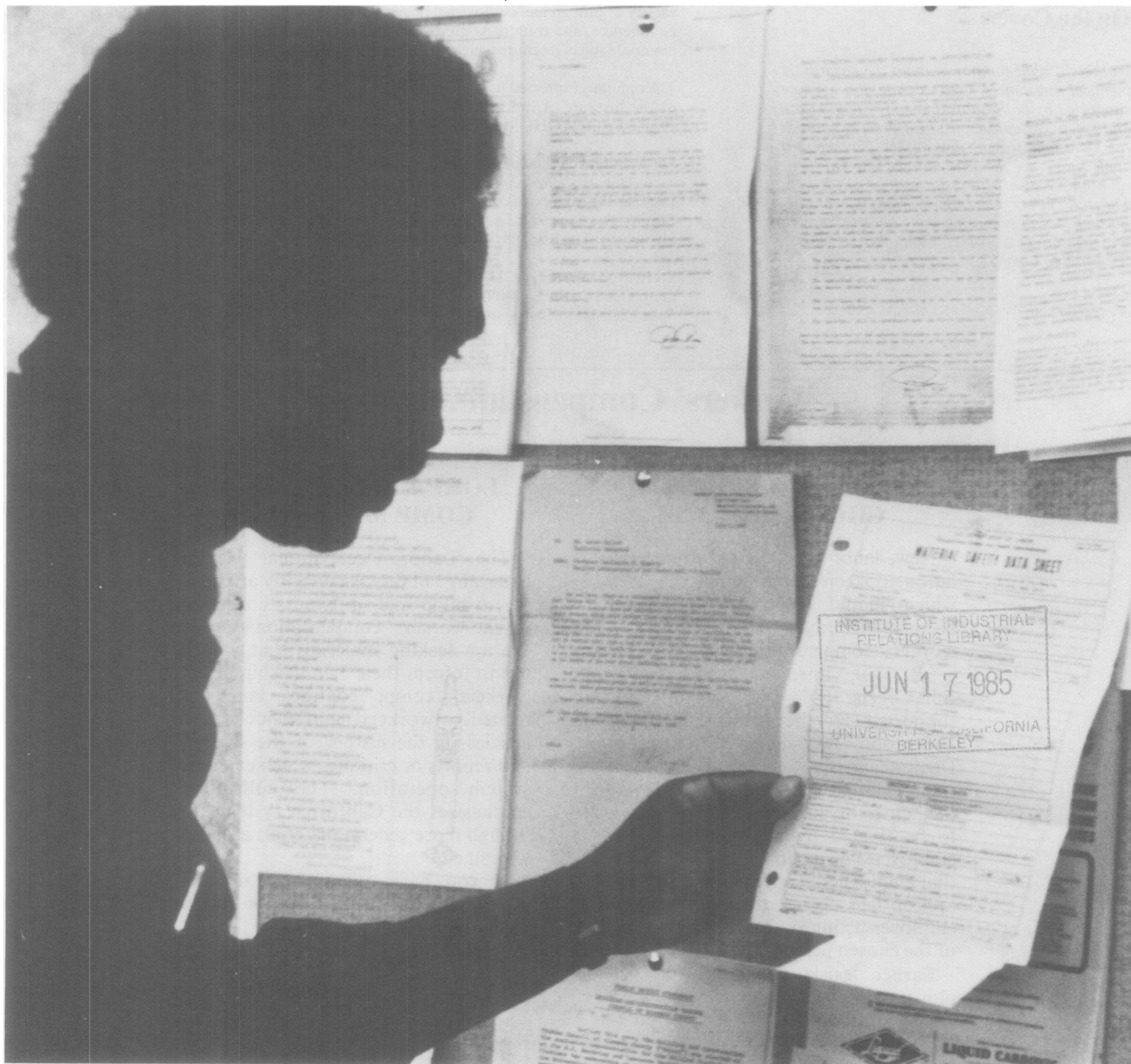
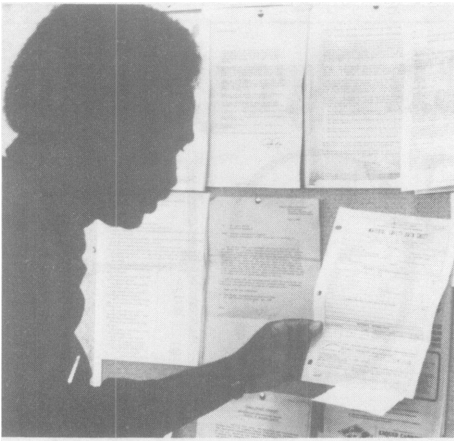


# Labor Occupational Health Program MONITOR



*In This Issue:*

- THE RIGHT TO KNOW
- BHOPAL



### On the Cover:

*Workers' "right to know" about the hazards of chemical substances used on the job is now supported by both California and federal health and safety regulations. But differences between the state and federal approaches have created controversy; see the article on page 3. This issue of Monitor also offers suggestions on using a Material Safety Data Sheet (MSDS), an important tool in exercising the "right to know"; see page 5. This worker examines an MSDS. (Photo: Ken Light.)*

# Labor Occupational Health Program MONITOR

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## Workers' Compensation Update

### EMPLOYERS MUST TELL WORKERS OF RIGHT TO CHOOSE DOCTOR

New, labor-backed California legislation took effect on January 1, 1985 which should help more employees become informed of an important workers' compensation right.

SB 1510, introduced by Senator Bill Greene (D.—Los Angeles) and supported by the California Labor Federation, was signed by Governor Deukmejian in September, 1984. It requires employers to advise employees of their right, in workers' comp cases, to be treated by a physician of the employee's own choice. It also requires that employees be given, upon request, appropriate forms to return to the employer listing the name and address of the chosen personal physician.

Earlier legislation had given employees the right to a free choice of doctor, if the employer were notified of the doctor's name and address prior to the illness or injury. The new legislation gives employers responsibility for facilitating exercise of this right.

