

MEMORANDUM

DATE: April 7, 1992

TO: Mike Marshall

FROM: Ray Gomez *RMG*

SUBJECT: Ohio Prop. 65

Attached is a copy of the proposed Ohio Prop. 65 initiative, with the proposed list of 458 toxic chemicals.

To get us organized to fight this initiative, I need some initial information/help from your group:

- HENDERSON* ^{LEWIS} 1. Review the list of 458 chemicals and identify those used by the Geon Vinyl division in the state of Ohio.
- LEWIS* 2. Estimate the financial impact of Prop. 65's provision to impose a state tax on Ohio industrial facilities of 1 cent per pound on their toxic wastes and emissions. (Other divisions will use their SARA title III data to calculate this.)
- LEWIS* 3. If we can, estimate the costs and logistical difficulties of complying with a provision to notify in writing, semi-annually, all business and homes within a two mile radius of emissions sources of their "environmental exposure to toxic chemicals."
- LEWIS* 4. Review the draft initiative to determine if there any other onerous provisions in it and their potential adverse affects on Geon.

Can you make this a priority item?

Thanks for your help.

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INITIATIVE PETITION

Number **Nº 00431**

Issued to _____
(Name of solicitor)

Date of issuance _____

LAW PROPOSED BY INITIATIVE PETITION FIRST TO BE SUBMITTED TO THE GENERAL ASSEMBLY TITLE

To enact section 3752 of the Revised Code to create a toxic chemical right-to-know law.

SUMMARY

The proposed law requires businesses to warn people before exposing them to chemicals known to cause cancer, birth defects or other reproductive disorders. Small businesses and state and local government are exempt from the notification requirement.

The proposed law lists 458 chemicals known to cause cancer, birth defects or reproductive disorders. The Director of the Ohio Environmental Protection Agency (EPA) may amend the list based on scientific findings. No warning is required for insignificant exposure to chemicals.

Warnings must identify the chemical and the health hazard. Warnings must appear on the product or on the container whenever possible. Businesses must deliver or mail warnings of exposure to environmental releases. Notice of continuing exposure to environmental releases is required semi-annually.

Any person living or working within two miles of a business may request the Ohio EPA to require the business to assess whether it may be causing significant exposure if the business uses specified amounts of chemicals on the list and is not providing a warning. Local citizens groups may apply to Ohio EPA for grants to obtain technical expertise to evaluate exposure assessments.

The Attorney General, prosecuting attorney of a county, city director of law, village solicitor, and citizens may bring actions to enforce the law, and they may recover their legal costs. The proposed law provides for civil and criminal penalties for violations.

Businesses that release toxic chemicals would pay for the right-to-know program through a fee of one cent per pound per year on their waste. The Director of the Ohio EPA would adjust the fee annually to raise no more than \$3 million. Half the money would be used to administer and enforce the law; the remaining half would go to technical assistance grants.

CERTIFICATE OF ATTORNEY GENERAL

(As Certified to the Committee on May 22, 1991)

Without passing on the advisability of the adoption of the proposed law, but pursuant to the duties imposed upon me under Section 3519.01, Revised Code, I hereby certify that the attached summary is a fair and truthful statement of the attached proposed law.

LEE I. FISHER
Attorney General

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a Committee to Represent the Petitioners in all matters relating to the petition or its circulation: Dr. Kathleen M. Fagan, M.D., M.P.H., 2632 Exeter Rd., Cleveland Hts., OH 44118; Edward Hopkins, 691 N. High St., Columbus, OH 43215; Cynthia M. Starr, 1026 Avondale Ave., Cincinnati, OH 45229; James L. Sweeney, 743 Argonne Dr., Dayton, OH 45408; Noreen L. Warnock, 1904 Idlewild Dr., Lima, OH 45805.

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**OHIO
PROPOSITION 65
INITIATIVE**

21549004

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OHIO.

Section 1. That Section 3752 of the Revised Code be enacted to read as follows:

Sec. 3752.01. THE PEOPLE OF OHIO FIND (1) THAT EXPOSURE TO TOXIC CHEMICAL SUBSTANCES ENDANGERS PUBLIC HEALTH AND SAFETY BY INCREASING THE RISK OF CANCER, GENETIC MUTATION, BIRTH DEFECTS AND OTHER DISEASES, AND IMPROPERLY INFRINGES UPON THE PUBLIC'S RIGHT TO A SAFE, CLEAN AND HEALTHY ENVIRONMENT AND (2) THAT BUSINESS AND STATE AND FEDERAL AGENCIES HAVE NOT PROVIDED ADEQUATE INFORMATION ABOUT EXPOSURE TO TOXIC CHEMICAL SUBSTANCES. THE PEOPLE THEREFORE DECLARE THEIR RIGHT TO KNOW ABOUT THEIR EXPOSURE TO TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE CANCER, BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.

