

MANUFACTURING CHEMISTS ASSOCIATION
MINUTES OF MEETING
LABELS AND PRECAUTIONARY INFORMATION COMMITTEE

Stouffer's National Hotel Arlington, Virginia

October 27, 1976

Mr. Charles J. O'Connor presided and convened the meeting
at 10:00 a.m. The following attended:

MEMBERS PRESENT

C. J. O'Connor, Chairman	Stauffer Chemical Company
W. H. Jones, Vice Chairman	Eastman Kodak Company
S. W. Beckstead	Kerr-McGee Chemical Corporation
H. A. Birnbaum	3 M Company
C. P. Brush	Koppers Company, Inc.
L. W. Burnette	GAF Corporation
R. H. Dewey	IMC Chemical Group, Inc.
E. M. Dixon	Celanese Corporation
R. F. Ingham	Mallinckrodt, Inc.
R. Jelus	MC/B Manufacturing Chemists
M. B. Lore	E. I. du Pont de Nemours & Co.
J. S. Mackay	USS Chemicals - U. S. Steel
D. G. MacKellar	FMC Corporation
P. E. Neiman (a)	Exxon Chemical Company U.S.A.
R. F. Philpitt	Olin Corporation
R. E. Rutherford	Gulf Oil Corporation
W. L. Schleyer	Philadelphia Quartz Company
G. R. Sido	Monsanto Company
P. Sonneborn	Fisher Scientific Company
C. J. Stroemple	PPG Industries, Inc.
R. G. Troup	J. T. Baker Chemical Company
J. V. Urenovitch	Air Products and Chemicals, Inc.
A. G. Wheeler	ICI United States Inc.
H. B. Woolfalk (b)	Diamond Shamrock Company
J. T. Seawell, Secretary	MCA Staff

(a) For J. W. Hammond

(b) For R. C. Andrews

MEMBERS ABSENT

R. C. Andrews
G. S. Batchelor
C. U. Dernehl
J. W. Hammond
T. R. Madden
C. B. Shaffer
A. W. Sheldon
J. R. Taylor

Diamond Shamrock Corporation
Virginia Chemicals Inc.
Union Carbide Corporation
Exxon Chemical Co. U.S.A.
Reichhold Chemicals, Inc.
American Cyanamid Company
M&T Chemicals Inc.
Allied Chemical Corporation

GUESTS PRESENT

D. V. Anderson
T. Bazzano
A. G. Chasar
H. C. Cunningham
R. M. Egan
P. G. Elsey
R. L. Finnochio
J. Gordon
R. Gordon
C. Greenberg
A. M. Herodes
D. Johnson
J. F. Lemen
K. A. Logan
R. L. Malason
T. Marshall
Orton Overman
J. A. O'Connor
Julius Rakus
Mrs. Jan Redd
A. T. Talcott
A. Tins
J. J. Trexel
R. A. Williams
Frank Yanno

Amoco Chemicals Corporation
Reichhold Chemicals, Inc.
Mobil Chemical Company
Witco Chemical Corporation
Ashland Oil, Inc.
Ethyl Corporation
PPG Industries, Inc.
The Lubrizol Corporation
Mallinckrodt, Inc.
Dart Industries, Inc.
NALCO Chemical Company
Essex Chemical Corporation
Hooker Chemicals & Plastics Corp.
Pennwalt Corporation
Rohm & Haas Company
PPG Industries, Inc.
Stauffer Chemical Company
The Harshaw Chemical Company
Dart Industries, Inc.
Koppers Company, Inc.
The Dow Chemical Company
Celanese Corporation
E. I. du Pont de Nemours & Company
IMC Chemical Group, Inc.
Eastman Kodak Company

* * * * *

1.0 Introduction of Guests

2.0 Approval of the Minutes of the May 26, 1976 Meeting

The minutes of the May 26, 1976 meeting were approved as recorded.

3.0 Regulations for Packaging and Labeling of Dangerous Substances, European Economic Community Directive

3.1 Report by Mr. Orton Overman on the July 7 meeting of the Chemical Industries Association Limited (CIA)

A copy of the subject regulations for Packaging and Labeling of Dangerous Substances was mailed to all LAPI members on July 16, 1976. These regulations are proposed for the United Kingdom in response to the European Economic Community (EEC) Directive on Packaging and Labeling of Dangerous Substances. These regulations were tentatively scheduled to be effective on July 1, 1977.

During his meeting with CIA representatives on July 7, 1976 Mr. Overman gave a presentation on the development of ANSI Standard Z 129.1 and requested that it be considered by CIA for development into an International Standard.