### LOHP LIBRARY NEEDS COMP MATERIALS

The Labor Occupational Health Program's library is currently attempting to build and update its collection on the workers' compensation system. We are seeking materials that unions use to inform their membership about workers' comp; contract language related to workers' comp; books and articles on the history of the system; and reports or critiques which examine system operation. The collection emphasizes the California system, although more general materials are also welcome.

If you have anything to donate, please contact Glenn Shor or Susan Salisbury at (415) 642-5507.

# New 'Right to Know' Bills in California Legislature

by Gene Darling

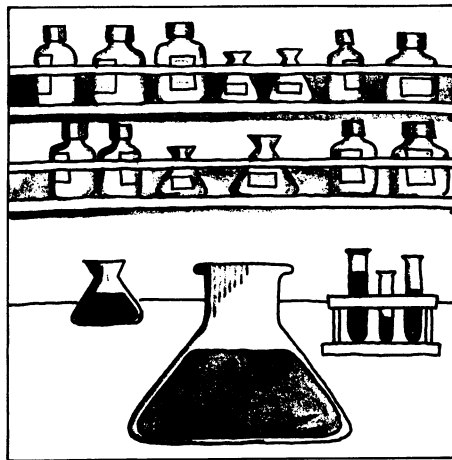
California's pioneering 1980 law which guarantees workers' "right to know" about the contents and dangers of hazardous workplace chemicals will be the subject of new debate in the 1985 state legislature. It is clear that the state's Hazardous Substances Information and Training Act will emerge with significant changes. There could be important improvements in the law.

The "right to know" issue has arisen in the legislature again for two reasons. First, the original 1980 Act included a "sunset" clause under which the law will expire at the end of 1985 unless it is renewed. Second, federal OSHA has adopted its own "right to know" regulation (called the "Hazard Communication" standard) to which the state must conform in certain ways. The federal standard will take effect in November, 1985, and federal law requires that states which operate their own OSHA programs, like California, must have in force by that time "right to know" provisions which are at least as effective as the federal rule.

## HISTORY

"Right to know" laws, which are based on the belief that disclosing the hazards of chemical substances encourages more effective precautions, spread across the U.S. in the late 1970s and early 1980s. The early laws in California and a few other states were followed by dozens of others, adopted by states and in many cases by local jurisdictions such as cities and counties. Some of these measures require that toxic substance information be given to workers; others make the information available to public safety officials or even to everyone in the community. Laws in a few places combine worker and community "right to know."

Most "right to know" laws share a common reliance on the Material Safety Data Sheet (MSDS) or similar fact sheet as the basic means of communicating chemical information. (See *Reading a Material Safety Data Sheet* on page 5 of this issue.) Usually the laws, like California's, require that an MSDS be prepared by manufacturers for each hazardous product, and that the MSDS then accompany the



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product through the chain of commerce. But the laws vary considerably in their definitions of hazardous products which must have an MSDS and in their requirements for the contents of an MSDS.

Industry has frequently complained that it is confronted with a confusing array of different "right to know" provisions in different places. This complaint led some industry groups to push for the adoption of uniform federal rules on worker "right to know." The labor movement, and most health and safety activists, also supported a federal standard. However, when the Reagan administration's OSHA finally issued such a standard in 1983 (to take effect in 1985), the standard was widely criticized by the AFL-CIO and others as too limited in scope and too diluted by the exemptions it allows. Specifically, OSHA's rule applies only to the manufacturing sector, leaving workers in such major industries as construction, transportation, communications, retail, and health care without "right to know" protection. Also, it allows chemical manufacturers to withhold information on the ingredients of products when they claim that "trade secrets" are involved. (See *Monitor*, September-October, 1983, page 4.)

Labor is generally more supportive of the current California "right to know" law. Although it is weak in certain areas, the California law does cover all workers (except those in agriculture), and does limit "trade secret" exemptions to cases where the

manufacturer can justify its claim that the contents are legitimately secret.

The 1980 California law, however, cannot simply be renewed. There are certain areas in which the new federal standard improves upon present state provisions (for example, requiring labeling of chemical containers, which the state law does not.) Thus, to be at least as effective as the federal standard, the state law must be modified to incorporate these improvements. This year's legislative debate will consider several alternative ways of accomplishing that end.

## THREE BILLS INTRODUCED

Three bills have been introduced on the subject this spring in the California legislature. **AB 1042**, introduced by Assemblyman Bill Jones (R.-Visalia), is supported by the state Division of Occupational Safety and Health (DOSH), by Governor Deukmejian, and by Senator Bill Greene (D.-Los Angeles), chair of the influential Senate Industrial Relations Committee. The Jones bill essentially renews the 1980 state law and adds several improvements found in the new federal standard which were not in the state law before. The second bill, **AB 862**, introduced by Assemblyman Tom Hayden (D.-Santa Monica), is backed by the California Labor Federation, AFL-CIO, and by unions and "COSH" groups. AB 862 goes considerably beyond the Jones bill, renewing the original state law, adding new federal improvements, and also adding other features which greatly strengthen the "right to know." The third bill is **AB 2151**, introduced by Assemblyman Gerald Eaves (D.-San Bernardino). Eaves' measure is similar to Hayden's but is more limited in the new features it adds.

All three bills were passed in late April by the Assembly Labor and Employment Committee, and will next be considered by the Assembly Ways and Means Committee during May or early June.

Since all three bills accept the 1980 state law as a baseline and add to it to varying degrees, the protections in the

*continued on page 4*

## RIGHT TO KNOW BILLS

*continued from page 3*

original law are not threatened by any of the bills. Should none of the bills pass, however, the "right to know" in California could be greatly weakened.

