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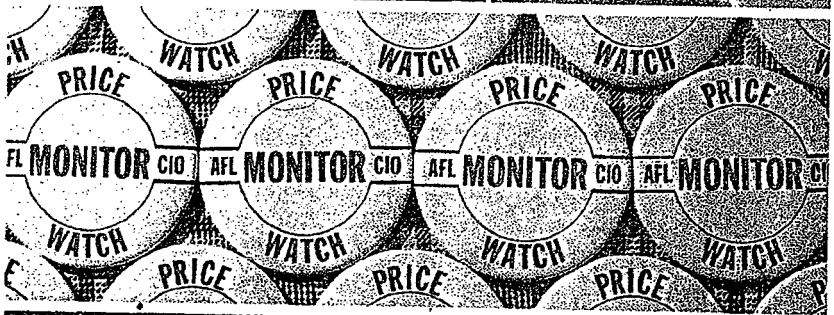
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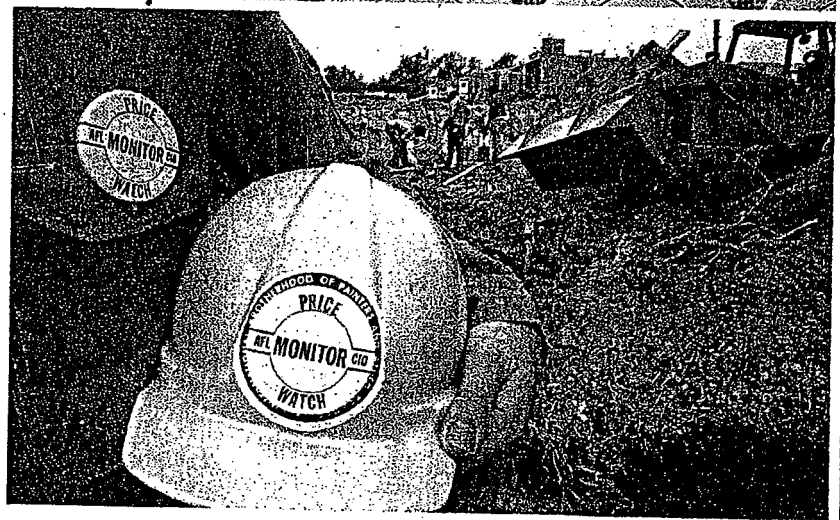












IBPAT, Labor Set Operation Price Watch

LEGAL® DEFENDANT'S EXHIBIT
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Painters & Allied Trades Journal

On the Cover

IBPAT and Labor set Operation Price Watch. Photos by Les Crandell. Story, page 4.

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DEVOTED TO THE TRADE INTERESTS OF RESIDENTIAL • COMMERCIAL • INDUSTRIAL • SIGN • PICTORIAL • COACH • AUTOMOBILE • AIRCRAFT • MACHINERY • RAILWAY EQUIPMENT • SHIP AND SCENIC PAINTING • DECORATING • PAPERHANGING WALL COVERING • DECORATIVE AND ARCHITECTURAL GLASS WORK • GLAZING • CARPET • LINOLEUM • SOFT TILE • PAINT AND VARNISH MAKING BRUSH MAKERS AND TO THE TRADE UNION MOVEMENT IN GENERAL

Any member or subordinate body publishing programs, souvenirs or other documents of any description must not designate them as "The Official Journal of the Brotherhood," or as "The Painters and Allied Trades Journal," either upon the publication itself on their advertising contract forms or stationery.

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S. FRANK RAFTERY
General President
1750 New York Avenue, N.W.
Washington, D.C. 20006

ROBERT J. PETERSDORF
General Secretary-Treasurer
1750 New York Avenue, N.W.
Washington, D.C. 20006

General Vice Presidents

BERNARD SNIEGOWSKI
1st District
1443 Westchester Boulevard
Westchester, Ill. 60153

A. L. MONROE, 2nd District
7909 Bayberry Drive
Alexandria, Va. 22306

JAMES WOLFORD, 3rd District
100 Devon Lane
Williamsville, N.Y. 14221

JACK T. COX, 4th District
2212 DuPont Drive
Iryine, Calif. 92664

GUY LEBER, 5th District
1930 Bishop Lane
Louisville, Ky. 40218

JAMES B. COX, 6th District
8800 Blue Ridge Ext. No. 10
Kansas City, Mo. 64138

WILLIAM A. DUVAL, 7th District
1750 New York Avenue, N.W.
Washington, D.C. 20006

IBPAT Presents 4-Point Job Health Program to U.S. House

As one of the recognized leaders in the area of occupational health and safety, IBPAT was invited to present its recommendations before the Subcommittee on Labor Standards, House Committee on Education and Labor, which conducted hearings on occupational diseases in Washington, D. C., recently. Chairman of the Subcommittee is U. S. Representative Edward Beard (D-R.I.), who is a dues-paying member of IBPAT.