Sec. 3752.02. AS USED IN THIS CHAPTER:

(A) "AMBIENT AIR" MEANS THAT PORTION OF THE ATMOSPHERE OUTSIDE OF BUILDINGS AND OTHER ENCLOSURES, STACKS, OR DUCTS THAT SURROUNDS HUMAN, PLANT OR ANIMAL LIFE, OR PROPERTY.

(B) "BOARD OF HEALTH" MEANS THE BOARD OF HEALTH OF A CITY OR GENERAL HEALTH DISTRICT OR THE AUTHORITY HAVING THE DUTIES OF A BOARD OF HEALTH IN ANY CITY AS AUTHORIZED BY SECTION 3709.05 OF THE REVISED CODE.

(C) "CONSUMER PRODUCT EXPOSURE" MEANS ANY EXPOSURE THAT RESULTS FROM AN INDIVIDUAL'S ACQUISITION PURCHASE, STORAGE, CONSUMPTION, OR OTHER FORESEEABLE USE OF A CONSUMER PRODUCT OR AN EXPOSURE THAT FORESEEABLY RESULTS FROM RECEIVING A SERVICE.

(D) "ENVIRONMENTAL EXPOSURE" MEANS AN EXPOSURE THAT MAY FORESEEABLY OCCUR AS A RESULT OF CONTACT WITH AN ENVIRONMENTAL MEDIUM INCLUDING, BUT NOT LIMITED TO, AMBIENT AIR, INDOOR AIR, DRINKING WATER, SURFACE WATER, GROUND WATER, SOIL, VEGETATION, OR NATURAL OR HUMAN-MADE SUBSTANCES.

(E) "EXPOSE" MEANS TO CAUSE AN EXPOSURE

(F) "EXPOSURE" MEANS TO INGEST, INHALE, CONTACT VIA BODY SURFACES OR OTHERWISE COME INTO CONTACT WITH A TOXIC CHEMICAL SUBSTANCE.

(G) "HEALTH DISTRICT" MEANS A CITY OR GENERAL DISTRICT CREATED BY OR UNDER THE AUTHORITY OF CHAPTER 3709 OF THE REVISED CODE.

REASONABLE WARNING. FOR PRODUCTS OR SERVICES THAT CONTAIN TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE CANCER, THE WARNING SHALL INCLUDE THE FOLLOWING LANGUAGE: "WARNING: THIS PRODUCT CONTAINS ONE OR MORE TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE CANCER." FOR PRODUCTS OR SERVICES THAT CONTAIN TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE REPRODUCTIVE TOXICITY, THE WARNINGS SHALL INCLUDE THE FOLLOWING LANGUAGE: "WARNING: THIS PRODUCT CONTAINS ONE OR MORE TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM." FOR PRODUCTS OR SERVICES THAT CONTAIN TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE CANCER AND REPRODUCTIVE TOXICITY, BOTH WARNINGS SHALL BE GIVEN.

TO THE EXTENT PRACTICABLE, REGULATIONS IMPLEMENTING THIS SUBDIVISION SHALL PLACE THE OBLIGATION TO PROVIDE ANY WARNING MATERIALS, SUCH AS LABELS, ON THE PRODUCER OR PACKAGER RATHER THAN ON THE RETAIL SELLER, EXCEPT WHERE THE RETAIL SELLER IS RESPONSIBLE FOR INTRODUCING A TOXIC CHEMICAL SUBSTANCE INTO THE CONSUMER PRODUCT.

(2) FOR ENVIRONMENTAL EXPOSURES, WARNINGS SHALL BE MAILED OR OTHERWISE DELIVERED TO EACH RESIDENCE AND PLACE OF BUSINESS LOCATED WITHIN THE AREA WHERE THE EXPOSURE OCCURS, AND SHALL BE PROVIDED SEMI-ANNUALLY FOR SO LONG AS THE EXPOSURE CONTINUES. FOR EXPOSURE TO TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE CANCER, THE WARNING SHALL INCLUDE THE FOLLOWING LANGUAGE: "WARNING: THIS AREA CONTAINS ONE OR MORE TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE CANCER." FOR EXPOSURE TO TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE REPRODUCTIVE TOXICITY, THE WARNINGS SHALL INCLUDE THE FOLLOWING LANGUAGE: "WARNING: THIS AREA CONTAINS ONE OR MORE TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM." FOR EXPOSURE TO TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE CANCER AND REPRODUCTIVE TOXICITY, BOTH WARNINGS SHALL BE GIVEN. THE WARNINGS SHALL ALSO IDENTIFY THE PERSON RESPONSIBLE FOR GIVING THE WARNING AND THE LOCATION OF THE PERSON'S PREMISES FROM WHICH THE TOXIC CHEMICAL SUBSTANCES HAVE BEEN RELEASED.

(C) WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR SHALL ADOPT RULES TO FURTHER ADMINISTER, IMPLEMENT AND ENFORCE THIS SECTION.

