



A/C Pipe
Producers Association
Public Affairs Committee
International Affairs Committee

TO

J. F. Welch
FROM J. F. Welch, Vice President

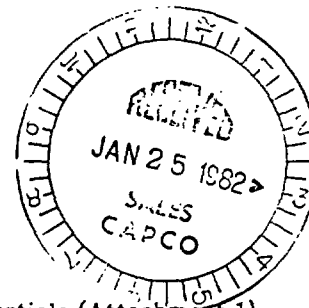
Internal Correspondence

DATE January 19, 1982

SUBJECT State of California - Toxic Chemical Alert Plan

REF: JFW correspondence, same title, October 22, 1981

ACTION REQUIRED: Review for information



On November 24, 1981, the Sacramento Bee ran an article (Attachment 1) describing a Brown administration strategy "to deal with cancer causing materials." Winner/Wagner & Associates obtained a copy of the internal memorandum (Attachment 2) describing the "comprehensive new strategy."

First, it appears that Samuel Epstein, M.D., an extremely liberal anti-carcinogen advocate, is providing counsel to the Toxic Advisory Group. This does not auger well for the final outcome of these deliberations.

The strategy appears to be to develop a California version of the Toxic Substances Control Act which would encompass "the manufacture, transportation, use and disposal of toxic chemicals." The proposed program has three parts:

1. A "cancer prevention policy" on the use and regulation of carcinogens. The most onerous aspect of the policy is that it would ban the use of a carcinogen if safer alternatives were available. Exemption requirements are available but extremely difficult, if not impossible, to meet. Worse, users of carcinogens would be taxed, with proceeds going to a fund for alternatives.
2. A workers and consumers "right to know" policy. The workers "right to know" element appears to be met by existing state and federal regulations for asbestos. It is likely, however, that the "right to know" provisions will extend broadly to the public. In that regard, the increased awareness (if it is made) of the presence of asbestos in California drinking water or the potential role of A/C pipe in contributing asbestos to drinking water may bring more adverse publicity to bear on A/C pipe.
3. A toxic waste program, legislation for which already has been signed into law, being administered by the Department of Health Services.

1982 is an election year in California and Governor Brown will seek the U.S. Senate seat of S. I. Hayakawa. It is not known what impact the election will have on the progress of this policy. Winner/Wagner & Associates will closely monitor this development and recommend industry counterinitiatives as necessary.

State of Calif. - Toxic Chemical

If you have any questions, please do not hesitate to call.

JFW/ajb

cc: A. Kahn, Esq.
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Special Counsel (Cal., Ariz., Tex.)

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A4 The Sacramento Bee • Tuesday, November 24, 1981

Brown Memo Details Strategy On Carcinogens

Bee Capitol Bureau

The Brown administration, according to an internal memo, is considering a "comprehensive new strategy" to deal with cancer-causing materials that could result in warning labels on fresh produce and meats.

The strategy was developed out of meetings Oct. 1 and 2, according to the memo, which was written by Ken Finney, a special assistant to Brown.

Finney was out of town this week and unreliable. But acting press secretary Lucien Haas downplayed the memo as "a typical staff memo which doesn't have much meaning because it hasn't been adopted. It's a general framework of a working document and all the details haven't been fleshed out."

Nonetheless, it has stirred the concern of lobbyists for the food and chemical industries, who have circulated it widely.

According to the memo, the Brown administration would set up a three-part strategy including a toxic hazards program, a "right-to-know" program that would label toxic materials including foodstuffs, and a third program on toxic wastes.

Regulations would increase the number of listed carcinogens "to which humans are exposed via air, water, food or in the workplace" from the current 25 to several hundred, the memo said.

While state cancer policy has not been fully developed, it probably would have the following provisions:

- The use of a carcinogen would be banned if safer alternatives were available for use.
- Any present or prospective user of a carcinogen would have to prove that no alternatives to proposed or current use exists, that the substance is "efficacious" for the proposed or current use.
- Users of such substances would have to develop plans to monitor their use.
- All users of carcinogens would be taxed with proceeds going to a fund to search for alternatives to the carcinogens.

Memorandum

To : Toxic Advisory Group Members

Date : October 16, 1981

From : Governor's Office
Ken Finney

Subject: PROPOSED TOXICS AGENDA
(CONSENSUS OF THE
OCTOBER 1ST & 2ND
MEETINGS WITH
DR. EPSTEIN)

The following represents the framework of a comprehensive new strategy to deal with the complex issues that arise from the manufacture, transportation, use, and disposal of toxic chemicals in California. The strategy centers on the right to know or toxic hazards and on the control of carcinogenic substances and substances which pose a threat to human reproductive health. Further, the program will seek to identify those chemicals and their uses, which adversely affect the productivity of our air, water, and wildlife habitat and to develop measures to forestall further degradation.

The framework of this strategy has three parts:

- I. Toxics Hazards Program
- II. Right-to-Know
- III. Toxic Wastes

The following is an outline of the provisions of each part of the strategy.

I. Toxic Hazards Program

For the most part this program will rely on existing regulatory authority of the agencies that now comprise the Toxic Substances Coordinating Council. For the first time in State government, all involved agencies will have a framework within which a cohesive and identifiable State toxic policy can be shaped. However, key elements will involve legislative proposals.