Mr. Overman reported that due to an unfortunate coincidence, timing of the request that favorable consideration be given to Z 129.1 as an International Standard conflicted with proposed UK regulations which had been developed as a result of an EEC Directive. The UK proposal was, at that point in time, being circulated for comment by CIA members.

Mr. Overman explained that the EEC had directed CIA to write a set of regulations that fall within specific EEC guidelines. By way of explanation, Mr. Overman pointed out that currently there were three types of regulations which were either issued by EEC or which were drafted by member countries in compliance with the EEC directives. These three types of regulations are as follows:

- A. A regulation resulting from an EEC Directive which requires adoption verbatim
- B. EEC structured guidelines by which a member country must write a regulation
- C. An EEC recommendation that a member country develop a directive according to their own requirements, i.e. without benefit of specific EEC guidelines.

4.0 Report of Subcommittee on Further Explorations into the International Implications of the ANSI Standard Z 129.1

Mr. G. Robert Sido reported on his continuing explorations with Mr. A. E. Meadowcroft. During June of this year, Mr. Sido presented for Mr. Meadowcroft's consideration important background information on Z 129.1 with respect to the organizations that had an interest in and concern with the adoption of this Standard. Mr. Sido emphasized that the Standard goes beyond proprietary recognition by the chemical industry and could well be the basis for international recognition by the counterparts of the various organizations which participated in the consensus balloting. Mr. Sido was careful to point out that labeling for compressed gases would issue later in a supplement which was to be prepared by the Compressed Gas Association.

Recent feedback from Mr. Meadowcroft indicates three problem areas which must be resolved prior to the adoption either in whole or in part, of Z 129.1 as a Standard by the EEC. These areas are as follows:

1. The length of the ANSI Standard or "the amount of copy", i.e. generally speaking UK and EEC regulations are very short and omit safeguards which Z 129.1 covers.
2. Because of the comparative length of Z 129.1, UK and EEC representatives foresee difficulties when translating into at least six languages.

3. The EEC Yellow Book has established a precedence which will tend to work against the adoption of an "outside" standard.

When illustrating that Z 129.1 was generally more comprehensive than its EEC counterpart(s), Mr. Sido gave as an example the attention LAPIC members and subcommittee members have given the categories of "irritant" and "strong sensitizer". Generally speaking, were a substance a "borderline case" (with respect to its being an irritant), an EEC Standard would not classify it as an irritant. The category of "strong sensitizer" would, in all probability, receive even less consideration in an EEC Standard.

5.0 Report on Events Leading to the Necessity for the Preparation of an Amendment for ANSI Standard Z 129.1

5.1 Review of Background Information on Salt as an Emetic

Dr. Warren Jones presented a comprehensive chronological review of factors pertinent to the evolution of labeling recommendations wherein the induction of emesis, by whatever procedure, comprises a necessary, integral part of a given label.

5.2 Required ANSI Protocol for the Preparation of an Amendment Regarding Emesis for ANSI Standard Z 129.1

At the request of Dr. Jones, the Secretary presented a review of this subject which evolved from discussions with Mr. Nixon de Tarnowsky. The following pending steps must be taken in accordance with ANSI protocol:

1. An amendment will have to be prepared prior to issuance of a new Standard which will bear the designation 129.1 A.
2. ANSI Labels which are being affixed to existing standards calling attention to the termination of the recommendation concerning salt as an emetic are stop-gap measures only.

3. Any change in an ANSI Standard must go through due process, i.e. be amended in accordance with ANSI procedure which requires balloting by the full balloting list in order to arrive at a consensus. It has been emphasized that this holds true in this case even though both MCA and ANSI have been given what amounts to a medical ultimatum that calls attention to the fact that medico-legal culpability could be committed in the event that one persists in recommending that emesis be induced by salt or salt solution.
4. According to Mr. de Tarnowsky, MCA experts should agree on a properly worded amendment.
5. The "corrections" which are currently appearing in ANSI publications are not to be misconstrued as a final correction that will in any respect replace a requirement for an appropriate amendment.

5.3 Recommendation on Wording for Labels and Chemical Safety Data Sheets with Respect to the Induction of Emesis

Continued study by the LAPI Medical Subcommittee of the overall question of inducing emesis in poisoning cases together with comprehensive consideration of the legal aspects of labeling led to the following recommendation on wording for Labels and Chemical Safety Data Sheets:

"If swallowed, induce vomiting immediately by giving two glasses of water and sticking finger down throat."

"Call a physician."

"Never give anything by mouth to an unconscious person."

It was the opinion of the LAPI Committee that the statement quoted above is the only one that should be used on product labels. The opinion as embodied in the quotation presented above was put in the form of a resolution which was seconded and passed unanimously by the full LAPI Committee.