## COMPARING THE BILLS

The three new California bills are alike in many respects, but have important differences. Briefly, they compare as follows:

- **Workers covered.** All three bills retain the 1980 law's coverage—all workers except those in agriculture.
- **Sunset.** All three bills renew the 1980 law, without a new "sunset" clause.
- **Labeling.** All three bills, like the federal standard, require that chemical containers be labeled.
- **Substances covered.** The 1980 state law instructed the Dept. of Industrial Relations to establish a "Director's List" of hazardous substances and to update the list annually. The substances on the list (currently about 700) then require MSDSs. All three of the new bills would increase the number somewhat by adding substances not now on the Director's List but which are covered by the federal standard. The federal standard's coverage is broader. It includes, for example, any substance which has tested positive in a single statistically significant test for any one of a wide variety of hazards. Manufacturers are required to review all available scientific evidence in the literature.
- **Concentration.** The 1980 state law applies to chemical products in which a hazardous substance is present in a concentration of at least 1% as an intended ingredient, or at least 2% as an impurity. The federal standard adds products in which a hazardous substance is at least  $\frac{1}{10}$  of 1% if the hazardous substance is one of the few defined by OSHA as a carcinogen. The three new California bills do the same, but the Hayden bill goes further applying the  $\frac{1}{10}$  of 1% criterion

also to mutagens, reproductive toxins, neurotoxins, and sensitizers.

- **Fact sheets.** The Hayden bill adds provisions, neither in the 1980 state law nor in the federal standard, for the State Dept. of Health Services to review a "random sampling" of MSDSs for adequacy and correctness. DHS would also prepare its own fact sheet for each substance on the Director's List. The fact sheets, like MSDSs, would then be made available to employers and employees. To help fund these and other state activities it requires, the Hayden bill allows manufacturers, distributors, and employers to be charged fees.
- **Training.** Following the language of the federal standard, all three bills are somewhat clearer than the 1980 state law on an employer's obligation to inform and train employees. All the bills require training an employee about hazardous substances and protective measures at the time of the employee's initial assignment, and whenever a new hazard is introduced into the work area. The Hayden and Eaves bills go further, specifying annual training thereafter. All the bills require that employees be made aware of the law and of their rights. The Hayden bill adds that this information should be in a language the employee understands. Also, under the Hayden bill the Dept. of Industrial Relations would set up a program to help employers give training.
- **Laboratories.** The 1980 state law, the federal standard, and all three new bills exempt "research and development laboratories" from coverage. However, the federal standard and the three new bills will all give laboratory employees certain limited rights which they did not have before (labels, inspection of MSDSs when they are available, etc.)
- **Trade secrets.** The three new bills all continue the 1980 law's requirement that manufacturers justify to DIR that the contents of a product are a "trade secret."
- **Discrimination.** The three new bills, like the 1980 law, all prohibit retaliation against employees for

exercising the "right to know."

## PREEMPTION ISSUE

Labor and "right to know" activists have been concerned recently that state laws, like California's, which establish better worker protections than the federal standard may be ruled illegal by the courts. In January, 1985, a U.S. District Court in New Jersey struck down portions of that state's Worker and Community Right to Know Act on the grounds that OSHA's standard preempts any state legislation covering the same issues. The court held that New Jersey could not establish its own "right to know" rules for the manufacturing sector, since OSHA has chosen to regulate the "right to know" in manufacturing. However, the court found that New Jersey was "free to act" with regard to non-manufacturing employers (and community "right to know") because there is no conflicting OSHA regulation there.

The New Jersey decision is being appealed, and a revised New Jersey law has been introduced. Also, in February, Rep. James Florio (D.-N.J.) introduced legislation in Congress to prohibit federal preemption of state "right to know" laws which are more protective than the federal standard.

The situation is fundamentally different in California. Unlike New Jersey, California has federal approval to run its own "state plan," Cal/OSHA. California sets its own standards, and while all must be at least as effective as federal ones, some are better. Each new state standard, however, must still be reviewed and approved by federal OSHA. Under the current administration, federal OSHA has been reluctant to approve state standards which exceed federal ones. Most observers, however, expect that federal approval for a new California "right to know" regulation will ultimately be obtained. But federal funding would not be provided for staff to implement such a program.

A coalition of unionists and COSH group members has formed in the Bay Area to campaign for stronger "right to know" protections in California. To get in touch with the coalition, phone the Bay Area Committee on Occupational Safety and Health (BACOSH) at (415) 482-1095.

# Reading a Material Safety Data Sheet

Most "right to know" laws, including both California's law and the new federal Hazard Communication standard, rely on the Material Safety Data Sheet (MSDS) as the primary means of communicating information about hazardous substances. The MSDS is prepared by the manufacturer of a chemical, and provided to purchasers. Employers who use the chemical are required to make the MSDS available to workers.

Federal OSHA recommends a standard form for MSDSs (OSHA Form 20). Although a given manufacturer may use a different form, it must contain the same information. Note that many MSDSs are incomplete and/or inaccurate; when in doubt about the information on an MSDS, check it in library reference materials or contact a local source of health and safety information such as LOHP.

The following information should be found on an MSDS:

**I. Product Identification.** This gives the name of the product, and any other names which may be used for it, including trade and generic names. Make sure the name given exactly matches the label on the container you have; otherwise you may have the wrong MSDS. The manufacturer's name, address, and emergency telephone number are also given here. The material's chemical family and chemical formula are given as well.

**II. Hazardous Ingredients.** This should include a list of all hazardous ingredients (as defined by the law) which are present in the product. The concentration (percentage) is given for each such hazardous ingredient. For any ingredient which has an established workplace exposure limit, that limit is also given. (These limits are expressed as Threshold Limit Values (TLVs) or Permissible Exposure Limits (PELs).)

**III. Physical Data.** This section gives much useful information: boiling point, vapor pressure, vapor density, solubility, specific gravity, percent volatile by volume, and evaporation rate. Information on appearance and odor is also found here.

