

HILL AND KNOWLTON, INC.

PLAINTIFF'S EXHIBIT

CAP-1580

MEMORANDUM TO: William P. Raines
Johns-Manville Corporation

July 1, 1971

SUBJECT: Toxic Substances Control Act of 1971

Leonard Bickwit, staff counsel for the Senate Commerce Committee. Mr. Bickwit is in the process of arranging hearings on the Toxic Substances Control Act and they will be held either in the last full week of July or the first full week of August. He will know for certain by the end of next week.

Although the law is general in nature, the hearings will focus on the health effects of so-called toxic substances such as asbestos, lead, nickel, mercury, etc., and also what is needed for public protection.

Government witnesses will testify first and then representatives of industry and others interested in the subject.

Original recommendations for the Toxic Substances Control Act were formulated by the Council on Environmental Quality. A bill based on these recommendations was submitted to the Congress in February 1971 by the President.

Major provisions of the bill include:

1. The Administrator of EPA would be empowered to restrict or prohibit the use or distribution of a chemical substance if such restriction were necessary to protect health or the environment. In imposing the restriction the Administrator would be required to consider not only the adverse effects of the substance but also the benefits to be derived from its use.
2. If the Administrator believes that a substance were creating an imminent hazard he could ask the courts to restrain use or distribution of the substance immediately.
3. The Administrator would be authorized to issue standards for tests to be performed and for results to be achieved from such tests or various classes and uses of new substances. A new substance (excluding products covered by other regulatory agencies, i.e. FDA) could be marketed only after it met these standards.
4. The Administrator could request information from the manufacturers on potentially toxic substances -- names, chemical composition, production levels, uses and results of tests conducted on their effects.
5. The Council on Environmental Quality would be charged with coordinating efforts to establish a uniform system for classifying and handling information on chemical substances.

The proposed legislation also authorizes the EPA Administrator to carry on needed research on toxic substances and to develop an information system and prediction capability to deal effectively with these materials.

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The bill also would establish an independent Toxic Substances Board to provide scientific advice to EPA.

A full copy of the bill will be sent when it arrives from Washington.

Holding hearings on the bill will be the Subcommittee on the Environment of the Senate Commerce Committee.

Chairman is Sen. Phillip A. Hart (D.-Mich.). Members are Frank E. Moss (D.-Utah), John O. Pastore (D.-R.I.), Russell B. Long (D.-La.), William B. Spong, Jr., (D.-Va.), Mark O. Hatfield (R.-Ore.), Howard H. Baker (R.-Tenn.), Marlow W. Cook (R.-Ky.) and James B. Pearson (R.-Kans.).

James D. Callaghan

JDC:nml

cc: Matt Swetonic

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