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SPEECH

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TO THE

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OSHA AND CHEMICALS IN THE WORK ENVIRONMENT

LADIES AND GENTLEMEN, DISTINGUISHED COLLEAGUES. IT GIVES ME GREAT PLEASURE TO BE HERE TODAY TO SPEAK TO PERHAPS THE MOST INFLUENTIAL MANAGERIAL-TECHNICAL GROUP REPRESENTING THE UNITED STATES CHEMICAL INDUSTRY. IN THE PAST I HAVE HAD AFFILIATION WITH THIS GROUP THROUGH SOME OF ITS INVOLVEMENTS IN THE PROBLEMS OF ENVIRONMENTAL POLLUTION, PARTICULARLY AS RELATED TO AIR POLLUTION LEGISLATION AND REGULATIONS. THE ~~SUBJECT TODAY IS OSHA -- ITS PAST ACTIVITIES AND CHANGES OCCURRING TODAY AS IT SHIFTS MAJOR FOCUS FROM SAFETY HAZARDS IN THE WORK ENVIRONMENT TO THE MORE SUBTLE, INVISIBLE HEALTH HAZARDS OF THE WORKPLACE.~~

WE ARE AN AGENCY OF APPROXIMATELY 2,200 PERSONS OPERATING OUT OF MORE THAN 100 INDIVIDUAL AREA OFFICES, A LABORATORY IN SALT LAKE CITY, A TRAINING INSTITUTE, AND REGIONAL OFFICES. WE ARE REPRESENTED IN THE CONTINENTAL U.S., ALASKA, HAWAII AND PUERTO RICO. THERE ARE APPROXIMATELY 500 PEOPLE IN WASHINGTON. THE REMAINDER ARE IN THE FIELD; OF THOSE IN THE FIELD ABOUT 1,300 ARE COMPLIANCE OFFICERS. THEIR SOLE FUNCTION IS TO EXAMINE THE WORK ENVIRONMENT ON SITE AND TO RELATE THE NUMEROUS STANDARDS IN THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATION BOOKS TO THE PARTICULAR WORKPLACE SURVEYED. IF THE INSPECTOR FINDS THAT THE WORKPLACE VIOLATES

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AN OSHA STANDARD, HE IS UNDER THE CURRENT ACT COMPELLED TO CITE. THE ASSESSMENT OF MONETARY PENALTIES IS OPTIONAL FOR NON-SERIOUS VIOLATIONS, BUT IT IS REQUIRED WITH SERIOUS VIOLATIONS. I MENTIONED THAT BECAUSE IT IS NOT WIDELY UNDERSTOOD THAT HE MUST CITE.

ANOTHER VERY IMPORTANT FUNCTION OF THE AGENCY IS THE PROMULGATION OF HEALTH AND SAFETY STANDARDS FOR THE WORK ENVIRONMENT. ~~PRESENT OSHA STANDARDS ARE ALMOST ENTIRELY RELATED TO SAFETY HAZARDS, BUT A MAJOR EMPHASIS HAS BEEN MADE TO STRESS AGENTS IN THE WORK ENVIRONMENT WHICH AFFECT HEALTH.~~ THREE HEALTH RELATED EMERGENCY STANDARDS PASSED DURING THE PERIOD SURVEYED BY OSHA WERE VINYL CHLORIDE, ASBESTOS, AND CARCINOGENS. RECENT AND FUTURE EFFORTS ARE FOCUSED ON INCREASING THE RATE OF PROMULGATION OF STANDARDS. RECENTLY PROPOSED HEALTH STANDARDS WERE FOR THE AGENTS INCLUDING ASBESTOS, LEAD, KETONES, TRICHLOROETHYLENE, ARSENIC, AMMONIA, COKE OVEN EMISSIONS, AND SULPHUR DIOXIDE. ADDITIONAL STANDARDS TO BE PROMULGATED IN THE NEAR FUTURE INCLUDE PHOSGENE AND NOISE, AMONG MANY OTHERS. THE NEW CONCEPT OF A STANDARD IS NOT MERELY THAT OF A NUMBER CHARACTERIZING THE CONCENTRATION OF AN AGENT NOT TO BE EXCEEDED IN THE WORKPLACE. LET ME EXPLAIN.

