he would. No one got short shrift from Ed.

Life will go on and the committee will function, but after 22 years of Ed and the imprint which he has made upon its operation, it can never again be quite the same.

We mourn the loss of a good man and a good friend.●

CORPORATE RESPONSIBILITY AND HAZARDOUS MATERIALS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1979

● Mr. MILLER of California. Mr. Speaker, nearly 40 years ago, Dr. Wilhelm C. Hueper, commonly regarded as the father of environmental cancer prevention, wrote:

> Industrial concerns are in general not particularly anxious to have the occurrence of occupational cancers among their employees or of environmental cancers among the consumers of their products made a matter of public records. Such publicity might reflect unfavorably upon their business activities and oblige them to undertake extensive and expensive technical and sanitary changes.

Over 200 years earlier, the Italian physician Bernadino Ramazzini, who is considered the founder of occupational medicine, noted:

> 'Tis a sordid profit that's accompanied by the destruction of health . . . Many a workman has looked upon his craft as a means to support life and raise a family, but all he has got from it is some deadly disease, with the result that he has departed this life cursing the craft to which he has applied himself.

Today, we must face a fact which is both chilling and depressing: A number of products and industrial processes pose enormous health hazards to millions of people who work with them, purchase them, live near the sites where they are manufactured or disposed of.

In recent months, we have become aware that corporate officials, in numerous cases, have known about these hazards, sometimes for decades, and yet have remained silent. As a result, hundreds of thousands, even millions, of people have been exposed to hazardous materials and processes which can cost them their health and even their lives.

There are many reasons why this situation has developed and why it has continued largely unchecked for so many years. One of the major reasons is that the responsible individuals who have consciously made these decisions to cover-up hazards have little to fear from the justice system. Too often, offending companies have been fined nominal amounts; in some cases, they have been awarded tax benefits allowing them to write off liability losses. This situation cannot continue.

When someone makes a decision to conceal information about a product or an industrial process, knowing full well that the product or processes jeopardizes someone's life, health or safety, I believe a criminal act has occurred. Consequently, I am today introducing legislation which would make such concealment a criminal offense, punishable by a substantial fine and or jail term. I am very proud to have as cosponsors of this landmark legislation 41 of my colleagues, including the distinguished chairman of the House Judiciary Subcommittee on Crime, JOHN CONYERS, Jr., who has led a major investigation into corporate white-collar crime in this country, and who, for the past 2 years, has been conducting several lines of inquiry which have helped establish the basis for this legislation.

ASBESTOS COVER-UPS

Over the course of the past year, I have personally led the investigation of health hazards in the asbestos industry. Relying on documents and statements of the companies themselves, we have pieced together a legacy of four decades of cover-up which has resulted in the exposure of millions of people to cancer-causing asbestos materials.

As long ago as the mid-1930s, the attorney for one of the major asbestos companies commented on medical studies on asbestos recently conducted at the Saranac Laboratory in New York:

> My own idea is that it would be a good thing to distribute the information among the medical community, *providing it is of the right type and would not injure our companies.* (Emphasis added)

The cover-up continued through the following decade. In the early 1950s, the medical director of one of the major companies recommended that a warning label be placed on asbestos; his advice was rejected by the corporate officials who had hired him for his medical expertise:

Later that decade, the Asbestos Textile Institute rejected a recommendation by Dr. Kenneth Smith of Johns-Manville that the institute fund a study of the correlation of asbestos exposure in nonprimary workers and lung cancer. His recommendation was rejected, among other reasons, because ATI feared that it would "stir up a hornet's nest."

Although some in the asbestos industry claim that no certain correlation between asbestos and lung cancer was proven prior to Dr. Irving Selikoff's study of insulation workers in 1964, documents of the British Thermal Insulation Contractors Association illustrate that this information was being discussed in the trade in the mid-1940's.

Executives of the Johns-Manville Co. have testified that a formal corporate policy required that employees whose chest X-rays revealed abnormalities be told of the problem and relocated to less dusty areas of the factory. Yet documents, including the minutes of the Health Review Committee from the Manville, N.J. plant, and the testimony of the former manager of the Pittsburg, Calif., plant, indicate that these policies were not followed. In fact, many individuals were not told that their X-rays indicated possible lung damage attributable to asbestos exposure.

As late as last summer, there was a discussion among the members of the European Advisory Committee of the Asbestos International Association at which corporate representatives discussed ways to minimize hazard warning labels on asbestos products shipped to the European continent because—

> A label would put the continental industry in a difficult position . . . (There are) countries where it was felt it was still too early to start voluntary labelling, *in fear of a possible negative influence on sales.*" (Emphasis added.)

