

P U B L I C H E A R I N G
before
SENATE ENERGY AND ENVIRONMENT COMMITTEE
on
Worker and Community Right to Know Act
(S-1670)

Held:
October 6, 1982
Room 114
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Daniel J. Dalton (Chairman)

ALSO PRESENT:

Mark Connelly, Research Associate
Office of Legislative Services
Senate Energy and Environment Committee

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SENATOR DANIEL J. DALTON (Chairman): I have a very brief statement to make, and then we will get into the testimony.

The bill which is the subject of today's hearing, S-1670, the Worker and Community Right to Know Act, firmly establishes the right of New Jersey citizens to be informed about the adverse health effects of toxic substances to which they may be exposed at the work place and in their communities.

The number of toxic chemicals we use daily in our society has increased dramatically in the past twenty or thirty years. In 1941, less than one billion pounds of synthetic, organic chemicals were produced in this country. In 1978, one hundred seventy-two billion pounds of just the top fifty chemicals were produced nationwide.

The United States Environmental Protection Agency now lists 43,000 chemicals as subject to regulation under the Toxic Substances Control Act. We have manipulated the 92 elements known to occur naturally on Earth into more than six million chemical compounds. Each day we find ourselves discovering another in a seemingly endless series of toxic stockpiles that are silently, but inexorably contaminating our probable water and food supplies, pushing up our disease rate, and even, it has been alleged, reducing our reproductive capacity.

The most important and scary thing about these chemicals is that we don't know very much about their long-term effects on human health, precisely because they are so new, and our awareness of their potential danger is so recent. Of the 43,000 chemicals subject to regulation under the Toxic Substances Control Act, only 1,500 have been evaluated for the propensity to cause cancer in laboratory animals. But we do know two important things about these chemicals.

Firstly, many Americans work with them on a daily basis. In 1972, an OSHA study found that 25 million American workers, or about one in every four, were exposed daily to one or more of 8,000 chemicals. In the ten years since that study, the number has surely grown. And, second, we know that exposure to chemicals has a most serious impact on worker health.

A Bureau of Labor statistic survey in 1977 and 1978 found that an average of 59% of all occupational diseases, which resulted in time off from work, were caused by exposure to toxic or hazardous chemicals. It clearly behooves us to treat these chemicals with extreme prudence.

S-1670 constitutes just such a prudent approach to potentially hazardous substances which are all around us, and it provides us with the right to the most vital information we can possess concerning these hazardous substances -- that is information. S-1670 would require all business, which store or handle toxic substances, to provide workers with basic information concerning the health effects of hazardous substances to which they may be exposed.

This bill would also given individuals in our communities access to information to hazardous substances stored, handled or emitted in the air by requiring such information to be filed with the Department of Environmental Protection and local health departments where it would be made available to the public. Local police, fire fighters, and emergency response personnel would have special access to this vital information concerning toxic substances, which they may confront in the course of their duties.

New Jersey has, unfortunately, had to be leader in confronting toxic

substances issues. We have had to deal with toxic spills, abandoned hazardous waste sites, leaching landfills, and contaminated water systems and wells. We have established funds and taxes to clean up hazardous spills and compensate those whose health and property have been harmed. "Right to Know" legislation will add a new and preventative component to our fight against toxic substances. By providing people with information about hazardous substances, we will help them avoid the health problems which prolonged and "willy nilly" exposure can produce. Six states -- Connecticut, Massachusetts, California, New York, Wisconsin, and Michigan -- have enacted "Right to Know" legislation, and I want New Jersey to be among this select, and, I would hope, ever-growing number.

AUDIENCE: (Applause)

SENATOR DALTON: I would just like to go over some of the ground rules. Number one, we are going to be here until five o'clock. The last speaker will go on prior to five o'clock, and the Committee will not stay beyond five o'clock. If, in fact, you aren't given the opportunity to speak, you will be given first shot at either the Newark or Turnersville hearing -- the north Jersey or south Jersey hearing.

Additionally, I would like to ask you to -- whether you agree or disagree with a statement of a speaker -- that speaker has the right to make that statement. So, I would like any sort of applause or displays of negative thinking or negative opinion or positive opinion to be held to a minimum, because it is an important bill, and we would like to deal with it in a very, very serious way.

Our first speaker will be Mr. Charles Marciante of the New Jersey AFL-CIO. Mr. Marciante?

C H A R L E S M A R C I A N T E: Thank you, Mr. Chairman. I would like to thank you and the prestigious Energy and Environment Committee for the opportunity of appearing today on a subject as difficult as this one.

We know of the forces that are at work in our economy to try to minimize exposure by government into industry, but we also are keenly aware of the effects that toxic substances are having on the people who we represent.

Labor in New Jersey was probably responsible for the creation of occupational safety and health, and working with our Congressional Delegation over the years in the late 1960's, we feel that we played a great role in the formation of the Williams-Stieger bill, known as the Occupational Safety and Health Act. We testified at many hearings on that particular bill and to encourage our legislative delegation and those from around the country to give us what we felt would be a Magna Carta for the trade union movement to have safety in their work place.

Unfortunately, over the years and in the late 1970's, we witnessed a weakening of the Occupational Safety and Health Act through the deletion of many regulations. The most crushing blow came with Executive Order 12291, which referred all regulation changes to be made to be approved by OMB. That, in our opinion, is outrageous. We are being stripped of the very protection that we so desperately need.

In a society such as ours, and in an economy such as ours, we are constantly inventing new substances. We have no way of knowing what the content of those substances is. In many instances, they are, indeed, injurious. But, we will never know, and we will be exposed and suffer the consequences of that

exposure. We are appealing to you today. We are not going into a very long statement because it is kind of basic, and I think you summed it up pretty well in your opening statement.

We need protection, we need a "Right to Know," and quite frankly, we need S-1670. This is the end of my statement. Thank you.

AUDIENCE: (Applause)

SENATOR DALTON: Thank you, Mr. Marciante.

Our next speaker is Mr. Archer Cole, President, International Union of Electrical Workers. Mr. Cole?

A R C H E R C O L E: Thank you. On behalf of the thousands of New Jersey workers that I am privileged to represent, I am here to testify in favor of S-1670, the "Right to Know" law.

I wish to express my thanks to you, Senator Dalton, and your Committee for the leadership you are giving in safeguarding the health and safety of industrial workers in this State and the communities of New Jersey.

I wish there had been a Senator Dalton and a "Right to Know" movement fifty years ago when Johns-Manville discovered that asbestos was a dangerous substance. If "Right to Know" had been in effect at that time, we could have avoided the tragic exposure of workers and members of their families and communities who have asbestosis, lung cancer, and all the diseases associated with that chemical. If we had "Right to Know," the Manville Company, itself, would not now be in bankruptcy proceedings involving 17,000 lawsuits, over a \$2 billion liability, the possible loss of this plant in New Jersey, and the jobs of hundreds of workers and the impoverishment of the community.

I am concerned about the Singer Sewing Machine workers. These are workers who now stand to lose their jobs because the company is closing down on December 31. In association with their shutdown, the company is now cleaning up the plant so it can parcel it out and sell it or rent it to other industrialists. And, in the course of that cleanup, they brought in people who looked like spacemen, covered from head to toe with helmets and spacesuits and specially designed shoes and instruments, because they found out that for twenty years, there had been PCB leakage in departments where hundreds of workers had worked. Nobody knew about this. It took this shutdown to reveal that all these years, these people have been exposed to the dangers of PCB's.

I am concerned that industry, itself, for all these years hasn't adopted "Right to Know" procedures. What does your bill call for, and why shouldn't it have been implemented years ago. All it would do is identify toxic chemicals in the place where people work and in the community. It would call for the labeling of containers of toxic chemicals, which workers are exposed to, so that the workers and their unions can be aware of the dangers in the work place. It would require material safety data sheets on which the chemical and its chemical name and all the problems with that chemical and its need for training to handle that chemical. The amount of exposure would be revealed in these material safety data sheets.

There would be training of workers so that they know how to handle these, and so that they won't blindly handle material which will expose them to cancer and other types of diseases.

They must provide the community with information to the DEP, which

certainly is necessary, and the DEP, in turn, would make that information known to health departments in communities, to fire departments, to ambulance services and so on, so that in the event there is a tragedy such as occurred four miles from my home in Elizabeth where the Chemical Control Corporation -- a terrible fire broke out. They didn't even know what was burning and how to deal with it. It took hours and maybe a couple of days to bring it under control for that reason. It protects the worker who complains that the company did not give him the information. It says that such a worker who complains cannot be fired. This is very important that we have protection where we use this bill. And, we appreciate the fact that worker protection is written into the bill.

When I think of some of the tragedies in our country which could have been avoided by "Right to Know" -- remember the Allied Chemical Plant in Virginia. There they manufacture a substance known as (inaudible) and I remember on 60 Minutes, the plant manager, himself, didn't have the "Right to Know" and so, he announced to maybe fifty million people that he was going sterile -- that he had been poisoned, and he wished he had the "Right to Know" what he was making and what he was having his work force make.

I think of the workers in the community at the General Electric plant in Hudson, New York where the company had to pay the State of New York \$4 million for poisoning the Hudson River, let alone the number of people who were adversely affected by the PCB's they used in the work place.

I remember fire-ground vinyl chloride used in the rubber and tire industry and how OSHA tried to set a standard of "no parts" to the work place, and urge industry to adopt sensible standards. They fought it down the line. They said, "Well, we are going to have 500 parts per million parts there." And, it finally got down to 50, and finally it had to be fought out and then new procedures for vinyl flooring were discovered by industry when they were forced by OSHA to adopt standards to protect peoples' lives and limbs.

