

ACTS

ARTS, CRAFTS AND THEATER SAFETY

ACTS FACTS

Vol. 2, No. 1
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DECEMBER 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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OSHA ANNOUNCES FINAL FORMALDEHYDE STANDARD

52 FR 46168-46312

The Occupational Safety and Health Administration (OSHA) has published its Final Rule on Occupational Exposure to Formaldehyde. This revised standard will reduce the workplace exposure limit from 3 to 1 part per million (ppm) time weighted average (TWA) over the eight hour workday. It also sets a short-term exposure limit (STEL) of 2 ppm for any 15 minute period. A .5 ppm TWA action level triggers the standard.

There are many sources of formaldehyde in art and theater. Large amounts of formaldehyde can become airborne when formalin and other formaldehyde preservatives are used. Formaldehyde also may be released when products containing it are used. Such products include many art materials such as paints, glues, inks, and modeling materials which are preserved with formaldehyde. It also outgases from formaldehyde glues in plywood, paneling, pressboard and the like. Other formaldehyde-containing products include urea formaldehyde insulation, carpet backing and adhesives, cosmetics, some paper products, soaps, household disinfectants, and permanent press fabrics.

Formaldehyde also can be found in kiln emissions and whenever organic materials are burned including wood, stove gas, and tobacco.

These sources of formaldehyde are especially important if they contribute to the over all formaldehyde level in a work area. If the .5 ppm TWA is exceeded, the new OSHA standard can be applied. Copies of the standard can be obtained by writing OSHA Office of Publications, US Department of Labor, Room N-3101, 200 Constitution Ave, NW., Washington, DC 20210.

THREE HAZARD COMMUNICATION STANDARD PROVISIONS STAYED
52 FR 46075-46080

The Office of Management and Budget (OMB) announced in the December 4th Federal Register (FR) its disapproval of three provisions of the Occupational Safety and Health Administration's (OSHA's) Hazard Communication Standard (HCS) under the Paperwork Reduction Act.

These disapproved provisions will not take effect on May 23, 1988 with the rest of the HCS, but must be revised and resubmitted by OSHA. Two of these provisions affect some types of art and theater workers. They are:

1. the coverage of consumer products used on the job, and
2. the requirement that Material Safety Data Sheets be provided on multi-employer worksites such as construction and restoration sites, or film and TV shooting locations, etc.

The OMB's reasons for excluding consumer products is particularly disturbing to ACTS. Speaking for OMB, Wendy L. Gramm, Administrator for Information and Regulatory Affairs, states that "Consumer product labeling already provides information to identify significant hazards that may result from use of the product and to enable users to avoid those hazards."

Clearly OMB is not aware of the prevalence of inadequate information and warnings on consumer products--especially on art and craft products. These warnings are even more inadequate when consumer products in the workplace are used more frequently or differently than average consumers would use them.

Hopefully, OSHA soon will develop a provision which meets OMB's Paperwork Reduction Act requirements and which will still include consumer product information in the HCS. Including consumer products in worker training programs is already mandatory in states which include such products in their OSHA-approved State Right-to-Know plans.* However, ACTS suggests that all art and theater workers be trained in the hazards of all products used on the job because so many of these products are potentially very toxic.

* States and territories with OSHA-approved plans include: AK, AZ, CA, CT (for State and local government employees only), HI, IN, IA, KT, MD, MI, MN, NV, NM, NY (for State and local government employees only), NC, OR, PR, SC, TN, UT, VT, VA, VI, WA, AND WY. If you work in these states, check with your state OSHA about the extent to which consumer products are included in Right-to-Know training programs.

PETITION IS FILED TO
REVOKE APPROVAL OF ETHYLENE OXIDE (ETO) AS FOOD ADDITIVE
52 FR 47753

Art conservators and museum personnel may not be aware that the hazardous fumigant used on many artifacts and regulated by OSHA in their workplace air at the level of 1 part per million (ppm) is still allowed as an additive in certain foods. At present, maximum allowable limit of 50 ppm of ETO is tolerated in ground and whole spices and other natural seasoning products, in black walnut meats, and copra (coconut meat).

On December 2, The Environmental Protection Agency (EPA) announced the filing of a petition requesting the agency to revoke the food additive regulation for ETO as a fumigant for controlling microorganisms and insects in these foods.

The petition, received from Mr. Russell N. Stein of Andover, New Jersey, contends that the use of ETO on food is an "unsafe" practice and ETO should not be given the 50 ppm tolerance under the directive of the Delaney Clause of the federal Food, Drug, and Cosmetic Act. Mr. Stein cites the US Department of Health and Human Services' Forth Annual Report on Carcinogens, Summary 1985, and the June, 1984 OSHA Final Standard for occupational exposure to ETO as documentation of the cancer-causing potential of ETO. ACTS hopes that the EPA will grant Mr. Stein's petition.

CPSC EMPLOYEES PROHIBITED FROM TESTIFYING AS WITNESSES
52 FR 47599-47601

The Consumer Product Safety Commission (CPSC) has proposed to amend its regulations concerning providing of documents and witnesses in product liability lawsuits (and other lawsuits to which the CPSC is not a party).

Under the proposed amendments, documents would continue to be provided to the fullest extent possible under the Freedom of Information Act, but the testimony of employees would be generally prohibited.

The CPSC cites as its reasons for the proposed amendments its need to "(a) avoid an undue burden on the Commission's resources and (b) maintain the effectiveness of Commission employees as witnesses in Commission cases.

ACTS feels that these amendments will give product manufacturers or sellers (who are usually the defendants in product liability cases) an advantage. We would prefer to see a more liberal policy regarding CPSC employee testimony.

FLAMMABLE FABRICS ACT AMENDED
FR 52 48810

The Consumer Product Safety Commission (CPSC) has made a minor change in the Flammable Fabrics Act (FFA). The FFA prohibits the manufacture for sale, importation, or introduction into commerce any product of wearing apparel or interior furnishing or fabric intended for use in such products which fails to comply with the act's standards of flammability. Buyers of such products should obtain guarantees that products meet the standards from the seller. The place where these guarantees are to be filed has been changed to the Office of the Secretary of the CPSC.

Some weavers and textile artists are still not aware that this law may apply to them and that there are severe penalties for violating it. Further information about the FFA may be obtained from the CPSC (1-800-638-2772).

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ACTS

ARTS, CRAFTS AND THEATER SAFETY

ACTS FACTS

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JANUARY FEDERAL REGISTER ITEMS

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ETHYLENE OXIDE STANDARD TO BE AMENDED 53 FR 1724-1737

The Occupational Safety and Health Administration (OSHA) is proposing to amend its Ethylene Oxide (EtO) Standard to include an "excursion limit." The excursion limit is similar to the American Conference of Governmental Industrial Hygienist's (ACGIH's) short term exposure limit (STEL). However, STEL's are dictated by specific toxicological or hazard data. In the absence of such data, both OSHA and the ACGIH use the term "excursion limit" when setting short term limits.

The terminology aside, the proposed new limit is set at 5 parts per million (ppm) averaged over a period of 15 minutes. If the excursion limit is exceeded, employers would be obligated to reduce exposure through use of engineering controls such as ventilation, by work practices, and by the use of respirators when necessary. In addition, employers would be required to establish a written compliance program to achieve the excursion limit, to do exposure monitoring, provide training programs, and

identify regulated areas where airborne concentrations of EtO exceed the excursion limit.

OSHA is requesting comment on whether such an excursion limit is feasible and would reduce the significant risk faced by workers at the current 1 ppm 8-hour permissible exposure limit. Comments must be postmarked by February 22, 1988. There will be a public hearing on the rule on March 3 if it is requested by the public.

It is very likely that this rule will be adopted. In this case, the new regulations place additional restraints on the use of EtO as a fumigant in museums and other institutions.

EDITORIAL COMMENTS

This was a quiet month for the Federal Register. January is commonly quiet since many agencies try to get their notices published before the new year begins.

It is also fortunate for your editor, since I will be leaving on February 4th for my second lecture tour in Australia. I expect to return near the end of the month--in time to read a month's worth of Federal Registers and prepare another ACTS FACTS.

G'day.

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ACTS

ARTS, CRAFTS AND THEATER SAFETY

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FEBRUARY FEDERAL REGISTER ITEMS

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ANOTHER GLYCOL ETHER TO BE STUDIED (53 FR 5932-5953)

Many people are exposed unknowingly to members of a class of solvents called "glycol ethers." These unique chemicals are found in a large number of consumer and industrial products such as latex paints, cleaning products, floor wax strippers, floor finishes, spray cleaners, penetrating oils, metal cleaners, paint removers, and much more. Artists materials found to contain glycol ethers include some brands of printing pastes and inks (including water-based inks), color photochemicals, photo resists, marking pens, spray fixatifs and more.

The glycol ether class of chemicals includes some very simple compounds (e.g. 2-ethoxyethanol) and many more complex ones. The simplest glycol ethers have been tested in animals and are known to damage the testicles, cause birth defects and alter the blood adversely. It is also known that both animals and humans can be exposed to these chemicals when their vapors are inhaled or when they are absorbed through the skin. Protection from them on the job is difficult since they also rapidly penetrate many common glove materials.

