

Manufacturing Chemists Association

Minutes of Meeting

OCCUPATIONAL SAFETY AND HEALTH COMMITTEE

MCA Headquarters

January 18, 1979

Washington, D.C.

Mr. De Martino convened the meeting at 9 a.m. The record of attendance follows.

MEMBERS PRESENT

Carl De Martino, Chairman
Richard L. O'Connell, Vice Chairman
Linda M. Casey
Emil E. Christofano
Richard D. Fulwiler
Peter W. Simmons
(for Benjamin B. Holder)
Richard O. Howard
Howard L. Kusnetz
John M. Pardee
Robert E. Rutherford
W. Mayo Smith
Frank A. Ubel
Arlin G. Voress

E. I. du Pont de Nemours & Company
Olin Corporation
Ashland Oil, Inc.
Hercules Incorporated
The Procter & Gamble Company

Dow Chemical USA
Virginia Chemicals, Inc.
Shell Oil Company
Eastman Kodak Company
Gulf Science and Technology Company
Air Products and Chemicals, Inc.
Minnesota Mining and Manufacturing Co.
Union Carbide

Milton Freifeld, Secretary

MCA Staff

PRESENT BY INVITATION

H. Christopher Nolde
Jay A. Young
John G. Tritsch*
John C. Van Horn*

MCA Staff
MCA Staff
MCA Staff
MCA Staff

MEMBERS ABSENT

Robert M. Clyne
Jack S. Snyder

American Cyanamid Company
Merck & Co., Inc.

*present part-time

1.0 Minutes of Meeting November 14, 1978

The captioned minutes were approved as distributed.

2.0 Meeting with Dr. Eula Bingham

Mr. De Martino reported that the previous week he led an MCA group that visited Dr. Eula Bingham, Assistant Secretary of Labor, OSHA, and some members of her staff. The need to build credibility on both sides as a sound basis for cooperative effort and the desirability of performance rather than specification standards were stressed by Mr. De Martino. Grover Wrenn, Director of Health Standards Development, cited the MCA effort on chemical substances identification (labeling) as an outstanding example of good cooperation. Our desire for early constructive industry input to the regulatory process was mentioned. Mr. Wrenn said the agency intends to publish notices as soon as subjects are even considered for regulation. He had no objection to frequent contacts with OSHA personnel as a way of our keeping abreast of their activities.

The desirability of filling the vacant post of industry liaison at OSHA was brought up by Mr. De Martino. Dr. Bingham thought that person should be from small business since it is their interests that need most to be represented. She also pointed out OSHA does not have adequate provision in the budget for that position and was hoping it could be filled as part of a government/industry exchange program. Our assistance by submitting names of suitable candidates was solicited.

Dr. Bingham cited the recently proposed revisions to fire protection and related safety standards as an example of OSHA's new direction in writing performance standards. Our general agreement with this trend was expressed. However, she indicated formal written support would be helpful.

On motion duly seconded, the committee voted without dissent to develop a position on the proposed revision to the fire protection standard for submission to OSHA.

Mrs. Clinton Wright, Director of Training, Education, Consultation and Federal Agency Programs, OSHA, said OSHA training funds for this year had been allocated to a number of unions and a few trade associations. We were encouraged to apply for such funding in the future and this will be investigated.

In the spirit of fostering early exchange of information, Dr. O'Connell offered to send Dr. Bingham a copy of our Draft Guidelines on Gathering Epidemiologic Data. The Committee agreed with this action.

3.0 Federal Cancer Policy

The final OSHA generic regulation on carcinogens is now expected in March. There is no indication to what extent the original proposal will be modified in the light of industry comments. The MCA post-hearing brief was submitted in a timely fashion.

Procedural and substantive objections to the Consumer Products Safety Commission's cancer policy raised by Dow Chemical USA in a Louisiana District Court are described in the Federal Register, December 28, 1978. It was therefore suggested that the MCA draft response of September 6, 1978 to CPSC on this subject, copies of which were distributed to those present at the meeting, be reconsidered in the light of the litigation cited. However, it was felt a response should be submitted by the due date of February 26, 1979.

A list of carcinogens the secretary of HEW is now required to prepare (PL95-622) and Mr. Califano's recent statements regarding the interaction of smoking and occupational exposure were mentioned as information items.

4.0 Publication Program

4.1 Guidelines for Chronic Hazard Labeling

Dr. Young reported there had been a delay in one (SD-57 Methylamines) of the four Chemical Safety Data Sheets (SDS's) to be used for testing the captioned guidelines. The committee agreed that the three SDS's already in process would be a sufficient number as a trial for the guidelines. Hence a conclusion could be reached on chronic hazard labeling within about three months.

