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MEMORANDUM

December 28, 1977

TO: Homer M. Cole - Medical

FROM: Andrew McCutcheon - Public Affairs



Dear Mac:

Please note the attached report from the Connecticut Business and Industry Association. Should the Carcinogenic Substances Act mentioned on page two be of concern to Tilo with its asbestos roofing operations?

Sincerely,

A-

AHMcC/aww

Attachment

RMC0800280000084

General Assembly Report

DEC 27 1977



Connecticut Business and Industry Association

60 Washington Street
Hartford, Connecticut 06106
Phone: 203/547-1661

Number 4

December 22, 1977

"QUITS AND FIRES" - LEGISLATIVE PANEL REQUESTS REGULATIONS

The General Assembly's Regulation Review Committee voted unanimously on December 14 to request formal "quits and fires" regulations from the Labor Department. Senator William E. Strada (D-Stamford), Cochairman of the Committee, is drafting a letter urging Labor Commissioner Frank Santaguida to promulgate regulations in accordance with the state's Administrative Procedures Act.

CBIA believes that the informal guidelines developed by the Department are, in substance, regulations and subject to the approval of the Regulation Review Committee. Connecticut law defines "regulation" as "an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the organization, procedure or practice requirements of an agency." The Department's guidelines are more than mere statements concerned with internal management. They interpret two public acts and thereby affect the private rights of both employers and employees.

ETHICS COMMISSION HOLDS HEARING ON PROPOSED LOBBYING REGULATIONS

The newly formed state Ethics Commission held a public hearing on Friday, December 16, to hear comments on proposed regulations governing the conduct of lobbyists. CBIA Assistant Counsel John R. Anderson restated the Association's support of reasonable financial disclosure requirements for professional lobbyists. He expressed the concern, however, that an overly broad application of the lobbying law and overly burdensome reporting requirements would tend to discourage grass roots citizen participation in government. CBIA believes that a balance can be struck which fully protects and informs the public without infringing on the individual's Constitutional right to petition his government. The legislative process is undermined when the free flow of information is inhibited.

Addressing specific sections of the regulations, Anderson made the following recommendations:

1. The proposed registration requirements for "expert witnesses" should be made consistent with Section 1 of the Act which clearly states that an employee who receives no compensation specifically for lobbying and who limits his activities solely to formal appearances to give testimony at public hearings is not a lobbyist.
2. Reportable expenditures should not include those incurred "in furtherance of lobbying" such as research, travel time, and time spent communicating with the "client". The phrase "in furtherance of lobbying" does not appear in the Act.

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RMC0800280000085

ETHICS COMMISSION HOLDS HEARING ON PROPOSED LOBBYING REGULATIONS-cont'd.

3. The provisions requiring disclosure of media lobbying expenditures should be made consistent with the distinction made in the Internal Revenue Code between "grass roots" lobbying and informational-educational advertising.
4. The definition of legislative "session" during which legislative lobbyists must file monthly reports should conform to the Connecticut Constitution and to the commonly accepted view that the General Assembly is in "session" only when the full House and Senate are sitting.

Because the new lobbying law, effective January 1, contains criminal sanctions, it should be strictly and narrowly construed. CBIA will be offering substantive amendments to the proposed regulations which the Association feels will provide greater clarity. When the regulations are drafted by the Ethics Commission in final form, they must then be approved by both the Regulation Review Committee of the legislature and by the state's Attorney General.

The next meeting of the Ethics Commission will be held at 4:00 p.m. on January 4th in the Freedom of Information Conference Room, 30 Trinity Street, Hartford.

AUTOMOBILE EMISSIONS INSPECTION -
STATE ADMINISTERED PROGRAM ENDORSED

Appearing on December 15 before the federal Environmental Protection Agency, CBIA Staff Attorney John Rathgeber opposed the establishment of a federally run inspection/maintenance program for automobiles in Connecticut. Rathgeber raised the legal question as to whether such action would constitute an unwarranted intrusion into the rights reserved to the states under Article 10 of the U. S. Constitution. He also expressed the opinion that a federally mandated program would discourage public acceptance.

CBIA does support the adoption of a state inspection/maintenance program. A program authorized by the General Assembly and administered by the DEP will be more responsive to the needs of Connecticut's citizens and be less vulnerable to legal challenge. The Association believes ~~that~~ such a program should be phased in to insure reasonable standards, eliminate practical problems of administration, and develop the public support necessary for success.

CARCINOGENIC SUBSTANCES - REGULATIONS PROPOSED BY HEALTH DEPARTMENT

John Rathgeber, Staff Attorney, has written to the Health Department concerning its proposed regulations under the new Carcinogenic Substances Act (PA 77-398). The purpose of the Act is to provide Connecticut officials with information that may be helpful in assessing potential health problems caused by the manufacture of items, products, or materials containing carcinogenic substances.

The proposed regulations will require manufacturers to file reports with the Health Department based on usage of listed substances during

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CARCINOGENIC SUBSTANCES - REGULATIONS PROPOSED BY HEALTH DEPARTMENT -
cont'd.

the preceeding calendar year and inventory on hand as of January 1, 1978. The reports will include: (1) the method of disposal of any waste generated by the manufacture of such items, product, or material; (2) the amount of each carcinogenic used or produced during the preceeding year; (3) the amount of each such carcinogenic substance currently being held in inventory; and (4) the method used to transport such carcinogenic substances.

Rathgeber's letter to the Commissioner indicated that there is a need to set threshold concentration limits for reporting products containing carcinogenic substances. Failure to do so would result in having to report many commonplace products that contain mere traces of substances. It was not intended that companies report their inventories and uses of products like gasoline which contains less than 1% benzene.

Secondly, CBIA asked that the word "regulation" be substituted for the use of the word "guideline" in Section A of the regulations. This would insure compliance with Connecticut's Administrative Procedures Act, which requires public input and legislative review, before amending adopted regulations. Future inclusions which would affect the rights of impacted industries should be subject to that scrutiny.

Finally, Rathgeber asked that the Health Department work with federal OSHA, which recently indicated an interest in studying the use of carcinogens in the work place. If OSHA formalizes any inventory requirements, it is hoped that the Connecticut reports will be modeled on them to prevent unneeded duplication of effort. This is particularly important to the smaller companies who do not have extensive clerical personnel.

Copies of the proposed regulations are available from the Health Department or by calling the CBIA office.