A comprehensive study conducted by members of the abovementioned Subcommittee and a special investigation by Dr. Warren Jones shows that were a recommendation made concerning the ingestion of any medication, e.g., of a liquid other than water, then such a recommendation might leave MCA open for legal action. As has been emphasized during earlier meetings, the unqualified recommendation to use Syrup of Ipecac to induce emesis is questionable.

6.0 Membership

During this meeting, the Labels and Precautionary Information Committee approved the nominations of the following to membership on the Committee and recommended that the Board of Directors finalize their appointments at the next opportunity:

Ms. Kathleen S. Logan	Pennwalt Corporation
Mr. A. Thayre Talcott	The Dow Chemical Company

7.0 Report on Section II of the ANSI Standard Z 129.1 to be Prepared by the Compressed Gas Association

Dr. Warren Jones reported on a recent discussion with Mr. Robert E. Lenhard, Managing Director of the Compressed Gas Association (CGA). Mr. Lenhard reported to Dr. Jones on action taken by the CGA during its meeting on October 19, 1976. Mr. Lenhard reported on the progress of work on label statements for specific gases. He stated that gases for industrial uses had encountered some difficulty in CGA's deliberations. In any event, CGA expects to transmit during the near future material for LAPIC consideration.

Dr. Warren Jones reiterated CGA's and LAPIC's agreement regarding the preparation by CGA of a supplement for Z 129.1 which will specifically treat compressed gases.

8.0 MCA Publications Program

Consideration of this subject was concerned primarily with labels incorporated in the final drafts of Chemical Safety Data Sheets No. 43 on Acetaldehyde, and No. 44 on Chromic Acid. Numerous questions arose concerning the origin of both labels since neither label had been approved by the full Committee nor were they developed as a result of appropriate subcommittee action. The Secretary was requested to contact Mr. Butterbaugh concerning the resolution of this matter.

9.0 Meeting of LAPI Subcommittee on ANSI Standard Z 129.1
with OSHA representatives on Hazardous Materials
Labeling

Dr. Warren Jones presented an in-depth review of this meeting to include the following major points:

1. The purpose of the meeting was to review for the benefit of OSHA officials the derivation of the Standard and to answer any questions concerning its development.
2. As MCA representatives, the Subcommittee members were seeking the reaction of OSHA officials to MCA's recommendation that the Standard be adopted as an Occupational Safety and Health Standard.
3. A thoroughgoing history of the development of the Standard was presented to include emphasis of the point that Z 129.1 represents the culmination of over thirty years experience by specialists and MCA member companies in the precautionary labeling of hazardous chemicals.
4. That LAPI Manuals, the precursors of the ANSI Standard, had served as the model for the international "Yellow Book" and other international labeling standards.
5. That Z 129.1 is a consensus document evolving in accordance with the consensus review procedure required by the American National Standards Institute.
6. That Z 129.1 was structured from the outset not only to be the most complete document of its kind, according to present state-of-the-art and science, but also to serve as a dynamic document

capable of reflecting future developments in the precautionary labeling of hazardous chemicals used under industrial occupational conditions.

During the June 18, 1976 Meeting the LAPIC Chairman asked OSHA representatives if a detailed comparison could be made by OSHA of Z 129.1 and the final report of the Advisory Committee. Mr. Thomas responded by saying that this question would be brought to Mr. Corn's attention and that MCA would receive "appropriate feedback". To date, no response has been received even though appropriate follow-up has been made.

OSHA officials emphasized the point that their work will not begin on a Standard until OSHA can do so within the framework of a "total system". (Notation: The implications of a "total system" are spelled out in the final report of the Advisory Committee, "Standards Advisory Committee on Hazardous Materials Labeling" established under Section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to develop guidelines for the implementation of Section 6(b) (7) of the Act with respect to Hazardous Materials).

OSHA officials emphasized that they cannot adopt the ANSI Standard in toto for legal reasons and further emphasize that OSHA must go through due process in order to develop a standard.

The LAPI Committee has on all occasions and at all times shown willingness to cooperate fully with any echelon of OSHA toward the development of a Standard. In the light of the results of the June 18, 1976 LAPI Subcommittee meeting with OSHA officials, it currently does not appear that further constructive contributions toward the preparation of a Standard can be made until OSHA makes a policy decision known, or requests assistance from the LAPI Committee on the writing of a Standard, or makes available for comment a draft of a proposed Standard.

10.0 Appropriate Contacts to be Established with Environmental Protection Agency (EPA) Concerning Acceptance of ANSI Standard Z 129.1

Because of the apparent current status of labeling within EPA, it appeared advisable that a subcommittee be formed for the purpose of working toward more uniform labeling and toward accep-

tance of ANSI Standard Z 129.1. Toward this end a subcommittee was formed comprised of:

Mr. G. Robert Sido	Monsanto Company
Mr. Spencer W. Beckstead	Kerr-McGee Chemical Corp.
Mr. Charles P. Brush	Koppers Company, Inc.

