

ACTS

ARTS, CRAFTS AND THEATER SAFETY

ACTS FACTS

October 1987: Vol. 1, No. 1

FEDERAL REGISTER ITEMS

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To make this information more accessible, short bulletins on FR items are compiled at the end of each month and published in the ACTS FACTS newsletter. These bulletins can be reprinted without cost provided proper credits accompany the reprinted material and ACTS receives a subscription to your publication in exchange. ACTS also will answer questions and provide additional information on request about the subjects covered in ACTS FACTS.

Bulletin: NEW ART AND CRAFT MATERIALS LABELING BILL

Monona Rossol, M.S., M.F.A., I.H.

On July 1, 1987, Rep. Bernard Dwyer (D-NJ) introduced the "Art and Craft Materials Labeling Act" (H.R. 2866) to the Congress. This federal bill is similar in intent to laws which already have been passed in six states: California, Florida, Illinois, Oregon, Tennessee and Virginia; a and which are currently pending in Massachusetts, New Jersey, and New York.

These state laws are designed to correct the existing federal law which only requires labelling of consumer products which pose acute hazards--those which cause immediate effects such as burns or poisoning. H.R. 2866 would amend this federal law (the Federal Hazardous Substances Act) to:

- * require manufacturers to determine whether their products have chronic hazards;
- * require manufacturers to label chronically hazardous products comprehensively, including:
 - the signal word "WARNING"
 - a list of chronically hazardous components
 - a statement of potential hazards
 - a statement regarding safe use
 - a statement identifying a source of additional health information;
- * require the Consumer Product Safety Commission (CPSC) to develop criteria for evaluating chronic hazards;

- * require the CPSC to develop a list of hazardous art and craft materials and to distribute that list to state governments, teacher organizations, schools and other institutions in which children use art supplies;
- * prohibit the use of chronically-hazardous art supplies by children from pre-kindergarten to sixth grade.

Craftspeople and artists will find that most of the materials they use will be covered under the bill. If the H.R.2866 passes, better labeling of these products can be expected. In addition, the requirement that manufacturers research the hazards of their products will almost surely result in better hazard information on Material Safety Data Sheets (MSDSs).

OCCUPATIONAL EXPOSURE TO BENZENE: FINAL STANDARD

The new Benzene Standard was published September 11, 1987 (52 FR 34460-34578). Effective on December 10, the Standard lowers the Occupational Safety and Health Administration's (OSHA) Permissible Exposure Level (PEL) for benzene from 10 to 1 part per million (ppm). The Standard applies to all industries covered by OSHA including construction and laboratories. This would include workers such as those at building restoration sites and in conservation laboratories. To meet the Standard employers must:

- * demarcate areas where benzene is use;
- * provide for initial personal monitoring of exposed individuals (if the 0.5 ppm action level is exceeded, periodic monitoring must be done);
- * provide ventilation or respiratory protection (respirators must be air-supplied since no negative pressure respirators are approved for benzene); and
- * provide information and training programs for workers.

The Standard retains an exclusion for workers who are only exposed to benzene from a mixture of solvents with less than a fraction of a percent of benzene. At present, solvents with less than 0.5 percent benzene contamination are excluded. The allowable exclusion will be reduced to 0.3 percent after one year and to 0.1 percent after two years.

A free copy of the complete Standard can be obtained by contacting: OSHA Office of Publications, U.S. Department of Labor, Room N-3101, 200 Constitution Ave., N.W., Washington DC 20210. Telephone (202) 523-9667.

EPA AMENDS REQUIREMENTS FOR SMALL WASTE GENERATORS

Changes in the reporting requirements for small quantity generators of hazardous waste were published in the Federal Register on September 23. The new regulations will apply to waste shipments initiated after March 23, 1988.

Under the Environmental Protection Agency's (EPA) rules, small quantity waste generators are those who create between 100 kilograms (about one half of a 55-gallon drum) and 1000 kilograms of hazardous waste in any calendar month. Most schools, theater shops, and art and craft businesses qualify, since such "waste" includes paints, inks, oils, petroleum products, solvents, acids, caustics, pesticides, and more.

The EPA will prepare and distribute a pamphlet advising small businesses of the change in reporting requirements and will update its handbook "Understanding the Small Quantity Generator Hazardous Waste Rules." For information about these publications and general information about compliance contact the RCA/Superfund Hotline, toll free at (800) 424-9346, or the Small Business Hotline, (800) 368-5888.

