

ACTS FACTS

THE MONTHLY NEWSLETTER FROM
ARTS, CRAFTS AND THEATER SAFETY (ACTS)

181 THOMPSON ST., # 23,

NEW YORK, NY 10012-2586

PHONE 212/777-0062

January 1995

Vol. 9, No. 01

ACTS wishes you a healthy, happy 1995

Monona Rossol - Susan Shaw - Eric Gertner - Nina Yahr - Elizabeth Northrop

BROOKE SHIELDS: BLOND INSIDE AND OUT?

NY Post, Cindy Adams column, Monday, December 19, 1994

Cindy Adams' column in the New York Post on December 19th contains an item which should interest theatrical company managers, makeup artists, and dressers. Adams reports that Brooke Shields, who currently is doing the role of Rizzo in "Grease" on Broadway, told her:

The other night I was thirsty. So my dresser poured me water. It was placed alongside a glass of colorless liquid that was peroxide. What do you know? I rush offstage after one of my solos. Dying of thirst. In my dressing room I grab this glass and take a really healthy swig of what I figure is water. Oh God, I was so sick. I swallowed a huge amount of this stuff. I finished the show, but in my whole life never threw up as much as I did that night.

The accident would not have happened if OSHA rules were followed. The OSHA Hazard Communication Standard requires that all toxic substances, including cosmetics used on the job, must be properly labeled. Peroxide in a drinking glass is not only an "unlabeled" toxic substance, it is in a beverage container which increases the risk of misuse. Food and drink also is not allowed in areas where toxic chemicals are used. OSHA further requires that a material safety data sheet on the peroxide be readily available at the theater in case Brooke or her physician needed to refer to it.

A similar accident reportedly occurred a few years ago when ammonia cleaning solution in a beer can was accidentally swallowed by Chita Rivera when Sweet Charity was being revived on Broadway.

SCENTED CANDLE RECALLED AS FIRE HAZARD

CPSC News Release, Nov. 3, 1994

About 97,000 "Earth Scents Natural Potpourri Candles" made by Scentex of Chicago are being voluntarily recalled in cooperation with the US Consumer Product Safety Commission. The candle's wicks are positioned in such a way that the potpourri inside the wax may ignite and flare up during use resulting in a fire hazard. The candles can be identified by their oval shape and the visible appearance of potpourri in the bottom half of the wax candle. They were sold nationwide from August 1994 to October 1994 and can be returned to the place of purchase for a full refund or a safer candle. Customers with questions can call collect at 312/278-0700.

PERSONAL PROTECTIVE EQUIPMENT RULE REMINDER

59 FR 16362-16364, April 6, 1994--rule in effect July 5, 1994

If your job involves wearing gloves, eyewear, or any device to protect your extremities, head, eyes, or face, then the new OSHA Personal Protective Equipment (PPE) Regulations affect you. Your employer is required to provide a written risk assessment of your work and the criteria for selection of the PPE you use. As a first step, OSHA suggests walking-through the workplace to identify the hazards with attention to sources of:

- a) *motion from machines, tools, movement of personnel*
- b) *high and low temperature, e.g. burns, eye injury, etc.*
- c) *chemical exposures*
- d) *harmful dusts*
- e) *light radiation from welding, furnaces, high intensity light, etc.*
- f) *falling or dropping objects*
- g) *sharp objects*
- h) *rolling or pinching objects*
- i) *layout of workplace and location of workers*
- j) *electrical hazards*

After noting down all potential hazards, a short description of each one should be written which assesses the risk and the type of PPE needed. Simultaneous exposure to several hazards must also be considered. Documentation of the PPE's performance with respect to each hazard (usually obtained from the PPE's manufacturer) should be included. Also needed is a description of how the PPE will be selected to fit each worker by choosing various sizes available or using adjusting devices such as straps.

OSHA appended guidelines to the rule including a selection chart for eye and face protection for various hazards. Glove selection is more complex. OSHA notes that there is no single glove for all hand hazards so it is important to select the most appropriate glove, determine how long it can be worn, and whether it can be reused. Documentation the glove's resistance to chemicals, cuts, or other hazards can be obtained from the manufacturer.

Once the program is written, it is the safety officer's job to reassess and make changes in it as needed and to see that workers are trained in the care, maintenance, and limits of the PPE and the location of PPE's warning labels. A copy of the amendments to 29 CFR 1910.132 to .138 and the guidelines are available from OSHA or from ACTS. (Send a self-addressed stamped [32 cents] envelope.)

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TWO PRINTERS JAILED FOR TOXIC WASTE VIOLATION

Environmental Protection, Dec., 1994, p. 10

Two Florida businessmen were sentenced to 27 months' imprisonment each, followed by two years' supervised release, for illegally disposing of toluene used to clean rollers in their printing business. The chemicals caused the deaths of two 9 year-old boys.

William and Duane Whitman, brothers who work for the William Recht Company of Tampa were found guilty of storing and disposing of 5 to 7 gallons of toluene in a trash bin. Two children died after inhaling lethal fumes while playing in the bin. The bin's lid was closed, but it was not fenced or separated from the vacant lot the boys played in. A joint investigation by EPA and the FBI revealed that the company had routinely disposed of toluene in this way.

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ACETONE MYSTERY SOLVED?

Toxicological Profile for Acetone, US DHHS, ATSDR, TP-93/01, May 1994

Recently, the American Conference of Governmental Industrial Hygienists (ACGIH) proposed reducing the Threshold Limit Value for acetone from 750 to 200 parts per million (ppm) and then withdrew the change (ACTS FACTS, Oct. & Nov., 1994). This mysterious action may be related to information found in the *Toxicological Profile for Acetone* which was released in May by the Agency for Toxic Substances and Disease Registry (ATSDR).

The ATSDR profile contains data showing human effects from acetone at levels in the 250 to 500 ppm range including irritation of nose and throat, blood changes (increased white blood cell count, and decreased phagocytic activity), psychological effects (increases in response time and number of errors in auditory tests, increased anger and hostility), delayed visual reaction time, headaches, lack of energy and weakness. Clearly, ACGIH must consider this data if they choose to defend their 750 ppm TLV. Industry probably will resist any change since they tried hard a few years ago to keep OSHA from lowering their limit from 1000 to the current 750 ppm.

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TEXTILE PAINT MAY CAUSE "ORGANIZING PNEUMONIA"

BNA-OSHR, 24(14) Aug 31, 1994, p. 886 & Science News, Sept 10, 1994, p. 175.

Last May, ACTS FACTS reported on an apparently new lung disease identified among textile workers who spray-applied textile paints. The disease was named the "Ardystil syndrome" after one of the eight textile plants in Spain where it occurred. After one year of treatment, most of the 71 workers affected had recovered or were clinically stable except for 12. Of these, six died, one received a lung transplant, and five still needed treatment.

Now it appears that Ardystil syndrome actually is a rare deadly disease called Organizing Pneumonia. It has stumped physicians for years. Some patients with this pneumonia also had connective tissue diseases such as arthritis. Others are drug users. In England, a few people suffer episodes every spring. The Ardystil outbreak was the first time that this mysterious pneumonia was linked to exposure to chemicals in the workplace. Later, a similar outbreak occurred in Oran, Algeria where one worker died and five others developed respiratory disease. The Algerians learned the technique of textile spray painting from a Spanish plant and even obtained the products from the same distributor.

The paints used at the Spanish and Algerian factories were acrylic textile paints manufactured in Germany by Bayer. They are called Acramin FWR and Acramin FWN. The paints were meant to be applied by brush or sponge, but local factories modified them by adding white spirits and spraying them. Since the paints were not meant for spray application, toxicological studies of the Acramin system components by inhalation were never done. They were tested only by ingestion and skin contact. The mechanism by which Acramin system components causes lung disease is unknown and is currently being studied.

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ACTS HAS ANOTHER GREAT YEAR

In 1994, as in previous years, ACTS operated its programs with money from earned income rather than from grants or donations. Fees paid by our art and theater clients generated enough funds to provide free health and safety information to people who phone, write, or e-mail ACTS for advice. We also did not find it necessary to solicit donations from the roughly 30 people we assist each day. Services that generated most of our 1994 income included:

GENERAL ART/THEATER SAFETY AND HEALTH LECTURES. A systematic treatment of the hazards of art, craft, or theater materials tailored to the specific media used by participants. The presentation can take from an hour to a whole day depending on the needs of the group.

"RIGHT-TO-KNOW" (HAZARD COMMUNICATION) TRAINING. These half- or full-day training sessions meet OSHA (U.S.) or WHMIS (Canadian) requirements.

ART/THEATER HAZARDS COURSES which provide detailed hazard, precaution, and regulatory information for teachers, artists, craftspeople, administrators, safety personnel, and others. They can be designed to "train trainers" and may take 3 to 5 days depending on the depth required.

WALK-THROUGH SURVEYS AND REPORTS assessing an institution's or school's compliance with OSHA regulations, ventilation for toxic substance control, safety and health programs, and similar issues.

REVIEW OF WRITTEN PROGRAMS such as those for hazard communication, personal protective equipment, respiratory protection, emergency action, and the like.

PLANNING OF NEW BUILDINGS OR RENOVATION OF OLDER FACILITIES to specify proper ventilation systems and safety features.

Lectures, training, and courses can be tailored to specific needs. ACTS' fee is \$500 per day plus expenses until June 30, 1995. After this date, the fee will be \$750/day and expenses. Monona Rossol, M.S., M.F.A., industrial hygienist, is the primary consultant.

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ACTS FACTS' SOURCES include the Federal Register (FR), a compilation of all the regulations and public notices issued by all federal agencies, the Bureau of National Affairs Occupational Safety & Health Reporter (BNA-OSHR), the Mortality and Morbidity Weekly Report (MMWR), and many health, art, and theater publications.

ACTS' FINANCIAL SUPPORT is primarily earned income from industrial hygiene services, lectures, and courses provided at below market value to schools, art and theater organizations, museums, and other art-related entities. Other income is from sale of publications and unsolicited donations from individuals and foundations. ACTS takes no money from industry or any party having a financial interest in our opinions about art products.

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February 1995

Vol. 9, No. 02

SO THEY WONT SEND YOU AN MSDSs?

Editorial

Under OSHA rules, all employees are entitled to material safety data sheets (MSDSs) on potentially toxic products used at work. However, employed artists, teachers, and other art material users often tell us that they can't get MSDSs. Some say that manufacturers claim that art materials are exempt from MSDS requirements because they are consumer products or because they are "non-toxic."

ARE CONSUMER PRODUCTS EXEMPT?

Last year, OSHA clarified their position on consumer products in their technical amendments to the Hazard Communication Standard (February 9, 1994). OSHA points out that:

There appears to be some misconception that by virtue of being permitted to be marketed to consumers, consumer products are inherently safe and don't require any additional information be given to workers using them. This certainly is not the case. (59 FR 6151)

For this reason, OSHA requires "MSDSs and training as for any other hazardous chemicals." The MSDSs and training requirements are waived only if the consumer product is:

*used in the workplace for the **purpose intended** by the chemical manufacturer or importer of the product, and the use results in a **duration and frequency of exposure** which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended. (59 FR 6153)(bold added for emphasis)*

THE "PURPOSE INTENDED."

Art materials routinely are used in ways other than intended. For example, crayons meant for drawing often are melted instead. Electric devices that heat and drip crayons are touted at teachers conferences and in art magazines. Other common crayon projects include melting them to make candles, ironing crayon drawings into paper, and making crayon encaustics whose surfaces are smoothed with torches or heat lamps. Even "non-toxic" crayons become hazardous when their wax and/or their pigments are heated or burned.

Similarly, art paints commonly are misused in ways which result in hazardous exposures. Consumers inhale paint dust when paintings or painted objects are sanded or abrasive blasted, or when powdered

paints are mixed or sprinkled onto surfaces for effect. Paints and art markers often are used for body and face painting both in schools and in the theater. And label directions aside, brush paints are used in spray dispensers and air brushes.

Art material manufacturers know that artists and teachers use paints, crayons, and other products in ways that are not intended. They owe them detailed information about the hazards of these uses. And if art materials are used in unorthodox ways on the job, the law requires that employees have access to MSDSs.

"DURATION AND FREQUENCY OF EXPOSURE"

Art material manufacturers also know that many of their customers use art materials in "cottage industry" production at home. The work may be done at the kitchen table or in a bedroom. The workers are likely to be a mother with her young children either helping or playing around her. The workday may be dawn to dusk. Contact with dusts on surfaces and fumes from contaminated air maybe last all 24 hours. Duration and frequency of exposure is clearly excessive.

Art material manufacturers know that classrooms in many small colleges and public schools are essentially closets crammed with art materials and students. Most are poorly ventilated, many also serve as lunch rooms, and some don't even have sinks for proper clean up. Many teachers not only spend long hours in these rooms, but work here on their own art projects after hours. In these cases, over-exposure is almost certain and MSDSs are required.

MSDSs FOR ART MATERIALS

Manufacturers should provide MSDSs that cover possible effects from over-exposure and from foreseeable misuse. This includes the hazards of inhaling art material dusts and mists, the acute and chronic symptoms of overexposure by all routes, and effects of repeated use on the skin including the face. The hazardous decomposition products from open burning and heating materials such as paints, inks, and crayons also should be covered.

By clearly stating the hazards of unorthodox use, the MSDSs also can protect manufacturers from lawsuits resulting from product misuse. Conversely, failure to provide this information leads users to assume there are no hazards and encourages haphazard experimentation. Since projects that misuse materials are widely practiced and advertised, manufacturers are vulnerable to suits involving misuse because they cannot claim ignorance of these projects.

WHEN THEY WONT SEND AN MSDS

If a manufacturer refuses to send you an MSDS, ACTS suggests that you send a copy this article with your second request. If the MSDS still is not forthcoming or is inadequate, send copies of your correspondence to ACTS and we will try again. We also are collecting these inquiries for an article about companies that resist providing MSDSs or that send uninformative or incorrect MSDSs.