The "Right to Know" bill passed last year -- my union was instrumental in its passage in New York State, and management was very upset, and they said it would give away all the trade secrets, it would jeopardize, and people wouldn't move into the state. Without question, they will be saying the same thing here today. Well, New York is still standing, industry is still operating, and nobody has stolen the trade secrets.

The same thing happened in five other states where the bill was passed, and the same thing is happening in Philadelphia where the town, itself -- the town people were alarmed that, in that industrial community, people were being poisoned with chemicals they knew nothing about.

I am reminded now about what Governor Byrne said five years ago when he was pushing hard for a minimum wage for New Jersey, which was five cents an hour more than the Federal minimum. He was proposing a \$2.80 an hour minimum wage-- near the poverty level, believe me. And he said, "Well, won't this prevent industries from moving in?" He said, "If they can't pay \$2.80, we don't want them." If we can't have industry where people can work safely and protect their lives, and the communities feel secure, then we don't need that type of industry moving in. We need jobs, we need safety, we need health and we need precautions that will prevent the tragedies that have darted our industrial history for all

these years.

And so, I commend you for bringing this to the state of legislation that it is in. I think that from the turnout here today, you will get an idea of how the people who work in the plants and the people who have been endangered in the communities feel about it. I think industry should get on board. I think that they should stop obstructing progress that saves lives, and I think the bottom line is jobs and health and safety, and I commend you for this bill, and we will work hard for its passage.

Thank you.

AUDIENCE: (Applause)

SENATOR DALTON: Thank you, Mr. Cole.

The next speaker will be Ray Bongiorno, Oil, Chemical and Atomic Workers Union, Local 8-760. Mr. Bongiorno? Is he here? (no response)

I would like to call then Dr. Mike Gochfeld, Rutgers Department of Environmental & Community Medicine. Dr. Gochfeld?

D R. M I K E G O C H F E L D: Thank you, Senator. I am currently on the faculty of Environmental and Community Medicine at Rutgers Medical School, and my responsibility there is to teach occupational and environmental health to medical students and graduate students, and through continuing educational programs to a large variety of health professionals and environmental scientists.

My activities also involve consultation with industry and with labor and with communities on the implementation of programs to recognize and prevent diseases caused or influenced by environmental contaminants. In a grandiose sense, I view environmental use of the "Right to Know" legislation as an affirmation of every individual's right to self-determination, to know what they are exposed to, so that they can make decisions about whether to continue exposure or whether to protect themselves against exposure. But, in a more down to earth sense, I believe that the proposed legislation plays an intrinsic role in the development of a broad range of preventive programs that can detect hazards in the work place or in the community and develop programs to reduce those.

My own philosophy as a practicing physician is that prevention is often in the short-term, and always in the long-term, a more economical approach to health than trying to cure diseases which have already taken place because we neglected their origins. Unfortunately, in 1982, we are still confronted with a great many people who have preventables, but who are, nonetheless, suffering from occupational or environmental diseases.

I think it is important that physicians throughout the State and throughout the country realize that there are ongoing sources of exposure and that they be able to recognize what those exposures are, know what the specifics of the chemicals, or in some cases, physical hazards to which people are exposed, and be able to advise those people about the hazards and diagnose and treat their diseases, should they occur. I think that hand, alone, this legislation will provide the professional community, the physicians, osteopaths and other therapeutic professionals and health investigators in the Departments of Health and Environmental Protection with an opportunity to really get to the bottom of the problems -- to solve them, to establish, in some cases, cause and effect relationships -- because they now will be able to know without the long and tedious process exactly what kinds of exposures are occurring.

I think that the New Jersey bill, as it appears, is a comprehensive one, and it recognizes that the problems faced by workers at a plant and by residents in a community are really analogous, and that the information beneficial to the former is essential to the latter as well. I think that I have, in reading the bill as anyone would, a number of areas which I would like to see new wording. I would like to see a greater attention to the health professionals in let's say, the State Department of Health, because I think that they would play an important role working with environmental protection in assessing the effects of toxic chemicals and evaluating the applications for exemption that are undoubtedly going to arise and so forth.

So, I think that one should recognize the role of the health professional in the implementation of this bill. I think also that at present there really is not legal provision of "Right to Know" for New Jersey communities, and workers "Right to Know" is so restricted and limited to a few chemicals under standards enforced or, theoretically enforced by the Occupational Safety and Health Administration. It covers a few carcinogens and a handful of other substances.

Aside from that, workers may know only that they are working with a formulation that has a particular number attached to it, or a code name, and may not know exactly what precautions to take, even though those precautions are readily available to them. With the education provisions that are an essential part of this bill, it allows the employee to gain a perspective as to the risks and to help themselves, and I think, make them an important ally of the health and safety professionals that do already work for many companies. I think that industry has largely failed to realize that workers are a very important ally in the protection of their own health.

As Article II of the bill states, "Employees and community residents themselves are often in the best position to detect evidence of exposure at an early stage before irreversible disease processes have begun." I think that there is really no duplication here. There are, of course, many other regulations regarding toxic chemicals, but the provisions of this law, in no way, duplicate those. They provide a unique "Right to Know" for people, and I think the passage will greatly benefit those of us who were concerned with preventing occupational and environmental diseases.

For example, another group of professionals who will benefit are people who respond to emergencies that has already been mentioned in terms of the Chemical Control fire in Elizabeth -- but fire fighters in every community are confronted with perhaps a handful of industries about which they may know very little.

A number of larger corporations have model programs where they actually invite the community fire fighters to investigate what is going on in their plants so, in case there is a fire, they will know how to proceed, where to use caution, where to use specific kinds of protection, and so forth.

The report, hot off the press, from the New Jersey State Department of Health on fire fighting in New Jersey documents that over 11% of non-fatal injuries to fire fighters, and perhaps, a quarter of mortality, are related to the products of combustion. I would maintain that a great many of these deaths and non-fatal injuries would have been preventable had the fire fighters known what they were going to confront when they are faced with, certainly industrial fires,

but even with structural fires that may involve new materials.

I think that there are many other things one could say about specific items, but I'll terminate there and let other people take the floor.

Thank you.

SENATOR DALTON: Doctor, would you, relative to your recommendations on the bill -- if you could provide the Committee with those in writing, we would be very appreciative. We would like all the speakers to have the option of presenting the Committee with their formal testimony in writing so that we can go back and have the benefit of your thoughts and everyone else's too.

Thank you very much, Doctor.

DR. GOCHFELD: I would be very pleased to.

SENATOR DALTON: We now have a gentleman with the unique name of Mr. John Doe, United Auto Workers, District 65. Is he here?

N A O M I F A L T : Senator Dalton, my name is Naomi Falt . I work with District 65 UAW, and I am responsible for their health and safety department. I have brought a brother from our union here today who is masked -- I would like to point out -- not because he is a member of District 65, but because he is trying to protect a member of his family whom he will tell you about. Obviously, John Doe is not his name.

His shop, as most of the shops in New Jersey that are covered by District 65, protects our members from working with chemicals where they do not know what the hazards are. We have "Right to Know" clauses in most of our shops. However, as John will tell you, this is not the case for every worker. I think he can tell you his story better himself.

J O H N D O E: Okay, what I would like to start with -- my father works in a chemical plant where he is constantly exposed to chemicals. He does not know what type of chemical he is working with, other than the trade name that is on the package, on the bag, or whatever. Many times he has come home with rashes, patches of red skin all over him. He doesn't know what it is. He goes to the company doctor who will give him some type of a cream to put it and tells him that it will be all right. Yet, the company doctor doesn't tell him what it is, other than it is some type of skin irritation.

As far as I know, the workers are afraid to ask what they are working with for fear of their job. Also long-term effects -- I want my father to stay around for a while, a long while, if possible. God only knows what would happen to him if some type of chemical does affect his system in some way or another.

All I would like is to have the bill passed. It will protect people like this and other people from long-term effects.

SENATOR DALTON: Thank you very much.

AUDIENCE: (Applause)

SENATOR DALTON: We now have a Mr. Kane.

W I L L I A M K A N E: Good morning, Senators.

SENATOR DALTON: Good morning.

MR. KANE: I am accompanied by Mr. Tom Morhola, who is the Chairman of the UAW Health and Safety Committee for New Jersey. He would like to make a brief statement before I make mine.

SENATOR DALTON: Okay. Mr. Kane, are you affiliated with any --

MR. KANE: I am an international representative of the United Auto

Workers in Region 9.

SENATOR DALTON: Okay.

T O M M O R H O L A: Good morning. I would like to thank you for the opportunity to be here.

I am Tom Morhola, and I am the Health & Safety Representative for the United Auto Workers, Local 595, representing the employees at the Linden General Motors plant. I am also Chairman of the New Jersey Health and Safety Committee of the UAW.

I would like to present this panel with a small portion of what will be many signatures on petitions supporting this bill. We have approximately three thousand signatures on these petitions from only two of our New Jersey locals. These represent the General Motors employees in the State. We will have many more; we will be educating our members on the "Right to Know," and we will be using the full resources of our union to gain passage of this progressive legislation.

Thank you.

AUDIENCE: (Applause)

MR. KANE: As I said earlier, my name is Bill Kane. I am an international representative for the United Automobile Workers Union. I represent UAW Region 9, which includes the states of New Jersey, New York and Pennsylvania. Our union represents over 40,000 active and retired members in New Jersey, and it is on their behalf that Tom and I are here today.

I am going to be very brief and to the point, Senators. Before I do that, I would like to first of all, thank you, Senator Dalton, for the courage and progressive foresight that it took to introduce this bill. We certainly appreciate and understand the need for it.