THE ADOPTION OF CONSENSUS STANDARDS DURING THE INITIAL PERIOD OF THE AGENCY LED TO THE INCORPORATION UNDER THE PREVIOUSLY EXISTING FEDERAL WALSH HEALEY PUBLIC CONTRACTS ACT OF THEN

EXISTING AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS THRESHHOLD LIMIT VALUES. THIS IS OUR VERY FAMOUS TABLE 1910 FOR THE CONCENTRATIONS OF CHEMICAL AGENTS IN THE AIR. THIS IS NOT IN THE NEW SENSE OF THE OSHA TERM STANDARD AS I AM USING IT. THIS WAS MERELY A NUMBER. OUR NEW STANDARDS, AS YOU KNOW, ARE QUITE ELABORATE DOCUMENTS GIVING GUIDANCE AS TO HOW THE STANDARD CAN BE MET AND INDICATING WHAT IS REQUIRED IN THAT SENSE IN ADDITION TO ACHIEVEMENT OF THE CONCENTRATION. A MAJOR EFFORT IN OUR STANDARDS PROGRAM IS TO TAKE THAT TABLE 1910 OF SOME 400 COMPOUNDS AND TO ISSUE GROUPINGS OF THEM IN THE SENSE OF THE NEW OSHA STANDARD. I AM SURE MANY IN THE AUDIENCE ARE FAMILIAR WITH THE PROJECT KNOWN AS THE STANDARDS COMPLETION PROJECT. WHEN THAT PROJECT ENDS, THERE WILL NO LONGER BE ANY HEALTH STANDARDS THAT ARE SIMPLY NUMBERS. THEY WILL BE STANDARDS IN THIS COMPREHENSIVE SENSE OF THE WORD.

WHEN "STANDARD" IS USED IN THE SENSE OF AN OSHA STANDARD, IT REFERS TO MANY HANDLING ASPECTS OF THE AGENT, INCLUDING THE ADMINISTRATIVE WORK PRACTICES, MONITORING REQUIREMENTS, MEDICAL SURVEILLANCE, AND RECOMMENDED OR REQUIRED SPECIFIC ENGINEERING CONTROLS.

THUS, WE SEE THAT THE AGENCY HAS TWO MAJOR ROLES; I.E., TO INSPECT THE WORKPLACE FOR VIOLATION OF STANDARDS AND TO PROMULGATE STANDARDS. THE EMPHASIS, FOR REASONS STILL NOT CLEAR, DURING THE FIRST FIVE-YEAR PERIOD OF THE AGENCY WAS

ON SAFETY ASPECTS OF THE ENVIRONMENT. ON DECEMBER 2ND OF LAST YEAR AT MY SWEARING-IN CEREMONY, I ANNOUNCED THE COMMITMENT TO BRING THE AGENCY MORE INTO THE AREA OF HEALTH COMPLIANCE WHILE NOT AFFECTING ITS PERFORMANCE LEVEL IN THE SAFETY AREA. WE ARE CURRENTLY ENGAGED IN SAFETY ACTIVITIES WHICH, IF MEASURED BY THE NUMBER OF COMPLIANCE OFFICERS, OUR LEVEL OF ACTIVITY IS ~~1,000 SAFETY INSPECTORS~~. ON THE OTHER HAND, WE HAVE ONLY ~~135 QUALIFIED HEALTH COMPLIANCE OFFICERS~~ AND 113 HEALTH COMPLIANCE APPRENTICES. ~~FOR THE NEXT TWO YEARS ALL NEW~~ ~~HEALTH COMPLIANCE OFFICERS WILL BE HEALTH COMPLIANCE OFFICERS~~, THUS RAISING THE LEVEL OF ACTIVITY TO THAT IN THE SAFETY AREA. WE WILL NOT MOVE INTO THE HEALTH AREA AT THE EXPENSE OF OUR SAFETY EFFORT. RESIGNATIONS ON THE PART OF THE SAFETY COMPLIANCE OFFICERS WILL BE FILLED BY SAFETY COMPLIANCE OFFICERS, BUT THE GOAL IS TO REACH SOME PARITY IN THESE TWO AREAS. IN 1975, LESS THAN 10% OF ~~OUR INSPECTIONS WERE IN HEALTH AREAS~~. ONE OF THE PIECES OF INFORMATION I RECENTLY REQUESTED WAS THE READ-OUT OF OUR 100 MOST ~~FREQUENTLY VIOLATED STANDARDS WHICH LED TO CITATION~~. OF THE 100, ~~ONE WAS A HEALTH STANDARD, NINETY-NINE (99) OF 100 WERE FOR SAFETY STANDARDS~~.

