At the request of numerous interested member companies, the Committee prepared a statement for MCA concerning the Revision of the Emergency Temporary Standard for Certain Carcinogens by OSHA, published in the Federal Register of July 27, 1973. This statement was presented at the hearings held by the Office of Standards in the Department of Labor by Dr. Howard L. Reed, Medical Director of Hercules.

A summary of the main points of the statement is:

1. We believe there is no scientific justification for treating fourteen diverse materials as a unit. They exhibit different physical, chemical and toxicological properties, and each will have different requirements for safe handling and use. Individual standards can best form the basis for advising employees of the hazards and guiding the employer on proper precautionary measures. From a basic safety and health concept, similar treatment of dissimilar materials without due consideration for essential differences in properties would result in a negative contribution to overall safety and health.

2. If collective consideration ultimately appears to be unavoidable, some system of grouping by toxicological and physical properties should be devised. The overwhelming opinion of the scientific community is that the first step in revising the proposed standard should be to divide the list of materials into those which are known to produce cancers in humans, and those "cancer-suspect" materials which have produced cancer only in animals under experimental conditions.
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We are expanding our involvement in several areas. The most important of these, and one that is taking an increasing amount of time and manpower is concerned with the Federal agencies NIOSH and OSHA. We have held meetings with both these groups, endeavoring to work out means of getting input into criteria documents and standards, and obtaining the opportunity to review and comment on criteria documents and standards before they are frozen by publication.

A major difficulty encountered with NIOSH has been their ruling that they will use only published data, and much industry data has not been published. Parenthetically, I might say this rule has been breached on occasion when it suited their interest. Submission for publication will satisfy their requirements. We have been unsuccessful in our efforts to be chosen as a review team for criteria documents, although several members of the committee have been on review teams through other organizations.

NIOSH has issued thirteen criteria documents (carbon monoxide, beryllium, inorganic mercury, inorganic lead, toluene, trichloroethylene, asbestos, toluene diisocyanate, chromic acid, coke oven emissions, and noise). Standards for noise and asbestos were issued by OSHA prior to issuance of the criteria documents. Asbestos was issued as an emergency standard, in the same manner as the current Temporary Standard for Certain Carcinogens has been handled.

OSHA is expected to issue several new standards based on the criteria documents and on the advice of the appointed advisory committees for each standard before the end of this year. The committee has nominated individuals to the advisory committees: in doing this, we have tried in most instances to coordinate our efforts with other groups such as IMA, API, etc. in the hope that this will be more likely to secure selection of our choices. This has been accomplished in most cases by cross-memberships of members on two or more organizations. We have nominated technical experts from both industry and scientific fields, with some success.
We are currently working at preparing material to respond to the anticipated OSHA standards on heat stress and noise (and as of last week have been asked to prepare for comment on the beryllium standard), and will perform similar research and response to any other standards which member companies feel concern enough of them to warrant a unified reply by the Association.

The effort is three-pronged: to collect and make available data on exposures and the effects of these exposures on employees, to provide estimates of costs to the industry to come into compliance with a standard, and the costs to maintain compliance, and thirdly, to review and comment on the scientific content of the standard.

The committee anticipates more emphasis on epidemiology by regulatory agencies in the future, as this appears to be the definitive answer to the question of what effect the workplace and its environment has on the employee. With this in view, the committee is investigating a project to develop and distribute to member companies advice on epidemiological methods, and the kinds and amounts of data they should be obtaining for use in such studies.

We are working towards publication of a booklet on Industrial Hygiene and Occupational Health, based on the series of articles published in Chemecology during the past year.

And lastly, we are studying a proposal to publish a series of case histories related to Industrial Hygiene and Occupational Health, analogous to the "Accident Case Histories" presented by the Safety and Fire Protection Committee.

K. S. Lane, M. D.
1k
October 5, 1973
REPORT TO THE BOARD OF DIRECTORS OF MCA ON THE ACTIVITIES
OF THE SAFETY AND FIRE PROTECTION COMMITTEE

John Jorgensen, Chairman

October 9, 1973

The Safety and Fire Protection Committee has two purposes, (1) to
advise the Board of Directors concerning Safety and Fire Protection in
Chemical Manufacturing, and (2) to develop programs to assist producers,
handlers and users of chemicals in preventing physical injuries, fires and
other accidental losses.

