

Dr Swan

19 APR 1974

NOTES ON DISCUSSIONS WITH CHEVRON SAN FRANCISCO MARCH 28 and 29, 1974

PARAQUAT LABEL

Present for formal discussions on the Ortho paraquat label were:-

Chevron

- Dr Nils Ospenson Manager R & D
- Dr Richard D Cavalli Senior Environmental Toxicologist
- Carl Tanner National Marketing Manager
- Warren Lewis Supervisor Market Development
- Dr Lemac Hopkins Technical Advisor Environmental Quality
- Gerry M Doppelt Vice President legal (part time)
- Loren R Stelzer Product Registration
- Donald F Searle
- Dr Frank X Kaminski Regulatory Specialist R & D

Industrial BIO-TEST Laboratories Chicago

- Dr Florence Kinashita

IHRL

- Dr K Fletcher

PPL

- W G Jenkins
- Dr E G Schumacher

The meeting was held at PPL's request following advice to Dr Calderbank during an earlier visit (end February 1974) that Chevron intended to submit a revised paraquat label to the EPA containing, among other things, the phrase 'when spraying, wear goggles and a respirator to avoid eye contact and nasal, throat and respiratory tract irritation'.

It was clear that Chevron personnel were expecting ICI to resist emphasising the dangers of paraquat and giving prominence to precautions for avoiding or reducing hazard. Once it was made clear that the opposite was the case the discussions went well. Before the meeting got down to considering the label in some detail Chevron gave some background on the pressures they felt they were under.

Dr Lemac Hopkins's job is to keep abreast of State legislative opinion. The major problem of concern to State regulatory authorities is drift, but Dr Hopkins is also picking up adverse comment related to paraquat's toxicity. Extreme examples quoted were the proposal in California to require workers to undergo a cardio-pulmonary evaluation before spraying paraquat, and a proposal from a Mr Stephenson of Georgia for a paraquat ban. In both these instances the persons concerned were persuaded not to proceed with their proposals. Other comments from State officials indicate concern about the possible long term chronic effects of workers licking small quantities of paraquat daily from their lips and/or breathing in low doses via small droplets from spray mist. Some agricultural commissioners have criticised the label for not being clear.

Dr Kinashita representing the Industrial BIO-TEST Laboratories, the toxicological testing organisation used by Chevron reported that other persons in her organisation had heard that some EPA personnel were in favour of cancelling paraquat registrations. She recommended that Chevron voluntarily introduce a contact-restraining label for paraquat before being forced to do so.

Dr Cavalli reported that sprayers reporting injury received at work often mention that they have been spraying paraquat. This report is passed to State authorities, whether or not paraquat actually caused the injury is not examined. In many peoples minds these reports constitute 'evidence'.

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 Anne Wimberley, CSR 7778

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Mr Ospenson said that concern rises from the lack of evidence rather than evidence that paraquat in use represents a toxicological hazard. Skin and eye troubles, headaches etc can be classed as industrial injury and can lead to legal proceedings.

Mr Doppelt indicated that to a lawyer there is evidence now that paraquat could cause industrial injury and it should be recognised that Chevron could face suits totalling millions of dollars. The courts favour poor workers rather than giant companies. If the label says 'take care' the worker can claim he took care. If it says wear a mask the worker can be asked 'Did you wear a mask?' Doppelt argued cogently for clear specific instructions on protective clothing designed to provide a good basis for resisting claims.

Mr Lewis said that a growing proportion of sales were dependent on the advice given by influencers (State authorities, University extension workers etc). Some of these influencers are not taking a responsible attitude to paraquat. Lewis felt there would be no risk to sales by adding use of goggles and respirator to the label even when glyphosate comes along.

It was agreed that the label should give prominence to precautions for avoiding or reducing hazard; and that it was important that it should carry helpful and constructive advice on how to avoid creating a spray mist. Nevertheless, it was argued that some workers would work in a spray mist and the label should be worded so that Chevron could resist claims for industrial injury (however slight) in such instances (Such a case might come about if the guidance on how to avoid creating a spray mist were thought by a court to be not sufficiently clear). Before the point was conceded by PPL Dr Fletcher confirmed in answer to a direct question that IHRL had no experimental evidence to support the contention that there is no chronic effect from continual exposure to spray mist at sub acute effect levels.

i.e. we have done no long term studies

It was noted that the precautions on US labels, having been approved by EPA have the force of law. If the label says 'wear a mask' theoretically a worker can be prosecuted for not wearing a mask. More likely, in the event of an incident, the employer might be prosecuted if he failed to provide a mask.

It was agreed that use instructions should be removed to the existing separate leaflet already packed with each bottle and the label should carry only the product name, legally required data and panels covering Dangers, First Aid and Precautions. There were some difficulties with language. 'Respirator' in American can be a very light protection whereas 'mask' can mean to some a gas mask.

In the Dangers section of the label there will be a phrase 'Do not breathe spray mist in order to avoid nasal, throat and respiratory tract irritation. In the 'Precautions' section there will be a phrase 'Do not breathe spray mist. If there is any risk of accidental exposure wear goggles and approved mask or respirator capable of filtering spray mist'.

The remainder of the label was discussed in some detail and agreed. It will now be discussed between Chevron's Marketing and Publicity Departments. Art work will be ready by the third or fourth week of April and will be sent to PPL for endorsement before submission to the EPA.

There was agreement that the new label will be a big improvement on the original and it was said that it would set a new high standard in pesticide labelling in the USA.