

# 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 1996

Vol. 10, No. 01

## ACTS wishes you a healthy, happy 1996

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

### CHEMICALLY INJURED PROP MAKER WINS SETTLEMENT

interviews and expert testimony for the Plaintiff

A non-union Prop Maker employed to repair the costumes for a production of a Little Shop of Horrors sued her employer after she developed multiple chemical sensitivity (MCS) allegedly from exposure to the products she used. The Suit was settled when the employer's insurance company agreed to pay the plaintiff all past wages, compensation, and medical bills with interest, and to pay reimbursement for expert witnesses and doctors' testimony.

The Prop Maker's exposures on the job were uniquely excessive. She was literally inside the "Audrey" plant prop rebuilding the infrastructure with urethane foam (Great Stuff™) and spray adhesive. She used these and other products without protective equipment.

Attorney, Elissa Griffith Waldron, Allentown, PA, says the case was difficult because MCS is not as well recognized as other diseases. She feels that success in these cases requires the testimony of at least two doctors with good credentials, and of an industrial hygienist who can quantify the exposures that caused the illness.

Another winning factor was the prop maker herself. While confined to her home, she contacted experts by phone, talked witnesses into testifying, and studied the legal problems presented by her case. Her advice to others suing for MCS damages is "never give up."

### CSA CLOSURES - NEWSLETTER CONTINUES

Art Hazards News, Vol. 18, No. 5, 1995

The Center for Safety in the Arts (CSA) shut down most of its services the end of December. Closed are the Art Hazards Information Center which answered written and telephone inquiries, and CSA's consultation, lecture, and other educational services.

The Art Hazards News will survive by becoming a project of the New York Foundation for the Arts (NYFA) and by reducing the issues per year from five to four. Other CSA publications also can be obtained from NYFA, 155 - 6th Avenue, 14th floor, New York, NY 10013.

Services like those discontinued by CSA are all available at ACTS.

## **PARKINSON'S ASSOCIATED WITH RESINS, GLUES & PAINTS**

Canadian Journal of Neurological Science, Chaturvedi, Ostbye, Stoessl, Merskey, Hackinski 22:232-234

A study of over 10,000 elderly Canadians showed that seniors with Parkinson's disease were more likely to have had past exposures to plastic resins, epoxy resins, glues, paints and petroleum than those who are free of the disease. The exposures were occupational or from hobby and sport activities. The study supports the view that Parkinson's may be caused or exacerbated by long-term exposure to solvents, plastic monomers, and other neurotoxic chemicals at home or on the job.

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## **ANOTHER YELLOW DYE MAY CAUSE CANCER**

BNA-OSHR, 25(28), Dec. 13, 1995, p. 975

An NTP (National Toxicology Program) peer-review panel approved a draft technical report concluding that D&C Yellow No. 11 produced some evidence\* of cancer in rats during a chronic feed study. NTP chose a study design incorporating perinatal exposure of rats followed by two years of dietary exposure to generate data similar to those that FDA uses to regulate other color additives. The study produced some evidence of carcinogenic activity in both sexes of rats. Effects seen included tumors in the liver, kidney, and oral cavity. The dye is used to color topical drug preparations and cosmetics, in spirit lacquers, polystyrenes, acrylic and other plastic resins, colored smokes, and hydrocarbon solvents.

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## **MOLYBDENUM TRIOXIDE CANCER STUDY**

BNA-OSHR, 25(28), Dec. 13, 1995, p. 975

An NTP peer-review panel approved a draft technical report concluding that Exposure to molybdenum trioxide produced no evidence\* of cancer in female rats, some evidence\* in both sexes of mice, and equivocal evidence\* in male rats in chronic inhalation studies. These mixed results indicate that molybdenum may be a carcinogen and further study should be done. Molybdenum is used as a steel additive, in pigments and flame retardants, and as components of glass, ceramics, and enamels.

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- \* The NTP uses five categories of evidence of carcinogenic activity 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").
- =====

## **ERIC GERTNER SETS UP SCHOLARSHIP FUND**

ACTS Board Officer, Eric Gertner, donated \$25,000 to Hunter College to establish a scholarship for employed students interested in the study of environmental and occupational health sciences for health-care institutions. Eric named the fund in honor of his mother-in-law, Felice Yahr. Prior to her death in 1992, Felice Yahr was a genetic counselor at Mt. Sinai and a Director of the Neurofibromatosis Society.

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## **ROM HOSTS PUBLIC SEMINAR**

A half-day seminar by Monona Rossol on hazards in museum environments will be held on February 29, at the Royal Ontario Museum, 100 Queens Park, Toronto, Ontario. Those wishing to attend can contact Janet Waddington at 416/586-5793 or E-MAIL:JanetW@ROM.on.ca.

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## **CERAMIC FIBERS ASSOCIATED WITH PLEURAL PLAQUE**

Letter to Customers, Carborundum, Wm P. Kelly, VP, North American Fibers, 12/5/95.

In 1993, concern about refractory ceramic fiber (RCF) resulted in EPA entering an enforceable testing agreement with three principal makers of RCF. Since then, letters about these tests have been regularly issued by these companies. The most recent one from Carborundum reports preliminary data from a long-term study underway at the University of Cincinnati's Occupational and Environmental Medicine Division. This study is looking for health effects in current and former employees with workplace exposures to RCF.

So far, the study has detected no excess mortality or clinically significant adverse health effects. However, the numbers of workers being studied is too small to be very reassuring. In addition, one disturbing finding was reported. This was the presence of pleural plaques in 3.1 percent of all the workers and in 12.5 percent of the workers who were first exposed to RCF more than 20 years ago.

Historically, pleural plaques have been associated with previous occupational exposure to asbestos and are considered to be markers of exposure. While not a "disease" as such, they are areas of pleural thickening and calcification, usually along the inside of the chest wall and the outside of the lungs. They are thought to result from an inflammatory response to inhaled fibers.

In asbestos workers, pleural plaque formation often precedes development of mesothelioma, the fatal marker cancer for asbestos. Since mesothelioma's latency period is between 20 and 40 years after exposure, it is still too early to tell if these cancers will show up in the RCF workers. And the development of pleural plaques illustrates one more striking similarity between RCF and asbestos.

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## **WELDER GETS 1.2 MILLION FOR MANGANESE PARKINSONISM**

BNA-OSHR, 25(27), December 6, 1995, p. 950

A federal appeals court upheld a \$ 1.2 million verdict to a welder who developed a brain injury from long-term exposure to manganese fumes (*Hose v. Chicago Northwestern Transportation Co.*, CA 8, No. 94-3300, 11/22/95). Delmas Hose was exposed to manganese fumes and dust between 1976 and 1991 at Chicago Northwestern Council Bluffs, Iowa, reclamation center. Physicians diagnosed manganese encephalopathy after Hose collapsed at work.

Last month ACTS FACTS covered a story about manganese toxicity in two potters and warned about exposure to manganese-containing ceramic chemicals and pigments. Likewise, art and theater welders working with mild steel and other manganese-containing alloys and welding rods should take steps to avoid exposure to welding fumes.

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## **ANOTHER PROP GUN SHOOTS FOR REAL**

*Bucks County Times*, August 2, 1995

MACERATA, Italy - The guns of the firing squad cracked and the tenor in "Tosca" fell to the stage. The audience applauded. Then the soprano broke off her aria to shout for a doctor.

"At first I thought it was a directors trick, but it was real blood and the tenor was crying out in pain," said Raina Kabaivanska, who plays the title role in the Giacomo Puccini opera.

The tenor, Fabio Armiliato, was grabbing his right foot and yelling, "They really shot at me."

Armiliato underwent surgery Monday for a flesh wound and hoped to be back on stage next week.

Macerata police were investigating whether a blank had been too tightly packed into one of the eight Napoleonic-era rifles used in the outdoor production Sunday night.

Armiliato is no stranger to the occupational hazards of opera: in a recent performance of "Carmen," he was grazed by a sword.

Although this quoted story is written lightheartedly, it points out a serious need for better training of personnel responsible for the use of fire arms and other weapons on stage.

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## **OSHA CITES PERFORMING ARTS CENTER**

*BNA-OSHR*, 25(24), Nov. 15, 1995, p. 848

The Salt City Center for the Performing Arts, Syracuse, NY, is contesting a repeat citation and a \$6,000 penalty for alleged failure to continuously maintain means of egress free of obstructions or impediments to full instant use in the case of fire or other emergency (1910.37(k)(2)). Theaters and public venues must keep exits accessible both during performances and during off-hours when scenic artists, performers and others working or rehearsing.

The Center is also contesting a citation for alleged failure to guard live parts of electric equipment operating at 50 volts or more against accidental contact (1910.303(g)(2)(i)) and a serious citation and a \$4,000 penalty for alleged violation of air monitoring and medical surveillance for workers involved in asbestos maintenance and abatement (1926.58(f)(2)(i) & (m)(1)(i)).

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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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Vol. 10, No. 02

### AIRBRUSH PIGMENT MISLABELED?

*Airbrush*, Vol. 2.3, p. 74 & Vol. 2.4, p. 87, 1995

Cate Jenkins, artist and EPA scientist, reveals in an article for *Airbrush* magazine that some "non-toxic" cadmium-substitute paints are not safe. She says:

*Liquitex has introduced a line of cadmium substitutes based on naphthol reds, benzimidazolones, nickel titanium yellow, an bismuth/molybdate yellow, and advertises this line specifically for air-brushing. ... Unfortunately, the label on these paints says "non-toxic." Nickel titanium yellow is controlled in the workplace because of the presence of nickel, a cancer-causing metal. Nickel would most likely be released in its soluble form in the lung, as similar compounds also release toxic metals when inhaled.*

*Bismuth vanadate/molybdate yellow was studied by its manufacturer, and found to cause severe changes in the lungs of animals. The company submitted this data to the U.S. EPA, indicating a potential cancer problem, and publicized the problem through trade publications, etc.*

How, then, does paint containing these pigments become labeled "non-toxic?" Cate Jenkins thinks it may be Liquitex's "reliance on the hired toxicologist at the Art and Craft Materials Institute." It may also be due in part to the common misconception held by many toxicologists that acid-insoluble metal pigments are not absorbed easily by the body. Even if this were true, it is irrelevant when the pigments are inhaled and can remain in the lung. Airbrush pigments containing toxic metals should never be labeled "non-toxic."

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### ELECTRICAL WORKERS FACE BRAIN CANCER RISK

*BNA-OSHR*, 25(30), January 3, 1996, pp. 1046-7, *J. Occup. Med.* 1995;37:1327-1341

ACTS FACTS' Editor has chosen not to cover all the conflicting data from various studies of electromagnetic frequencies (EMF). However, one study in the *Journal of Occupational and Environmental Medicine* is a sort of "study of studies." The researchers statistically analyzed 29 studies of occupational exposure to electric and magnetic fields in 12 countries published between 1983 and 1994. They found that workers in a broad group of electrical occupations are about 10 to 20 percent more likely to develop brain cancer than those employed in other jobs. However, lack of precise information about the workers' actual levels of EMF still makes it impossible to positively conclude that EMF exposure causes the increased risk of brain cancer, the authors point out.

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## CARBON MONOXIDE DETECTORS FOR HOME & STUDIO

Ordinary household Carbon Monoxide (CO) detectors can be used to protect artists both at home and in their studios from CO emitted by ceramic kilns, glass furnaces, foundries, and other combustion sources. To use them properly, we need to understand CO's effects.

**CO IN THE BLOOD.** We all have CO in our blood from two sources:

- 1) **A by-product of normal metabolism** (catabolic phase). These levels do not usually exceed 0.5 to 0.7 percent in normal people. People with diseases such as anemia may range normally from 1.0 to 1.5 percent.
- 2) **From CO in the air we breathe** which goes through the lung (alveoli) and into the blood stream.

Once in the blood, CO binds to hemoglobin (Hb) to form carboxy-hemoglobin (COHb). CO's chemical affinity for Hb is 218 to 250 times greater than the affinity of oxygen for Hb. When hemoglobin's preference for CO causes COHb levels to rise, the levels of oxygen-carrying Hb are reduced and less oxygen is delivered to tissues.

Lack of oxygen from high levels of COHb can cause brain damage and death. But it is the effects of low levels of CO that must be examined in order to understand your household CO detector.

COHb %	LOW LEVEL HEALTH EFFECTS
2.3-7.0	Decreased short-term maximal exercise duration in young healthy men.
2.9-5.9	Decreased exercise duration due to increased chest pain (angina) in patients with ischemic heart disease.
5.0-20.0	Decreased maximal oxygen consumption with short-term strenuous exercise in young healthy men.
5.0-20.0	Equivocal effects on visual perception, hearing, motor and sensorimotor performance, vigilance, and other measures of neurobehavioral performance.

**EFFECTS ON THE CENTRAL NERVOUS SYSTEM.** The behaviors most sensitive to disruption from COHb are those requiring sustained attention or performance such as fine motor skills and reaction time. There is consistent evidence that these effects occur at COHb levels as low as 5 percent. OSHA also is concerned with these effects in workers since accidents are more likely at these levels.

**EFFECTS ON THE FETUS.** The fetus may be particularly vulnerable to the toxic effects of CO exposure because fetal development often occurs at or near critical tissue oxygenation levels. Fetal COHb levels tend to be naturally elevated due to differences in uptake and elimination of CO from fetal hemoglobin.

There is no experimental data on the fetus for obvious ethical reasons. However, maternal smoking has been associated with a number of adverse health effects, many of which can be attributed to very high CO exposures (500-1000 ppm) from cigarette smoke. These effects include spontaneous abortion and subsequent fetal death due to low birth weight, increased numbers of hospital admissions during the first 5 years of life, and poorer than

predicted school performance during the first 11 years of life.

**OTHER RISK FACTORS.** Adverse effects of CO may be increased at high altitudes, by exposure to certain drugs and alcohol, by exposure to other pollutants such as methylene chloride (a solvent which metabolizes in the blood to form CO), and by heat stress.

**OUTDOOR AIR-QUALITY STANDARDS.** EPA identified people with angina (ischemic heart disease) as those for which there was the most data and which are at greatest risk from CO. These people, an estimated 4.5 percent of the population (10-11 million), were considered by EPA when setting their allowable levels of CO in outdoor air.