Many people are going to testify before this body today, and they are going to talk about a lot of technicalities on the merits or lack of merit with regard to the fine points of law concerning this legislation. You are going to hear expert testimony from the medical community telling you what the needs are in strengthening such and such a portion, or maybe weakening another portion of the bill. You are going to hear people from the labor unions crying and telling stories like John Doe just did. You are going to hear people from industry tell you that this legislation is unnecessary, and that a Federal regulation will preempt this law very shortly. You are going to hear industry tell you about the impossibility of enforcing this law. They will tell you of every reason that could possibly be thought of why this legislation, if made law, will destroy the State of New Jersey. You are going to hear it all. You are going to hear it at these hearings, and you are probably going to hear much, much more of it away from these hearings. You are going to hear just about everything an industrial lobbyist can think of.

I only ask you to remember a few very important things when these spokesmen against this legislation speak to you.

One, they should have thought of all those terrible things that are going to happen to New Jersey if this bill is passed when they were making the huge profits in the the process of destroying the environment of the State of New Jersey and killing its workers and its citizens.

Two, you and the people of New Jersey owe them nothing.

And, three, if you listen to them, you may find yourself in the position of many of our members in the automobile industry, and that is, the statistic in the unemployment lines. We believe this is a very vital issue to the citizens of New Jersey that are coming together is a large, collective voice to ensure that this legislation is passed. They will be watching every legislator very, very closely.

If this fails to become law, the people will not have the "Right to Know" in the State of New Jersey, but they will know who denied them that right.

That ends my statement. If you will bear with me for a few minutes, I would just like to give you a brief demonstration of how we feel and kind of what this thing means to us and put in a little bit of a perspective that maybe people who don't ordinarily work in factories can't relate to, but we, who do work in factories, are confronted with. I would like to, just for a second, if you would, and this is only going to take a minute -- just imagine that this place were a factory or even an office or any place of employment, and we go in there everyday and we go to work.

(Mr. Kane demonstrates effects of leakage of unknown substances from a propane torch.)

MR. KANE: (continuing) Now, what happens when we go to work? We go in there and we are faced with the possibility of having to work with whatever we are told to work with. Our members go to work and the boss will --

SENATOR DALTON: Mr. Kane, I have a right to know -- what is that?

MR. KANE: Don't worry about it, Senator. We have been using this for years, and nobody has died yet. Don't worry about it. We have your best interests at heart.

As I was saying, you go to work in the factory, and the boss will say, "We would like you to go use this X-17 stuff over here." And, that is about what you would get. You get an exposure to X-17, you have to use it and you don't have the slightest idea what it is. It could come in this gaseous form, it could come in a liquid form, or it could come -- by the way, I forgot to tell you, this stuff can be harmful to your health -- that we do have in this bottle. I will tell you that much. It can be harmful to your health.

You may be a fireman, as the gentleman earlier testified, and you may come to a fire at this factory that we are in today. This stuff might be burning, and you don't know what it is.

You saw the incident recently in Louisiana where the toxic chemical had to burn out.

We don't have to watch the television in the State of New Jersey to understand that. We have had that happen to us time and time and time again. All we are simply saying is, industry is making a fortune on chemical pollution that they have done to the State of New Jersey. All we are saying is, it is about time that the workers and the community have the right to know just what the hell it is that they are working with. That is all we are saying.

AUDIENCE: (Applause)

SENATOR DALTON: Thank you very much.

Is Mr. Joe Larrio here from the Federation of Senior Citizens?

Mr. Larrio? (no response)

Okay, Lillian Robbins, Chairwoman, Health & Safety Committee, American

Association of University Professors? Is Ms. Robbins available?

MS. ROBBINS: (from audience) Yes.

L I L L I A N R O B B I N S: The A.A.U.P. at Rutgers represents 3,900 employees. We have become increasingly involved in the issue of providing a safe work environment for our members, colleagues, and other unions at the university and students. Although the initial impetus came from a single location, the Health and Safety Committee, which I chair, has dealt with a number of situations in the past few years that illustrates the need to know what goes on around us. That is why we are here today in support of the "Right to Know" bill.

The most dramatic situation we have had to deal with so far involves one building which houses a large-scale animal laboratory on the top two floors, with ordinary offices and classrooms on the floors below. For years, there had been severe leaks which left smelly residue, poor ventilation that made it hard to stay awake in some rooms, poor temperature controls that made it necessary for secretaries to use electric heaters in July so as to be warm enough to type. There were also bad odors, some chemical, some animal in origin.

Little was done to remedy these conditions until people began to question the possible relationship between environmental conditions and the high degree of serious illness among inhabitants of the building. This has since been confirmed by a large-scale study performed by the New Jersey Department of Health.

To this date, we do not know exactly what was used, what the hazards were, or know what peoples' exposures have been. We have even been told that it is not legitimate for us to raise such questions. We have been able to make educated guesses based, in part, from our personal experience, selected reading of the animal laboratory's publications, and sporadic tests performed by the university and outside agencies. But, it should not be necessary for us to become private detectives in order to know what is going on around us.

One additional point -- We learned in the course of our attempts to identify possible hazards in our work environment that, as public employees, we are not entitled to the protection of OSHA and NIOSH, although the Department of Health was able to call NIOSH in for technical assistance in the course of its evaluation of health problems.

Another illustration of the need to know stems from experience in one of the university's chemistry labs. When there was a delay in the collection of waste, a reaction was set off one weekend. Although the authorities knew how to cope with it, there were, unfortunately, no procedures for warning workmen who came to clean up Monday morning. Again, knowing what was spilled, as well as what was used to contain it, would have been essential in developing procedures to safeguard people who had to enter the labs. For all I know, it was X-17.

Employees have also been interested in learning whether the dust flaking around them is asbestos, and we are still in the process of discovering where it has been used and the priorities for its removal. We are concerned about knowing more about the substances used around us for different reasons. We are concerned about the people who work in laboratories, particularly the support staff, who may not know the risk they run in handling toxic materials. We are concerned about non-laboratory people who may be exposed to a variety of toxic materials, whose existence they do not even suspect, simply because they are assigned to work in buildings which also house laboratories.

We are concerned because there is insufficient emphasis on teaching undergraduate and graduate students the safe use of toxic substances. We feel that this is crucial, not only during the time they are at the university, but because their increased safety awareness should help them insist on equally high standards when they join the work force.

We are concerned that the increased costs of research, as well as scarcity of funds, will increase pressures on the part of both researchers and administration to cut corners where health and safety are concerned.

We are concerned that the use of toxic substances in sealed buildings, with a possibility of recycling by poorly maintained or an energy-conserving ventilation system, may unwittingly increase hazards.

We feel strongly that there is a great need for increased monitoring, not only of environmental hazards, but also of health problems that, unfortunately, still have to serve as early warnings of problems, as Dr. Gochfeld indicated.

Finally, we feel strongly that people should not be penalized for their concern with these issues. We have noted that some of the non-tenure people who have raised questions about the safety of their work environments have not been reappointed. One reason for A.A.U.P.'s strong involvement in this issue is our belief that we can make a real difference in this area by working as a group with senior people taking the lead for the more vulnerable.

Thank you.

SENATOR DALTON: Thank you very much, Ms. Robbins.

AUDIENCE: (Applause)

SENATOR DALTON: Next we have Father Doyle from the Camden Metropolitan Ministry. Father?

FATHER DOYLE: Thank you for inviting me and allowing me to speak to you. I am an immigrant to this country, and when I came here in 1959, I had never seen spaghetti before. I looked at it, and it was a strange-looking entanglement, and I said to someone, "Does this grow under water?" I was told that it was safe to eat it, and I eat it, and I have lived in this country ever since.

So, I wanted to speak for people who are more ignorant -- people who don't really know very much about what is going on and simply breathe. Poor people care about what they breathe.

I come from Camden, which is an oppressed city, and right now, the County of Camden is preparing to build a pipeline that would bring the sewerage of Camden County into the city to be treated. The pipe is nine feet in diameter. If I owned a Honda, I could drive it through it.

Eighty million gallons will come into this city everyday. The people are ignorant of all of this and do not know how to cope with it. The liquid matter from that abundance will be treated and will go into the Delaware River. The semi-solid matter will be burned.

In conjunction with the solid waste of 13 towns of Camden County, I want to know what is coming down from the hoppers of Camden County. I want to know what is coming from the factories. I want to know what is being burned in my space, the only space I have to breathe. I want to speak for those poor people who don't understand the word "toxic," but breathe.

There is an obligation upon all people to protect life, and the first

line of defense is not maybe against the Chinese, but maybe the diseases that afflict people.

Camden is a political cripple; it cannot fight those things, but if we knew -- if we knew what chemicals in Camden County were being made or changed or modified -- if we knew what was coming down there to be burned, maybe we would have some chance to protect our lives.

Any society that prevents knowledge is going backward. Any society that hinders knowledge from its citizens is barbaric. It is uncivilized. So, I am saying that there is a moral imperative upon all of us to make sure that human beings know something about the air in which they live and breathe. It is a very serious issue, and I would commend all of you, and Senator Dalton, for taking that to heart -- the "Right to Know." It is as fundamental as life itself.

I have been trying for many years to have some little impact upon this situation in Camden, and I have failed. It is because we are weak, and it is because we don't have political strength. It is because we don't have knowledge that we get the sewerage and the trash of Camden County. There is not a chance in the world that such an arrangement would be placed in Tavistock Country Club -- not a chance in the world -- not a chance that Wexford Leas would be leveled to accept this plant. No, it will go in the most concentrated area of the poor people in Camden County.