Sec. 3752.05. SECTION 3752.03 OF THE REVISED CODE SHALL NOT APPLY TO ANY OF THE FOLLOWING:

(A) AN EXPOSURE FOR WHICH FEDERAL LAW GOVERNS WARNING IN A MANNER THAT PREEMPTS STATE AUTHORITY.

(B) (1) FOR SUBSTANCES LISTED IN DIVISION (A) OF SECTION 3752.21 OF THE REVISED CODE, AN EXPOSURE THAT OCCURS

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QUESTION IS THE RESULT OF TREATMENT OF THE WATER IN ORDER TO ACHIEVE COMPLIANCE WITH PRIMARY DRINKING WATER STANDARDS.

WHERE THE SOURCE OF THE TOXIC CHEMICAL SUBSTANCE IS IN PART FROM THE SOURCES LISTED IN SUBDIVISIONS (1), (2) AND (3) AND IN PART FROM OTHER SOURCES, THE EXEMPTION ONLY APPLIES TO THE PORTION OF THE TOXIC CHEMICAL SUBSTANCE FROM THE SOURCES LISTED IN SUBDIVISIONS (1), (2) AND (3).

(E) AN EXPOSURE TO A TOXIC CHEMICAL SUBSTANCE CONTAINED IN AIR TO THE EXTENT THAT THE PERSON RESPONSIBLE CAN DEMONSTRATE THAT THE SUBSTANCE WAS CONTAINED IN AIR WHICH THE PERSON RECEIVED FROM THE AMBIENT AIR.

WHERE THE SOURCE OF THE TOXIC CHEMICAL SUBSTANCE IS IN PART FROM THE AMBIENT AIR AND IN PART FROM OTHER SOURCES. THE EXEMPTION ONLY APPLIES TO THAT PORTION OF THE TOXIC CHEMICAL SUBSTANCE THAT THE PERSON DID NOT CAUSE TO BE EMITTED INTO THE AMBIENT AIR.

(F) AN EXPOSURE TO A TOXIC CHEMICAL SUBSTANCE CONTAINED IN FOOD TO THE EXTENT THAT THE PERSON RESPONSIBLE CAN DEMONSTRATE THAT THE SUBSTANCE IS NATURALLY OCCURRING IN THE FOOD. A TOXIC CHEMICAL SUBSTANCE IS NATURALLY OCCURRING ONLY TO THE EXTENT THAT THE SUBSTANCE DID NOT RESULT FROM ANY KNOWN HUMAN ACTIVITY.

Sec. 3752.06. (A) ANY INDIVIDUAL WHO RESIDES OR IS EMPLOYED AT A LOCATION THAT IS WITHIN A TWO-MILE RADIUS OF A PREMISES THAT MAY CAUSE AN ENVIRONMENTAL EXPOSURE FOR WHICH A WARNING IS REQUIRED UNDER SECTION 3752.03 OF THE REVISED CODE, BUT FOR WHICH NO WARNING IS BEING PROVIDED, MAY FILE A COMPLAINT, IN WRITING AND VERIFIED BY THE AFFIDAVIT OF THE COMPLAINANT, HIS OR HER AGENT OR ATTORNEY, WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION, ALLEGING THAT SUCH PERSON IS CAUSING AN ENVIRONMENTAL EXPOSURE FOR WHICH A WARNING IS REQUIRED. THE AFFIDAVIT VERIFYING A COMPLAINT MAY BE MADE BEFORE ANY PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS, AND MUST BE SIGNED BY THE PERSON WHO MAKES IT.

(B) UPON RECEIPT OF A COMPLAINT AUTHORIZED BY THIS SECTION, THE DIRECTOR SHALL ISSUE AN ORDER IN ACCORDANCE WITH CHAPTER 3745 OF THE REVISED CODE REQUIRING THE PERSON NAMED IN THE COMPLAINT TO SUBMIT TO THE DIRECTOR WITHIN THIRTY DAYS OF THE ISSUANCE OF THE ORDER A LIST CONTAINING THE AMOUNT OF EACH TOXIC CHEMICAL SUBSTANCE PRODUCED, USED, PROCESSED, STORED OR HANDLED ON THE PREMISES DURING THE PRECEDING CALENDAR YEAR. UPON RECEIPT OF THE LIST, THE DIRECTOR SHALL SEND A COPY OF IT TO THE INDIVIDUAL WHO SUBMITTED THE COMPLAINT.

