

MINUTES of Meeting of the Legal Advisory Committee of the Manufacturing Chemists' Association, Inc., held at Mr. Roszel's Office, 30 East 42nd Street, New York City, Friday, May 19, 1950, at 10:00 a.m.

There were present:

Messrs. Richard F. Hansen (Chairman)
Fred Bartenstein (for Carl Anderson)
J. D. Gunther
W. G. Reynolds
W. C. Roszel

I. FEDERAL LOBBYING ACT QUESTIONNAIRE

The Chairman presented to the Committee a list of the several occasions on which MCA was known to have taken some action to influence the passage or defeat of Federal Legislation since the enactment of the Federal Regulation of Lobbying Act on August 2, 1946. It was pointed out that this list might not be 100% complete and the facts would have to be verified by Mr. Crass.

However, from the available information, it appeared that MCA had done nothing to influence Federal Legislation except to present written statements to Congressional Committees to have a witness appear on its behalf at Congressional Hearings and, in one instance, a request that Representative Judd read into the record an MCA statement.

In addition, the Chairman stated that according to Mr. Crass, no funds had been solicited by MCA for the purpose of influencing the passage or defeat of Federal Legislation, and that the only expense of such activities to MCA consisted of the time spent by members of the MCA staff in preparing, typing or mimeographing statements which were presented and the postage for mailing such statements to members of Congressional Committees.

Under the circumstances, it was the unanimous opinion of the Committee that the Federal Legislative activity of MCA does not constitute one of its principal activities; that it is doubtful that the Lobbying Act was intended to apply to such infrequent efforts as those of MCA; and that the MCA would appear to be exempt from the requirements under Section 308 of the Act as a person "who merely appears before a Committee of the Congress of the United States in support of or in opposition to legislation."

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Nevertheless, it was concluded that MCA should write a letter to Mr. Buchanan making a frank disclosure of its activities to influence the passage or defeat of Federal Legislation since August 2, 1946, stating that it has been advised that it is not a person to whom the Act applies as set forth in Section 307, and that, in addition, it is exempt from the requirement of registering and filing reports under Section 308.

The Chairman was delegated to prepare such a letter for Mr. Crass' signature.

II. PROPOSED CONSOLIDATION OF MCA AND PMMA

The Chairman stated that the Boards of Directors of MCA and PMMA had approved in principle a proposed plan for the consolidation of the two associations and was contemplating the completion of the consolidation at its annual meeting on June 19; and that the MCA Board had authorized the Legal Advisory Committee in its discretion to engage outside counsel to perform necessary legal work to accomplish this end, if this Committee believed it advisable so to do.

After discussion, it was unanimously agreed that the Committee should engage outside counsel to represent MCA in the matter of its consolidation with PMMA; and that the Chairman should make the necessary arrangements with Messrs. Hughes, Hubbard and Ewing for such services.

III. PROPOSED UNIFORM STATE ACT COVERING THE PRECAUTIONARY LABELING OF HAZARDOUS CHEMICALS

Efforts of the Committee to prepare a satisfactory Model State Act over a period of several years were reviewed and all agreed that the latest draft was not satisfactory. Since none of the members of the Committee was able to devote the necessary time to revise the latest draft in the manner believed to be satisfactory to all concerned, it was agreed that a recommendation should be presented to the Board of Directors that the Legal Advisory Committee be authorized to engage outside services of a law firm or a competent legislative drafting service to put the proposed bill into shape so that it would be acceptable to Members of the Legal Advisory Committee and Members of MCA, and would have reasonably good prospects of acceptance, at least in principle, by state regulatory officials or legislators to whom it might be offered.