

Manufacturing Chemists' Association, Inc.

MINUTES OF MEETING

LABELS AND PRECAUTIONARY INFORMATION COMMITTEE

May 9-10, 1967

The Homestead

Hot Springs, Virginia

PLAINTIFF'S
EXHIBIT
CMA-188Members Present

C. B. Shaffer, Chairman
E. J. Masek, Vice Chairman
L. W. Burnette
C. U. Dernehl
E. M. Dixon
C. L. French
J. W. Hammond
E. J. Hogan
E. H. McIntyre
E. F. Philpitt
A. W. Sheldon
G. R. Sido
F. D. Sparre
R. G. Troup
E. E. Wendt
E. G. White
M. M. Hoover, Secretary

American Cyanamid Company
Diamond Alkali Company
General Aniline & Film Corporation
Union Carbide Corporation
Celanese Corporation
Mallinckrodt Chemical Works
Enjay Chemical Company
Allied Chemical Corporation
The Dow Chemical Company
Olin Mathieson Chemical Corporation
M & T Chemicals Inc.
Monsanto Company
E. I. du Pont de Nemours & Company
J. T. Baker Chemical Company
American Potash & Chemical Corp.
Shell Chemical Company
MCA Staff

Members Absent

R. H. Dewey
A. C. Diliberto
J. T. Fuess
J. T. Gormally

Commercial Solvents Corporation
Stauffer Chemical Company
Distillation Products Industries
Pennsalt Chemicals Corporation

Guests Present

David Brown
C. P. Brush
D. G. MacKellar
R. M. Maxwell
C. C. Stevens

Mallinckrodt Chemical Works
Koppers Company
FMC Corporation
USS Chemicals
Imperial Chemical Industries Ltd.

1. Introduction of Guests

The committee welcomed Messrs. Brown, Brush, MacKellar, and Maxwell to the meeting, and extended a special welcome to Mr. Charles Stevens of Imperial Chemical Industries Ltd., who attended the meeting as a representative of the Marking of Containers Committee of the Chemical Industries Association Ltd.

2. Minutes of the Last Meeting

The minutes of the January 17-18, 1967 meeting in Houston, Texas were approved as distributed.

3. Membership

The committee voted unanimously to recommend to the MCA Board of Directors that Donald G. MacKellar of FMC Corporation be appointed a member of the committee.

4. Election of Officers

Following the recommendations of the nominating subcommittee (H. H. McIntyre - chairman, C. L. French, and F. D. Sparre), the committee unanimously elected E. J. Masek as chairman, and R. F. Philpott as vice chairman, for the two-year term beginning June 1, 1967 subject to confirmation by the MCA Board of Directors.

The outgoing chairman, C. B. Shaffer, thanked the committee and especially the subcommittee chairmen for their assistance during his term.

A motion of appreciation for the outstanding leadership rendered by the chairman was carried by acclamation.

5. Rules of Organization and Procedure

The chairman announced that the subcommittee appointed following the Houston meeting for the purpose of preparing a draft of LAPI Committee Rules of Organization and Procedure had not had sufficient time to meet since its appointment, and that it therefore had nothing to report.

6. Manual Revision

The committee voted unanimously to accept in principle the April 1967 draft of Part I of the next edition of the "Guide to Precautionary Labeling of Hazardous Chemicals" as prepared by the Manual

Re
sf
byof
Ma
gr
of
li
ha
stad
li
erec
be
th

pc

7.

Mr
L
thme
Sh
ar
si
pcDr
of

sc

Revision Subcommittee, with the understanding that comments on any specific points be submitted in writing to the secretary for consideration by the Manual Revision Subcommittee.

So as to have drafts of labels for Part II ready for consideration of the full committee at the September meeting, the chairman of the Manual Revision Subcommittee announced that he will schedule small groups to meet periodically to determine the hazards from examination of the assembled data, and to mark these hazards on the computer checklist for each substance. Mr. Philpitt urged all committee members who have not yet sent in their data and who have been sent Warning Label Study Sheets to do so as soon as possible.

In response to a request by Mr. Sido, the chairman said he would add a fourth precautionary statement for spill clean-up to the checklist. This statement is to read "Keep upwind of leak. Evacuate enclosed spaces until gas has dispersed."

Consideration of references on labels to specific protective equipment resulted in general agreement that such references should be made only in special cases where the label language does not suggest the proper protective equipment to use.

There was also general agreement that statements concerning disposal of containers should not be included routinely.