That is a terrible hazard, and the children in the school in which I have, get off of the bus in the morning holding their noses. They have a right to breathe. It is not their fault that they were born in Camden, but that have a right to breathe air that is healthy. Very soon -- very soon, they are going to build a coal incinerator a few blocks away that will burn everything that comes down the pike. And, we will live in the shadow of that smoke.

I ask you, and I ask the labor people here, and the people of moral integrity in this State, to make a statement on behalf of all and say that we have a right to good air, and we have a "Right to Know."

Thank you.

AUDIENCE: (Applause)

SENATOR DALTON: Thank you, Father Doyle.

Mr. Bob McCarthy, International Association of Fire Fighters? Is Mr. McCarthy here?

B O B M C C A R T H Y: Good afternoon, Senator Dalton. Thank you for the opportunity to be here today.

I am Bob McCarthy, Health and Safety Representative of the Fire Fighters Association of New Jersey affiliated with the International Association of Fire Fighters, AFL-CIO.

Our State Association strongly supports passage and implementation of the "Worker and Community Right to Know Act." Fire fighters, as such, are workers and residents of the State of New Jersey. Historically, fire fighters have sought to protect themselves against the hazards of the fire ground by protecting themselves against observable, life-threatening effects of fire-ground hazards.

Personal protective equipment was developed and proved on that basis. A blow to the head could be mitigated by a helmet. Burns could be prevented by the wearing of a fire-resistive coat. Carbon monoxide poisoning could be prevented by utilizing breathing apparatus.

The literature generally available to fire fighters has for years avoided the notation of long-term effects of hazardous exposures. However, acute effects from acute single-episode exposures were commonly noted. Again, the carbon monoxide example -- too much CO absorbed into your system could kill you in a relatively short time.

In 1980, the International Association of Fire Fighters conducted a death and injury survey. For the first time, they queried their respondents on the incidents of cancer. The startling figure is 36% of all fire fighter deaths are cancer-related.

I would like to note at this time that firemen are not only firemen in the sense that they go to fires. They are emergency-responding personnel that respond to non-fire incidents. When an industrial process goes awry, it is often the fire fighter who is the first one on the scene with the best equipment he has available, which I regard not at all sufficient to meet the needs imposed upon him in today's fire-ground environment.

Fire fighters are constantly observed in the midst of uncombusted vapor, mists, fumes, fogs, and particulate matter. Today, the fire fighter is not only interested in the ignition temperature and flash point of chemicals, but they like to know something about the toxicity data and occupational exposure limits. These will be found in an MSDS, which fire department personnel can access upon response to an industrial process that has gone awry, whether it be a fire or a non-fire incident. A spill -- who do you call in case of a spill? Your fire department, of course.

On October 1, this past Friday, the New Jersey Department of Health published a report, "Fire Fighting in New Jersey, Hazards and Methods of Control." It describes fire fighting hazards and it posits certain recommendations to eliminate or mitigate those hazards. One of the recommendations is the requirement for labeling and reporting of bulk chemicals.

My Association, the Fire Fighters Association of New Jersey, believes that the fire fighting occupation is the filthiest occupation in the United States, and believes that all exposures for fire fighters have significance and should be recorded. Our Association has developed an exposure reporting system. We are computerizing our exposures based upon the best available information to us.

Again, we are differentiating here between trauma and disease. A blow on the head, a short time afterwards, possibly as late, the next morning, this blow that occurred at the fire, a little rise in ~~the head~~, a little bump in the noggin.

We are talking about exposures of a different kind today -- exposures that are relatively unforgiving. You don't go to the doctor and ask for a pill, or a shot. They are deadly and unforgiving exposures. And, these are the kinds of things we are trying to make a record of. A Material Safety Data Sheet, and a labeling law would enhance the fire fighter's ability to properly record those untoward exposures. This Exposure Program is being implemented on a state-wide basis.

All the fire departments themselves, as a unit, will be able to access an MSDS. This is critically important to a fire department first on the scene in an emergency condition. Also emergency medical technicians and police -- their occupational work place is often hard by the fire fighter in the midst of Hades.

One might argue that fire departments go out and inspect anyway regard-

less of the labeling provisions that might be allowed in this act. Well, we try and get out at least once a year -- we try. We don't often do that because of manpower constraints. Suppose we go out and inspect an occupancy once a year. What happens the next day when a new owner takes over or a new process is involved?

In summary, I should also like to note that the Hazard Communication Rule proposed by the Occupational Safety and Health Administration, as noted in Federal Register 3/19/82 excludes the community. Public employees are not covered. We are public employees -- the professional fire fighters in the State of New Jersey. We elected (inaudible) in 1970.

In closing, I would like to say that fire fighters in New Jersey are not only interested in gallons per minute, flash points, and ignition temperature, but surely, they should be interested. But, we are interested in terms of parts per million, parts per billion, milligrams per cubic meter, and TLV's. These are the kinds of things we are interested in today.

Senator Dalton, I thank you very much for the opportunity for being able to speak to you today on this issue.

AUDIENCE: (Applause)

SENATOR DALTON: Just so that everyone understands, let me repeat again that I, as well as the staff of the Committee, will be here up until five o'clock. It seems that we have a number of people who want to testify. In order to ensure that everyone has that opportunity, please, if you would make your comments somewhat brief, so we can move along and give everyone the opportunity to speak.

The next speaker will be Mr. Ted Kowalski of the Asbestos Victims Association. Mr. Kowalski?

T E D K O W A L S K I: Senator Dalton, I am very grateful for being given the opportunity to be here this morning to speak for a worthy cause. We do have a right to live, and we do have a right to breathe.

But, to live is not merely just to breathe, but to act, and you have acted -- you and your constituents. But, to some of us, it might be too late.

For a moment, I would like to take you overseas, across the Atlantic, to London, England, where just recently, in the last month or so, a two-hour documentary was shown, and some of the film was taken here in the states. The documentary was listed as "The Tragedy of Alice," a forty-seven year old housewife, who at a young age, worked in an asbestos plant. Years later, she found out that she was a victim of mesothelioma cancer from asbestos. This woman died, leaving two children and a husband.

And, also a young man at the age of 12 years old, by the name of Johnny Carson, who helped his Dad on weekends cleaning the wheels on his truck that was loaded with asbestos -- this young man is no longer with us. I am sure he had ambitions of being an athlete, a doctor, or a legislator. Who knows? But, his dreams were snuffed out by that silent killer, asbestos.

Only those of us who are victims really and truly understand the problems caused by the ills of industry. I am a victim of asbestos. My wife, Elizabeth, on my right, who never worked in a plant and never smoked a day in her life, was diagnosed by four doctors as having asbestosis. She is a victim. My son, at the age of 31, was diagnosed as having asbestosis. We are the unfortunate ones, but we are here to make sure that the children in the future, your grandchildren, will

not suffer as we did. We worked under conditions that were bad. We ate, drank, and spoke, and everything was asbestos dust. Not once were we told that this would cause illness, cancer or death. Not once were we told not to take our clothing home or to take it home on our bodies because it might contaminate our families -- that they might get sick and might die. I could honestly say that industry used us like a bunch of diseased prostitutes. They allowed us to carry burials home to our families.

My neighbors and my friends are dying by the week. It is a tragedy. But, where do we go? The same ones who made us ill keep fusing the ignorance of the facts with the excuse that they did not know about the ills. They did not know until 1964, but yet, here is a doctor, a Dr. Denny, who states that in the early 1940's, he checked x-rays from employees from Johns Manville that were sent to the Somerset Hospital. After examinations were made, he found that people were being sick from asbestos. This was in the early 1940's, but yet, industry hid the facts because they placed profits over human life. Is this our way of life?

I will ask you, Senator Dalton, and your Committee members, how many of you are victims or potential victims? How many of you have been exposed to the water you drank that was supplied through asbestos pipe -- or the person you sat next to on the bus who was coming home from his job and his clothing had asbestos on them -- or your children who were exposed to asbestos ceilings in the school-room or from the asbestos on the tile floors? That "Alice" could be one of your family, and that young man, Johnny, could be one of your sons.

I am here on my own. I paid my own expense to be here, and you will, I am sure, hear testimony from lobbyists for industry. They will be paid to be here, and they will be paid to say what their industry wants them to say. But, you, as legislators, have an obligation, not only to yourselves, but to your families and to your constituents, and to God and humanity -- you have no other choice but to support this legislation, and see that this legislation is passed and signed by the Governor, because we, the victims, have nowhere else to go. All we have to do is look at our neighbors that are dying, and we know that we have the same death to look forward to.

But, we want to prevent you, your children and your grandchildren from living in that same fear, so they can live a decent human life. And, I am sure that each and everyone of you will use the tools of your legislative system to make this bill become a reality. I am sure that we, the victims, and we, the supporters of this legislation, will use the tools of our Constitution -- freedom of choice and freedom of speech -- and we will use our tools of our Constitution wisely to help you and your Committee pass this legislation.

I thank you.

AUDIENCE: (Applause)

SENATOR DALTON: Pat Morrissey of the New Jersey Tenants Association?

P A T M O R R I S E Y: Senator Dalton, thank you for inviting me to speak here today.

My name is Pat Morrissey. I am the Vice President of the New Jersey Tenant Organization. We are a statewide membership organization that represents the economic interests of tenants, but our Board of Directors try to keep track of and get our members involved in other important issues. This, the "Worker and

Community Right to Know" bill, is just one of those issues.