Based on safety performance, we have failed on both counts. Based
upon safety and fire protection material developed by the Committee, we have
done well. But, actually, we have failed anyway. Let’s look at the record.
Please refer to your charts.

SAFETY PERFORMANCE MCA REPORTING COMPANIES

FREQUENCY RATE

<table>
<thead>
<tr>
<th>No. of Employees</th>
<th>1963</th>
<th>1972</th>
</tr>
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<tr>
<td>1-250</td>
<td>13.99</td>
<td>22.28</td>
</tr>
<tr>
<td>250-1000</td>
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<tr>
<td>1000-2500</td>
<td>3.84</td>
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<tr>
<td>2500-5000</td>
<td>2.28</td>
<td>2.71</td>
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<tr>
<td>Over 5000</td>
<td>2.98</td>
<td>3.62</td>
</tr>
</tbody>
</table>

In NO category do we show improvement! Yet, when we look at costs,
processes, products and yields over the past 10 years, we see continued
improvements. Then WHY the deterioration of safety performance? We may do
well to consider that we have been concentrating on equipment, material,
systems, procedures and practices, rather than the MAN who does the work.
HE is the one who has the accidents! HE is the one violating procedures.
Despite our valiant efforts in publishing Chemical Safety Data Sheets,
Safety Guides, Chem-Cards, Laboratory Safety Manuals, Accident Case Histories,
Risk Analysis, Inspection Techniques, conducting Workshops, working with OSHA
and applying its standards, HE is still committing the unsafe act. WHY?
We really don’t know why -- and not too much has been done to learn the
answers.

That is the bad news. Let me give you some good news.
Your Safety and Fire Protection Committee is a profit center. The past fiscal year we sold $37,429 worth of Chemical Safety Data Sheets, $8,146 of Chem-Cards, $2,257 of Safety Guides and our royalties from Van Nostrand Reinhold Company for publication of the "Guide for Safety in the Chemical Laboratory" amounts to $3,592 - for a total of $51,415.

The Committee early in the game established liaison with OSHA officials to promote the review of proposed safety standards and to promote changes in already established standards. We have had a fair degree of success. Our first successful change was in Table 12 of the Flammable and Combustible Liquids Section of the standard which was amended to permit the use of one-gallon glass or plastic containers for Class IA and IB flammable liquids. Prior to this change the standard limited the use of glass or plastic containers to one-pint for IA and one-quart for IB liquids. On May 10, 1973 we received a reply to our proposals from the Secretary, Office of Standards wherein he stated: "We concur that the pure public and property protection standards should be removed from the OSHA Standard and we are working toward that end." One immediate result was the restoration of Section 1910.177, Indoor General Storage. At the moment proposed amendments for Walking-Working Surfaces is out for comment. In addition, there have been various OSHA Directives issued to the Compliance Offices that modify the literal interpretation of many of the Standards. These efforts are part of the Committee through its own task group and the inter committee task group and have resulted in the removal of onerous restrictions and considerable cost savings to the industry.

However, OSHA and NIOSH have just begun. - Our Committee was concerned enough to go on record that the MCA staff should take a more activist approach in coordinating all OSHA and NIOSH matters and that one staff person should be assigned the task. Early response by the MCA to emergency standards and/or NIOSH criteria documents provides a possibility of input into the proposed permanent standard before publication in the Federal Register. Hopefully, this will reduce the prolongation that occurs once a standard is published. One result of this request by the Committee has been the addition of a new staff man and reorganization of the staff function to meet this need.

During the past four years much of the Committee's activities have been directed to OSHA and its impact on our industry, and there has been a recognition that OSHA at present deals only with mechanical and environmental standards. The legislation leaves many elements of an acceptable safety and fire protection program untouched, especially management direction and the development of employee safety awareness.