The simple glycol ethers now are being regulated by government agencies. As a result, many manufacturers are reformulating their products by replacing simple glycol ethers with more complex members of the same class. Early testing indicates that these complex glycol ethers probably have the same hazards as the simple ones. However, until testing is complete the public and workers will continue to be exposed to them without warning.

On February 26, the Environmental Protection Agency (EPA) published rules for further testing of another complex glycol ether (diethylene glycol butyl ether or DGBE) and its acetate (DGBA). These chemicals are now commonly found in products which used to contain the simple glycol ethers. Although DGBE and DGBA are not as volatile as the simple glycol ethers, the EPA concluded that both general consumers and occupational users of latex paints and cleaning products could be substantially exposed to DGBE and DGBA. Exposure to glycol ethers from other types of products has not been evaluated.

Until more is known about the complex glycol ethers, users of products containing them should at least be informed of their presence and advised about methods of preventing exposure to them. Manufacturers could accomplish this by labeling or by supplying good Material Safety Data Sheets. In addition, glycol ethers should be eliminated from products used by children.

GLAZE INGREDIENT FINDS NEW FOOD USE (53 FR 5765-5766)

Gum Arabic (acacia) is now approved for use at a level of six percent in "quiescently frozen confection products" better known as popsicles and related products. Gum Arabic is already allowed to be present in beverages (2 percent), cake frosting (12.4 percent), hard candy and cough drops (46.5 percent), and soft candy (85 percent). There are many other approved uses and any food is allowed to contain one percent gum Arabic.

Some people are allergic to gum Arabic and inhalation of its dust is known to cause allergies in some industrial workers. And because it is edible, bacteria and fungi will devour it in glazes and paints leaving them contaminated, smelly and hazardous to inhale if they are sprayed. However, it's nice to know there is a common art material ingredient which is safe enough to eat.

SOLVENTS LABELING CHANGES (53 FR 3014-3019)

The Consumer Product Safety Commission (CPSC) announced a revocation of the requirement that substances containing 10 percent or more by weight of benzene, toluene, xylene or petroleum distillates such as mineral spirits or Stoddard solvent carry the warning "If swallowed, do not induce vomiting."

The warning not to induce vomiting was intended to alert physicians to the possibility that patients could aspirate solvent into their lungs thus creating a more immediate threat to life than allowing the solvent to remain in the stomach. However, there are a number of petroleum distillate products which are sufficiently toxic that leaving the product in the stomach presents a risk greater than the risk of chemical pneumonia from aspiration. Examples of such products include wood alcohol, certain paint and lacquer solvents, automotive care products and the like.

The new regulation still requires labels on products containing 10 percent or more by weight of toluene, xylene or petroleum distillates to include the signal word "danger," and the statements: "Harmful or fatal if swallowed," and "Call physician immediately." However, the CPSC now allows the manufacturer to determine the appropriate first aid direction. Some products should retain the warning not to induce vomiting if it is appropriate. Products which are more toxic should be evaluated carefully and specific first aid warnings developed.

Manufacturers of art, craft and theater materials also must reevaluate the toxicity of their solvent-containing products rather than simply labeling them all alike. Determining the correct first aid directions may be especially difficult for products formulated from several ingredients of varying toxicity. It may be necessary to consult toxicologists or other experts for assistance.

COMMERCIAL HEXANE TESTS MANDATED

(53 FR 3382-3395)

The Environmental Protection Agency (EPA) is requiring manufacturers and processors of commercial hexane to perform long term studies on the solvent including cancer, reproductive, developmental, and neurotoxicity tests.

Commercial hexane is a mixture of hydrocarbons most of which are in the six-carbon molecular weight range. It is already well known that one constituent of commercial hexane, n-hexane, is especially toxic to the nervous system. It can cause a disease similar to multiple sclerosis.

Both commercial and n-hexane are used in a number of art, craft and theater products including rubber cement and its thinners, some aerosol spray products, and the like. In many cases, manufacturers should be encouraged to replace hexane with less toxic heptane whenever possible.

SOME BUSINESSES MUST REPORT WASTE DISPOSAL
(53 FR 4500-4554)

The Superfund Amendments and Reauthorization Act (SARA) Title III, also called the Emergency Planning and Community Right-To-Know Act, requires owners and operators of manufacturing facilities (SIC codes 20-39) using toxic chemicals to report releases to the environment of toxic chemicals. Manufacturers of paints, glass and glass products, ceramics, paper products, and wood products are just a few of the covered manufactures.

The rule also requires suppliers of chemical mixtures and trade name products to notify recipients of these products of any toxic chemicals on the Act's list. Toxic chemicals at 1 percent or more and carcinogens at 0.1 percent or more must be identified.

Businesses with less than 10 full time employees are excluded. And amounts of chemicals less than 1000 pounds per year are also excluded from reporting requirements.

To find out if your business must report or for additional information about the regulations contact: Sam K. Sasnett, Deputy Project Coordinator, Emergency Planning and Right-To-Know Hotline, at the EPA, 800-535-0202.

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ACTS

ARTS, CRAFTS AND THEATER SAFETY

ACTS FACTS

Vol. 2, No. 4
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MARCH FEDERAL REGISTER ITEMS

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TOXICITY OF TWO COMMON SUBSTANCES TO BE TESTED

The March Federal Register contain items about two common chemicals which are found in many industrial and consumer products some of which are used in the arts, in theater or in museums. The substances are isopropanol and naphthalene.

ISOPROPANOL or isopropyl alcohol is a common solvent used in printing inks, paints, varnishes, stains, lacquers, textile coatings, and adhesives. Isopropanol is also likely to be found in some consumer products such as hair sprays, liniments, lotions, cosmetics, perfumes, floor detergents, shoe polishes, insect repellents, flea and tick sprays, air fresheners, windshield deicers and cleaners, and polishes. Many medicinal products rely on isopropanol's germicidal properties including rubbing alcohol, a 70 percent isopropanol solution. (Today some products sold as "rubbing alcohol" are actually denatured ethyl alcohol.)

NAPHTHALENE or tar camphor is found in many industrial and consumer products such as carbamate insecticides, cleaning products, synthetic tanning agents, and many miscellaneous products including smokeless powder, cutting fluids, and moth

repellant (moth balls). Naphthalene moth balls are commonly used in large amounts in museums and art storage facilities.

Considering the prevalence of these chemicals in common products it is surprising how little is known about their toxicity as demonstrated in the following items.

ISOPROPANOL: PROPOSED TEST RULE (53 FR 8638-8654)

The Environmental Protection Agency (EPA) is proposing that manufacturers and processors of isopropanol be required to test this substance for toxicity. The EPA has reviewed all available studies of isopropanol and found them insufficient to reasonably predict or determine isopropanol's sub chronic toxicity, long-term effects, cancer-causing potential, reproductive and developmental effects, and nervous system effects.

The proposed rule contains a summary of the available studies on isopropanol including some very limited data on human exposure. For example, a NIOSH study of workers involved in isopropanol manufacture showed an increased incidence of sinus tumors. However, since the workers were also exposed to significant amounts of three other compounds during the process, NIOSH recommended that the entire manufacturing process be regulated as a "cancer hazard process." There are other workplace studies linking isopropanol to cancer, but they all are flawed in some way.

Information on isopropanol's acute toxicity is fairly well studied. On this basis, isopropanol is currently regulated in workplace air at 400 parts per million (the OSHA PEL). If isopropanol is found to be a long term hazard or a carcinogen, the PEL would undoubtedly be changed.

The EPA proposes that manufacturers and processors carry out laboratory tests to study isopropanol's chronic toxicity and its pharmacokinetics (how it is absorbed and metabolized). Written comments on the proposed rule are being solicited. If the rule is adopted, reliable studies on isopropanol will be required.

NAPHTHALENE TOXICITY ASSESSED (53 FR 9138-9141)

On March 21, the EPA announced the results of its assessment of naphthalene's potential toxicity as an air pollutant under the Clean Air Act. EPA concluded that health data on naphthalene is limited in several aspects: 1) the available data are inadequate to determine its cancer-causing potential, 2) the data base concerning exposure of humans via ambient air is virtually nonexistent, and 3) the effects of acute, subchronic and chronic

exposure of laboratory animals is also limited especially with regard to inhalation exposure.

Naphthalene exposures are limited in workplace air at 10 parts per million (the OSHA PEL). However, naphthalene is currently unregulated in outdoor air. Outdoor air sources of naphthalene include emissions from many combustion processes such as coke factories and residential coal and wood burning. It also is released from many industrial and consumer products. Considering its prevalence in the environment, it is surprising how little is known about its effects.

The EPA has concluded that the existing toxicological data are insufficient to warrant regulation of naphthalene emissions at this time. Regulation will be reconsidered as new data is obtained. A study containing data sufficient to determine naphthalene's carcinogenicity is expected to be published by the National Toxicology Program in about a year. The EPA also has added naphthalene to the list of substances for which past, present and prospective manufacturers, importers, and processors are required to provide copies of any unpublished health and safety studies to the EPA.