**IV. Fire and Explosion Data.** This section should clearly state whether the

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration <b>MATERIAL SAFETY DATA SHEET</b> Required under USDOL Safety and Health Regulations for Ship Repairing, Shoebuilding, and Shoebreaking (29 CFR 1915, 1916, 1917)	
<b>SECTION I - IDENTIFICATION</b>	
MANUFACTURER'S NAME: _____	
ADDRESS: STREET, CITY, STATE, AND ZIP CODE: _____	
TELEPHONE: _____	
TRADE NAME AND SYNONYMS: _____	
CHEMICAL NAME AND SYNONYMS: _____	
FORMULA: _____	
<b>SECTION II - HAZARDOUS INGREDIENTS</b>	
PAINTS, PRESERVATIVES & SOLVENTS: _____	
BASE METAL: _____	
ALLOYS AND METALLIC COATINGS: _____	
CATALYST: _____	
POLYMER: _____	
VEHICLE: _____	
METALLIC COATINGS: _____	
SOLVENTS: _____	
FILLER METAL: _____	
ADDITIONAL: _____	
OTHER: _____	
HAZARDOUS MIXTURES OF OTHER LIQUIDS, SOLIDS, OR GASES: _____	
<b>SECTION III - PHYSICAL DATA</b>	
BOILING POINT (°F): _____	
SPECIFIC GRAVITY (H <sub>2</sub> O = 1): _____	
VAPOR PRESSURE (mm Hg): _____	
PERCENT VOLATILE BY VOLUME (%): _____	
VAPOR DENSITY (AIR = 1): _____	
EVAPORATION RATE: _____	
SOLUBILITY IN WATER: _____	
APPEARANCE AND ODOR: _____	
<b>SECTION IV - FIRE AND EXPLOSION HAZARD DATA</b>	
FLASH POINT (°F): _____	
FLAMMABLE LIMITS: _____	
EXTINGUISHING MEDIA: _____	
SPECIAL FIRE FIGHTING PROCEDURES: _____	
UNUSUAL FIRE AND EXPLOSION HAZARDS: _____	

substance is flammable or not. If it is flammable, information should be given on the type of extinguisher to use and any special precautions involved in fighting that type of fire. (For example, certain substances should never have water applied when they are burning.) "Flash point" is the lowest temperature at which a liquid gives off enough vapor to ignite; if it is below 140° F, special precautions are required in handling the liquid.

**V. Health Hazard Data.** This refers to the hazard of the total product. Any TLV or PEL should be given (*see Section II.*) Other health hazard information, such as the dose found to be lethal in animal tests, may also be given. Routes of exposure (skin contact, inhalation, ingestion, etc.) should be described, and for each route the possible health effects should be listed. Information should be included on both acute and chronic effects. This section should also state whether the substance is thought to cause cancer (a carcinogen) or reproductive problems (a mutagen or teratogen). Emergency and first aid procedures are given here as well.

**VI. Reactivity Data.** This section helps to determine safe storage and handling procedures for unstable sub-

<b>SECTION V - HEALTH HAZARD DATA</b>	
THRESHOLD LIMIT VALUE: _____	
EFFECT OF OVEREXPOSURE: _____	
EMERGENCY AND FIRST AID PROCEDURES: _____	
<b>SECTION VI - REACTIVITY DATA</b>	
STABILITY: _____	
UNSTABLE: _____	
CONDITIONS TO AVOID: _____	
INCOMPATIBILITY: _____	
HAZARDOUS DECOMPOSITION PRODUCTS: _____	
HAZARDOUS POLYMERIZATION: _____	
MAY OCCUR: _____	
WILL NOT OCCUR: _____	
CONDITIONS TO AVOID: _____	
<b>SECTION VII - SPILL OR LEAK PROCEDURES</b>	
STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED: _____	
WASTE DISPOSAL METHOD: _____	
<b>SECTION VIII - SPECIAL PROTECTION INFORMATION</b>	
RESPIRATORY PROTECTION: _____	
VENTILATION: _____	
LOCAL EXHAUST: _____	
MECHANICAL: _____	
OTHER: _____	
OTHER PROTECTIVE EQUIPMENT: _____	
<b>SECTION IX - SPECIAL PRECAUTIONS</b>	
PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE: _____	
OTHER PRECAUTIONS: _____	
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OSHA 20-170	
Form OSHA 20 Rev. May 77	

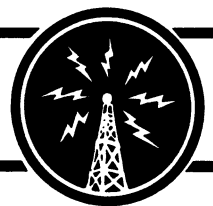
stances. It should state the potential of the substance to react with other materials to produce fire, explosion, or new toxic substances. It gives the conditions to avoid: proximity to incompatible chemicals, extreme temperatures, shaking or jarring, etc.

**VII. Spill or Leak Procedures.** This explains how spills and leaks should be handled: what equipment to use and what precautions to take. Safe waste disposal methods are also described.

**VIII. Special Protection Information.** This section will state whether a respirator or special ventilation are required when using the substance. The type of respirator needed will be given. Information is also included here on protective equipment and clothing needed (eye protection, gloves, etc.)

**IX. Special Precautions.** This gives handling and storage procedures, and any other necessary precautions not covered in any other sections of the MSDS. Any requirements for labeling containers or posting warning signs about the substance may be mentioned.

*For a more complete description of the contents of an MSDS, see Cal/OSHA News, vol. 9 no. 1, February, 1985.*



## *Aftermath of Bhopal*

# Union Carbide Resumes MIC Production in W. Virginia

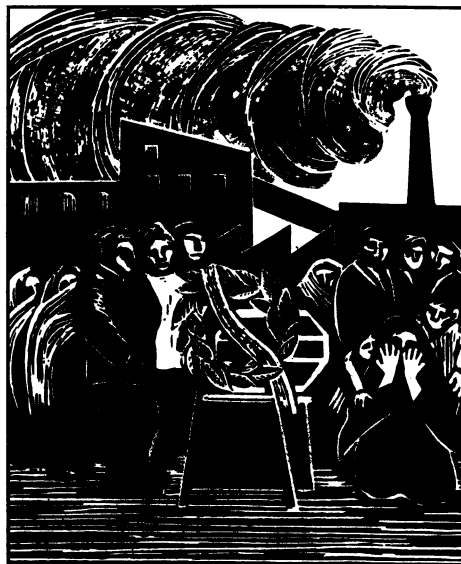
Union Carbide Corporation has announced that it intends to resume production of methyl isocyanate (MIC) in the spring of 1985 at its plant in Institute, West Virginia.

MIC production at the Institute plant had been suspended in late 1984, following a fatal leak of the chemical at a similar Union Carbide plant in Bhopal, India on December 2.