General President Raftery assigned Francis X. Burkhardt, IBPAT's research director and former assistant secretary of labor, to present IBPAT's testimony.

The recommendations presented by IBPAT consisted of the following four points:

- requirements for complete labeling information for the products used in the paint and allied trades
- the issue of safety and health testing of a product prior to its introduction into the workplace
- the special requirements of jobsite monitoring in the construction trades
- the need for certification of workers in the paint and allied trades

Following are some excerpts from Burkhardt's testimony:

PRODUCT LABELING

As painters and allied tradesworkers, we walk into some of the most hazardous workplaces in America blindfolded.

All we know about workplace-induced cancers and other serious illnesses is based upon what happens to workers after they are exposed to various substances.

Instead of counting the bodies, we would prefer to have the answers to some very simple questions: What do we work with? What does it do to us? How can we protect ourselves from it?

Most of the time, this information is withheld from us . . .

First, many labels list no ingredients whatsoever.

Second, many labels simply say, for example, "Contains benzene," which happens to be a known carcinogen . . .

Third, some labels include a perfunctory warning . . . [such as] "Harmful if swallowed;' or "Use with adequate ventilation;" or "Keep out of reach of children." All of these terse warnings are grossly understated clues that the product contains something unhealthy . . . They do not begin to address the needs of workers who experience daily exposure over a working lifetime . . . They call attention to [short-term or acute effects, such as] eye irritation or skin rashes. But in many instances, the significant harm results from low-level exposure over repeated and sustained periods, culminating in a variety of chronic conditions.

Fourth, in a very few instances, manufacturers voluntarily provide complete information on the labels of their products . . . [including harmful effects, control measures and proper personal protective equipment] . . . [But these labels] still leave us with a subtle and insidious problem. That is, a painter who reads [a complete] label will conclude that this particular paint must be exceptionally hazardous, given the exceptionally complete information on its label, and may very well opt instead for a product which contains the same substances, but whose woefully inadequate label imparts a false sense of relative security . . . For this reason, manufacturers hesitate to label their products on a voluntary basis . . .

The only solution is a comprehensive, across-the-board labeling standard requiring three complete categories of information on each and every label. One, every label must list all ingredients . . . Two, every label must give complete warning of all known possible harmful effects . . . Three, every label must define control measures . . . [including] personal protective equipment.

PRODUCT TESTING

. . . Uncounted millions have been spent to test the performance of paints and allied products. But very little has been spent to test the health effects and safety of these products. Yet knowledge of the health effects has been obtained. How? Through another kind of product testing that has been taking place in the paint and allied trades. The more cynical among us call it "field testing." After ten or fifty years, the results of many of these "field tests" are in: chronic bronchitis among 30 percent of painters and allied tradesworkers examined by Dr. Selikoff. [Also discovered by Dr. Selikoff were high incidences of asbestosis, pleural changes, opacities, silicosis, prenarcotic and neurotoxic symptoms, leukemia, anemia, pneumoconiosis, tremors, paralysis, insomia, blindness, central nervous system damage. . . .

The time to determine the safety of a product is before its introduction into the hands of persons—including employers—who do not know what it is, what harms it will cause or how to protect themselves from it . . . A collaborative effort by industry, scientists and government—through support and recognition of the Toxic Substances Control Act and the Occupational Safety and Health Act—must be made to provide as much forknowledge as possible of a substance's impact upon human health, and by extension, upon our nation's economy.

JOBSITE MONITORING

. . . Even today, nine years after OSHA's passage, there are virtually

(Continued on page 7)



Appearing before the Subcommittee on Labor Standards, House Committee on Education and Labor, to present IBPAT's recommendations were, left to right, Harry Heimann, M.D., of the Mount Sinai School of Medicine; Francis X. Burkhardt, IBPAT research director; and Rod Wolford and Marilyn Larson, IBPAT's health and safety education experts. (Photos by Les Crandell.)