THIS CHANGE IN THE DIRECTION FOR THE AGENCY WILL NECESSITATE MAJOR NEW COMPONENTS WITHIN THE OCCUPATIONAL SAFETY AND HEALTH AGENCY. IN GENERAL, THE CONTROL OF AGENTS AFFECTING EMPLOYEE HEALTH IN THE WORK ENVIRONMENT IS A MORE COMPLEX MATTER THAN

RECOGNIZING AND CORRECTING VIOLATIONS OF WORK RELATED SAFETY STANDARDS. IT IS ENVISIONED THAT A TECHNICAL SUPPORT ARM OF THE AGENCY WILL BE CREATED, ONE WHICH WILL PERFORM A MUCH EXPANDED ANALYTICAL LABORATORY FUNCTION, AN ENGINEERING FUNCTION RELATING TO TECHNICAL ASPECTS OF ENGINEERING CONTROLS AND RELATED ABATEMENT PERIODS, AND A TOXICOLOGY REFERRAL CENTER TO ASSIST COMPLIANCE OFFICERS IN THE FIELD WITH PLACING IN PERSPECTIVE THE HAZARDS OF CHEMICALS ENCOUNTERED DURING THE COURSE OF THEIR INSPECTIONS. WE RECOGNIZE THERE ARE NOW ONLY APPROXIMATELY 2,000 INDUSTRIAL HYGIENISTS IN THE UNITED STATES; AND IT WILL NOT, IN GENERAL, BE POSSIBLE FOR OSHA TO HIRE EXPERIENCED HEALTH COMPLIANCE OFFICERS. (IN EFFECT, THE PRIVATE SECTOR EMPLOYS ALL OF THOSE HYGIENISTS AND WE WOULD LITERALLY HAVE TO STEAL THEM AWAY.) THUS, WE WILL EMBARK ON A VERY AMBITIOUS CAREER DEVELOPMENT PROGRAM. THIS PROGRAM WILL INCLUDE HIRING OF BRIGHT, CAPABLE BEGINNERS, GRADUATES OF PHYSICAL OR BIOLOGICAL COLLEGE PROGRAMS OR ENGINEERING STUDIES, WHO WILL APPRENTICE THEMSELVES TO OUR SENIOR HEALTH COMPLIANCE OFFICERS DURING THEIR INITIAL YEARS OF SERVICE TO THE AGENCY. DURING THE FIRST YEAR THEY WILL ROTATE BETWEEN THE FIELD AND OUR CLASSROOM. NEW COMPLIANCE OFFICERS WILL LITERALLY BE SIGNED OFF BY SENIOR COMPLIANCE OFFICERS ON INDIVIDUAL, GENERIC TYPES OF ESTABLISHMENTS. THUS AFTER PERHAPS 2-3 VISITS A MAN MAY BE GIVEN THE GO-AHEAD TO INSPECT A FOUNDRY, OR TO INSPECT A REFINERY, BUT THEY WILL NOT HAVE THE GO-AHEAD FOR ALL TYPES OF FACILITIES UNTIL THE SENIOR PERSONNEL BRING THEM ON BOARD.

THE QUALITY OF OSHA COMPLIANCE OFFICERS MUST BE HIGH FOR THIS RELATIVELY SOPHISTICATED AREA OF HEALTH COMPLIANCE ACTIVITIES. MOST OF THE AGENTS WHICH AFFECT HEALTH IN THE WORK ENVIRONMENT DO NOT LEND THEMSELVES TO DETECTION BY THE HUMAN SENSES; A VAST ARRAY OF INSTRUMENTATION MUST BE USED IN THE FIELD. IT WILL BE NECESSARY TO TEACH EACH OF THESE INSTRUMENTS AND THE INTERPRETATION OF THE READINGS OBTAINED FROM THESE INSTRUMENTS.

