

STATEMENT OF
HONORABLE BARBARA HACKMAN FRANKLIN
VICE CHAIRMAN, CONSUMER PRODUCT SAFETY COMMISSION
ON OSHA'S PROPOSED RULES FOR TOXIC SUBSTANCES
POSING A POTENTIAL CARCINOGENIC RISK
WASHINGTON, D.C.

MAY 16, 1978

I appreciate the opportunity to submit some brief, personal views on OSHA's proposed rule for toxic substances posing a potential carcinogenic risk to workers.

At the outset, I want to salute OSHA Administrator Eula Bingham and the agency staff for the tremendous amount of work and effort which led to today's hearing. Also, I want to call special attention to literally the volumes of written and oral comments that OSHA's proposal has generated from interested individuals and organizations. I think this indicates the great concern all of us have in this matter. What we are addressing is but one part of perhaps the most important health and safety issue of the decade: how this country will go about protecting the public from the growing number of substances potentially capable of causing cancer.

The OSHA regulation focuses on protection of people on the job, but the significance of the proposal stretches far beyond the workplace. For example, my own agency, CPSC, is proposing its policy and set of procedures to help protect consumers in and around the home. Other agencies, such as FDA and EPA, are concentrating on other aspects of the problem in keeping within their missions and the laws they administer.

GAF 15834

For all agencies as well as countless companies and the public at large, OSHA's hearing is critical. Many of the underlying issues -- especially fundamental, scientific concepts and the social and economic impact of regulating in this area -- are matters of great mutual concern and interest and will be discussed here for the first time in great detail from a variety of perspectives.

While some differences in the basic approach of each agency exist, I believe that all Federal activity must always be as responsible and consistent as possible. As a general rule, in other words, each agency must arrive at solutions the government can live with, business can live with and most importantly, the American people can live with. To me, this underscores the importance of this hearing and the work of the Interagency Regulatory Liaison Group and CEQ's Toxic Substances Strategy Commission.

Eventually, the Federal government as a whole, as I see it, must move toward a national cancer policy or a set of principles which guide all of the research and regulatory efforts in this area. The heady problems associated with the causes and control of cancer truly are shared ones, and it seems to me that it serves the broad public interest to approach them as intelligently as possible. So it goes with the solutions, if they are to be sound, equitable and lasting.

GAF 15835

This is why I will continue to urge formulation of a national policy on carcinogens with the weight of the White House behind it. The public is currently confused and cynical about cancer issues. Therefore, although government must take the lead responsibility, the policy must reflect and involve the diverse concerns of the public. Such a policy should articulate -- so that everybody will know -- the posture and program of the Federal government as a whole and the guiding principles behind it.

At a minimum, I believe such a policy must address issues including these: the definition of a carcinogen; information needed to regulate cancer-causing substances; the tests that should be used, how they should be conducted, and how the results should be interpreted as well as the extent to which factors other than the public health should be considered.

Flexibility must be integrated into the process so that developing scientific knowledge can be applied and so that the individual agencies can perform the jobs that the President and Congress expect. Perhaps most of all, such a policy must clarify the magnitude of the problem, the need for adequate public protection and for timely, intelligent and informed action to achieve it.

GAF 15836

In summary, let me reiterate my support for the trailblazing OSHA has done. By their actions, OSHA and other agencies, including CPSC, are recognizing that the central issue of whether exposure to carcinogens should be regulated is resolved. Many, many important questions of law and public policy remain, and I will be especially interested in the viewpoints and information of the public on these matters during this hearing.

GAF 15837

WASHINGTON, D. C. 20527

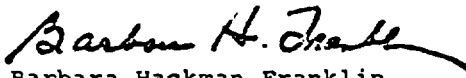
April 4, 1978

Mr. Tom Hall
Hearing Management Officer
Occupational Safety and
Health Administration
Department of Labor
Room N3635
200 Constitution Avenue, N.W.
Washington, D. C. 20210

Dear Mr. Hall

Enclosed are my comments on OSHA's proposed rule on identification, classification and regulation of toxic substances posing a potential occupational carcinogenic risk. I would appreciate their inclusion in the public record on this matter.

Sincerely,


Barbara Hackman Franklin
Vice Chairman

Enclosure



GAF 15833