Finding a safe outdoor air level was difficult because there is no direct relationship between CO levels in the air and those in the blood--especially among angina sufferers. Relying on pages of calculations and numerous studies, EPA set the national ambient air quality standard (NAAQS) for CO to protect the general population including those with angina at:

9 ppm,\* averaged for 8 hours; and      \* ppm = parts/million. Limits not to be exceeded  
35 ppm,\* averaged for 1 hour.                      more than one time per year.

**OSHA LIMITS.** OSHA set their permissible exposure limits (PELs) to protect workers primarily from neurological, cardiovascular (especially during heavy work), and reproductive effects. The PELs are:

35 ppm averaged for 8 hours; and  
200 ppm ceiling limit (not to be ever reached).

**CO DETECTOR LIMITS.** Indoor air contains more CO than outside air from sources such as fireplaces, furnaces, stoves, and cigarettes. For example, the Canadian Exposure Guideline for Residential Indoor Air Quality for CO is 11 ppm (2 ppm higher than the NAAQS). When CO detectors like Nighthawk™ and First Alert™ were introduced, they were set to alarm at even higher levels such as:

16 ppm averaged for 30 days;  
60 ppm averaged for 28 minutes; and  
100 ppm averaged for 16 minutes; etc.

Detectors set at these levels alarmed frequently. Unfortunately the homeowners then called fire and emergency services whose equipment detected no immediately life-threatening CO levels. No one seemed to understand that these alarms actually were indicating that the air was unhealthy, especially for the fetus, children, and people with angina. Consumers and emergency services pressured for alarms that would not go off so often. Now most models are set for:

100 ppm averaged for less than 90 minutes;  
200 ppm averaged for less than 35 minutes; and  
400 ppm averaged for less and 15 minutes.

At these levels, CO detectors will alarm in time to save life, but not health--especially not the health of high risk individuals.

**WHAT SHOULD BE DONE.** Householders need to know when CO levels are unhealthy. Manufacturers should lower the levels at which the units will alarm and provide instructions for taking reasonable actions at various recorded levels. Calling emergency services should be reserved for life-threatening levels.

**HOW TO USE THEM IN THE STUDIO.** The CO household detectors will not alarm at the OSHA limits. But good detectors such as the Nighthawk™ (call 800/880-6788 for information on this unit) have a "memory" button which will display the highest level of CO measured in parts per million. This is a single reading and not an eight-hour average (e.g. a 35 ppm display does not mean that the OSHA eight-hour average permissible exposure limit of 35 ppm was reached).

However, if a reading of 35 ppm is seen, the monitor should be reset to see how soon a level this high is again recorded. Two readings in this range a few minutes apart indicates that the TLV is being approached and the source of the problem should be addressed. Levels of 50 or 100 should be regarded as a serious problem. And 200 ppm or above indicates that the TLV-C has been exceeded. If the unit alarms, emergency services should be called.

In addition, ACTS advises manufacturers to exploit the good market that could be created for monitors that alarm at the OSHA TLVs.

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#### **SMOKE BY ANY OTHER NAME.....**

*Am. J. Pub. Health*, 84(10), Oct. 1994, p. 1696, *J. Air Pollution Control Assoc.*, 1977;27:574-576,  
*Rev. Environ Health*, 1977;2:2570283, *Chest*, 1992;101:1236-1239, *Am. J. Med.*, 1986;80:18-22,  
*Human Ecologist*, 1990 (Winter): 17-18

"The Health Hazards of Leaf Burning" were discussed by Luke Curtis in *The American Journal of Public Health*. Curtis referenced studies showing that traditional open burning of leaves in the fall generates dangerously large quantities of carbon monoxide, particulates, and at least seven proven carcinogens. Several medical journal papers also showed that leaf-burning pollution severely increases breathing problems in a majority of asthmatics.

Toxic smoke is emitted by all natural organic substances. It matters little if you burn coal, oil, wood, incense, hamburger, or tobacco. Just because we like the smell of incense or burning autumn leaves does not make their smoke healthier.

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### WORKERS TRACK TOXIC SUBSTANCES HOME

Report to Congress on Workers' Home Contamination Study, US Dept. of Health and Human Services,  
Conducted Under the Workers' Family Protection Act, CDC and NIOSH, September 1995

Reports of deaths and adverse health effects from toxic substances brought home from worksites by workers have been collected from 28 countries and 36 States in a publication called the NIOSH Workers' Home Contamination Study. About 30 different substances were identified as causative agents. The extent of these illnesses and deaths from "take-home toxics" is probably seriously under-reported because there is no formal system in place to compile them.

The study showed that the most common source of home contamination is from bringing home work clothes. According to NIOSH, normal housecleaning and laundering are inadequate for decontaminating workers' clothes and homes. In some cases, cleaning even puts the worker's family members at risk. Lead, asbestos, pesticides, and beryllium are especially resistant to home cleaning products.

The report suggests many methods for controlling the problem. Included are reducing exposure at work, changing clothes before leaving work, laundering soiled clothes at work, storing street clothes away from work clothes, and showering before going home.

Cottage industries, where work is done in the same building or on the property where the family resides, also was documented as a cause in poisonings by asbestos, lead, parathion and mercury. Many cases of lead poisoning in potters' families were reported including that of a child in a potter's home in New York in 1992.

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### \$ 330,000 PENALTY FOR GARAGE-STORED CHEMICALS

Occupational Health & Safety, January, 1996, pp. 17

A Milford, Connecticut Company has been penalized \$ 330,000 for storing lethal chemicals in a residential garage. A Superior Court Judge awarded the state of Connecticut a judgement for a 1989 lawsuit it filed against Butkin Precision Manufacturing. In 1988, the State Department of Environmental Protection (DEP) found a garage containing potentially lethal and incompatible chemicals used in the plating industry. Among the chemicals stored in bottles, drums, and bags were potassium cyanide and hydrochloric acid.

The garage was next to a house in a residential neighborhood. The penalty was extensive, said DEP Commissioner Sidney J. Holbrook, because the "blatant violations caused potential serious exposure to children in a residential area."

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## SURVEY OF ACTOR/DANCER INJURIES

"A Survey of Injuries among Broadway Performers," Randolph W. Evans, MD, Richard I. Evans, PhD, Scott Carvajal, MA, & Susan Perry, PhD. Am. Journal of Public Health, 86(1), Jan 1996, pp.77-80

With Actors' Equity Association's cooperation, medical researchers from the University of Texas, the University of Houston, and Baylor College, investigated injuries of Broadway performers. They surveyed 313 performers appearing in 23 Broadway Companies. The percentage of performers injured was 55.5%, with a mean of 1.08 injuries per performer.

For dancers, the most frequent sites of injuries were the lower extremities (52%), back (22%), and neck (12%). The most common lower extremity injuries involved the knee (29%), ankle (25%), foot (20%), hip (12%), and calf (6%). These findings are consistent with prior reports of injuries to theatrical dance students and professionals and injuries to professional ballet dancers in the the US and of classical ballet and modern dance in the UK.

Surveys of actors' injuries have never been previously reported. For actors in this survey, the most frequent injury sites were the lower extremities (38%), lower back (15%), and vocal cords (17%).

The majority of injuries to both groups have a reported diagnosis of sprain or strain. Female dancers are more likely to sustain injuries than male dancers. The reason is not certain, but wearing high-heeled shoes may contribute. On preliminary analysis, dancers who warm up before performances and attend dance classes are more likely to be injured. However, dancers with more physically demanding roles are more likely to warm up and attend class. Subsequent risk factor modeling showed that the physical demands of a role is an even more powerful predictor of injury. Other predictors are the number of years as a professional and a history of missed performances due to injury.

An important finding was that the data clearly demonstrated that raked stages are a significant risk factor for injuries to dancers. The authors suggest that set designers question whether this risk is justified by somewhat improved audience viewing.

Regarding the 17 % of Broadway Actor's injuries affecting the vocal cords the study states:

*Although not formally assessed as a risk factor, theatrical "smoke" or "fog" is commonly cited by performers in this survey as being hazardous and resulting in voice problems.*

These findings support the Actors' Equity and the NIOSH studies which both found that performers believe the fog causes health problems. In addition, the Actors' Equity study found that about 13% of the 400 performers surveyed who worked in glycol fog shows sought medical treatments and received diagnoses for vocal, respiratory, and other problems they attributed to fog exposure.

Reprint requests for the injury survey should be sent to Randolph W. Evans, MD, 1200 Binz # 1370, Houston TX 77004. Dr. Evans is with the Department of Neurology, University of Texas at Houston Medical School.

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## **PARENTS SUE FOR ALLEGED IN UTERO WORKPLACE INJURY**

BNA-OSHR, 25(32), January 17, 1996, p. 1096

Rebecca Brown was in the first trimester of her pregnancy when she arrived for work at Ransburg Industries in December 1991. It was the day after a company called Freda Incorporated had painted the floors. Brown became ill from the paint vapors and left work less than one hour later. On May 27, 1992, she gave birth to Brandon. His death that same day was attributed, in part, to a condition in which inadequate oxygen reaches the body tissues.

Rebecca and her husband filed suit against both Ransburg and Freda, seeking damages for the wrongful death of their son. Ransburg moved for summary judgement arguing that the exclusive remedy in the case was workers' compensation. A trial court denied the motion and Ransburg appealed to Indiana's second highest court.

The court held that the exclusivity of workers' compensation does not bar a tort claim against an employer by a child to recover for prenatally incurred injuries (*Ransburg Industries v. Brown*, Ind CtApp, No. 76A03-9507-CV-238, 12/21/95). According to this court, a majority of other jurisdictions that have made similar rulings including a 1995 ruling by the Colorado Supreme Court, *Pizza Hut of America inc v. Keefe*, and a 1993 holding by the Alabama Supreme Court, *Namislo v. Akzo Chemicals Inc*.

Based on these rulings, the court found that Brandon's claim did not derive from an injury to his mother, but solely from injuries sustained by Brandon himself. These decisions mean that employers can consider their worker's fetuses as potential injured parties. Protection of pregnant workers is especially important since toxic substances in amounts which cause no permanent harm to the mother or which may even go unnoticed, nonetheless may harm the fetus.

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## **LEAD-FOIL CAPSULES ON WINE BOTTLES BANNED**

61 FR 4816-4820, February 8, 1996

The Food and Drug Administration (FDA) finally banned tin-coated lead foil capsules for wine bottles. The rule to ban them was first proposed in 1992. FDA does not restrict use of tin capsules and does not define how much lead may contaminate the tin foil. California has had an agreement with several wine producers and importers since 1991 to prohibit capsules containing lead as an intended constituent at concentrations greater than 0.3 percent.

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## **PAPER WEIGHTS AND TIMER TOYS RECALLED**

Consumer Reports, February 1996, p. 58

Recalled are 864 clear-plastic "Magic Diamond" paperweights, 3.5 inches in diameter and filled with clear liquid and pieces of iridescent paper, and 1800 "Water Timers," some which have three tubes and others with two rectangular cells filled with colored liquid. All contain ethylene glycol and petroleum distillates which are combustible and toxic. The items can be returned for a refund plus postage from Four Seasons General Merchandise, 2801 #. Vernon Ave., Vernon CA 90058

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## **MOLDS & FUNGI = SOLVENTS**

Occupational Health & Safety, January, 1996, pp. 13-14

Emissions from molds and fungi were investigated in research funded by the Georgia Environmental Technology Consortium, a division of the Georgia Research Alliance and conducted by Dr. Charlene Bayer, principal research scientist and director of the Georgia Institute of Technology's Indoor Environment Research Program.

Dr. Bayer and Biologist Sidney Crow at Georgia State University collected fungi samples from a number of "sick buildings" in the Southeast. These were allowed to grow in the laboratory and the volatile organic compounds (VOCs) emitted by the microbes were collected and identified. The VOCs were then compared with those measured in the "sick buildings."

"Many of the volatile compounds produced by the cultured fungi were identical to those originating from solvent-based building materials and cleaning supplies," Bayer said. "These VOCs included hexane, methylene chloride, benzene, and acetone."

Two of Dr. Bayer's recommendations for avoiding mold problems in buildings are: 1) to replace cheap disposable air conditioning filters with more expensive and more efficient filters; and 2) avoid ductwork lined with fiberglass which tends to trap dirt which, in turn, provides a rich nutrient base for microbes. Bayer warns:

*Add a little moisture, and you can have a mold garden growing in your ductwork. Then the microbes grow and multiply and then get blown all over the building to infest other areas.*

This study is important because the VOCs in buildings usually are assumed to originate from solvent-containing sources such as cleaning products, paints, and adhesives rather than mold.

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# 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

April 1996

Vol. 10, No. 04

### OSHA & INDUSTRY AGREE TO LOWER STYRENE PEL

BNA-OSHR, 25(39), March 9, 1996, p. 1359

The Occupational Safety and Health Administration (OSHA) announced that manufactures of styrene and styrene-related products have voluntarily agreed to lower the permissible exposure limit (PEL) below that which is being currently enforced. The PEL will drop from 100 parts per million (ppm) to 50 ppm. The industry program will focus on communication, training, and voluntary efforts to ensure compliance with the reduced exposure limit by July 1997.

Styrene is a nervous system toxin whose narcotic effects include headaches, fatigue, nausea, and drowsiness. The International Agency for Research in Cancer also considers it "possibly carcinogenic to humans." OSHA tried to lower the limit to 50 ppm in 1989 when PELs for styrene and over 400 other chemicals were updated. These updated PELs were all vacated by a court action in which certain industries demanded complete economic impact statements for each individual chemical prior to any changes. As a result, many PELs reverted back to inadequate standards set in the 1970's.

This new OSHA/industry voluntary program will attempt to ensure compliance with the now-vacated 1989 styrene PEL of 50 ppm. Unfortunately, this PEL will not be in force in small businesses in which craftspeople and artists do polyester resin casting.

### ASTHMA AFTER EXPOSURE TO THEATRICAL FOG

Occupational Health Surveillance Update, NJ Dept. of Health, Jan 1996, p. 2

A 38-year-old stagehand who had a very mild asthma condition for about five years suddenly developed severe asthma after being exposed to theatrical fog. It happened five weeks after the stagehand began working on a show which used a great deal of fog. The asthma attack was severe enough to require hospitalization. The stagehand has been on multiple asthma medications since this episode and she avoids working in productions where theatrical fog is used. Pulmonary function testing more than a year after the hospitalization showed she still has a severe degree of variable obstructive airway disease.