11.0 Proposed Federal Standard No. 371 on Hazardous Materials, Marking and Labeling of Interior Containers of

Reports were given on salient developments evolving from meetings with representatives of the Department of the Navy, Office of the Assistant Secretary of Defense, and the Naval Supply Systems Command (NSSC) during meetings held on July 27, 1976 and September 8, 9, 1976, respectively.

During the July 27 meeting there was unanimous agreement on a plan of action which included among other things the following:

1. Commander Plante's Office would complete a thorough review of the recommendations of the OSHA Advisory Committee.
2. Commander's Plante's Office would draft a "Straw Man" which was scheduled for completion by August 30, 1976.
3. Upon completion of the Straw Man copies would be mailed to the LAPI Secretary who would distribute them to the full Committee and to the LAPI Subcommittee on the Proposed Standard comprised of the following:

Dr. Warren Jones	Eastman Kodak Co.
Mr. Orton Overman	Stauffer Chemical Company
Mr. James J. Trexel	E. I. du Pont de Nemours & Co.
Mr. A. Thayre Talcott	The Dow Chemical Company

4. On September 8 and 9, 1976 this Task Group would meet in the headquarters of the NSSC for the purpose of working with key NSSC officials on the drafting of a revised proposed federal standard.

During its work on September 8 and 9, 1976 the Subcommittee made every effort to draft a standard that insures that labeling procedure for interior containers is divorced entirely from the gray area of Regulated and Nonregulated DOT Items. Subcommittee work was repeatedly concerned with the point that many DOT regulations apply only when package size exceeds certain limits. For example, a regulated chemical in lesser volume could result in a Nonregulated Item.

By adopting a distinctly separate hazard warning system for the Standard, the Standard can stand alone and thus be free from confusion with other modes of labeling. It will display a consistent system of labeling tailored to meet the needs of the Department of Defense.

During work sessions on September 8 and 9, the LAPI Subcommittee was concerned with correcting and revising some thirteen sections and subsections of the second draft of the Proposed Federal Standard No. 371.

Current plans of the Subcommittee on Proposed Federal Standard No. 371 call for a review and assimilation of all LAPI Committee comments to be completed in time for two working sessions on November 29 and 30, 1976. During these working sessions it is anticipated that a proposed "final" draft can be developed for presentation to the Naval Supply Systems Command as soon as possible after November 30, 1976.

12.0 Labeling of Chronic Hazards

As a result of the kindness of Mr. A. Thayre Talcott of The Dow Chemical Company, the results of a legal study conducted by Dow have been made available to the members of the LAPI Committee. This study concerns criteria used by federal

courts to determine liability in product liability cases when the issue involves the duty of a manufacturer to warn of a risk of harm in using his product.

The fact or premise on which this study is based is as follows:

"A manufacturer produces a product which is listed as a suspect cancer agent. The manufacturer may or may not know of its product being on such a list. The reliability of the data used to list the product as a suspect cancer agent is not known."

The Dow legal findings led to the formation of a Subcommittee for the purpose of exploring the implications of labeling for chronic hazards. Members of the Subcommittee are as follows:

Mr. G. R. Sido, Chairman	Monsanto Company
Mr. M. B. Lore	E. I. du Pont de Nemours & Company
Mr. R. E. Rutherford	Gulf Oil Corporation
Mr. O. Overman	Stauffer Chemical Co.
Mr. A. T. Talcott	The Dow Chemical Co.

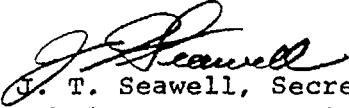
13.0 Static Electrical Hazards

Members of the LAPI Committee expressed the opinion that while the subject of the generation of static electricity might appear to be solely within the scope of those MCA Committees concerned with chemical packaging, nevertheless there are certain aspects of this hazard with which labeling specialists must be concerned. For this reason, the Committee asked the Secretary to contact Mr. Butterbaugh and request that the questionnaire on the subject of "Chemical Packaging and Generation of Static Electricity" be sent to the members of the LAPI Committee.

Mr. Butterbaugh has reported that the questionnaire will include an item concerning plastic drums and it will also reflect a problem that is receiving increasing consideration, i.e. the generation of static electricity when

L-842

pouring dry chemicals into reactors, etc.--not only from plastic containers, but also any other container where static might be generated.


J. T. Seawell, Secretary
Labels and Precautionary
Information Committee

JTS/cms

Minutes subject to approval
November 17, 1976

s
ee

n

ity
-
re

J
s