Of course, tenants are also consumers, workers, old people and young people. And, it not that the tenants are any more susceptible to pollution hazards than home owners, although our members are of a lower income and more of them tend to live near potential sites of hazardous sites.

Health dangers of chemicals in the environment came home to the New Jersey Tenant Organization in a very dramatic way over the past ten years. The two co-founders of our organization, Ronald Atlas and Martin Aaronal, both died of cancer, and neither of them had reached the age of forty.

In the neighborhoods and cities and towns, our local Tenant Organization Chapters are linked closely with local citizen groups that focus on the issues of chemical contamination, air pollution and hazardous waste-dumping. We come from Newark and Paterson, from Jersey City and Elizabeth, from Perth Amboy and New Brunswick, Atlantic City and Vineland, and 120 other cities and towns. On the State level, we work closely with many of the groups that you have heard from and will hear from today -- groups like the United Auto Workers, the electrical workers, the environmentalists and others.

Our hope is simply that the "Right to Know" bill, once it is passed, would work like this from the community point of view: that citizen groups become alarmed about a local facility. They notice smells, they see chemical containers stored outside, chemical trucks coming and going. They could then do something they can't do now. They go to the County Health Department, and they look up the Material Safety Data Sheets for that company, and they can find out what chemicals are being used, and what the toxic and health effects of those chemicals are known to be. They can then decide if there is reason for concern. Are those barrels of turpentine, or are they barrels of some other hazardous chemical that can't be touched or breathed?

They would then meet with the management of the company and find out, how are those chemicals handled? How are they disposed of? How are they stored? And, what fire prevention methods are taken? They could then meet with local health officials and compare their information. Do we have reason to be alarmed? Should we be scared? Should management be doing something else? And, meet with the fire officials. Are we adequately protected in case this plant down the street blows up or starts on fire?

I have heard the chemical industry lobbyists claim on television that the "Right to Know" will create unfounded hysteria in the community. Well, I think the state of hysteria exists now, and I think only knowledge in the community and by the workers, and assurances of safety, will quell that hysteria.

Is there any other answer to our fears that we are being poisoned? Should we go home, take two Tylenol, and lay down? I say, "no." We need the knowledge -- we need the assurances that we are safe. And, the New Jersey Tenant Organization will work through our local affiliates to speak with and lobby Senators and Assembly representatives to see that this "Right to Know" bill is passed.

I thank you.

AUDIENCE: (Applause)

SENATOR DALTON: Thank you.

Noah Seixas, Somerset Health Department?

N O A H S. S E I X A S: Thank you. My name is Noah Seixas. I am an industrial

hygienist, and I am here representing the Somerset County Health Officers' Association, which is an association of health officers working in the municipal health departments of 23 municipalities in Somerset County and part of Middlesex County.

I am here because we have, for the past three years, had an Occupational Health Program, employing industrial hygienists to look at industrial plants in our area, and to make hazard assessments and recommendations for reduction of those hazards.

Over the three years that we have been operating, we have inspected 250 plants, and I guess the bottom line of why I am here is the fact that the biggest problem that we face in doing these inspections -- the biggest problem we face in the inspections is our ability to make the initial hazard assessment -- the initial identification of the chemicals in the plants that we go into.

Before we are able to do any follow-up, any detailed industrial hygiene or make any recommendations for the reduction of those hazards, we need to have precise information on what the exposures are.

I will try to keep my comments short so we can move on for the other testimony. What I would like to say is that local health departments in the past have not been very active in the area of occupational health, but that is rapidly changing, and I think New Jersey is taking a lead in that area. There are now three programs around the State where local health departments are becoming involved in this type of activity.

In addition to the rising interest shown by the health offices and sanitariums around the State, there is also a new core activity that has been proposed by the Public Health Council, which sets minimum standards of performance for the health departments, which will require the local departments to become involved in occupational health.

Basically, the problem is that we will have people who do not have a tremendous amount of expertise trying to do hazard recognition and identification in those plants. They need some way of making those identifications, which will expedite the process, and we are now trying to come to grips with.

Let me make two points from our experience, and then I will go on. First, companies that we deal with have often not inventoried their materials with an eye for health hazards. We are presently involved with one such company, which employs about 50 people, mixing pigments with plastic resins.

OSHA has identified that they have a problem with their lead pigment exposures. However, when we conducted an inspection, we found that there were a great number of unidentified pigments identified only by trade name, which were being used in the same way that the lead pigments were. We suggested, since we know that pigments do contain a number of other toxic chemicals and other carcinogens, that they should look to the same type of hazard assessment and exposure control that they are involved in with the lead pigment.

Up until this time, the companies refused to show us an inventory of their materials, which would allow us to do an adequate hazard assessment. But, I guess what I would like to say in addition to that is that our ability to bring this to their attention has got them thinking about the problem, has got them starting to make some hazard assessments on their own.

If the "Right to Know" was in place, first of all, we would be able to

look at the chemicals there in a much more efficient manner and identify the hazards that exist there today. In addition, the companies themselves would have a strong incentive to look at these things themselves and start to deal with the problems that do exist.

Secondly, we are dealing with physicians in Somerset County by the Work Illness Registry, the idea of which is that physicians will report to us when they see a case of occupational-related illness, and we'll then conduct a plant inspection on that basis. The hope is that we will then be able to prevent future occurrences of illness, and physicians will be in a better position to make a positive diagnosis.

In one case, however, the trade-name problem has already confronted us. A physician reported a case to us of a man with a non-specific neurological complaint, which their physician thought could possibly be related to a chemical sensitivity from the man's work environment. We inspected the plant and found about 30 trade-name materials for which we haven't been able to get any identification. Where that leaves us is that the patient continues to work in the unknown environment. We were unable to make an adequate hazard assessment in that area, and the physicians had to go on treating the patient without the adequate knowledge of what the cause of the problem might be.

Just to summarize, I guess I am speaking for a local health department, an association of local health departments that made an attempt to get involved in this issue, and our most pressing need is our ability to identify the chemicals in the plants in our area so that we are able to do adequate hazard assessment and work with the industries in reducing those exposures.

AUDIENCE: (Applause)

SENATOR DALTON: Thank you, Mr. Seixas.

TONY MAZZOCCHI: Tony Mazzocchi, Oil, Chemical, and Atomic Workers, District 8 Council? On behalf of the District 8 Council, we appreciate the opportunity to make a few brief comments.

The Committee is to be commended for carrying out one of the essential mandates of the "Occupational Health and Safety Act of 1970." In the enumerated purposes, it specifically attempts to encourage the states to develop legislation involving the health and safety of the citizen that goes beyond the baseline established by the OSHA Act.

Practically all of the experiences you have had related to you here today, we have shared in. Our membership is heavily involved in the oil industry and the chemical industry in this State.

We would briefly like to bring to the attention of the Committee some observations we have.

Since all the observations made by workers in the 1950's, 1960's and 1970's have turned out to be accurate, everything we know about occupational disease does not come from the medical community or the corporate community or government. It all grows out of direct testimony of workers making those appropriate associations. We would hope to see a more scientific approach.

The biggest retarding factor is our inability to understand the nature of the toxic environment we work in. In New Jersey, we have had some very dramatic episodes that have had severe consequences for the citizens of New Jersey.

We were wondering in the 1950's and 1960's about what we were dumping -- about the fact that we were observing some ill effects from that dumping, but we received no response to those observations.

Now we have the Meadowlands contaminated by thousands of pounds of mercury from plants that our members have worked in. The Atlantic Ocean has been the recipient of every known type of toxic substance produced in this State.

We have had some other experiences that this act would certainly address. There isn't a hospital in the State of New Jersey that can deal with any number of chemical victims at any one time. Inevitably, there will be a large chemical spill in this State, either from a rail accident or a truck accident. We have had the experience of workers being sent to local hospitals as a result of being overcome by a chemical substance, not being treated appropriately because the hospital did not know a thing about the work environment, the medical protocols used were improper, and the victim died.

We have attempted to notify every hospital in the State. We produced a poster called "Medical Emergencies. In fact, one hospital that we presented it to was where two of our men have died, and the majority of the Board of Directors of that hospital are occupied by, unfortunately, the very company in which the accident happened. That poster has yet to be posted.

There is a catastrophe on its way in the State. No hospital has appropriate equipment to deal with more than maybe five or six chemical victims, and the "Right to Know" would be a catalyst. It would make hospitals aware of the type of contaminants there are in the community, and they can begin to react to that situation.

We have noticed among our members, not only cancer and heart defects -- we are noticing something else that disturbs us, and as I pointed out, our observations have always turned out to be correct. We have some very definitive studies underway, but we are noticing an increasing number of cases of sexual dysfunction, impotency, infertility, and cancer in newborn children. That concerns us a great deal. Not only is the present work force being doomed by what they don't know, a future generation is being doomed by virtue of what we collectively do not know.

So, this act would begin to address specifically those problems, and it is rather late, and there is a very strong imperative to have it passed.

I would like to make just one other point, and that is the economic consequences of the inability to know what is knowable at the point of production. Health-care costs are escalating rather rapidly. We maintain that health-care costs are escalating rapidly because the victims of plant exposures are entering the health-care system, and the third-party payers have to finance that system. The victims rightfully belong in the Workers' Compensation system. They don't find their way into the Workers' Comp system because workers don't know what they have been exposed to, and the medical community can't make the appropriate association. So, industry is being let off the hook, health care costs are being socialized, and therefore, the community, as a whole, pays for collective inability to learn what we are working with.

One additional final point -- In this State, the chemical and oil industries refuse to tell us how long we live. They are the only ones who know.