1. Internal Liaison

a. Environmental Health Advisory Committee - The secretary read Mr. Gormally's report, which included mention of his hope that the LAPI Committee will have one or more projects for submission to EHAC this fall.

b. Safety and Fire Protection Committee - The chairman recommended that drafts of label texts to appear in Chemical Safety Data Sheets for Nitrobenzene, Sodium Cyanide, Caustic Soda, Methyl Bromide, and Calcium Chloride be submitted to the committee for letter ballot simultaneously, so as to have them acted upon sooner than would be possible by waiting for the next meeting of the committee.

c. Inter-Committee Task Group on Transportation Hazard Information - Dr. White reported that the task group has not yet proposed anything of a specific nature other than its report of January 30, 1967.

On the subject of flash points, Dr. White illustrated graphically some of the points made in his recently-distributed brief supporting

the retention of 80 degrees F. as the dividing point for the classification of a flammable liquid as determined by the Tagliabue Open Cup Method, Mr. Sido distributed copies of his memo outlining the disadvantages of extending the flammable liquid classification above 80 degrees F. and the advantages of establishing a "Combustible Liquid" category, Mr. McIntyre distributed copies of his Memorandum No. 2 which argues against revision of the present ICC definition, Mr. Hammond reported that API has decided in favor of the closed cup method for determining flash points and 100 degrees F. as the cut-off between classifications, and the secretary reported that the survey of MCA member companies regarding the proposed change in classification is still in progress.

8. External Liaison

a. Chemical Industries Association Ltd. - Mr. Stevens reported on the implications for the U.S. chemical industry of draft Directives Nos. 179 and 180 of the Economic and Social Committee of the European Economic Community. He also listed a number of specific points in these directives which are regarded as objectionable by the Chemical Industries Association, Ltd.

Mr. Stevens then proposed (on the instructions of the CIA Marking of Containers Committee):

1. That MCA send a small delegation of LAPI Committee members to Europe to assess at first hand the possible effect of the directives on the U.S. chemical industry, and to influence their development in cooperation with representatives of the CIA Marking of Containers Committee. This is to be done in a series of meetings scheduled for June 28, 29, and 30, 1967.

Another important reason for the June visit was advanced by Mr. Stevens. This concerns eight or ten directives (in addition to those for labeling) which are yet to be prepared and which will involve food additives, colors, and occupational safety among others. The Chemical Industry Association has already formed a committee to follow them. Mr. Stevens felt that it would be most advisable for MCA representatives to make an initial contact at this time with the trade association people, the appropriate attaches, and the EEC so as to be better able to deal effectively with succeeding directives as they develop.

Mr. Stevens also felt that the visit would afford a valuable opportunity for MCA representatives to exchange views on matters of common interest outside the sphere of the EEC, and advised that CIA has authorized himself, Mr. Denny, and one or two others to be at the disposal of the MCA representatives at the time of the proposed visit.

to
don't
the

dep
for

sen
196

to
inc

the
of

and
of

th
fi
wo

in
be

Mr
di
cc
cc

re
ul

re
Ac

2. That MCA establish contact with the U.S. diplomatic attache to the EEC in Brussels for the purpose of determining what might be done through his office to further our objectives with respect to the directives.

3. That MCA establish contact with the person attached to the Department of Commerce who represents the U.S. abroad in the Organization for Economic Cooperation and Development to accomplish the same purpose.

Mr. Stevens advised that Directives 179 and 180 will likely be sent to the European High Parliament for ratification around the end of 1967.

Following Mr. Stevens' presentation, the committee voted unanimously to recommend acceptance of the CIA invitation to send a small delegation, including a representative of the MCA staff, to Europe.

The chairman then referred to the Subcommittee on the EEC Directives the proposals regarding contacts with attaches, as well as the suggestion of the International Trade Committee regarding contact with GATT.

b. Chemical Specialties Manufacturers Association - Messrs. Hogan and Sparre reported briefly on CSMA activities, but there was nothing of particular concern to MCA as such.

c. National Fire Protection Association - Mr. McIntyre reported that NFPA has a group working on fumigation standards for adoption in fire codes, and that he plans to oppose that part of the standard which would require use of the 704M symbol.

d. American Petroleum Institute - Mr. Hammond reported no changes in Bulletin 2511, and that API Toxigrams on gasoline and kerosene have been published.

e. Inter-Industry Advisory Committee on Product Information - Mr. Hogan reported that the committee (which met April 25) is evenly divided on the proposed change in flash point classification, and that comments requested from the various associations represented on the committee relative to the EEC Directives have not so far been received.

f. Association of American Pesticide Control Officials - Mr. Sparre reported briefly on AAPCO activities, but there was nothing of particular concern to MCA.

g. Industry Committee on Weights and Measures - Mr. Sparre reported that positions with respect to the Fair Packaging and Labeling Act regulations are being taken, and that these will be sent to the FDA.

