

Minutes of Meeting  
Occupational Safety and Health Committee  
CHEMICAL MANUFACTURERS ASSOCIATION

CMA Conference - Room 404  
1825 Connecticut Avenue, NW  
Washington, D.C. 20009

Thursday  
July 10, 1980  
9:00 AM - 2:15 PM

Members Present

|                       |                                         |              |
|-----------------------|-----------------------------------------|--------------|
| T. F. Evans, Chairman | Monsanto Co.                            | 314/694-3257 |
| J. E. Aiken, M.D.     | Cities Service                          | 918/561-8256 |
| D. W. Hillman, M.D.   | Diamond Shamrock                        | 216/694-5241 |
| R. B. Hoots, Jr.      | ICI Americas                            | 302-575-3135 |
| P. J. McNulty         | Rohm & Haas Co.                         | 215-785-7307 |
| M. E. Miller          | IMC Chemical Group                      | 312-566-2600 |
| J. Plaut              | Allied Chemical                         | 201-455-4533 |
| F. A. Ubel            | Minnesota Mining<br>& Manufacturing Co. | 201-574-4185 |
| J. R. Venable, M.D.   | Dow Chemical USA                        | 517-636-1355 |
| J. Wheeler, Md.       | Standard Oil (Ind.)                     | 312-856-3871 |
| J. D. Robertson       | Exxon Chemical USA                      | 713-656-0189 |
| H. A. Eschenbach      | W. R. Grace & Co.                       | 617-876-1400 |

CMA Staff Present

|                          |              |
|--------------------------|--------------|
| R. A. Roland (Part-time) | 202-328-4210 |
| G. V. Cox                | 202-328-4240 |
| P. Joyce                 | 202-328-4338 |
| C. Nolde                 | 202-328-4308 |
| G. D. Strickland         | 202-328-4266 |
| M. Freifeld              | 202-328-4264 |

Members Absent

|                |                      |              |
|----------------|----------------------|--------------|
| E. Christofano | Hercules Inc.        | 302-575-7055 |
| A. W. Sheldon  | M & T Chemicals Inc. | 201-499-2401 |
| J. S. Snyder   | Merck & Co., Inc.    | 201-574-4185 |

\* \* \* \* \*

Recommended Actions:

- The Committee recommended that CMA contribute two thousand dollars (\$2,000.00) in support of phase II

of an inter-industry noise study to be conducted by the National Foundation for Occupational and Environmental Health Research.

- Reorganization of the Committee was recommended, including the formation of task groups on Risk/Benefit, OSHA Reform and Informing Private Physicians about Occupational Health.
- The Committee recommended that the authors of the draft paper on embryo-fetotoxins be encouraged to publish it under their own auspices rather than as a CMA document. It served well as the basis for the CMA response to proposed guidelines on Reproductive Hazards.
- It was suggested that CMA coordinate closely with sister associations regarding responses to proposed OSHA safety standards.

\* \* \* \* \*

1. Membership

The Committee was informed that the Board of Directors had appointed Tom Evans as Chairman of the Occupational Safety and Health Committee. Mr. Evans called the meeting to order and welcomed the following new members:

|                    |                        |
|--------------------|------------------------|
| Jonathan Plaut     | Allied Chemical Co.    |
| Patrick McNulty    | Rohm & Haas Co.        |
| Jerry D. Robertson | Exxon Chemical USA     |
| John Wheeler       | Standard Oil (Ind.)    |
| Myrl Miller        | IMC Chemical Group     |
| John Aiken *       | Cities Service Company |

\*Contingent on Board of Directors approval, Dr. Aiken will complete the unexpired term (ending May 31, 1981) of Dr. R. L. O'Connell.

2. Remarks by Robert A. Roland

OSHC is one of the basic and most important committees in CMA, said Mr. Roland. The Board of Directors and the Executive Committee are very interested in the Committee's activities and channels of communication with it are available through the staff. He emphasized that it was the staff's function to support the Committee in getting its job done.

3. Minutes of Meeting May 15, 1980

The minutes were approved as written.

4. Feedback from CMA Management

Dr. Cox reviewed the history of the embryo-fetotoxin draft and the efforts of staff to move it forward. The Committee recommended that the authors be commended and encouraged to publish the paper under their own names rather than identifying the paper as a CMA project.

In addition, Mr. Roland observed that the embryo-fetotoxin paper served as an excellent basis for CMA comments on proposed government guidelines on Reproductive Hazards in the Workplace (see item 10 below). He said that favorable comments had been received from the chairman of the board and others on the high quality and timeliness of the CMA response to the Equal Employment Opportunity Commission proposal.