CLEARLY, IN TERMS OF THOSE PRESENT HERE TODAY, THIS NEW DIRECTION FOR OSHA WILL HAVE INCREASING IMPORTANCE FOR THE CHEMICAL INDUSTRY FOR THERE WILL ASSUREDLY BE FUTURE INCREASED CONTACT WITH OSHA COMPLIANCE PERSONNEL. IN THE PAST, THE FREQUENCY OF OSHA GENERAL INSPECTIONS AT ANY GIVEN TYPE OF FACILITY WAS SCHEDULED ON THE BASIS OF THE ACCIDENT INCIDENCE AND SAFETY RATES GATHERED AND REPORTED BY THE BUREAU OF LABOR STATISTICS IN THE DEPARTMENT OF LABOR. THE INCIDENCE OF OCCUPATIONAL DISEASES IN THE WORKPLACE WAS NOT FACTORED INTO THE PRIORITY SCALE FOR SCHEDULING INSPECTIONS BECAUSE OCCUPATIONAL DISEASE INCIDENCE IS NOT KNOWN. THERE IS NO ADEQUATE REPORTING SYSTEM AND ESTIMATES ARE MADE, BUT THEY ARE UNSUBSTANTIATED. HOWEVER, WE PLAN TO FACTOR INTO OUR INSPECTIONS PRIORITY RECOGNITION OF AT LEAST THE CLASSIC, WELL-KNOWN HAZARDS RELATING TO CHEMICAL AND PHYSICAL AGENTS WHICH MAY AFFECT EMPLOYEE HEALTH AT WORK.

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THESE ALTERED SCHEDULES FOR GENERAL COMPLIANCE INSPECTIONS WILL RAISE THE CHEMICAL INDUSTRY TO A POSITION HIGHER ON THE PRIORITY SCALE FOR INSPECTIONS.

LET US NOW TURN TO THE EVIDENCE WHICH SUGGESTS THAT INTERACTION WITH CHEMICAL AGENTS IN THE ENVIRONMENT IS A PROBLEM FOR THE AMERICAN WORKER. THE MANNER IN WHICH MANY OF THESE INCIDENTS HAVE BEEN EXPOSED HAS INCREASED THE PUBLIC PERCEPTION OF THE PROBLEM. THUS, IT IS ONLY NECESSARY TO CITE EVENTS RELATED TO ARSENIC, VINYL CHLORIDE, ASBESTOS, KEPONE, AND MOST RECENTLY, LEAD, IN THE WORK ENVIRONMENT TO CALL ATTENTION TO WHAT MANY CONSIDER SHOCKING EPISODES OF EMPLOYEE EXPOSURE TO CHEMICAL AGENTS. FOR PURPOSES OF DISCUSSION, IT IS CONVENIENT TO SEPARATE CHEMICALS IN THE WORK ENVIRONMENT INTO TWO CATEGORIES: THOSE HAVING TOXIC PROPERTIES WHICH ARE KNOWN TO THE SCIENTIFIC COMMUNITY, IN GENERAL, AND TO THE EMPLOYER, IN GENERAL, AND THOSE HAVING PROPERTIES WHICH HAVE NOT YET BEEN ADEQUATELY CHARACTERIZED. THESE COMPOUNDS MAY BE RELATIVELY NEW ADDITIONS TO THE WORK ENVIRONMENT. I HAVE BEEN TOLD BY WELL INFORMED SOURCES THAT AS MANY AS 10,000 NEW CHEMICALS IN DIFFERENT AMOUNTS, ENTER THE WORKPLACE EACH YEAR. THE AMOUNT SHOULD NOT BEDAZZLE. TWO WEEKS AGO, DR. NORTON NELSON OF NEW YORK UNIVERSITY CALLED TO THE ATTENTION OF ALL REGULATORY AGENCIES RESULTS OF EXPOSURE OF ANIMALS TO A COMPOUND WHICH IS USED IN QUANTITIES OF 1,000-2,000 POUNDS IN THIS COUNTRY, BUT WHICH HE SAID WAS THE MOST

POTENT CARCINOGEN HE HAD EVER ENCOUNTERED. EXPOSING RATS FOR TWO WEEKS AT A CONCENTRATION OF 1 PPM LEAD TO A 95% INCIDENCE RATE OF NASAL CANCER AND HE SUGGESTED THAT WE SHOULD LOOK AT WHERE THIS COMPOUND EXISTS AS AN INTERMEDIARY IN PREPARATION OF OTHER CHEMICALS. SO THE QUANTITIES, WHILE CERTAINLY VERY SIGNIFICANT, SHOULD NOT DETRACT FROM OUR LOOKING EVEN AT SMALL QUANTITIES OF SOME MATERIALS.