Historically, the Committee has been management direction oriented and rightfully so, as total commitment by management to a safety program is a must. The Committee has made many contributions to the improvement of safety programs, and a recent publication "Guidelines for Risk Evaluation and Loss Prevention in Chemical Plants" introduced a concept that has gained wide acceptance in the industry. Today nearly every chemical plant conducts some form of safety review of new processes or modification of existing processes. Evaluation is made of potential hazards to employees of the raw materials, intermediates, finished products and by-products and as new and/or potentially
hazardous materials are uncovered, toxicity studies are conducted to provide data upon which to establish safe procedures and safe equipment for working with the materials. In addition to toxicity studies, health hazard evaluation programs are becoming the norm. Monitoring through continuous sampling, and biological checks, morbidity and mortality studies, statistical analysis and epidemiological studies provide health data banks to overcome potential health hazards. As part of this review, environmental impact investigation is also done.

Another form of review promoted by the Committee is the safety audit. This audit is a thorough review, usually done by a team which inspects a plant's physical facilities and safety and health programs. In this connection we are working on improving our measuring techniques. That is, what constitutes a good plant safety program and how effective is it.

At our combined safety and health workshop held in Atlanta, Ga. last month we discussed and distributed a safety guide which describes how a small plant might conduct a safety inspection. We have been trying to reach the smaller company through our safety publications and especially through our workshops, but we have always been disappointed in the lack of attendance by small company representatives.

All of the previous mentioned activities are of critical importance to a safety program, however, in themselves they do little to improve safety awareness on the part of the employee.

The approach to the development of employee safety awareness has not been very sophisticated. Traditionally we have relied on posters, banners, contests, prizes, etc., which do not have any permanent effect on an employee's safety attitude. Only recently have job enrichment techniques been applied with safety in mind. Safety attitude surveys have also been tried, but have tended to be data-gathering instruments, rather than instruments of change. Safety indoctrination and training of new employees has improved by the use of new learning methods such as programmed instruction and video tape replay. But, actually, in most plant safety programs, at least until recently, there has been very little, if any, direct involvement in the safety programs. Usually, directives come down from up high to be carried out by the employee - which he resents and resists often by ingenious use of negative creativity.

Based on my observation of safety at the working level, I have reached the conclusion we need an Off-The-Job Safety and Health Act, more than an Occupational one. OSHA is almost too late to have a direct effect on employee performance. OSHA, in effect, concedes this point by stating the employer must enforce the safety standards by disciplinary action, if necessary. Also, to date, OSHA has had little effect, if any, on the national accident frequency rate. For us to have truly effective safety programs in the future, we need to hire new employees who are already safety conscious - because I'm not at all confident that with approaches available today we can appreciably change the basic attitude or behavior of an individual at 18. To overcome this behavior pattern, we have designed systems, procedures and practices to protect the employee from himself, but
we haven't been too successful, if we go by the safety record. Congress
has done the same thing in recent consumer legislation. The automobile
safety standards, for example, but aren't they really an admission that
we cannot change the driver's attitude or behavior? Doesn't the same
admission apply to the industrial worker, as he is the one and the same
driving the automobile? The Off-The-Job Safety and Health Plan I'm pro-
posing would provide safety programs for the home, pre-kindergarten,
kindergarten, elementary school and high school. These programs would be
soft-sell to the home through mass media (love-seat-belts) and hard-sell
starting in pre-kindergarten in an attempt to establish peer group pressure
at all levels, that is, safe behavior because society demands and expects it.

In summary, the Committee is progressing in the "routine" safety
and fire protection activities, but retrogressing where it counts. We need
to concentrate on the new frontiers of accident prevention in an attempt to
make the breakthroughs required to achieve improved safety performance on
and off the job. With your support and guidance, we will make this a major
Committee objective.
The new Office of the Chemical Industry Trade Advisor, under the direction of Senior Advisor David H. Dawson, became operative on October 1, in Suite 406, adjacent to MCA's headquarters. We are providing necessary administrative services.

***

House floor action on the trade bill (H.R. 6767) will take place the week of October 15 if the Ways and Means Committee achieves its present objectives. Key factors in the bill's progress are the rapidity of Chairman Wilbur Mills' recovery from recent back surgery and the effectiveness of labor in imposing its will.