4.2 Safety Guides

A task group is being formed under the leadership of Mr. Joseph Caporossi, American Cyanamid, to review safety guides and revise them as necessary.

4.3 Proposed Form for Data on Chemicals

A proposal to develop a standard form for transmitting data on chemicals from producers to users was referred to Mr. Batchelor's task group on Chemical Substances Identification. They did not feel qualified to deal with this subject, hence declined the assignment. It was also noted that since "the customer is always right" producers would have to continue to supply the same data about their products on a variety of forms submitted by various purchasers.

5.0 Revision of ANSI Z129.1 (Labeling)

This standard of the American National Standards Institute, published in 1976, was sponsored by MCA. A task group is being formed under the leadership of Dr. Warren Jones of Eastman Kodak, recent chairman of the former Labels and Precautionary Information Committee, to revise this standard by 1981 as required by ANSI. This revision will include the chronic hazard guidelines once they have been tested, modified if necessary, and approved by the Committee. Hence, comments received on the guidelines during the trial period with SDS's were commended to the attention of Dr. Boyd Shaffer's task group on this subject.

6.0 Epidemiology

A draft, "Model Modules and Suggested Guidelines for Gathering Epidemiologic Data", prepared by Dr. O'Connell's task group, was distributed to the Committee at the meeting for comment and approval.

7.0 Embryotoxins

Dr. O'Connell reported that a draft on "Guidance for Evaluation, Risk Assessment, and Control of Chemical Embryo-fetotoxins", prepared by Dr. Karrh's task group, was almost ready for submittal to the Committee.

8.0 Liaison

Dr. Fulwiler said Dr. Kolodner of Celanese accepted responsibility for coordinating activities of MCA representatives on committees of ANSI and the National Fire Protection Association. Dr. Kolodner previously performed this function for the former Safety and Fire Protection Committee. Dr. Fulwiler is looking into similar MCA representation in professional and other organizations with interests related to those of the Committee.

A letter of December 19, 1978 from Mr. Wechsler of Union Carbide Corporation, describing a problem relating to the testing of combustible gas detectors, was referred to the Advisory Committee.

8.1 American Industrial Health Council (AIHC)

Dr. O'Connell briefly described the activities of AIHC relating to their advocacy of industry positions regarding cancer policy at various agencies. AIHC has made no decision yet as to how long and in what form they will continue.

9.0 OSHA Proposal on Access to Employee Exposure and Medical Records

9.1 Hearings on Proposal

The Secretary reported that MCA comments on this matter at

hearings in Washington, D. C. and Chicago, Illinois, were effectively presented and well received.

9.2 Final (Interim) Rule of July 19, 1978

OSHA published this rule just prior to the proposal for a permanent regulation on the subject to prevent destruction of existing records and to permit unconsented access to records by OSHA and NIOSH. A letter sent to MCA member companies on December 20, 1978 asked them to report to us incidents of either of the above agencies attempting to gain such access so that appropriate legal action could be considered. However, no responses have been received to date.

10.0 Symposium 1979

Arrangements for hotel space have been made for this symposium, September 14 in San Francisco, with an open Committee meeting planned for September 13, Mr. Christofano said. He expects to have speakers lined up for this function by the next Committee meeting.

11.0 Occupational Injury and Illness Reports

Mr. Howard described the initial work of a task group, under the leadership of Olin's Dr. LeVine, to modify instructions to MCA contributors to OII Reports so that OSHA's new Form 200 can be taken into account. It is expected that a new set of instructions incorporating this and other changes will be ready by mid-1979.

12.0 Future Issues

Dr. Ubel reported that the captioned task group met recently and suggested the following subjects for the committee's consideration:

- a) Establish continuous interaction with representatives of labor on matters of safety and health.
- b) Since NIOSH now has a new chief, explore again the possibility of a more active role for MCA in the development of criteria documents.
- c) Work closely with OSHA in the development of generic standards and long-range projects.
- d) Establish and maintain an ongoing relationship with the President's Regulatory Analysis Review Group for advance notice of upcoming issues.
- e) Select criteria for taking advocacy stands regarding individual chemicals and setting priorities for them.

f) Maintain liaison, as is currently being done by Dr. Karrh of DuPont, with Policy Research Incorporated, which has a contract with NIOSH to review its procedures for developing criteria documents. Also consider nominating candidates for the four regional panels being formed to address this subject. Mr. Kusnetz said he is already a member of one such panel.

Mr. Christofano proposed consideration for two research projects for funding by MCA, probably best conducted at a university which could be initiated perhaps two years hence. These proposals deal with 1) the development of dust-free bagging equipment and 2) investigations of the efficacy of protective equipment, emphasizing cutaneous hazards.

