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COMBUSTIBILITY

Maryland Governor's Task Force Will Travel to National Bureau of Standards

The Maryland Governor's Task Force on Deaths from Fires in Buildings, an alternative to restrictive legislation, met October 23. Chairman Rasmussen reviewed for the group the films that had been viewed at the last meeting. Discussion centered on the excellent performance of sprinklers in hazardous fire situations and on the sometimes prohibitive cost of installation.

Marina Brockmann of SPI updated the Task Force on recent events occurring at the federal level with regard to fire safety. Government activities include an umbrella interagency task force, chaired by the National Academy of Sciences, the goal of which will be to eliminate duplicative efforts and integrate all information collected to address areas of the issue not yet explored. The Consumer Product Safety Commission (CPSC) again has made fire toxicity a priority project for FY'87. CPSC has adopted a two-pronged approach: 1) an information and education community outreach program to help the two most vulnerable segments of the population, the elderly and children; and 2) scientific testing at the National Bureau of Standards' Center for Fire Research on several upholstered furniture filling materials, fire hazard modeling and radiant furnace evaluation. The Federal Emergency Management Agency soon will kick off a media campaign that is aimed at public awareness, emphasizing fire prevention through the use of smoke detectors and sprinklers.

The next meeting of the Task Force was set for Wednesday, December 11, at the National Bureau of Standards in Gaithersburg, Maryland. Task force members are expected to view an actual burn demonstration.

SPI and Allies Gear Up for New York State Toxicity Hearings

As the November 18 hearing on the proposed New York State combustion toxicity regulations approaches, SPI is identifying and encouraging affected parties to participate in the hearing process. The New York State trade associations that have been contacted and have consequently alerted their memberships include the Association of Architects, the Business Council (and member chambers of commerce), the Builders Association, the Cable Television Association, the Manufacturers Council of Central New York, Associated General Contractors, and the Consulting Engineers Council. Additionally, numerous national trade associations will be participating. Other state associations that have been contacted include the National Federation of Independent Business/New York Chapter, the Alliance of American Insurers, the Energy Association, and the Retail Council.

A strong concern has been raised by the telephone industry. Bell Laboratories, in conjunction with AT&T, has indicated its intention to make a strong presentation at the hearings. SPI will be meeting with Bell representatives to help prepare testimony. In addition, New York Telephone and Rochester Telephone have expressed interest in the hearings.

This past week, SPI met with numerous state officials regarding the proposed regulations and the upcoming hearings. William Redmond, Counsel to the Office of Business Permits and Regulatory Assistance (OBP), indicated that his office soon will be conducting the official review of the revised regulatory impact and regulatory flexibility analyses submitted by the Code Council. Last January the original analyses were rejected as being inadequate by OBP. If the revised versions are rejected, the Code Council has 30 days to submit revised analyses. If a second rejection occurs, the Code Council must schedule a hearing on the objections, and announce it within 45 days.

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* ACTION ALERT
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* The hearings must not be viewed as the only means available to oppose
* the regulation. It is critical for all those submitting comments at the
* hearings to also summarize the comments in letter form to both Governor
* Cuomo and Commissioner Eimicke:
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* Honorable Mario M. Cuomo          Mr. William Eimicke
* Governor                          Commissioner
* State of New York                 New York State Department of
* Executive Chamber                  Housing and Community Renewal
* State Capitol                     Two World Trade Center
* Albany, NY 12224                  New York, NY 10047
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Oklahoma Begins to Wind Down Fire Study

Oklahoma's interim study commission, chaired by Representative Stottlemire, held its second meeting October 21 in Oklahoma City. The commission is charged with conducting an in-depth study on total fire environment with emphasis on toxic smoke and adequate smoke detection and sprinkler systems. Legislative staff has been directed to summarize comments made in the interim hearings and SPI will summarize its comments in cooperation with the staff. The net effect of the hearings so far has been to convince additional state legislators of the dangers of requiring toxicity testing without regard considering total fire hazard materials present. Fire safety consultant Dr. Irwin Benjamin testified on behalf of Carlon Electrical Sciences against the adoption of toxicity testing. He stated, "We . . . suggest that listing data from a toxicity test will not inform and may mislead the public about the possible hazard that could result from the use of a given product."

Representative Stottlemire intends to hold another meeting November 25. SPI will attend.

RIGHT-TO-KNOW

SPI to Submit Comments in Massachusetts

SPI expects to submit comments to the Massachusetts Department of Health stating the Department's designation of styrene as a carcinogen should be reversed. SPI contends that styrene has not been determined to be a carcinogen by leading scientific and governmental bodies and that it does not pose a carcinogenic hazard in the workplace. The Department held a public hearing on amendments to the substance list under the state's new worker right-to-know regulations October 29, with the comment period open until November 12. The substance list is a compilation of toxic or hazardous substances to which certain hazard labeling provisions apply. The manufacturers of such a substance must prepare a material safety data sheet and provide this information to employees and customers. Certain substances are considered to be "extraordinarily hazardous," including those considered to be carcinogenic, and are subject to more stringent labeling requirements.

3rd Circuit Issues Decision in Right-to-Know Appeal

The 3rd U.S. Circuit Court of Appeals issued its decision October 10 in the appeal of a January ruling concerning New Jersey's right-to-know law. The lower court had declared that employers in the manufacturing sector covered by the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard could not be subject to either the "workplace" or the "community" aspects of the state law, since it was "preempted" by the Federal requirement. The Court of Appeals has now concluded that while the employee disclosure requirements of the state law are preempted by the OSHA Standard with respect to manufacturers, those companies remain generally subject to the "community" aspects of the state legislation, including environmental survey obligations. The Court of Appeals directed the trial court to consider whether the workplace labeling of environmental hazards can be required of manufacturers, and it held that the limited degree of trade secret protection in the statute is constitutional. This ruling has implications for the Pennsylvania right-to-know law (since that state is within the jurisdiction of the 3rd Circuit), and may be influential in further litigation across the country.

MOLD LIEN

Michigan Mold Lien Clears First Hurdle

Senate Bill 311, Michigan's mold lien bill, unanimously passed the Michigan Senate October 29. The measure would give the molder a possessory lien on a customer's die, mold or form as a means of enforcing the customer's payment obligation without requiring complicated and expensive paperwork to create and enforce other types of security interests in the mold. The bill preserves important due process rights for the owners of the mold by requiring written notification of the molder's intent to sell the mold, giving the customer an opportunity to bring his bill up to date and recover his mold.

The bill has been referred to the House Judiciary Committee, where the measure was stalled last year. Action has not yet been scheduled in that committee. SPI continues to participate actively in this process.

StateReporter

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