The Committee bill is expected to omit labor-backed proposals for mandatory quotas and increased taxation of foreign-source income. The Administration's desire to grant Most Favored Nation (MFN) status to the Soviet Union will also be excluded.

We have contacted each Ways and Means Committee member, urging that:

Communication and advice between industry and government be structured formally through the inclusion of specific language in the bill,

The Committee discard the concept which would permit the President to eliminate U.S. import duties on items for which OECD (Organization for Economic Cooperation and Development) countries account for 80 percent of world trade,

All tariff reductions beyond 50 percent be subject to Congressional review and approval, and that

Reciprocity within sectors be preserved to the maximum extent possible during the forthcoming negotiations.

Whatever the outcome, the House bill will not be taken up in the Senate Finance Committee until early 1974 and final enactment of new trade legislation is not likely before March.

***
Ways and Means Committee work on tax reform, postponed last May in favor of the trade bill, is not expected to resume until the next Congressional Session. Again, Chairman Mills' recovery is the key. He appears disinclined to have the measure reported out while not at the helm.

***

House/Senate conferees are encountering difficulty in reaching agreement on a compromise version of toxic substances control legislation. Two mid-September meetings revealed sharp differences on provisions concerning pre-market screening and relationships to other laws.

Both House and Senate conferees claim they will firmly hold to respective positions. However, this is considered shadow-boxing.

Meanwhile, the Environmental Protection Agency (EPA) has indicated a preference for several of the more stringent Senate provisions, especially where they promise flexibility and ease of administration for the Agency. We believe the House bill, with certain modifications, offers the soundest approach.

Our views have been communicated to all conferees and appropriate Committee staffs through personal visits and in writing. Special emphasis is being devoted to the areas of:

Test protocols,
Pre-market screening,
Confidentiality,
Exemptions from coverage, and
Overall policy.

***

As you know, the House sustained President Nixon's veto of the minimum wage bill by 259 to 164 votes, 23 short of the required two-thirds majority.

***
On September 26, W. Bailey Barton, Borden Inc.'s environmental manager, testified in our behalf at EPA's public hearings on proposed "Pretreatment Standards on Wastes Discharged into Publicly-Owned Treatment Works."

Basically, Mr. Barton reiterated our position, that is--clarification of the terms "compatible pollutant" and "incompatible pollutant" which we set forth by letter to EPA on September 4. Also, an arbitrary restriction on low pH discharges was opposed.

***

EPA's proposed "Effluent Limitation Guidelines and New Source Performance Standards" for the Phosphate Manufacturing Point Source Category were published in the September 7 Federal Register.

Members of the Water Resources Committee, meeting on September 25 to develop the industry's position, expressed concern--among other things--for EPA's zero-discharge concept, particularly with respect to the recycling of storm water runoff and of effluents from multi-product and food-grade product plants. High-level industry-Agency consultation to develop reasonable standards was recommended.

Contrary to earlier-announced plans, EPA did not publish their proposed Effluent Guidelines and New Source Performance Standards for the inorganic and plastics/synthetic categories until the end of September. A 21-day comment period was allowed.

In addition, EPA delayed publishing comparable proposals for the organic chemicals category. These are now expected the week of October 8.

All the above category proposals are being studied by the Water Resources Committee. Appropriate comment will be provided during the prescribed time periods.

***

The Mini-Conference on Hazardous Waste Disposal, cosponsored by MCA, EPA and the National Solid Wastes Management Association in Washington on September 26, drew more than 50 registrants from a cross-section of industry. At the one-day event, six EPA officials discussed regulations and concerns pertinent to the topic.

***
Two additional workshops on chemical industry implementation of the Water Pollution Control Act Amendments of 1972 have been arranged by the Water Resources Committee in cooperation with EPA.

A continuation of the successful pilot MCA/EPA cosponsored workshop in Cleveland last June, these events have been scheduled for December 4 in Philadelphia and December 11 in Houston.