POISONING OF WATER WELLS

Asbestos is not the only example of this kind of corporate indifference to human health and safety. Recently, subcommittees of this Congress revealed the longstanding poisoning of underground water wells by the Occidental Chemical Corp. in Lathrop, Calif., beginning in 1973. In April, 1975, a memo had been circulated within the company noting.

> Our laboratory records indicate that we are slowly contaminating all wells in our area.

By June, 1976, the company was discharging 10,000 tons of waste water per year containing five tons of contaminants into the ground. "I believe that we have fooled around long enough and already overpressed our luck," a company official warned in an internal memo. Almost a year later, the State Water Quality Control Board, the appropriate regulatory agency, had still not been warned, according to the company's own memos, and the dumping continued for more than another year.

DBCP AND STERILITY

The pesticide DBCP has also been associated with causing sterility in workers. As early as 1957, chemical producers knew that DBCP was dangerous. In 1961 and 1962, physicians found that DBCP caused testicular atrophy, liver and kidney damage in laboratory animals. Yet the manufacturing continued and workers were not warned.

KEPONE

Even before kepone was marketed, the Allied Chemical Co. subjected the substance to extensive laboratory tests which revealed its potential for causing cancer, liver damage and reproductive system failure. Despite tests which suggested numerous problems, Allied increased its production of kepone in the mid-1960s. Heavy amounts were dumped into the James River. In 1975, workers at the subcontracting factory, LSP Co. became ill, and in the resulting inspection, 75 cases of acute kepone poisoning were documented. Soil, air and water in the vicinity were contaminated.

BENZIDENE

In 1936, Dr. Wilhelm Hueper told officials of the DuPont Co. that benzidene was carcinogenic. At the time, Huepers was an employee of DuPont.

In 1948, the chief medical officer of the DuPont Co. presented a paper at an international medical conference in London at which he argued that benzidene was not a carcinogen. Three years later, according to Dr. Michael Williams, the medical officer to the Imperial Chemical Industries Dyestuffs Division, was told by the same company official that.

> We here knew very well that benzidene

is causing bladder cancer, but it is company policy to incriminate only the [other] . . . substance, Beta-naphthylamine.

TIRES

Product hazards and cover-ups are not limited to carcinogens like asbestos or chemicals. In 1973, 1 year after production of the Firestone 500 tire began, that company's director of development was given a memo in which he was warned,

We are making an inferior quality radial which will subject us to belt-edge separation at high mileage.

Nevertheless, Firestone produced 24 million such tires over the subsequent 5 years, insisting publicly that there were no design defects in the tire. In 1977, a company memo noted that over a quarter of the 500s had been returned to the manufacturer in 1 year.

PINTO AUTOMOBILES

In late 1977, "Mother Jones" magazine reported an alleged 8 year cover-up by Ford of a design flaw in the siting of the gas tank on Pinto automobiles. It has been estimated that 500 deaths, or more, could be attributed to the improper location of the gas tank, which may rupture, causing the gasoline to ignite.

In an internal corporate memo, entitled "Fatalities Associated with Crash Induced Fuel Leakage and Fires," a Ford employee reportedly argued there was no financial benefit in complying with Government safety standards. Allegedly, someone believed that it was cheaper to cover-up the hazard and even to pay the liability claims than to retool the production machinery or retrofit the unsafe automobiles.

Mr. Speaker, these case histories describe a pattern of corporate behavior which cannot be tolerated. Let me state very clearly that I do not believe that these sorts of cover-ups constitute a normal practice for most industries or most businessmen in the United States. But neither can one conclude, given the collective evidence, that Love Canal, or asbestos, or DBCPs, or Pintos, or any of the others, that these are merely isolated incidents.

There are numerous reasons why these hazards were not fully disclosed. As Dr. Hueper wrote in 1943,

It is, therefore, not an uncommon practice by the parties financially interested in such matters to keep information on the occurrence of industrial cancer well under cover.

In several situations, corporate officials cited fears of possible litigation or compensation claims by affected workers; in other cases, the costs of cleaning up or fixing a product was a factor. But in each case, certain corporate officers made a conscious decision to subject unsuspecting and innocent people to hazards which could imperil their safety and even their lives.

The legislation which we are introducing today is targeted at the serious situations I have described. Failure to notify employees and appropriate regulatory agencies can lead to the exposure of millions of individuals to hazardous materials, as in the case of asbestos where as many as 11 million people may have been exposed in the last 38 years. Who knows what limitations might have been placed on its use had manufacturers shared information they possessed about asbestos' carcinogenic properties? Would we have installed it in schools? Would we have used it in hair dryers? Would we have waited until the toll of potential cancer deaths had grown to such proportions before undertaking safety precautions?