AT A RECENT VISIT TO A FORMULATOR OF KEPONE IN THIS COUNTRY, I OBSERVED THAT IN ADDITION TO THE USE OF 50 LBS A MONTH OF KEPONE IN THE PRODUCTION OF ANT AND ROACH TRAPS, THE COMPANY UTILIZED OVER 100 CHEMICAL COMPOUNDS IN QUANTITIES OFTEN EXCEEDING 220,000 POUNDS PER MONTH. MANY OF THE COMPOUNDS RECEIVED AT THE LOADING DOCK WERE INDEXED BY TRADE RATHER THAN BY CHEMICAL NAME. THERE WERE NUMEROUS COMPOUNDS ON THIS LIST WITH THE POTENTIAL TO EITHER AGGRAVATE EXISTING RESPIRATORY AND DERMAL CONDITIONS IN EXPOSED EMPLOYEES OR TO CREATE IMPAIRMENT OF HEALTH IF EXPOSURE TO THESE COMPOUNDS WAS CONTINUED OVER LONG PERIODS OF TIME. DURING THIS VISIT, I SPOKE WITH THE SHOP STEWARD FROM THE OIL, CHEMICAL, AND ATOMIC WORKERS UNION. HE PLEADED FOR EVALUATION OF CHEMICAL AGENTS IN THE AIR OF THE PLANT. IT IS PARTICULARLY SIGNIFICANT TO NOTE THE ANSWER HE GAVE TO A QUESTION OF MINE. I SAID, "HOW DO YOUR PEOPLE WHO ARE FORMULATING KEPONE FEEL?" THERE WERE SIX PEOPLE IN THE PLANT OF APPROXIMATELY 400 WHO WERE CONCERNED

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WITH KEPONE. "HOW DO THEY FEEL NOW THAT THEY HAVE HEARD THAT IT IS NOT IN THEIR BLOOD AND THEY ARE SAFE?" AND HIS ANSWER WAS, "WELL THEY FEEL PRETTY GOOD BUT I'D LIKE YOU TO KNOW THAT THE AWARENESS OF EVERYONE ELSE IN THIS FACILITY HAS GONE UP 1000%. THEY WANT TO KNOW WHAT THEY ARE BREATHING. AND THEY KNOW THEY'RE BREATHING SOMETHING BECAUSE WE HAVE DUSTY AREAS AND WE HAVE AREAS WHERE ODOR IS PREVALENT." I THINK THAT PERCEPTION OF THE PROBLEM ON THE PART OF THE WORKFORCE IS SOMETHING THAT WE SHOULD PAY INCREASING ATTENTION TO--EMPLOYEES WANT AND I BELIEVE THEY HAVE A RIGHT TO SOME ASSURANCES THAT THEIR HEALTH IS NOT AFFECTED BY BREATHING THESE CHEMICALS.

I WAS VERY DEEPLY INVOLVED WITH UNRAVELING THE FACTS RELATING TO THE KEPONE INCIDENT IN HOPEWELL, VIRGINIA. IT RAISED CERTAIN QUESTIONS RELATING TO THE ISSUE WHICH I WISH TO SHARE WITH YOU. THESE QUESTIONS REMAIN DESPITE MY INVOLVEMENT OF ALMOST 20 YEARS IN THE PRACTICE OF INDUSTRIAL HYGIENE, AS TEACHER, RESEARCHER, AND CONSULTANT.

FIRST, EVEN IF OSHA EXPANDS ITS CAPACITY TO DEAL WITH ALL THOSE CHEMICALS IN THE WORK ENVIRONMENT HAVING KNOWN TOXIC POTENTIALS, HOW WILL OSHA DEAL WITH THOSE CHEMICALS FOR WHICH TOXICOLOGICAL EVALUATION HAS NOT BEEN PERFORMED? THAT QUESTION TROUBLES ME.

SECONDLY, FOR THOSE COMPOUNDS WHERE TOXICOLOGICAL EVALUATION HAS BEEN PERFORMED IN ANIMALS, WHAT WILL BE CONSIDERED THE BURDEN OF PROOF TO INTERPRET AND EXTEND THE FINDINGS OF EFFECTS ON

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ANIMAL COLONIES TO EXPOSURE OF WORKERS TO THESE CHEMICALS IN INDUSTRY? THIS BOTHERS ME AND I SOLICIT YOUR ASSISTANCE, BECAUSE I THINK THIS INDUSTRY HAS BEEN DOING THIS FOR YEARS AND MAKING THE KINDS OF DIFFICULT DECISIONS WE AS A REGULATORY AGENCY ARE BEING ASKED TO MAKE.