We are all covered by pension plans in our industry, and the industry refuses to tell us this because the data we have seen so far strongly suggests that the average oil worker in this State is living 10 years less than what one would expect, based on national actuarial data. This denial of this very fundamental information, of course, is compounding our suspicion that something we work with is causing early death and, certainly it increases not only the moral toll, but also the economic toll.

We would also attempt to convey to this Committee that industry information about their record keeping should be viewed with a deep suspicion. The industry has been relying upon the fact that they have less lost-time accidents than anyone else. Any worker in industry in this State could tell you, especially in the chemical and oil industry that lost-time accidents are really a record of nothing because you can have a serious accident, be injured, and be wheeled into a work place, so you don't show up as a long-time statistic.

One statistic that is not kept is illness data that is contingent upon exposures at the work place. That never finds its way into the data-keeping system. So, that evidence, which the industry consistently submits, are to be viewed with great suspicion.

On behalf of our membership, we would encourage the most expeditious action on this "Right to Know" legislation.

Thank you.

SENATOR DALTON: Thank you, Mr. Mazzocchi.

AUDIENCE: (Applause)

SENATOR DALTON: Jerry Balter, Philadelphia Area Project on Occupational Safety and Health.

J E R O M E B A L T E R: Thank you, Senator Dalton. My name is Jerome Balter. I represent the Philadelphia Area Project on Occupational Safety and Health, an organization that has over 100 unions. Twenty-five of those unions come from South Jersey.

I will keep my remarks very brief. Mr. Mazzocchi just had some reference to the relationship between occupational illness and Workers' Compensation. I would like to give some statistics about just the disease of cancer.

Last year there were some 400,000 occupational illnesses, of which about 100,000 were work-related. Fifty thousand of the deaths are estimated to have been caused by cancer, resulting from occupational exposures to carcinogens.

In 1981, in the State of New Jersey, ~~some~~ 31,000 persons learned for the first time that they had contracted cancer. Of those, approximately 3,000 to 5,000 new cancer cases are related to occupational exposures, and 1,000 to 2,000 are related to carcinogenic pollution of the environment. That is a lot of deaths, that is a lot of new cancers, and that is an ongoing and ever-increasing number of cancers in the State of New Jersey.

Most of these people have never been compensated or their families compensated in any way at all. There is hardly a single case of Workers' Compensation for cancer, and that is due to, primarily, the fact that workers are not aware of what substances they are exposed to. Doctors don't know what the cancers are due to because their patients can't tell them what they were exposed to, and the chemical industry, as they will tell you later today, is the safest

industry in the United States. That is because all the illnesses associated with the industry are covered up by ignorance, and that is the ignorance that the industry wants to maintain.

I happen to work with people in the Bridesburg section of Philadelphia, an area of high industrial concentration, chemical industry like Rohm and Haas, Allied Chemical -- up until relatively recently, there was a coke company, there were smelting companies.

We did a lot of investigation as to whether or not these emissions that the workers don't totally absorb, and therefore, they get out into the community -- whether they were affecting the community. We found that, in the Bridesburg area, the cancer mortality rate was more than double -- more than double the national average.

For instance, the national average in that year was about 188 cancer deaths per hundred thousand. In that year, New Jersey had approximately 216 cancer deaths per thousand overall. In the Bridesburg community, it was 403,000 cancer deaths per hundred thousand. And so, the workers, as well as the people in the community, are the victims of these emissions, which are too great and must be controlled. They are the victims, in a sense, of ignorance.

Your bill, Senator, S-1670, would overcome to a large extent the ignorance that has existed and that has allowed these deaths to go on year after year after year. The bill differs from most of the "Right to Know" bills that other states have enacted. Most of the other state "Right to Know" bills merely give workers in a place of business the right to get information from their employer. It does not provide any ability of the public to know, and it doesn't provide any right on the part of emergency workers, such as fire fighters, to know.

One state differs from that, and that is the State of Connecticut. When New Jersey passes your "Right to Know Act," New Jersey will be the second state in the United States to provide a public "Right to Know."

I take a little personal pride in the fact that the first public "Right to Know" actually occurred in Philadelphia early in 1981, and many cities and municipalities, such as Cincinnati, have taken the lead from us in that regard.

I want to spend just a few minutes on those aspects of your bill, Senator, that would provide protection for workers who exercise their rights under the "Right to Know Act" or bill. I think this is an absolutely essential feature of the bill, because it will give workers the needed courage to exercise the right. Without that protection, workers will have great hesitation in going to their employers, seeking out the information that is to be provided. That applies, Senator, whether it be a union shop or a non-union shop. In non-union shops, it almost unheard of for workers to go to their employers. Therefore, the public aspect of the bill becomes important. The public aspect of the bill would allow a worker to circumvent having to go to his own employer. He could go to the Department of Environmental Protection and get exactly the same information that he should get from the employer.

The aspect of the bill that would require employers to furnish information within twenty-four hours is a vital aspect of this bill. Since it allows and enables employees to resist working with a product or a chemical, unless the

information is furnished, it will require that every employer find out all the substances in his place of business.

We have heard, for instance, the man from one of the County Health Departments who told about the difficulty they have in ascertaining what is in particular substances because all they have are trade names. Well, even if that particular product is made out-of-state, the New Jersey purchaser will have to find out what is in there, or he will not be allowed to have it on a facility in New Jersey.

The right of the public to enforce the law through a citizen's lawsuit provision, we think, is very important in the field, for instance, of environmental law. The right of the public to enforce the law has provided, to a large extent, most of the enforcement of environmental laws. Unfortunately, the OSHA Act doesn't have it. There is no right of workers to enforce the law.

Your bill will give workers at least the right to enforce this aspect of the law, and therefore, it is important.

I will submit to the Committee three proposed recommendations for amendment, and I will just mention them briefly. In the area of trade secrets, I believe -- and in this, you will not be a first -- I believe that the Connecticut bill provides that there shall be no trade secret to what this bill calls a special health hazard chemical -- that is, those chemicals that can produce birth defects, gene defects or produce cancer, just as there is no trade secret allowed for emissions of any toxic chemical. I believe that ought to be provided.

The bill also should make clear that if it is determined that a particular substance is a trade secret, that it will be given a registry number and all the information required on an MSDS, except the chemical name, will be replaced by the registry number and should be given out. Then at least workers will know what they are being exposed to and what the hazards are. In the event that they feel that there is a relationship between an illness and that exposure, their doctor will be able, under certain circumstances, to even find out the names of the chemicals.

I would recommend that there be a slight change in the provision having to do with the time schedule on the regulations. The time schedule on the regulations would require all regulations to be completed within ninety days. I think that is a difficult problem, and would prevent the regulatory agencies from periodically updating them, and therefore, I would say that within ninety days, the Commission shall be required to promulgate the first list of special health hazards. That is the key deal. People want to know that right away.

The rest of the list is set by the legislation, and finally, from experience, you have a provision on retaliation, which would allow workers to go with a complaint to a commission and see what the commission does about getting them back pay and getting them their jobs back.

Our experience in OSHA is less than satisfactory. I do not suggest that you eliminate it. I suggest that you also provide workers with the right to bring their own action for wrongful discharge. The State of New Jersey recognizes, and recently recognized, an action for wrongful discharge. That is a type where what the employer does is against public policy, and it would be against public policy to discharge or retaliate against any worker exercising his rights under the act, and therefore, such a discharge should give the right of

of a worker to bring an action like that and not have to depend upon a regulatory commission.

Thank you.

SENATOR DALTON: Thank you, Mr. Balter.

AUDIENCE: (Applause)

SENATOR DALTON: We are going to go next to Eileen Tarlau, United Auto Workers International Union.

It should be noted for the press who is present, that starting at one o'clock, we are going to hear from the industry, so we want to be as even-handed as possible relative to these hearings.

Ms. Tarlau?

E I L E E N T A R L A U: Good afternoon, Senator Dalton. My name is Eileen Tarlau, and I am an industrial hygienist with the Health and Safety Department of the International Union, UAW, in Detroit, Michigan.

I am here today to register the UAW's support of Senate Bill 1670. We believe that this bill will result in immediate and substantial improvements in the working and living conditions of the 40,000 active and retired UAW members in New Jersey.

This bill is historical legislation which will grant the citizens of New Jersey access to life-saving information, which has never before been freely available to them.

The UAW believes there are five provisions of the bill that are especially beneficial:

1. That the most complete list of hazardous chemicals anywhere has been used to define what chemicals must be labeled.
2. Common names and health hazards of those chemicals are required right on labels, affixed to chemical containers, so that this information is immediately available to workers.
3. Every affected citizen and worker is covered by the bill. There are no broad exemptions.
4. Trade-secret obstacles to getting information are minimized by placing the burden of action and proof on the employer to defend trade secrets.
5. The likelihood that the "Right to Know" will really be used is maximized by several provisions, including the right to refuse, the right to complain, and the right to remain anonymous by gaining access either through a union or health department.

Years ago, we, in the auto industry, were not aware that we were also in the chemical business. Safety was our first concern. Now we have learned differently.

Recent reports of cancer hazards cover a wide variety of industry types where our members work. Workers in vehicle assembly plants like those in Linden and Metuchen suffer increased rates of lung, lymph and total cancer. Assembly plants have within them a very broad range of chemical exposures -- welding, undercoating agents, adhesives, paints and solvents, metal dust including lead, and gasoline exhaust.

Workers on machining and grinding jobs, like those of Hyatt Industries in Clark, suffer an excess of cancer in various sites in the digestive tract.

Cutting fluids in these operations are complex mixtures of chemicals, including nitrites to control acidity and biocides to kill bacteria. These fluids break down from the heat of the machining and heat-treating, forming other potent chemicals.

