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AMERICAN INDUSTRIAL HEALTH COUNCIL

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J. T. BARR

MINUTES OF MEETING

STEERING COMMITTEE

AMERICAN INDUSTRIAL HEALTH COUNCIL

JANUARY 13, 1978

A meeting of the AIHC Steering Committee was held on Friday, January 13, 1978, at the Mayflower Hotel, Washington, D. C., beginning at 9:30 a.m., a quorum being present. Mr. Paul Oreffice, Chairman, presided.

ATTENDANCE:

Present - Messrs. R. C. Barnard, R. P. Batchelor, Jr., F. P. Blanchard, A. Clark, P. F. Deisler, W. Easley, W. S. Ferguson, R. Fleming, J. Hanson, F. Hoerger, H. R. Imbus, M. N. Johnson, W. C. Krumrei, K. McKennon, T. W. Mooney, F. Neering, P. F. Oreffice, R. Titus and R. A. Lang.

Absent - Messrs. W. H. Bricker and G. S. Dominguez.

STATUS OF AIHC MEMBERSHIP, FINANCES:

AIHC Treasurer Keith McKennon reported that AIHC presently has 67 companies as members with nine additional ones committed and an estimated \$1,200,000 of income. He pointed out that all 40 of the original companies contacted by AIHC regarding membership have now agreed to join. The Steering Committee has so far authorized expenditures totalling \$918,000 broken down approximately as follows: economics studies - \$268,000, legal fees until the start of hearings - \$300,000, Scientific Committee - \$200,000, public relations - \$100,000 and general operations - \$50,000. Mr. McKennon noted that SOCMA's books are scheduled to be audited in late January and this audit will include AIHC income and expenditures. A report will be provided to the Steering Committee after the audit has been completed.

It was suggested that the Steering Committee should receive a copy of the full membership list as of mid-January and Mr. Lang agreed to circulate such a list.

GENERAL DEVELOPMENTS:

Mr. Lang discussed with the Committee the results of this week's assistance provided companies regarding testimony. He indicated that approximately 100 individuals representing both companies and trade associations had taken advantage of the opportunity provided by AIHC to discuss various issues involving OSHA's standard and their testimony. The biggest disappointment, he indicated, was that the majority of such companies were larger ones and that only a handful of small

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companies had come to Washington to discuss testimony. He felt it important that a strong effort be made to bring additional small companies into the overall effort and to encourage their participation in the hearing procedure.

After some discussion, it was recommended that a letter be sent to all AIHC contacts encouraging them to discuss this question with their suppliers and customers and suggesting that they contact the associations to which they belong and encourage their increased activity in this respect. In addition, it was felt important that a large number of additional small companies officially become members of AIHC. The Steering Committee, therefore, agreed to accept into membership companies making financial contributions of as little as \$25.

REPORT FOR ALTERNATIVES COMMITTEE:

Alternatives Committee Chairman E. P. Blanchard reported that the Alternatives proposal of AIHC had been completed earlier in the week and distributed to all AIHC members as well as participating associations. He noted that the document was still subject to additional editorial changes and clarifications and that it still did not contain detailed provisions with respect to work practices and industrial hygiene. These are in the process of being worked on by Subcommittees and it is hoped to have some recommendations available for distribution later in January.

Copies of the Alternatives have already been provided to a number of Government agencies including the Department of Defense, Commerce Department, Environmental Protection Agency, Food and Drug Administration, Department of Agriculture, National Institute for Occupational Safety and Health and Consumer Product Safety Commission. Mr. Blanchard himself delivered a copy personally to OSHA as soon as it had been completed and requested a reaction from Mr. Wrenn after the Agency has had a chance to review the document. After some discussion, it was recommended that small groups from the Scientific and Alternatives Committees try to arrange informal discussions with OSHA officials regarding the Alternatives since this will provide an indication of the prospects for acceptance of AIHC's proposals.