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(C) AN IDENTIFICATION OF ACTIVITIES CONDUCTED ON THE PREMISES THAT CAUSE OR MAY CAUSE THE RELEASE OF TOXIC CHEMICAL SUBSTANCES AND OF THE MANNER IN WHICH THEY ARE OR MAY BE RELEASED;

(D) AN IDENTIFICATION AND QUANTIFICATION OF THE TOXIC CHEMICAL SUBSTANCES BEING RELEASED, THE ENVIRONMENTAL MEDIA INTO WHICH THEY ARE RELEASED, AND THE METHODOLOGY, ASSUMPTIONS AND UNCERTAINTIES INVOLVED IN MAKING SUCH DETERMINATIONS;

(E) AN IDENTIFICATION OF THE EXPOSURE PATHWAYS, INCLUDING THE MANNER IN WHICH TOXIC CHEMICAL SUBSTANCES ARE TRANSPORTED THROUGH VARIOUS ENVIRONMENTAL MEDIA, AN IDENTIFICATION OF THE MANNER BY WHICH INDIVIDUALS WOULD COME INTO CONTACT WITH THE TOXIC CHEMICAL SUBSTANCES RELEASED AT THE PREMISES, AND INFORMATION AS TO WHETHER THE ROUTE OF EXPOSURE FOR EACH TOXIC CHEMICAL SUBSTANCE RELEASED AT THE PREMISES IS THROUGH INHALATION, INGESTION, DERMAL CONTACT, OR OTHER MEANS;

(F) A QUANTIFICATION OF THE MAGNITUDE, FREQUENCY AND DURATION OF EXPOSURE FOR EACH TOXIC CHEMICAL SUBSTANCE AND EXPOSURE PATHWAY TO DETERMINE THE MAXIMUM EXPOSURE;

(G) A QUANTIFICATION OF THE RISK OF CANCER OR REPRODUCTIVE TOXICITY TO THE EXPOSED POPULATION CAUSED BY THEIR EXPOSURE TO THE TOXIC CHEMICAL SUBSTANCE OF COMBINATION OF TOXIC CHEMICAL SUBSTANCES RELEASED FROM THE PREMISES;

(H) AN IDENTIFICATION OF THE UNCERTAINTIES AND ASSUMPTIONS IN MAKING THE DETERMINATIONS REQUIRED BY THIS SECTION, AND OF THE MANNER IN WHICH EACH OF THESE UNCERTAINTIES AND ASSUMPTIONS WAS ADDRESSED; AND

(I) SUCH OTHER INFORMATION AS THE DIRECTOR MAY, BY RULE, DETERMINE IS NECESSARY OR APPROPRIATE.

(J) WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR SHALL ADOPT AND MAY AMEND AND RESCIND RULES TO FURTHER ADMINISTER AND IMPLEMENT THIS SECTION.

Sec. 3752.10. THE DIRECTOR OF ENVIRONMENTAL PROTECTION, IN ACCORDANCE WITH CHAPTER 119 OF THE REVISED CODE, MAY ADOPT, AMEND AND RESCIND RULES TO IMPLEMENT, ADMINISTER, AND ENFORCE THIS CHAPTER.

Sec. 3752.11. THE DIRECTOR OF ENVIRONMENTAL PROTECTION MAY ISSUE, MODIFY, OR REVOKE ORDERS IN ACCORDANCE WITH CHAPTER 3745 OF THE REVISED CODE TO ENFORCE ANY SECTION OF THIS CHAPTER OR A RULE ADOPTED UNDER IT. NOTWITHSTANDING SECTION 119.06 OF THE REVISED CODE, ALL ORDERS ISSUED UNDER

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SECTION IS A CIVIL ACTION, GOVERNED BY THE OHIO RULES OF CIVIL PROCEDURE AND OTHER RULES OF PRACTICE AND PROCEDURE APPLICABLE TO CIVIL ACTIONS.

(B) MONIES COLLECTED AS CIVIL PENALTIES UNDER DIVISION (A) OF THIS SECTION SHALL BE CREDITED TO THE FOLLOWING FUNDS IN THE FOLLOWING PRIORITY:

(1) TO REIMBURSE THE ATTORNEY GENERAL, PROSECUTING ATTORNEY OF THE COUNTY, CITY DIRECTOR OF LAW, VILLAGE SOLICITOR, DIRECTOR OF ENVIRONMENTAL PROTECTION, AND BOARD OF HEALTH, AS APPROPRIATE, FOR THE REASONABLE COSTS INCURRED IN INVESTIGATING, PREPARING AND LITIGATING THE CASE;

(2) TO THE TOXIC CHEMICAL RIGHT-TO-KNOW FUND CREATED IN SECTION 3752.17 OF THE REVISED CODE.

Sec. 3752.15. (A) EXCEPT AS FOR PROVIDED IN DIVISION (B) OF THIS SECTION, ANY PERSON MAY COMMENCE A CIVIL ACTION ON HIS OR HER OWN BEHALF:

(1) AGAINST ANY PERSON WHO IS ALLEGED TO BE IN VIOLATION OF ANY SECTION OF THIS CHAPTER OR A RULE ADOPTED OR ORDER ISSUED UNDER IT;

(2) AGAINST THE DIRECTOR OF ENVIRONMENTAL PROTECTION WHERE THERE IS ALLEGED A FAILURE OF THE DIRECTOR TO PERFORM ANY ACT OR DUTY UNDER THIS CHAPTER WHICH IS NOT DISCRETIONARY WITH THE DIRECTOR.