THIRD, IN THE KEPONE CASE, A LARGE COMPANY HAD SIGNED WITH A SMALL FIRM WHAT IS APPARENTLY A ROUTINE CONTRACT IN THE CHEMICAL INDUSTRY. THE SMALL FIRM WAS TO PRODUCE KEPONE AND SUPPLY IT SOLELY TO LARGE COMPANIES. THE LARGE FIRM HAD PRODUCED KEPONE FOR YEARS WITHOUT ANY HEALTH-RELATED PROBLEMS. HOWEVER, THE PARENT COMPANY DID NOT EXTEND ITS KNOWLEDGE OF APPROPRIATE WORK PRACTICES AND PROCESS DESIGN RELATED TO HANDLING THIS COMPOUND TO THE SMALLER NEWLY CREATED FIRM. WHAT IS THE OBLIGATION OF A LARGE CHEMICAL MANUFACTURER TO A SPIN-OFF COMPANY WITH WHICH IT DEALS OR TO SUBSIDIARY COMPANIES UNDER ITS OWN UMBRELLA? I THINK THAT'S AN IMPORTANT QUESTION THAT SHOULD BE RESOLVED AS SOON AS POSSIBLE BY THE INDUSTRY.

IN TERMS OF THE AGENCY INVOLVEMENTS IN THE KEPONE INCIDENT NUMEROUS QUESTIONS WERE RAISED, AS I AM SURE YOU APPRECIATE. FOR INSTANCE, WHY WAS COORDINATION BETWEEN THE SEVERAL GOVERNMENT AGENCIES SO POOR? AS A RESULT OF THIS INCIDENT, STEPS HAVE NOW BEEN TAKEN TO AMEND THIS DEFICIENCY. THE ENVIRONMENTAL PROTECTION AGENCY, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, FOOD AND DRUG ADMINISTRATION, THE DEPARTMENT OF AGRICULTURE, AND NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY

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AND HEALTH (OUR SISTER AGENCY) HAVE REACHED AN UNDERSTANDING WHEREBY INFORMATION CAN BE TRANSFERRED TO THE OTHER AGENCIES AND THEY WILL BE NOTIFIED IMMEDIATELY, ASSUMING THERE IS AWARENESS OF THIS TYPE OF SITUATION. WE WILL MOVE DOWN THE ROAD TO CORRECTING IT TOGETHER. THE MANNER IN WHICH COMPLAINTS WERE HANDLED BY OUR AGENCY WAS ALSO FOUND TO BE LESS THAN OPTIMUM. WE ARE REVISING OUR COMPLAINT PROCEDURES SO THAT ESSENTIALLY ALL COMPLAINTS, WHETHER FORMAL OR INFORMAL, WILL BE SCREENED FOR THEIR HEALTH AND SAFETY IMPLICATIONS.

HANDLING TOXIC CHEMICAL AGENTS IN THE WORK ENVIRONMENT ACCORDING TO OSHA STANDARDS DEMANDS SKILL ON THE PART OF THE EMPLOYER OR HIS STAFF. ALTERNATELY, CONTRACTUAL ARRANGEMENTS CAN BE MADE WITH THOSE WHO HAVE THE REQUIRED SKILLS TO DESIGN AND LATER MONITOR THE WORK ENVIRONMENT TO ASSURE THAT MEN AND WOMEN ARE NOT EXPOSED TO RECOMMENDED LEVELS OF TOXIC CHEMICAL AGENTS. THERE HAS BEEN CRITICISM THAT BY APPROACHING STANDARDS ON A ONE-TO-ONE BASIS, ONE AGENT AT A TIME, WE ARE PLACING AN OVERWHELMING BURDEN ON THE REGULATEE AND THE CHEMICAL INDUSTRY. FOR INSTANCE, WE HAVE RECORDKEEPING, MONITORING, AND MEDICAL SURVEILLANCE REQUIREMENTS FOR EACH AGENT. THIS WILL BE TOO GREAT A BURDEN. IT IS QUITE POSSIBLE THAT ON A LONGER TIME FRAME (FIVE PERHAPS TEN YEARS) THIS ARGUMENT COULD PREVAIL. HOWEVER, AN EVEN STRONGER ARGUMENT CAN BE MADE THAT UNTIL NOW THERE HAVE BEEN VERY FEW, IF ANY, REQUIREMENTS ON THE EMPLOYER IN THIS AREA AND THAT IT WILL BE SOME TIME BEFORE STANDARDS

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REQUIREMENTS BECOME UNDULY BURDENSOME IN ANY ONE PRIVATE SECTOR. IN THE INTERIM, EMPLOYEES HAVE BEEN AND CONTINUE TO BE INJURED ON THE JOB.