This legislation does not require any additional testing of products; it does not expand Government regulatory activity; it does not impose exhaustive paperwork burdens on companies.

All this legislation requires is this: When a corporate manager, officer, or director, possesses information concerning the hazards of his product or industrial process, he must notify potentially affected employees and the appropriate Federal regulatory authorities.

We cannot depend on Government to identify each hazard in every product or process which emerges. There are already 43,000 chemical compounds on the market, and 1,000 new ones appear annually. The entire Environmental Protection Agency spends just $103.3 million annually to regulate the $126 billion a year chemical industry.

Unless we are prepared to advocate a massive increase in Federal regulatory activities, we must find alternative ways to assure that serious hazards are brought to public attention. I believe that burden properly belongs with corporate officers who are aware of these problems.

This legislation is very timely. A uniform Federal statute is needed to protect unsuspecting employees and the general public. This legislation, which has been carefully drafted with the comments and recommendations of criminal justice experts, occupational safety specialists, and others is a concept which must be incorporated into the Federal code. I look forward to hearings in the House Subcommittee on Crime in this legislation in the near future, and I welcome additional support from other Members of the House.

The text of the bill and the list of cosponsors follow:

H.R. —

A bill to amend title 18 of the United States Code to impose penalties with respect to certain nondisclosure by business entities as to dangerous products

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 80 of title 18 of the United States Code is amended by adding at the end the following new section:

"§ 1822. Nondisclosure of certain matters by certain business entities and personnel

"(a) Whoever—

"(1) is an appropriate manager with respect to a product or business practice;

"(2) discovers in the course of business as such manager a serious danger associated with such product (or a component of that product) or business practice; and

"(3) knowingly fails to so inform each appropriate Federal agency in writing if such agency has not been otherwise so informed, and warn affected employees in writing, if such employees have not been so warned, before the end of 30 days after such discovery is made;

shall be fined not less than $50,000 or imprisoned not less than 2 years, or both, but if the convicted defendant is a corporation, such fine shall be not less than $100,000.

"(b) As used in this section—

"(1) the term 'appropriate manager' means a person having management authority in or as a business entity with respect to a particular product or business practice, if such authority extends to informing Federal agencies and such business entity's personnel about serious dangers associated with such product (or any component of such product) or such business practice;

"(2) the term 'product' means a product of the business entity with respect to which the relevant accused person is the appropriate manager;

"(3) the term 'business practice' means a business practice with respect to which the relevant accused person is the appropriate manager;

"(4) the term 'discovers', used with respect to a serious danger, means obtains information that would convince a reasonable person in the circumstances in which the discoverer is situated that it is probable the serious danger exists;

"(5) the term 'serious danger', used with respect to a product or business practice, means that the normal or reasonably foreseeable use of, or the exposure of human beings to, such product or such business practice will cause death or serious bodily injury to an individual;

"(6) the term 'serious bodily injury' means an impairment of physical condition, including physical pain, that creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ;

"(7) the term 'warn affected employees', used with respect to a serious danger, means give sufficient description of the danger to all individuals working for or in the business entity who are likely to be subject to the serious danger in the course of that work; and

"(8) the term 'appropriate Federal agency' means a Federal agency having regulatory authority with respect to the product or business practice and dangers of the sort discovered.".

SEC. 2. The table of sections for chapter 88 of title 18 of the United States Code is amended by adding at the end the following new item:

"1822. Nondisclosure of certain matters by certain business entity personnel."

ADDITIONAL COSPONSORS

Mr. Conyers, Mr. Gore, Mr. Beard of Rhode Island, Mr. Bedell, Mr. Beilenson, Mr. Bonior of Michigan, Mr. Brown of California, Mr. Buchanan, Mr. Carr, Mrs. Chisholm, Mr. Dellums, Mr. Dixon, Mr. Dornan, Mr. Downey, Mr. Eckhardt, Mr. Edgar, Mr. Edwards of California, Mr. Glickman, Mr. Gray, Mr. Guarini, Ms. Holtzman, and Mr. Lent.

Mr. Long of Maryland, Mr. Maguire, Mr. Markey, Mr. McHugh, Mr. Mitchell of Maryland, Mr. Neal, Mr. Nolan, Mr. Ottinger, Mr. Pepper, Mr. Simon, Mr. Solarz, Mrs. Spellman, Mr. Stark, Mr. Stokes, Mr. Vento, Mr. Waxman, Mr. Weaver, Mr. Weiss, and Mr. Wolpe.●

HAPPY BIRTHDAY GERRI MAJOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 1979

● Mr. RANGEL. Mr. Speaker, I rise to inform my colleagues that on Sunday, July 29, Gerri Major celebrates her 85th birthday.

Gerri's career spans more than 68