

Manufacturing Chemists' Association, Inc.

(FOUNDED 1872)

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

L-525

PLAINTIFF'S
EXHIBIT
CMA-174

MINUTES OF MEETING LABELS AND PRECAUTIONARY INFORMATION COMMITTEE

May 14 & 15, 1963

Hotel Hershey - Hershey, Pa.

The meeting came to order at 9:30 A.M. on Tuesday, May 14, 1963

PRESENT:

Edward J. Hogan, Chairman
R. G. Troup, Vice Chairman
L. W. Burnette
Robert H. Dewey
Chester L. French
J. T. Fuess

J. T. Gormally
Sanford J. Hill
Edward J. Masek
H. H. McIntyre
J. A. Mooney
Thomas W. Nale, M. D.
Richard F. Philpitt
C. B. Shaffer
G. Robert Sido
D. P. Smoot
F. D. Sparre
F. G. Stephenson, Staff Representative
and Secretary

Allied Chemical Corporation
J. T. Baker Chemical Company
General Aniline & Film Corp.
Commercial Solvents Corp.
Mallinckrodt Chemical Works
Distillation Products Industries,
Division of Eastman Kodak Co.
Pennsalt Chemicals Corporation
E. I. du Pont de Nemours & Co.
Diamond Alkali Company
The Dow Chemical Company
FMC Corporation
Union Carbide Corporation
Olin Mathieson Chemical Corp.
American Cyanamid Company
Monsanto Chemical Company
Stauffer Chemical Company
E. I. du Pont de Nemours & Co.
Manufacturing Chemists' Assoc.

ABSENT:

James W. Hammond
John F. Osteritter, M. D.
N. E. Wendt
N. G. White

Humble Oil & Refining Company
Celanese Corporation of America
American Potash & Chemical Corp.
Shell Chemical Company

APPROVAL OF MINUTES OF MEETING OF JANUARY 22 & 23, 1963

It was moved, seconded and voted

THAT, The minutes of the LAPI Committee meeting of January 22 & 23, 1963, stand approved.

RULES OF ORGANIZATION AND PROCEDURE

Mr. C. L. French reporting on behalf of the subcommittee stated that copies of the "General Principles Applicable to the Structure and Operations of Committees" as approved by the Board of Directors on March 12, 1963 had been received from General Hull. The subcommittee had reviewed the February 1961 "Organization, Purposes and Procedure of the Labels and Precautionary Information Committee" as approved by the MCA Board of Directors in the light of these new "General Principles" and in the opinion of the subcommittee found them to be in essential compliance with the new rules and therefore recommended that the 1961 rules be submitted without change for current MCA Board approval.

It was then moved, seconded and voted

THAT, The document entitled "Organization, Purposes and Procedure of the Labels and Precautionary Information Committee" dated February 1, 1961, covering membership, officers, meetings and administration be submitted to MCA for ratification.

The Secretary advised the Committee that the procedure would be for him to first submit this document to the MCA legal counsel for his opinion.

Mr. James T. Fuess reporting on behalf of the subcommittee stated that:

In the September 1962 issue of the listing of officers, Board of Directors, and Committees of the MCA, there is a statement of the function of the Labels and Precautionary Information Committee which does not completely describe the activities of the Committee.

This statement refers solely to the "Precautionary Information portion of the Committee title. Work in this area

has occupied the major portion of the Committee's efforts in recent years since it is in this field that the greatest pressure has been felt.

Legislative activity in the broad area of "Labels", not referring to precautionary information, has been increasing lately. This is important to the chemical industry and could, if not carefully followed and wisely counseled, adversely affect MCA members. No other standing committee is assigned to this area.

It is, therefore, requested that the statement of function in the listing, and in any records of the Association be amended to include problems dealing with the product label as indicated by the Committee title.

In light of the foregoing it was determined that the subcommittee should prepare new "specific objects" of the Committee for circulation and for consideration at the next meeting.

MCA AD HOC COMMITTEE ON ENVIRONMENTAL HEALTH

The Committee was advised that the Chairman had recommended Mr. J. T. Fuess of Eastman Kodak Company to represent the LAPI Committee as a member of the MCA ad hoc Planning Committee on Environmental Health. The basic purpose of this Committee will be to review MCA's overall activities in this area and to make recommendations to the Board of Directors. It is anticipated that the first meeting of the committee will be held very shortly.