This was the second individual reported to the NJ Department of Health with work-aggravated asthma because of exposure to theatrical fog. The first individual was a 50 year-old opera singer who had been reported by a physician several years previously. This case resulted in a lawsuit that was discussed in a previous ACTS FACTS article (September, 1993).

## **ADA CLAIM PROMPTED BY DISEASE FROM PENGUINS**

BNA-OSHR, 25(37), Feb 21, 1996, p. 1297

On February 7, a federal judge refused to dismiss a suit brought by a California Academy of Sciences worker who claims she faced job discrimination and harassment after she contracted a lung disorder from cleaning a fungus-infected penguin cage (*Silberberg v. City and County of San Francisco*, DC NCalif, No. C-95-2548, 2/7/96).

U.S. District Judge Fern Smith held that Rebakah Silberberg may proceed with her suit against San Francisco and the California Academy of Sciences alleging disability-based harassment under the Americans with Disabilities Act (ADA). The suit alleges the defendants failed to make reasonable accommodation under ADA and the California Fair Employment and Housing Act.

Silberberg suffered from chronic asthma when she was hired in 1984 as an engineer with the California Academy of Sciences. In 1989, two penguins died of an illness related to aspergillus fungus. Silberberg claimed she was assigned to the penguin exhibit even though her employer knew the fungus was likely to adversely affect her chronic lung disorder. She was ordered to repair the drain in the cage but was never given or instructed to wear protective garb.

In February 1990, she was diagnosed and hospitalized for allergic bronchopulmonary aspergillosis. She was pregnant and claims she lost the baby as a result of the disease. Silberberg further says she was forced to return to work against medical advice and given jobs that endangered her health. She took a stress-related workers' compensation leave from December 1992 through June 1993. Between June 1993 and December 1993, her employer prohibited her from returning to work. When Silberberg did return to work in December 1993, she alleged the harassment continued.

The court ruled that Silberberg made a prima facie case of discrimination under ADA by showing that she had a disability recognized by the law, could perform the essential functions of the job, and was discriminated against because of her disability.

Although several of Silberberg's allegations of discrimination "do not seem directly linked to her disability, this is not a question for the court to decide on summary judgement," the court added. "Reasonable minds could disagree as to the nature of the plaintiff's alleged discrimination," the judge concluded in allowing the case to proceed to trial.

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## **ETHYLENE OXIDE NO LONGER A FOOD ADDITIVE**

61 FR 11993-12009, March 22, 1996

Way back in January 1988, ACTS FACTS covered a petition to revoke the approval of ethylene oxide (EtO) as an acceptable additive to food resulting from its use as a fumigant for food items such as spices. Ethylene oxide is a carcinogenic gas that was of interest to ACTS because it was used in some museums as a fumigant. At the time, we thought using it for food was inappropriate. This month, eight year latter, EPA finally revoked its approval.

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## **CDC REPORT SHOWS INCREASE IN HIGH BLOOD LEAD LEVELS**

MMWR, 45(8), March 1, 1996, pp. 170-171

The Centers for Disease Control and Prevention collects data from 23 states from medical laboratories that record blood lead levels of 25 micrograms per deciliter (ug/dl) and above in adult blood samples. The data from the third quarter in 1995 was just reported. The results show a marked increase in the number of higher blood-lead levels (60 ug/dl and above) indicating a "continuing hazard of work-related lead exposures as a health problem..."

=====

## **CABINET MAKER CITED IN SPRAY BOOTH MISHAP**

BNA-OSHR, 25(40), March 13, 1996, p. 1389

On March 4, OSHA proposed penalties of \$68,000 against a Colorado cabinet maker following a fire that left one worker dead. OSHA cited Alpine Cabinet Company of Timnath, Colorado for one willful, five serious, and one other-than-serious violations in relation to the September 28, 1995 fire.

In the fire, a 41-year-old spray paint finisher was fatally injured when she was unable to escape from a spray finishing room where combustible dust had caught fire. OSHA alleges that the company was aware of the room's hazards prior to the accident and that those hazards contributed directly to the employee's death.

OSHA proposed a \$42,000 penalty for an alleged willful violation for:

- \* Failure to provide spray booths with an approved automatic sprinkler system that had sufficient water pressure available to suppress a fire; and
- \* Failing to ensure that a main flow test of the sprinkler system was performed annually.

The company also was cited for the following alleged serious violations, each carrying a proposed penalty of \$3,000:

- \* Failure to provide sufficient exits to ensure prompt escape from the spray finishing room;
- \* Failure to develop emergency action & fire preventions plans;
- \* Failure to prevent the use of spark-producing tools to dispose of combustible overspray in the spray finishing room;
- \* Failure to use approved metal waste cans to dispose of combustible overspray; and
- \* Failure to train employees working with hazardous chemicals.

The alleged other-than-serious violation cited by the agency was for failing to check portable fire extinguishers annually. The agency proposed a \$1,000 penalty for that violation. Alpine had 15 days from the March 4 citations to contest any of the penalties.

Woodworkers and artists who plan to set up spray booths and rooms should be aware that there are many safety rules to consider.

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## LEAD POISONING AMONG ARMENIAN GLASS WORKERS

MMWR, 45(4), Feb. 2, 1996, pp. 85-88

Two surveys of Armenian workers at risk of lead poisoning were done in 1991 and in 1993. In 1991, blood samples were taken from workers in two printing plants using cast lead type, a research laboratory that periodically used lead compounds in toxicologic experiments and a lead crystal factory that used red lead oxide in the manufacture of decorative glassware. Except for one worker in one printing plant, all the elevated blood lead tests above 25 micrograms per deciliters (ug/dl) were found in the production workers in the crystal factory.

Conditions at the crystal factory were followed up with another survey in 1993. The number of workers had decreased from 25 to 14, but mean average blood lead levels had increased. In 1991 they ranged from 15 to 89 ug/dl with a mean of 41.2 ug/dl. In 1993 they ranged from 8 to 82 with a mean of 45.8 ug/dl. Clearly, making lead crystal is a hazardous occupation in developing countries. ACTS FACTS also covered the hazards of eating and drinking from lead crystal ware (see ACTS FACTS, March, 1991 and January, 1993).

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## COUGAR JERKY CAUSES TRICHINELLOSIS

MMWR, 45(10), March 15, 1996, pp. 205-206

Trichinellosis, a serious parasitic disease, sickened a man who shot a cougar, dried and ate the meat. He also gave portions to 14 people. Ten of the 14 people also became ill from the dried cougar jerky. Most people are familiar with *Trichinella* because it occurs from eating infected undercooked pork. However, virtually all warm-blooded animals can carry various species of the parasite. While the numbers of cases of illness from Trichinellosis from commercial pork is declining, the number of cases from eating wild game is increasing. Illness has resulted from consumption of bear, wild boar, and walrus. The cougar jerky also contained one of the special strains of *Trichinella* that is freeze resistant.

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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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May 1996

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### CERTAIN AZO DYES BANNED IN GERMANY

Institute Items, ACMI, 38(1), Jan/Feb 1996, p. 5 &  
Consumer Information, Verband der Druckfarbenindustrie, Sept. 1995

The Art and Creative Materials Institute (ACMI) reports that Germany banned imported products colored with certain azo dyes when these dyes are used on items intended for "longer than temporary contact with the human body" such as textiles, bed linens, and eyeglass frames. The ban became effective April 1, 1996. Other European countries are expected to pass similar laws in the future.

There are about 120 dyes on the banned list. Some of these dyes and/or their salts are also used as pigments, but few, if any, are used in art paints and inks. The banned dyes are those which are expected to break down (reduce) to any of the following chemicals rated as "A1" or "A2" carcinogens by German standards:

o-aminoazotoluene	p-aminoazobenzene	2-methoxyaniline
2-amino-4-nitrotoluene	benzidine	4-chlor-o-toluidine
3,3'-dimethoxybenzidine	dichlorobenzidine	2-naphthylamine
o-toluidine	3,3'-dimethylbenzidine	4-methyl-1,3-phenylenediamine

An aminoanthraquinone dye (C. I. Disperse Blue 1 -64500) is also listed among the 120 banned dyes. It is not an azo dye and doesn't seem to reduce to any of the above, but it is an experimental carcinogen.

Artists and craftspeople whose work is sold in Germany are affected by the new rule. The burden of compliance is on importers. They now may require written confirmation from sellers that no prohibited dyes have been used. **Dyers in the US cannot meet this rule unless their suppliers provide the Color Index identification of the dyes they used.** Out-of-compliance goods will be destroyed as toxic waste.

This rule sets an important precedent: it regulates chemicals that have not been tested and proved to cause cancer. Most of the 120 dyes on the list have never been studied for cancer effects. Yet, common sense dictates that dyes which reduce to carcinogens may justifiably be considered carcinogens themselves. This policy is consistent with German occupational cancer classifications:

- A1- Capable of inducing malignant tumors as shown by experience with humans;
- A2- Unmistakably carcinogenic in animal experimentation only; and
- B-- Justifiably suspected of having carcinogenic potential.

We would be wise to adopt similar rules. Here in the US, chemicals still are innocent until **proven guilty** despite the fact that we know that most chemicals will **never** be studied for chronic hazards.

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## **PHOTOGRAPHY PRODUCT FOUND NOT DEFECTIVE**

**BNA-OSHR**, 25(42), March 27, 1996, pp. 1507-8

A radiologist who alleged fumes from a commonly used photographic chemical caused severe asthma lost her lawsuit against the product manufacturer when a federal jury in Wyoming returned a verdict for the defense (*Kenna v. Eastman Kodak Co.*, DC Wyo, No. 95-CV-95-B, verdict returned 2/13/96).

The product liability suit contended that Georgia R. Kennah, a radiologist at Sheridan Wyoming Hospital, developed a severe asthma attack from exposure to hydroquinone, a chemical contained in a chemical developer/replenisher which resulted in immune system damage. Subsequent exposures to hydroquinone--which is also contained in cigarette smoke--caused life-threatening recurrences of asthma, the worker alleged. Her suit contended the product was defective because the maker failed to test and design the product adequately, or to warn the plaintiff about occupational risks.

The jury for the U.S. District Court for the District of Wyoming found that hydroquinone did not render that product defective. In a prepared statement, the defense attorneys said that Eastman Kodak Company was aware of no prior cases of respiratory hypersensitivity to hydroquinone "notwithstanding the chemical's frequent use in photographic materials for over 30 years." Kodak offered testimony from two allergist/immunologists, that rigorous double-blind and random protocol testing failed to confirm the plaintiff's respiratory reaction.

Comment: Most respiratory allergies among photographers are related to sulfur dioxide emissions, not hydroquinone. Sulfur dioxide is also in cigarette smoke and it is possible that the wrong chemical was assumed to cause the worker's problem.

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## **NEWSPAPER OFFICE WORKER MAKES NEWS**

**BNA-OSHR**, 25(45), April 17, 1996, p. 1583

A *USA Today* worker alleging that she was injured by paint fumes in her office will be allowed to sue the painting subcontractor for damages from her injuries, the Maryland Court of Special Appeals ruled February 28 (*Vito v. Sargis & Jones Lts.*, Md CtSpecApp, No. 596, 2/29/96).

The painting subcontractor was hired by a general contractor to do renovation work at *USA Today's* facility in Silver Springs. While the primer was being applied, Mary Alice Vito, a customer relations representative for *USA Today* and six co-workers were affected by the paint. During the hearing, Vito presented testimony from two doctors in whose opinions she suffered permanent lung damage as a result of her exposure.

The Special Appeals Court reversed a lower court's judgement in favor of the subcontractor. The Court further held that the general contractor was not at fault because there was no evidence that the general contractor controlled how the subcontractor did the work or could have altered the way the work was performed.

=====

## **KOHL EYE MAKEUP IS SOURCE OF LEAD POISONING**

Am. Journal of Public Health, Vol. 86, No. 4., April 1996, p. 587-588

An eye makeup, called kohl, made of lead and antimony sulfides has been used for centuries throughout the Middle East, India, Pakistan, and some parts of Africa. Kohl has long been known as a source of lead poisoning in children. The problem is now in the US.

The Alexandria Virginia Health Department found that 5 out of 14 cases of elevated lead levels they detected in children from January 1992 to December 1994 were attributed to Kohl. And in 1994, 3 out of 6 cases of elevated lead levels found by the Department were attributed to kohl. Clearly, health care professionals and physicians should ask about kohl use in their patients that come from the growing Middle Eastern communities the U.S.

To further document this problem, the Alexandria Health department surveyed and interviewed 40 women from the Middle East, India, Pakistan, and Africa who visited the clinic over a 10 week period. They found that 33 of the 40 women had a personal history of kohl usage and 12 of the women had used kohl on their infants. Kohl was used similarly on both baby boys and girls. Except in two cases, the mothers said only girls continued to use kohl as adults.

Some mothers began applying kohl on their infants when they were only a few days old. Others waited until the infants were a few months old. Traditionally mothers continued to apply kohl on the children until they were old enough to apply it themselves.

Besides cosmetic use, mothers attached traditional values, medicinal and health claims, and/or religious significance to kohl. Cleaning the eyes, reducing soreness or redness, and increasing visual acuity were medicinal benefits claimed by the mothers.

While most of the women surveyed obtained kohl from sources outside the U.S., two of the women in the study purchased Kohl in this country. Actors and cosmetics consumers should be sure to purchase only FDA ingredient-labeled eye makeup.

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## **URANIUM GLAZES STILL BEING PRODUCED**

Compuserve Ceramic forum, April 14 to 23

The Compuserve Ceramics forum posted a request for information from a man responsible for running a county Household Hazardous Waste collection program in Virginia. A woman came to his collection site with two glass jars containing a total of about 15 pounds of uranium oxide. He is not allowed to accept uranium waste and asked what to do. He contacted the Nuclear Regulatory Commission and the letter they sent provided no disposal advice and said: "as far as we know uranium has not been used in glaze for many years..." Meanwhile, on the forum, the man was getting mail from people begging him to ship the uranium to them! One said he needed it for both glazes and glass and that he was "running low." Another said that he could sell it and retire since it is sold by U.S. Pigments (a catalog distributor) for \$350.00/100 grams! Clearly, uranium is still in use as a glaze and glass ingredient by craftspeople.

