet and to forward any comments to Dr. Shaffer prior to the next meeting when a resolution as to its adoption will be considered. The Chairman requested that the proposed sheet be reviewed by MCA counsel.

6.0 LABELING CONFERENCE

The Committee agreed to postpone consideration of a labeling conference pending the outcome of the NPVLA Summit Conference on Uniform Labeling in February.

18.0 RULES OF ORGANIZATION

The Chairman requested that Committee members send to the Secretary their proposals for revising the Committee's Rules of Organization and Procedure.

NEXT MEETING

The next meeting of the Committee will be held at The Homestead, Virginia on May 5 and 6, 1964.

Minutes subject to approval

FGS:cm
3/25/64