CMA's advocacy program was discussed by Dr. Cox.

5. Legislation

Mr. Nolde reviewed the status of the Schweiker Bill dealing with OSHA reform, Beard's Bill on Workers' Compensation and the Miller Bill relating to Criminal Penalties. The prospect for passage in this Congress is dim for all three of these bills. However, they may come up again in the future.

6. Labeling

Both EPA and OSHA continue to prepare for publication of proposed standards on labeling, however, they are still struggling with a number of difficult problems. At OSHA, this project has been placed in the hands of Dr. Arthur Olineck, a professor at the University of Michigan, who intends to complete the task this summer. A draft standard is expected by early August.

The International Affairs Group, with membership from CMA and SOCMA, has an active task group on international labeling issues and is following the subject closely. The observation was made that the European Economic Community and EPA do not want each other's rules.

The Committee was also informed that the Intercommittee Task Group on Hazards Communications, formerly chaired by Mr. Batchelor, is being reorganized under the leadership of Mr. William Krumrei of Proctor and Gamble.

7. Access to Employee Records

Mr. Joyce reported that CMA had intervened in the AFL-CIO case in the U.S. Court of Appeals for the District of Columbia. However, that is a protective intervention to prevent OSHA from agreeing with the unions in making the access rule even more liberal. Mr. Joyce also said that the American Medical Association (AMA) had been contacted by CMA and, after they considered the matter, decided not to challenge the rule in court. However, the American Occupational Medical Association is urging the AMA to take legal action although they do not plan to do so themselves. The only other group known to be considering broadbased legal action is the U.S. Chamber of Commerce. Companies that feel strongly about this issue are being referred to the Chamber. Mr. Joyce further noted that trade secret arguments and supporting data on that matter, requested from member companies, have not been forthcoming. In addition, no CMA member had been identified to serve as the "venue" plaintiff. There was no strong objection from the Committee as to this course of events.

8. Liaison with CRAC on Section 8(c)

Mr. Plaut supplemented the written review, mailed to the Committee before the meeting, on Section 8(c) of the Toxic Substances Control Act which deals with recordkeeping and reporting of allegations of significant adverse reactions. (NOTE: the Section 8(c) proposed rule was published in the Federal Register July 11, 1980).

9. Liaison With Hazardous Waste Response Center Task Group

The draft of a section on safety and health protection, which is to be part of a landfill investigation manual, was mailed to the Committee before the meeting. Comments on the draft should be transmitted to Mr. Emil Christofano.

10. Task Group on Reproductive Hazards in the Workplace

CMA comments on the proposed Reproductive Hazards guidelines, issued by the Equal Employment Opportunity Commission and the Department of Labor, were submitted to the agencies in a timely fashion said Mr. Wheeler. The importance of the earlier paper on embryo-fetotoxins, which served as the basis of the comments, was recognized. Mr. Freifeld reported that many favorable comments had been received, not only on the high quality of this work product, but also on the distribution of an early draft allowing member companies to use it in their own responses.

Mr. Wheeler stated that the task group had approved the charter proposed for it at the May 15, 1980, meeting of OSHC.

11. Joint Symposium with NIOSH

Mr. Evans said that planning for this program was proceeding satisfactorily.

12. Semi-Annual Meeting, October 27 and 28, 1980, in Houston

The OSHC portion of this meeting, to be presented the afternoon of October 28, should consist of two parts suggested Mr. Evans. He proposed that the first part should be in the format of "Meet the Press". Dr. Eula Bingham would be invited to respond to questions posed by representatives of the chemical industry. (Dr. Bingham has since accepted this invitation).

For the second part of the OSHC program, Mr. Evans suggested discussion of Risk/Benefit Analysis by a panel that would include representatives from industry, academia, OSHA and the legislature. The Committee endorsed these ideas for the semi-annual meeting.

Mr. Evans asked Committee members to submit to him, before the end of August, candidate questions that could be posed to Dr. Bingham.

13. Formation of Nominating Committee for Vice Chairman

Messrs. Hoots and Evans were appointed by the chairman to recommend a nominee for vice chairman at the next Committee meeting.