Union Carbide and federal OSHA officials said in March that the company has begun new safety precautions at the Institute facility which should prevent a situation like the Bhopal tragedy.

More than 2500 people in the vicinity of the Bhopal plant were killed, and 100,000 injured, by the December leak, which released a toxic cloud of MIC into the air when safety systems failed. The disaster is thought to be the worst industrial accident in history. Union Carbide is conducting its own ongoing investigation of the Bhopal leak, which was apparently caused by a "runaway" chemical reaction in a MIC tank. The company said it believes the reaction resulted from an unusual combination of factors including contamination by water, an excessive level of chloroform, and corrosion of the stainless steel tank. Refrigeration equipment designed to control the temperature of the MIC was not operating, and a tank temperature alarm system did not signal, company officials said. The increased pressure opened a safety valve which vented MIC into the atmosphere.

A NIOSH team is also in Bhopal to study the accident. The Indian government is conducting its own investigation, and the International Labor Organization (ILO) was asked to conduct an independent investigation in a December resolution passed by the International Confederation of Free Trade Unions. The complex question of liability for the deaths is expected to be litigated in Indian and U.S. courts for years.



WIN/cpf.

Methyl isocyanate is a chemical intermediate used in the production of the pesticides carbaryl and aldicarb, which are sold under the trade names Sevin and Temik. OSHA has established an exposure limit for MIC of 0.02 parts per million (eight-hour time weighted average.) Inhalation of MIC can cause irritation of the eyes, nose, throat, and lungs. Death may occur from choking on the fumes or from congestive heart failure. Any long-term effects of exposure are not known, since manufacture of MIC did not begin until 1958.

About 30 million pounds of MIC are produced each year. Because it is an extremely reactive compound, it is usually shipped and stored in stainless steel or Teflon containers, and confined in a closed system during manufacturing. It is twice as dense as air, and thus remains close to the ground when released, rather than dispersing.

## U.S. PLANT INSPECTED

The West Virginia facility is the only plant in the U.S. which manufactures MIC, although Union Carbide and several other chemical companies have

U.S. plants which use the substance in producing pesticides. The Institute plant normally produces about three times as much MIC as its Indian counterpart. It has 1700 workers and has been producing MIC for over 20 years. Federal OSHA says the plant has a much better safety record than the chemical industry as a whole.

After the Bhopal incident, OSHA and the Environmental Protection Agency conducted a joint inspection of the Institute plant. Neither agency found any safety violations, although EPA said it was continuing to investigate 28 leaks or spills of MIC which plant records say occurred there between 1980 and 1984. EPA stated that "the majority of these MIC releases are . . . the types . . . inherent to the large scale production of any chemical product."

Shortly after OSHA and EPA released their findings, however, Rep. Henry Waxman (D.-Calif.), chairman of the House Subcommittee on Health and Environment, made public an internal Union Carbide memorandum dated three months prior to the Bhopal disaster which discussed the possibility of a "runaway" reaction at the In-



stitute plant. The September memo found a "potential for runaway reaction" in MIC tanks "due to a combination of contamination possibilities and reduced surveillance." In the memo, the water contamination and chloroform problems were specifically addressed. Reacting to Waxman's revelation, Union Carbide officials stated that the memorandum described only a "hypothetical scenario" and that because of the memo immediate steps had been taken at Institute to eliminate the problems. (Apparently the same steps were not taken at the similar Bhopal plant. A *New York Times* survey of that plant found ten areas in which safety procedures and equipment there were deficient, including poor worker training, inoperative safety equipment, and lack of a computerized monitoring system.)

In early 1985, OSHA also inspected several pesticide plants around the U.S. which use MIC in the manufacturing process. Citations for inadequate control of MIC were issued to two

plants—a Union Carbide plant in Woodbine, Georgia, and an FMC Corporation facility in Middleport, New York.

## NEW SAFETY MEASURES

A Union Carbide statement given to Waxman's committee and to the press on March 26, 1985 outlined the steps the company has taken to improve the safety of the MIC production process at Institute. According to the statement, new procedures and equipment ensure that MIC is always kept at a low temperature and that temperature alarms signal operators if refrigeration fails. Operators then pump excess MIC to scrubbers which destroy it. If operators do not transfer MIC, vent lines open which automatically direct it to the scrubbers "at a limited rate well within the destruction capability of the scrubber." Additional steps taken recently include reduced inventory, larger diameter safety valves, increased frequency of product sampling and

analysis, improved scrubbers, and a computerized vapor emission and warning system.

George J. Robinson, safety director for the International Association of Machinists and Aerospace Workers, which represents Institute plant employees, told a House committee the union is satisfied the plant can operate safely. Another IAMAW official said the new procedures are "sufficient" but called for more frequent OSHA inspections in the chemical industry and for prompt implementation of OSHA's new hazard communication standard.

A number of groups around the world are planning educational and political activity related to Bhopal, including a first anniversary commemoration in December, 1985. The International Organization of Consumer Unions, P.O. Box 1045, Penang, Malaysia is coordinating many of these efforts. Member organizations of the Pesticide Action Network are also involved. A local affiliate is the Pesticide Education and Action Project, 1045 Sansome St., Room 404, San Francisco, CA 94111.

## HRG Says Workers Not Notified of Chemical Exposures

The federal government refused to notify more than 200,000 workers that its research studies had found significant chemical hazards in their workplaces, according to Public Citizen's Health Research Group (HRG).

HRG, a Washington, D.C.-based advocacy organization, revealed in January that government studies of 253 workplaces found chemical hazards which placed employees at increased risk of heart disease, lung disease, prostate cancer, bladder cancer, brain cancer, and other health problems. The studies, conducted by the National Institute for Occupational Safety and Health (NIOSH), determined that workers on the 253 sites were exposed to such chemicals as asbestos, cadmium, arsenic, uranium, beryllium, and carbon disulfide.

NIOSH and the federal Centers for Disease Control (CDC) sought \$4 million to notify the affected workers, whose identity is known. The Reagan administration rejected the request in mid-1984.

According to HRG's Ralph Nader and Dr. Sidney Wolfe, a memo prepared at the time by legal staff for Assistant Secretary of Health Dr.