(B) NO ACTION CAN BE COMMENCED UNDER DIVISION (A) OF THIS SECTION PRIOR TO SIXTY DAYS AFTER THE PLAINTIFF HAS GIVEN NOTICE OF THE ALLEGED VIOLATION TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION, THE ATTORNEY GENERAL AND THE ALLEGED VIOLATOR.

(C) NO ACTION CAN BE COMMENCED UNDER DIVISION (A) OF THIS SECTION IF THE ATTORNEY GENERAL OR PROSECUTING ATTORNEY OF THE COUNTY, CITY DIRECTOR OF THE CITY, OR VILLAGE SOLICITOR OF THE VILLAGE WHERE THE VIOLATION HAS OCCURRED OR IS OCCURRING, HAS COMMENCED AND IS DILIGENTLY PROSECUTING A CIVIL OR CRIMINAL ACTION TO REQUIRE COMPLIANCE WITH THE SECTION OF THIS CHAPTER OR THE RULE OR ORDER IN QUESTION, BUT IN ANY SUCH ACTION, ANY PERSON MAY INTERVENE AS A MATTER OF RIGHT.

(D) IF THE DIRECTOR IS NOT A PARTY IN ANY ACTION COMMENCED UNDER THIS SECTION, HE MAY INTERVENE AS A MATTER OF RIGHT.

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(B) WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR SHALL ADOPT AND MAY AMEND AND RESCIND RULES ESTABLISHING PROCEDURES FOR APPLYING FOR GRANTS TO BE PROVIDED UNDER THIS SECTION, CRITERIA FOR DETERMINING ELIGIBILITY FOR THOSE GRANTS, AND SUCH OTHER REQUIREMENTS AS THE DIRECTOR CONSIDERS NECESSARY OR APPROPRIATE FOR IMPLEMENTING AND ADMINISTERING THIS SECTION.

Sec. 3752.19. (A) FOR THE PURPOSE OF PROVIDING FUNDING FOR THE IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT OF CHAPTER 3752 OF THE REVISED CODE AND FUNDING GRANTS UNDER SECTION 3752.18 OF THE REVISED CODE, EACH OWNER OR OPERATOR OF A FACILITY REQUIRED TO FILE ONE OR MORE TOXIC CHEMICAL RELEASE FORMS UNDER SECTION 3751.03 OF THE REVISED CODE SHALL PAY A FEE OF ONE CENT PER POUND OF TOXIC CHEMICALS SHOWN ON ANY SUCH FORM TO HAVE BEEN RELEASED OR TRANSFERRED TO AN OFF-SITE LOCATION IN THE CALENDAR YEAR TO WHICH THE FORM APPLIES. EACH OWNER OR OPERATOR SHALL REMIT THE AMOUNT OF THE FEE DUE UNDER THIS DIVISION TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION WITH THE TOXIC CHEMICAL RELEASE FORMS SO FILED.

(B) IF PAYMENT OF A FEE UNDER DIVISION (A) OF THIS SECTION IS LATE, THE OWNER OR OPERATOR SHALL PAY AN ADDITIONAL TEN PERCENT OF THE AMOUNT OF THE FEE DUE FOR EACH MONTH THAT THE PAYMENT IS LATE.

(C) IF THE DIRECTOR DETERMINES THAT THE FEES LEVIED BY THIS SECTION WILL SUBSTANTIALLY EXCEED \$3,000,000 ANNUALLY, HE OR SHE SHALL ADOPT AND MAY AMEND AND RESCIND RULES REDUCING THE AMOUNT OF THE FEE TO BE PAID UNDER DIVISION (A), SUCH THAT THE FEES LEVIED BY THIS SECTION SHALL EQUAL \$3,000,000.

Sec. 3752.20. IF ANY PROVISION OF THIS CHAPTER OF THE APPLICATION THEREOF IS HELD INVALID, THAT INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE CHAPTER WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION AND TO THIS END THE PROVISIONS OF THIS CHAPTER ARE SEVERABLE.

Sec. 3752.21. (A) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, THE INITIAL LIST OF TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE CANCER OR REPRODUCTIVE TOXICITY SHALL INCLUDE THE FOLLOWING:

(1) TOXIC CHEMICAL SUBSTANCES KNOWN TO CAUSE CANCER

<u>SUBSTANCES</u>	<u>CAS NUMBER</u>
A-ALPHA-C (2-AMINO-9H-PYRIDO (2,3-8) INDOLE	26148685
XACETALDEHYDE .1119	75070
ACETAMIDE	60355