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MOST FREQUENTLY CITED OSHA STANDARD SECTIONS IN FISCAL 1994

BNA-OSHR.24(33), Jan 18, 1995, p. 1658

Again this year, Hazard Communication (HazCom) rules were most frequently cited by OSHA in general industry and in the construction industry. The statistics should help remind us that all workplaces including art schools, museums, and theaters must comply with the HazCom standard requirements for written programs, documented training, files of MSDSs, and proper labeling of materials.

Code violated, 29 CFR	Standard	Subject	No. of Alleged Violations
1910.1200(e)(1)	HazCom/General Industry	Written Program	4,728
1904.2(a)	Recordkeeping	OSHA Log (accident/illness record)	3,944
1910.1200(h)	HazCom/General Industry	Information, Training	3,833
1926.59(e)(1)	HazCom/Construction	Written Program	3,463
1903.2(a)(1)	OSHA Notice	Posting (OSHA poster displayed)	2,901
1926.59(h)	HazCom/Construction	Information, Training	2,277
1910.147(c)(1)	Lockout/Tagout	Energy Control Program	1,958
1910.212(a)(1)	Machine Guarding	Guarding methods	1,887
1910.215(b)(9)	Abrasive Wheel Machinery	Guard Adjustments	1,737
1910.1200(f)(5)(i)	HazCom/General Industry	Container Labeling/Identity	1,729
1910.1200.(g)(1)	HazCom/General Industry	MSDSs	1,627
1910.151(c)	Medical Services/First Aid	Drenching Facilities (e.g. eye wash)	1,584
1910.1200(f)(5)(ii)	HazCom/General Industry	Container Labeling/Hazard Warnings	1,571
1926.21(b)(2)	Safety Training	Worker Instruction	1,541
1926.100(a)	Head Protection	Protective Helmets	1,412
1910.219(d)(1)	Power-TransmissionBelts	Pulley Guarding	1,375
1026.59(g)(1)	HazCom/Construction	MSDSs/Provision	1,306
1926.500(d)(1)	Cranes and Derricks	Rated Load Marking	1,271
1926.59(g)(8)	HazCom/Construction	MSDSs	1,200
1910.147(c)(7)(i)	Lockout/Tagout	Worker Training	1,186
1910.147(c)(4)(i)	Lockout/Tagout	Energy Control Procedure	1,184
1910.212(a)(3)(ii)	Machine Guarding	Point of Operation	1,177
1910.215(a)(4)	Abrasive Wheel Machinery	Work Rests	1,159
1910.23(c)(1)	Floor/Wall Opening Guarding	Standard Railing	1,114
1926.404(b)(1)(i)	Wire Design	Ground Fault Protection	1,029
1910.305(b)(1)	Wiring Methods/Protection	Cabinets, Boxes, and Fittings	1,021
1910.132(a)	Personal Protective Equipment	Provision. Use, Maintenance	1,008
1910.1200(g)(8)	HazCom/General Industry	MSDSs/Maintenance	1,002
1926.451(d)(10)	Tubular Welded Frame Scaffolds	Guardrails, Toeboards	985
Section 5(a)(1)	General Duty Clause	Safe and Healthful Conditions	981

Total Number of Alleged Violations Cited in Fiscal 1994: 174,305

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FREE RISK ASSESSMENT FORM

Last month ACTS FACTS discussed the risk assessment requirements of the new OSHA personal protection rules. Lab Safety Supply, Inc., has made the assessment a little easier by providing a form to guide the identification of hazards during the required workplace walk-through survey. The form is available from Lab Safety Supply's **Safety Techline™** by calling 1-800-356-2501.

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APPEAL FOR HELP ON ASTM STANDARDS COMMITTEE

Last month, the American Society of Testing and Materials (ASTM) subcommittee D01.57 held its semi annual meeting to develop and approve standard chemical test methods for evaluating art material toxicity. One would assume that most of the members voting on these chemical tests are analytical chemists, toxicologists, and other scientists. Instead, most have limited or no chemistry background. Mark Gottsegen, Associate Professor of Art and former chairman of this committee, wrote a letter expressing similar concerns. He proposed involving more toxicologists in the process.

ACTS is looking for analytical chemists and toxicologists who are willing to join ASTM to work on these vitally important standards. Help from readers in this quest would be greatly appreciated.

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CPSC RECALLS THE WILD GOOSE SCIENCE KIT

CPSC, release # 95-052, December 21, 1994

The Wild Goose Company of Salt Lake City Utah, in cooperation with the U.S. Consumer Product Safety Commission (CPSC) voluntarily recalled about 5,100 "Professor Wacko's Exothermic Exuberance" chemistry kits. The kits, marketed for children ages 10 and older, demonstrate how heat and fire are generated by chemical reactions. The kit contains two small bottles of glycerine and potassium permanganate. If the caps on the bottles are accidentally switched after use, small portions of the chemicals may mix and start a fire. CPSC is aware of at least two house fires that reportedly resulted from this scenario. In addition, the kit does not have adequate warnings and directions for safe use.

The kits sold for about \$ 6.00 each at school supply stores and at Natural Wonders stores from September 1993 through February 1994. Consumers should discontinue using the kits and return them to the place of purchase for a refund or contact the Wild Goose Company at (800) 373-1498 for instructions on returning the product by mail.

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MSDSs FOR "AIR?"

Editorial

Technopolitics, a program produced by the Blackwell Corporation and funded by Pfizer and Anheuser-Busch corporations, was aired on Public Television this February. It attacked OSHA, EPA, and the Fish and Wildlife Service by describing regulations the commentators considered oppressive and ridiculous.

Their first example was OSHA's rule requiring material safety data sheets (MSDSs) on compressed air. The commentators failed to say that there are at least four grades of compressed air **and only one is safe to breathe!** The other grades contain contaminants from air compressors that make them hazardous. In addition, compressed gas cylinders can explode with deadly force if they are not handled and stored as MSDSs direct.

Technopolitics commentators also derided OSHA for requiring guard rails, stairs and platforms on construction sites to be made to exact dimensions. They failed to say that accidents are greatly reduced when construction workers use stairs and railings that meet these requirements. Anyone who has ever negotiated stairs of uneven heights has experienced this principle first hand.

Many other ill-informed arguments were used and we can expect to hear more as industry urges legislators to close budget gaps by eliminating regulatory agencies or reducing their budgets. We must consider both sides of these arguments carefully or we will see worker and public safety downsized along with the government.

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BISMUTH/TIN SHOT APPROVED TO REPLACE LEAD

60 FR 61-64, Jan 3, 1995

The U.S. Fish and Wildlife Service has granted approval for use of a 97 percent bismuth/3 percent tin alloy as a legal nontoxic shot for hunting waterfowl. Approval was granted after three studies found tin and bismuth/tin shot "non-toxic" under experimental conditions representing three categories of toxic effects: short-term periodic exposure; chronic exposure under adverse environmental conditions; and chronic exposure's impact on reproduction.

Ingested lead shot has been known as a significant source of mortality in migratory birds and has been banned for hunting waterfowl since 1986. Until now, only steel shot was approved for this purpose. The bismuth/tin shot is approved only for 1995. Continued approval is contingent on completion of additional tests.

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ART PRODUCTS RECALLED IN MALAYSIA

Straits Times news from MSM-Net, NETNEWS@AUVM.AMERICAN.EDU

In response to the U.S. Consumer Product Safety Commission's recent recall of lead-bearing crayons, *The Straits Times* electronic news service reports that Malaysia has ordered its own crayon recall. Law Minister Datuk Syed Hamid Albar urged shopkeepers and distributors to remove colored pencils, paints, and crayons which have been found to contain a high level of lead.

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WATCO FINISHES FINISHED

Woodshop News, Bill LaHay, Staff Writer, March, 1995, pp. 3-4.

Minwax Company of Montvale, New Jersey, announced that it has stopped manufacturing its Watco finishing products. Marketing vice president, Brian Curtiss, said several factors prompted the decision including poor sales and product liability problems. Minwax is named as one of several defendants in a lawsuit stemming from a December 1990 fire in Connecticut. A prominent attorney and three of his children died in a blaze which allegedly originated in a waste can where Watco-soaked wiping rags had been discarded.

Risk of spontaneous ignition from products that contain linseed or tung oils is prompting changes in labeling. General Finishes and Deft are two companies whose labels will advise placing soiled wiping rags in water-filled metal containers. Alternatively, users can hang rags on clotheslines until they are dry and stiff indicating that the heat-producing setting reaction is complete.

Oil-containing art materials also should be labeled with warnings. Drying oils include linseed, tung, walnut, sunflower, and poppy-seed oils. Products containing oils include mediums, varnishes, and some oil paints. Rags, paper towels, or other combustibles soiled with these products must be discarded safely.

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1995 ATAC SOURCEBOOK AVAILABLE

The Association of Theatrical Artists and Craftspeople (ATAC) has published its 1995 edition of *The New York Theatrical Sourcebook*. The 525 page, spiral-bound book lists every conceivable product and service including suppliers of personal protective equipment, health and safety services and organizations, unions and support services. It is available for \$ 30 plus \$ 4.00 for shipping (NY residents add 2.48 sales tax) from Sourcebook Press Inc., 163 Amsterdam Avenue # 131, New York, NY 10023.

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OSHA TO CLARIFY FALL PROTECTION

60 FR 5131-5133, Jan 26, 1995

OSHA issued a final rule on Fall Protection in the Construction Industry (59 FR 40672, ACTS FACTS, Nov. 1994). As of February 6, employers must take preventive action whenever a construction worker is exposed to a fall of six feet or more. However, the Agency has determined that some interested persons did not receive adequate notice that the new rule would apply to them and some parts to the law will not be applied until August 6, 1995.

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OSHA CITES WHITE HOUSE COMPLEX CONTRACTOR

BNA-OSHR, 24(34), Jan 25, 1995, p. 1738

M.P. Industries Incorporated of Baltimore was hit with \$293,500 in proposed penalties for alleged safety and health violations while working on the Old Executive Office Building located in the White House Complex. The firm had been contracted to remove lead paint from the cast iron cornice work and repaint the structure at the office building. OSHA proposed penalties for an alleged eight willful violations (\$275,000), nine serious violations (\$ 17,500), and one non-serious violation (\$1,000).

"The inspection determined that employees were exposed to dangerous levels of airborne lead, 166 times OSHA's permissible exposure limit for construction workers," according to Julie Jones, district supervisor of the Washington DC OSHA office. "Engineering and work practice controls were inadequate or non-existent and proper respiratory protection was not provided to reduce employee exposure to lead." OSHA also contends that the contractor failed to monitor employee exposure to lead and to notify workers, in writing, within five days of the results of their blood lead tests.

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COORS CERAMICS COMPANY CITED BY OSHA

BNA-OSHR, 24(36), Feb 8, 1995, p. 1814

Coors Ceramic of Norman, Oklahoma is contesting a serious citation and \$ 4,375 penalty for 11 items including alleged violations for failure to maintain floors and workrooms, so far as possible, in a dry condition (1910.22(a)(2), failure to have electrical equipment free from recognized hazards that were likely to cause death or serious physical harm (1910.303(b)(1), and failure to enclose switches, circuit breakers, and switch-boards in wet locations in weatherproof enclosures (1910.305(e)(2).

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WOOD PRODUCT COMPANY CITED BY OSHA

BNA-OSHR, 24(36), Feb 8, 1995, p. 1814

C.N.J. Wood Products of Post Falls, Idaho, is contesting a serious citation and a \$ 10,500 penalty for 17 items including alleged violations for failure to keep the workplace clean, orderly, or in a sanitary condition (1910.22(a)(1), failure to establish a program to ensure that unexpected energizing, start up, or release of stored energy could not occur while employees are servicing or maintaining machinery or equipment (1910.147(c)(1), and for failure to provide mechanical or electric power controls on woodworking machines in a location that enables the operator to cut off power without leaving her/his position of operation (1910.213(b)(1).

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LHAMA AMENDED

60 FR 8188-8194, February 13, 1995

The Consumer Product Safety Commission (CPSC) issued a modification of policy based on its experience enforcing the Labeling of Hazardous Art Materials Act (LHAMA). CPSC more clearly defined the types of products which will be covered. It also will require the conformance statement ("conforms to ASTM D-4236") on all art materials whether warnings are required or not. Since this is an important document for art materials consumers, ACTS FACTS has included a copy of the amendments from the Federal Register below.

List of Subjects in 16 CFR Part 1500

Arts and crafts, Consumer protection, Hazardous materials, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, Toys.

For the reasons given above, the Commission amends 16 CFR 1500.14 as follows:

PART 1500—[AMENDED]

1. The authority citation for part 1500 continues to read as follows:

Authority: 15 U.S.C. 1261-1277

2. Section 1500.14 is amended by adding a new paragraph (b)(8)(iv) to read as follows:

§ 1500.14 Products requiring special labeling under section 3(b) of the Act.

* * * * *

(b) * * *
(8) * * *

(iv) Policies and interpretations.

(A) For purposes of enforcement policy, the Commission will not consider as sufficient grounds for bringing an enforcement action under the Labeling of Hazardous Art Materials Act ("LHAMA") the failure of the following types of products to meet the requirements of § 1500.14(b)(8) (i) through (iii).

(1) Products whose intended general use is not to create art (e.g., common wood pencils, and single colored pens, markers, and chalk), unless the particular product is specifically packaged, promoted, or marketed in a manner that would lead a reasonable person to conclude that it is intended for use as an art material. Factors the Commission would consider in making this determination are how an item is

packaged (e.g., packages of multiple colored pencils, chalks, or markers unless promoted for non-art materials uses are likely to be art materials), how it is marketed and promoted (e.g., pencils and pens intended specifically for sketching and drawing are likely to be art materials), and where it is sold (e.g., products sold in an art supply store are likely to be art materials). The products described in this paragraph do not meet the statutory definition of "art material."