9. Other Items

a. Labeling for Carcinogenic Chemicals - The chairman referred to a letter to MCA from Northeastern Products Company which included a suggestion that "some unique system of labeling should be uniformly in effect, similar to the requirements for radiation hazards," and to the reply by the chairman of the Occupational Health Committee, both of which were brought to the attention of the LAPI Committee because of the labeling suggestion.

The chairman commented that the number of chemicals known to be carcinogenic are well-known and small in number. Dr. Dernehl reported that his company's approach is to warn that prolonged and repeated skin contact may produce delayed and serious injury if such is indicated by animal tests, although there is no assurance that humans would be so affected. Mr. Hammond said that the API Labeling Committee faced this problem, and approached it in the same way.

b. National Status for LAPI Manual - As the result of a vote by the Safety Standards Board of the USA Standards Institute at its February 28, 1967 meeting to "look into the broad subject of utilizing some existing standard on the subject of labeling and to explore the problem of emergency procedures as a result of spills of these chemicals" the chairman requested Dr. Dernehl to prepare a report on this subject for the May 9-10 meeting, and requested the secretary to attend the May 5 meeting of the ad hoc committee of the Safety Standards Board which is exploring this subject and to report on it at the May 9-10 meeting.

Dr. Dernehl said that, in the absence of an acceptable labeling standard which has been accorded national status by one means or another, the Department of Labor may be forced to write its own regulations, that certain "fringe" laws may already give it the necessary authority, that H.R. 1323 if passed will direct the department to come up with regulations, and that as soon as the department sets forth regulations, or as soon as the USA Standards Institute comes up with a standard, the LAPI Manual will take second place.

He said further that MCA could request USASI to initiate a standardization project, or that such a request might be made from within USASI, resulting in the formation of a sectional committee comprised of representatives from all interested organizations.

He felt that if the LAPI Manual were submitted to USASI as a working tool to start with it might become unrecognizable, and further that quantitative values would be emphasized regardless of whether USASI or the Department of Labor enters the picture.

The secretary reported that at the May 5 meeting of the ad hoc committee of the Safety Standards Board, R. D. Gidel (subcommittee chairman and Director, Office of Occupational Safety, Bureau of Labor Standards, U.S. Department of Labor) said that nationally recognized standards will be considered by the department for regulations under seven public laws (Maritime, Walsh-Healey, Arts and Humanities, Service Contract, Vocational Rehabilitation, Fair Labor Standards, and Federal Employers' Compensation). The department wants one labeling standard to refer to in preparing regulations under all these laws.

The meeting was attended by representatives of MCA, API, NPVLA, Coast Guard, an insurance group, as well as the Department of Labor.

The LAPI Manual, the NFPA marking system, Chem-Cards, the Coast Guard regulations, the IMCO system, the NAS report dealing with flammability and others were all brought into the discussion, so it became even more evident that what was being sought was an omnibus national standard for labeling that would encompass transportation, dock handling, shipyard handling, storage within the holds of ships, etc. as well as what the LAPI Manual is intended to cover.

It was suggested by the industry people at this meeting that it would probably be impractical to tackle the problem in this fashion, and that it should be done piecemeal. The thought was advanced that it might be possible to bridge the pieces later to afford some degree of unity at least.

Mr. Gidel said he would send a memo summarizing the discussion to all members of the ad hoc committee and request their comments, the memo to include a suggested proposal to the Safety Standards Board for consideration at its June meeting.

c. Model Regulations - Mr. McIntyre reported on his recommendation of April 4 "that the LAPI Committee review and update the present model regulations for labeling of hazardous industrial products." It appeared to be the feeling of the committee that other committee activities demanded more priority, so no action was taken on this recommendation at the May 9-10 meeting.

d. Labeling re Air Pollution Regulations - Mr. Sparre reported that the Los Angeles regulations have no provision for labeling, that the San Francisco regulations provide for labeling but do not specify the content, that it is hoped that industry will come up with standardized wording or a identification mark to avoid possible difficulties between suppliers and purchasers with respect to products shipped into these areas, that information concerning this problem has been sent to API, CSMA, NPVLA, and the Inter-Industry Advisory Committee on Product Information, and that NPVLA Labeling Committee has formed a subcommittee

to develop the wording or identifying mark which will be sent out to the other industry groups after approval by the full committee.

10. Next Meeting

It was decided to hold the next meeting of the LAPI Committee in New York during the week of September 18, 1967.

M. M. Hoover

M. M. Hoover, Secretary

MMH:sjg

May 23, 1967

M
E
R
L
C
R
E
J
J
J
E
D
H
C
C
A
G
F
R
N
N
C
M
G
H
T
C
M
E
J
D