OMB DOES IT AGAIN
(53 FR 6628-9)

The Office of Management and Budget (OMB) has reviewed the new Occupational Safety and Health Administration's (OSHA) Formaldehyde Standard and has disapproved some of its provisions in accordance with the Paperwork Reduction Act of 1980. Disapproved are the hazard communication requirements including labeling and material safety data sheets. OSHA will continue to enforce these requirements however. This action is consistent with ORB's direction to OSHA and with OSHA's application of the Hazard Communication Standard. All other provisions are approved and in force until they are reviewed in 1991.

If this confuses you, you are not alone. OSHA's "final rules" must still pass a review by ORB before they are approved. If ORB feels too much paperwork is generated for the benefits obtained, they can disapprove the regulation. Even approved provisions are reviewed after a few years.

In this manner, sections of the OSHA Hazard Communication Standard and the Formaldehyde Standard have been disapproved in the last few months. It would appear that the provisions will still be enforced while OSHA determines a method of reducing the amount of paperwork involved in the disapproved provisions.

NEW MACHINE GUARD APPROVED
(53 FR 8322-8365)

OSHA is amending its standard for mechanical power presses to allow (but not require) presence sensing device initiation (PSDI) on certain types of power presses. This revision allows a presence sensing device to initiate a stroke of the press automatically when the operator's body is out of the danger zone.

This system may replace some of the dual palm buttons and foot pedal systems which require direct body contact to initiate the stroke. Examples of such systems are commonly found on automated paper cutters used in some graphic art and print shops, and metal stamping presses used in some industrial arts and sculpture processes. PSDI is considered suitable for manually-fed operations such as these.

For further information and copies of the PSDI standard, contact: U.S. Department of Labor, OSHA, Office of Publications, Room N-3101, Washington, DC 20210 (202) 523-9667.

REVIEW OF d-LIMONENE CANCER STUDY SCHEDULED
(53 FR 7980-2)

The National Toxicology Program's (NTP) Board of Scientific Counselors announced a meeting to review draft reports on a number of chemicals next month. One of the chemicals to be reviewed, d-limonene, is in use by many artists. It is sold as an oil painting and brush cleaning solvent under names such as Citrus Turps and Grumtine. Derived from citrus rind oils and other plant sources, it also functions as a natural pesticide or insect repellant.

The summary of the data in the study indicates that d-limonene shows no evidence of carcinogenicity in female rats or in mice of both sexes. However, clear evidence of carcinogenicity is seen in male rats.

Although d-limonene is acutely toxic by definition (oral LD50 in rats is 4.4 grams/kilogram), it is used in small amounts in foods as a flavor. For this reason, the tests will probably be carefully assessed. ACTS FACTS is obtaining a copy of the report and will keep you informed.

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ARTS, CRAFTS AND THEATER SAFETY

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APRIL FEDERAL REGISTER ITEMS

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A DYE REMOVED FROM TOXIC CHEMICALS LIST (53 FR 12035-12037)

The EPA (Environmental Protection Agency) is considering granting a petition to remove Acid Blue 9 and its salts (diammonium and disodium) from the list of toxic chemicals under section 313 Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. This would mean that releases of this chemical to the environment would not have to be reported to the EPA.

A short evaluation of its toxicity indicates that Acid Blue 9 has low acute toxicity, does not exhibit mutagenic activity (in the Ames test), does not cause cancer in animals, and is not acutely toxic to fish. The EPA does have some concern about its long term effect on fish and other aquatic animals, however.

In this country, three large manufacturers produce Acid Blue 9 in technical and food grades. Besides being used to color food and some consumer products, it has several uses of interest to artists including its use as a paper dye, wool and leather dye, and ink component. It certainly would seem that this dye should be substituted for more toxic dyes whenever possible.

CHEMICALS USED IN AIR-CONDITIONING MAY BE INVESTIGATED
(FR 53 15428-15432)

The EPA is proposing to require reporting by makers and importers of phosphonic acid, also called EDTMPA, and its many salts in order to monitor the manufacture, import and end uses of the chemicals. The chemicals are used primarily in industrial water treatment and electroplating although consumers may be exposed through their use in detergents, medical diagnostic tests, and from mist expelled from cooling towers and from improper cooling system installation and maintenance.

The available information on phosphonic acid and its salts suggests that humans exposed to the substance may be at risk of developing bone cancer, non-neoplastic bone disease, metabolic disturbances, or blood changes.

Last month (March 29, 1988) the EPA proposed to ban use of another group of comfort cooling tower (air-conditioning) chemicals (hexavalent chromium chemicals) because of their cancer-causing potential (53 FR 10206-10221).

People living and working in buildings with central air-conditioning should be aware that faulty systems may introduce such chemicals into the air. In addition, phosphonic acid and other toxic boiler water additives could be introduced into the air if boiler steam is used for humidification. Skilled maintenance personnel and frequent monitoring of air-conditioning, ventilation, and humidification systems is crucial to prevent such occurrences.

NEW TEST STANDARDS
(53 FR 12102-12125)

OSHA is deleting the names of Underwriters Laboratories Inc. (UL) and Factory Mutual Research Corporation (FMRC) in 23 testing-related standards in the general industry standards (29 CFR 1910). Instead, the term "nationally recognized testing laboratory" (NRTL) will be substituted.

This ruling is made to answer claims by other testing laboratories that they have suffered economic losses due to the situation.

OSHA also defines NRTL in this ruling. Companies wishing to become NRTLs approved to test certain workplace equipment and materials will need to apply and be recognized by OSHA.

ETHYLENE OXIDE STANDARD AMENDED
(53 FR 11414-11438)

The Occupational Safety and Health Administration (OSHA) has amended its Ethylene Oxide (EtO) Standard to include an "excursion limit." The excursion limit is similar to the American Conference of Governmental Industrial Hygienist's (ACGIH's) short term exposure limit (STEL). However, STEL's are dictated by specific toxicological or hazard data. In the absence of such data, both OSHA and the ACGIH use the term "excursion limit" when setting short term limits.

The terminology aside, the proposed new limit is set at 5 parts per million (ppm) averaged over a period of 15 minutes. If the excursion limit is exceeded, employers must reduce exposure through engineering controls such as ventilation, by work practices, and by the use of respirators (air supplied) when necessary. In addition, employers must establish a written compliance program to achieve the excursion limit, to monitor exposure, provide training programs, and identify regulated areas where airborne concentrations of EtO exceed the excursion limit.

The excursion limit amendments do not effect the standard's current 1 ppm 8-hour permissible exposure limit. The new regulations place additional restraints on the use of EtO as a fumigant in museums and other institutions.

NEW RULES FOR MACHINERY REPAIR AND MAINTENANCE
(53 FR 15496-15528)

OSHA (the Occupational Safety and Health Administration) is proposing to amend the general industry standards (29 CFR 1910) in order to supplement and support the existing lockout and/or tagout related provisions. These provisions provide for the safe repair and maintenance of large machinery which are connected to any energy source including electrical, mechanical, hydraulic, pneumatic, chemical, or thermal, which is capable of causing injury to employees.

The new provisions would not apply to small plug and cord machinery for which OSHA expects that "effective" control measures would be used. Such effective measures would include unplugging the machine and placing the cord by the side of the person repairing the machine or at least in a place that is easily seen from the work area. Further, if any stored energy is present in the system, it must be relieved or restrained before starting work on the equipment.

ADDITIONAL APRIL ITEMS IN BRIEF

The Department of Housing and Urban Development (HUD) proposes (53 FR 11164-1174) to amend their lead paint rules for public and Indian housing to require elimination of lead paints from all interior and exterior painted surfaces and to change the construction cut-off dates to 1978 for other HUD programs including certain FHA Single Family and Multifamily Housing Programs. Housing built before 1978 would be subject to inspection for defective painted surfaces. If adopted, considerable amounts of paint removal would be mandated. HUD's standard (published Jan 15, 1987) also includes very specific directions for safe lead paint removal procedures including prohibiting the use of machine sanding and propane torches because of the additional hazards these methods create.

HUD also published a final rule which prohibits HUD mortgage insurance or assistance to newly constructed residential property which contains a drinking water system, unless the system uses only lead-free pipes, solder, and flux. This rule and many other federal and local regulations prohibiting the use of lead materials in potable water systems have resulting in increased availability of lead-free solders and fluxes for use by artists.

The Occupational Safety and Health Administration (OSHA) published a notice (53 FR 11511-11513) that it intends to reopen part of the Lead Standard to consider the feasibility of including the nine previously exempted industries including the lead chromate pigments industry and non-ferrous foundries.

The Environmental Protection Agency (EPA) proposes (53 FR 14026-14952) not to revise the National Ambient Air Quality Standards for sulfur dioxide. EPA is, however, soliciting comments on a proposal to add a 1 hour standard (of .4 ppm) to the already existing 24 hour and 3 hour standards. Sulfur dioxide is one of the major pollutants implicated in acid rain and a number of health problems. It is also produced by many art and craft processes including kiln firing and photographic developing.