Edward Brandt advised that "there is no legal responsibility for NIOSH to notify." However, Nader and Wolfe said, CDC's Ethics Advisory Committee concluded in 1983 that NIOSH has an ethical obligation to notify workers of hazards it finds that may affect them, especially when NIOSH is the exclusive holder of the information and there is clear evidence of a cause and effect relationship between the exposure and a health risk. CDC and NIOSH generally accept that position.

Nader and Wolfe said that NIOSH determined at least 110,000 workers out of the 200,000 it had wanted to notify could "gain direct medical/health benefits from notification." Another reason cited by NIOSH for notifying all 200,000 workers was to "stimulate improvement in working conditions."

HRG also pointed out that NIOSH conducted a pilot project on worker notification in Augusta, Georgia, which proved notification to be "life saving." 586 workers were notified that they had been exposed to beta-naphthylamine, a bladder carcinogen, at the Augusta Chemical Company. 13 were found to have bladder cancer and another 26 were found to have "suspicious cells."

As a result of notification, these 39 workers were able to seek treatment and the entire group will be more aware of the risk. Prior to the pilot project, 74% of the workers were unaware that the chemical is dangerous.

In a letter to President Reagan, Nader and Wolfe noted that the \$4 million budget request which was rejected "amounts to approximately 7-1/2 minutes of one day of the 1985 military budget." An HRG statement issued in January suggested that the reason the Reagan administration opposes worker notification is concern that employers will be sued if workers learn they have suffered health damage.

Legislation to ensure worker notification when NIOSH learns of a hazard was introduced in the U.S. House on February 27 by Rep. Joseph Gaydos (D.-Pennsylvania). Gaydos' bill, HR 1309, would set up a five-member Risk Assessment Board within NIOSH to determine when workers must be notified of risk. The bill also authorizes a national NIOSH education program to direct workers who are notified of risk to appropriate diagnosis and treatment services.

# Datebook



## COURSES

**Fundamentals of Industrial Ventilation**, a five-day Continuing Education course, will be offered Monday through Friday, June 3-7, 1985, at the Holiday Inn, 1800 Powell St., Emeryville, California. Co-sponsored by LOHP's Continuing Education component and the Northern California Occupational Health Center, the course has been approved for credit for industrial hygienists and nurses, although others with appropriate background and a serious interest in industrial ventilation may also attend.

Emphasis will be on the design of ventilation systems for the removal of toxic gases, vapors, and/or particulates from workplace environments in order to protect employees and to achieve compliance with occupational health standards. Topics will include air flow principles, local exhaust ventilation, hood design and selection, principles

and selection of fans, computer design, recirculated air, system performance evaluation, and cost analysis. Laboratory exercises will be included. Since computations involving air volume and velocity, duct size, pressure losses, and other variable will be assigned, competency in basic math is required. Also, participants must supply a calculator.

The primary course instructor will be D. Jeff Burton, C.I.H., P.E., C.S.P. of the Mechanical Engineering Department and the College of Medicine at the University of Utah, a nationally recognized authority in the ventilation field.

The registration fee is \$475. per person, which includes course materials, lunch on the first day, and refreshment breaks throughout the week. For additional information or to register, please call Lela D. Morris, R.N., M.P.H. or Stephanie Cannizzo at LOHP, (415) 642-5507. Special room

rates will be available at the Holiday Inn for those needing accommodations.

**Risk Assessment in Occupational and Environmental Health** will be offered June 11-12, 1985 in Seattle. Sponsored by the Northwest Center for Occupational Health and Safety, Department of Environmental Health, University of Washington, the two-day course will examine methods for determining the risk associated with exposure to potentially toxic chemicals, and will also consider both the benefits and drawbacks of risk assessment techniques.

The course is designed for decision makers in government, industry, and unions; toxicologists; hygienists; epidemiologists; biostatisticians; physicians; lawyers; and economists. Registration fee is \$250. For more information, contact Jan Schwert at (206) 543-1069.

## *Cyanide Poisoning*

### Illinois Company Officials Indicted for Murder

Trial is expected to begin later in 1985 on murder charges brought by the Cook County State's Attorney's Office against five former officials of Film Recovery Systems, Inc. of Elk Grove Village, Illinois.

The five were indicted by a grand jury in 1983 in connection with the death of a worker in their plant from cyanide poisoning. The case is the first murder charge ever brought in the U.S. for a work-related death.

The company, which has now ceased operations in Illinois, recovered silver from used x-ray and photographic film through a chemical extraction process. Sodium cyanide was one of the chemicals used. The worker who was killed,

Stefan Golab, was directly involved in the cyanide operation. Jay Magnuson, the prosecutor, said that the firm's employees were generally undocumented aliens who spoke no English. He also warned that the firm has a history of changing locations and corporate names frequently. After it closed in Illinois in 1983, it reopened in Florida with a new Spanish-speaking workforce, he said.

An OSHA investigation of the plant after Golab's death led to citations for failure to provide protective equipment, for inadequate labelling of the cyanide, for failure to maintain antidotes on the premises, and for lack of worker education programs.

In the January, 1985 *Journal of the American Medical Association*, several Illinois medical researchers reported on a study they conducted of 36 former workers at the plant. More than two-thirds of the group reported they had experienced symptoms of acute cyanide intoxication, including headache, dizziness, nausea, vomiting, and a bitter almond taste sensation. Certain symptoms still persisted at the time of the testing, seven or more months after the workers' last exposure. Persistent symptoms included abnormalities of vitamin b<sub>12</sub>, folate, and thyroid function.



# Clearinghouse



## BOOKS

**Double Exposure: Women's Health Hazards on the Job and at Home**, edited by Wendy Chavkin, M.D. Preface by Eula Bingham. New York, Monthly Review Press, 1984. 276 pages, paperback, \$10.00

**Double Exposure** is a collection of twelve essays on the health problems of working women. The authors, primarily women activists in health, law, labor, and the academic world, present an ambitious overview of the health hazards which accompany "women's work" and of the issues those hazards raise.

