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September 7, 1975

Mr. E. S. Nuspliger
The Society of the Plastics
Industry, Inc.
355 Lexington Avenue
New York, New York 10017

Re: SPI-PAC--California; A.2493;
A Bill to Ban the Manufacture
and Sale of PVC in California

Dear Sam:

After our telephone conversation on September 4, 1975, it occurred to me that the above-referenced Bill in California is the one recent area which you may not have full information on for the up-coming meeting of the SPI-PAC-Legislative Affairs Subcommittee on September 10. Accordingly, enclosed herewith is a copy of A.2493 and a transcript of the telephone conversation Jerry Heckman had with Mr. James Graham of the California Manufacturers Association with regard to the Bill.

As you will note, the legislative situation on this "Ban-the-PVC" Bill is relatively static. Although a hearing will be requested by its sponsor before the California legislature adjourns on September 15, it is a late Bill which our own Special Counsel in California has indicated is not expected to be the subject of any Committee activity until the legislature reconvenes in January 1976. The basic strategy for now is to maintain a low public profile and prepare the groundwork for a coordinated effort when the January session begins.

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Should you have any questions or comments concerning any aspect of this matter, please do not hesitate to let us know.

Cordially yours,

Peter Thomas Smith

Enclosures

cc: Mr. Ralph L. Harding, Jr. ✓
Mr. Thomas J. McGrath
Mr. Fred C. Sutro, Jr.
Mr. Joseph Fath
Mr. Martin Ryan Haley
Mr. James Kiss

SPI-07894

ASSEMBLY BILL No. 2493

Introduced by Assemblyman Carpenter
August 12, 1975

REFERRED TO COMMITTEE ON HEALTH

An act to add Chapter 10.4 (commencing with Section 25915) to Division 20 of the Health and Safety Code, relating to polyvinyl chloride.

LEGISLATIVE COUNSEL'S DIGEST

AB 2493, as introduced, Carpenter (Health). Polyvinyl chloride.

There is no existing state law prohibiting or restricting the manufacture or sale of articles or items containing polyvinyl chloride.

This bill would prohibit any person from manufacturing, selling, or offering for sale in this state any article or item containing polyvinyl chloride which comes in contact with human beings and has been determined by the State Department of Health to be a hazard to the health and safety of human beings due to the opportunity for vaporization of the polyvinyl chloride.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 10.4 (commencing with
- 2 Section 25915) is added to Division 20 of the Health and
- 3 Safety Code, to read:

CHAPTER 10.4. POLYVINYL CHLORIDE

25915. No person shall manufacture, sell, or offer for sale in this state any article or item containing polyvinyl chloride which comes in contact with human beings and has been determined by the Department of Health to be a hazard to the health and safety of human beings due to the opportunity for vaporization of the polyvinyl chloride.

EDITED TRANSCRIPT OF
TELEPHONE CONVERSATION BETWEEN
MR. HECKMAN AND MR. GRAHAM
August 27, 1975

GRAHAM: Hi Jerry. This is Jim Graham.

HECKMAN: How are you?

GRAHAM: Fine, I've been expecting your call, Jerry. My office in Los Angeles said that you were going to call me this morning.

HECKMAN: Right. I assume that the Bill you're talking about is Assembly Bill 2493. Is that right?

GRAHAM: That's right.

HECKMAN: If that's the Bill you're talking about--what have you got on it and then I'll tell you what I've got on it, or would you rather have it the other way around?

GRAHAM: Well, I'll tell you what. I just got the Bill two days ago because it was just introduced on the 12th and what I've been doing so far is contacting as many of our members as I can think of that would be affected by it. In doing that, I also was informed of--

HECKMAN: Jim, what's your company?

GRAHAM: The California Manufacturers Association and many of our members are also members of The Society of the Plastics Industry.

HECKMAN: Right.

GRAHAM: They suggested that I contact Lloyd Darden down in Los Angeles.

HECKMAN: There's great danger, from what I can tell, of over-reaction to this Bill but go ahead.

GRAHAM: I'm, right now, just kind of at the developmental stage and I am not an expert or a chemist or anything. What I am trying to determine is what position the Manufacturers Association should take in terms of lobbying the Bill and Stauffer and Dow and Goodrich so far have indicated that they're going to be in opposition to it. Because there are so many of our members that are affected by it, or could be affected by it, I wanted to get it organized as soon as

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possible so that there aren't 20,000 people running around doing different things in terms of testimony and what-not, I'd like to have it boil down to as few people as possible and representing as few of the interests as possible.

HECKMAN: Well, it's a ridiculous Bill from what I've heard. I don't have a copy yet.

GRAHAM: Yes, I'm sending one to Ralph Harding.

HECKMAN: Why don't you send me a copy too?

GRAHAM: Okay, same address as Ralph?

HECKMAN: No. 1150 17th Street, N.W., Washington, D.C. 20036.

GRAHAM: Okay, very good, I'll send you--it's a paragraph long--

HECKMAN: I know. I had it read to me. Let me tell you where it is--where it stands, according to our red-hot service. The Bill is now before the Health Committee, the sponsor is Paul Carpenter. Carpenter's office is going to request an early hearing on the Bill.

GRAHAM: I talked to their office yesterday and they're going to try to request an early hearing--

HECKMAN: Let me finish mine--I've got a memo on this.

GRAHAM: Okay.