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## **SECOND EDITION OF "CLAY WORK" OUT**

The 2nd edition of Monona Rossol's *Keeping Clay Work Safe & Legal*, introduced at the NCECA conference in April, is now for sale. It costs NCECA members \$10, nonmembers \$ 15 plus \$3.00 handling. Write NCECA, PO Box 158, Bandon OR 97411 or call 1-800-99NCECA.

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## **FTC TO BAR PHONEY ADS FOR AIR PURIFIERS**

61 FR 16920-16924, April 18, 1996

The Federal Trade Commission (FTC) has proposed entering an enforceable consent agreement with Ford Motor Company and Ford's New York-based advertising agency, Young & Rubicam, Inc. The agreement will bar them from making false claims in their advertising of MicronAir Filtration Systems. These systems are installed in the 1995 Lincoln Continentals and Mercury Mystiques.

The FTC alleges that the filters were represented as capable of removing virtually all pollutants likely to be encountered by a driver. The FTC complaint says that Ford and the ad company "knew or should have known" that the MicronAir Filtration System is not this efficient. For example, it has no effect on gaseous pollutants such as hydrocarbons, carbon monoxide and nitrogen oxides.

The proposed agreement requires that for the next 20 years, the parties cease and desist from making claims that cannot be proven by reliable scientific evidence. The agreement would pertain to MicronAir Filters and any substantially similar product, which means any electrostatic filter consisting of layers of non-woven fabric with at least one layer being electrically charged.

ACTS wishes that the FTC had similar agreements with dozens of other sellers of air purifiers. For example, despite the successful lawsuit brought by the State of Minnesota against Alpine Air Products for fraud (ACTS FACTS, January, 1992), their ozone-producing filter systems are back on the market. Another company sells open jars of zeolite pellets that are reputed to suck all the pollutants right out of the air! Sure.

=====

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### "LIGHTS OUT" FOR VEGAS LASERS

FDA Consumer, 30(4), May 1996, pp. 31-32

In late 1995, the Federal Aviation Administration (FAA) reported that 52 incidents of aircraft "illuminations" from outdoor light show lasers had occurred in or near Las Vegas since 1993. Eleven incidents resulted in temporary blindness of flight crew members, and 24 took place during critical flight times.

One incident occurred October 30, 1995 when a Southwest Airlines' pilot was temporarily blinded by a laser light and the plane's captain had to take control until the pilot regained his sight. "Had it hit me and the other pilot simultaneously, I shudder to think what would have happened," the pilot told reporters.

The incidents were reported to the Food and Drug Administration, since FDA regulates all laser equipment from surgical instruments to grocery store checkout scanners. In December, FDA declared a temporary moratorium on outdoor laser light shows within a 20 mile radius of the three Las Vegas airports. The ban affects primarily three casino hotels that hold permits (variances) from FDA for laser shows. The shows can resume when the permit-holders demonstrate that their shows will not affect aircraft. Since the ban, only one hotel received FDA's permission to project an outdoor laser light show. That show did not include beaming into the sky.

### STACHYBOTRYS: FUNGUS MAKES NEWS AGAIN

BNA-OSHR, 25(48), May 8, 1996, p. 1667

The Department of Transportation (DOT) closed a gymnasium in its Washington DC office building after discovering two kinds of fungus. One was the common aspergillus which causes allergic reactions and infections in people with suppressed immune systems. The other was the toxic *Stachybotrys chartarum*. (*Stachybotrys atra*, another variety, was discussed in ACTS FACTS, May 1994).

*Stachybotrys chartarum* can cause dermatitis, burning sensations in the mouth and nasal passages, coughs and congestions, and neurological damage. While *stachybotrys* is found all over the world, it only exists in buildings in association with standing water, heavily wetted wall board, or similarly damp conditions. According to the DOT, renovation workers will wear respiratory protection, the area will be sealed to prevent contamination of the rest of the building, and air will be released into the atmosphere only through a high-efficiency filters. Identifying molds before planning renovations is crucial to worker safety.

## **STATISTICS ON OSHA CITATIONS OF SCHOOLS**

*The Chronicle of Higher Education*, Goldie Blumenstyk, Feb. 23, 1996, pp. A37-A38

The most recent annual tallies for OSHA fines show that **College campuses have been cited by OSHA 162 times for various violations in 1993 and 158 times in 1994.** These numbers would be much higher if citations from agencies other than the federal and state OSHAs were included because their jurisdictions are limited. The federal OSHA can only enforce their rules in private colleges throughout the Nation and only 25 States empower their state OSHAs to cite public colleges. In most other states, public employees are not covered by OSHA rules and their violations are not reported here.

Under the Freedom of Information Act, *The Chronicle of Higher Education* obtained the 1993 and 1994 statistics and dozens of files on individual inspections in which the initial fines exceeded \$ 10,000. Summaries of reports on the 10 largest fines follow:

**Marist College (NY).** Fined \$43,650 by the federal OSHA in November 1993 for 12 "serious" violations and a more severe "willful" violation. The serious violations included failure to train housekeepers and medical technicians in the hazards of handling chemicals and blood, failure to monitor the air in the biology labs for formaldehyde. The willful violation for failing to make hepatitis B vaccines available to athletics trainers, house-keepers, plumbers, and some medical personnel exposed to blood, was eventually amended to serious. The fine was reduced to \$ 15,000 and the college paid it in June 1994.

**New Mexico State University.** Fined \$ 41,500 by state health and safety officials in July 1993 for 14 serious violations, including improper storage of compressed hydrogen and flammable chemicals, inadequate facilities or plans for dealing with caustic chemicals, and allowing employees to wear shorts and open-toed sandals in a laboratory where corrosive chemicals were used. The university purchased new storage cabinets, installed an emergency eye-wash unit, and instituted new policies on attire. A public agency, it was not required to pay the fine.

**University of the Ozarks (ARK).** Fined \$24,500 in July 1994 by OSHA for seven serious violations and a lesser one. They included failure to use proper procedures for removal of asbestos floor tiles in a dormitory and failure to provide employees with information about the hazardous chemicals in cleaning substances they were using. The university developed new communications programs and sent several employees to training classes for handling asbestos. Under a settlement, it paid a reduced fine of \$12,250 in August 1994.

**Mount Saint Mary College (NY).** Fined \$20,700 in May 1994 by OSHA for 11 serious violations, including failure to provide gloves, laboratory coats, and goggles in a chemistry lab, failure to provide training or protective gear for security officers who might be exposed to blood or other infectious substances, and failure to monitor for formaldehyde in laboratories using fetal pigs. The college bought the protective materials, instituted training, and paid a reduced fine of \$9,225 in June 1994.

**Upsala College (NJ).** Fined \$19,600 in August 1993 by OSHA for seven serious violations including failure to provide body protection to laboratory technicians using corrosive chemicals and relying on emergency respirators that had not been inspected regularly. The College was also cited for one willful violation for failing to carry out a plan to protect employees from hazardous chemicals. In September 1993, Upsala agreed to pay a reduced fine of \$9,800. It is unclear from documents whether the fine was paid; the college has since closed.

**Stevens Institute of Technology (NJ).** Fined \$19,150 by OSHA in April 1994 for nine serious violations, including failure to provide eye-wash stations and protective clothing for laboratory employees, improperly storing chemicals, and maintaining machinery without safety guards. The institute was fined an additional \$ 28,500 that August for "failure to abate" three violations cited in April. The institute said it had installed new eye-wash stations, bought a tailer to house chemicals, and fixed the machinery. It paid the full amount of the initial penalty in June 1994, and after appealing, paid an additional \$16,800 for the second penalty in September 1994.

**Boston University (MA).** Fined \$ 18,925 in September 1993 by OSHA for five serious violations following a May accident in which a construction company worker was mangled to death by an auger. The university was cited for failure to inspect the job site regularly, failure to install guardrails on platforms, and failure to protect employees from improperly grounded electrical wiring. The university contested the citation, claiming that the company, not it, was responsible for maintaining employee safety. In March 1994, OSHA withdrew the citations and the fines. The company paid a fine of about \$ 10,000.

**Wayne State University (MI).** Fined a total of \$18,455 in November 1994 by state OSHA officials for eight serious violations including failure to provide safety guards on power saws and other carpentry equipment, and failure to insure the appropriate use of goggles. The university was also cited for one "repeat serious" violation, a failure to correct 53 violations from a March 1992 inspection, mostly related to machinery and compressors. The university corrected all the citations and paid the full fine in January 1995.

**College of Wooster (OH).** Fined \$18,375 in June 1993 by state officials for 11 serious violations and two lesser ones, including the absence of safety or emergency procedures for employees required to enter a 25-foot-high coal bin and inadequate training. The college began requiring employees to work in pairs and to use harnesses when working in the bin. It paid a reduced fine of \$10,000 in August 1993.

**Elizabeth City State College (NC).** Fined \$16,500 in December 1994 by state officials for five serious violations, including blocked and unmarked emergency exits, use of improper cords on electrical equipment, and failure to train employees about the chemicals hazards of lawn-care and cleaning products. The college admitted the violations but contested their seriousness. A hearing before an administrative law judge was held in November 1995. The college contended that it didn't have the money to pay the fines, and that it had already taken \$34,000 from its education budget to hire a safety technician to correct the violations. Last month the judge reduced the fines to \$4,125 and said the college could pay it in monthly installments.

These reports show that OSHA reduces fines greatly if the school shows a good faith effort to correct the problems quickly. Full fines are usually required only when violations are not abated.

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### **FIEBING LEATHER DYE PRODUCT RECALL**

Press Release # 96-121, CPSC, May 8, 1996

In cooperation with the U.S. Consumer Product Safety Commission, Fiebing Company is voluntarily recalling about 8,000 four-fluid-ounce containers of Fiebing's leather Dye Solvent. The product contains methyl alcohol and was not packaged in child-resistant packaging and was not labeled with the necessary warnings, cautions for use, and instructions for appropriate first aid in the event of ingestion in accordance with the Federal hazardous Substances Act and the Poison Prevention Packaging Act. Methyl alcohol can cause serious injury or death if ingested by children.

The violation was found during an inspection of the manufacturer by CPSC. While CPSC and Fiebing are not aware of any injuries involving this product, the voluntary recall is a reminder to art and craft material companies that they must keep up with changes in labeling laws. Stores have sold the solvent nationwide for approximately 50 years for approximately \$1.00 a bottle.

Consumers can return the product to place of purchase for a full refund or mail the solvent to Fiebing Company, 516 S. Second St., Box 04125, Milwaukee, WI 53204, Attn: Dennis Kendall.

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## **PAINT DISPOSAL ADVICE**

*Journal of Coatings Technology*, 68(855), April 1996, p. 26

The National Paint and Coatings Association has a new brochure entitled "Managing Leftover Paint: Six Ways You Can Help Protect the Environment." Their disposal suggestions in summary are:

- \* Buy only what you need and use it up;
- \* Recycle the empty can;
- \* Store leftover paint properly for touchups or future projects (with a tight lid and stored upside down, paint can last for years);
- \* Donate unwanted paint to neighbors, churches, community or theater groups, and only as a last resort;
- \* Dry and discard latex or water-based paint in the trash, but (if you live in California, Washington an Minnesota, check for special disposal regulations);
- \* Save leftover liquid solvent-based paint for special collection.

A copy of the brochure is available free to consumers from NPCA's Paint and Coatings Industry Information Center, 202/332-3194

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## **MERCURY POISONING FROM MAKE-UP**

*Physicians' Bulletin*, San Diego Dept. of Health Services, May 1996.

Pres Release # 31-96, CA Dept. of Health Services, Sacramento & *MMWR*, 45(19), May 17, 1996, pp. 400-3

Departments of Health in California, San Diego County, Texas, and New Mexico are warning physicians and consumers about a mercury-containing beauty cream manufactured by Manning Laboratories Vida Natural of Pampico, Tamaulitas, Mexico. *Crema de Belleza* Manning (Manning's Beauty Cream) is a white-colored, "liquid-like" cosmetic imported from Mexico and sold in a six ounce opaque plastic bottle. It contains calomel (mercurous chloride) at extremely high levels (19.5% by weight, 3000 times the amount allowed in US cosmetics).

Cases of poisoning from the cream are known in Mexico. Now two cases have been recorded in Texas and one in San Diego. Chronic exposure to mercury can result in damage to the kidneys and central nervous system resulting in personality changes, nervousness tremors, weakness, insomnia, sensations of numbness, memory loss, metallic taste in the mouth, and other symptoms.

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**ACTS FACTS'** 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. Staff: Monona Rossol, Editor; Toby Zausner and Nina Yahr, Research.

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# 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

July 1996

Vol. 10, No. 07

### BEHIND THE MINI BLIND CURTAIN

CPSC Press Release # 96-150, June 25, 1996

Unless your TV is busted, you've heard about the Consumer Product Safety Commission's (CPSC) alert on plastic mini blinds. The lead in these blinds is released as dust at the surface as the plastic deteriorates. Children touching the blinds can ingest the lead from hand-to-mouth contact. The levels in some blinds were so high that a child ingesting dust from less than one square inch of blind a day for 15-30 days could result in blood levels of 10 micrograms per deciliter--the amount considered dangerous in children.

But there are other implications in this story that were not covered because the reporters didn't ask the following questions:

**WHY** was lead in the blinds? **Answer:** Lead can be used as a stabilizer, opacifier/pigment, filler, catalyst, and more. Lead is a very important component of many plastic items--not just blinds.

**WHAT** will they use to replace the lead in blinds? **Answer:**

- \* Some manufacturers will use organic tin compounds. Some of these chemicals are so toxic they are potent biocides that are banned from all paints except those for military vessels.
- \* Some will use other chemicals of varying toxicity.
- \* Some manufacturers do not intend to tell CPSC or anyone else what they put in your blinds.

**HOW** will CPSC ensure that the lead-substitute will not be released from the plastic and harm children? **Answer:** They won't. Congress doesn't allow CPSC to require premarket testing except for toys, flammable fabrics, and a few other items.

Ann Brown, CPSC Commissioner, bragged in TV interviews that this incident shows how well government and industry cooperate now. She was proud that no enforcement action was taken. CPSC has a "voluntary" agreement with manufacturers allowing CPSC to tell the consumers who buy roughly 25 million imported lead blinds every year to just throw them out.

Well, isn't that special? So we foot the bill for getting the hazard out of our homes, industry doesn't pay a dime for stuffing our landfills with lead, and they make money because we have to buy more blinds. Worse, if our children get sick from the new plastics and if CPSC finds out, industry gets to do it to us all over again.