Developments on The Hill, according to Mr. Nolde, leave in doubt the composition and leadership of subcommittees with OSHA oversight in both the House and Senate. He also indicated that the labor law may be revised in the current Congress with workmen's compensation due for special attention. It is also anticipated that issues relating to women in the workplace will receive increasing emphasis. Mention was made of a bill which Senator Ribicoff is expected to introduce that would require all government agencies to conduct a cost/benefit analysis prior to issuing regulations. Hearings were begun in the last Congress on the general subject of costs of government regulation. Dr. O'Connell noted this appears to be part of a trend in Congress to strengthen legislative oversight of regulatory agencies.

13.0 President's Task Force on Occupational Safety and Health (Bergman)

A draft final report of the Bergman Task Force became available only a few days ago, said Mr. Voress. This leaves very little time for response by the deadline of February 20. The draft is thorough and contains many recommendations that can probably be endorsed by industry. However, the concerned MCA Task Group is studying the draft carefully and is planning a comprehensive recommended response. It was suggested that a 30-day delay for replying be requested.

14.0 Cutaneous Hazards

Mrs. Casey reported that OSHA's Standards Advisory Committee on the captioned subject had discarded the idea of a single generic standard to protect all workers against all occupational skin exposures. Instead, the Committee thought OSHA might issue standards in this area for controlling occupational skin exposures on the basis of processes or specific agents. A draft report of this Committee has been made available through the courtesy of DuPont's Dorothy Hood, a member of the Advisory Committee. The Secretary was asked to distribute this report, following appropriate clearance, with the caveat that it is known to be undergoing substantial revision. A final report is expected by mid-February.

15.0 Confined Workspaces and Turnarounds (Major Maintenance)

Mr. Pardee reported that a task group is being organized by Mr. Al Kover of Diamond Shamrock, to prepare the inputs for anticipated OSHA regulations in the captioned area. It was noted these are separate subjects but there is a tendency in OSHA to consider confined workplaces as an aspect of turnarounds. Organization Resources Counselors is already working on this matter and has drafted a performance oriented proposed standard. It was suggested we coordinate closely with them.

16.0 Funding of Projects

Budget requests relating to this Committee's activities were outlined by Mr. Christofano.

17.0 Advocacy for Individual Products

Mr. Simmons pointed out that in the course of conducting the work of special projects such as those on vinylidene chloride and ethylene dichloride, it sometimes appears desirable to have MCA take an advocacy position regarding a matter of principle arising from such a group's work. The charters of the MCA special projects confine their activities to scientific investigations. A notable exception is legal action taken under the benzene project which required Board approval. Messrs. Tritsch and Van Horn discussed alternatives for reaching the desired goal.

18.0 Former Safety and Fire Protection Committee

Mr. Simmons said he was recently elected chairman of a new group composed of members of the former SFPC within the National Association of Manufacturers. Cooperation between this group and the OSH Committee is expected.

19.0 National Coalition for Disease Prevention and Environmental Health

Former Congressman Rogers is spearheading an effort to organize the captioned coalition. They apparently have powerful friends in Congress. Since it appears to be dominated by environmental activists, it was recommended that a wait-and-see attitude be taken regarding possible MCA membership.

20.0 New Jersey Cancer Study

Mr. Christofano advised the group that the long-awaited report on the captioned study has still not been released.

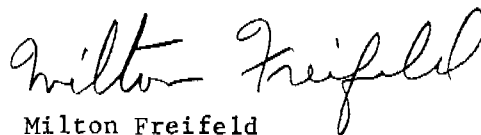
21.0 Accident Case Histories

Mr. Simmons, leader of the task group gathering material for this publication, said it has become increasingly difficult to obtain suitable case descriptions. He therefore reluctantly recommended, and the Committee agreed, that publication of Accident Case Histories should be discontinued after the last issue for 1978 is released. Suitable notification of this action will be given to member companies and subscribers.

22.0 Next Meeting

This is to be an open meeting March 15, 1979 in the Washington, D. C. area.

The meeting was adjourned at 3 p.m.



Milton Freifeld
Secretary
Occupational Safety and Health
Committee

MF:hec

Minutes Subject to Approval
February 6, 1979

LETTER BALLOT
MANUFACTURING CHEMISTS ASSOCIATION
OCCUPATIONAL SAFETY AND HEALTH COMMITTEE

PLEASE RETURN TO:

Milton Freifeld
Manufacturing Chemists Association
1825 Connecticut Avenue, N. W.
Washington, D. C. 20009

FOR RECEIPT BY:

February 27, 1979

PROPOSAL: That the draft dated January, 1979, "Model Modules and Suggested Guidelines for Gathering Epidemiologic Data", be approved for publication by MCA.

AFFIRMATIVE _____

NEGATIVE _____

COMMENTS: _____

Signature _____

Name, Typed _____

Company _____

Date _____

2/6/79

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