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N.N-BIS (2-CHOROETHYL) -2NAPHTHYLAMINE (CHLORNAPAZINE)	494031
BISCHLOROETHYL NITROSOUREA (BCNU) (CARMUSTINE)	154938
BIS (CHLOROMETHYL) ETHER	542881
BITUMENS, EXTRACTS OF STEAM-REFINED AND AIR REFINED	
BRACKENFERN	
BROMODICHLOROMETHANE	75274
X 1,3-BUTADIENE 151,281,329,331,339,352,359,683,710,813,815,1548,1621,4309	106990
1,4-BUTANEDIOL DIMETHANESULFONATE (BUSULFAN)	55981
BUTYLATED HYDROXYANISOLE	25013165
BETA-BUTYROLACTONE	3068880
X CADMIUM AND CADMIUM COMPOUNDS 442,443,450,452,863,905,1029,1155,1371,2180,3065	
CAPTAFOF	2425061
CAPTAN	133062
X CARBON TETRACHLORIDE 256	56235
X CARBON-BLACK EXTRACTS 435,444,944,1150,1151,1245,1265,1279,1773,1749,2140,2162	
CERAMIC FIBERS (AIRBORNE PARTICLES OF RESPIRABLE SIZE)	
CERTAIN COMBINED CHEMOTHERAPY FOR LYMPHOMAS	
CHLORAMBUCIL	305033
CHORAMPHENICOL	56757
CHLORDANE	57749
CHLORDECONE (KEPONE)	143500
CHLORDIMEFORM	6164963
CHLORENDIC ACID	115286
CHLORINATED PARAFFINS (AVERAGE CHAIN LENGTH, C12; APPROXIMATELY 60% CHLORINE BY WEIGHT)	106171262
CHLORODIBROMOMETHANE	124481
CHLOROETHANE	75003
1- (2-CHLOROETHYL) -3-CYCLOHEXLL-1-NITROSOUREA (CCNU) (LOMUSTINE)	13010474
1- (2-CHLOROETHYL) -3- (4-METHYLCYCLOHEXYL) -1- NITROSOUREA (METHYL-CCNU)	13909096
X CHLOROFORM 254,1200	67683 67-66-3
CHLOROMETHYL METHYL ETHER (TECHNICAL GRADE)	107302
3-CHLORO-2-METHYLPROPENE	563473
4-CHLORO-ORTHO-PHENYLENEDIAMINE	95830
P-CHLORO-O-TOLUIDINE	95692
CHLOROTHALONIL	1897456
X CHROMIUM (HEXAVALENT COMPOUNDS) 445,578,919,1833,1838,1839,1841,1842,1845,1957	
CHRYSENE	218019
C.I. BASIC RED 9 MONOHYDROCHLORIDE	569619
CINNAMYI ANTHRANILATE	87296
CISPLATIN	15663271
CITRUS RED NO. 2	6358538
COKE OVEN EMISSIONS	
CONJUGATED ESTROGENS	

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DIHYDROSAFROLE	94586
3.3'-DIMETHOXYBENZIDINE (ORTHO-DIANISIDINE)	119904
3.3'-DIMETHOXYBENZIDINE DIHYDROCHLORIDE (ORTHO-DIANISIDINE DIHYDROCHLORIDE)	20325400
DIMETHYL SULFATE	77781
4-DIMETHYLAMINOAZOBENZENE	60117
TRANS-2-(DIMETHYLAMINO)METHYLIMINO)-5-2- (5-NITRO-2-FURYL) VINYL)-1.3.4-OXADIAZOLE	55738540
7.12-DIMETHYLBENZ (A) ANTHRACENE	57976
3.3'-DIMETHYLBENZIDINE (ORTHO-TOLIDINE)	119937
DIMETHYLCARBAMOYL CHLORIDE	79447
1.1-DIMETHYLHYDRAZINE	57147
1.2-DIMETHYLHYDRAZINE	540738
DIMETHYLVINYLCOLORIDE	513371
1.6-DINITROPYRENE	42397648
1.8-DINITROPYRENE	42397659
2.4-DINITROTUENE	121142
X 1.4-DIOXANE 170, 1119, 1282, 1566, 1673, 2438, 4133, 4477	123911
DIPHENYLHYDANTOIN (PHENYTOIN)	57410
DIPHENYLHYDANTOIN (PHENYTOIN), SODIUM SALT	630933
DIRECT BLACK 38 (TECHNICAL GRADE)	1937377
DIRECT BLUE 6 (TECHNICAL GRADE)	2602462
DIRECT BROWN 95 (TECHNICAL GRADE)	16071866
DISPERSE BLUE 1	2475458
X EPICHLORODHYDRIN 317, 897, 1322	1068918 106898
ERIONITE	12510428
ESTRADIOL 17BETA	50282
ESTRONE	53167
ETHINYLESTRADIOL	57636
X ETHYL ACRYLATE 157, 784, 795	140885
ETHYL METHANESULFONATE	62500
ETHYL-4.4-DICHLOROBENZILATE	510156
ETHYLENE DIBROMIDE	106934
X ETHYLENE DICHLORIDE (1.2-DICHLOROETHANE) 754	107062
X ETHYLENE OXIDE 23, 170, 481, 535, 565, 1055, 1119, 1146, 1301, 1419	75218
ETHYLENE THIOUREA	96457
ETHYLENEIMINE	151564
FOLPET	1330073
X FORMALDEHYDE (GAS) 308, 379, 908, 939, 9298, 2991, 4133, 4284, 4610	50000
2-(2-FORMYLHDAZION)-4-(5-NITRO-2-FURYL) THIAZOLE	3570750
FURAZOLIDONE	67458
FURMECYCLOX	60568050
X GASOLINE ENGINE EXHAUST (CONDENSATES/ EXTRACTS) 365/1093	
GLASSWOOL FIBERS (AIRBORNE PARTICLES OF RESPIRABLE SIZE)	