The program has three major elements:

A. The California Cancer Prevention Policy

The State will develop and the Governor will institute a single State policy, to be implemented by all agencies with regulatory authority, on the use and regulation of carcinogens. This policy will be instituted in the following steps:

- (1) The existing draft State Carcinogen Identification policy will be adopted by CCL O&M. (The ID policy has been prepared and reviewed by all relevant agencies).

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- (2) The Hazards Evaluation System and Information Service, using the Carcinogen ID Policy, will develop and publish a list of carcinogens to which humans are exposed via air, water, food, or in the workplace. (The number of identified carcinogens will probably increase from 26 to several hundred).
- (3) All carcinogens so identified will be placed by regulation on the Cal OSHA carcinogen registry (Health and Safety Code 24204, this will give the State full knowledge of the use and distribution of the carcinogens).
- (4) All State agencies will be required to regulate the use of carcinogens pursuant to the State policy (the agencies involved are CDFA, DIR, DHS, SWRCB, and ARB). The State cancer policy has not yet been fully developed but would probably have the following provisions:
 - The use of a carcinogen would be banned if safer alternatives were available for use.
 - Any present or prospective user of a carcinogen would have to demonstrate all of the following:
 - that no alternatives to the proposed or current use exists.
 - that the carcinogen is efficacious for the proposed or current use.
 - that the minimum exposure possible, given the use of the best available technology would occur to humans and the environment.
 - that there exists fast and accurate methodology for monitoring the substance in all media in which it might occur due to the proposed or current use.
 - that the user develop an extensive monitoring plan.
 - that there will be full public disclosure of its use and potential release in air, water, food, or workplace.

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--that all monitoring data be disclosed to the public.

--that provisions for completing data gaps on the long-range health effects be provided by the user.

- All users of carcinogens would be taxed; proceeds would go into a fund to search for alternatives to the use of the carcinogen.

B. Reproductive Hazards Policy

- The State will develop and the Governor institute a single State policy on the use and regulation of substances which pose reproductive hazards (birth defects and sterility).
- The policy would develop along lines similar to the Cancer Policy outlined above. This policy would begin with the creation of a Reproductive Hazards Identification Policy by HESIS.

C. Productivity Impairment

- The State will seek to identify those chemical pollutants which because of their presence in the environment impair the productivity of our air, water, soil, and wildlife habitat.
- The State will adopt measures, based on the best available technology and the availability of safe substitutes to reduce the presence of these chemicals in the environment.

II. Right-to-Know

All citizens have the right to protect their health and well being against chemical assaults to which they do not voluntarily submit. Every day workers and consumers are exposed to chemical hazards of which they are unaware in their homes, workplaces, and in the community environment. The following activities would form the basis of the Governor's effort to provide timely and accurate information to all citizens about the risks of exposure to hazardous substances.

A. Implementation of the Workers Right to Know Program

This program was created by legislation sponsored by the Governor last year and administered by the Department of Industrial Relations. The legislation provides that all workers have access to material data safety sheets on the chemicals they are working with.

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B. Extension of Workers Right to Know to Consumers

--Labeling of over the counter drugs (Department of Health Services). Of the 2,000 ingredients in 30,000 over the counter drug preparations, there is no efficacy data for 70 percent and no safety data for 30 percent.

--Labeling fresh and canned produce and meat. Label will inform consumers of what carcinogens, neurological toxins and reproductive toxins are routinely applied to the commodity; what tolerance levels are set for each; whether or not monitoring techniques are available to detect them; and whether or not residues have been found (DHS, CDFA).

--A campaign to disseminate public information on toxic substances in the home. (Dept. of Consumer Affairs).

C. Support by the Administration for the Adoption of Local Ordinances which provide the public with:

--Information on all storage, transportation, use, and emission data on priority toxic chemicals (carcinogens, reproductive health hazards, neurological toxics).

--Information on proposed ground and aerial spraying of priority toxic chemicals and the potential health risks from drift.

D. The development of a consistent Administration policy on the availability to the public of toxic health effects data held by State agencies.

III. Toxic Wastes

Over the last two years, the statutory base for the control of toxic wastes has been established through the Governor's successful legislative initiatives on toxics. Now, the principal activity of the State in this area is to administratively follow through on those legislative advances.

A. Alternatives to Landfills

1. Full disclosure of the alternatives to toxic landfills.
2. Full public participation in selecting and siting alternatives to landfill.
3. Limit the land disposal of certain extremely hazardous wastes.

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4. Impose increased fees on the landfill disposal of toxic, persistent wastes to encourage alternative disposal.
5. Permit for construction of three to five new alternative disposal facilities in the next 18 months.

B. Dump Site Clean-Up and Human Health Effects

1. Ensure full public participation in the identification of abandoned toxic dumps, the decisions to clean up specific sites, and in the work in progress — all undertaken through California's \$100 million "Superfund".
2. Implement and provide adequate public notice of the State Board of Control's "Victims of Toxic Exposure" compensation program (part of the Superfund).
3. Provide for the complete public participation in the toxic dump and spill related health effects studies undertaken through the Superfund.

C. Response to Toxic Spills

1. Prevent spills through the aggressive administration of the two self-funded programs of hazardous waste and hazardous substance hauler inspections and licensing.
2. Effectively coordinate State and local response to toxic spills by expanding the role of the Office of Emergency Services.
3. Ensure that local first responders have adequate emergency response equipment pursuant to the State Superfund.
4. Ensure the provision of adequate training for State and local responders.

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