EXTERNAL MARKINGS OF MOTOR VEHICLES FOR TRANSPORTING HAZARDOUS CHEMICALS

Mr. J. A. Mooney reported on a meeting held at MCA offices on April 11, 1963 regarding the development of external markings on motor vehicles used for transporting hazardous chemicals. The task force consisted of representatives of the Safety and Fire Protection Committee; Traffic Committee; Committee on Tank Cars, Tank Trucks, and Portable Tanks; Chemical Transportation Advisory Panel and the LAPI Committee. A preliminary proposal had been developed incorporating the NFPA 704-M system plus additional precautionary wording. An outline of the proposal had been circulated to the Committee by the Secretary together with his letter of April 30, 1963.

Committee members generally expressed agreement that the additional marking was feasible but realized that the pre-

liminary proposals were in their very initial stages and warranted additional development.

It was then moved, seconded and voted

THAT, While not necessarily endorsing the initial proposals of the task group, the LAPI Committee favors proceeding with the study and is prepared to assist and co-operate in any way desirable.

1.2 SUBCOMMITTEE ACTIVITIES

a. Clearance

Mr. H. H. McIntyre stated that he did not have anything to report.

b. Dyestuffs

Mr. L. W. Burnette reported that SOCMA had received the program submitted by the LAPI Committee simply as an item requiring its endorsement. SOCMA has endorsed the program but has not set up a group to continue this activity. The Chairman thanked Mr. Burnette for his report and discharged the subcommittee.

c. Pesticides

Mr. F. D. Sparre advised that he had attended hearings by the Governor's Committee of the State of Connecticut. Persons present at these hearings included professional agriculturists, representatives of garden clubs and others. As a result of the hearings, Mr. Sparre believes that there will be a strengthening of the Food and Drug Act of Connecticut, the Aerial Spray Control Act, the Custom Applicators Act, etc. Mr. Sparre had mentioned MCA and its labeling activities and recommended that copies of the newly published book "Agricultural Chemicals - What They Are/ How They are Used" be mailed to the State of Connecticut Governor's Committee. The Secretary will forward 12 copies of the book to Mr. A. E. Wallace, Connecticut Light and Power Co., Berlin, Connecticut.

Mr. Sparre also reported on a meeting in Washington on May 8, 1963 of the Pesticides Regulation Division of the Department of Agriculture with the Executive Committee of the Association

of American Pesticides Control Officials. While most of the discussion concerned the forthcoming Senator Ribicoff hearings on environmental health Mr. Sparre however, had raised questions on the labeling requirements under the Weights and Measures Bill of the State of Virginia.

The Secretary reported that MCA Government Relations representatives and others are holding meetings with officials of NACA and CSMA in an effort to unify industry approach on environmental health activities.

d. Public Relations

Mr. J. T. Gormally stated that he had nothing to report.

e. Reactive Metals

The Chairman reported that Mr. N. E. Wendt had advised him that the major activity in this area had been completed. The Chairman then discharged the subcommittee with thanks to its Chairman and members for the excellent work completed.

1.3 ALLIED COMMITTEE ACTIVITIES

1.3.1 CSMA

Mr. H. H. McIntyre discussed the proposed labeling of ethylene glycol base antifreeze containing sodium arsenite. Use of this type of antifreeze is likely to increase. The Chairman requested that Mr. McIntyre keep the Committee advised on future activity in this area.

1.3.2 API

The Chairman read a written report that had been received from Mr. J. W. Hammond regarding the recent activities of the API Committee on Precautionary Labeling. The report advised that Mr. A. E. Dooley, Chairman of the API committee, had a recent conference with Mr. Dale Miller of FDA on the identification of the petroleum distillates by viscosity. The FDA publication No. 17 was discussed, a copy reviewed, and the Committee informed that copies were to be distributed by the Humble Oil Company and Phillips Petroleum Company to their customers. The Secretary is to obtain copies for distribution to the Committee.

1.3.3 NPV&L

Mr. F. D. Sparre referred to work of Mr. Daniel Ring of NPV&L on weights and measures legislation in Virginia. He also discussed the reactivation of the ASA Z66.1 Committee which has established 1% of lead as the hazard minimum in dry paint film.

1.3.4 ACGIH

The Chairman read a written report received from Mr. J. W. Hammond on the May 5-8, 1963 meeting at Cincinnati. Listings of revised and new Threshold Limit Values for 1963 received from Mr. Hammond were distributed to those present. The Secretary reported that copies of the 1963 edition of "Threshold Limit Values" have been ordered by MCA and will be distributed to Committee members when issued in July 1963.