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## **SWEAT SHOPS: NOT ONLY IN THE APPAREL INDUSTRY**

BNA-OSHR, 25(49), May 15, 1996, p. 1704

During the crackdown on operators of garment industry sweat shops in California, inspectors noted the following common violations:

- \* long hours
- \* exposed wires, spliced cords, live parts, grounding problems
- \* lack of OSHA injury and illness prevention programs
- \* belt guards missing on sewing machines
- \* blocked aiseways
- \* locked fire doors
- \* no bloodborne pathogen program (for needle punctures)
- \* sanitation issues

Some of these violations can be found in many theatrical and school costume shops and textile art classrooms. We need to mend our ways.

=====

## **SILICA TARGETED FOR SPECIAL EMPHASIS BY OSHA**

BNA-OSHR, 25(49), May 15, 1996, p. 1700

Widespread use of crystalline silica and a continuing high number of silicosis-related deaths were cited by OSHA as reasons for a special emphasis program on silica. OSHA will prepare educational and training materials including slides on hazard recognition and control technology, a video on silicosis, and more. OSHA has already written a memorandum on silica which provides a good overview of silica exposures in various industries, medical advice and surveillance information and more.

Single free copies of the compliance memorandum on silica may be obtained after by sending a self-addressed label to the U.S. Department of Labor, OSHA/OSHA Publications, P.O. Box 37535, Washington C 20013-7535. Craftspeople who work with clays, ceramic glazes, minerals, stone, and other silica-containing materials are advised to obtain a copy.

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## **LEAD PAINT MUST BE DISCLOSED**

FDA Consumer, 30(5), June, 1996, p. 30, 61 FR 9063-9088, NY Times, May 5, 1996, pp. 5 & 12

Owners of more than four residential dwelling units must now disclose to prospective buyers or renters the presence of any lead-based paint under new EPA and HUD (Housing and Urban Development) rules. The rules will be effective September 8, 1996. Three months later, on December 6, owners of nearly every other kind of residence, including single-family homes, will be required to do the same. Homes built before 1978 (the year such paint could no longer be sold) will be assumed to contain lead-based paint. Sellers and people offering homes for rent must provide a federally approved lead hazard information pamphlet. Also, sellers must give buyers 10 days to inspect the property for lead-based paint before being obligated by a purchase contract.

For a copy of the pamphlet, *Protect Your Family from Lead in Your Home* and a sample disclosure form, call the National Lead Information Clearinghouse at 800/424-LEAD.

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## **CHIFFON SCARVES RECALLED**

CPSC Press Release # 96-124, May 15, 1996 & Consumer Reports, June, 1996, p. 50

The U.S. Consumer Product Safety Commission (CPSC) and Fashionique II Inc., of Willow Springs, IL announced a recall of 40,000 sheer silk chiffon scarves. The scarves fail to comply with the Flammable Fabrics Act and present a serious risk of burn injuries. In fact, these scarves burn faster than newspaper.

Eleven styles of the long scarves were sold for between \$6 and \$11 nationwide (from 1/95 to 11/95) from various retailers including Dress Barn, Caldor's, Fashion Gal, and Warehouse of Fashion. The scarves, which were made in China, are labeled in part, "Pure Silk by 37 West, RN 62415. Consumers can take them back to the retailer or call Fashionique II at 212/391-5252 or CPSC at 1-800/638-2772.

Also recalled due to their flammability are women's long-sleeved cotton sweatshirts from Dots stores (sold 7/95-2/96) and Northwest Territory men's cotton fleece shirts from Kmart (sold 9/95-12/95). Return these to the nearest Dots or Kmart.

ACTS carries announcements about fabric recalls because we are concerned that craft dyers and costume makers may inadvertently use fabrics which do not meet flammable standards. We encourage schools and teachers of textile arts and theater to familiarize themselves and their students with the Flammable Fabrics Act.

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## **NIOSH DIISOCYANATE ALERT ISSUED**

DHHS (NIOSH) Publication No. 96-111

NIOSH (National Institute for Occupational Safety and Health) published an Alert on asthma and fatality risks from diisocyanates used in two-component urethane foams and casting resins. The Alert points out that, even at concentrations below the current workplace limits (NIOSH RELs and ACGIH TLVs), isocyanates can sensitize workers and make them subject to severe asthma attacks if they are exposed again.

The Alert summarizes 7 case reports of deaths and disease from occupational exposure to diisocyanates. It recommends engineering controls such as: closed systems and ventilation; worker isolation; protective clothing and equipment; respiratory protection; worker and employer education; exposure monitoring; decontamination and waste disposal; medical monitoring and surveillance; and disease reporting. Some health departments (CA, MA, MI, NJ) are already actively engaged in occupational asthma surveillance projects. For a free copy contact NIOSH, 1095 Willowdale Rd., Morgantown, W.Va 26505-2888, 800/356-4674 or 304/285-5750. Ask for Publication 96-111, "Preventing Asthma and Death from Diisocyanate Exposure."

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## **PAPER ON PESTICIDES IN MUSEUM COLLECTIONS AVAILABLE**

"No Magic Bullets: Ethical Considerations for Pest Management Strategies," a 31 page paper by Monona Rossol and Wendy C. Jessup is available from ACTS for the cost of copying and mailing (\$5.00). Covered are all major biocides classes and workable precautions.

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## BOOKLET ON CONTROLLING MERCURY EXPOSURE

A new publication outlining a nine-step process for assessing and controlling occupational mercury exposures was released by the New Jersey Department of Health's Occupational Health Service. The outline is followed by 12 appendices on related subjects including mercury spill clean-up, mercury vacuums, monitoring methods, respirators approved for protection against mercury, exposure limits, medical monitoring for workers, and a resources section listing additional sources of information and assistance.

The booklets would be especially useful for neon artists and others who use mercury or mercury-containing equipment such as thermometers and barometers. Single copies are available at no cost by writing to NJDOH, Mercury Booklet, CN 360, Room 701, Trenton NJ 08625-0360; or call 609/984-3565, or fax 609/292-5677.

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## PAINFUL PESTICIDE

61 FR 19233-19236, May 1, 1996

EPA is allowing a pesticide called 8-methyl-n-vanillyl-6-non capsaicin and related capsaicinoids to be present in our foods at any level without regulation. And that's just fine with ACTS.

Capsaicin is the chemical that makes some peppers "hot." Many pests apparently don't like seasoned food. It is an insect toxicant and repellant and is used to repel dogs, birds, voles, deer, rabbits, and squirrels. It can be used indoors in cracks and crevices, on carpets and furniture, and outdoors on fruit and vegetable crops, grains, shrubs, flowers, lawns, and garbage bags.

Capsaicin also repels people when used in "pepper spray." It is a primary irritant causing redness, inflammation and pain. People who put it in their food apparently think pain is also a flavor.

=====

ACTS FACTS' SOURCES: 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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**Staff: Monona Rossol, Editor; Toby Zausner and Nina Yahr, research.**

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Vol. 10, No. 08

### MERCURY DESTROYS ARTISTS' DREAMS

Hazardous Substances, ATSDR, (6)2, Summer 1996, pp. 1 & 2.

In Hoboken, New Jersey, a group of artists and architects banded together and bought a five-story factory building. The new owners poured time, money, and talent into their homes and studios.

In January 1995, workers renovating a unit found a large amount of elemental mercury in the subflooring. In March, the building owners hired a private contractor to remove the contamination. They did not notify health officials. Later fourth floor residents reported seeing drops of mercury in their living spaces. In November they hired a consultant who found high levels of mercury vapor in living spaces. Residents went to their private physicians and many found they had elevated levels of mercury in their urine. The residents then notified local health officials.

The New Jersey Health Department (NJDOH), EPA and the Agency for Toxic Substances and Disease Registry (ASTDR) all responded and provided various services. The air and urine tests were repeated and health officials were alarmed at the high levels that were found. It was obvious that the twenty adult and six children living in the building were risking serious health problems. The building was declared unfit for habitation and the residents were given four days to leave. EPA set up a relocation program that placed residents in temporary housing, helped them find new studios and homes and found storage space for some of their possessions.

Work continues at the site where specialists are determining whether the building can be made safe. Now, new troubles have arisen. A commercial property across the road that houses several businesses also has been found to be contaminated with mercury.

There are many stories like this. A similar incident happened in the Soho just a few block from ACTS' office. Artists often are the first people to reoccupy and renovate abandoned or run down industrial buildings. They are also the ones who often pay with money, time and their health for upgrading these properties.

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### LIGHT AT THE END OF THE CARPEL TUNNEL

In an unexpected move, the House on July 11, defeated by a vote of 216-205 a GOP restriction on the Labor Department's ability to develop regulations to prevent carpal tunnel syndrome and other ergonomic illnesses. The GOP promises continued resistance, but now there hope that prevention of these injuries will be addressed.

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## **LATEX GLOVES MAY CARRY WARNING LABELS**

61 FR 32617-32621, June 24, 1996

The FDA has proposed requiring warnings on all latex-containing gloves and medical devices such as "This product contains natural rubber latex which may cause allergic reactions in some individuals." The proposed rule also prohibits use of the word "hypoallergenic" on latex-containing gloves or medical devices because the sensitizing proteins cannot be completely removed from latex.

FDA has jurisdiction only over medical devices, so the labeling rules will not apply to nonmedical gloves such as utility, industrial, protective, or general purpose gloves. These products come under either the Consumer Product Safety Commission or OSHA. These Agencies should develop similar labeling requirements.

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## **COURT NIXES CLASS ACTION AGAINST LATEX GLOVE-MAKERS**

BNA-OSHR, 25(46), April 24, 1996, p. 1618.

The California Court of Appeals for the Third Appellate District ruled that individual issues predominate over common ones in the class action lawsuit brought by health care workers who allegedly suffered injuries from latex gloves (*Kennedy v. Baxter Healthcare Corp.*, Cal CtApp, No. C018845, decision released 3/15/96).

The Court ruled there were too many individual differences in the cases such as brands of gloves, the amounts of sensitizing protein in each glove type, the degrees of severity of the allergy each worker sustained, and the possibility that individuals were exposed to other latex products made by other companies--such as dish-washing gloves, balloons, or condoms. The defendants also observed that certain foods may exacerbate latex sensitivity.

This decision means that workers will have to sue as individuals which is more expensive and difficult. Plaintiffs also will have to prove that they did not develop their latex allergy from other latex materials that everyone uses.

=====

## **HEALTH EFFECTS FROM THEATRICAL PYROTECHNICS**

*Journal of Pyrotechnics*, M. Rossol, Issue # 3, Summer 1996, pp. 14-21

Pyrotechnics are potentially capable of creating ear-damaging sound, eye-damaging light, and airborne toxic chemicals. While damage to the ears and eyes can be dramatic and obvious, an article published this month in the *Journal of Pyrotechnics* focuses on potential health problems from inhalation of the smoke.

Both indoor and outdoor pyrotechnics are used in a wide variety of locations such as theaters, theme parks, outdoor arenas, and both indoor and outdoor movie and TV filming locations. For this reason, the article considers the hazards of indoor theatrical effects, consumer fireworks, and outdoor professional effects. The article also includes some very basic material which is well-known to pyrotechnicians, but may be helpful to readers from the theatrical and entertainment industries. Copies of the article can be obtained from ACTS for postage and copying costs of \$2.50.

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## **TWO CERAMIC ITEMS RECALLED**

CPSC, Press Release # 96-148, June 19, 1996 & Press Release # 96-158, July 3, 1996

In both June and July, the Consumer Product Safety Commission announced product recalls of ceramic items that held candles. Candle holders, potpourri burners, and other items that incorporate sources of heat or fire have the potential to injure consumers or start fires. Recalls of defective items of this type usually are very costly for both retailers and craftspeople. In addition, lawsuits for recovery of damages from burns or fires can be brought against any store and/or any craftsperson who sells a defective product. Craftspeople who sell products directly should protect themselves by incorporating and obtaining liability insurance. Otherwise, they bear the entire risk.

**CPSC PRESS RELEASE # 96-148.** In cooperation with the U.S. Consumer Product Safety Commission (CPSC), Bath & Body Works Inc. of Columbus Ohio, is recalling about 18,7000 ceramic potpourri burners. The ceramic potpourri burner may contain hairline cracks that can cause the burner to fracture or shatter while in use. As a result, people can be burned by hot wax and potpourri. Bath & Body Works is aware of nine incidents in which the ceramic potpourri burner cracked, exposing consumers to flames, hot potpourri, and hot wax. Two consumers received burns to the hands as they attempted to extinguish the flames.

The white ceramic potpourri burner, a cylinder-shaped container measuring 5.5 inches high and 4.25 inches in diameter, is decorated with various floral designs. To heat the burner, consumers place candles in a round hole in the back of the potpourri burner. They were sold by Bath & Body Works nationwide from April 1995 through April 1996 for approximately \$ 10.

Consumers should immediately stop using the ceramic potpourri burners and return them to any Bath & Body Works retail store for a refund of the purchase price, plus a \$25.00 Bath & Body Works gift certificate. For more information consumers should contact customer service at (800)395-1001.

**PRESS RELEASE 96-158.** In cooperation with the U.S. Consumer Product Safety Commission (CPSC), IMSA International Inc. of El Paso, Texas, is voluntarily recalling about 50,000 three-piece terra cotta potted candle sets. The clay pots may overheat and catch fire. IMSA International received three reports of the clay pots catching fire. One consumer burned her face attempting to blow out the fire. In another case, the pots flamed up causing fire and smoke damage to wallpaper and tile.

The two-ounce candles, measuring two inches high, are potted in terra cotta clay flower pots or vases in a small terra cotta tray. Dollar Tree stores in the South, East, and Midwest sold sets of three terra cotta candles for \$1 from April 1 through April 24, 1996. Consumers should not use the candle sets and should return them to the store where purchased for a full refund. For more information, consumers should contact IMSA at (800)351-1041.

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## **SECOND EDITION OF AUSSIE ART HAZARDS BOOK OUT**

**Danger! Artist at Work**, 2nd Ed., Rossol & Bartlett, Thorpe Publishing, 1996

The Australia Council for the Arts announces the availability of the 2nd edition of ***Danger! Artists at Work*** by Monona Rossol and Ben Bartlett. The book is a guide to occupational hazards and precautions for Australian art workers and teachers in the fine arts, crafts, folk arts, and theater. For further information, contact the Council at (02)9950-9000 or Fax (02)9950-9111.