LABOR STANDARDS MAY AFFECT RECIPIENTS OF FEDERAL GRANTS

The Wage and Hours Division of the Department of Labor published a Proposed Rule in the Federal Register on September 21. This rule would extend the labor standards and provisions currently applicable to professional performers and personnel employed on products funded by the National Endowment for the Arts to similar personnel on projects funded by the National Endowment for the Humanities. Included in these are standards for prevailing minimum compensation and health and safety.

The health and safety standards provide that "no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance." The OSHA Standards (29 CFR Parts 1900-1910 and 1926) are the applicable standards.

Some NEA grant recipients are not aware that they must meet OSHA health and safety standards. Often, time and money for collection of Material Safety Data Sheets, worker training, and meeting other provisions are not even budgeted in proposals. Yet failure to comply could result in ineligibility for further grants for a period of up to 3 years unless the violations are corrected. Now it is likely that such conditions will be applied to NEH grant recipients as well.

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OCTOBER FEDERAL REGISTER ITEMS

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EPA PLANS TO RESTRICT USE OF CERTAIN BOAT PAINTS

The Environmental Protection Agency (EPA) plans to curtail the use of certain antifouling boat paints (paints which resist growth of aquatic organisms such as algae and barnacles.) The paints which will be restricted are those which rely on any of nine tributyltin (TBT) compounds.

TBT compounds were found to be highly toxic to the aquatic environment in very small amounts. Short term acute studies show TBT is highly toxic to certain aquatic organisms at doses as low as .1 parts per billion (ppb) and chronically toxic at levels as low as .002 ppb. Studies of oysters, shrimp and other organisms in US. English, French and Canadian waters show that they are adversely affected by TBT from paints.

Currently the majority of these paints are used on boat and ship hulls, including on a significant number of recreational boats. Smaller amounts of paint (less than four percent), are used on docks, buoys, crab pots, etc. To reduce the amount of TBT entering the environment from these sources, the EPA plans to 1) cancel the registration of all paints which release high levels of TBT, 2) prohibit the use of TBT paints on all non-aluminum vessels under 65 feet in length (e.g. many recreational boats), 3) classify TBT paints as restricted use pesticides which limits their sale to certified commercial applicators, and 4) require compliance with special rules for application, removal, and disposal of such paints.

Boaters will be able to substitute copper-containing paints for TBT paints. Many people already use these paints. Copper-containing paints, however, have a limited color range and they promote corrosion when used on aluminum surfaces. Small boats which are dry docked frequently or removed from the water between uses do not need the protection afforded by either type of antifouling paint.

EPA is allowing until January 5, 1988 for public comment on this Notice. Further information and copies of technical support data on TBT toxicity can be obtained by calling 703-557-0276.

GRANTS FOR FIPSE LECTURE PROGRAM PROPOSED

The Department of Education anticipates that 6 grants of no more than 5,000 each will be awarded in 1988 to qualified individuals to enable them to spend at least a month developing ideas for promotion and dissemination of promising work on key issues in post secondary education.

ACTS feels that this would be an opportunity for someone to develop a lecture program on occupation health and safety in post secondary art or theater programs and would be happy to provide technical assistance to any individual who applies. ACTS FACTS will notify readers when the final grant guidelines are available in 1988.

RECYCLED OIL MAY BE PROCURED BY THE GOVERNMENT

Many potters and glassblowers fire their kilns and furnaces with used oils. Yet Congress has determined that this kind of unregulated disposal of used oil is a threat to human health and the environment. Used automotive, industrial lubricating oils, and metal working oils contain contaminants picked up during use as well as the components of various additives.

Today there are reliable methods of re-refining the oils a new base stock which can be used repeatedly. To promote and encourage production of re-refined oils, the federal government has proposed requiring its agencies to purchase these re-refined oils in large amounts when suitable (52 FR 38838).

Recycling is far better than dumping or burning used oils. These oils release highly toxic constituents into the environment unless they are burned at extremely high temperatures in well-monitored waste disposal facilities. Environmentally conscious potters and glassblowers who fire with waste oil should consider switching to cleaner burning fuels.

NEW EPA COMMUNITY RIGHT-TO-KNOW RULES PUBLISHED

On October 15, the Environmental Protection Agency (EPA) published new rules which revises parts of the Superfund Amendments and Reauthorization Act of 1986 (SARA) also known as the Emergency Planning and Community Right-to-Know Act.

The new rule (the Emergency and Hazardous Chemical Inventory Forms and Community Right-to-Know Reporting Requirements: Final Rule) extends the reporting requirements to owners and operators of all facilities which are required to prepare or have Material Safety Data Sheets available within three months after such facilities are required to have MSDSs available under the OSHA Hazard Communication Standard (See the August 24, 1987 FR or contact ACTS for a copy of the Bulletin on the OSHA HCS).