FOR THOSE COMPOUNDS NOT YET EVALUATED FOR TOXIC POTENTIAL, ALL THE REGULATORY TOOLS AT THE DISPOSAL OF OSHA AND EPA ARE INEFFECTIVE. IN MY TESTIMONY BEFORE SENATOR ALLEN'S AGRICULTURAL COMMITTEE AND AGAIN BEFORE CONGRESSMAN DANIEL'S COMMITTEE INVESTIGATING THE KEPONE INCIDENT, I INDICATED THAT THE APPROACH TO CHEMICALS IN THE WORK ENVIRONMENT MUST HAVE TWO PRONGS. ON THE ONE HAND, WE CAN DEAL WITH THOSE COMPOUNDS WHERE THE TOXICITY IS KNOWN AND I HAVE BRIEFLY DESCRIBED HOW TO DO THAT. AT THE PRESENT TIME, FOR COMPOUNDS WITHOUT KNOWN TOXIC PROPERTIES, WE CAN ONLY WAIT UNTIL EFFECTS ON THE HEALTH OF THE WORKING POPULATION ARE SUCH THAT INDIVIDUALS ARE CONSPICUOUS BECAUSE THEY ARE DIFFERENT FROM THEIR FELLOW WORKERS; THEY ARE SICK AND THEY ARE SICK FROM OVEREXPOSURE TO A CHEMICAL. I SUBMIT THIS IS NOT THE WAY TO LEARN ABOUT THESE COMPOUNDS. IF THIS METHOD OF DISCOVERY IS TO BE AVOIDED, THERE MUST BE SOME MECHANISM ESTABLISHED FOR MONITORING AND CONTROLLING CHEMICALS AS THEY ENTER THE WORK ENVIRONMENT. IT IS NOT MY PURPOSE HERE TODAY TO DWELL ON THE SPECIFIC PROVISIONS OF THE VARIOUS TOXIC SUBSTANCES ACTS NOW BEING CONSIDERED BY CONGRESS. I DO WISH TO STATE QUITE CLEARLY THAT SOME FORM OF TOXIC SUBSTANCES LEGISLATION IS URGENTLY NEEDED IF WE ARE TO BE AWARE OF CHEMICALS IN THE WORK ENVIRONMENT WHICH MAY CAUSE ILL EFFECTS. ALSO, RATHER

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THAN PLACE THE BURDEN OF PROOF OF THE NON-TOXICITY OF A CHEMICAL COMPOUND ON THE REGULATOR, THE BURDEN OF PROOF SHOULD BE ON THE USER WHEN A CHEMICAL IS UTILIZED IN THE PRODUCTION OF A PRODUCT. IT SHOULD BE DEMONSTRATED THAT MEN AND WOMEN HIRED TO WORK WITH THE CHEMICAL AND THE GENERAL PUBLIC PURCHASING THE FINAL PRODUCT WILL NOT BE HARMED BY EXPOSURE TO, AND UTILIZATION OF THE CHEMICAL AND THE FINAL PRODUCT. TRANSLATING THIS STATEMENT OF BELIEF INTO A WORKABLE, NON-"ONEROUS" TOXIC SUBSTANCES ACT IS, I AGREE, NO SMALL TASK, BUT THAT IS THE GOAL.

ENGINEERING CONTROL OF CHEMICAL SUBSTANCES IN THE WORK ENVIRONMENT TO ENSURE THAT EXPOSURES OF EMPLOYEES ARE BELOW RECOMMENDED CONCENTRATION REQUIRES EXPENDITURES OF MONEY BOTH IN THE FORM OF CAPITAL AND OPERATING COSTS. HOWEVER, IT WOULD APPEAR THAT WE ARE AT THE POINT IN OUR TECHNOLOGICAL HISTORY WHERE THE GENERAL POPULATION AND ITS ELECTED REPRESENTATIVES IN THE CONGRESS ARE SAYING THAT THIS IS THE COST OF DOING BUSINESS. THERE SEEMS TO BE VERY LITTLE ARGUMENT WITH BUILDING THE CONTROL TECHNOLOGY INTO NEW FACILITIES. THE RETROFIT OPERATION APPEARS TO BE THE DIFFICULTY. UNDER PRESENT OSHA OPERATING PROCEDURES FOR PROMULGATION OF STANDARDS, IT IS REQUIRED THAT WE PREPARE INFLATIONARY IMPACT STATEMENTS INDICATING THE COSTS TO THE REGULATEE OF COMPLYING WITH REGULATIONS AND THE BENEFITS TO BE DERIVED THEREFROM. IT IS NOT THE INTENT OF OSHA TO CURTAIL DOING BUSINESS. THE HEALTH STANDARD RECOMMENDED SHOULD BE SUPPORTED BY SCIENTIFIC EVIDENCE. THAT SHOULD BE OUR PROBLEM. THE ECONOMICS OF THE

