

TO: Distribution

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FROM: T. G. Grumbles
DATE: October 28, 1988

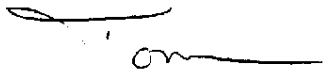
**Interoffice
Communication**

SUBJ: PROPOSITION 65 ANALYTICAL PROJECT

VISTA

Attached is a recent update on Proposition 65 legislation in various states. As we've discussed, this is not just a California issue.

I'm planning to have a conference call in early November to update us on the analytical progress made to date. I'd like to have a meeting, maybe close to the final one, in early December to review all of the data for each product analyzed and develop our actual answers and documentation for customer inquiries. At that meeting, I'd like for each plant to be prepared to "present" the products manufactured at their site and summary of the data obtained. I'll be in touch regarding the conference call.


T. G. Grumbles

dlj
.443

Attachment

Distribution: Ed Sones, Jim Yates-Ponca City, Gina Lakich-Hmd,
Kyle Resh-Balt, Don Whitehead-LCLAB,
Paul Fetzner-LCVCM, Darrell Zimmer-LCCP

VVV 000011999

Late Breaker!

UPDATE ON PROPOSITION-65 TYPE LEGISLATION

Nine states have considered California Proposition 65-type legislation and toxic free workplace bills since 1987. The following are updates on the language and status of those proposals.

Colorado

At this time, the proposal is an initiative to the Colorado constitution on the November ballot. The proposal states that no person or entity shall in the course of government or business conduct any activity or construct or operate any facility that will directly or indirectly cause the emission, release, or deposit of a known hazardous chemical into the air, waters, or land within the state unless such person or entity demonstrates that such releases have been determined by the governor not to cause or contribute to any significant threat to the health or welfare of any person or the environment. The governor would be required to publish a list of known hazardous chemicals. Any chemical will be deemed hazardous if, in addition to being determined to cause cancer, tumors, or fetal defects, it impairs or injures any person, causes any person pain or physical discomfort, or harms or reduces the productivity of crops, livestock, forests, fisheries, or wildlife.

Hawaii

HB 2118 — The Safe Drinking Water and Toxic Enforcement Act: Establishes a prohibition on contaminating drinking water with chemicals known to cause cancer or immune system damage, or with reproductive toxicity; requires warnings before exposing individuals to chemicals in the previous category; establishes civil penalties and provides for injunctive powers; mandates the governor to provide a list of known hazardous chemicals. **Status of HB 2118:** Died in committee.

Illinois

SB 2125/HB 3948 — The Safe Drinking Water and Toxic Enforcement Act of 1988: Prohibits anyone from knowingly and intentionally exposing an individual to a toxic substance without adequate warning, provides fines for violations, and requires the governor to publish a list of chemicals known to cause cancer or with reproductive toxicity. **Status of SB 2125/HB 3948:** Died in Committee.

SB 2187 — The Toxic Free Workplace Act: Makes it unlawful for anyone to unreasonably expose an employee to any toxic substance in the workplace. Provides that any employees injured by such exposure are eligible to bring action for damages against employers, either through the workers compensation system or this act. **Status of SB 2187:** Referred to Rules Committee; tabled and withdrawn by author.

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Louisiana

SB 448: Prohibits new permits for discharge of any cancer-causing substance. All permitted discharges must be reduced by 20% per year until phased out completely. The legislation list 250 cancer-causing substances. **Status of SB 448:** Introduced 1987; died in committee. Reintroduced 1988; died in committee.

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PROP. 65-TYPE LEGISLATION UPDATE

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Massachusetts

H 1749 -- Toxic Use Reduction Act: Establishes a Bureau of Toxic Use Reduction to get up-to-date information on toxic chemicals, an Administrative Council on Toxic Use Reduction to promote increased coordination of efforts to enforce environmental laws, identify priority user segments for achieving toxic use reduction, and make annual recommendations to the governor, and a Toxic Use Reduction Institute to research and establish courses on toxic reduction. Section 10 requires each toxic user to provide to the bureau an annual mass balance inventory; Section 11 requires toxic users to prepare toxic use reduction plans; Section 12 establishes a phase-out of certain toxics; and Section 13 establishes improved enforcement of toxics laws. **Status of H 1749 still pending.**

New York

A 10630 -- Exposure to Toxic Substance Act: Requires warnings before exposure to chemicals known to cause cancer or with reproductive toxicity. The determination of toxicity is to be made if, in the opinion of the state's "qualified experts," it has been clearly shown through scientific testing, if a body considered authoritative by such experts has formally made such identification, or if an agency of the state or federal government has formally required a substance to be labeled or identified as cancer causing or as having reproductive toxicity. **Status of A 10630: Introduced 4/6/88; died in Committee on Environment Conservation.**

Oregon

Senate Bill 975 -- Relating to Safe Drinking Water: Prohibits anyone from knowingly and intentionally exposing any individual to any known cancer- or birth defect-causing chemical without first giving clear and reasonable warning. The director of the Department of Environmental Quality would be required to publish a list of chemicals known to the state to cause cancer or birth defects, and to publish an annual list of chemicals tested for potential toxicity. **Status of Senate Bill 975: Died in committee, 1987 regular session.**

Pennsylvania

SB 1285 -- Toxic Free Workplace Act: Prohibits unreasonable exposure to hazardous chemicals in the workplace. An injured person may elect to proceed under the workers compensation system or use this act under common law. **Status of SB 1285: Introduced 2/22/88; on calendar for second consideration.**

Tennessee

Senate Bill 1821 -- Safe Drinking Water and Toxic Enforcement Act: Prohibits anyone in the course of doing business from knowingly discharge or release a chemical known to the state to cause cancer or with reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water. No person shall knowingly or intentionally expose anyone to a chemical of known toxicity without first giving clear and reasonable warning. The governor is to establish a list of those chemicals known to cause cancer or with reproductive toxicity. **Status of Senate Bill 1821: Introduced 1/20/88; died in committee.**

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