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ACTS

ARTS, CRAFTS AND THEATER SAFETY

ALERT

SPECIAL A.C.T.S. BULLETIN

MAY 13, 1988

ARSENIC FOUND IN HISTORIC TEXTILES

by Monona Rossol

Textile conservators and other handlers of deteriorating fabrics often report that dust associated with these materials may contain hazardous substances including mold and mildew spores, irritating fiber particles, pesticides and more. A recent analysis indicates that at least one type of fabric dust may also contain arsenic.

University of Wisconsin researcher, Merrill Horswill, found significant amounts of arsenic (in the range of .2 percent) in 30 weighted silk costumes made between 1850 to 1930. Ms. Horswill is a PhD candidate and Project Director for a Stella Blum Research Grant sponsored by the Costume Society of America. Her project was designed to find antioxidants to retard the aging of textiles and the arsenic findings were unexpected.

Ms. Horswill is now attempting to determine whether the arsenic is present as the result of pest control treatment, application of arsenic-containing silk weighting chemicals or some other source.

Although arsenic's hazards are well known, a new toxicological profile for arsenic is being issued by the U.S. Public Health Service. It succinctly characterizes arsenic's systemic toxicity and potential for causing cancer especially in the liver, bladder, kidney, and lung. It also notes that skin contact with inorganic arsenic also can cause a number of skin abnormalities which may increase the risk of skin cancer.

The presence of arsenic in weighted silk points up the general need to prevent exposure to all textile dusts. Some suitable precautions include wearing light rubber or plastic gloves, good personal hygiene, use of protective lab coats or smocks (and hair covering if necessary), isolation of the work from eating and living areas, and working in specially ventilated areas or wearing respiratory protection. Ideally, work on deteriorating arsenic-containing fabrics should be done in fume hoods or similar local exhaust systems.

For further information contact: Merrill Horswill at 608/756-0235, or Monona Rossol, ACTS, 212/777-0062.

ACTS

ARTS, CRAFTS AND THEATER SAFETY

ACTS FACTS

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MAY 1988 FEDERAL REGISTER ITEMS

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EDITORIAL

OSHA HAZARD COMMUNICATION STANDARD STAYED

Monona Rossol

On May 26, I spoke at the Western New York Safety Conference in Buffalo New York. One of the other speakers was James W. Stanley, Regional Administrator of OSHA Region II. Some of what he had to say is important to artists and crafts people.

Mr. Stanley's comments were timely since the court had just stayed the OSHA Hazard Communication Standard--only days before the May 23 deadline for compliance. It is Mr. Stanley's opinion that the stay will not be in effect long and that a new deadline will be in place soon. However, this gives many art, craft, and theater schools and businesses more time to comply.

Achieving compliance generally means preparing a written hazard communication program, doing an inventory of all potentially hazardous chemicals in the workplace, obtaining material safety data sheets on all these products, ensuring that all potentially hazardous chemicals are properly labeled, making all this information accessible to employees, and formally training all employees who may be exposed to these chemicals.

While all these provisions may seem complex, Mr. Stanley pointed out that the basic intention of the law is to insure that employees really know the hazards of their materials and know how to work safely with them. If an OSHA workplace inspection shows that employees are working safely with full knowledge of the hazards of their materials, OSHA would cite only less crucial technical violations for HCS provisions not fulfilled.

However, compliance with the paperwork HCS provisions for most art-related facilities should not be too difficult. ACTS has a written HC program that it has adapted to art museum and theater facilities would be happy to talk to those interested in achieving compliance.

COMMERCIAL HEXANES ANALYZED

(53 FR 19315-6)

In the processes of determining the composition of commercial hexane formulations for toxicity testing, the EPA found that the minimum amount of n-hexane in commercial hexane usually is between 51 and 55 per cent. This means that the highly neurotoxic n-hexane isomer is present in large amounts in products using the commercial mixtures such as most rubber cements and their thinners, many spray adhesives and other hexane-containing aerosol products.

OSHA EXTENDS COMMENT TIME ON LEAD STANDARD CHANGE

(53 FR 16731-2)

OSHA responded to requests from industry to provide additional time to prepare comments on the feasibility of applying the lead standard to nine industries currently exempt. Exempted industries include non-ferrous foundries such as bronze casting art foundries.

The deadline for comments was extended from May 9 to May 23, 1988. By this time, all comments should have been received and the rulemaking is in progress.

If the standard is extended to non-ferrous foundries, art casting facilities may be responsible for monitoring exposed employees, air sampling, medical surveillance and other Lead Standard provisions. ACTS FACTS will keep you informed.

CHINESE CHINA TO BE CHECKED BY CHINESE

(53 FR 17764-6)

The Food and Drug Administration (FDA) announced it has entered into an understanding with the State Administration of Import and Export Commodity Inspection of the People's Republic of China. The agreement's goals are to: 1) establish certification requirements for ceramicware intended for use with food which is exported directly to the US from China via Hong Kong, and 2) minimize the need for extensive FDA auditing of these food-related products for lead and cadmium release.

At present the FDA must test considerable quantities of Chinese ceramic ware at ports of entry. The agreement details the plans to reduce FDA testing by relying instead on Chinese testing and certification. The sampling and test methods used by the Chinese would be the same as those required by FDA for ceramics produced in the US.

Further information about this complex agreement can be obtained from Nate Geary, Intergovernmental and Industry Affairs Staff (HFC-50), FDA, 5600 Fishers Lane, Rockville, MD 20857, 301/443-1582.

TOY RULES CHANGE

(53 FR 19281-2)

The Consumer Product Safety Commission (CPSC) announced that it has reinterpreted its regulations on toys and other articles intended for use by children under the age of three that have small parts made of paper, fabric, yarn, fuzz, elastic and string. Now such parts will have to meet the same tests that toy parts of solid materials must meet. The tests determine if the parts could cause harm if they are pulled off and accidentally swallowed by children. Small components made of paper are banned.

Because CPSC previously told manufacturers that testing for such parts was not necessary, enforcement of the new regulation has been stayed until May 23, 1989 to allow time for industry to comply.

Artists or craftspeople making stuffed or fabric toys should be aware of the new interpretation and obtain further information from Robert Poth, Director, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, CPSC, Washington, DC 20307, phone: 301/492-6400.

HEALTH ASSESSMENT INFORMATION ON URETHANE ENAMEL
(53 FR 18196-18214)

The Interagency Testing Committee (ITC) in its Twenty-second Report recommended that EPA give priority consideration to certain chemical substances and add them to the Toxic Substances Control Act Health and Safety Data Reporting Rule. One of these chemicals--hexamethylene diisocyanate or HDI--is of interest to those using urethane paint or enamels.

HDI is used as a curing agent in the formulation of polyurethane paint systems for automobile refinishing, industrial maintenance, marine coatings, and other high performance coating systems. It also is available to general consumers for these uses.

Unlike some other urethane curing agents (MDI and TDI), HDI is still unregulated (there is no OSHA permissible exposure limit), yet it is known to be extremely hazardous. In 1978, NIOSH (National Institute for Occupational Safety and Health) recommended a 10-minute short term exposure level for HDI (.02 parts per million) beyond which irreversible health effects are known to occur.

In its rationale for placing HDI on its priority list, the ITC included data from a study conducted to determine the hazard to consumers using this kind of paint. In this study, a two part HDI-containing polyurethane enamel was used in a controlled area simulating a workshop/garage. The product was sprayed on a metal bookcase. Testing showed the level of airborne HDI during the operation was almost 300 times the NIOSH recommended limit.

Those using coating systems containing the unregulated HDI should be aware that they may not be labeled with sufficient warnings. In fact, this research further emphasizes ACTS' contention that all two component urethane systems should be used only in local exhaust systems such as a spray booth.

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ARTS, CRAFTS AND THEATER SAFETY

SPECIAL A.C.T.S. BULLETIN

June 1988

EPA ASBESTOS SUBSTITUTE DOCUMENT AVAILABLE

ACTS has obtained through a Freedom of Information Request a copy of a 251 page document called "Health Hazard Assessment of Nonasbestos Fibers" by Vanessa T. Vu, Ph.D. from the Health and Environmental Review Division, Office of Toxic Substances, US Environmental Protection Agency. April, 28, 1988, Final Draft.

Although its cover states that it is a "Final Draft," The Wednesday, June 1, 1988, Federal Register (53 FR 19945-6) extended the comment period on the document to June 30. The EPA presumably will consider these comments in any changes it may make in the draft. ACTS assumes, however, that no major changes will be made the document. Those wishing to receive an update on this report as soon as it is published should write ACTS and enclose a self-addressed, stamped envelop.

This draft shows that the hazards of the fibers appear to be related to various factors including respirability (inhalability), fiber length (fibers longer than 5 microns being more hazardous), diameter (fibers finer than 3 microns being more hazardous), fiber retention (how hard it is for the lungs to remove the fibers or dissolve them), chemical composition, surface properties, and more. All of these factors are not completely understood and in most cases, the report recommends further studies on these fibers.

The report has used available data to classify a number of asbestos-substitute fibers with regard to their ability to cause cancer and fibrotic lung diseases (lung scarring diseases similar to silicosis). The following is a summary of these classifications.