REPORT FOR PUBLIC RELATIONS COMMITTEE:

Committee Chairman Jim Hanson filled the Steering Committee in on developments regarding the Public Relations program which was approved at the last meeting. He indicated that the Committee was moving ahead with the preparation of detailed materials which can be used not only with the press but with AIHC supporting companies and that a detailed program of media tours was in the process of being finalized. He noted that AIHC's first substantive press conference would be held later in the afternoon to review the main concepts contained in the Alternatives proposal. The Committee is continuing to stress AIHC's cooperation with the Agency in attempting to develop a better classification system for identifying carcinogens and a better regulatory response to potential problems.

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REPORT FOR ECONOMICS COMMITTEE:

In the absence of the Chairman, Mr. McKennon reported that work was proceeding with respect to the Economic Impact Statement being prepared by Foster D. Snell. The work appears to be on track although there continue to be a number of significant modifications the Committee feels should be made in the approach being used. An important meeting will be held with Snell's representatives on January 23rd to review the draft as of that date, but it appears that the study will be finished by the January 30th deadline for submission. He indicated that preliminary results show a serious impact on chemical producers but a far more serious one on downstream users, particularly smaller companies.

REPORT OF LEGAL COMMITTEE:

Committee Chairman Scott Ferguson reported that the Committee had met earlier in the month and recommended several actions by AIHC including a suit to correct basic procedural errors, to require OSHA to publish the list of affected chemicals being prepared by Clement Associates (including a reasonable comment period) and to allow industry to comment after OSHA's witness statements are filed. In addition, the Committee felt the suit should raise basic Freedom of Information Act matters. The Committee further recommended that a letter be sent by Counsel to Secretary of Labor Ray Marshall and Assistant Secretary Eula Bingham commenting on the lack of staff cooperation with regard to supplying Freedom of Information Act materials.

The Steering Committee discussed these issues at some length. It rejected the suits requesting additional time on the basis that it was continuing to negotiate with the Agency for such time and that its cooperative posture would be destroyed if litigation was undertaken at this time. While the downside risk with regard to the Freedom of Information Act suit is small, it was felt there is relatively little material which could be obtained even if the suit was won and that it could again adversely affect negotiations with the agency. For the same reason, it was decided not to send the letter with respect to the lack of staff cooperation on Freedom of Information Act matters although such a letter could be considered if Counsel could provide a more detailed listing of materials it believes would help the overall effort but which the Agency refuses to supply.

REPORT FOR ASSOCIATIONS COMMITTEE:

Mr. Richard Titus indicated that Mr. Ralph Harding had been unable to get back from Chicago for this meeting but had dictated a report over the phone regarding the work of the Associations Committee. The Committee met earlier in the week and 26 associations had indicated plans to submit either oral or written testimony with approximately 140 witnesses involved. Mr. Titus noted that SPI itself planned to have about 25 individuals submitting either written or oral testimony on behalf of its various divisions. There are clear indications, according to Mr. Harding, that many associations not feeling pressure from their members to play an active role in this proceeding and he strongly urged that AIHC companies talk with the associations to which they belong. It was noted that Mr. Lang had already been instructed to send a letter to AIHC members stressing that point.

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Mr. Harding also noted that many members of middle management, even of participating companies, are unaware of the OSHA standard and its possible implications for their operations. He urged a crash program to enlist more management support in this regard and to go after additional trade associations. He also suggested that companies be encouraged to talk with their customers about the implications of this proposed standard.

REPORT FOR SCIENTIFIC COMMITTEE:

Dr. Hoerger reviewed for the Steering Committee the present status of the witnesses AIHC plans to sponsor at the hearings. Most have prepared at least a draft of their comments and these are in the process of being reviewed.

Dr. Hoerger also noted that approximately 15-17 company toxicologists plan to submit either written or oral comments with regard to important scientific issues. He indicated something of a disappointment that most companies plan to have these comments submitted for the record rather than presented at the hearing and said that some discussions were taking place with individual companies where it is felt important that the comments be made at the public hearing. Some companies have indicated that they may prefer to have their witness testify under AIHC's sponsorship and, after some discussion, the Steering Committee concurred.