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## **WASHING OUT EYE WASHES**

**Am. Industrial Hygiene Assoc. Journal**, July, 1996, Vol. 57, pp. 626-633

It is known that amoebae and bacteria growing in eyewash station water pipes can cause serious infections in people who flush their damaged eyes with this water. To combat the build up of microorganisms, OSHA references an ANSI Standard (Z358.1-1990) to be used as a guideline. The Standard requires flushing the water in these stations weekly. Some eyewash manufacturers, however, suggest flushing at two week intervals because they rely on special screens to control amoebae. Now a study published in the July AIHA Journal found these screens were not effective. Further, it showed that flushing only one minute once a week did not sustain lower amoebic concentrations. Flushing three minutes once a week was a more effective procedure and should be recommended.

=====

## **CENTRAL PARK CONTESTS OSHA VIOLATIONS**

**BNA-OSHR**, 26(6), July 10, 1996, p. 164

Central Park Systems Inc., New York, NY is contesting a serious citation and a \$47,250 penalty for 13 items, including alleged failure to guard an open-sided floor or platform more than four feet above the floor (1910.23(c)(1)); for failure to keep a means of egress free of all obstructions or impediments continuously (1910.37(k)(2)); and for failure to provide machine guarding of moving parts (1910.212(a)(1)). The employer also contests a non-serious citation and \$4,500 penalty for alleged violation of 1904.8, for failure to make an oral or written report of a fatal accident within 8 hours to the nearest OSHA office.

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### INHALING BULLETS

REN-OSHR, 26(11), August 14, 1996, pp. 280-1

Short-term overexposure to lead primarily by inhalation has been identified as a potential hazard at outdoor firing ranges operated by the FBI's Firearms Training unit by the National Institute for Occupational Safety and Health (NIOSH). Responding to a request from the FBI Academy in Quantico, NIOSH assessed the inhalation hazard and also concluded that there is some potential for "take-home" lead dust exposure for families of firearms instructors. Personnel also may be at increased risk for noise-induced hearing loss. NIOSH makes recommendations for reducing these hazards.

Especially interesting is recommendation No. 4 which suggests using lead-free bullets such as copper-jacketed, nylon-jacketed, or zinc slugs. Then it says, *There will still be...some lead generated from the primer, which contains lead styphnate and lead peroxide.* So while getting shot is often jokingly called "acute" lead poisoning, "chronic" poisoning may be acquired by inhaling gun smoke!

Single copies of the report, *Health Hazard Evaluation Report No. 91-0346-2572* are available from the NIOSH Publications Office, 4676 Columbia Parkway, Cincinnati OH 45526; 800/356-4676. Include a self-addressed mailing label with a written request.

### THEATER HAZARD SEMINAR IN CHICAGO

A Seminar entitled: "Health and Safety in the Scene Shop" will be presented by the Central Region of the United Scenic Artists, Local 829 (IBPAT). Monona Rossol, Local 829's Health and Safety Officer will conduct the seminar and the Goodman Theatre of Chicago graciously agreed to host the event in their scene shop on Saturday, September 28, 1996. Sessions are limited to 30 people. Call USA to register toll free at: 888/401-KUSA, or locally at 312/857-0829.

### CSA FOLDS, RENEGES ON NEWSLETTER

As of July 1, the Center for Safety in the Arts suspended all functions including their newsletter. Their voice mail number announces this, takes no messages, and doesn't mention of return of money. CSA subscribers who contact ACTS will be provided complimentary copies of ACTS FACTS over the period of time remaining on their CSA subscriptions. Any form of proof of payment will do.

## **APPROVAL OF BISMUTH-TIN SHOT EXTENDED TO 1996-7**

61 FR 42492-7, August 15, 1996

The U.S. Fish and Wildlife Service is again approving bismuth-tin shot for migratory bird hunting to reduce the numbers of birds that die from ingesting spent shot. The Agency is also proposing to grant a permanent approval for the shot since the petitioner, the Bismuth Cartridge Company, has met their testing requirements. They have done acute, chronic, and reproductive toxicity studies which indicate that bismuth-tin shot causes no adverse effects.

Sixty-five male and sixty-five female mallards were dosed with either No. 4 lead, steel, bismuth-tin shot or a placebo. All lead dosed ducks died within 14 days of initial dosing. All steel- and placebo-dosed ducks survived and all bismuth-tin dosed ducks survived except one female who died of undetermined causes. Reproductive toxicity tests also showed no significant differences among the surviving ducks in terms of fertility rates, hatchability rates, chemical content of eggs, weight of ducklings, and so on.

The U.S. Fish and Wildlife Service agreement also makes illegal any bullets containing residual levels of lead exceeding one percent. Bismuth often is obtained as a by-product of iron, copper, and tin smelting and commonly contains lead. (Now if I can just figure out why anyone wants to shoot a duck.... Ed.)

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## **DIETHYLENE GLYCOL KILLS 76 CHILDREN**

MMWR, 45(30), August 2, 1996, p. 649-650

From November 1995 through June 1996, 86 children from ages 3 months to 13 years in Haiti were diagnosed with acute renal failure from ingestion of diethylene glycol (DEG)-contaminated glycerin in acetaminophen syrup. Seventy six of the children have died.

There have been three other outbreaks of illnesses and death from DEG. Two of these outbreaks were caused by DEG-contaminated propylene glycol. Both glycerin and propylene glycol are used to thicken pharmaceutical syrups. DEG is a common contaminant of industrial grade glycerin and propylene glycol.

**TESTS MAY NOT DETECT DEG.** Officials are concerned that U.S. consumers may also be at risk because DEG is not detectible by the infrared spectroscopy tests used by the United States Pharmacopoeia (USP) to test drug products. Instead, a special gas chromatography method must be used to separate and identify glycerin, ethylene glycol and diethylene glycol.

**GLYCOL/GLYCERIN THEATRICAL FOGS AND SMOKES.** Glycol and glycerin theatrical fog products also may be contaminated with DEG and many other chemicals. Inadequate analyses may not find these contaminants or may incorrectly identify them. Accurate analyses with special methods can be very expensive. Variation in results obtained from different analytical methods has caused much confusion in the theatrical community.

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## **NON-SMOKING MUSICIANS' EXPOSURES TO TOBACCO SMOKE**

Am Industrial Hygiene Assoc. Journal, August 1996, Vol. 57, pp. 746-752

Air samples, saliva analyses and other tests were performed on nine musicians, eight male, one female, from three Oklahoma City Bands. The results showed that nightclub musicians may be exposed to higher concentrations of environmental tobacco smoke than many other occupations. The only other groups with higher exposures identified in previous studies were bartenders and waitresses.

=====

## **LEAD FROM MOTHERS' BONES TRANSFERS TO FETUS**

NY Times, Susan Gilbert, June 18, 1996, p. C7.

Scientists found the first direct evidence that a girl growing up in a lead-polluted environment passes that lead on to her children, putting their mental and motor development at risk.

Researchers at Macquarie University in Sidney, Australia, followed 13 women who had recently immigrated to Australia from the former Yugoslavia and then became pregnant. The lead they were exposed to in the Balkans, and which was stored in their bones, has a different molecular weight from the lead in Australia. As their pregnancies progressed, their blood contained greater amounts of the Balkan lead, peaking during the second and third trimesters, said Dr. William Jameson of the National Institute of Environmental Health Sciences which financed the study. By the end of the pregnancy, as much as 60 percent of the total amount of lead in the blood came from the women's own bones.

A second study, conducted by Health and Welfare Canada, monitored the blood lead levels of 30 pregnant monkeys before, during and after pregnancy. It also showed that the amount of lead in the blood peaked during the second and third trimesters and that up to 60 percent of the blood lead originated in the bones, Dr. Jameson said. On autopsy, the monkey fetuses were found to have lead in every organ, including their brains, he said.

In the Australian study, researchers measured the lead in the newborns' blood and found the levels were comparable to that of the mothers, Dr. Jameson said. This may mean that the mother's blood lead level is an indicator of the amount of lead in the fetus.

Most of the mothers and infants had less than five micrograms of lead per deciliter (ug/dL) of blood, a relatively small amount. Adverse effects, especially on mental acuity as measured by I.Q. tests, have been shown to occur in children when blood lead levels reach 10 ug/dL. More subtle effects are suspected to occur at even lower levels. Dr. Jameson says "We know that relatively low blood lead levels affect the cognitive development of children, so in a developing fetus it couldn't help but have an effect."

The next step is to find out what women can do to reduce the flow of lead from their bones to their unborn babies. Dr. Jameson and other experts believe that calcium supplements might help by reducing the need of the fetus to draw on the calcium stored in the mother's bones.

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## UPDATE ON MERCURY POISONING FROM COSMETICS

MMWR, 45(29), July 26, 1996, pp. 633-5

In the June issue of ACTS FACTS, we reported on the hazards of a mercury-containing beauty cream manufactured by Manning Laboratories Vida Natural of Tampico, Mexico. Crema de Belleza Manning (Manning's Beauty Cream) is a white-colored, "liquid-like" cosmetic imported from Mexico and sold in a six ounce opaque plastic bottle. It contains calomel (mercurous chloride) at high levels (6% to 10% mercury by weight).

In response to media announcements in Arizona, California, New Mexico, and Texas, 238 persons contacted their health departments to report use of the cream. Of the 119 persons for whom urinalysis has been completed, 104 (86%) had elevated mercury levels defined as a level >20 micrograms/liter (ug/L). The levels found in cream users ranged from 22.0 to 1170.3 ug/L.

Because mercury can penetrate the skin so easily, elevated mercury levels also have been detected in some persons who never used the cream but were close household contacts of cream users. For example, both the mother and son of a woman who used the cream for a year and a half had urine mercury levels of 31.6 ug/L and 50 ug/L respectively.

Now in New Mexico, yet another skin-care product, "Nutrapiel Cremaning Plus" made in Tampico, Mexico, has been found to contain mercury (9.7% by weight).

In the US, the only use for mercury in cosmetics allowed by the FDA is in eye-area products in concentrations not exceeding 65 parts per million (0.0065%). These small amounts of mercury are allowed in eye-area cosmetics because they can prevent the serious eye infections associated with eye-makeup use. There currently is no effective and safe non-mercurial substitute.

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# 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

October 1996

Vol. 10, No. 10

### CITRUS OIL DEODORIZER BLAMED FOR ILLNESSES

The Santa Fe New Mexican, August 31, 1996, pp. A1 & A3.

About 30 students from Pecos Elementary School in Santa Fe, New Mexico were taken to the hospital complaining of rash, dizziness, nausea and shortness of breath. The children became ill after visiting the Cafeteria which had been sprayed with an industrial citrus oil-based deodorizer called Orange Twist. The label on the product said it "may cause respiratory tract irritation."

Some people thought that the problem was caused by mass hysteria. However, Fire Rescue Chief Michael Truhillo said in an interview that Orange Twist had affected virtually all of the children brought to the hospital. He reported that "even the doctor at the ER said "this stuff has caused me to itch."

Citrus oil is pressed from citrus rinds and is primarily limonene, citral and terpenes in varying percentages. Limonene in particular is considered more toxic by inhalation than most common solvents (ACTS FACTS, July, 1990 or D-Limonene Data Sheet). The terpenes and limonene also can oxidize to compounds that are even more toxic and sensitizing. While traces of citrus oil used to flavor food is not expected to cause overt symptoms, inhalation of significant amounts of the material is another matter.

### PLAIN LANGUAGE OSHA REGS?

61 FR 47712-47722, Sep 10, 1996

In September, OSHA published proposed new versions of the "means of egress" rule (29 CFR 1910.36) for public comment. OSHA renamed the rule "exit routes" and offered two versions of the rule which were written in "plain English." OSHA plans to rewrite all their rules to make them easier to understand. They started the rewriting project with the egress rules because they are technically quite simple. Plain English will be more difficult to devise for the rules that involve complex requirements such as those for some types of mechanical, electrical or protective equipment or for chemical monitoring.

This editor also predicts that disputes about the exact meaning of rules will take up court time when the new rules are applied. In the past, disputes often erupted between OSHA and cited employers over the interpretation of a word or phrase. Some of the new formats, like the old, probably will be battled over word by word.

## **LEAD AZIDE USED IN MOVIE BOMB EFFECTS**

BNA-OSHR, 26(12), August 21, 1996, p. 310

EPA denied a citizens' petition to ban the use of lead azide in special effects bombs in movie making because its use poses a health threat to workers, according to documents released August 8th. The petition was filed by Cris Ericson of Jerico, Vermont under Section 21 of the Toxic Substances Control Act. Section 21 allows the public to file citizens' petitions to ask the agency to issue, revise, or repeal rules issued under various parts of the chemical control law.

Ericson said she filed because she was injured by a special effects blast and has been unable to seek a remedy in federal court. "I don't want other people hurt," she wrote.

In a July 31 letter, EPA said it denied petition. EPA claims the petition and accompanying litigation material did not provide the necessary information to conclude that a change in regulation is needed because the concerns already are addressed by Occupational Safety and Health Administration regulations. OSHA regulates all use of lead compounds in the workplace including lead azide at 29 CFR 1910.1025.

ACTS' comment on this item is a resounding: "Who knew?" Our August issue of *ACTS FACTS* announced the availability of a new paper on pyrotechnic hazards that addresses many toxic chemicals including lead. However, lead azide was not thought to be used for this purpose when this paper was written, especially because there are azides such as sodium azide that are far less toxic. Lead azide detonation produces an airborne, inhalable lead fume. It most certainly could be both a workplace and an environmental hazard.

This Editor also would bet a cookie that personal monitoring for lead exposure and other provisions of the OSHA Lead Standard are not going to be followed on movie locations.

=====

## **HAZARDOUS RICE HUSKS**

HazChem Alert, 11(9), September 1996, p. 102; ref. to: J. Occup. Health 1996, 38(2) pp. 57-62

Rice husks are a byproduct of rice harvesting and cleaning. In many countries, the husks are burned for heat or energy and the ashes are used as a raw material in the ceramic and metallurgical industries. Exposure to rice husk dust and ash can cause silicosis. Rice, like many plants, takes up free silica from the soil.

