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Top AFL-CIO safety official criticizes state's tough new vinyl-chloride rules

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WASHINGTON — Although they are now the toughest in the country, Kentucky's new regulations to protect the health of vinyl-chloride workers have drawn strong criticism from a top labor official.

The state has naively played into the hands of industry and that new standard just about guarantees that cancer will continue in that plant," charged Sheldon W. Samuels, director of health, safety, and environmental affairs for the AFL-CIO Industrial Union Department.

The charge drew a quick response yesterday from Dr. J. Bradford Black, state Labor Department medical consultant, who said he was "disappointed" and "disturbed" that they don't have the insight to see that we are trying to protect people.

The state Occupational Safety and Health Standard Board last week adopted the tougher regulation in the wake of disclosures that at least five workers at the B. F. Goodrich Co.'s Bells Lane plant in Louisville have died as a result of angiosarcoma, a rare cancer of the liver. A sixth worker is hospitalized with the

disease, and it was to the Bells Lane operation that Samuels referred. Kentucky's new standard is 10 times as stringent as the existing federal standard and ranks vinyl chloride along with 14 other industrial substances as carcinogens—cancer-causing agents. (50 parts vinyl-chloride fumes per million parts of air, averaged over eight hours, as opposed to 500 parts nationally.)

The Kentucky Standard also matches the standard to which Goodrich says it voluntarily adheres in its vinyl-chloride and polyvinyl-chloride operation in Louisville. The chemicals are plastics used in the manufacture of numerous consumer items.

The regulation was amended to require
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that any company using vinyl chloride register such use with the State Department of Labor by July 1.

The amended regulation also says in situations where workers are exposed to levels in excess of 200 parts per million without proper protective equipment shall be considered to constitute an eminent danger.

"We're being accused of doing what industry told us to do," Block said, "and that's not true . . . It was our problem in Kentucky and we needed to do something about it. Samuels is being critical of the one group that has taken action."

Samuels, however, didn't see it that way. "It is a horrible situation," he said. "Until this happened we had nothing but praise for Dr. Block and the Kentucky health department. But their role is not standard-setting and they've shown incompetence on this."

He added that labor hygienists had they appeared at last week's state standard-setting hearing in Frankfort, "would have said they should not set a standard—there is no established threshold level and you can't play a numbers game."

Were union men invited?

Further, Samuels contended, he and other union hygiene specialists were not invited to last week's hearing, nor were they advised of it. "A phone call to any health and safety people would have gotten some action, without question," he said.

Block, however, said that an invitation was called to United Rubber Workers industrial hygiene director Louis Belicky before there was an announcement in the papers . . . He knew about it but he felt he should be elsewhere at the time.

Belicky could not be reached for comment.

Meanwhile, Samuels said the AFL-CIO Industrial Union Department is planning court action to seek an order to preempt New York, Illinois—and now Kentucky—from operating their own state occupational safety programs and put control in the hands of the federal government.

Labor leaders frequently have complained that the federal-state regulatory program in occupational health and safety, which puts the basic enforcement powers in state hands, is complicated and contradictory, depriving workers of uniform protection from one state to the next.

The Federal Occupational Safety and Health Administration (OSHA) now is considering the addition of vinyl chloride to its own list of 14 industrial carcinogens—which would make it the same list in effect in Kentucky.

Labor versus industry

Labor has urged OSHA to take the action on an emergency basis to provide protection to more than 6,000 workers directly involved in vinyl-chloride processes around the country.

Industry representatives have called on the agency to take a more deliberative approach through rule-making procedures that would include studies and hearings and possibly not produce a new standard for many months.

Samuels also complained yesterday that Kentucky had failed to incorporate into its vinyl-chloride regulations a set of work practices recommended by the National Institute of Occupational Safety and Health (NIOSH) for improving plant conditions.

He also was critical of Kentucky's and Goodrich's ability to monitor plant conditions to determine whether the standards will be met.

Block replied that there is "no evidence that Goodrich hasn't done what NIOSH recommended. . . . In some areas, they've actually gone beyond the recommendations. If they're doing it voluntarily, it suits us. I'd like to keep it this way, but we intend to follow up and see that they follow those practices."

Block conceded, however, that monitoring may pose some problems, at least in the immediate future. He said the state now is limited to "older" monitoring techniques and "can't do the continuous kind of monitoring like the companies do."

The Kentuckian said the state now is "trying to purchase the equipment we need to do the monitoring."

50 parts may be safe

Block said that, on the basis of what is known about the toxic effects of vinyl-chloride vapors, "The literature seems to indicate no adverse effects in humans at 50 parts per million concentrations"—the new state limit.

"We acted to protect the workers here, we had to do something to get these down to a safe level," Block said. "We can't assure anyone (that) there will be no effects unless there is zero level of exposure, but with that there would be no operation. . . . We had to go with what we had."

"We couldn't in good conscience continue with the standard as it was (500 parts). . . . If the AFL-CIO is in possession of medical experiences that show a level of 50 is not sufficient, they should come forward with it," Block added.

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