(2) Tools, implements, and furniture used in the creation of a work of art such as brushes, chisels, easels, picture frames, drafting tables and chairs, canvas stretchers, potter's wheels, hammers, air pumps for air brushes, kilns, and molds.

(3) Surface materials upon which an art material is applied, such as coloring books and canvas, unless, as a result of processing or handling, the consumer is likely to be exposed to a chemical in or on the surface material in a manner which makes that chemical susceptible to being ingested, absorbed, or inhaled.

(4) The following materials whether used as a surface or applied to one, unless, as a result of processing or handling, the consumer is likely to be exposed to a chemical in or on the surface material in a manner which makes that chemical susceptible to being ingested, absorbed, or inhaled: paper, cloth, plastics, films, yarn, threads, rubber, sand, wood, stone, tile, masonry, and metal.

(B) For purposes of LHAMA enforcement policy, the Commission will enforce against materials including, but not limited to, paints, crayons, colored pencils, glues, adhesives, and putties, if such materials are sold as part

of an art, craft, model, or hobby kit. The Commission will enforce the LHAMA requirements against paints or other materials sold separately which are intended to decorate art, craft, model, and hobby items. Adhesives, glues, and putties intended for general repair or construction uses are not subject to LHAMA. However, the Commission will enforce the LHAMA requirements against adhesives, glues, and putties sold separately (not part of a kit) if they are intended for art and craft and model construction uses. This paragraph (b)(8)(iv)(B) applies to products introduced into interstate commerce on or after August 14, 1995.

(C) Commission regulations at § 1500.14(b)(8)(i)(C)(7) require that a statement of conformance appear with art materials that have been reviewed in accordance with the Commission standard. The Commission interprets this provision to require a conformance statement regardless of the presence of any chronic hazard warnings.

(D) Nothing in this enforcement statement should be deemed to alter any of the requirements of the Federal Hazardous Substances Act ("FHSA"), such as, but not limited to, the requirement that any hazardous substance intended or packaged in a form suitable for household use must be labeled in accordance with section 2(p) of the FHSA.

Dated: February 6, 1995.
Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.
[FR Doc. 95-3450 Filed 2-10-95; 8:45 am]
BILLING CODE 6355-01-P

SOURCES of information on which ACTS FACTS articles are based are listed under each headline. Commonly cited sources include the Federal Register (FR), the Bureau of National Affairs Occupational Safety & Health Reporter (BNA-OSHR), the Mortality and Morbidity Weekly Report (MMWR), and many health, art, and theater publications.

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ACTS FACTS

THE MONTHLY NEWSLETTER FROM ARTS, CRAFTS AND THEATER SAFETY (ACTS)

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PHONE 212/777-0062

April 1995

Vol. 9, No. 04

MOST COMMERCIAL CHINA NOW MEETS CALIFORNIA RULE

Consumer Reports, March 1995, p. 135

California's standard for lead in ceramicware is stricter than that of the U.S. Food and Drug Administration. When the California law was passed, large numbers of commercial china company's wares could not meet the standard and required warning labels. But in the last four years, the number of china patterns that satisfy the State law has increased more than twelve-fold. Now, more than 8000 patterns are lead-safe according to the Environmental Defense Fund (EDF).

EDF, which sued several major ceramicware manufacturers to force them to reduce lead, now thinks the campaign is a success. David Roe, EDF attorney, says "Whether buying fine china for gifts, registering for wedding china, or getting everyday dishes..., there is no longer any reason to worry about toxic lead."

The latest edition of an EDF booklet, "What You Should Know About Lead in China Dishes," lists over 2000 safe china patterns, four lead-test kits, and answers to common questions about china. To obtain a free copy send a self-addressed, stamped envelope to: Lead-Safe China Brochure, EDF, P.O. Box 96969, Washington, D.C. 20090-6969 or get an electronic version at edf-info@igc.apc.org.

HOT ROCKS POSE RADIATION RISK TO MUSEUM WORKERS

"Ionising Radiation Associated with the Mineral Collection of the National Museum of Wales",
Michael P. Lambert, *Collection Forum*, 10(2), 1994, pp. 65-80

A mineral storage room in the National Museum of Wales was surveyed for gamma ray dose rate and radon levels was found to present a sufficient hazard to require remedial action under United Kingdom regulations. The survey showed that the 26 by 26 foot room housed 25,000 specimens of which 500 contained uranium or thorium and another 250 were found to be radioactive only after testing with a Berthold monitor. Radioactivity in these 250 specimens was caused either by ionic substitution of a radioactive metal into the mineral lattice, or by chance, such as by incorporation of a radioactive mineral in the matrix.

The minerals were classified by Hey number, which caused hot spots in areas where related minerals were kept such as near six drawers in which fifty uraninite specimens were stored. Rearranging and limiting radioactive specimens to one or two per drawer reduced local hot spots, but overall elevated radiation levels persisted. All radioactive specimens are now stored in a small specially vented room and the Museum is now in compliance with regulations.

SCIENTISTS AGREE THAT D-5517 IS FLAWED

EDITORIAL

On March 8, a special meeting was held in Baltimore to discuss the proposed American Society of Testing and Materials (ASTM) standard D-5517--a method to determine levels of toxic metals which can be extracted by acid similar (in pH) to stomach acid. D-5517 purports to predict "bioavailability," that is, the actual uptake of the toxic metals in the body by ingestion.

At the meeting were toxicologists whose work includes labeling art materials in conformance with ASTM D 4236, representatives from the Consumer Product Safety Commission, and Monona Rossol from ACTS. Dr. Robert Staab chaired the meeting and Dr. Woodhall Stopford from Duke University who certifies products for the Arts and Crafts Materials Institute, presented data in support of D-5517.

Special guests at the meeting were Dr. Steven R. Patierno, Department of Pharmacology, George Washington University Medical Center, and Dr. Cate Jenkins of the EPA.

Dr. Patierno discussed his findings that biological material and amino acids (also present in the digestive tract) greatly increases solubility of pigments like lead chromate. Dr. Patierno also showed that small particles, like those in pigments, are directly absorbed as solids into the stomach and intestinal linings where they are subsequently solubilized and released to other parts of the body. These biologically mediated routes of absorption and solubilization are not accounted for in an acid extraction test. Thus ASTM D-5517 does not even predict absorption processes in the stomach.

Dr. Jenkins distributed a letter in which she took issue with Dr. Stopford's data and provided additional data from other researchers including Dr. Patierno. She also used two EPA studies to show that acid extractions did not solubilize significant amounts lead or other toxic metals out of the matrices (vehicles) of certain types of paints and paint chips. Yet, these same paints and chips are known to release significant amounts of toxic metals when ingested by animals and children. Similarly, the ASTM D 5517 acid extraction test could be used to indicate that high lead paints were safe.

By meetings end, participants expressed the unanimous opinion that 1) there is not sufficient evidence that D-5517 predicts bioavailability, and 2) research should be undertaken on the effects of biological material, matrices, and many other factors.

At present, D-5517 is a published standard which is being used to justify labeling of art materials containing toxic metals without warnings. We suspect that some of these products contain hazardous amounts of toxic metals. Clearly, D-5517 must be withdrawn. If is it not, ASTM is complicitous in potential mislabeling.

Until a standard that accounts for the many factors influencing solubilization and absorption is developed, art materials should be analyzed for total toxic metal content and labeled on the default assumption that the metals are 100% bioavailable.

=====

CHOKING INCIDENT REPORTING RULE IMPLEMENTED

60 FR 10490-10495, Feb 27, 1995

The Consumer Product Safety Commission (CPSC) issued interpretive rules to further define the reporting requirements for choking incidents. The Child Safety Protection Act requires manufacturers (including crafters who make toys), distributors, retailers, and importers of marbles, small balls, latex balloons, other small items, or toys or games containing these items to report choking incidents. Reportable incidents include choking of a child of any age resulting in death, serious injury, ceased breathing for any length of time, or treatment by a medical professional.

In order to require reporting, the information need only reasonably support the conclusion that an incident occurred. CPSC now requires the report to be made within 24 hours from the time the incident is relayed to an official or employee of the firm who may reasonably be expected to understand the significance of the information. This means that if consumers want to assure that a report is filed with the CPSC in 24 hours, they should insist on talking to an official of the company and take her/his name.

The rule also defines the data the report must contain, classifies reports as confidential and not an admission of liability, and subjects firms that knowingly and willfully falsify or conceal facts in a report to criminal and/or civil penalties.

=====

SMALL BALLS BANNED

60 FR 10742-10756, Feb 27, 1995

In concert with the choking rule above, CPSC published a: "Final Rule to Ban Small Balls Intended for Children Younger Than Three Years of Age and To Require Labeling of Certain Toys and Games." Toymakers should contact the CPSC at 1-800-638-2772 and ask for a copy of the new amendments to 16 CFR 1500.18 and .19.

=====

FEDERAL OSHA RETREATS FROM NORTH CAROLINA

60 FR 12416-12419, March 7, 1995

In 1991, a North Carolina chicken processing plant fire killed 25 workers and caused OSHA to evaluate the State's OSHA program. Responding to deficiencies in the NC State plan, OSHA reasserted Federal enforcement. Now OSHA is suspending its enforcement because the State has made substantive and significant program modifications, changes in enabling legislation, and increased funding.

=====

NAZ-DAR AND ARCHITECT SUED

Art Hazards News, Vol. 18, No. 1, 1995, p. 2.

Lawsuits have been filed by Attorney Fredrick R. Hovde on behalf of the estate of Theresa Staley, an Indiana junior/senior high school art teacher, against Naz-Dar (a silkscreen product manufacturer), an architect, and others. One suit alleges that Mrs. Staley's fatal leukemia was caused by silkscreen products and Naz-Dar failed to warn about the products' hazards. Another suit alleges that the architect who designed the art room failed to design a system that would provide adequate ventilation.

UNIVERSITY SUED BY EX-ART STUDENT

Albuquerque Journal, Susanne Burks, Staff Writer, Friday, Feb 3, 1995

Iva O'Connor, filed suit against the University of New Mexico (UNM) for damages for health problems she attributes to exposures to toxic substances in the UNM Fine Arts Building. O'Connor claims that from 1979 to 1988 she "studied and created art" in eight specific rooms of the building, including "the acid room" and three rooms used for lithography. She also says that UNM used and provided lacquer and paint thinner, and about 30 other toxic and hazardous substances.

O'Connor says that before attending UNM she enjoyed good health but in November 1991 she began experiencing symptoms. In February 1993, she was diagnosed with chronic neurological performance deficit. In December 1994, she was diagnosed with Multiple Chemical Sensitivity and Toxic Solvent Syndrome, the suit says. As a result, O'Connor claims she is unable to create art and pursue her vocation, and experiences pain, extreme emotional suffering, and impairment of the quality and enjoyment of life.

Supporting O'Connor's claim are local newspaper articles indicating that UNM administrators and faculty were concerned about the toxicity of some art materials as early as 1984. At that time, UNM hired a consultant who surveyed the art building. In 1985, the consultant issued a report that, according to the lawsuit, notified UNM about "hazardous, defective and unsafe conditions in the Fine Arts Building."

O'Connor's husband and Daughter are also plaintiffs. Defendants, in addition to UNM, are the state, the UNM Board of Regents, and 20 Jane and John Does. Paul Cohen, who filed the suit for O'Connor, indicated that there also may be other women who will make similar claims against UNM.

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ACTS FACTS' SOURCES include the Federal Register (FR), a compilation of all the regulations and public notices issued by all federal agencies, the Bureau of National Affairs Occupational Safety & Health Reporter (BNA-OSHR), the Mortality and Morbidity Weekly Report (MMWR), and many health, art, and theater publications.

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THEATRICAL FOGS FOUND TO CAUSE HEALTH PROBLEMS

PRESS RELEASE, Anaheim CA, American Chemical Society Meeting, April 3, 1995

Results from an Actors' Equity Association sponsored study of the health risks from exposure to the glycol based theatrical fog in Broadway shows were presented in the Division of Chemical Health and Safety at the American Chemical Society's 209th national meeting. The study's findings are expected to impact not only Broadway theaters, but great numbers of other venues in which these special effects are used from TV, movies, and rock concerts to theme park activities and private parties.

In response to years of documented complaints by actors, the National Institute of Occupational Safety and Health (NIOSH) studied theatrical fog in 1993. A questionnaire administered by NIOSH confirmed that actors who worked in Broadway productions which used glycol fog reported significantly more respiratory ailments when compared with actors who worked in productions without this artificial fog.

For more definitive data, Actors' Equity Association, the union of approximately 40,000 professional actors and stage managers, commissioned Consultech Engineering Company to undertake another study. Harry H. Herman, Jr., P.E., President of the Washington, D. C. firm, directed the study. The study reports on data collected from many sources on fog generating machines, mist particle sizes, and chemical analyses of generated fogs. Herman also administered another questionnaire, and most importantly, he analyzed the medical records of performers.

Over 1200 performers' medical records covering a three year period were analyzed. Approximately 400 glycol fog-exposed actors' records were compared with two control groups of a total of about 800 unexposed actors. Analysis of these records indicated significantly increased doctors' visits and treatment for respiratory problems, including coughing, sore and dry throats, and acute laryngitis. These analyses support the validity of data obtained from both the Consultech and the earlier NIOSH questionnaire.

"We are, quite frankly, fearful that the careers of some performers may be shortened or altogether terminated as a direct result of breathing this fog," remarked Mr. Herman. In response to criticisms that these chemicals are used in industry without similar findings, Herman explained, "factory workers do not deliberately inhale glycol mists. In addition, performers, particularly singers and dancers, cannot be compared to factory workers on a qualitative basis with respect to their exposure and response to these substances."

Producers of shows should also be concerned about the increased medical costs attendant to use of these chemicals. Medical costs for fog-exposed cast members were found to be three times higher when compared with the first control group, and four times higher when compared with the second control group.