FIBROUS GLASS

Three types of fibrous glass are discussed: fine fibrous glass; glass wool; and continuous glass filament. Both fine fibrous glass and glass wool are respirable and fine enough to cause cancer in animals. Studies of exposed workers also indicate that the glass fibers are hazardous. On the basis of the available information, the report classifies these fibers as "possible human carcinogens" (EPA category C) and "possibly fibrogenic in humans."

However, both fine fibrous glass and glass wool are considered less biologically and pathogenically hazardous than asbestos. More studies are recommended to better assess these hazards.

Continuous glass filament, on the other hand, is not classifiable (category D) due to inadequate evidence of carcinogenicity and may be considerably less hazardous due primarily to a larger fiber diameter.

MINERAL WOOL

Rock, slag and basalt wools are classified as "probable human carcinogens" (category B1). Studies show that mineral wool workers are at increased risk of respiratory cancers and other lung problems. However, mineral wools are considered less biologically and pathologically active than asbestos.

CERAMIC FIBERS

Aluminum silicate, aluminum oxide and zirconia fibers are all considered. Aluminum silicate fibers are classified as "probable human carcinogens" (category B2) and "may be fibrogenic in humans." The data is not complete enough to compare the hazards of these fibers to asbestos and more studies are recommended.

Aluminum oxide and zirconia fibers are "not classifiable" (Category D) on the basis of inadequate evidence of carcinogenicity in animal studies and the absence of human data.

ERIONITE

This naturally-occurring non-asbestos mineral is classified as a "probable human carcinogen" (category B1) and "potentially fibrogenic in humans." The EPA considers it "at least as hazardous as asbestos."

WOLLASTONITE

This naturally-occurring mineral is used extensively in ceramics, insulation, and brake linings. There are not enough studies to determine if it causes lung scarring in humans, but laboratory studies indicate it is likely that wollastonite "may be considerably less fibrogenic than asbestos." Animal studies are conclusive enough to classify wollastonite as a "possible human carcinogen" (category C).

ATTAPULGITE

Attapulgite is a fibrous clay mineral with many properties in common with bentonite. It was first identified in a Fuller's earth from Attapulgite, Georgia, where it is still mined. Its fiber size and shape can vary greatly depending on where it is mined (US, France, Spain are largest producers). However all fiber types are of respirable size.

The carcinogenicity of attapulgite may depend on fiber length. The short fibered commercial deposits in the US may be considered less hazardous than asbestos. In contrast, long fibered attapulgite from Spain and the UK may be categorized as a

"probable human carcinogen (category B2)" whose hazards are comparable to chrysotile and crocidolite asbestos. Long fibers also may cause the development of lung fibrosis in humans.

ARAMID

These synthetic plastic (aromatic polyamides) fibers are used primarily in insulation, thermal protective clothing and friction products. The two types of aramid fibers produced in the US, Kevlar and Nomex.

Kevlar ultra fine fibers may be classified as "probable human carcinogens" category B2) and potentially fibrogenic. But this type of fiber is not commercially available. Commercial grade Kevlar has a much lower hazard due to its larger fiber size and may be classified as a "possible human carcinogen (category C)." Commercial Kevlar may present a greater health hazard if respirable fibers are generated on abrasion. A low fibrogenic effect has also been demonstrated for commercial Kevlar pulp.

Nomex does not appear to pose a significant hazard because its fibers are mainly non-respirable.

OTHER FIBERS

Carbon fibers and polyolefin fibers were also studied in the report, but artists are not likely to be exposed to them.

SUMMARY

Ceramicists, sculptors, and other artists working with minerals and asbestos substitutes should be aware that asbestos is not the only fiber which may cause serious lung diseases and cancer. To protect themselves, artists should:

- 1) Routinely require both chemical and mineral analyses of naturally occurring mineral products. Similar information on manufactured fibers should be solicited from sources other than the manufacturer or supplier of the fiber. Reports such the one discussed above are an example of such a source.
- 2) Eliminate products that are as toxic as asbestos, and find substitutes for other less toxic fibrous products when possible.
- 3) Practice scrupulous hygiene and dust control when using all substances, especially those containing fibrous material.

For additional information or instructions on how to obtain a copy of the report, call or write Monona Rossol, ACTS, 181 Thompson St., #23, NYC 10012. 212/777-0062.

ACTS

ARTS, CRAFTS AND THEATER SAFETY

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JUNE 1988 FEDERAL REGISTER ITEMS

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EPA DOCUMENT INDICTS SOME ASBESTOS SUBSTITUTES

(53 FR 19945-19956)

The public comment period was extended on a number of documents related to asbestos and asbestos-substitutes. The information contained in one of these documents assesses the hazards of asbestos substitutes commonly used by artists and craftspeople including fiber glass, mineral wool, ceramic fiber, wollastonite, attapulgate, and aramid synthetic fibers.

In general, most of these substances appear to be cancer-causing if their dust particle fibers are very thin and fine. For a more detailed information, call or write ACTS.

LEAD-FREE SOLDER REQUIRED FOR MOBILE HOMES

(53 FR 23610-23611)

The Department of Housing and Urban Development (HUD) has extended the lead solder ban for potable water pipes to manufactured (mobile) homes. As more and more uses for the lead-free solder are required, stained glass workers, jewelers, and other artists will find it easier to obtain for other uses.

PELS TO BE UPDATED AT LAST

(53 FR 20960-21393)

The OSHA (Occupational Safety and Health Administration) has finally proposed to update its existing workplace air contamination standards (the Permissible Exposure Limits or PELs). OSHA has reviewed the health evidence for 408 substances and proposed to change PELs for 101 substances, set PELs for 205 substances currently not regulated by OSHA, and add or change short term exposure limits (STELs) for 70 substances, and make other changes such as set skin contact limits and ceiling limits.

In addition to reviewing the health evidence, OSHA also reviewed extensive amounts of information to make sure the new limits were feasible. To assist in these analyses, OSHA utilized primarily exposure limits recommended by NIOSH (National Institutes for Occupational Safety and Health) and the ACGIH (American Conference of Governmental Industrial Hygienists).

Overall, the changes will bring the PELs much closer to the ACGIH recommended limits. Since the ACGIH limits have been the most widely accepted ones, the proposed PELs would be more consistent with accepted industrial hygiene practice.

The 433 page proposed rule, published in the June 7, 1988 Federal Register, also contains summaries of the hazards of each chemical and the rationales for the changes. Readers interested in any proposed changes or information about the particular chemicals they use may contact ACTS FACTS for this information. Be specific and enclose a self-addressed stamped envelope.

ARSENIC PESTICIDES BANNED

(53 FR 24787-24796)

The EPA (Environmental Protection Agency) announced its final decision to cancel registrations and deny applications for all non-wood use pesticide products that contain inorganic arsenic compounds except for a few agricultural uses, ant control (in sealed metal containers, and mole and gopher control. This action is based on the assessment of the cancer risk and accidental ingestion risk to users and children.

Museum workers, taxidermists, or conservators who still use arsenic should be reminded that it is against the law to use pesticides in ways not specified by regulations.

LABOR STANDARDS FOR NEA/NEH FUNDED PROJECTS

(53 FR 23540-23544)

The DOL (Department of Labor) is revising regulations (29 CFR 505) to extend the labor standards now applicable to professional performers and related or supporting professional personnel employed on projects funded by the National Endowment for the Arts (NEA) to those funded by the National Endowment for the Humanities (NEH) as well. In addition, DOL is broadening the definition of "amateur" to include those performers and supporting personnel who may receive reimbursement for expenses.

NEA and NEH funded groups must compensate performers at a proscribed level, provide certain fringe benefits, and meet mandated health and safety requirements or they could lose their grants for up to three years.

Regarding the safety standards, the regulation reads: "Compliance with the safety and sanitary laws in the State in which the performers or part thereof is to take place shall be prima facie evidence of compliance. The applicable health and safety standards shall be those set forth in 29 CFR 1910 and 1926, including matters incorporated by reference therein."

ACTS is aware of many NEA/NEH funded projects which do not meet these standards. For example, few if any productions comply with state or federal hazard communication regulations. Compliance requires that there be a written program, a complete chemical inventory, Material Safety Data Sheets on all products, and formal training of all the workers who may conceivably come in contact with the products.

All projects involving performers and supporting personnel, whether NEA/NEH funded or not, should implement such programs and meet all other state and federal health and safety standards.

TITANIUM WHITE DELETED FROM TOXICS LIST

(53 FR 23108-23112)

The EPA is deleting titanium dioxide, a common white paint pigment, from the list of toxic chemicals for which reports are required when they are dumped. This was done after a review health and environmental effects showed sufficient evidence that titanium dioxide can not reasonably be expected to cause significant adverse effects in humans at levels likely to exist near waste sites. However, there was some evidence that high exposures in the workplace may cause some effect on the lungs. (note: OSHA proposes to regulate Titanium dioxide at new nuisance dust levels--see item above on updating PELs).