Here in Trenton, workers at the GM Fisher Body plant are involved in plating and dye-casting operations, either the same type as in the plant where a recent mortality study found excess lung cancer or millions of suspected carcinogens, such as chromate, nickel, and oil smoke, may be responsible.

Many more chemical exposures exist in this State's UAW-represented plants. Is it any wonder then that the working men or women of New Jersey are the impetus behind this "Right to Know" bill? They clearly recognize that the names of the chemicals they work with are a starting point for further action on their part to control chemical hazards.

The discovery of the identity of work-place chemicals has taken out much energy.

I would like to enter into the record an educational UAW document called, "How to Crack the Company Code, Getting the Names of Work-Place Chemicals," which describes the length to which our members have been forced to go to get the identity of the materials in the plant. In this document, we advise workers of a number of tactics to use to find out what they work with -- negotiating contract language, writing a product vendor directly, calling in NIOSH, filing a grievance, or even filing charges with the National Labor Relations Board.

We also note locations where the local union threatened to handbill the plant to publicize the company after its refusal to identify the chemicals in the plant. This threat led to the company disclosing the chemical names.

There are other locations where workers have sneaked into the plant's shipping department to copy chemical names from invoices.

We discovered in the campaign that not only were workers denied knowledge of chemicals, but often their employer was unaware of their identity and hazards as well. Often the employer would agree to pass onto the union whatever information he has. Then we would find out that there was no information, inadequate information, or information tied up by confidentiality agreements.

Major companies have told us that they must wheedle information from suppliers, often can't get what their health professionals think is needed, and fear lawsuits or drying up of information sources if it is passed onto workers.

During the July hearings on the OSHA Hazard Communications Standard in Detroit, the Motor Vehicle Manufacturer's Association of the United States testified in favor of a strong Federal labeling standard. They reported their frustrating experiences in obtaining Material Safety Data Sheets from vendors. One company got a response 35% of the time on first request, 68% after two requests, and 90% after four requests over a period of two years. They were never able to get a data sheet for 10% of the chemicals.

Another company ultimately got a filled out sheet back 72% of the time, but only 40% of them contained satisfactory information.

I believe the experiences of the Motor Vehicle Manufacturer's Association show that when talking about chemical labeling, an important distinction must be made between companies that manufacture chemicals versus companies that

use chemicals.

When GM and Ford cannot convince chemical manufacturers to divulge chemical hazard information to them, then there is a definite need for legislative intervention. It is time for government regulation to act as a power equalizer between the chemical companies, user companies, the community and workers.

The passage of Senate Bill 1670 is in the interests of the companies in New Jersey buying and using chemicals. The law will help them pressure their chemical suppliers. They will be better able to demand that the chemical containers be properly labeled and accompanied by high-quality data sheets.

I don't perceive that these user companies will need to do their own labeling. The necessary information, and therefore, the responsibility to label, lies with any chemical manufacturer who wants to sell chemicals in New Jersey. Users will simply have to leave those labels on, follow the supply-data sheets, and make them available to workers and the community.

The fact that good data sheets are currently so hard to get, also belies the claims that companies are already doing everything that the bill would require. It should be obvious that a company can't evaluate potential health risks and develop safe procedures if they don't know what chemicals they are talking about.

Tell me of any company in New Jersey that is already doing all this bill requires, and we will arrange an independent group of scientists to inspect their plant. I guarantee, we will find problems. Likewise, give those scientists the Material Safety Data Sheets supplied by the chemical manufacturers in New Jersey, and I guarantee, they will find numerous shortcomings.

Obviously then, user companies need Senate Bill 1670. So do workers and communities. There is already great public awareness about toxic substances in New Jersey. Citizens here have seen many plants explode and burn, innumerable towns evacuated after tank cars overturned, and cancer statistics, which indicate that cancer may be the biggest growth industry in New Jersey.

Those who say that this bill will open a Pandora's box should realize that the top blew off that box in Elizabeth, Manville, Camden, and a dozen other New Jersey towns touched by chemical tragedies.

It is appropriate for workers in communities to be informed and involved in fighting chemical hazards. Fear may be an appropriate response when they find out what they are working with or living near. This fear, however, can motivate appropriate action, including independent research of chemical hazards, requesting and evaluating air, water and other chemical samples to determine degree of exposure, asking for improvements in ventilation and air pollution equipment, suggesting that less toxic chemicals be substituted or alternative processes be used to eliminate certain chemicals.

I would like to enter into the record the second educational UAW document entitled, "Digging for Chemical Facts," to illustrate one constructive use our members can make of the information S-1670 will release to them. This fact sheet lists chemical hazard books. With these, health effects and controls can be researched to independently verify information supplied by companies. Experience has shown that most people can develop the skill of using these books. The conventional wisdom, which says that working people are stupid, is simply

not true. It can no longer be used to justify the historical exclusion of workers from decisions which affect their lives.

The UAW is in favor of a strong OSHA labeling standard, and we have testified at length before OSHA on the need for a stronger standard than the one they currently propose.

There are several ways in which S-1670 is stronger than OSHA's proposed Hazard Communication Standards. OSHA's proposal doesn't cover communities, public employees, or non-manufacturing jobs like hospitals, offices, service garages, research labs, or longshoring construction, and agricultural workers. OSHA's proposal doesn't cover all the chemicals in the NIOSH Registry of Toxic Effect of Chemical Substances. Rather, it allows companies tremendous freedom to decide what they will label. OSHA's proposal has trade-secret loopholes big enough to drive a truckload of chemicals through. Almost any chemical identity may be concealed. Because of these factors, even if the OSHA proposal is promulgated in its current form, there will be still a need for S-1670.

And, in the unlikely event that the major improvements suggested by trade unions are incorporated, the OSHA standard will still not cover communities and public employees.

Trade secrecy is being raised as an objection to this piece of legislation. Uninformative trade names, which disclose nothing about chemical hazards, are rampant. There are 90,000 trade names claimed in the United States.

UAW believes that it is highly inappropriate for the "Right to Know" to be superceded by some chemical company's claim that they might lose sales if they reveal the identity of the materials. Worker protection is simply more important.

We also believe that there is widespread abuse of trade secret designation by industry. Most trade secrets are not even really secrets or legally defensible, because any serious competitor can analyze the chemicals to discover their identities. Yet, the business mind will grab the competitive advantage if there is one. Some manufacturers may think their product will sell better if they claim there are no hazardous ingredients. Others may fear their competition. In most cases, a business manager will claim something is a trade secret, just to keep the company safe.

We believe that S-1670 deals well with this issue by placing the economic burden of proof on companies that claim economic interest and gain. If something is really a trade secret, it will be well worth the expense of an administrative hearing.

The question on which S-1670 will pass or be voted down is the question uppermost in many minds -- it is the question, of course, if this bill will cost New Jersey jobs. Will plants run away, rather than spend the money to comply? Well, they certainly can't run away to New York, Philadelphia, Connecticut or the nine other states and cities which already have the "Right to Know" laws. And, they are not likely to run away to the 23 other states and cities in which "Right to Know" laws have been introduced. Right now, these campaigns are concentrated in the Northeast and the Mid-West, but they are moving west with laws in California, and south with laws in Louisville and Cincinnati.

And, keep in mind, there will be a Federal OSHA law, however flawed, which will be in effect in every state, and will at least begin to make labeling

a chemical industry-wide practice.

There has been no exodus out of localities with "Right to Know" laws. In fact, there has been a reluctance among ~~wor~~kers and communities to use the laws because of the threats of economic capital punishment of unemployment if they do. Workers have traditionally been forced to make such sacrifices to preserve their jobs.

UAW recognizes that putting chemical names on containers will not by itself eliminate hazards. Labeling is only the beginning, and not a substitute for worker education, toxicity testing, NIOSH research, union and company programs, and OSHA enforcement. These other elements of a national occupational health program must function as well if occupational disease is to be prevented.

The "Right to Know" is a prerequisite to change. It will promote awareness, but change will come slowly. The cost will spread out over time. UAW is convinced that other factors will over-show these, overshadow the impact of this bill in company economic decisions.

1982 is an election year. Health and safety is one of labor's top priorities. We have to make sure that the candidates who ask for our support feel the same way. The UAW is working hard on the "Right to Know" bill in New Jersey. It is important that the politicians we elect support this vital issue. Listen to us carefully. Give working people a fighting chance. Let us know the enemy. We'll take it from there.

SENATOR DALTON: Thank you very much.

Mr. Hal Bozarth, Chemical Industry Council?

H A L B O Z A R T H : Good afternoon, Senator.

SENATOR DALTON: Good afternoon.

MR. BOZARTH: I am Hal Bozarth, and I am the Director of Governmental and Public Affairs for the New Jersey Chemical Industry Council.

SENATOR DALTON: Excuse me, Hal.

MR. BOZARTH: Sure.

SENATOR DALTON: Can we keep it quiet, please? Everyone has had the opportunity, I think, to speak so far, and obtain the attention of everyone in the room. I would like that courtesy to be paid for everyone.

MR. BOZARTH: Thank you, Senator. I appreciate your concern in that area.

As I said, I represent the Chemical Industry Council of New Jersey, and I wish to thank you for the opportunity to address the Senate Energy and Environment Committee on your bill, S-1670, the Hazards Communication Bill.

As you are aware, the Chemical Industry Council of New Jersey is comprised of approximately 70 manufacturing and processing chemical companies. The chemical industry in the State of New Jersey is the largest of all the State's industries. We employ approximately 130 thousand people and produce approximately 12.5% of the nation's chemical output. Nationally, we rank second in chemical production behind Texas and ahead of Louisiana.