The first section of the book includes essays on several specific occupations in which women workers are concentrated: electronics manufacturing, nursing, agriculture, offices, and others. The material is timely, including topics which have only recently come into public view like video display terminals and "closed office-building syndrome." One strength of the book is its inclusion of the home as another workplace where women spend a good deal of time. The home workplace also has its share of hazards, including stress and pollutants.

Health hazards for women in those industries traditionally closed to them (mining, steel, construction, etc.) do not receive much attention in the book, even though pioneering women are beginning to fight for, and win, jobs in these areas. Another book would be required to treat these types of problems. But this book does a good job of cataloguing the hazards in those jobs where most women work—the so-called "female ghetto" jobs.

Many health issues appear in fact to be unique to those jobs where women predominate—precisely because the workers are women. For example, in the essay on the electronics industry (co-authored by LOHP Director Robin Baker), there is a revealing discussion of the phenomenon which has been labeled "mass hysteria." When health investigators (from NIOSH and elsewhere) first began to be called into semiconductor plants to study episodes

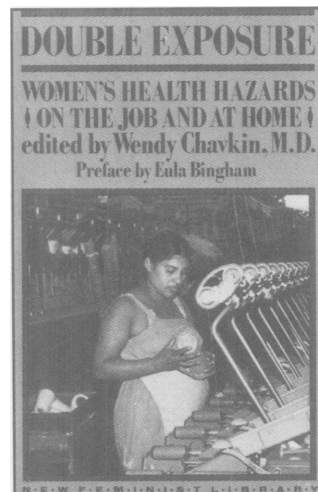
where large numbers of women workers had experienced dizziness, fainting, and/or unconsciousness, they could find no chemical cause. Some of the investigators (primarily male) labeled the phenomenon "mass psychogenic illness" and the term was vogue in the media for a time. Many researchers later raised valid questions about the extremely toxic chemicals used in making semiconductors, and the potential for very small amounts of these chemicals to have synergistic effects when combined. But, at the time, it was easy to discuss women's complaints as "hysteria". The authors of the essay ask whether the diagnosis would have been the same had the workers been male.

The second section of the book discusses, in several thoughtful essays, issues of work and reproduction. The authors explain the ways in which women's reproductive capacity has been used to exclude them from jobs, such as in various well-known cases in lead plants where women have been moved from high-hazard areas (and demoted) if they would not submit to sterilization. Yet lead is also a hazard for males in the plants. The issue here, which the authors answer in various ways, is whether equal opportunity or

health considerations take precedence, or whether it is possible to have both. A similar dilemma is posed by various labor laws which historically have protected women. These are protections which labor fought for, and which most workers would be reluctant to give up, but which do sometimes have an exclusionary effect. Can the protections be preserved at the same time equal opportunity is maintained? Only if these dilemmas can be resolved can the coalition emerge for which the authors appear to hope—a potentially powerful alliance of the labor movement and the women's movement.

An introductory essay by editor Wendy Chavkin, M.D. makes explicit the goal of the book. Chavkin and her co-authors hope to convince the labor movement, which is in decline and which has generally paid insufficient attention to women workers, that organizing women is vital to its growth and health. And they hope to convince feminists that the labor movement has much to offer the growing numbers of working women. An important meeting ground for the two movements is health and safety.

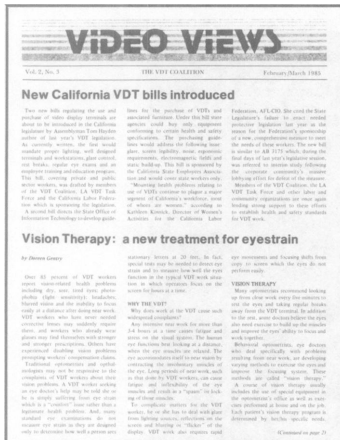
—Gene Darling



# Clearinghouse



## VDT Coalition Offers Training, Newsletter, Packet



For the past two years, LOHP has provided office space and staff assistance to the **Video Display Terminal (VDT) Coalition**, a network of Northern California unions and individual office workers who are organizing to address the problems caused by office automation. Now that VDTs are widely used in industries such as banking, insurance, travel, media, printing, and sales, the Coalition has been collecting and sharing information about possible health effects. These are known to include headache, eyestrain, and muscle aches; there is also suspicion that miscarriages and birth defects may be related to VDT work.

The Coalition now offers numerous resources to interested individuals and groups, including:

- A **speaker** and/or 10-minute **slide show** on VDTs for meetings of unions or other organizations (available days or evenings);
- **Video Views**, a quarterly newsletter on VDTs, which is \$5. per year;
- **Speakers' training**, a day-long workshop which covers both factual information on VDTs and the basics of delivering a successful public presentation;
- **Training on the legislative process**, which includes explanation of how legislation is introduced and passed, and how to participate in the process effectively;
- **VDTs Can Be Hazardous to Your Health**, a packet of articles on hazards, workplace design, and strategies for improving VDT working conditions;
- A **resource library** on VDTs, open to the public; and
- **Consulting services**, intended to help groups design VDT projects (training, surveys, etc.) to meet their own needs.

For more information on the VDT Coalition's activities, please contact Laura Stock at LOHP, 2521 Channing Way, Berkeley, CA 94720. Phone: (415) 642-5507.

### MORE INTERIM STUDY ON VDT BILLS

Two labor-backed bills on video display terminal health and safety have been referred for "interim study" in the fall by the Labor and Employment Committee of the California Assembly. The bills thus will not be considered further in the legislature this year.

One of the bills is a comprehensive measure by Assemblyman Tom Hayden (D.-Santa Monica) which mandates a wide range of

protections for VDT operators. Similar to Hayden's 1984 bill, which was also referred for interim study, this year's bill was drafted and supported by members of the VDT Coalition together with the Los Angeles VDT Task Force and the California Labor Federation.

The other bill, also by Hayden, establishes guidelines for purchases of VDTs and work stations which California state employees will use.

# Clearinghouse



## NEW PUBLICATIONS ON HOUSEHOLD TOXICS

Several new publications on toxic substances found in the home are available from Golden Empire Health Planning Center, a Sacramento non-profit organization working on public and environmental health issues.