The ash in particular can cause a silicosis characterized by diffuse interstitial fibrosis (scar tissue) and nodules. The toxicity of rice husk ash increases as the temperature at which it is burned increases. The higher the temperature, the higher content of free silica (due to burn off of other materials) and the greater the amount of silica that converts from quartz to the more toxic tridymite and cristobalite forms of silica.

Potters who use ash glazes or fire with wood should be aware that rice is not unique. Ash from any plant or tree may contain silica.

=====

## ANTHRAQUINONE UPDATE

The National Toxicology Program has been studying natural and synthetic anthraquinone dyes and intermediates in an attempt to determine if whole classes of anthraquinones can cause cancer.<sup>1</sup> Four anthraquinones studied previously and found to be carcinogenic are: 1-amino-2,4-dibromoanthraquinone (CAS No. 81-49-2),<sup>2</sup> 2-aminoanthraquinone (CAS 117-79-3)<sup>3</sup> and 1-amino-2-methylantraquinone (CAS 82-28-0)<sup>4</sup>, and 1,4,5,8-tetraaminoanthraquinone (CAS 2475-45-8)<sup>5</sup> which is better known as Disperse Blue 1.

Disperse Blue 1 also was one of about 120 dyes banned by the German Government for use in products which are intended for "longer than temporary contact with the human body" such as textiles, bed linens, and eyeglass frames.<sup>6</sup> Other European countries are expected to pass similar laws regarding this and other dyes in the future.<sup>7</sup>

Now a new study on an hydroxy anthraquinone (no amine group) is complete. The dye, 1,8-dihydroxyanthraquinone (CAS 117-10-2), has been proposed for listing in the ninth report as "reasonably anticipated to be a human carcinogen."<sup>8</sup> The data is scheduled to be reviewed again this month before it is included in the report.

Art painters should be aware of this study, because the common pigment called alizarin (1,2-dihydroxyanthraquinone) is almost identical to 1,8-dihydroxyanthraquinone except for one -OH group which is in a different position. Craft dyers also should also take note because alizarin is also the dye in madder root or chayroot used by many "natural" dyers. All dyers need to know that anthraquinones are found in every class of dyes they use. They even are used in household products such as Rit and Tintex.

To date, five anthraquinones have been studied and found to be carcinogens. ACTS wonders what more is needed to convince the art materials industry and suppliers of craft and household dyes like Dharma, Rit and Tintex to stop labeling the untested anthraquinones "non-toxic." ACTS has prepared a two page data sheet on "Anthraquinone Dyes and Pigments" for which a limited number of free copies are available. Call or write for a copy.

1. Bureau of Nat'l Affairs-Occup. Safety and Health Reporter (BNA-OSHR), 24(5), June 29, 1994, p. 268
2. Ibid.
3. Seventh Annual Report on Carcinogens, Summary, 1994, Nat'l Toxicology Program, US DHHS, pp. 87-89.
4. Ibid., pp. 90-91.
5. Federal Register, Vol 56, No. 151, Tuesday, August 6, 1991, pp. 37366-37367.
6. ACTS FACTS May 1996.
7. Consumer Information, Verband der Druckfarbenindustrie, Sept. 1995.
8. BNA-OSHR, 25(49), May 15, 1996, p. 1706-7

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## TUNGSTEN/IRON NON-TOXIC SHOT

61 FR 50862, Sep. 27, 1996

Last month, ACTS FACTS covered approval of a bismuth/tin shot for waterfowl hunting. This month, we report that the U.S. Fish and Wildlife Service received an application for approval of another shot. This shot is made of tungsten and iron. There may be a future in smelting ducks.

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## **NOVEL RESPIRATORY PROTECTION PROCEDURES FAIL**

OSHA Week, Jun 24, 1996.

The owner of MIT Tank Wash, Inc., of Savannah, Georgia, pled guilty in June to a willful violation of an OSHA regulation in the death of an employee. The company uses strong, hazardous cleaning substances to clean truck-based tanks that carry chemical or food cargos. The company's procedure was for the employee to enter the tank, swab the inside with the poisonous cleaner while holding his breath, climb a ladder to the top of the tank, take a gulp of fresh air, and descend again for more cleaning.

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## **PAINT COMPANY CITED FOR LEAD AND OTHER HAZARDS**

BNA-OSHR, 26(6), July 10, 1996, p. 164

Long Island Paint Company of Glen Cove NY is contesting a serious citation and a \$9,000 penalty for six items, including alleged failure to maintain all surfaces as free as practicable of lead (1910.1025(h)(1)); failure to institute a medical surveillance programs for all employees who were, or could be, exposed to lead above the action level for more than 30 days per year (1910.1025(j)(1)(i)); and failure to institute and require a training program for all employees who were subject to lead exposure at or above the action level, or for whom the possibility of skin or eye irritation existed (1910.1025(l)(1)(ii)).

The company is also is contesting a repeat citation and a \$9,000 penalty for alleged failure to guard an open-sided floor or platform more than four feet above the adjacent floor with a standard guardrail (1910.23(c)(1)); and failure to keep a means of egress free of all obstructions or impediments continuously to allow full instant use in case of fire or other emergency (1910.37(k)(2)). The employer also is contesting a serious citation and a \$30,000 penalty for 15 other items. Making lead paint appears to be a dangerous as removing it.

=====

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November 1996

Vol. 10, No. 11

### FDA TESTS A STUDIO POTTER'S WORK FOR LEAD

*Crafts Report*, "Random Lead Testing Results in a Positive Experience," October 1996, p. 96

Ceramicware made by professional potter Judith Leigh Pearson with "lead safe" glazes was randomly selected by the Maine regional FDA for testing. Writing in *Crafts Report*, Judith revealed that of the six cups FDA tested, two passed (leaching less than FDA's 0.5 ppm limit), but the other four did not. One even tested at a whopping 9.9 ppm! As a result, Judith has switched to lead-free glazes.

In defense of "lead safe" glazes, Judith wrote that they could be made safe by relabeling them for firing at higher temperatures. Wrong, Judith! Factors affecting glaze solubility are far more complex than this. Experience in commercial potteries shows that even with great technical control over ingredients and firing, some kiln loads inexplicably fail to pass. Both commercial and studio producers must test their ware if they choose to use lead.

Lead glazers also face some serious financial risks:

- \* the FDA can require potters to recall their defective ware which involves placing notices in national or regional publications and refunding all customers' money;
- \* the FDA can seize and destroy all the potter's ware if it fails the test; and
- \* potters can be held liable for damages to customers caused by any pot they have ever sold.

ACTS wishes these costs had to be shared by manufacturers who label glazes "lead safe." Judith doesn't identify her glazes, but says:

*....the manufacturer supplies to most of the elementary and secondary schools across the country. The firings in any school setting aren't even going to come close to the kind of regulating we professionals maintain. This means that all of those kids are bringing home potentially hazardous projects."*

From your lips to God's ear, Judith.

### FDA DESTROYS DANGEROUS CERAMIC WARE

*FDA Consumer*, vol. 30, No. 7, Sept 1996 p. 35

To emphasize the fact that ceramic ware that fails lead tests can be destroyed, we reprint this notice from the *FDA Consumer*:

PRODUCT: Royal dinnerware harvest festival, at Eau Claire, Wis. (W.D. Wis.); Civil No. 95C-0357-C.

CHARGED 5-18-95 While held for sale after shipment into interstate commerce at Mid-America Tablewares, Inc., in Eau Claire, Wis., the articles were adulterated in that they contained lead--402(a)(2)(C).

DISPOSITION: A consent decree of condemnation and destruction ordered the articles destroyed. (F. D. C. No. 67086; S. No. 94-718-522; S. J. No. 6)

### LEAD TEST KIT ERRORS

Representatives of two lead test kit purveyors, Hybrivet Systems (Lead Check) and Pace Environs (Lead Alert), told ACTS in telephone interviews that *Consumer Reports* was probably wrong when it reported that their lead test kits were accurate to 0.05 parts per million (ppm). It seems that the test kits currently on the market are all accurate to about the same 0.5 ppm level.

This means that these kits are adequate for testing paint, but are not reliable for testing pottery since the federal FDA limit is 0.5 ppm and the California limit is 0.1 ppm. ACTS is revising its Ceramic Ware Hazards data sheet to reflect this fact. We advise readers to do the same with their copies.

=====

### LAXATIVE INGREDIENTS DEMOTED

FDA Consumer, October 1996, p. 6-7.

After animal studies indicated a possible link between cancer and two ingredients in over-the-counter laxatives, FDA discussed the problem with the manufacturers and found that safety data on these two ingredients and three similar ones are inadequate.

In a letter dated May 21, 1996, FDA informed the firms it plans to reclassify the five ingredients--phenolphthalein, bisacodyl, senna, aloe, and cascara sagrada--from category I (safe and effective) to category III (more data needed). Studies by the national Toxicology Program (NTP) provided new evidence that phenolphthalein (chemically related to bisacodyl) may cause cancer in rodents and that senna (chemically related to aloe and cascara sagrada) may cause gene or chromosome irregularities. There are no cancer studies of these chemicals in humans.

To determine whether the new evidence may translate into a risk for humans, FDA's Carcinogenicity Assessment Committee met twice with manufacturers and NTP representatives. Finding available safety information to be inadequate for a clear assessment, the agency has requested the additional data from manufacturers.

Products containing the five ingredients may continue to be marketed until FDA publishes final regulations. Psyllium, castor oil, docusate sodium, and 20 other ingredients are still considered safe and effective components of laxative products.

**EDITORS COMMENT:** I thought this story was art-related only because phenolphthalein is a dye. Now I find that studies of these five related laxatives may shed light on the cancer-causing potential of the whole class of anthraquinone dyes. Part of phenolphthalein's structure is similar to anthraquinone, cascara contains an hydroxymethylantraquinone, and aloe is an anthraquinone glycoside that when used as a laxative dyes the urine red.

It is also interesting that another "natural" substance, this one from the highly touted aloe plant may have long-term hazards.

=====

## SOME BENZIDINE DYES REGULATED

61 FR 52287-52296, Oct 7, 1996

Benzidine, its hydrochloride, and 22 benzidine dyes now are regulated under a "significant new use rule" (SNUR) requiring persons to notify EPA at least 90 days before manufacturing, importing, or processing them. EPA has listed these 24 benzidine-based compounds and intends to propose another SNUR in the near future listing a few more. There are over 100 other benzidine compounds, but these are already regulated under the Toxic Substances Control Act. Anyone intending to make or import these compounds is required to file premanufacture notification.

The SNUR lists dyes that probably are no longer manufactured in the U.S. The SNUR's primary purpose is to keep imported benzidine dyes out of the country. But as one of the commenters complained in the rules preamble: *The SNUR will give an unfair advantage to foreign producers of benzidine-based chemical substitutes, and to those who import textiles dyes with such chemicals into the US.*

EPA responded that: ....EPA does not presently have a sufficient basis to support a regulatory action related to the import of articles manufactured with benzidine-based chemical substances....

### REGULATED BENZIDINE COMPOUNDS

CAS #	C.I. NAME	C.I.#
92-87-5	Benzidine	N/A
531-85-1	Benzidine.2HCl	N/A
573-58-0	Direct Red 28	22120
1937-37-7	Direct Black 38	30235
2302-97-8	Direct Red 44	22500
2429-73-4	Direct Blue 2	22590
2429-79-0	Direct Orange 8	22130
2429-81-4	Direct Brown 31	35660
2429-82-5	Direct Brown 2	22311
2429-83-6	Direct Black 4	30245
2429-84-7	Direct Red 1	22310
2586-58-5	Direct Brown 1:2	30110
2602-46-2	Direct Blue 6	22610
2893-80-3	Direct Brown 6	30140
3530-19-6	Direct Red 37	22240
3567-65-5	Acid Red 85	22245
3626-28-6	Direct Green 1	30280
3811-71-0	Direct Brown 1	30045
4335-09-5	Direct Green 6	30295
6358-80-1	Acid Black 94	30336
6360-29-8	Direct Brown 27	31725
6360-54-9	Direct Brown 154	30120
8014-91-3	Direct Brown 74	36300
16071-86-6	Direct Brown 95	30145

But as readers of ACTS FACTS (May, 1996) know, the German government found "sufficient basis to support regulatory action" and already banned about 120 dyes for dyeing of textiles used next to the skin including 21 of the 22 benzidine dyes in this SNUR! Also banned are dyes that metabolize to other benzidine compounds and to other carcinogens such as o-toluidine.

Another flaw is that the SNUR only lists straight benzidine dyes and ignores the benzidine congener dyes based on o-toluidine and dianisidine. NIOSH concluded that all these dyes should be considered potential human carcinogens based on the evaluation of cancer studies and metabolism of these dyes to release free benzidine and related compounds.

Benzidine dyes were readily available in the 1980's. Many schools, costume shops and studios still have old stocks which should be discarded. ACTS will be watching to see if the rule will expand to include benzidine-based art pigments such as some pyrazolones, arylides, toluidines, etc.  
=====

## **PHOTOCOPIERS CAUSING RESPIRATORY PROBLEMS**

**BNA-OSHR**, 26(17), Sept. 25, 1996, p. 579

Dust from office photocopiers causes lung disease, Austrian scientists report in the London-based Medical journal, *The Lancet*. They predict that increased use of photocopiers will result in an increase in respiratory problems among workers.

The scientists discussed the case of a 39-year-old non-smoker who developed a dry cough and breathlessness after working in a newspaper agency for 18 months where photocopiers were regularly used. The pigmented toner dust contained silica, iron, and copper, all of which can damage the lungs. Tests on samples taken from the worker's lungs and lymph nodes in his chest showed the cells reacted to toner particles. His disease, granulomatous pneumonitis, was treated with steroids, but after nine months he was no better.

Two years ago, *The Lancet* reported a similar case of a 44-year-old Spanish woman who contracted a disabling lung disease called sidero-silicosis from inhaling iron and silica containing toner dust while working in a photocopying shop.

=====

## **CPSC SUES FIREWORKS COMPANIES**

**CPSC Press Release # 97-010**, October 25, 1996

The US Consumer Product Safety Commission (CPSC) filed a lawsuit against Shelton Wholesale Inc., and Polaris Fireworks of Eagleville MO, importers, distributors and dealers of fireworks. Between 1992 and 1996, the companies imported or distributed more than 3.5 million banned or mislabeled fireworks. The products could explode or malfunction unexpectedly while people are standing nearby.