1.3.5 CGA

Mr. R. F. Philpitt reported that he had attended a meeting of the Safety Council of CGA on March 27, 1963. The committee is engaged in a revision of the publication C7 "A Guide for the Preparation of Labels for Compressed Gases." Mr. Philpitt will obtain copies for the Committee when they become available.

1.3.6 NFPA

Mr. H. H. McIntyre and the Chairman reported on the general conference held by NFPA in Washington on the classification of flammable liquids. It had been resolved at the conference that the proposal should be returned to the NFPA Committee on Flammable Liquids for reassessment. Interested groups were invited to submit comments to NFPA.

1.3.7 DCAT

Mr. C. L. French stated he had nothing to report at this time.

1.3.19 HIAA

The Chairman reported that a letter dated May 3, 1963 signed by General Hull had been forwarded to California opposing Assembly Bill 1787. Mr. Sparre stated that he understood that

the bill had been withdrawn by the sponsor and not discussed at the recent hearings. However, Bill 1788 had been reported upon by the Committee. This is an "Anaheim Ordinance" type of bill and is supported by HIAA. It has been referred to the House for further action.

The HIAA has called a meeting of interested industry representatives in New York on June 19, 1963. Mr. Glaser has been informed that Messrs. Hogan and Sparre will represent MCA at that meeting.

2.1 FEDERAL LEGISLATION

a. Hart Bill

The Secretary reported that in accordance with statements made in the MCA General Bulletin the hearings have been closely followed. The hearings have now been completed and it is anticipated that the bill will be considered at an executive session of the subcommittee. The Secretary will keep members advised of any developments. The Secretary also agreed to obtain copies of the Chamber of Commerce pamphlet "The Packaging and Labeling Controls Bill" for distribution to the Committee. He also agreed to obtain copies of "Here's the Issue", March 18, 1963 edition also published by the Chamber of Commerce of the United States if available.

b. Revisions in the FDA Regulations concerning plant registrations.

There was considerable discussion by Committee members regarding the type of plant inspection which can be anticipated, the handling of registrations, and other general aspects. The matter of what constitutes a drug was also discussed.

c. Household Act Revisions concerning petroleum distillates, Toluene and Xylene, etc.

The Committee discussed the recent revisions in FHSLA Regulations and the Chairman reviewed API letter to FDA and Mr. J. W. Hammond's comments on proposed revisions. In the absence of general response by the Committee to the Secretary's letter of March 20, 1963 and the memorandum issued by the Chairman on March 25, 1963 no action on proposals were recommended to MCA.

d. HR 4487

The Chairman read a letter he sent to the Secretary on April 29, 1963 containing certain Committee member recommendations on HR 4487, which stated that MCA should support the NACA proposals on this legislation and offering Committee assistance to MCA staff in preparing a statement for their use.

2.2 STATE LEGISLATION

2.2.3 Hawaii

Mr. C. L. French reported that the bill to amend Subsection (O) of Section 46-13 of the revised Laws of Hawaii 1955 has passed both the House and the Senate and that no MCA action is necessary. The Secretary was asked to distribute copies of this bill to the Committee.

2.2.8 New York

It was reported that precautionary labels are being prepared for use in New York State and Mr. C. B. Shaffer was asked to make inquiries about this so that the Committee may be enabled to present its viewpoints.

Mr. Sanford J. Hill reported that he had received a letter from Mr. F. W. Preller, Chairman of the Ways and Means Committee of the Assembly of the State of New York inviting his participation at a meeting to be held on May 22, 1963 at Forest Hills, New York to discuss with manufacturers, distributors, medical officers, law enforcement personnel and youth workers the problems of glue sniffing among minor children. It was generally agreed that MCA should be represented at this meeting and Mr. Hill was requested to ask Mr. Preller to write to MCA Secretary, M. F. Crass, Jr., requesting such representation. The Chairman and Dr. T. W. Nale agreed to attend the meeting as MCA representatives.

2.2.9 Ohio

It was reported that HB 949 relative to regulating carbon tetrachloride follows the Massachusetts Law closely and if it is passed it is likely that type sizes will be included. The Chairman recommended that this bill be followed closely and Mr. Masek agreed to do so.

2.2.11 Virginia

Reference was made to the Secretary's letter to the Committee of April 3, 1963 regarding the Virginia Hazardous Substances Labeling Act. Mr. Sparre stated that there is a temporary hold on the requirement to place the name and address of the manufacturer on the front panel. A provision may also be written in providing for waivers under certain conditions. North Carolina already has this requirement in addition to requirements for type sizes.

The Chairman expressed appreciation of the work done by Mr. Daniel Ring of NPV&L in this matter but regretted that MCA had not participated more actively.