**Household Hazardous Waste: Solving the Disposal Dilemma** is a 300-page handbook describing how communities and community organizations can implement collection programs for household toxics such as paints, thinners, pesticides, and pool acids. The price, including postage, is \$10. (\$15. for corporations.)

A set of school curricula, designed for various grade levels, shows students how to identify toxics in the home, how to use them safely, and how to find safer substitutes. Each curriculum set contains lesson plans with teaching instructions, master copies of student handouts and worksheets, and teacher answer guides. Each curriculum set is \$6.50 including a three-ring binder, or \$4.00 without the binder. Add \$3.50 for postage and handling, and specify grade level needed.

Also available is a colorful 18" x 24" poster on reducing exposure to toxics in the home. The price, including postage, is \$3.50.

All materials may be ordered from: Golden Empire Health Planning Center, 2100 21st St., Sacramento, CA 95818.

## OTHER PUBLICATIONS

**Work and Health: It's Your Life**, by Phillip L. Polakoff, M.D., M.P.H., has just been released by Press Associates, Inc. and the Western Institute for Occupational and Environmental Sciences (WIOES). This 232-page paperback is a comprehensive look at the multitude of hazards that workers face every day. Based on Dr. Polakoff's weekly column "Work and Health," syndicated to the labor press, the book emphasizes using current occupational

medical knowledge to help prevent disease. It also includes a list of regional and national resources, from union safety and health staff to "COSH" groups to government agency offices.

Price is \$7.95, plus \$1.50 for applicable sales tax, handling, and postage. Quantity discounts are available. Order from: WIOES/Press Associates, 2520 Milvia St., Berkeley, CA 94704.

**A Job Safety and Health Bill of Rights**, by Rick Engler, is a new publication from the Philadelphia Area Project on Occupational Safety and Health (PHILAPOSH). This 32-page booklet spells out fifteen basic worker health and safety rights which should exist in every workplace—from the "right to know" about toxic substances to the "right to veto" dangerous speedup and

overtime. A common denominator of all these rights is that they give workers power over conditions affecting their own health.

In examining how such rights could be won and enforced, the booklet looks at several complementary strategies: new OSHA standards, legislation, and collective bargaining clauses. It also briefly describes successful recent efforts to achieve such rights through legislation in Sweden and in the Canadian province of Saskatchewan. In both places, new laws mandate workplace health and safety committees with broad powers.

The booklet is available for \$3.00 (postage included) from: PHILAPOSH, 3001 Walnut St., 5th Floor, Philadelphia, PA 19104. All orders must be prepaid. Quantity discounts are offered.

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## **Court Overturns Noise Regulation; Unions and OSHA Appeal**

On December 28, 1984, federal OSHA requested that the full nine-member U.S. Court of Appeals for the Fourth Circuit in Richmond, Virginia reconsider a key November ruling which struck down strong new federal noise regulations.

On November 7, a three-judge panel of the same court invalidated OSHA's "hearing conservation" amendment to the original 1971 workplace noise standard. While the original standard called for a 90 decibel (dB) eight-hour time-weighted average noise limit, the amendment (adopted in March, 1983) placed additional obligations on employers. They were required to monitor workplace noise levels and, at least annually, to test the hearing of employees exposed to noise exceeding 85 dB. If these tests showed that an employee had suffered a loss of hearing of an average 10 dB or more, several follow-up measures were required: hearing protectors, training, and employer recordkeeping.

The three-judge panel, in a 2-1 decision, found that OSHA could not use a worker's symptoms (the measured 10 dB hearing loss) as a basis for triggering the new requirements because these symptoms might result from non-occupational causes. "Employers may be subjected to requirements, and penalties may be imposed," the decision said, "as a result of non-workplace hazards. . . . (H)earing loss can result from non-occupational noise exposure just as easily as it can from occupational exposure."

The decision cited "airplanes, hunting rifles, loud music, and a myriad of other sources" (as well as motorcycles and other "recreational activities") as potential non-occupational causes of hearing loss. It also suggested that OSHA was attempting to assert jurisdiction over these non-occupational areas of life, which conflicts with the mandate of various other federal agencies.

OSHA took no action to appeal the November 7 decision for several weeks, and labor observers expressed fears that the agency might intend to let the decision stand because the ruling was consistent with the Reagan administration's regulatory philosophy. In a December letter to OSHA head Robert Rowland, the AFL-CIO said it intended to intervene in the legal case because "we have been unable to gain assurances. . . that (OSHA) will continue to stand behind the Hearing Conservation Amendment and seek rehearing." At the same time, 14 consumer and professional groups petitioned President Reagan to "instruct OSHA to move vigorously to protect this regulation and appeal this decision." OSHA also received more than 300 letters and telegrams urging an appeal, most from professional audiologists.

In filing with the court its formal motion to intervene in the case on December 13, the AFL-CIO argued that, even if OSHA did seek a rehearing, "there is a substantial probability that it will not assert the full range of available arguments supporting the

amendment's legality."

Washington observers report that Rowland was initially opposed to filing an appeal, and they credit the labor pressure for OSHA's eventual decision to seek a rehearing. In its December 28 motion to the court for rehearing, OSHA argued that its 10 dB "trigger" level is based on a presumption of work-relatedness which is supported by the record in the case and is "in accord with common experience." Its reasoning was that "even though people may hunt or engage in noisy hobbies, most workers' hearing loss will be work related because the average person spends infinitely more time on a routine basis at work than in recreational activities." OSHA's motion also pointed out that a presumption of work-relatedness is found in other laws which have been upheld by the courts, such as the Black Lung Benefits Act.

Labor representatives consider that the November 7 ruling, if allowed to stand, would have far-reaching implications for future regulatory activity by OSHA and even other government agencies. Other OSHA standards, such as the lead regulation, have "trigger" levels for protective measures based on workers' observed medical symptoms. In effect, labor says, the court has asked OSHA to guarantee that no part of the observed symptoms in these cases could be the result of non-occupational exposure.

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