Such facilities also are required inventory their hazardous chemicals and make this information available to community emergency planners.

Those schools, art centers, theater shops, museums and other art institutions which would be affected are those using large amounts (500 pounds or a 55 gallon drum or more) of extremely toxic substances such as compounds of barium, lead, antimony, or manganese, or solvents such as acetone, methanol, or xylene. A list of the extremely hazardous substances which require reporting can be obtained from EPA.

Compliance with these complex record-keeping and reporting regulations can be avoided by keeping only small quantities of toxic chemicals on the premises--a good safety practice in any case.

For further information, contact: Kathleen Brody, Program Analyst, Preparedness Staff, Office of Solid Waste and Emergency Response, WH-562A, US Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. or the Chemical Emergency Preparedness Program Hotline at 1 (800) 535-0202, or in Washington, DC at (202) 479-2449.

O-PHENYLPHENOL TO REMAIN ON TOXIC CHEMICAL LIST

Ortho-phenylphenol (OPP) is a chemical pesticide and preservative which is commonly used by conservators and art materials manufacturers. OPP also was the subject of a notice in this month's Federal Register (FR).

In an October 22 Notice, the EPA denied a petition from Dow Chemical Company to remove ortho-phenylphenol (OPP) from the list of toxic chemicals under section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

EPA denied Dow's petition because it "believes that there is enough evidence on potential carcinogenicity, developmental toxicity, and environmental persistence to warrant keeping OPP on the list of chemicals." In support of this position, the Notice contains a summary of the available toxicity data on OPP.

ACTS will be happy to send a copy of this three page notice and summary of toxicity data to interested parties. Send a SASE and \$1.00 to ACTS, 181 Thompson St., #23, New York, NY 10012.

ASBESTOS IN SCHOOLS: FINAL RULE PUBLISHED

The EPA published its final rule on Asbestos-Containing Materials in Schools (40 CFR Part 763). Effective on December 14, 1987, it requires all "local education agencies (LEAs) to identify asbestos-containing materials (ACM) in their schools and take appropriate actions to control release of asbestos fibers. The LEAs are required to describe their activities in management plans, which must be made available to all concerned persons and submitted to State Governors. This final rule requires LEAs to use specially-trained persons to conduct inspections for asbestos, develop the management plans, and design and conduct major actions to control asbestos."

The 80 page document describes in detail the requirements, methods for compliance, and enforcement. For further information contact: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Telephone 202-554-1404.

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ARTS, CRAFTS AND THEATER SAFETY

ACTS FACTS

December 1987: Vol. 1, No. 3

NOVEMBER FEDERAL REGISTER ITEMS

The Federal Register (FR) is a compilation of all the regulations and public notices issued by federal agencies. Published daily, this vast amount of printed matter often contains health and safety items which affect artists, theater or crafts people.

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ACTS will send copies of the FR pages cited at \$.25 per page, and answer written and telephone inquiries about the subjects covered in ACTS FACTS. Send self-addressed stamped envelope for written requests for information.

SOME DYES AND PIGMENTS FOUND SAFE, SOME NOT

52 FR 42096-8 & 44485

Actors and other users of cosmetics, artists and art teachers all use products which may contain dyes and pigments. This month the Food and Drug administration announced that two dyes, FD&C Red No. 33 and FD&C Red No. 36, have been found to be safe for use as color additives in drugs and cosmetics.

On the other hand, FD&C Red No. 3 is still undergoing evaluation by the FDA. A 1983 long-term feeding study submitted by the Certified Color Manufacturers' Association has been reviewed by the Board of Scientific Counselors of the National Toxicology Program Review Committee. This Board concluded that FD&C Red No. 3 at a level of 4 % in the diet of rats resulted in a significantly higher incidence of thyroid cancers.

At present, Red No. 3 is provisionally listed for use in cosmetics and externally applied drugs. Its lakes (pigments made from the dye) are provisionally listed for all uses in drugs and cosmetics.

The FDA has concluded that in the light of the Board's review, it may be necessary to further limit the use of the dye and has asked industry to submit data on sales and usage to aid in assessing potential consumer exposures.

Actors and other heavy users of cosmetics may wish to replace or limit their use of products containing FD&C No. 3.

Artists and teachers of children might wish to avoid or limit exposure to art products containing the dye or its lakes (pigments). They may identify products containing these colorants by obtaining the Color Index (C.I.) names of the products' colorants from the art materials' manufacturers. Many responsible manufacturers are listing the C.I. names of colorants on labels and in product literature or will provide them on request.