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4.4'-METHYLENE BIS (2-METHYLANILINE)	838880
4.4'-METHYLENEDIANILINE	101779
4.4'-METHYLENEDIANILINE DIHYDROCHLORIDE	13552448
METHYL IODIDE	74884
METHYL METHANESULFONATE	66273
2-METHYL-1-NITROANTHRAQUINONE (OF UNCERTAIN PURITY)	129157
N-METHYL-N'-NITRO-N-NITROSOGUANIDINE	70257
XN-METHYLOLACRYLAMIDE 308	924425
METHYLTHIOURACIL	56042
METIRAM	9006422
METRONIDAZOLE	443481
MICHLER'S KETONE	90948
MIREX	2385855
MITOMYCIN C	50077
MONOCROTALINE	315220
5-(MORPHOLINOMETHYL)-3-[(5-NITRO-FURFURYLIDENE)-AMINO]-2-OXALOLIDINONE	139913
MUSTARD GAS	505602
NAFENOPIN	3771195
1-NAPHTHYLAMINE	134327
2-NAPHTHYLAMINE	91598
XNICKEL AND CERTAIN NICKEL COMPOUNDS 1838, 474, 1833, 1839, 1841, 1842, 1845, 1846, 1849, 1957, 2180, 4593, 2173	13463393
NICKEL CARBONYL	13463393
NICKEL REFINERY DUST FROM THE PYROMETALLURGICAL PROCESS	
NICKEL SUBSULFIDE	12035722
NIRIDAZOLE	61574
XNITRILOTRIACETIC ACID 219	139139
NITRILOTRIACETIC ACID, TRISODIUM SALT MONOHYDRATE	18662538
5-NITROACENAPHTHENE	602879
5-NITRO-O-ANISIDINE	99592
4-NITROBIPHENYL	92933
6-NITROCHRYSENE	7496028
NITROFEN (TECHNICAL GRADE)	1836755
2-NITROFLUORENE	607578
NITROFURAZONE	59870
1-[(5-NITROFURFURYLIDENE)-AMINO]-2-IMIDAZOLIDINONE	555840
N-[4-(5-NITRO-2-FURYL)-2-THIAZOLYL]ACETAMIDE	531828
NITROGEN MUSTARD (MECHLORETHAMINE)	51752
NITROGEN MUSTARD HYDROCHLORIDE (MECHLORETHAMINE HYDROCHLORIDE)	55867
NITROGEN MUSTARD N-OXIDE	126852
NITROGEN MUSTARD N-OXIDE HYDROCHLORIDE	302705
2-NITROPROPANE	79469
1-NITROPYRENE	5522430

BFG15069

21549021

PROCARBAZINE HYDROCHLORIDE	366701
PROGESTERONE	57830
1,3-PROPANE SULTONE	1120714
BETA-PROPIOLACTONE	57578
X PROPYLENE OXIDE 12.9 ¹²	75569
PROPYLTHIOURACIL	51525
RADIONUCLIDES	
RESERPINE	50555
RESIDUAL (HEAVY) FUEL OILS	
SACCHARIN	81072
SACCHARIN, SODIUM	126449
SAFROLE	94597
SELENIUM SULFIDE	7446346
SHALE-OILS	68306349
SILICA, CRYSTALLINE (AIRBORNE PARTICLES OF RESPIRABLE SIZE)	
X SOOTS, TARS, AND CERTAIN MINERAL OILS 12.4, 12.13, 1700, 2024, 3766, (MINERAL OILS MAY VARY IN COMPOSITION, PARTICULARLY IN RELATION TO THEIR CONTENT OF CARCINOGENIC POLYCYCLIC AROMATIC HYDROCARBONS)	
STERIGMATOCYSTIN	10048132
STREPTOZOTOCIN	18883664
STYRENE OXIDE	96093
SULFALLATE	95067
X TALC CONTAINING ASBESTIFORM FIBERS 496, 59, 256, 583, 655, 813, 1946, 1951, 1948, 1951, 2798, TESTOSTERONE AND ITS ESTERS 3766, 4594	58220
2, 3, 7, 8-TETRACHLORODIBENZO- PARA-DIOXIN (TCDD)	1746016
1, 1, 2, 2-TETRACHLOROETHANE	79345
X TETRACHLOROETHYLENE (PERCHLOROETHYLENE) 1383	127184
P-ALPHA, ALPHA, ALPHA, TETRACHLOROTOLUENE	5216251
TETRANITROMETHANE	509148
THIOACETAMIDE	62555
4, 4'-THIODIANILINE	139651
THIOUREA	62566
THORIUM DIOXIDE	1314201
TOBACCO, ORAL USE OF SMOKELESS PRODUCTS	
TOBACCO SMOKE	
TOLUENE DIISOCYANATE	26471625
ORTHO-TOLUIDINE	95534
ORTHO-TOLUIDINE HYDROCHLORIDE	636215
PARA-TOLUIDINE	106490
TOXAPHENE (POLYCHLORINATED CAMPHENES)	8001352
TREOSULFAN	299752
2, 4, 6-TRICHLOROPHENOL	88062
X TRICHLOROETHYLENE 182	79016