HECKMAN: However, Health Committee reports that Bill will not go to hearing before January because California is wrapping up legislative programs and recessing on September 15 and reconvenes in January. Sponsor does not feel any particular urgency though he will file request for hearing before September 15 to make constituents feel happy. It is not likely that request will be granted since this Bill was introduced late. If it was passed by Legislature and Governor, it would only be a two-year Bill and would be effective by January, 1977. Does that fit in with your stuff?

GRAHAM: Yes.

HECKMAN: What all of that says to me is that it's a damn good idea to oppose it but we wouldn't call it urgent. I don't mean I wouldn't call it urgent to oppose it--I mean I wouldn't call it a Bill that is in the "very likely to pass" class.

GRAHAM: Okay, then you've got to analyze the California Legislature. He is not asking that any study be done. Because of that, it doesn't have to go before any of the Finance Committees. It will go before Assembly Health, which is a very liberal Committee when it comes to banning things. We've got a fluorocarbon ban bill that I'm working on; they didn't want a study conducted because the bad thing is the Finance Committee could kill it so the Assembly Health is going to, probably pass it right out.

HECKMAN: They have to have hearings first, don't they?

GRAHAM: Oh yes.

HECKMAN: And do you disagree that the hearings will not take place before January?

GRAHAM: Oh no. The hearings will probably--I don't see any way possible for them to get the Bill out before January. If you're talking about in terms of enough time, we've got plenty of time.

HECKMAN: That's what I'm talking about.

GRAHAM: Oh yes, I'm sorry.

HECKMAN: That's all I'm talking about. This gives me time to bring it up in a different way with our Committee and also to talk it over with Martin Ryan Haley and see what we can do to get it taken care of another way. That's all I'm saying. In other words, I frankly don't want our people to go off in such a way as to bring about a lot of newspaper publicity that might then make it impossible to use other approaches.

GRAHAM: Right. That fits right in with what I'm doing and I would like to, if possible, work as closely with your organization as possible because the members, like I said, are in common and I have to be sure that we're represented and what I don't want to have happen is to have everybody running around very excited and doing things as you just indicated.

HECKMAN: Will you make sure that if you talk to Lloyd Darden you make that clear to him too.

GRAHAM: Fine.

HECKMAN: It's got to be real low profile at this stage because if you go and get a lot of people active and interested and sort of hitting legislators up, then it gets to the point where

it can't be quietly forgotten. It may not be anyway. It's such a dumb Bill that I think that by the time they have hearings in January, it'll be possible to testify that OSHA, the Environmental Protection Agency and the Food and Drug Administration have all acted sufficiently in this area so that no further action by the State of California is called for, if I make myself clear.

GRAHAM: Yes. That's essentially the approach that everybody has recommended.

HECKMAN: But see, the reason that approach wouldn't work if they were going to have a hearing next week is because EPA and FDA have not yet acted but they will have by January, for sure.

GRAHAM: Okay, very good. You mentioned the firm name and I didn't quite get it.

HECKMAN: My firm?

GRAHAM: No, the firm you were going to contact.

HECKMAN: About what?

GRAHAM: About the Bill.

HECKMAN: Oh no, we use Hill and Knowlton, a public relations firm.

GRAHAM: Okay.

HECKMAN: And Martin Ryan Haley is the guy who does all of the bill tracing--our system is kind of complicated but what we really do is between the two of us, we decide whether a Bill is of the type that can be handled one way or another way or how, or whether we need to hire a special lobbyist and all kinds of things like that. All I'm really saying is that since our information at the moment is that nothing can happen until January, we've got time now to talk. Okay?

GRAHAM: Okay, very good. Would you like me to send you a copy of the Bill.

HECKMAN: Yes I would.

GRAHAM: Okay, I've got your address. I'll send that off today and I would like to keep in touch and find out where you've been going with it and how you're going to approach it so that we can modify our efforts.

HECKMAN: I sort of gave you a thumbnail sketch on how we would probably approach it.

GRAHAM: Okay, the way that I am at this point intending to--my normal procedure is to publish a position paper on it and then walk around to each of the legislators of the Committee and discuss the Bill with them and leave our position paper and appear before the Committee and testify. On this particular Bill, because it's a technical Bill involving chemicals and biological functions, they will want expert type testimony and that's why I started contacting our members to at least let them know that the Bill was in the hopper and to try to figure out who they would best like to testify so that I can make those arrangements with the Committee itself.

HECKMAN: Okay, fine.

GRAHAM: Okay, Goodrich and Stauffer suggested that, in terms of oral argument, that SPI take the lead which is just fine as far as I'm concerned.

HECKMAN: Assuming they have the hearings, which we now can assume they will not be at least until January, that nothing can be done to stop that, I think you can be pretty sure that we'll have somebody there.

GRAHAM: Okay, very good and so I'll be in touch with you prior to that. I'm just going to need to know prior to the Committee hearings so I can inform the Committee Chairman how many witnesses are going to be there approximately and what kind of testimony is going to be gone into.

HECKMAN: Okay, we'll have a little time now for that.

GRAHAM: Yes, exactly.

HECKMAN: When you send me that copy of the Bill, will you send it on a piece of your letterhead so that I have the contact?

GRAHAM: Certainly.

HECKMAN: Okay, great.

GRAHAM: Okay, very good, Jerry. Bye, bye.

HECKMAN: Good talking to you. Bye, bye.