NEW CONCRETE AND MASONRY SAFETY STANDARDS

(53 FR 22612-22646)

Construction and building restoration workers should be aware that OSHA has revised the safety standards for Concrete and Masonry Construction (formerly Concrete, Concrete Forms, and Shoring, Subpart Q-29 CFR 1926). The new rule is intended to correct ambiguities, redundancies and gaps in the old rule.

Further information can be obtained from ACTS or from Mr. James Foster, Office of Information and Consumer Affairs, OSHA, Room N3647, US DOL, 200 Constitution Ave, N.W., Washington, DC 20210. 202/523-8148.

RULES FOR LEAD PAINT REMOVAL IN PUBLIC HOUSING

(53 FR 20790-20806)

The Department of Housing and Urban Development (HUD) published its final rules on Lead-Based Paint Hazard Elimination for public and Indian housing. Of interest to craftspeople and restoration workers are the prescribed abatement methods.

Wall board or permanent wall coverings are suggested when residents may be exposed to lead during abatement work. If paint is removed, only certain techniques are allowed including scraping, heat treatment (infra-red or coil type heat guns), or chemicals. Machine sanding and open flame methods (e.g. propane or gasoline torches) are not permitted because of the large amounts of lead dust and fume they generate.

However, precautions are necessary during all abatement procedures since scraping and heat guns also produce significant amounts of lead dust or fume, and chemical treatment releases toxic solvent vapors. Other abatement precautions include taping off the work area, providing negative pressure ventilation, wearing respiratory protection, and practicing good hygiene.

LEAD SHOT RESTRICTED

(FR 53 24284-24294)

Lead shot will be prohibited for the shooting of migratory birds in more areas of the country this year. The lead poses an unnecessary risk of poisoning and death to wildlife when the spent shot is consumed from lakes and land. Craftspeople and hobbyists who make their own lead shot and bullets may wish to consider switching to more environmentally safe alternatives.

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OSHA TO ENFORCE HAZARD COMMUNICATION STANDARD

(FR 53 27679)

OSHA (The Occupational Safety and Health Administration) has

given notice that beginning August 1, 1988, it will check for compliance with the Hazard Communication Standard (HCS) in all programmed inspections of non-manufacturing workplaces. The standard has been in effect since June 24, but was unenforced.

The HCS was instituted for the manufacturing sector in 1983 and was revised and extended in August of 1987 to include the non-manufacturing sector. Enforcement of both HCS rules means that essentially all employers (except those in the construction industries) will have to meet the provisions of this "Right-to-Know" regulation.

Compliance includes producing a written HC program, inventorying and properly labeling all toxic workplace chemicals, obtaining Material Safety Data Sheets on all hazardous products, making all HC information readily available to employees, and formally training all exposed or potentially exposed employees about the hazards and suitable precautions.

Copies of the Standard can be obtained from your local OSHA office. ACTS will be happy to answer any questions you may have about compliance.

FDA TO GET THE REDS OUT

(FR 53 26766-70, 26831-88, 25127, 25213)

Four cancer-causing dyes (D & C Red No. 8, D & C Red No. 9, D & C Orange No. 17, and D & C Red No. 19) are being removed from the list of approved drug and cosmetic dyes. This action was taken after the U.S. Court of Appeals for the District of Columbia upheld the Delaney clause of the Federal Food, Drug and Cosmetic Act which bars the use of carcinogenic additives.

The FDA knew of the cancer-causing potential of these dyes, but approved them because they felt that the risk to humans would be extremely low at the doses used in ingested drugs and cosmetics. However, the Delaney clause of the act does not allow for even trivial risk to humans from additives.

In addition, provisional listing of three other dyes (F, D & C Red No. 3, D & C Red No. 33, and D & C Red No. 35) has been postponed until August 31. The safety of these dyes may also be in question. For example, the Certified Color Manufacturers Association states that the hormonal effects of D & C Red No. 3 works through a secondary effect to cause thyroid cancer in animals.

Some red and blond semi-permanent hair dyes may also be jeopardized since a major component (2-amino-5-nitrophenol) has shown some evidence of carcinogenicity in a new animal study released by the National Toxicology Program. 2-Amino-5-nitrophenol is also used in the manufacture of C.I. Solvent Red 8 which is used for synthetic resins, lacquers, and wood stains.

Art, craft and theater workers using products containing these various red and orange dyes may be unaware of their presence because they have many names. For example, F, D & C Red No. 3 can also be called D & C Red No. 3, Color Index (C.I.) Food Red 14, and C.I. Acid Red 51. Its pigment form (lake) can be called C.I. Pigment Red 172.

Users should be especially suspicious of dyes which are called "food dyes." Many C.I. Food dyes are not approved for use in food because they are known to cause cancer in animals. In general, dyes and pigments are likely to be hazardous and should always be treated with care.

ETHYLENE OXIDE STANDARD AMENDMENTS APPROVED

(53 FR 27959-60)

The last of the amendments to the Ethylene Oxide (EtO) Standard have been approved, especially those associated with the 5 parts per million excursion limit (a short term exposure limit) added last April.

Museums personnel and others using EtO should be sure they are in compliance with these and all provisions of the Standard. Copies of the standard can be obtained from your local OSHA office.

PYRO CHEMICALS FOUND MORE HAZARDOUS

(53 FR 27452-7)

The Bureau of Alcohol, Tobacco and Firearms is proposing to amend the rules regarding the storage of fireworks as the result of recent tests on certain stored fireworks explosive materials. These tests were done in May of 1985 by the Bureau of Mines. They showed that special fireworks explosive materials are more sensitive to an accidental explosion than previously believed.

Some of the proposed amendments to the regulation (27 CFR Part 55) may affect the use of pyrotechnics in the theatrical and motion picture industry. They include limits on the amounts of flash powder and other explosive materials which may be kept outside of an approved magazine, and the type of holding building and/or distance at which flash powder and explosive materials may be held.

PARTIAL STAY EXTENDED ON ASBESTOS STANDARD

(53 FR 27345-6)

The Asbestos, Tremolite, Anthophyllite and Actinolite Standard has been partially stayed since June, 1986. Now the stay has been extended to July 21, 1989 to allow OSHA to continue to collect and analyze data. The stay leaves the asbestos-related minerals (tremolite, anthophyllite and actinolite) unregulated. OSHA has proposed to regulate these minerals as strictly as asbestos.

The stay will result in continued availability of art and craft products containing the hazardous asbestos-related minerals. These products include materials containing ceramic talcs such as low fire casting slips and many other slips, clays, and glazes, vermiculite (e.g. W.R. Grace vermiculite mined in Montana), some soapstones and steatites, some French chalks, many parting powders, and much more.

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AUGUST FEDERAL REGISTER ITEMS

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DEADLINE FOR SCHOOL ASBESTOS PLAN DEFERRED

(53 FR 29210-3)

The EPA (Environmental Protection Agency) has given schools (Local Education Agencies or LEAs) an opportunity to delay submission of their asbestos management plans until May 9, 1989. Schools must submit referral requests to their respective state agencies by October 12, 1988.

To obtain deferrals, LEAs must have carried out previous requirements to notify all groups affected by potential asbestos exposure (e.g. parents, teachers, and employees), and, in the case of public schools, held a public meeting to discuss the school's asbestos survey results.

The notice carries a list of the State Offices which may be contacted for applying for the deferrals or for obtaining a copy of the notice. Copies may also be obtained from ACTS.

FURTHER HCS INFO
(53 FR 29822-29856)

OSHA published a request for further comment on the Hazard Communication Standard which included an appendix which clearly defines the employer's duties in establishing a program. This appendix, and two pamphlets (OSHA Publication No.'s 2254 and 3084) are recommended by ACTS for all those wishing to comply with the HCS. The pamphlets can be obtained from your local OSHA office and a copy of the appendix is available free from ACTS.

RULES ON PROTECTION OF THE OZONE LAYER PUBLISHED
(53 FR 30566-30602, 30603-30619)

The EPA (Environmental Protection Agency) published a rule limiting production and consumption of freons (chlorofluorocarbons or CFCs) and halons (brominated compounds) to reduce the risk of stratospheric ozone depletion.

Use of freons already has been restricted in aerosols but they still are used as refrigerants, sterilizers, and as solvents (especially to clean electronics parts). Both freons and halons are used as blowing agents in rigid and flexible plastic foams. Halons are used to extinguish fire.

Art, theater and museum workers use some of these chemicals in special ways. Photographers use freons in spray cans to blow dust off prints. In theater and film work, Freon 12 is used as a special effects fog and/or fog propellant. Some museum workers fumigate materials with ethylene oxide which is diluted with freon. And many art galleries and museums use halon deluge fire-extinguishing systems.

The new EPA rule freezes production and consumption of freons (Freon 11, 12, 113, 114, and 115) at 1986 levels, and thereafter requires a phased reduction to 80 percent and 50 percent of 1986 levels by mid 1993 and 1998 respectively. Production and consumption of halons (Halon 112B1, 1301, and 2402) must be frozen at 1986 levels by 1992.

These regulations are in response to US ratification of an international agreement to curb production of freons and halons, called the Montreal Protocols. By signing this agreement, the US has joined more than 36 other nations in restricting the production and use of these chemicals. (More nations are expected to sign.)