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MATTER ARE FACTORED IN WHEN ONE DISCUSSES THE COMPLIANCE STRATEGY TO ACHIEVE THE STANDARD. THE COMPLIANCE STRATEGY APPLICABLE TO DIFFERENT SECTORS OF THE ECONOMY ASKED TO MEET A STANDARD SHOULD EVOLVE FROM THE PUBLIC HEARING RECORD FOLLOWING ISSUANCE OF A STANDARD. THERE CAN BE NO BACKROOM TRADE-OFFS BETWEEN REGULATOR AND REGULATEE UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT. WHEN OSHA PROMULGATES STANDARDS, THESE MUST BE WELL DOCUMENTED FROM THE HEARING PROCEDURES AND SUBMITTED COMMENTS, WHEREBY ALL INTERESTED PARTIES PRESENT EVIDENCE TO SUPPORT THEIR POSITIONS. IN THOSE CASES WHERE THE EVIDENCE IS NOT CLEAR, THE AGENCY MUST ACT IN THE BEST INTEREST OF THOSE EMPLOYEES WHO WILL ASSUME THE BURDEN OF RISK IF REGULATORY STEPS ARE NOT TAKEN. NEEDLESS TO SAY, STANDARDS PROMULGATION PROCESSES ARE DEEPLY FELT MATTERS AND SOME DRAG ON FOR WHAT MANY CONSIDER INORDINATE PERIODS OF TIME. WE ARE REACHING THE CULMINATION PERIOD IN BOTH OUR COKE OVEN AND NOISE PROMULGATION PROCESS. BOTH OF THESE HAVE HEARING RECORDS NUMBER IN THE THOUSANDS OF PAGES. FOR COKE OVENS I AM TOLD ITS OVER 8,000.

IN MY OPINION, IT IS TO THE BEST INTEREST OF THE CHEMICAL INDUSTRY TO SURVEY THE FACTS AT ITS DISPOSAL AND TO PRESENT THEIR CASE FOR WHAT IT BELIEVES CAN AND CANNOT BE DONE IN THE AREA OF CONTROL OF HEALTH AGENTS IN THE WORK ENVIRONMENT WHILE STILL CONDUCTING BUSINESS IN A COMPETITIVE MANNER. UNFORTUNATELY, THE TONE HAS BEEN SET FOR YOUR INDUSTRY BY THE VINYL CHLORIDE HEARING. IT WAS STATED BY SEVERAL CORPORATIONS

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THAT THE PROPOSED STANDARD WOULD PUT THE INDUSTRY OUT OF BUSINESS. WHILE IT IS NOT UNUSUAL TO HAVE STRIDENT PROMOTIONAL CRIES IN THE HEARING PROCESS, YOU CANNOT AFFORD THAT LUXURY.

CERTAINLY, YOU CANNOT AFFORD IT ANOTHER TIME. VINYL CHLORIDE DID NOT PUT THAT INDUSTRY SECTOR OUT OF BUSINESS; THE STANDARD IS BEING MET OR WILL SHORTLY BE MET BY ALL CONCERNED PARTIES AND THE COSTS WERE NOT SUCH AS TO CLOSE FACILITIES. THEREFORE, YOU MUST CAREFULLY SORT OUT THE INFORMATION AT YOUR DISPOSAL AND PRESENT, IN SO FAR AS IS POSSIBLE, IN AN ACCURATE WAY, AND GIVE THE CONSTRAINTS FACING YOUR INDUSTRY. ONLY THEN WILL WE ACHIEVE MEANINGFUL REGULATION OF HAZARDS IN THE WORKPLACE, A GOAL WHICH EVERYONE IN MY CONTACT SO FAR SEEMS TO DESIRE. FEW PEOPLE ARGUE WITH THE GOALS OF OSHA. THE ACT IS A GOOD ONE. BUT TO WORK, IT REQUIRES THE GOOD FAITH, COOPERATION, AND PROFESSIONAL COMPETENCE OF ALL PARTIES. LET US HOPE THAT THIS CAN BE ACHIEVED AS WE EMBARK ON THE SECOND, IF YOU WILL, FIVE-YEAR PERIOD OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION. THANK YOU.

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