14. Organization Restructuring

Mr. Evans proposed that the following task groups be continued:

| <u>Task Group</u>                                    | <u>Advocate</u> |
|------------------------------------------------------|-----------------|
| 1. Access to Employee Records                        | Venable         |
| 2. Reproductive Hazards                              | Wheeler         |
| 3. Joint Symposium with NIOSH                        | Evans           |
| 4. OSHA Cancer Policy                                | Hillman         |
| 5. Future Issues                                     | Ubel            |
| 6. Liaison with Technical and Professional Societies | Robertson       |

| <u>Task Group</u>                                          | <u>Advocate</u> |
|------------------------------------------------------------|-----------------|
| 7. Occupational Injury and Illness Reports                 | Eschenbach      |
| 8. Labeling (Revision of ANSI Z129.1)                      | Sheldon         |
| 9. Safety Standards                                        | Eschenbach      |
| New Task Groups were Suggested as listed below:            |                 |
| 10. OSHA Reform                                            | Plaut           |
| 11. Risk/Benefit                                           | McNulty         |
| 12. Informing Private Physicians about Occupational Health | Aiken           |

The Committee agreed with the above list of task groups as proposed. Suggestions for task groups to be considered at a future date included mutagenicity, stress, and ergonomics. In addition, it was thought that when the epidemiology paper is published, that a task group should be reactivated to consider a series of workshops with the document as a central theme.

Mr. Evans asked that each advocate review, or develop, as appropriate, the charter involved. This may require a meeting of the group or liberal use of mail and telephone. The new task group charters should be in Mr. Freifeld's hands by the end of August.

In addition, copies of the OSHC charter, taken from the September 5, 1979 annual report to the Executive Committee, were distributed. Suggested revisions in that charter should also be in Mr. Freifeld's office before the end of August.

15. Inter-Industry Noise Study

The background and a request for support of this study are contained in a letter from Dr. K.D. MacMurrain to Mr. Robert Roland dated June 2, 1980, which was mailed to the Committee along with other relevant information prior to the meeting. After discussion, the Committee recommended that CMA contribute \$2,000 toward the funding of Phase II of the study in question.

16. Safety Standards

Mr. Eschenbach said the former leader of this task group has changed positions. Mr. Robert Brant of ICI Americas has indicated willingness to accept leadership of this group. The Committee approved this change.

At its meeting, June 26, this task group recommended that CMA take the leadership in coordinating the responses of key sister associations to proposed OSHA safety standards. The intent is to avoid duplication of effort by the same industry people and to try to share the work load. In order to keep this group relatively small and manageable, the organizations to be contacted are: Organization Resources Counselors, National Association of Manufacturers, American Petroleum Institute and the Synthetic Organic Chemicals Manufacturers Association.

The group also decided that Lockout/Tagout should be the first item to receive attention since OSHA has already published an advanced notice of proposed rulemaking. (45 Federal Register, July 17, 1980, page 41012)

It is expected that the next major OSHA Safety Standard to receive attention will be Subpart H on Hazardous Materials. This will be followed by Confined Spaces, Marine Terminals, Eight Hour Reporting Rule, and Conveyors. The task group felt that it would be best to wait until OSHA has published its intentions on each subject before starting work on it. While early input to the agency is recognized as desirable, it was thought that much effort at that stage had been misspent in the past.

17. Standards Adopted by Reference

An announcement in the Federal Register, March 28, 1979, required agencies to reaffirm standards adopted by reference to some other standards setting group or to earlier legislation. It was thought that this represented an opportunity to influence OSHA to change some of its standards incorporated in this fashion. However, the Federal Register, June 30, 1980, carried a notice that OSHA had reaffirmed all of its standards of this type. Hence, any changes of such standards will have to be made via the process provided by Section 6 of the OSH Act. (i.e. Seeking a variance or petitioning for judicial review)

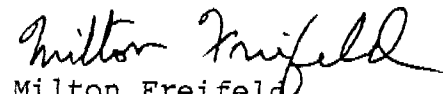
18. International Agency for Research on Cancer (IARC)

A letter of June 27, 1980, from Mr. Wilbourn of IARC was distributed at the meeting. It included an invitation for CMA representation at the meeting of a working group from February 10-17, 1981, in Lyon, France. Materials to be considered are: aromatic amines, anthraquinones and nitroso compounds, formaldehyde and inorganic fluorides. Anyone interested was asked to contact Mr. Freifeld.

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19. Next Meeting

The next meeting of the Committee was scheduled for  
8:00 AM, October 1 at CMA headquarters.

  
Milton Freifeld  
Staff Executive  
Occupational Safety and  
Health Committee

Minutes Subject to Approval  
July 30, 1980

MF:elf

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