Mr. Herman's study suggests that the health effects from glycol fogs result from the toxic and sensitizing properties of the glycols. About a dozen have been used in fogs in the past including the common antifreeze chemical, ethylene glycol. Today, glycols in most common use include propylene glycol, triethylene glycol, and butylene glycol. These chemicals are irritating and hygroscopic which can account for the respiratory effects documented by the report. Propylene glycol also may be a sensitizer since it is known to cause allergic skin reactions. Sensitization is also consistent with Mr. Herman's experience that lawsuits have been filed by fog-exposed individuals for alleged severe allergic reactions (including anaphylactic shock!).

This report also should be of interest to chemists concerned with application of the Chemical Manufacturers Association's Responsible Care Program. The report appends letters from four major manufacturers and/or marketers of glycols which all indicate that the chemicals were not manufactured for the purpose of creating special effects such as theatrical fogs. Further, three of the letters state that this use is inappropriate, two companies will no longer sell their products for this use, and one provides internal data indicating that the products may be potentially harmful when used this way.

"These days, we are concerned about exposure to small amounts of secondary smoke. It seems only logical that we should be concerned about performers' exposures to artificial fog, especially since we have now shown that glycol fog represents a health hazard." Herman added that he hopes that this study will lead the way for the establishment of an approval process by which artificial fogs must be shown to be safe before they are used.

Copies of the ~100 page study will be printed and available by July from Kenneth Greenwood, Senior Business Representative, Actors' Equity Assoc., 165 W. 46 St., New York, NY 10036 (212) 869-8530, FAX (212) 719-9815. There may be a charge for copying costs.

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AEROSOL CLEANER EXPLOSION BURNS 19

Boston Globe, April 4, 1995, page 14

On April 3, a spray cleaner used at an elementary school in Ceres, California caused an explosion that seriously burned three janitors and blew smoke and debris onto children outside. Sixteen pupils suffered minor injuries. According to police, shortly before the school day began, a janitor apparently lit a cigarette in a work room where an aerosol chewing-gum remover was being sprayed on furniture. The janitors were hospitalized in serious condition with burns on their arms, chests and necks.

=====

SCHOOLS STILL USE HAZARDOUS DITTO MACHINES

USA Today, Tamara Henry, Tuesday, Mar 21, 1995, pp. D1

The American Federation of Teachers' (AFT) investigated complaints of headaches, nausea, and other ailments that were thought to be related to the old purple ink ditto machines. They checked schools in California, Pennsylvania, Missouri, Michigan, the District of Columbia, Louisiana, and Oklahoma and found the machines still in use. Darryl Alexander, AFT's workplace health and safety director, says that teachers' exposure to methanol (wood alcohol) from ditto machine fluid can result in exposure to levels much higher than is allowed by OSHA. Methanol has poor odor warning properties and by the time you smell it, she says, "you've already been overexposed."

Ditto machine hazards have been known since studies by the National Institute for Occupational Safety and Health were published in 1980¹ and in 1984.² Both studies showed that the machines were too hazardous to use except with specially designed local ventilation systems. Schools should not use these machines with methanol ditto fluids or even with safer fluids on the market that contain less toxic solvents except in locally vented areas by non-students.

- 1. NIOSH Health Hazard Evaluation and Technical Assistance (HETA) 80-32.
2. American Industrial Hygiene Association Journal, 45(1):51-55, 1984
=====

RECALLED PRODUCTS

Consumer Reports, May 1995, pp. 358-359

MAKITA RANDOM-ORBIT SANDER: 130,000 five-inch sanders model B05000, sold 4/92 to 6/94 for \$125 have a metal fan that can break and eject pieces through the motor cover, possibly injuring the user. Return to nearest Makita factory or service center. Sanders with the letter "N" stamped on the sticker were repaired prior to sale and are not defective.

DISNEY PLAY 'N POP ACTIVITY TOY: 200,000 toys, model 66004 sold in 1994 for \$13 for children ages 9 to 36 months has small parts that could come off and choke a child. The toys have 5 brightly colored Disney pop-up figures. One control, a purple key shaped like Mickey Mouse's head, can break off posing a small-parts hazard. Only the toys made in China (stamped on the bottom) are recalled. Return for refund to Arcotoys, Attention: Nancy Nelson, 15930 E. Valley Blvd., City of Industry CA 91744.

POLYESTER/COTTON GARMENTS: 160,000 garments with a raised fiber surface texture that resembles inside-out sweatshirt, sold since 5/1/94 are dangerously flammable. Most were sold for adult wear, but 12 percent were for children. They were sold at thousands of stores. If you have garments of this kind, call the Consumer Product Safety Commission with details of purchase for further information, 800/638-2772.

TURTLE WAX AUTOMOTIVE PROTECTIVE-SEALANT SPRAYS: 37,400 finger-pump spray (10 oz) containers (codes E20410, E20411, E21410, or E21411) and 2000 trigger spray pump (16-oz) containers (code G054601) of formula 2001 Super Protectorant may be contaminated with bacteria that could cause skin rash. Return item to store.

INSPECTION AFTER FIRE FINDS VIOLATIONS AT UMASS LAB

The MASS Media, Sean Buckley and Theresa Hawes, Vol. 29, issue 14, March 1995

A fire in a lab in the Science Building on the University of Massachusetts Boston Campus was put out by specially-trained HAZMAT firefighters. The building was closed for three days while chemical contamination tests and professional clean up were done. Next, the fire department inspected the cleanup and other areas. They found improper storage of chemicals, inaccurate warning signs outside of laboratories, lack of identification of chemicals, and improper storage of reactive chemicals. An order of abatement was issued calling for a wing to be shut down and professionally cleaned.

Similar scenarios could occur in any lab where chemical storage is not proper. Included could be art conservation laboratories, natural history museums, and many schools. These facilities must comply with the Laboratory Standard (29 CFR 1910.1450) which requires proper labeling, collection of MSDSs, and formal training.

1994 SURVEY SHOWS THOUSANDS OF ADULTS LEAD POISONED

MMWR, 44(14) April 14, 1995, pp. 286-287

Laboratories in 22 States now report adult blood lead tests of 25 micrograms per deciliter (ug/dL) or higher. The total numbers of these individual tests from all four quarters of 1994 have been compiled. (Note: These are not numbers of people poisoned since some people tested above 25 ug/dL more than once during the year.)

<u>Reported Blood Lead (ug/dL)</u>	<u>Cumulative reports 4 quarters of 1994</u>	<u>Cumulative reports 4 quarters of 1993*</u>
25-39	19,399	18,529
40-49	5,806	5,398
50-59	1,140	1,311
> 60	459	633
<u>total:</u>	<u>26,804</u>	<u>25,871</u>

Lead testing is not done routinely, which means this data is only from people who specifically asked to be tested. Actual numbers of adults in these states with elevated lead levels undoubtedly are higher.

* All 22 states were not reporting in 1993.

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TRAINING COURSES MAKE SENSE IN HARD TIMES

Many non-profit art organizations, schools, museums, and theaters are finding that government grant programs have been slashed, private donations are down, enrollment and attendance is off. ACTS also has seen a reduction in requests for lectures and OSHA compliance services. Its hard for organizations to find money for health and safety when their entire programs are at risk.

While requests for our single-day surveys, lectures, and training sessions at \$ 500 per day have decreased, requests for multiple day training courses at the same day-rate have increased. This is because some clients have found that three- to five-day courses provide greater benefits and save money in the long run.

For example, many health and safety tasks that otherwise would be assigned to paid consultants may be done in-house by the trained employees. Teachers benefit because they can incorporate formal health and safety training in their lesson plans. And if the sponsoring agency opens the course to the public for a fee, it is even possible to cover the courses cost. Two open courses to be taught by Monona Rossol this summer are:

Museum Hazards Workshop, July 13-15, Mt. Carrol, IL. Application deadline June 15. Course will assist staff and administrators in assessing and correcting potential hazardous conditions in their museums. Participants with technical backgrounds should be able to do OSHA hazard communication and the new personal protection training for their staff. Contact the Campbell Center, 203 East Seminary, P.O. Box 66, Mount Carrol, IL 61053, 815/244-1173. The cost is \$ 350 per person which includes accommodation in a single room with a shared bath and two meals a day.

"Art Teacher Be Aware" course, August 1-3, near Toronto. Deadline for registration is June 20. The course will assist teachers, administrators, and school safety personnel in identifying and abating hazards, substituting safer materials, and providing basic WHMIS training related to art materials and processes. Contact Norm Green, 905/666-5500, ext. 5197 at the Durham Board of Education Centre, 400 Taunton Road East, Whitby, Ontario. Cost is \$ 250 and fee includes a copy of the *Artist's Complete Health and Safety Guide* to be used as a text.

MORE ACCURATE VERSION OF MAY ISSUE STORY

Associate Press, *NY Times*, National April 7, 1995

Ignore the item on page two of last month's ACTS FACTS which reported on an explosion in an elementary school in Ceres California on April 3. While facts about the results of the explosion were all true, the reason for the accident is far more interesting than we reported. Two alert ACTS FACTS readers sent this Associated Press version that appeared about the same time:

CERES, Calif. (AP) -- Three janitors trying to freeze a gopher to death caused an explosion that injured 19 people, most of them students, at an elementary school, officials said. The Fowler Elementary School janitors were blown out of a utility room Monday when one of them tried to light a cigarette after spraying the rodent with a freezing solvent used to clean gum and wax off floors.

Two janitors remained hospitalized Tuesday in stable condition. Sixteen pupils near the explosion had been treated for minor injuries.

Jeff Davis said he and the other janitors were trying to euthanize the animal, which a student had found on school grounds and brought to them. The men were inside a small, poorly ventilated utility room with the doors closed when they sprayed several cans of the gum remover on the gopher, said police Sgt. Hollie Hall. Then one of them tried to light a cigarette, causing the explosion.

The gopher survived, and was later released in a field.

You can't make this up. And what kind of gopher would allow itself to be captured by an elementary school student? Let's hope it was not a sick gopher or this story may have a sequel.

=====

HUMAN RABIES: NOT ALWAYS FROM ANIMAL BITES

MMWR, 44(14) April 14, 1995, pp. 269-272

In 1994, six rabies deaths occurred in humans--the highest annual number of deaths in the U.S. since 1979. Three of these cases apparently were not associated with animal bites.

- 1. The first was a woman whose exposure undoubtedly occurred while removing and discarding dead or dying bats from a fireplace chimney in the facility where she worked.*
- 2. The second case involved a woman who denied any animal bites or other risk factors. However, this woman had 18 dogs, five cats, and three horses. Seven dogs, two cats and the horses were not vaccinated for rabies. Family members denied any deaths among these animals during the three years preceding her illness.*
- 3. The third victim was a 14 year old boy whose only known risk factor was that he had been given a 3-week old puppy almost two full months before his death. The puppy died of a diarrheal illness within three weeks. The puppy's mother and litter mates remained healthy.*

These cases show that obvious wounds and bites are not necessary for transmission of the rabies virus. The CDCs recommends vaccination of pets, keeping humans and pets away from wild or stray animals, and getting rabies shots for persons exposed to bats or wild animals even where physical contact is not reported. People who should be especially careful include natural history workers, Native American craftspeople, and other workers who use fur, skins, horn, bone and other materials harvested from animals.

=====

PLANTS: NATURAL AND NASTY

MMWR. 44(3), Jan 27, 1995, pp. 41-44 & 44(11) Mar 24, 1995, pp. 193-195, 204-207.

Data collected in 1993 from U.S. Poison Control Centers showed a total of 94,725 poisonings from toxic plants were reported. The actually number of poisonings is much higher since only a few percent of poisonings are reported by the Centers.

Twenty Most Frequently Reported Plants Associated With 94,725 Human Poisonings Recorded in the United States in 1993

Am. Assoc. of Poison Control Centers Toxic Exposure Surveillance System	
<u>Plant (Botanical name)</u>	<u>No. reported exposures</u>
Philodendron (<i>Philodendron sp.</i>)	4726
Pepper (<i>Capsicum annuum</i>)	3912
Dumb cane (<i>Dieffenbachia sp.</i>)	2837
Poinsettia (<i>Euphorbia pucherrima</i>)	2798
Holly (<i>Liex sp.</i>)	2651
Polkweed/Inkberry (<i>Phytolacoa Americana</i>)	2231
Peace lilly (<i>Spathiphyllum sp.</i>)	2086
Jade plant (<i>Crassula sp.</i>)	1658
Pothos/Devil's Ivy (<i>Epipremnum aureum</i>)	1401
Poison ivy (<i>Toxicodendron/Rhus radicans</i>)	1308
Umbrella tree (<i>Brassiai actinophyllia</i>)	1141
African violet (<i>Saintpaulia ionantha</i>)	1137
Rhododendron/Azalea (<i>Rhododendron sp.</i>)	1029
Yew (<i>Taxus sp.</i>)	969
Eucalyptus (<i>Eucalyptus globulua</i>)	945
Pyracantha (<i>Pyracantha sp.</i>)	894
Spider plant (<i>Chlorophytum comosum</i>)	787
Christmas cactus (<i>Schlumbergera bridgesii</i>)	781
English ivy (<i>Hedera helix</i>)	765
Climbing nightshade (<i>Solanum dulcamara</i>)	754

Folk remedies also result in poisonings. A study of people in rural Mississippi in 1993 showed that 71 % of the people used plant remedies. The most frequently used were lemon, aloe, castor oil, turpentine, tobacco, and garlic. Other plants used as teas for self-treatment included poke and sassafras. Of these poke (see table above) and sassafras contain pharmacologically active and potentially toxic compounds. Turpentine is neurotoxic, a skin irritant and sensitizer. Castor oil is a stimulant laxative that can cause dehydration, electrolyte imbalance, and uterine contractions. The hazards of tobacco are well-known.