The EPA also published a proposed rulemaking to eliminate any incentive for companies to delay reduction of their quotas in order to make windfall profits on sales of dwindling supplies.

In addition, this proposal calls for public comment on suggestions to further reduce freon and halon use. Included are proposals that hospitals send materials off-site for sterilization to facilities which specialize in fumigation. They estimate a 5 percent reduction in the use of freon-diluted ethylene oxide in these more efficient facilities. This suggestion also could be applied to many museums which do on site fumigation.

The EPA also believes that alternatives such as cobalt and gamma irradiation may be suitable alternatives to ethylene oxide-freon mixtures. These methods and others such as freezing and carbon dioxide fumigation currently under investigation for use in museums.

Substitutes for Halon 1301 total flooding fire extinguishing systems for libraries, museums, and art galleries are not likely to be found. However, the EPA estimates that only 25 percent of the halon is emitted to fight an actual fire. All other emissions are from accidental discharges, training procedures, and testing. The EPA expects unnecessary emissions to be voluntarily reduced or eliminated by several methods including use of alternative test gases during discharge testing.

It is clear that art, theater and museum workers' use of freons and halons will be affected in the future by these proposals.

NEW PROPOSED DRINKING WATER REGULATIONS

(53 FR 31516-31578)

The EPA (Environmental Protection Agency) is proposing to set goals for lead and copper in drinking water. The primary (source) water goal for lead is zero and the goal for copper in 1.3 milligrams per liter (mg/l). The goals for treated water entering the drinking water system is 0.005 mg/l for lead and 1.3 mg/l for copper.

To meet these goals, the EPA is planning procedures to control corrosion of pipes, replace of lead pipes and solder, and many other methods of reducing metal contamination.

TESTS OF LEAD PAINT REMOVAL METHODS PLANNED

(53 FR 32701-2)

The Department of Housing and Urban Development (HUD) is announcing a demonstration project to test, evaluate, and determine the cost-effectiveness of a number of methods for abating lead-based paint in residential properties. This project is part of a larger program to develop a plan to inspect and abate lead in privately owned housing. Abatement is already required in Public and Indian Housing, certain FHA Single Family and Multifamily Housing Programs, and some other HUD-associated programs.

Approximately 20 different methods and materials will be tested including types of paint removers, encapsulation (covering) methods, and replacement of the painted materials. HUD also may test some methods currently not permitted by HUD regulations such as sanding and other abrasive methods provided appropriate safety measures can be implemented during testing.

The demonstration project will begin in October and is expected to be completed in December 1989 at which time HUD should be able to make recommendations for good, safe and economical lead abatement procedures.

TWO RED DYES APPROVED FOR DRUGS AND COSMETICS

(53 FR 29024-32, 33110-21)

Two red dyes, D&C Red No. 33 and 36, have been permanently listed by the FDA (Food and Drug Administration) for general use in drugs and cosmetics, except for use in the area of the eye.

The FDA has taken this action after determining that these dyes are not carcinogenic. However, carcinogenic impurities are created during the manufacture of these dyes. The FDA approval assumes that these impurities can be kept to levels which do not constitute a significant hazard.

These FDA approvals occurred a month after four slightly carcinogenic red dyes were banned because the court (the US Court of Appeals for the District of Columbia) held that FDA could not approve dyes which were carcinogenic no matter how low the risk (the Delaney clause). It will remain to be seen if the court will overturn these approvals on the basis of their impurities.

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ACTS

ARTS, CRAFTS AND THEATER SAFETY

ACTS FACTS

Vol. 2, No. 10
October, 1988

SEPTEMBER FEDERAL REGISTER ITEMS

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FORMALDEHYDE STANDARD DEFERRED FOR MANY LABORATORIES

(53 FR 33807-8)

OSHA has deferred the effective date of the standard on occupational exposure to formaldehyde for all laboratories except anatomy, histology, and pathology labs.

Laboratories such as those engaged in art and museum conservation, natural history labs, and similar scientific labs now have until January 1, 1989 to comply with formaldehyde regulations. The delay will allow OSHA time to decide whether these labs will be covered under the 1987 revised formaldehyde standard (29 CFR 1910.1048) or the Toxic Substances in Laboratories Standard which has not yet been published.

Although the two proposed regulations will differ in some aspects, it is assumed that both standards will enforce the exposure limits previously set in the 1987 standard (the 1 part per million [ppm] eight hour permissible exposure limit, and the 5 ppm short term exposure limit).

ASBESTOS STANDARD AMENDED

(53 FR 35610-35629)

OSHA has amended its asbestos standard to further protect workers from exposure to short bursts of high exposure. The standard, called "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite" now limits asbestos exposure averaged over a 30 minute period to 1 fiber per cubic centimeter

(f/cc) of air. This is in addition to the .2 f/cc limit previously set for the eight hour workday time period.

The workers most expected to benefit from this amendment will be those exposed through removal, repair and installation of asbestos-containing materials such as plumbers and electricians and brake repair men. Artists who might be affected would include those repairing kilns, mixing clay made from asbestos-containing minerals, repairing asbestos-covered work tables, sculpting asbestos-containing stones, and so on.

MORE CHANGES IN ASBESTOS REGULATIONS ANTICIPATED

Artists using products containing industrial talcs soon may be affected by the asbestos standard's regulation of tremolite, anthophyllite and actinolite. At present, these regulations are not enforced because R.T. Vanderbilt Company obtained a partial stay on this part of the standard. Vanderbilt contended that: 1) tremolite and anthophyllite exist in both asbestos and non-asbestos forms; 2) that only non-asbestos forms occur in their talcs; and 3) these non-asbestos minerals do not cause cancer.

In defense of its talc, Vanderbilt has been critical of a 1080 NIOSH (National Institute for Occupational Safety and Health) study which showed higher rates of lung cancer and other diseases in Vanderbilt miners. Now NIOSH has disclosed that this study has been updated with the additional cases. In letters to both Vanderbilt and OSHA, NIOSH Officials state that the updated study's findings support the institute's position that Vanderbilt talcs should be regulated under the asbestos standard.

When the talc regulation stay is up on July 21, 1989, some action by OSHA is expected. Perhaps then, the nearly 10 year talc argument will be settled.

Unfortunately, only a few art materials manufacturers have used the last ten years to develop talc-free products. If talc is regulated, many items will suddenly be unavailable. Manufacturers may find it especially difficult to explain this action if they have been selling talc-containing children's products.

EPA PROPOSES TO STUDY A PAINT CHEMICAL

(53 FR 35838-35851)

The Environmental Protection Agency (EPA) is proposing to require manufacturers and processors of a chemical called methyl ethyl ketoxime (MEKO) to study its toxicity. The action was taken after a review of existing data led the EPA to conclude "that the manufacture, processing, and use of MEKO may present an unreasonable risk of injury to human health...."

To support its proposal, EPA has provided a summary of information about MEKO. The summary reveals that MEKO is a clear or pale yellow liquid with a barely discernable odor. It evaporates easily at room temperature and thus could be inhaled by users of products containing it. About 5 million pounds of MEKO are used each year in the United States.

Although MEKO is only mildly toxic acutely (short term), its chronic (long term) hazards are not known. The longest study of MEKO lasted only 13 weeks and it showed that MEKO can adversely affect the blood and reproductive ability of animals. MEKO also is very closely related to a chemical (acetoxime) which is known to cause cancer in animals.

There are 26 industrial products and 764 consumer products known to contain MEKO. Most of these products are paints and surface coatings. MEKO is used as an antiskinning agent in alkyd and oil paints and wall coatings in concentrations of .1 to .8 percent. It is also used in some urethane products.

An estimated 900,000 professional painters and 12,000 factory workers are regularly exposed to MEKO. An estimated 2 million consumers may be exposed to MEKO through use of paints and additionally may be exposed when using certain household cleaning products, adhesives, caulking and repair products.

Artists may also be exposed to MEKO-containing paints and other products. However, it would be difficult for artists or, in fact, for any consumer, to find out if their products contain MEKO. This is because chemicals in concentrations below one percent do not have to be reported on Material Safety Data Sheets or on product labels unless they have been ~~proven~~ to cause cancer. Although the EPA suspects that MEKO is a carcinogen, it has not been tested.

ACTS FACTS will make more announcements about chemicals like MEKO as the EPA recommends more substances for testing. It is amazing how little we know about many of the chemicals we use.

ACTS FACTS TO ADD CLIPPINGS

Occasionally very interesting art-related news items and articles come to ACTS attention. ACTS FACTS will copy such items and include them with the newsletter. Readers are encouraged to send items of interest as well.

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ACTS

ARTS, CRAFTS AND THEATER SAFETY

ACTS FACTS

Vol. 2, No. 11
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OCTOBER FEDERAL REGISTER ITEMS

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FEDERAL ART HAZARDS BILL PASSES

The US Public Interest Research Group (US PIRG) Announced on October 19 the passing of the "Art Materials Labeling Act." The bill passed both houses of congress by voice vote and was primarily supported by Congressmen Bernard Dwyer (D-NJ), James Florio (D-NJ), Matthew Rinaldo (R-NJ), and Senator Albert Gore, Jr., (D-TN).