2.2.22 Connecticut

Mr. J. A. Mooney reported that Mr. Robert Ackerly of CSMA and Mr. Daniel S. Ring of NPV&L had attended hearings and that he understands that the proposed bill which would have required use of a poison label on all hazardous substances without regard to toxicity, will be dropped. It is understood that the sponsors of the original regulations were not in agreement with the proposals and had appeared to oppose them.

2.2.32 Oklahoma

The Chairman, reporting for Mr. J. W. Hammond, stated that Senate Bill 26 contains Article 16 which is of particular interest to the LAPI Committee. This regulates household articles and is very similar to the Federal Hazardous Substances Labeling Act. Mr. Hammond had been advised that the bill is not likely to get through the session this year because of its great scope. It is a redrafting of the Sanitary Code for the State of Oklahoma plus several other articles, all of which require many hearings and much work on the part of the legislative branch of government.

2.2.34 Florida

The Secretary reported that S 254 passed the Senate on April 26, 1963 and was referred to the House Public Health Committee on April 30, 1963. The bill adds to the Florida State Sanitary Code the statement that "Highly toxic materials" shall not be construed to include pesticides as defined in the Florida Pesticides Law, Section 487.02 (2) Florida Statutes. Mr. Shaffer

commented that S 254 and H 570 reflected an attempt to develop uniformity in the State in this matter.

2.2.39 Wisconsin

Mr. H. H. McIntyre reported that he had attended hearings on Assembly Bill No. 78 requiring warnings to be printed on packages of chemicals which might become combustible when mixed with other material. He had been successful in recommending a change in wording so that the bill was amended to read in part "No person shall sell, offer for sale or otherwise distribute any package of a substance which when mixed with organic matter will cause spontaneous combustion --- ". The addition of the word "spontaneous" makes the bill much more practical.

2.2.40 Maine

Mr. J. A. Mooney reported that the Maine Bill SP 413, Legislative Document No. 1156, "Uniform Hazardous Substances Labeling Act" was killed in the Senate.

2.2.41 Idaho

Reference was made to the Secretary's letter to the Committee of March 11, 1963 enclosing a copy of a letter from Mr. D. S. Ring of NPV&L to Mr. Roger Mendelhall of Idaho regarding the enactment of HB No. 75. Mr. Ring requested an interpretation of the phrase "toxic additives." It is now understood that Mr. Mendelhall is in contact with the Attorney General of Idaho regarding this and that NPV&L is following the matter closely. The Secretary was requested to obtain copies of the interpretation when available for distribution to the Committee.

2.2.42 North Dakota

Mr. C. L. French reported that HB 698, adopted March 15, 1963 follows the Federal Hazardous Substances Labeling Act closely and is therefore satisfactory to the Committee.

2.2.43 Alaska

Mr. J. T. Fuess reported that in his letter to the Chairman of April 5, 1963 he had stated that the Alaska House Bill No. 185 attempts to cover too much in a single bill. The bill is essentially an enabling act and it was recommended that the Committee should follow developments closely.

2.3 CITY REGULATIONS

2.3.1 New York City

The Secretary reported that Mr. M. F. Crass, Jr. had received a letter from the City of New York Commissioner of Health, Dr. George James, stating that the Board of Health would consider the following amendment to the Health Code regarding glue sniffing:

"Sec. 173.19 Model Airplane Glue

- (a) No person, firm or corporation shall sell or otherwise deliver or cause to be sold or delivered to any person under the age of 18 years any model airplane glue.
- (b) No person having possession of any model airplane glue shall deliver possession thereof to any person under the age of 18 years knowing or having reasonable cause to believe that the same will be used as an inhalant. "

Mr. Crass had replied in a letter dated March 28, 1963 stating that while MCA does not object to this proposed legislation, it is felt that the Association could not support it because it is not thought to be enforceable and also because it could have the undesirable effect of restricting the accessibility of model glue to the vast majority of young people who use it for its proper purposes only. The letter also expresses an opinion that a preferred approach to this public health and welfare problem would be through an intensive program of education.

3.00 SPECIAL ASSIGNMENTS

a) Safety Data Sheets under Review by LAPI Members:

It was agreed to remove Safety Data Sheets 3.85 - Ethylene Dichloride, 3.31 - Phenol, 3.85 - Methyl Chloroform, and 3.86 - Ammonia Aqua from the docket until drafts for revision are received from the Safety and Fire Protection Committee.