This phenomena is not confined to rural areas. In March of 1994, seven cases of poisoning were recorded in New York City from herbal tea. Labeled "Paraguay tea," the imported tea was from the plant *Ilex paraguariensis* and was contaminated with leaves from a plant containing toxic amounts of belladonna alkaloids.

These cases are only a few of many that show "natural" is not always safe. Collecting or using of wild plants, fungi, exotic health foods, and herbs should be done with the same care you would apply to using industrial chemicals or prescription drugs.

=====

OLD ARGUMENTS AGAINST MACHINE GUARDS FAIL AGAIN

BNA-OSHR, 24(47), April 26, 1995, p. 2299-2300

The Occupational Safety and Health Review Commission upheld OSHA citations against an employer who claimed the guards on their grinders were removed because they were technically and economically infeasible. The employer showed that the guards would have to be adjusted with a wrench several times during the work, however the commission concluded that the added cost from time spent making these adjustments did not make the job unfeasible. The commission also noted that the employer made no attempt to obtain a more suitable guard.

The employer also argued that the cost of the using the guards would put the company at an economic disadvantage with competitors who don't use guards. The commission noted that "An employer cannot be excused from compliance with the [OSH] Act on the basis that everyone else will ignore the law."

Workers in art and theater shops who argue that guards make the job more difficult and that "no one else uses them" should keep in mind that neither argument will stand up in court.

=====

200 PEOPLE FLEE FROM HYDROFLUORIC ACID GAS

Chapel Hill Herald, April 1, 1995

At 11:30 on March 31, a connecting tube broke on a cylinder of compressed hydrogen fluoride gas in a University of North Carolina graduate chemistry laboratory. The release of gas resulted in the evacuation of 200 people from the building and required response from the County HAZMAT team in full protective gear. HAZMAT workers used water to turn the gas into dilute hydrofluoric acid and clear the area. Two students needed oxygen, but no one had to be taken to the hospital. Inhalation of the gas can cause corrosive damage to the respiratory system.

=====

ACTS FACTS' SOURCES include the Federal Register (FR), a compilation of all the regulations and public notices issued by all federal agencies, the Bureau of National Affairs Occupational Safety & Health Reporter (BNA-OSHR), the Mortality and Morbidity Weekly Report (MMWR), and many health, art, and theater publications.

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Vol. 9, No. 07

FINAL VERSION OF NIOSH FOG REPORT READY

HETA 90-0355-2449, NIOSH-U.S.DHHS, Centers for Disease Control and Prevention, Aug 1994

The National Institute for Occupational Safety and Health (NIOSH) report on "smoke" effects on the Broadway stage for Actors' Equity Association and The League of American Theatres and Producers is finally finished. The study began in 1991 when questionnaires were filled out by 224 actors from nine Broadway productions. The data showed that actors working in the five productions using smoke reported a significantly greater prevalence of respiratory symptoms when compared to actors in four non-smoke shows.

In 1993, a follow-up medical survey was done on 37 symptomatic actors and 68 non-symptomatic actors. Of these 105 participants, 5 met the case definition for "theatrical work-related occupational asthma." Three of these asthmatics had been exposed to theatrical smoke during the study and two had not. The groups then were further refined to 27 smoke exposed and 18 non-smoke exposed actors. These groups were too small to draw any conclusion about any possible association between smoke-exposure and occupational asthma. "Nevertheless," NIOSH concluded:

...some of the constituents of theatrical "smoke" (such as the glycols) have irritative and mucous membrane drying properties. It would therefore be reasonable to modify the factors which may influence a performer's exposure to the "smoke."

... "Smoke" machines should therefore be located so as to minimize actor's exposure to the concentrated aerosol as it first exits the machine. The quantity and frequency of use of the various fogs during a performance should be minimized.

The report also showed the results of bulk chemical analysis of fog fluids used in 1991. Two of the fogs contained a combination of propylene glycol, 1,3-butylene glycol and triethylene glycol. A third fog fluid contained primarily ethylene glycol and diethylene glycol. One fluid was mineral oil.

Analysis of air samples taken during the shows in 1991 were recalculated for this final report. These data were originally incorrect. Both the old and the new figures show that fog chemicals for which there are OSHA permissible exposure limits (PELs) were well below these limits. Small amounts of other airborne substances also were found including several aliphatic hydrocarbons and alkyl benzenes, 1,1,1-trichloroethane, acetaldehyde, acetone, isopropanol, toluene, limonene, siloxanes, and perchloroethylene. Some of these are glycol decomposition products. But since they also are common air pollutants, they may not be fog-related.

ACTS feels NIOSH should have considered not only the amounts of fog chemicals in the air (e.g. PELs), but the greater amounts deposited in the lungs when performers breathe through their mouths or hold in their breath during long sentences or musical phrases. NIOSH also should address the effects of the symptoms that they documented on performers' careers. These symptoms were:

...nasal symptoms (sneezing, runny or stuffy nose), respiratory symptoms (cough, wheeze, breathlessness, chest tightness), and mucous membrane symptoms (sore throat, hoarseness, dry throat, itchy/burning eyes, dry eyes).

Performers simply cannot do their best work and actually may damage their vocal mechanism by working with these symptoms.

ACTS is grateful that New York Actors' Equity Association (AEA) sponsored a second study which better addresses actors' risks (see ACTS FACTS, May 1995). The AEA study's questionnaire showed similar significant elevations of symptoms among fog-exposed actors, but unlike NIOSH, AEA backed up its data with a comparison of medical treatment records from a much larger (over 1200) group of fog-exposed and non-fog-exposed actors. The AEA report also raised many questions about actors' special risk factors.

Flaws and all, the NIOSH study belongs in every theater company's safety library. Call 800/356-4674 and ask for HETA 90-0355-2449.

=====

PROPYLENE GLYCOL NOT FIT FOR CAT FOOD

60 FR 24808-24811, May 10, 1995

The Food and Drug Administration (FDA) proposes to change its rules to exclude propylene glycol (PG) from generally recognized as safe (GRAS) status for use in cat food. PG is used in some semi-moist pet foods in quantities of 6 to 13 % as a humectant, plasticizer, and microbiological preservative.

FDA reviewed extensive data starting with a 1976 European Economic Community review of pet food additives and ending with recent studies by a U.S. pet food industry research group. FDA concluded that PG damages the blood-forming mechanism and that cats consuming PG-containing diets would be less able to compensate for other stresses such as those caused by infections, drugs, or toxins. The condition also could interfere with the proper diagnosis of other diseases such as diabetes and lymphoma in cats.

PG causes similar effects in dogs and perhaps its use in human foods should be re-examined. PG is allowed up to 5 % in alcoholic beverages, 24 % in confections and frostings, 2.5 % in frozen dairy products, 97 % in seasonings and flavorings, 5 % in nuts and nut products, and 2.0 % in all other foods.

PG also is used in theatrical fogs, paints and inks, and more. Material Safety Data Sheets (MSDSs) for some of these products list PG's GRAS status. This misleads users whose exposure is by skin contact or inhalation since its GRAS status only relates to exposure by ingestion. Now ingestion of PG is also in question.

=====

LATEX ALLERGIES: NEW INFO, NEW BLOOD TEST

Science News, Vol 147, April 22, 1995, p. 244, FDA Consumer, June 1995, pp. 2-3

An estimated 17 million people are allergic to natural rubber. And the reason, literally, may be floating in the wind. A team of California researchers at the Experimental Biology '95 Conference in Atlanta this April presented data showing that urban air and roadside dust contains components recognized by human and rabbit antibodies as latex. Extracts of both ground-up tires and rubber gloves elicited the same antibody response. Tiny amounts of latex shed into the environment by normal wear of tires may explain why some people that do not use latex products are sensitized.

People with no prior known response to latex may suddenly exhibit reactions to latex medical devices and surgical gloves ranging from minor skin reddening to fatal anaphylactic shock. Latex sensitivity affects an estimated one percent of the population including up to 15 percent of health workers and others exposed to latex regularly, and 34 to 100 percent of people with spina bifida who are exposed repeatedly to latex tips on enema bottles during treatment.

The diagnosis of latex-allergy usually is made by physical examination and history. Now a laboratory test can identify latex sensitivity by measuring latex antibodies in blood. The test was granted marketing clearance by FDA on March 24 based on clinical data showing the test detected latex sensitivity in 87 to 94 percent of the allergic patients. The new test, the AlaSTAT latex-Specific IgE Allergen Test Kit (Diagnostic Products Corp., Los Angeles), can be performed in a hospital laboratory using patient blood specimens. Results are available in a few hours.

=====

JOURNAL FOR PROPMAKERS

Proptology: The Journal of Props Professionals, has fielded its first issue. Useful information about old and new materials, safety, recipes, and articles by well-known prop makers are included. Prop makers should contact the Editor, Wulf, for a free sample issue of *Proptology* at 2483 Gerrard Street East, Scarborough, ON M1N 1W7 Canada, 416/691-9838

=====

WATCO FINISHES AVAILABLE AGAIN

Woodshop News, June 1995, p. T10

Watco finishes are back on the market. They were reintroduced by The Flecto Co. of Oakland, CA. Now they are labeled with warnings about spontaneous ignition to avoid the lawsuits that reportedly caused discontinuation of the product (ACTS FACTS, March 1995).

=====

SHOCKING NEON ART PRINTS RECALLED

Consumer Reports, July 1995, p. 462

510 prints sold between 11/94 and 12/94 for \$ 130 titled "Hollywood Diner," "Night Hawks," or "Fab Four Neon," measuring 25 x 36 inches and framed in plastic are recalled for faulty wiring which can pose a fire hazard. Return to store (Spencer Gifts/DAPY) for refund.

=====

LEAD TESTS TESTED

Consumer Reports, July 1995, p. 462

Consumer Reports tested a number of lead paint test kits. Three of the better ones that can also be used for testing ceramics are:

Product/phone	cost/#tests	Limits*	Comments
Acc-U-Test 1-617-337-5546	\$ 7/many (bottle/dropper)	0.05 ppm	Easy, results in <5 min. Dark paint can mask results. Alternate method for dark paint takes 24 hours. Other uses: pottery, household dust.
LeadCheck Swabs 1-800/262-LEAD.	\$ 18/8	0.5 ppm	Easy, results in <5 min. Red paint can mask results. Can run a check tests. Not for gypsum, stucco, plaster. Other uses: household dust, soil solder, crystal, ceramic.
The Lead Detective 1-617-965-5653	\$ 30/many (bottle/dropper)	0.05 ppm	Easy, results in <5 min. Dark paint can mask results. Can run check tests. Not for iron, copper, painted metal. Other use: pottery.

* Reflects maximum sensitivity when applied to hardboard panels coated with multiple layers of leaded and nonleaded paint.

LIMONENE LIMIT NOT RELATED TO IRRITATION

Art Hazards News, Vol. 18, No. 1, 1995, p.1

The Center for Safety in the Arts' (CSA) *Art Hazards News* recently covered the American Industrial Hygiene Association's Workplace Environmental Exposure Limit (WEEL) for d-limonene of 30 parts per million (covered earlier in *ACTS FACTS*, Dec., 1993). The article said the WEEL "reflects concern with the irritative properties that CSA has referred to for years..."

Actually, irritation was not even considered by AIHA. Instead, they drew on animal tests showing liver damage, reduced survival rates, and very low "no observed effect levels." It is important for limonene users to understand that the potential hazard of d-limonene is systemic toxicity, not simple respiratory irritation.

=====

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ART TEACHER CAN VIDEOTAPE SCHOOL'S SAFETY VIOLATIONS

BNA-OSHR, 25(4), June 28, 1995, p. 174

A Rhode Island art teacher was granted a temporary restraining order by the federal Court for the District of Rhode Island on June 13 allowing her to videotape alleged violations of the State's health and safety code at her high school (*Cirelli v. Johnston School District*, DC RI, No. 95-231 P, 6/13/95).

The teacher began to taping the alleged violations after failing to get a response from school officials about her complaints. The school ordered her to stop videotaping and not to release the tape to anyone without school permission. The Court ruled that the school's orders violated the teacher's First Amendment rights. **Now, this is an interesting way to get action!**

CHEMICAL JOURNAL FEATURES THEATRICAL FOG

Chemical Health & Safety, Harry H. Herman, Jr., (2)4, July/August 1995, pp. 10-14.

The American Chemical Society's journal, *Chemical Health & Safety*, sports a cover showing an actor partially enveloped by theatrical fog. Inside, one of the featured articles is called "Are Theatrical Fogs Dangerous" written by Harry H. Herman. The article summarizes data from the Actor's Equity study on the glycol theatrical fogs that Mr. Herman presented at the American Chemical Society's annual meeting in California in April (See *ACTS FACTS*, May, 1995).

Every theater company should have a copy of this article. It makes the 100-plus pages of technical data in the Actor's Equity study much easier to understand. Readers can get a free copy by contacting the magazine's Project Assistant, Laura Manicone, at 202/872-4617. Or write to her at: *Chemical Health & Safety*, American Chemical Society, 1155 16th St., N.W., Washington, DC 20036. Ask for Volume 2, Number 4, the May/June 1995 issue.

APOLOGY TO CANADIAN & AUSTRALIAN SUBSCRIBERS

Last month we gave readers an "800" number to call the National Institute for Occupational Safety and Health (NIOSH) to ask for a copy of their theatrical fog report. Calls from disgruntled readers alerted both NIOSH and ACTS to the fact that this number only works in the U.S. Now NIOSH has provided us with a number that can be used temporarily by our foreign readers. Call 513/533-8328 and request publication: HETA 90-0355-2449. Or write: NIOSH Publications Office, 4676 Columbia Pkwy, Cincinnati, OH 45226-1998.

COMMON PLASTICIZERS MAY CAUSE CANCER

BNA-OSHR, 25(4), June 28, 1995, p. 172-173 & 60 FR 35411, July 7, 1995

The National Toxicology Program (NTP) has published the results of a study of butyl benzyl phthalate (BBP). BBP is one of many chemicals that are used as "plasticizers," that is, chemicals added to plastics to provide flexibility and softness. The study showed BBP produced some evidence of carcinogenic effects in male rats and equivocal evidence in female rats. A previous study in 1982 showed no evidence of carcinogenicity in mice, unexplained toxicity and early mortality in male rats, and a statistically significant incidence of leukemia in female rats.