The lawsuit seeks a civil penalty and injunction to prevent future violations. The complaint charges that the companies persisted in importing the defective products despite receiving numerous notices of violation. The maximum penalty is \$1.5 million for each related series of violations.

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December 1996

Vol. 10, No. 12

### NTP CHANGES CANCER CRITERIA

61 FR 50499-50500, September 26, 1996

The Department of Health and Human Services is changing their criteria for listing carcinogens in the National Toxicology Program's (NTP) Biennial Report on Carcinogens. The most important changes, printed in bold type below, are in the "Reasonably Anticipated To Be Human Carcinogens" category. Substances now will be listed as reasonably anticipated to be human carcinogens when:

*There is limited evidence of carcinogenicity from studies in humans, which indicates that causal interpretation is credible, but that alternative explanations, such as chance, bias or confounding, could not adequately be excluded, or*

*There is sufficient evidence of carcinogenicity from studies in experimental animals which indicates that there is an increased incidence of malignant **and/or combined benign and malignant tumors**: (a) in multiple species or at multiple tissue sites, or (b) by multiple routes of exposure, or (c) to an unusual degree with regard to incidence, site or type of tumor, or age at onset; or*

*There is less than sufficient evidence of carcinogenicity in humans or laboratory animals, however; the agent, substance or mixture belongs to a well defined, structurally-related class of substances whose members are listed in a previous Annual or Biennial Report on Carcinogens as either a known to be human carcinogen, or reasonably anticipated to be human carcinogen or there is convincing relevant information that the agent acts through mechanisms indicating it would likely cause cancer in humans.*

Soon NTP should be able to list inadequately tested substances that are related to known carcinogens which are likely to cause cancer by the same mechanism. Then material safety data sheet will no longer be able to state that these chemicals are "not considered carcinogens by NTP." And soon art materials and consumer products containing these substances may no longer be labeled "non-toxic."

### CSA CONTINUES NEWSLETTER

Art Hazards News, 19(3), 1996

The Center for Safety in the Arts (CSA) has decided to continue to publish its newsletter four times each year. They now have a mail drop at: 2124 Broadway, P.O. Box 310, NYC 10012. They do not have a telephone, but they have a web site from which people can download information at <http://artswire.org:70/1/csa>.

## **MORE CANDLES RECALLED**

Press Releases # 97-005, 96-195, 96-148 & 96-158, 97-011, 97-017, and 97-019, CPSC

In August, ACTS FACTS covered the recall of two ceramic candle holders by the U.S. Consumer Product Safety Commission (CPSC) in which ceramic holders either soaked up wax and caught fire or cracked spilling flaming wax. Since then, there have been more candle recalls. Five are covered below. Creative candle crafters should take note that they also could have their products recalled and have to provide refunds. Worse, they could be liable for damages from fire or injuries.

**CANDLES AND GLASS CAN BE DANGEROUS COMBINATION.** CPSC Press Release # 97-005 reports that Candle-lite of Cincinnati, Ohio is voluntarily recalling approximately 3,000,000 Clearfire candles sold primarily during the 1995 Christmas season. The candles could flare up during use, causing the candles' glass holders to overheat and break. Candle-lite is aware of 142 instances of candles flaring-up and glass breaking. Several consumers have been burned by hot gel or cut by broken glass.

**CANDLE WAX AND ORGANIC MATTER DON'T MIX.** Press Release # 96-195 reports the recall of about 18,400 Garden Lavender Botanical Candles sold by Bath & Body Works, Inc., of New Albany, Ohio. The dried flowers inside the candle may catch fire presenting a fire hazard. On the market from May 1996 to August 1996, Bath & Body Works has received three reports of the lavender material inside the candle igniting. No injuries have been reported.

**SCARY HALLOWEEN CANDLES.** Three separate press releases (# 97-011, 97-017, and 97-019) announced three recalls of certain brands of five-finger, hand-shaped Halloween candles. The hand-shaped wax candle flames may reach 8 inches high as the candles melt down to the palm where the wicks of the five fingers burn together. (An individual who observed a test of one of the candles noted that as the fingers all burned down, the longest lasting finger was, appropriately, the middle one.) No injuries were reported. The candles were sold by:

- 1) Russ Berrie and Company of Oakland, NY (17,600 Dem Bones and 67,600 Glowing Gore candles),
- 2) C.R. Seasons LTD of Farmingdale, NY (for 47,100 Bleeding Hand candles); and
- 3) East West Distributing Co. and Walgreens of Deerfield IL for about 95,900 five finger Decorative Novelty Candles.

**FURTHER INFORMATION:** Complete copies of the releases mentioned above can be obtained from CPSC's web site at <http://www.cpsc.gov>, via Internet gopher services at [cpsc.gov](http://cpsc.gov), or through fax-on-demand at 301/504-0051. Consumers can report product-related hazards or injuries to CPSC's hotline at 800/638-2772, to their teletypewriter at (800) 638-8270, or at [info@cpsc.gov](mailto:info@cpsc.gov).

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## **LIGHT SHOW COULD IMPAIR VISION**

FDA Consumer, November 1996, p. 35.

Light show operator, Warren Zerra, was warned by FDA in a letter sent July 8, 1996, that his light display at a May 17 party was operated in a "grossly hazardous manner." The letter followed an inspection in which it was found that the show used the same class of lasers used in one type of vision-correcting surgery. The partygoers at an all-night San Francisco bash were actually being struck by the beams. While they reported no injuries, all were in danger of receiving serious eye burns if the beam hit them in the eye.

The letter also included a list of other violations and noted that FDA will be monitoring Zerra's operations. If Zerra continues to operate illegal light shows, he may be stopped by a court-imposed injunction and subjected to a fine of up to \$1000 per violation. The warning letter is one of at least nine FDA has sent to laser light show operators since January.

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## **EMF PUBLICATION AVAILABLE**

EMF in the Workplace, NIOSH/NIEHS/DOE, Pub:DOE/GO-10095-218, September 1996

According to a new government publication, there is not enough data to firmly link electric and magnetic fields with cancer. The booklet, *EMF in the Workplace*, concludes that more studies are needed to explain conflicting conclusions of various EMF studies. For example, some studies in the US, Denmark and Australia have determined that existing evidence does not prove that electromagnetic fields cause cancer. However, several other studies suggest a link between EMFs, leukemia and brain cancer.

As a precaution, the booklet outlines steps to reduce exposure. Since magnetic fields often drop off dramatically about an arm's length away from the source, there are simple ways that employers can reorganize work areas to reduce workers' exposure. The booklet is a joint publication of NIOSH, the National Institute of Environmental Health Sciences, and the U.S. Department of Energy. Single copies can be obtained by calling 800/363-2383.

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## **ASSAULT WITH A DEADLY CHEMICAL**

BNA-OSHR, 26(25), Nov. 20, 1996, pp. 843-844

Two companies in Massachusetts, a scrap smelter and a pewter maker, and their top executives were indicted on charges of assault and battery against employees for exposing them to lead, cadmium, and dangerous solvents (*Massachusetts v. Master Metals Industries Inc.*, MassSupCt, indictment 11/14/96). Assault occurs when people are put in fear. Battery takes place when they are harmed. Two employees, a secretary and a smelter, had elevated blood-lead levels.

This is the first time Massachusetts used these charges to prosecute companies for ignoring environmental and occupational health rules. Such actions are good alternatives to OSHA's small fines and weak enforcement. If convicted, the defendants face a maximum 10-year prison sentence. The hazardous waste offenses carry maximum penalties of 20 years in prison and \$100,000 in fines.

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## INDEX TO 1996 (VOL. 10) ACTS FACTS

### **No. 1 (January)**

CHEMICALLY INJURED PROP MAKER WINS SETTLEMENT  
CSA CLOSES -NEWSLETTER CONTINUES  
PARKINSON'S ASSOCIATED WITH RESINS, GLUES & PAINTS  
ANOTHER YELLOW DYE MAY CAUSE CANCER  
MOLYBDENUM TRIOXIDE CANCER STUDY  
ERIC GERTNER SETS UP SCHOLARSHIP FUND  
ROM HOSTS PUBLIC SEMINAR  
CERAMIC FIBERS ASSOCIATED WITH PLEURAL PLAQUE  
WELDER GETS 1.2 MILLION FOR MANGANESE PARKINSONISM  
ANOTHER PROP GUN SHOOS FOR REAL  
OSHA CITES PERFORMING ARTS CENTER

### **No. 2 (February)**

AIRBRUSH PIGMENT MISLABELED?  
ELECTRICAL WORKERS FACE BRAIN CANCER RISK  
CARBON MONOXIDE DETECTORS FOR HOME & STUDIO  
CO IN THE BLOOD  
EFFECTS ON THE CENTRAL NERVOUS SYSTEM  
EFFECTS ON THE FETUS  
OTHER RISK FACTORS  
OUTDOOR AIR-QUALITY STANDARDS  
OSHA LIMITS/CO DETECTOR LIMITS  
HOW TO USE THEM IN THE STUDIO  
SMOKE BY ANY OTHER NAME

### **No. 3 (March)**

WORKERS TRACK TOXIC SUBSTANCES HOME  
\$ 330,000 PENALTY FOR GARAGE-STORED CHEMICALS  
SURVEY OF ACTOR/DANCER INJURIES  
PARENTS SUE FOR ALLEGED IN UTERO WORKPLACE INJURY  
LEAD-FOIL CAPSULES ON WINE BOTTLES BANNED  
PAPER WEIGHTS AND TIMER TOYS RECALLED  
MOLDS & FUNGI = SOLVENTS

### **No. 4 (April)**

OSHA & INDUSTRY AGREE TO LOWER STYRENE PEL  
ASTHMA AFTER EXPOSURE TO THEATRICAL FOG  
ADA CLAIM PROMPTED BY DISEASE FROM PENGUINS  
ETHYLENE OXIDE NO LONGER A FOOD ADDITIVE  
CDC REPORT SHOWS INCREASE IN HIGH BLOOD LEAD LEVELS  
CABINET MAKER CITED IN SPRAY BOOTH MISHAP  
LEAD POISONING AMONG ARMENIAN GLASS WORKERS  
COUGAR JERKY CAUSES TRICHINELLOSIS

### **No. 5 (May)**

CERTAIN AZO DYES BANNED IN GERMANY  
PHOTOGRAPHY PRODUCT FOUND NOT DEFECTIVE  
NEWSPAPER OFFICE WORKER MAKES NEWS  
KOHL EYE MAKEUP IS SOURCE OF LEAD POISONING  
URANIUM GLAZES STILL BEING PRODUCED  
SECOND EDITION OF "CLAY WORK" OUT  
FTC TO BAR PHONEY ADS FOR AIR PURIFIERS

### **No. 6 (June)**

"LIGHTS OUT" FOR VEGAS LASERS  
STACHYBOTRY: FUNGUS MAKES NEWS AGAIN  
STATISTICS ON OSHA CITATIONS OF SCHOOLS  
FIEBING LEATHER DYE PRODUCT RECALL  
PAINT DISPOSAL ADVICE  
MERCURY POISONING FROM MAKE-UP

### **No. 7 (July)**

BEHIND THE MINI BLIND CURTAIN  
SWEAT SHOPS: NOT ONLY IN THE APPAREL INDUSTRY  
SILICA TARGETED FOR SPECIAL EMPHASIS BY OSHA  
LEAD PAINT MUST BE DISCLOSED  
CHIFFON SCARVES RECALLED  
NIOSH DIISOCYANATE ALERT ISSUED  
PAPER ON PESTICIDES IN MUSEUM COLLECTIONS AVAILABLE

(No. 7 Con't)

BOOKLET ON CONTROLLING MERCURY EXPOSURE  
PAINFUL PESTICIDE

### **No. 8 (August)**

MERCURY DESTROYS ARTISTS' DREAMS  
LIGHT AT THE END OF THE CARPEL TUNNEL  
LATEX GLOVES MAY CARRY WARNING LABELS  
COURT NIXES CLASS ACTION AGAINST LATEX GLOVE-MAKERS  
COURT NIXES CLASS ACTION AGAINST LATEX GLOVE-MAKERS  
HEALTH EFFECTS FROM THEATRICAL PYROTECHNICS  
TWO CERAMIC ITEMS RECALLED  
SECOND EDITION OF AUSSIE ART HAZARDS BOOK OUT  
WASHING OUT EYE WASHES  
CENTRAL PARK CONTESTS OSHA VIOLATIONS

### **No. 9 (September)**

INHALING BULLETS  
THEATER HAZARD SEMINAR IN CHICAGO  
CSA FOLDS, RENEGES ON NEWSLETTER  
APPROVAL OF BISMUTH-TIN SHOT EXTENDED TO 1996-7  
DIETHYLENE GLYCOL KILLS 76 CHILDREN  
NON-SMOKING MUSICIANS' EXPOSURES TO TOBACCO SMOKE  
LEAD FROM MOTHERS' BONES TRANSFERS TO FETUS  
UPDATE ON MERCURY POISONING FROM COSMETICS

### **No. 10 (October)**

CITRUS OIL DEODORIZER BLAMED FOR ILLNESSES  
PLAIN LANGUAGE OSHA REGS?  
LEAD AZIDE USED IN MOVIE BOMB EFFECTS  
HAZARDOUS RICE HUSKS  
ANTHRAQUINONE UPDATE  
TUNGSTEN/IRON NON-TOXIC SHOT  
NOVEL RESPIRATORY PROTECTION PROCEDURES FAIL  
PAINT COMPANY CITED FOR LEAD AND OTHER HAZARDS

### **No. 11 (November)**

FDA TESTS A STUDIO POTTER'S WORK FOR LEAD  
FDA DESTROYS DANGEROUS CERAMIC WARE  
LEAD TEST KIT ERRORS  
LAXATIVE INGREDIENTS DEMOTED  
SOME BENZIDINE DYES REGULATED  
PHOTOCOPIERS CAUSING RESPIRATORY PROBLEMS  
CPSC SUES FIREWORKS COMPANIES

### **No. 12 (December)**

NTP CHANGES CANCER CRITERIA  
CSA CONTINUES NEWSLETTER  
MORE CANDLES RECALLED  
LIGHT SHOW COULD IMPAIR VISION  
EMF PUBLICATION AVAILABLE  
ASSAULT WITH A DEADLY CHEMICAL

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