CHLORAMBUCIL	305033
CHLORDECON (KEPONE)	143500
1- (2-CHLOROETHYL) -3- CYCLOHEXTL-1-NITROSOUREA (CCNU) (LOMUSTINE)	13010474
CLOMIPHENE CITRATE	50419
COCAINE	50362
CONJUGATED ESTROGENS	
CYANAZINE	21725462
CYCLOHEXIMIDE	66819
CYCLOPHOSPHAMIDE (ANHYDROUS)	50180
CYCLOPHOSPHAMIDE (HYDRATED)	6055192
CYHEXATIN	13121705
CYTARABINE	147944
DANAZOL	17230885
DAUNORUBICIN HYDROCHLORIDE	23547506
DIETHYLSTILBESTROL (DES)	56531
DINOCAP	39300453
DINOSEB	88857
DIPHENYLHYDANTOIN (PHENYTOIN)	57410
DOXYCYCLINE	564250
ERGOTAMINE TARTRATE	379793
ETHYL ALCOHOL IN ALCOHOLIC BEVERAGES	
X ETHYLENE GLYCOL MONOETHYLETHER <i>712</i>	110805
ETHYLENE GLYCOL MONOMETHYLETHER	109864
ETOPOSIDE	33419420
ETRETINATE	54350480
FLUOROURACIL	51218
FLUOXYMESTERONE	76437
FLUTAMIDE	13311847
HALAZEPAM	23092173
HEXACHLOROBENZENE	118741
IFOSFAMIDE	3778732
IODINE-131	24267569
ISOTRETINOIN	4759482
X LEAD <i>1838, 1839, 1842, 1957, 2180,</i>	
LITHIUM CARBONATE	554132
LITHIUM CITRATE	919164
LORAZEPAM	846491
MEDROXYPROGESTERONE ACETATE	71589
MEGESTROL ACETATE	595335
MELPHALAN	148823
MENOTROPINS	9002680
MERCAPTOPURINE	6112761
X MERCURY AND MERCURY COMPOUNDS <i>482</i>	
METHACYCLINE HYDROCHLORIDE	3963959

TRIAZOLAM	28911015
TRILOSTANE	13647353
TRIMETHADIONE	127480
UROFOLLITROPIN	26995915
VALPROATE	99661
VINBLASTINE SULFATE	143679
VINCRIStINE SULFATE	2068782
WARFARIN	81812

(B) FEMALE REPRODUCTIVE TOXICITY

SUBSTANCES	CAS NUMBER
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AMINOPTERIN	54626
ANABOLIC STEROIDS	
ASPIRIN (NOTE: IT IS ESPECIALLY IMPORTANT NOT TO USE ASPIRIN DURING THE LAST THREE MONTHS OF PREGNANCY, UNLESS SPECIFICALLY DIRECTED TO DO SO BY A PHYSICIAN BECAUSE IT MAY CAUSE PROBLEMS IN THE UNBORN CHILD OR COMPLICATIONS DURING DELIVERY.)	50782

X CARBON DISULFIDE 197	75150
COCAINE	50362
CYCLOPHOSPHAMIDE (ANHYDROUS)	50180
CYCLOPHOSPHAMIDE (HYDRATED)	8055192

X ETHYLENE OXIDE 23, 170, 481, 535, 565, 1055, 1119, 1146, 1301, 1419, 1621, 1934, 4133, 4447	75218
LEAD 1838, 1839, 1842, 1957, 2180	

TOBACCO SMOKE (PRIMARY)	
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(C) MALE REPRODUCTIVE TOXICITY

SUBSTANCES	CAS NUMBER
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ANABOLIC STERIODS	
X CARBON DISULFIDE 197	75150
CYCLOPHOSPHAMIDE (ANHYDROUS)	50180
CYCLOPHOSPHAMIDE (HYDRATED)	6055192

1,2-DIBROMO-3-CHLOROPROPANE (DBCP)	96128
DINITROBENZENE	25154545
DINOSEB	88857