The lack of consistency between these two major studies makes it difficult to predict the effects of BBP on humans. This is especially troubling because large numbers of people are likely to be exposed. Almost all consumers are exposed to BBP through its use in vinyl flooring and food packaging materials. BBP is also widely used in vinyl plastics and foams, carpet backs, Astroturf,™ as a carrier and dispersant for pesticides, colorants, solvents, and in many other products.

We know even less about many other vinyl plastic plasticizers since most have never been studied for cancer effects. Among those few that have been studied, some appear to cause cancer while others do not. For example, an NTP study of a plasticizer called tricresyl phosphate showed no evidence of cancer (60 FR 35411), while another, diethylhexyl phthalate (DEHP), clearly is carcinogenic. DEHP was used for many years as the plasticizer in vinyl plastic polymer clays such as Sculpey and Fimo. The plasticizers currently used in these products today are closely related to DEHP but have never been studied for cancer effects. Products containing these untested plasticizers can be legally labeled "non-toxic."

=====

AT LAST: LEAD BANNED FROM CANS

60 FR 33106-33109, June 27, 1995

The Food and Drug Administration (FDA) is amending its food additive regulations to prohibit the use of lead solder to manufacture cans for packaging foods. FDA concludes that the available toxicological data for lead demonstrate that the use of lead solder to manufacture cans for packaging food may be injurious to the public health, particularly that of fetuses, infants, and children. The ban will be in effect December 27, 1995. Existing stocks of lead-soldered canned foods will be allowed to be offered for sale until June 27, 1996.

=====

SPRAY ART DESIGN TOY RECALLED

Consumer Reports, July 1995, p. 462

Kenner Colorblaster 3-D, model 14290.11 sold 8.94 to 1.95 has been recalled. The toy uses a pump to pressurize a plastic cylinder to spray swirls of colored paints. When overpumped, the handle and cap can fly off and injure user. Only toys with orange handles and purple caps are affected. Return to store or call 800-327-8264 for prepaid mailing label to return handle and cap to company.

=====

NOT ALL MOTHBALLS ARE CREATED EQUAL

Two different chemicals, paradichlorobenzene (PDB) and naphthalene, are used for mothballs, restroom deodorant blocks, and similar purposes. They both have a characteristic "mothball" odor. Most people can detect the odor of naphthalene at about 0.04 parts per million (ppm), and PDB at about 0.12 ppm. This means both can be detected before their Threshold Limit Values (TLVs). The TLVs for both chemicals are very low (10 ppm) indicating they are very toxic. Since both have the same TLV, it is necessary to compare other qualities in order to choose the least toxic chemical.

Naphthalene can cause anemia, liver and kidney damage. Its ability to cause cancer is debatable based on a single National Toxicology Program (NTP) two-year inhalation study. This study showed no evidence¹ of carcinogenic activity in male mice, but showed some evidence¹ of carcinogenic activity in female mice. If it is a carcinogen, it isn't showing evidence of being a potent one.

PDB's primary effects are on the respiratory system and liver. Cancer studies of PDB have been reviewed and the evidence is clearer. NTP places PDB in Category 2,² the National Institute for Occupational Safety and Health (NIOSH) lists it as a carcinogen,³ and the International Agency for Research on Cancer (IARC) lists PDB in category 2B.⁴

Comparing these data tips the scale in favor of using naphthalene with one major reservation. Naphthalene is highly toxic causing severe anemia in certain people of Black (other than Australian Aboriginal), Mediterranean, and Semitic origins with genetic glucose-6-phosphate dehydrogenase deficiencies. People with this genetic condition should avoid exposure to naphthalene.

1. The NTP uses five categories of evidence of carcinogenic activity to summarize the evidence observed in each animal study: Two categories for positive results (clear evidence and some evidence); one category for uncertain findings (equivocal evidence); one category for no observable effects (no evidence); and one category for studies that cannot be evaluated because of major flaws (inadequate study).

2. After studies have been evaluated, the NTP has two categories of carcinogens: 1) known to be carcinogenic from human studies; and 2) reasonably anticipated to be a carcinogen, with limited evidence in humans or sufficient evidence in experimental animals.

3. NIOSH-X: carcinogen defined with no further categorization.

4. IARC-2B: possibly carcinogenic to humans; limited human evidence in humans in the absence of sufficient evidence in experimental animals.

=====

OSHA CONSULTATION BOOKLET AVAILABLE

A new 18 page booklet, "Consultation Services for the Employer," helps small business employers use the Occupational Safety and Health Administration (OSHA) consultation services. It explains how OSHA-hired consultants can work with employers to improve safety and health by identifying specific hazards and providing advice and assistance in abating them. The consults are free and are provided only upon an employer's request. The booklet is available free by sending a self-addressed label to the OSHA Publications Office, 200 Constitution Ave., N.W., Washington DC 20210; 202/219-4667, fax: 202/219-9266. Request OSHA Publication # 3047.

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MANGANESE TO REPLACE LEAD IN GASOLINE

60 FR 36414, July 17, 1995

In 1993, Ethyl Corporation applied to EPA for permission to sell a manganese-containing fuel additive for unleaded gasoline. In July, 1994, EPA administrator Carol M. Browner determined that this additive met EPA requirements for not causing or contributing to the failure of any emission control device or system. However, application for use of the additive was denied by Browner based on her conclusion that there is a reasonable concern regarding the potential for adverse effects on public health from emissions of manganese particulates from vehicles using the additive (ACTS FACTS, October, 1994).

Ethyl Corporation, took EPA to court. The U.S. Court of Appeals for the District of Columbia Circuit decided that administrator Browner is not allowed to consider factors other than those related to the additive's effect on emission control devices. Pursuant to the court's mandate, Browner granted Ethyl Corporation's application for a fuel additive waiver effective July 11, 1995.

The additive, methylcyclopentadienyl manganese tricarbonyl (MMT), can now be added to gasoline in the U.S. Manganese is associated with neurological damage causing a disease resembling Parkinson's disease. MMT is already used in Canada and studies there show garage workers, taxi drivers, and similar workers are exposed below EPA environmental standards.^{1,2} However, a Swedish study shows preclinical signs of Parkinsonism in steel workers exposed to levels of manganese only a few times greater.³ I guess we will all find out in time whether or not MMT will affect us.

1. "Occupational and Environmental Exposure of Garage Workers and Taxi Drivers to airborne Manganese Arising from the Use of Methylcyclopentadienyl Manganese Tricarbonyl in Unleaded Gasoline," Sated, Gerin, Loranger, Sierra, Begin, Kennedy, American Industrial Hygiene Association Journal 55(1) 53-58 (1994)

2. "Occupational and Environmental Exposure of automobile Mechanics and Nonautomotive Workers to Airborne Manganese Arising from the Combustion of MMT," Sierra, Loranger, Kennedy, Sayed, Ibid., 56:713-716 (1995)

3. "Preclinical Neurophysiological Signs of Parkinsonism in Occupational Manganese Exposure," Wennbers, Hagman, Johansson, NeuroToxicology, Intox Press, 13:271-174, 1992

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LETTER TO READERS FROM ACTS' PRESIDENT

Monona Rossol

For the first time since ACTS was founded nine years ago, our expenses exceeded our income at the end of our fiscal year (June 31). Fortunately, we saw this coming and saved our profits from previous years. We believe non-profits should prepare for economic downturns just as any good business does.

There will, however, be some changes. First, in addition to my work for ACTS, I have taken a part time position as Health and Safety Director for the United Scenic Artists, Local 829. This has enabled me to reduce my salary from ACTS.

Second, the change in my work schedule means that responses to your inquiries may not be quite as fast as in the past. Our "hotline" will be a "lukewarm line" on days when you get our answering machine. Instead of turning phone and letter inquiries around the same day, we will respond to all requests as soon as possible within the week in which they were received. And you can help us respond faster and more economically if you:

- * enclose self-addressed, stamped envelopes for replies;
- * contact us through our e-mail address when possible;
- * offer to call us back on telephone consults; and
- * renew your subscription to ACTS FACTS after receiving the first notice rather than waiting for the second.

These small changes will help ACTS over this rough period. I expect this downturn to last only a couple of years, because I've been through identical hard times before at another non-profit. It happened when Reagan became President. Back then there was the same hostility toward federal art and regulatory agencies and the same reduction in requests for art safety consults and services. Even legislation proposed early in Reagan's reign was almost identical to that being touted now. Back then, too, there were bills to eliminate agencies or cut budgets for NEA, EPA, OSHA and CPSC, to put a moratorium on all new rules, and to erect towering paperwork barriers to important new health and safety regulations.

In a year or two, legislators and the voters will learn once again that art programs and safety rules are good for everyone--even industry. Until then, you will continue to receive ACTS FACTS on time, we will answer your inquiries promptly, and I will lecture and consult when I can. And we'd like to hear from you if you have other ideas for helping ACTS ride out the storm.

GLASS FRIT SPARKS LARGEST OREGON OSHA FINE EVER

BNA-OSHR, 25(9), August 2, 1995, p. 368-369

On July 26, the Oregon Occupational Safety and Health Division (Oregon OSHA) cited Oregon Steel Mills Incorporated and proposed \$1.4 million in penalties for alleged violations of state workplace safety standards. The state levied the fine after investigators determined that the company endangered the health of its employees and other workers by using and selling an abrasive blasting grit that contains lead, cadmium, and arsenic. The company claims that the grit was approved by the Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency. More over, they received the 1993 Governor's Award for Toxic Use Reduction in recognition of its development, the Company said.

Several years ago, the steel mill developed a way to convert their slag waste by-product containing lead, cadmium, and arsenic by melting it into a glass "frit," breaking it into small gravel-sized granules, and using it as a roofing material. The state Department of Environmental Quality approved the product for use as a roofing granule because the toxic metals were bound in the glass.

However, problems marketing the roofing material in 1993 led the company to begin marketing the glass "frit" roofing granules as an abrasive blasting grit, Oregon OSHA said. When used in the blasting process, the granules pulverize into fine dust allowing the toxic metals to be inhaled and ingested.

An investigation by Oregon OSHA determined that workers using this blasting grit could be exposed to from 5 to 99 times the permissible exposure limit (PEL) for lead and 2 to 16 times the PEL for cadmium. Lead, cadmium and arsenic are considered toxic and carcinogens.* But the material safety data sheet (MSDS) stated that the only health hazard associated with the blasting grit was nuisance dust exposure.

State investigators determined that the company continued to sell the product after receiving two independent studies in 1993 that showed employees using the material could be exposed to serious health hazards. The state also alleged that the company did not take steps to correct the MSDS. A spokesman for the steel company says they will appeal the fine. The company's manager of environmental services claimed the material is safe because the heavy metals are changed into a new chemical substance during the manufacturing process.

For decades, ceramic and glass frit makers have claimed that toxic metals are safe when fritted. And it actually may be possible to use a frit safely for items such as roofing granules because they are unlikely to be inhaled or ingested and have a small surface area from which toxic metals can leach. But reducing the frit to a powder makes it hazardous. Ceramicists using fritted glazes should keep this in mind. Artists who abrasive blast should check to be sure they aren't using this product.

* Cadmium and arsenic are well-known carcinogens. However, lead also shows limited evidence of being a carcinogen and is listed by EPA in category B2 and by IARC in category 2B.

=====

URETHANE PAINT MAY BE "UNREASONABLY DANGEROUS"

BNA-OSHR, 25(9), August 2, 1995, p. 371-372

The burden of proving that a product is defective is satisfied when the product is proven "unreasonably dangerous," a Missouri appeals court said June 27 in reinstating a strict liability claim against the manufacturer of a urethane isocyanate-containing paint (*Stinson v. E.I. du Pont de Nemours & Co.*, Mo CtApp, No. WD492632, 6/27/95). In reversing a trial judge's verdict, the Missouri Court of Appeals allowed the plaintiffs try to prove the product was unreasonably dangerous and permitted them to introduce warning labels that DuPont added to its paint after Stinson's injuries in 1984. ACTS believes all products which off-gas isocyanates are too dangerous to use without local ventilation or supplied-air respirators.

=====

COMPLAINTS ALERT CPSC TO TOXIC SOLVENTS IN TOYS

Release # 95-151, CPSC, July 31, 1995, INTERNET:pweddle@cpsc.gov

Consumer complaints caused CPSC to examine and subsequently recall two toys that contain toxic solvents.

- 1) Water Timers models, # 3491 and # 3494, meant to be turned upside down to allow colored liquids, including ethylene glycol, to fall through them causing wheels and other items to spin.
- 2) The Magic Diamond paper weight is made of clear plastic fill with clear liquid petroleum distillates and pieces of iridescent paper.

Both were made in Taiwan and labeled in part "MAGIC DIAMOND item No. MD-1, 1991, WORLDWIDELY PAT." Consumers should take these toys away from young children at once and return them to the place of purchase for a full refund.

=====

NEW LEAD INFORMATION PAMPHLET AVAILABLE

60 FR 39167-9, August 1, 1995

The Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC), jointly produced a new pamphlet called: "*Protect Your Family From Lead In Your Home*" (formerly entitled "*Lead-Based Paint: Protect Your Family*"). The two agencies also consulted with the Centers for Disease Control and Prevention and the Department of Housing and Urban Development on writing the pamphlet. Single copies may be obtained by calling the National Lead Information Clearinghouse (NLIC) at 1-800-424-LEAD or the EPA Public Information Center at 202-260-2080.