REPORT FOR PUBLIC AFFAIRS AND LABOR COMMITTEE:

Members of the Steering Committee then turned to a discussion of activities in both the public affairs and labor areas. It was noted that informal discussions with the AFL-CIO had resulted in that organization informally requesting additional time from OSHA to comment on the proposal. AIHC's Labor Committee plans to meet next week to begin developing proposals with respect to generating support for AIHC's position from national and local labor unions. Mr. Robert Dunn of the Stauffer Chemical Company is Chairman of the Labor Committee and additional members are being solicited for that Committee.

Mr. Oreffice called attention to a meeting which will be held at Dow later in the month with top officials of a number of major unions representing chemical companies. The purpose of the meeting is to review the safety and health program of Dow and its various activities in the toxicological area. However, Mr. Oreffice will take the opportunity to begin a dialogue with these individuals regarding AIHC's programs, its problems with OSHA's proposed generic standard and the alternatives suggested by AIHC. Depending on the reaction, these contacts can then be followed up by representatives of the Labor Committee.

In the public affairs area, the Committee is scheduled to meet on Friday, January 20th, to review additional contacts both on the Hill and with executive agencies. A draft letter has been completed which will go to members of Congress next week discussing AIHC and its general program. It was suggested that that letter include a copy of the press release which will be issued later today and, possibly, the preface section of the AIHC Alternatives.

It was noted that, at the Committee's meeting next week, a suggestion will be made regarding the possibility of Congress enacting legislation which would provide for a two-year study of the cancer question before OSHA or other agencies

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finalize their standards in this area, somewhat similar to what has been done for saccharine. This will be discussed by the Committee and any recommendations returned to the Steering Committee for consideration.

AIHC WITNESSES AND TESTIMONY:

Members of the Steering Committee then turned to a discussion of AIHC's presentations at the OSHA hearings beginning April 4th. After considerable discussion it was recommended that AIHC's testimony consist of a broad presentation by Mr. Oreffice in which he will discuss cancer in general and occupational cancer in particular as well as AIHC's involvement with the OSHA proposal. Mr. Elwood P. Blanchard as Chairman of the Alternatives Committee would then present AIHC Alternatives and Mr. William Bricker, Co-Chairman of AIHC, would provide the lead-in for the Snell Economic Study. Each of the main witnesses would be accompanied by other representatives as deemed desirable. It was felt that the scientific witnesses being sponsored by AIHC should be scattered through the hearing.

In addition, Mr. Lang indicated that the International Committee had recommended that AIHC provide a vehicle to put the International Committee's paper into the record, rather than attempting to get one of the members of that Committee to submit it. It was agreed that this would be considered as soon as the paper is in form to be reviewed.

Mr. McKennon called attention to a Presidential Advisory Committee on Cancer which had been formed several years ago and is headed by Mr. B. Schmidt. It was felt important to determine what this Committee's present function is and, possibly, to make contact with it in the context of other executive agencies since it could have an important impact on the direction the Administration takes. This will be pursued under the auspices of the Public Affairs Committee.

MEMBERSHIP MEETING:

It was felt useful to have a meeting of all AIHC members including potential members. The meeting was scheduled for the afternoon of Tuesday, February 14th, in Washington, D. C., immediately following MCA's Board luncheon that day. Mr. Lang was asked to get a hotel which could accommodate up to 300 people as convenient as possible to the Madison. It is expected that this meeting will last for about two hours and will be followed by a meeting of the Steering Committee, which is expected to run until at least 7:00 p.m. Mr. Lang indicated notices for these meetings would be going out within a few days.

The meeting was ADJOURNED at 1:05 p.m.

Respectfully submitted,

s/Ronald A. Lang

Executive Director

Approved:

s/Paul F. Oreffice

Chairman

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