Color Index names for FD&C Red No. 3 are Acid Red 51 or Food Red 14. Its lakes are called Pigment Red 172.

DYES SLATED FOR EPA DATA COLLECTION

52 FR 44826-37

Four dyes have been added to a priority list of chemicals for which the EPA (Environmental Protection Agency) will require assessment information and health and safety data reporting. These dyes are: the acid form and the monosodium salt of Acid Blue 40, the acid form and the disodium salt of Acid Blue 45, Disperse Blue 56, and Disperse Red 60.

Art, craft and household dyes commonly employ these dyes. They are often given common names such as "turquoise," "bright blue," "royal blue," and "fuchsia."

The Interagency Testing Committee (ITC) recommended these dyes be added to the list and to be tested for their toxicity after systematically reviewing the entire category of aminoanthraquinone dyes. The ITC believes the chosen dyes are representative of this category and that they are used commercially in appreciable amounts. At present there is essentially no information on the chronic hazards and reproductive effects of these dyes although chemically related dyes are known to be hazardous. There also are no OSHA limits for workplace exposure to the dyes.

The EPA will require those who have manufactured or imported these dyes during their latest fiscal year to submit a report (EPA form No. 7710-35). This report form and information about other reporting requirements can be obtained by calling the EPA's Office of Toxic Substances at (202)554-1404.

SMOKING PROHIBITED IN NIH BUILDINGS
52 FR 43336

Effective November 12, 1987, smoking will be prohibited in all NIH (National Institutes of Health) Federal enclave buildings in Bethesda, Maryland except in buildings used as living quarters or as part of an approved medical research project. This notice affects a large complex of medical and research facilities.

Other governmental agencies may also prohibit smoking now that the protocol for this action is established.

EPA PROPOSES TESTING OF INK AND LACQUER CHEMICAL
52 FR 43345 (Nov 12)

Tributyl phosphate (TBP), has been proposed for extensive testing by the Environmental Protection Agency (EPA). Although the primary use of TBP is in hydraulic fluids and metal extraction, some 5 to 10 percent of the estimated 6-9 million pounds of TBP produced per year is used as a defoamer in the paper industry, in textile sizings, inks, lacquers and plastic products (as a plasticizer). TBP is also used in small amounts as a pigment grinding assistant. Art and crafts products will occasionally contain TBP.

The Interagency Testing Committee's (ITC's) rationale for testing include the large volume of TBP produced in the US, the large number of workers exposed, the lack of data on health effects, the detection of TBP in ground and drinking waters, the detection of TBP in human and fish fatty tissue, and TBP's acute effects on aquatic organisms at moderately low concentrations.

On the basis of very limited existing data it appears that TBP is an irritant which also can be absorbed through the skin, and which may be associated with bladder, nerve, and reproductive effects in animals. ITC recommends TBP be tested for chronic health effects in animals including cancer, nervous system effects, kidney, reproductive, and developmental effects. ITC also recommends testing for chemical fate and environmental effects.

TBP is just one of many essentially untested chemicals to which workers, artists, and craftspeople may be exposed. There are also no standards for exposure to TBP hence it may not even be mentioned as an ingredient on Material Safety Data Sheets.

OSHA PLANS RULE ON AIDS AND HBV EXPOSURE

52 FR 45438-41

OSHA announced its intention to develop a rule regarding occupational exposure to hepatitis B virus (HBV), AIDS, and other blood borne diseases such as CMV (cytomegalovirus). In 1983 OSHA issued voluntary guidelines designed to reduce the risk of exposure in workers in the health-care industry. Other agencies including the Centers for Disease Control, the American Hospital Association, and the American Occupational Medical Association, have developed guidelines for reducing occupational exposure to the AIDS virus.

Now OSHA plans to develop an extensive and far reaching plan regarding blood borne diseases in the workplace. This plan will probably apply primarily to health-care workers, however, others such as school and daycare teachers, may wish to keep informed about procedures for avoiding exposure to blood borne diseases as they are developed.

OSHA PLANS CHANGES IN ELECTRICAL SAFETY PRACTICES

52 FR 45530-49

OSHA plans to develop a new standard on electrical safety-related workpractices for general industry. It also intends to amend the general industry standard to change all regulations which refer to the 1971 National Electrical Code so that they will refer instead to OSHA's electrical standards, and to make other organizational changes.

Theater craftspeople involved with theatrical lighting and other electrical work may wish to keep informed about changes in applicable OSHA regulations.

OSHA ANNOUNCED FILING OF FINAL FORMALDEHYDE STANDARD NEXT MONTH

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