In part, the act will alter current labeling laws which require only acute (short term) hazards of art and craft materials be labeled. The Act will:

- ** Require the Consumer Product Safety Commission (CPSC) to develop criteria for evaluating chronic (long term) hazards,
- ** Require art and craft material manufacturers to determine whether their materials could cause chronic illnesses and label those that do, and
- ** Prohibit the purchase of chronically hazardous art materials for use by children in grade six or below.

With the exception of its demands on the CPSC, this Act is similar to the "Art Hazards" bills already passed in California, Connecticut, Florida, Illinois, Oregon, Tennessee and Virginia.

These state bills were passed largely due to efforts by State PIRG groups which are nonpartisan, nonprofit, consumer advocacy organizations. The US PIRG is the National lobbying office.

Other organizations that supported the Labeling Act included the American Academy of Pediatrics, the American Association of School Administrators, the American Public Health Association, Artists Equity, the Center for Safety in the Arts, the National Education Association, the National PTA and a coalition of national trade associations representing art materials manufacturers, dealers, health professionals and artists.

The support of art materials manufacturers and dealers was due in measure to the seven state bills whose varied provisions have made compliance difficult and confusing. They hope that a single federal bill will end some of these difficulties.

However, neither consumers nor manufacturers should expect the confusion to end immediately. The Act gives the CPSC a year to develop its criteria and the manufacturers have another year after in which to provide the labels.

In the meantime, ACTS will be happy to answer inquiries regarding the Act or to provide a copy of the bill. Send a self addressed stamped (45c) envelope for a prompt reply.

OSHA HAZARDS COMMUNICATION STANDARD CHANGES

(53 FR 38738-9)

Informal public hearings on the Occupational Safety and Health Administration's Hazard Communication Standard (HCS) have been rescheduled for December 6, 1988. At this time OSHA will continue to explore ways to improve and clarify provisions of the HCS and bring it into greater compliance with the Office of Management and Budget's Paperwork Reduction Act.

One change which is especially important to artists is the proposal to clarify to retail distributors when they must maintain Material Safety Data Sheets (MSDSs) on all items. Retailers must have MSDSs if they 1) use the products themselves, or 2) if they supply non-retail customers. A distributor could be considered to have non-retail customers if they sell to commercial accounts, in large quantities, over time and below retail prices.

Artists who want assurance that MSDSs will be supplied when they purchase supplies may wish to patronize stores which handle commercial accounts or are users of their own products.

HAZARDOUS ELECTROPLATING CHEMICALS TO BE STUDIED

(FR 53 41335-8)

Jewelers and other artists doing electroplating should be aware that chemicals in some types of electroplating baths may present a serious hazard to human health.

Phosphonic acid, also called EDTMPA, and its salts are used to prevent precipitation of calcium impurities during electroplating. Available toxicological information suggests that humans exposed to these chemicals may be at risk of developing bone cancer, and other bone, metabolic and blood diseases.

October 21, The EPA published its final rule requiring manufacturers and importers to report current and prospective manufacture or importation of the chemicals and their intended uses. The EPA needs this information to establish human exposures and potential risks from the chemical. At present, the chemical's major uses are assumed to be in cooling water treatment and electroplating.

Jewelers and electroplators may want to check Material Safety Data Sheets and product labels to see if these chemicals are present in their materials. However, this may be difficult to do because many of the fourteen phosphonic acid compounds have chemical names which are difficult to recognize as being related to phosphonic acid. For this reason, ACTS will be glad to check MSDSs for the presence of these chemicals. Send MSDSs and a self addressed stamped envelope for a prompt reply.

ANIMAL RIGHTS ACTIVISTS PROTEST ACUTE ANIMAL TESTS

(53 FR 39650-1)

The Food and Drug Administration (FDA) published on October 11, 1988 a general statement concerning the use of the "classical" acute animal test, the LD50 (the Lethal Dose which kills half of the test animals). The "classical" LD50 test requires the use of 60 - 120 animals.

The notice was published in response to a petition to eliminate the tests, authored by the Society for the Prevention of Cruelty to Animals and other animal welfare groups submitted in May, 1986.

The FDA denied the petition on November 12, 1986. However, the agency stated at that time that it would publish in the Federal Register a notice explaining that the "classical" LD50 test is not a required procedure and that the FDA would be implementing most of the petitions requests to eliminate continued "classical"

LD50 testing, and to reduce the number of animals used in other types of acute testing. The FDA felt this could be accomplished without sacrificing information necessary to human safety.

The LD50 tests also are used to determine which consumer products may carry the "non-toxic" label. LD50 tests only show short term effects (those occurring within two weeks time). Chronic effects such as cancer, birth defects, and cumulative damage are not detected. For example, asbestos could legally be labelled as "non-toxic" because it does not harm animals when LD50 test procedures are used.

Hopefully, reassessment of FDA tests, consumer product tests and other sources of toxicological information will one day be coordinated to provide more reliable estimates of product hazards and better labeling. The mechanism for the first step in this process actually may be the chronic hazards labeling provisions in the "Art Materials Labeling Act" discussed above.

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ACTS

ARTS, CRAFTS AND THEATER SAFETY

ACTS FACTS

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December, 1988

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 items which affect the health and safety of artists, theater or crafts people.

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GREETINGS

Each of us on ACTS' Board of Directors would like to wish you a joyous and safe holiday season.

Monona Rossol, President
Susan Shaw, Treasurer

Nina Yahr, Secretary
Eric Gertner, Board Member

ART HAZARDS ACT SIGNED BY PRESIDENT

On November 18, 1988, President Reagan signed H.R.4847 into law. This Act, which passed both the house and the senate in October, amends the Federal Hazardous Substances Act (FHSA) to require the labeling of chronically hazardous art materials. It also prohibits purchase of any art material required to be so labeled for use by children of pre-kindergarten age through grade 6.

As part of the FHSA, the new law will be administered by the Consumer Product Safety Commission (CPSC). The method by which

the CPSC will determine which materials shall be labeled will be set forth in a voluntary labeling standard developed by the American Society for Testing and Materials (ASTM Designation: D-4236). Some modifications of D-4236 as well as mechanisms for providing further changes and improvements in the standard are described in the Act.

The Act also gives the CPSC one year to specify criteria "for determining when any customary or reasonably foreseeable use of an art material can result in a chronic hazard." Included will be criteria for determining:

- ** when art materials may produce chronic adverse effects in children and when chronic adverse effects are produced in adults;
- ** which substances in art materials have the potential for producing chronic adverse effects and what those effects are;
- ** how bioavailable (capable of being absorbed into the body) these chronically hazardous substances are; and
- ** what are acceptable daily intake levels for chronically hazardous substances.

Development of these criteria will be a difficult undertaking and ACTS suspects the task will take longer than a year. However, when the criteria are finally developed, good warning labels can be written. And even more important, this art material labeling law easily could be extended to other consumer products containing these substances.

LAWN DARTS BANNED

(53 FR 46828-46842)

All types of lawn darts have now been banned by the Consumer Product Safety Commission. Lawn darts cause about 670 hospital-treated injuries per year and about 25 of those injured are hospitalized. 56 percent of the injuries involve the head, face, eye or ear. Over 75 percent of the injured are under age 15, and over 50 percent are under age 10. Since 1970, at least three children were killed by lawn darts.

Only early shoppers will be able to purchase the darts for holiday gifts. The ban goes into effect on December 19, 1988 and applies to all lawn darts in the chain of distribution.

LABOR DEPARTMENT CHANGES HOME WORK RULES

(53 FR 45608-45623, 45706-45727, 46530)

Certain types of "industrial homeworkers" are regulated by the Department of Labor under provisions of the Fair Labor Standards Act (FLSA). The FLSA does not apply to self-employed people who work at home, but affects homeworkers who are paid either by the hour or by the piece. The act was instituted in the 1940's in order to control sweatshop conditions and it banned some kinds of industrial homework.

Now bans have been lifted for some types of work including knitted outerwear, gloves and mittens, embroidery, button and buckle and handkerchief making, and the jewelry industry. Jewelry work done by homeworkers, however, is still restricted to stringing of beads and other jewelry items, carding and packaging. Carding and packaging may include "the use of common household glues available to the general public," but does not allow "potentially hazardous operations such as the use of industrial glues, epoxies, soldering irons, or heating elements."

The lifting of the ban does not change laws in 18 states which also restrict home labor.

Employers of all types of homeworkers must obtain certificates for each worker unless the homeworker is engaged under the supervision of a Sheltered Workshop. To obtain these certificates, the employer must provide written assurances that compliance with wage and hour provisions, child labor laws, and other requirements will be met.

If you think the law may apply to you, check first with your State Department of Labor to see if home work is restricted locally. If your state does not regulate homework, information about the federal regulations should be obtained. Copies of the regulations should be available from your local Department of Labor. Ask for 29 CFR 516 and 530 along with the changes and reporting forms published in the Thursday, November 10, 1988 Federal Register. Those wishing to comply with Sheltered Workshop regulations should obtain a copy of 29 CFR 525.

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