=====

EMERGENCY PREPARATION BOOKLET AVAILABLE

BNA-OSHR, 25(10), August 9, 1995, p. 401

A new OSHA booklet provides information to small business employers and their employees on how to prepare for workplace emergencies. Included are accidental releases of toxic gases, chemical spills, fires, explosions, and trauma caused by workplace violence. A free copy of "How to Prepare for Workplace Emergencies" can be obtained by sending a self-addressed label to OSHA Publications, Department of Labor, P.O. Box 37535, Washington, DC 20013-7535. Ask for Publication 3088.

=====

WARNING LABELS FOR THIEVES NOT REQUIRED

BNA-OSHR, 25(8), July 26, 1995, p. 344

A trial court properly dismissed a failure-to-warn action against a dental fillings maker because it was not foreseeable that mercury vapors from alloy stolen by an employee would kill his family, a Michigan appeals court ruled in an opinion released Jun 19 (*Haupt v. Kerr Manufacturing Co.*, Mich CtApp. No. 166484, opinion released 6/19/95).

The Michigan Court of Appeals unanimously upheld summary judgment for Kerr Manufacturing Co., ruling the company was not liable for the deaths of employee Paul Stewart and three family members. The court said the evidence strongly suggested that Stewart wrongfully took metal alloy from his employer, then tried to remove silver from the alloy by smelting it in the basement furnace of his father-in-law's home. The Judge held that Kerr Manufacturing was not negligent in failing to label reclaimed alloy to alert possible thieves that heat can cause toxic mercury in the alloy to vaporize.

The Judge said, "While such criminal misconduct by employees is unfortunately an all too frequent occurrence, it should not be considered to be reasonably foreseeable so as to impose a duty upon employers." By implication: We do not have to include a section in right-to-know training about the hazards of stealing the art and craft materials used in our schools and studios. Whew!

=====

TIME OUT 'TIL THE CUP RUNNETH OVER

60 FR 38200, July 25, 1995

A proposed rule published by the Department of Transportation would allow transportation workers who are unable to produce a sufficient urine sample for alcohol and drug testing requirements additional time to provide the sample.

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ACTS FACTS' SOURCES include the Federal Register (FR), a compilation of all the regulations and public notices issued by all federal agencies, the Bureau of National Affairs Occupational Safety & Health Reporter (BNA-OSHR), the Mortality and Morbidity Weekly Report (MMWR), and many health, art, and theater publications.

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October 1995

Vol. 9, No. 10

HUD LEAD GUIDE: ALL-INCLUSIVE AND CHEAP!

60 FR 44362-3, August 25, 1995

The Department of Housing and Urban Development (HUD) released their updated lead paint document called "The Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing." It was issued pursuant to section 1017 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is often referred to as Title X (pronounced "title ten"). The Guidelines are based on the concepts, definitions, and requirements set forth by Congress in Title X, HUD prepared the guidelines in close consultation with EPA, the CDC, OSHA and several other Federal agencies.

The goal of the document is to help property owners, private contractors, and Government agencies sharply reduce children's exposure to lead safely, legally, and without unnecessarily increasing the cost of housing.

These guidelines should be in almost everyone's library. Anyone who wishes to maintain, renovate, demolish, or abate (remove) lead paint from surfaces can use this reference. While the guides are aimed at people responsible for private and public housing, the document is equally useful to home owners and administrators of schools or public buildings. Even parents of children who encounter lead paint in their homes or schools can benefit from its definitive advice on prevention of lead poisoning in children.

Restorers, contractors, and conservators involved in historic site or museum renovation and preservation certainly should have a copy. The guidelines include a chapter on maintenance and abatement issues related to lead-based paint in historic dwellings.

Almost every question about lead paint is addressed somewhere in the document's 680 pages. It is unbound, and prepunched for use in a three ring binder (not provided). Short summaries of step-by-step procedures for assessment, abatement, and routine maintenance are provided at the beginning of each technical chapter. Photographs and graphics are used throughout and appendices are included.

Copies of the Guidelines can be obtained from HUD USER, P.O. Box 6091, Rockville MD 20850 for the cost of handling and postage. VISA or MasterCard purchases can be made by telephoning HUD USER at 800/245-2691. The cost is only \$ 4.00 for 4th class postage and \$ 8.00 for first class mailing. All orders should reference "Notice FR 3939, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing."

CONTACT LENSES AT WORK: OK WITH RESERVATIONS

59 FR 16334-16363, April 6, 1994 and *Techlines*, Lab Safety, September issue, p. 5

A number of people have call ACTS for clarification about wearing protective glasses or goggles over of contact lenses on the job. They are confused because the actual OSHA rule on prescription lenses in 29 CFR 1910.133(a)(3) never mentions contact lenses:

Each affected employee who wears prescription lenses while engaged in operations that involve eye hazards shall wear eye protection that incorporates the prescription in its design, or shall wear eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.

Instead, OSHA addressed contact lenses in the Preamble to the rule published in the Federal Register on April 6, 1994:

OSHA believes that contact lenses do not pose additional hazards to the wearer, and has determined that additional regulation addressing the use of contact lenses is unnecessary. The agency wants to make it clear, however, that contact lenses are not eye protective devices. If eye hazards are present, appropriate eye protection must be worn instead of, or in conjunction with, contact lenses. (59 FR 16343).

These passages indicate that the term "prescription lenses" in the OSHA rules now includes contact lenses. Provisions for protecting workers from inappropriate use of the lenses are found in the new "General Requirements" for all personal protective equipment in 1910.132 under sections (d) "Hazard assessment and equipment selection," and (f) "Training." These sections require that:

- (d) (1) *The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:*
 - (i) *Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;*
 - (ii) *Communicate selection decisions to each affected employee; and,*
 - (iii) *Select PPE that properly fits each affected employee.*
- (f) (1) *The employer shall provide training to each employee who is required by this section to use PPE. Each employee shall be trained to know at least the following:*
 - (i) *When PPE is necessary;*
 - (ii) *What PPE is necessary;*
 - (iii) *How to properly don, doff, adjust, and wear PPE;*
 - (iv) *The limitations of the PPE; and,*
 - (v) *The proper care, maintenance, and useful life and disposal of the PPE.*
- (2) *Each affected employee shall demonstrate an understanding of the training specified in paragraph (f)(1) of this section, and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.*
- (3) *[omitted provisions for retraining.]*
- (4) *The employer shall verify that each affected employee has received an understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.*

The PPE rules make employers responsible for assessing all hazards including any additional hazards to contact lens wearers. They also must select equipment appropriate and safe to wear with contact lenses, train the workers how to use this equipment, and

certify that the workers understand the use and limitations of the eyewear. In the case of an accident, the worker must also know how to remove the lenses while using the eyewash.

If hazard analysis shows that the work is too dusty, or there is a high chemical risk, the employer may ban the use of contact lenses. If the employer allows them, they are advised by Prevent Blindness America (PBA), formerly the Society to Prevent Blindness, to create a specific written management policy on contact lens use. For information on the contact lens policy, call PBA at 800/331-2020.

=====

THE TREES STRIKE BACK AGAIN

Science News, Vol. 148, September 9, 1995, p. 171

In the mid-1980's, Swedish scientists found stunted rates of growth and reproduction among fish breeding near paper-making plants. They correlated these effects with the chlorine-containing compounds present in pulp and paper mill wastes from bleaching and other processes. Environmental agencies in Sweden, Finland, and Denmark moved to lessen concentrations of chlorinated pollutants dumped into marine waters.

Meanwhile, researchers in the United States and Canada continued looking for the specific culprits behind the fishes' ills. Microbiologist B. Kent Burnison, at Canada's National Water Research Institute in Burlington, Ontario, and his colleagues now report that chemicals other than the chlorinated hydrocarbons also appear to be harming the fish. They found that wastewater from pulping mills that contain no chlorinated compounds harmed the fish most seriously. High concentrations of certain compounds extracted from the wood itself proved toxic to the fish.

This should come as no surprise to those who know that sawdust causes cancer, allergies, and, in the case of certain woods, toxicity in humans. And it is no accident that turpentine, many drugs, and other potentially toxic substances are extracted from wood. Natural substances can be as toxic as synthetic ones if they are in the wrong place at the wrong time.

=====

HOUSE MOUSE CULPRIT IN HANTAVIRUS DEATH

NY Times, July 19, 1995 p. B7

In May, 1994, ACTS FACTS carried an item about a Rhode Island School of Design student who died of hantavirus after presumed exposure to deer mouse excreta at his families vacation home on Shelter Island. Now a second death of a Suffolk County landscaper is also attributed to hantavirus. Preliminary tests indicate that the landscaper came in contact with the hantavirus in his own home. The tissue of a mouse captured in the man's home detected a hantavirus DNA sequence identical to one previously detected in the deceased 25 year old man.

Remember to use gloves when removing mice and rats from traps. Saturate dried droppings with a bleach and water solution and mop up rather than vacuum or sweep away.

=====

GLASS FRIT BLASTING COMPOUND NAMED

Occupational Health & Safety, September 1995, pp. 30 & 83

Last month ACTS FACTS warned about a lead-, cadmium-, and arsenic-containing glass frit that was used inappropriately as an abrasive blasting compound. We now know it was sold under the name "Durablast" to more than 50 companies between March 1993 and February 1995. Artists who do abrasive blasting should check their supplies for this grit. Unused grit can be discarded in the trash. Used grit containing fine dust should be treated as toxic waste.

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COMPUTER-WHIZ WIGS OUT, WIDOW WINS AWARD

BNA-OSHR, 25(8), July 26, 1995, p. 346

An appeals court says the widow of a 44-year old Arkansas employee who committed suicide is entitled to workers' compensation benefits because evidence indicated he took his life as a result of job stress. At first, an administrative law judge ruled the death was not compensable, however a state commission reversed and the appeals court affirmed on May 24, finding no break in the chain of causation between job stress the employee's 1992 suicide at home.

The employee was described by co-workers and his wife as "compulsive and a perfectionist," the court said. An excellent employee and a self-taught computer programmer, he was put in charge of modifying a new computer system's software for his employer. After working long hours, he eventually was "reduced to a state of hopelessness," because he believed he was to blame for his inability to adapt "unworkable" software to the facility's needs, according to the court.

What makes this case even more disturbing is that the employee worked for a mental health center where one would expect more awareness of the emotional problems of their own workers.

=====

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November 1995

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Apologies to our non-theater readers, but this subject was important enough to dedicate an issue to it.

SMOKE STUDY UNDER FIRE

"Health Effects of Glycol Based Fog Used in Theatrical Productions," prepared for Actors' Equity Association by Consultech Engineering Co., Washington DC, February 21, 1995

Whether you believe theatrical fog is hazardous or safe, you can now find "experts" who agree with you. The League of American Theaters and Producers and two fog manufacturers, Rosco Laboratories and High End Systems, all hired experts to write critiques^{1,2,3} of the most recent study of glycol fogs--the Actor's Equity Association (AEA)/Consultech study. The battle of the "experts" is underway in the theatrical world and the facts are getting lost.

For instance, the fog manufacturers' "experts" attack the AEA study's author. One² says Harry Herman, President of Consultech Engineering, is not "qualified" to do the research and that there was not "any type of scientific or professional peer review" of the study. These statements are untrue^{4,5} and detract from the issues.

All three industry experts miss the point when discussing the study's questionnaire survey. They claim it is worthless because it did not contain a control group of unexposed performers. They failed to note that 1) the questionnaire's survey backs up results from an earlier NIOSH survey which also was done without controls, and 2) the AEA survey was purposely administered only to glycol-exposed performers to illicit their perceptions of their medical problems. This was necessary so that these medical problems then could be researched through analysis of insurance records.

AEA/CONSULTECH'S ANALYSIS OF MEDICAL CODES. The study analyzed performers' health insurance records through Union Labor Life⁶ whose medical claim forms use a standard code system called ICD-9 Codes.⁷ These codes identify the specific diagnoses for which treatments were provided by doctors. The ICD-9 Codes selected for study by AEA were chosen from among common respiratory, skin, eye, and other complaints 1) made by glycol-exposed Actors, 2) noted by Doctors who treated glycol-exposed performers, and 3) reported in previous questionnaire studies by NIOSH and by Consultech.

SELECTION OF EXPOSED AND CONTROL GROUPS. AEA staff used their contract database computer to randomly select groups to study. These were: 1) a glycol fog-exposed group comprised of union performers working in glycol fog productions for at least three consecutive years; and 2) three control groups of union performers who had not worked in shows using fog or smoke of any type. Verification that the controls were unexposed was assured by using union work history files and cue sheets. (AEA requires cue sheets from all Broadway and touring companies that use fog or smoke).

The fog-exposed group contained 402 performers from productions of *Grand Hotel*, *Miss Saigon*, *Les Miserables*, and *Phantom of the Opera*. The non-exposed group totaled 860 and was further divided into three groups. Group one consisted of 361 performers 45 % of which were from musicals (*She Loves Me* and *Gypsy* on Broadway, and *Love on This Island* from both Broadway and touring companies), and the rest from non-musical productions. Groups two and three consisted of 390 and 109 performers each that were a general mix of performers.