* * *

In the September 14 issue of the Federal Register, EPA withdrew its secondary air quality standard for average annual concentration of sulfur dioxide in the ambient air.

Simultaneously, the Agency proposed revisions of the August 14, 1971 regulations. The revisions would recognize the use of "supplementary control systems" as acceptable techniques for the attainment of ambient air quality standards for sulfur dioxide and particulates.

Such systems would take into consideration the height of individual stacks, the dispersion capabilities of local atmospheres and correspondingly restrict industrial operations during periods of unfavorable meteorology.

The proposed revisions generally embody our long-standing position on the matter and were, therefore, supported in comment to EPA.

* * *

More than 200 registrants attended the Occupational Safety and Health workshop in Atlanta on September 20. Moderated by Dr. Lee B. Grant of PPG, other participants included: Drs. Kenneth S. Lane and Carl U. Dernehl of Carbide, Du Pont's Dr. Charles F. Reinhardt, William V. Andresen of Cyanamid, CIL's Dr. L. E. Cassidy and Dr. Frank L. Lyman, CIBA-GEIGY.

* * *
Delineation between cancer-producing and cancer-suspect materials was the prime recommendation in our testimony on September 11 during Occupational Safety and Health Administration hearings. They concerned the Emergency Temporary Standard for Certain Carcinogens, as published in the Federal Register on July 16 and revised on July 27.

Testifying in our behalf, Dr. Howard L. Reed, Hercules Incorporated's medical director, also recommended establishing laboratory standards, universal adoption of our labeling recommendations and elimination of the no-risk level-of-exposure concept.

Supporting Dr. Reed at the hearings were Warren S. Ferguson, Allied Chemical Corporation's director of Occupational Health and Product Safety, and MCA's Assistant Technical Director Harry L. Slatin.

* * *

Your approval of the Patent and Trademark Committee's action on proposed revisions of the patent laws is acknowledged. Our position has been relayed to the Senate Subcommittee on Patents, Trademarks and Copyrights.

* * *

The Hazardous Materials Regulations Board (HMRR) is considering the prohibition of frangible disc safety vents on tank cars, since they occasionally fail due to liquid surge.

Comment from interested parties was requested and, on the advice of our Transportation Equipment Committee, we recommended deferring further consideration pending the results of separate studies now being conducted by the Association, the Railroads and by tank car builders. These studies are expected to identify and evaluate the parameters of liquid surge.

Also, HMRR has published a proposal which would require a protective head shield for uninsulated tank cars to prevent puncture in an accident.

Again, we recommended deferment pending completion of present studies under way in the Railway Progress Institute/American Association of Railroad's Tank Car Safety Research and Test Project. This effort is evaluating the effectiveness of head shields versus new coupler designs to eliminate the hazard of accidental puncture.

* * *
NBC News' Midwest correspondent, Floyd Kalber, will moderate the morning session of "Chemical Catalyst '73--Who's Responsible."

With the Chemical Industries Council of the Midwest as cosponsor, the one-day event will take place on November 7 at the Sheraton-Chicago Hotel and cover such topics as energy, profits, education, flammability, environment, plastics, food additives, women in executive positions and government relations. Members of the working and collegiate press, regulatory agencies, civic groups and other trade organizations will be on hand.

Member company executives are being invited to attend and to bring selected guests as a means of furthering public understanding of the chemical industry's involvement in issues of current public interest.

* * *

Dr. Yoshiro Mori and three other members of a study team from Japan Industrial Development, Inc. visited MCA headquarters on September 4 to exchange information on particulate control. Assisting in the briefing were James P. Turner, MCA's manager of Environmental Quality Information; E. P. Stastny, director of Chemical Engineering for Koppers; John S. Eckert, manager of Market Planning and Development for Norton; and MCA's Assistant Technical Director Kenneth D. Johnson.

* * *

The City of Cleveland requested 300 copies of MCA's Water Pollution Causes & Cures for use in public meetings to explain the city's long-range plans for improving and expanding its network of sewers and treatment plants. The letter described the booklet as a "...concise and easily understandable booklet about a complex and highly technical subject."

* * *