IBPAT Presents Job Health Program to U.S. House (Cont'd)

reliable, ongoing efforts at monitoring, measuring or sampling on worksites in the construction trades . . .

With a modest grant from the Occupational Safety and Health Administration, [IBPAT] has begun to develop a program to train some of our local business representatives in jobsite monitoring, measuring and sampling techniques . . .

We believe that such a program of jobsite monitoring will provide a reliable means for establishing the types and levels of exposures that can be expected on certain kinds of categorized jobsites . . .

We have seen how self-monitoring programs like this are starting to have a positive impact in manufacturing industries, where the use of in-plant industrial hygienists is becoming more and more standard. The construction industry can be guided, through direct grant programs and carefully planned guidelines, to a similarly positive posture toward the design of safe and healthful conditions on the temporary worksite.

CERTIFICATION OF TRADESWORKERS

. . . We have concluded that workers who handle [the hazardous substances of the paint and allied trades] need to be certified.

Our proposal for certification entails four points:

(1) Certification would require that workers demonstrate knowledge about the nature of hazardous substances with which they work, and know the proper protective measures that must be used to avoid unhealthy exposures.

(2) Certification would require that workers use the proper measures and protections to remain certified . . .

(3) Certification would require periodic medical examinations for certain kinds of work, to insure that a worker is not expriencing adverse effects from the products of the paint and allied trades.

(4) Certification would maintain limits on the number of hours that workers would be allowed to use certain hazardous substances, where applicable, thereby keeping the worker's exposure within determined safe duration limits . . .

Certification would include an extensive training program in the numerous and complex health and safety hazards of the paint and allied trades, such as the training provided by IBPAT through its OSHA Training Project . . .

It is very important that certification requirements apply to both the union and the non-union sector alike . . .

Without certification, the public and the workers of the paint and allied trades will continue to pay the hidden costs of production. These costs include hundreds of millions of dollars in annual losses from accidents, injuries, and illnesses. These costs include the millions of dollars in medical expenses devoted to caring for the victims of the illnesses of the paint and allied trades. These costs also include the loss of well-being and the suffering of families of workers who are exposed. And there is no doubt that these costs are paid by each of us, everyday, added to the costs of insurance, taxes, medical care and products . . .

ECONOMIC IMPLICATIONS

. . . We must have sanctions against employers who sacrifice the health and safety of their workers and endanger the lives of many Americans just to gain a competitive edge.

Further, we must give our support to manufacturers and contractors who are willing to invest in processes and products that protect the lives of the workers who make and use them . . .

We have two specific recommendations: (1) No Davis-Bacon work should be let to any contractor who does not demonstrate that all of the proper protective equipment is being used on his jobs . . . (2) No imported products should be allowed into this country that are made under working conditions inferior to those in the U. S., without a tariff added . . .

The true cost of a product must include those areas of health and safety that relate to the quality of life which we wish for ourselves and for everyone . . .

A comprehensive program of controls and encouragements such as we have outlined here today can be integrated into the paint and allied trades intelligently, which is to say without serious economic displacement . . . We in the unionized sector of this industry have moved steadily toward implementation of this type of program. With our National Joint Safety and Health Committee, whose members represent employer groups, manufacturers, scientists, government and labor, we have found that many employer groups in the paint and allied trades agree strongly with the principles of such a program. However, they do not feel they can unilaterally institute such measures unless they are required across-the-board of everyone—union and non-union. Not only is there an economic bias against the unionized sector in this industry, in terms of safety and health controls, but we should also be careful to recognize the potential bias against American industries which must compete against foreign producers, who are often not required to demonstrate the same concern for the quality of life of their workers.

Job health and safety is a tremendous national problem with wide-ranging implications. . . . We firmly believe that our nation has the resources and the will to overcome this problem. . . .

The full testimony was prepared by Francis X. Burkhardt, Marilyn B. Larson, Rod Wolford and Donald N. Cagle.

U.S. Representative Edward Beard (D-R.I.), chairman of the House Subcommittee on Labor Standards and a dues-paying IBPAT member, examines inadequate labels of paint trade products. Said Chairman Beard, "This label warns not to swallow the product. I don't know any painters who drink their paints."