Of the 402 people in the fog exposed groups, 51 performers (13%) required treatment for the chosen ICD-9 Code ailments, where as only 46 performers (4%) of the 860 did. **Clearly, a three times greater percentage of performers in fog-productions went to the doctor, were diagnosed and treated.** Data on the number of treatments (some people needed more than one) is even more compelling:

NUMBER OF TREATMENTS FOR ICD-9 CODE DISEASES

ICD-9*		FOG-EXPOSED	UNEXPOSED GROUPS			
CODE	DISEASE DESCRIPTION	GROUP	# 1**	# 2***	# 3***	TOTAL
(numbers of performers in groups)		(402)	(361)	(390)	(109)	(860)
37214	Chronic allergy conjunctivitis	2	-	-	-	-
4619	Acute Sinusitis NOS	4	2	-	-	2
4640	Acute Laryngitis	13	1	2	2	5
464	Acute Laryngitis/Tracheitis	23	-	-	-	-
4641	Acute Tracheitis	2	-	-	-	-
4642	Acute Laryngotracheitis	1	-	-	-	-
4720	Chronic Rhinitis	1	1	-	-	1
4739	Chronic Sinusitis	6	7	-	-	7
476	Chronic Laryngitis/Laryngotracheitis	1	-	-	-	-
477	Allergic Rhinitis	10	14	-	-	14
4779	Allergic Rhinitis NOS	2	-	-	-	-
478	Other Diseases of Nasal Cavity & Sinuses	2	-	-	-	-
4939	Bronchitis/Asthma	2	-	-	-	-
493	Asthma	2	4	-	-	4
9953	Allergy/Allergic reaction	1	-	-	-	-
5199	Unspecified Disease of Respiratory System	20	5	5	-	10
5799	Unspecified intestinal Malabsorption	1	1	-	-	1
6929	Acne	12	9	6	-	15
7821	Rash and Other Nonspecific Skin Eruption	1	1	1	-	2
78609	Respiratory NOS	1	1	-	-	1
TOTAL VISITS TO DOCTORS:		107	46	14	2	62
PERCENTAGE OF TREATMENT/GROUP:		27%	13 %			7%

* See footnote # 7 for definition of ICD-9 Codes.

** 45 % of Group One were from musical productions, and the balance from non-musical productions.

*** Groups 2 and 3 are a general mix of performers.

You don't need a PhD to interpret the four lines of data in bold type above relating to acute laryngitis and tracheitis! Performers obviously were right when they claimed on their questionnaires that the fog causes vocal problems. There also is no performer bias in this data. The performers sought treatment without knowing their actions would be studied. Further, the doctors treating them did not know that their diagnoses would be compiled. Another reason to stop using fog also was found on analysis: **the medical cost per performer was four times greater for those in glycol fog shows!**

Actually, an industry "expert" provides one reason for these data:

These glycols are hygroscopic and at high concentrations will have a drying effect on the nose, eyes and throat. Physically active performers will likely experience more of these effects. However, these effects are transient, and rapidly reverse once exposure stops. No permanent injury will result, and thus it is not perceived as a health risk.³

Only an "expert" utterly unfamiliar with the rigors of performance could conclude that one can sing or act night after night with a dry, irritated throat without harming their performance and health.

DATA DISPUTED. The industry experts attacked the ICD-9 data several ways. One² ignored it. Another¹ says that ICD-9 codes can represent preliminary diagnoses that doctors list to get compensated. If this were so, all these doctors were fraudulently taking payment for providing either no treatment or treatment for a different disease.

A third expert³ said that a proper epidemiological study requires far more data about each performer such as profession⁸ (singer, dancer, etc.), sex, age, pre-existing illnesses, and much more. These traits must then be matched so that the subjects have a great many characteristics in common except for their exposure to fog. This is true, but performers cannot be studied this way. Complete medical and life-style data is not available, there are too many variables in their lives and work, and there are too few of them. **Saying that a full epidemiological study of performers is needed to prove there is a problem is the same as saying it can never be proved.** Instead, ICD-9 analysis is good common sense alternative.

OTHER INFO IGNORED: The fog sellers' experts also did not mention that the report appends letters from three chemical manufacturers who believe theatrical fog is not an appropriate use of glycols. The League's expert says the letters are not "scientific evidence." This is true, but they are an important part of the picture:

TEXACO (October 28, 1993): Through our product stewardship program, the potential misuse of these products [propylene glycol and triethylene glycol] in the production of theatrical "fogs" has been known for some time. In our replies to inquiries from our customers and distributors, we have consistently described this application as an inappropriate, and potentially harmful, use of our products, and have discouraged the use of these glycols to produce theatrical fogs.

Raymond J. Papciak
Coordinator, Product Safety

SHELL CHEMICAL (January 7, 1994): ... Shell markets these glycol products [diethylene and triethylene glycols] primarily as industrial chemicals and has not actively promoted the products for use in the artificial smoke/fog applications.Shell will limit our sales of DEG and TEG at this time to end uses other than artificial smoke/fog generators.

W. H. Peters
Business Manager
EO/EG Products

UNION CARBIDE (December 9, 1993):we do not recommend or knowingly sell TEG [triethylene glycol] for "artificial fog" applications.

William M. Snellings, PhD
Occupational Health and
Product Safety Manager

FOG IN OUR FUTURE? The industry is not about to give up fog. They will use glycols or switch to other chemicals such as mineral and vegetable oils which may be worse. Performers still will be "lab rats," testing their skills while micron-sized glycol or oil mists deposit in their lungs and on their vocal cords. Performers will be put at risk to answer questions that should never even be asked like, "can food allergies be caused by inhaling your veggie oils?"

ACTS' OPINION: The AEA report shows that many performers suffer health effects from glycol fogs. Some effects are caused by hygroscopic properties, some are due to allergic responses, and some are from irritation or other toxic effects. All these effects put performers at further risk because colds and infections are more likely to attack damaged respiratory tissues. Singing, acting, playing instruments, or dancing day after day with these problems can permanently damage health and jeopardize careers. Other theater and entertainment workers and audience members also are at risk.

Common sense dictates that all workers, including those in theater and entertainment, are entitled to do their job in clean fresh air.

- 1. Joseph H. Highland, PhD, Chief Executive Officer, and Cindy F. Kleiman, MPH, ENVIRON, 214 Carnegie Center, Princeton NJ 08540, October 17, 1995 to Harriet Slaughter, Director of Labor Relations, The League of American Theaters and Producers, New York City.
- 2. Letter from Thomas A. Hall, PhD, CIH, Director of Industrial Hygiene, Sciences International, Alexandria VA to Mr. Stan Miller, President and CEO Rosco Laboratories, Port Chester NY, Sept. 11, 1995.
- 3. Letter from James P. Kehrer, PhD, Division of Pharmacology and Toxicology, College of Pharmacy, University of Texas, Austin to Mr. Lowell R. Fowler of High End Systems, Austin TX, August 28, 1995.
- 4. As soon as the report was released, Harry Herman's credentials were questioned and charges were made against him by an industrial hygienist working for the League of American Theaters and Producers. The American Industrial Hygiene Association's Ethics Committee investigated the charges and determined they were unfounded. Shortly after this incident, the AIHA Ethics Committee suspended all enforcement of its Ethics Code. The editor personally believes that they ceased enforcement until AIHA can find a way to prevent people from filing frivolous charges in order to discredit someone's research.
- 5. The study was reviewed by industrial hygienist, Nick Fannick, who was the first NIOSH researcher to investigate theatrical fog in the 1980's. Monona Rossol also peer reviewed.
- 6. The medical treatment evaluation was undertaken by Consultech Engineering with the cooperation and assistance of Union Labor Life Insurance, Co., The Equity League Health Trust Fund and Actors' Equity Association. The Equity League Health Trust Fund authorized Union Labor Life Insurance Co. to work with both Actors' Equity Association and Consultech Engineering.
- 7. ICD stands for "International Classification of Diseases." ICD is a standard for classifying and coding diseases and medical conditions originated by the World Health Organization.
- 8. The study could be improve by separating out the unexposed performers in musicals so that singers would be compared with singers. However, since 45 % of Control Group One are musical performers, the outcome is already obvious by looking at the data. In addition, actors may actually be most at risk for throat problems because actors are less likely to wear microphones and must project their voices more.

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ANOTHER POTTER AFFECTED BY MANGANESE

Elke Blodgett, "Potters Manganese Toxicity," *Contact*, Autumn, 1995, pp. 26-31

The November 1993 issue of *ACTS FACTS* reported a case of suspected manganese Parkinsonism in Australian potter Jane Lanyon. Now a Canadian potter, Elke Blodgett, has written a detailed article about her problems with manganese toxicity. Elke Blodgett's exposure resulted from 20 years or more of raku firing in which she used manganese dioxide in amounts of about two teaspoons per firing a couple of times a year. She was also exposed when she obtained the manganese by scraping it out of dry-cell batteries.

Although her blood tests showed higher than normal levels of manganese, it was the two-day battery of neuro-psychological tests that identified the manganese-induced changes. Dr. Tee Guidotti, Head of the Occupational Health Program at the University of Alberta in Edmonton arranged for the tests to be done at the Psychology Department of the University of Alberta Hospital. Dr. Guidotti also felt that Elke Blodgett's illness was complicated by exposure to other ceramic chemicals containing metals such as copper, iron and cobalt.

Elke Blodgett's excellent article details her health problems and summarizes medical and historical information about manganese toxicity and manganese Parkinson's disease. In the interest of alerting other potters, Elke Blodgett is allowing *ACTS* to provide copies of the article for the cost of copying (\$ 2.00 US) and a self-addressed stamped envelope.

*Luis -
Nice, huh?
M*

CHOICE OUTSTANDING ACADEMIC BOOK AWARD

The second edition of one of Monona Rossol's books, *The Artist's Complete Health and Safety Guide*, was given a 1996 Choice Outstanding Academic Book Award by *Choice Magazine*, a publication of the Association of College and Research Libraries. *Choice* reviews thousands of titles and, for over 20 years, has been honoring the finest scholarly works through their annual awards.

APOLOGY TO SUBSCRIBERS

For the first time since 1987, *ACTS FACTS* is being mailed out later than the first or second day of the month. The Editor was hospitalized for a week and is a bit behind in her work.

ACTS' CANDIDATE FOR TEACHER OF THE YEAR

BNA-QSHR, 25(18), October 4, 1995, pp. 672-3, & 25(4), June 28, 1995, p. 174

The August 1995 ACTS FACTS reported on a precedent-setting legal case involving a teacher who video taped safety violations in her Rhode Island school. Now, a federal district court has given the teacher a permanent injunction that allows her to continue taping and to release the videotapes at will (*Cirelli v. Johnston School District*, DC RI, No. 95-231, injunction issued 8/28/95).

The teacher, Marie Cirelli, taught in the Johnston school district since 1970. Several years after becoming an art teacher in 1980, she began experiencing skin rashes, breathing difficulties, and headaches. In 1994, she filed a grievance through the American Federation of Teachers. An industrial cleaning service hired by the school reported that the air quality was acceptable, but it also made nine recommendations for improving the indoor environment.

Believing the recommendations were not being followed, Cirelli began videotaping sites of possible violations. She contacted the State Department of Labor and filed another grievance. The state inspected the school and issued a compliance order citing numerous violations of the state's health and safety code.

When Cirelli continued to videotape, the school administrator ordered her to "cease and desist" and barred her from releasing any of the videotapes without the permission of school officials. In June 1995, the district court issued a temporary restraining order that allowed Cirelli to continue to videotape. In the meantime, officials from the labor department and the town fire department reinspected the school and found no violations.

Cirelli asked the court to enjoin the school permanently from interfering with future videotaping. The school claimed that Cirelli was acting on a matter of private concern and that the disruptiveness and negative image created by her activities outweighed any public interest or her rights of free speech.

Instead, the Court ruled that Cirelli's activities constitute a "comment" on a matter of public concern and that Johnston's citizens, as taxpayers, "have a right to know the conditions in which their public buildings are being maintained" and parents have an "interest in having access to information about potential safety hazards his or her child may face every day."

The court said the school may limit her access to its property only insofar as it limits access by any other groups. Cirelli may continue to videotape during non-school, non-working hours, such as early in the morning when the building opens and after class. At other times, she would need the same permissions that others would.

Although the most recent inspections revealed no violations, the most recently recorded videotapes showed cracked windows, exposed electrical wires, and poorly functioning air vents. The veracity of these videotapes is unquestionable, the court said. Bravissima, Marie Cirelli!

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CENTER FOR SAFETY IN THE ARTS TO CLOSE?

Art Hazards News, Vol. 18, No. 4, 1995, p.1 & EDITORIAL

CSA's President, Michael McCann, announced in the most recent Art Hazards News that the Center for Safety in the Arts (CSA) will close if it cannot raise at least \$ 50,000 in the next few months. They have lost all their National Endowment for the Arts grants and their grant from the New York State Department of Labor.

McCann said that "If CSA closes down, there will be no place for artist, performers, teachers, parents, schools, museums, theaters, colleges, etc. to obtain information and assistance on the hazards in the arts." Of course, this is not true.

ACTS is a non-profit with consulting and educational activities similar to CSA's including a free information network which serves about 30 people a day who call, write or e-mail. What ACTS does not have is a New York City office rent. We operate from our home offices and hold Board meetings by conference call and e-mail.

I was one of the founders of CSA in 1977. When I left in 1987, Susan Shaw, Eric Gertner, Nina Yahr and I set up ACTS. (Elizabeth Northrop joined our Board a few years later.) We hoped to avoid some of CSA's financial and ethical problems by keeping ACTS' overhead low, not actively pursuing grants or soliciting donations from the artists we serve, and never taking donations or advertising from art materials manufacturers or other businesses whose interests could conflict with ours.

Instead, ACTS income is from below-market fees charged for consulting, OSHA training, lecturing, writing, and teaching. A few individuals and foundations make unsolicited contributions which we gratefully put to good use, but on which we do not depend for survival. We also sell some publications including this newsletter.

Like CSA, our income has been reduced this year by federal budget-cutting and the anti-regulatory climate. ACTS, however, saved enough money in prior years to tide us over. Artists need not fear they will be left without professional health and safety services if CSA closes its doors.

Monona Rossol

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YALE CLEANS UP

HazChem Alert, Vol. 10, No. 9, Sept. 1995, p 110. Harford Courant, Sept. 20, 1995, p. A12

As the result of EPA enforcement, Yale University must now pay a penalty of nearly \$ 70,000 for improperly handling hazardous wastes and must invest \$ 280,000 in programs to prevent chemical pollution. EPA cited Yale in 1994 for questionable storage and handling of hazardous wastes, and for inadequate training of laboratory employees. ACTS is especially saddened when schools are cited for training violations. Universities should be leaders in educating laboratory workers and students rather than be forced by a Federal Agency to provide the minimum training required by law.

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