3.32 Sulfuric Acid

The galley proof for the proposed revision to this

sheet will be forwarded to Mr. C. L. French, Chairman of the subcommittee, for overall review as to the adequacy of the label. The Secretary will follow this procedure on final galley proofs with all future new publications or revisions of Chemical Safety Data Sheets.

3.42 Anhydrous Ammonia

The Secretary distributed copies of a memorandum signed by Mr. F. H. Carman, MCA Technical Director, and himself urging the LAPI Committee to reconsider its decision to adopt the signal word "DANGER" on the anhydrous ammonia label in place of "WARNING" as previously recommended.

During discussion members generally agreed that to reverse the Committee's previous resolution would be an act in contradiction of established MCA principles of labeling that the Committee has developed and endorsed for more than 20 years.

The Secretary explained that while in all cases it is the responsibility of a technical committee to pass on the technical aspects of the matter involved, the Committee's decision is subjected to MCA staff consideration from the viewpoint of Association policy. In cases where the staff believes that the Committee recommended action is in conflict with MCA policy, this staff decision is made known to the Committee in question so that the matter can again have the Committee's consideration. If agreement between the Committee and the staff is not reached, then the matter can be submitted to the Board of Directors for its decision.

It was then moved, seconded and unanimously carried

THAT, The motion passed at the LAPI meeting of May 24 and 25, 1961 to use the signal word "DANGER" instead of "WARNING" in the precautionary label for anhydrous ammonia be sustained.

THAT, This action is supported by evidence in the current Chemical Safety Data Sheet on this chemical Section 10.1.2.2, Local Effects, in which it is emphasized that anhydrous ammonia is a dangerous product.

It was then agreed that a subcommittee be appointed to prepare a suitable brief for use in discussing the matter with the Board of Directors should the presence of a Committee repre-

representative be requested. The Chairman appointed the following subcommittee:

Dr. T. W. Nale, Chairman
E. J. Masek
F. D. Sparre

3.88 Paranitroaniline

The Secretary informed the Committee that a Chemical safety Data Sheet is being prepared on paranitroaniline. The Chairman appointed Mr. G. Robert Sido to prepare a precautionary label draft when the final technical and medical management sections are available.

b) Sensitization

Mr. C. B. Shaffer agreed to check with Mr. N. G. White regarding the preparation of the proposed statement on sensitization for inclusion in the next edition of the Manual L-1. This statement is to be sent to the Secretary for distribution to the Committee prior to the next meeting.

c) Degradation

Mr. H. H. McIntyre stated that there was nothing to report.

d) Discussion of Special Statements in Chemical Safety Data Sheets

The Committee reviewed and discussed the paragraphs on labeling in the newly published revisions of Safety Data Sheets on Carbon Tetrachloride and Aniline. The Chairman then requested Mr. E. J. Masek to prepare a standard statement for use in the labeling sections of all future Safety Data Sheets. Mr. Masek later submitted wording acceptable to the Committee. This will be submitted to the MCA legal counsel for approval prior to its use in Chemical Safety Data Sheets.

5.00 LAPI MANUAL

a) Guide Subcommittee

Mr. H. H. McIntyre stated that copies of the draft for the proposed "Guide To the Use of Manual L-1 in Preparing Labels

for Household Products" had been distributed to the Committee. The Committee members agreed to submit comments on the draft to Messrs. McIntyre and Masek by June 15, 1963. The subcommittee agreed to prepare and distribute a proposed final draft for consideration by the Committee prior to the next meeting.

MISCELLANEOUS

a) Appointment of Officers

The subcommittee reported that the Vice Chairman, Mr. R. G. Troup is, for company reasons, unable to accept the Chairmanship at this time. The subcommittee therefore recommended the following officers for the two year period commencing July 1, 1963:

Chairman	Mr. H. H. McIntyre
Vice Chairman	Mr. C. Boyd Shaffer

The recommendations of the Committee were unanimously approved.

A vote of thanks to the retiring Chairman for his leadership and his able and devoted efforts in progressing the Committee's activities during his term of office was then unanimously voiced. In reply, Mr. Hogan thanked members for their support.

b) Certificates of Appreciation

Certificates of Appreciation signed by all Committee members present were awarded as follows:

Mr. James T. Fuess, Committee Chairman 1948-50
Mr. Chester L. French, Committee Chairman 1959-1961
Mr. Edward J. Hogan, Committee Chairman 1961-1963

c) Next Meeting

The next meeting of the Committee will be held at the Sheraton Park Hotel, Washington, D. C. on September 17 and 18, 1963.

Minutes subject to approval

FGS:cm

5/29/63