My presentation today endeavors to provide the Committee members with a rather broad overview of our concerns regarding S-1670. We also plan, at the upcoming two hearings to provide you with technical and specific information relating to S-1670 and the problems inherent in effective hazards communication.

First, Senator, some background about chemicals in the chemical industry -- Chemicals, as you are well aware, are the vital ingredients of modern life. Approximately 40% of all goods and services rely on chemicals in some way.

Chemicals form the synthetic fibers that make up our clothing. They become household products that range from detergents to linoleum, and are the building blocks for plastics for everything from toys to television sets, telephones and computers.

They are the base for life-saving drugs, and, when used in fertilizers and pesticides, protect and enhance our food supplies.

The rapid growth in chemical production and use since 1930 has produced this bonanza. Today, the chemical industry is the fifth largest U.S. manufacturing industry employing nationally about 1.1 million people.

Along with this growth has come increased use of chemicals by many industries and greater potential for worker exposure to them. This raises questions about chemical safety -- very obvious.

"What is in a container? How do I know if it is safe to handle? Can it cause long-term effects like cancer or birth defects? Will it hurt my ability to have children?"

Questions like these are obviously part of the issue faced by you and your Committee today.

It is an emotional issue that reflects worker concern about health and safety. It also shows growing concern outside the chemical plant, and questions about safety are being asked by workers' families and by labor unions.

The industry belief that no worker should be forced to choose between a good job and good health is reflected in the 1981 National Safety Council's Reports, which have been mentioned here previously -- that the chemical industry is ranked number one in safety among the 43 basic U. S. industries. This statistic reflects the lowest number of incidents of occupational illness and injury involving days away from work and deaths. Thus, the worker's safety does not appear to be harmed, as we have heard outlined in testimony that has been presented to this Committee, without, as yet, unverifiable sources.

The issue of Hazards Communication is one which is of extreme importance to the members of the business community in the State. In fact, the New Jersey State Chamber of Commerce, representing a much wider group of industrial establishments, fully supports our testimony given here today, and in the subsequent two hearings. We, in the chemical industry, are committed to the informed use of chemicals in the work place. This communication of hazards by companies to employees, we feel, provides sufficient standards, which will maximize the protection of the health and safety of the worker.

Many of our members have well-established programs that have been demonstrated as being effective for the protection of our employees. While our members do have established programs, we recognize that this practice may not be universal; therefore, the chemical industry has supported, and is supporting now a strong national program for hazards communication through the Occupational Safety and Health Act. This standard, to be promulgated in early 1983 -- in fact, it is in rule making now -- will require a chemical manufacturer to assess

the hazards of chemicals which they produce, and all employers are required to provide information to their employees about these hazards by means of hazards communication programs including labels, placards, Material Safety Data Sheets, information and training, and access to written records. The proposed standard provides for hazards determination to be conducted to identify these hazards, and in subsequent communication to employees, of the hazards thus identified. These activities should serve to alleviate the lack of awareness concerning hazardous chemicals and should provide an impetus for employees and employers to devise better means of protection for these hazards.

Just parenthetically, Senator, I can't emphasize enough the desire on the part of companies that I represent here today to make sure that there is an ongoing program for effective hazards communication for the work place. In addition to caring about the work place, we also care about the community and environment in which we and our families also live.

We recognize that emergency-response agencies, such as fire departments, need information to plan for and respond to emergencies in their communities. Indeed, many of our member companies have long-established cooperative programs with local fire departments, health professionals, and hospitals to ensure the maximum protection against emergencies involving hazardous materials.

We want to, again, stress to the members of this Committee our companies' deep commitment in these areas. Literally, million of dollars have been spent by industry to develop and implement these programs. At future hearings, we plan to have representatives from major companies represented within our Chemical Industry Council to, at your wish obviously, Senator, to provide you with slide shows -- any kind of presentation that we can give to indicate the kinds of programs that are now ongoing. I believe, as a matter of fact, you had the opportunity to visit one of our plants in your area and were shown the kind of effective hazard communication programs that are now in effect.

Senator, we do oppose S-1670, and for a multitude of reasons. We submit that the goals of the legislation are already satisfied in many, if not all, areas by other Federal, State and local laws. For example, at the Federal level, parts, sections or all of the following laws apply specifically to the effective hazards communication problem:

- Clean Air Act
- Occupational Safety and Health Act
- Clean Water Act
- Toxic Substance Control Act

If I could just stop on my list there and read to you two paragraphs about what TOSCA does to make sure what the companies are doing. "TOSCA provides open-ended rule-making authority for requiring, reporting and retention of records of injuries and all ill effects of chemical substances." That is Section VIII (A).

"The classifications for which information may be required under TOSCA include the chemical identity of a substance or mixture for which a report is required. The categories for use of each substance, the total amount which may be manufactured or processed, a description of by-products, all existing data concerning health or environmental effects --" I will read that one again --

"all existing data concerning health or environmental effects of the substance, the number of individuals exposed during manufacture, and finally, the manner of disposal." That is just to give you a second or two about one of the things I am listing purports to do and is, in effect, the law of the land today.

Further on the Federal level, regulations and acts which specifically apply to effective hazards communication:

- Food, Drug and Cosmetic Act
- Hazardous Materials Transportation Act
- Federal Insecticide, Fungicide, and Rodenticide Act
- Comprehensive Environmental Response, Compensation and Liability Act -- the Superfund

The need to know what materials are in the area.

- Resource Conservation and Recovery Act
- Safe Drinking Water Act
- Freedom of Information Act

The Freedom of Information Act request provides availability for any citizen to petition the government for information pertinent to these acts that they may feel the desire to have.

- Interstate Commerce Act
- Transportation Safety Act
- Consumer Product Safety Act

Here in New Jersey, on the State level, these are just a few of the regulations and acts which apply to the problem that you are addressing today:

- State Clean Air Act
- Air Pollution Control Code, Sub-Chapter XVI & XVII

This deals with, among other things, volatile-organic substances.

- Hazardous Waste Management Regulations
- Discharge Prevention and Control Act Regulations
- New Jersey Pollutant Discharge Elimination System Regulations

Further, on the local level:

- Fire Codes
- Various Township Ordinances
- Building Permits

These get to some of the problems involved in this issue.

In addition to all of the above, I refer again to the expected promulgation of the Federal Occupational Safety and Health Administration regulations adopting a uniform Federal Hazards Communication Program.

Specifically, Senator, in regard to S-1670, I would like to outline some of our broad, generic concerns that we have with the way the bill is presented today. The definition of the word "chemical," as used in the bill, refers to all materials included in the "NIOSH" list. For your information, Senator, this is the NIOSH list, and for your information, Senator, it includes such hazardous substances as water, table salt, oxygen, and God forbid, silicone dioxide (beach sand). Our point here is that the NIOSH list is not appropriate, and I would like to read from the beginning preface in the NIOSH list, itself, to point out the inherent problems in using such a list.

In no special order -- "In offering this edition, the editors recognize its limitations in achieving the goal that they have set for it. It does not now

include all chemicals for which toxic effects have been reported and without the full cooperation of the scientific community. Cooperation in the form of personal contributions must be necessary.

The absence of a substance from this registry does not imply that the substance is non-toxic, and thus, non-hazardous any more than the presence of a substance in the registry indicates that the substance is hazardous in common use. Although these substances included in this book are of varying degrees of concern, they may not be found in this edition due to present selection criteria."

It must be re-emphasized, and again, I am reading from the NIOSH list, "that the entry of a substance in the registry does not automatically mean that it must be avoided-- thus, this registry list, many substances that are common in everyday life are in nearly every household in the United States."

One more quote from the NIOSH list, Senator: "Under no circumstance can the toxic dose values presented with these chemical substances be considered definitive values for describing safe versus toxic doses for human exposure." And, they have even taken the position that they ought to put that in capital letters. The registry makes no attempt to perform a comprehensive analysis.

I would be glad to submit those pages in case you would like to check those. That is the NIOSH list. We are saying here that that list of a hundred and twenty-some thousand different substances is not appropriate to an effective communication of a hazardous material that is in a work place. It is not going to do workers any good to know that a substance that is in this book is in his work place. It won't help him any. Our position is that that list is just doing what the bill purports it to do.

Materials, as I said, are not listed in the registry because they pose particular hazards, but because toxicological testing has been performed on them. In so providing the toxicological data on chemicals, the list demonstrates that many chemicals are not all equally hazardous and should not be considered. Therefore to provide information on all these chemicals, a hundred and twenty-some thousand, I believe, on the NIOSH list, will be of little benefit to only the most arcane scientific review. It is important, and it is structive to bear in mind that although chemicals are considered by much of the population to be of a dangerous substance, not all of them are hazardous.

We also have a large concern with the issue that has been raised heretofore today dealing with proprietary information, generically called trade secrets. It is literally the lifeblood of the chemical industry to protect the information pertinent to the process. S-1670 provides what we consider little or no protection for confidential and sensitive business information, which may or may not be effective in communicating a hazard. Again, let me state, that the reason companies such as the ones that I represent have problems with telling workers confidential information is required, it is not to assure their sickness or carcinogenicity of their children, but it is to ensure a business climate in which the business can continue to be there and employ those people. The last thing in the world the chemical companies that I represent want to do is to foster a climate of non-information to employees, regardless of whether they die or not. I submit to you, Senator, that that is a rather biased and an unfair look at the industry today.

First of all, this information is not needed for the protection of safety and health of the workers. As you are aware, the chemical industry is extremely competitive. The difference between one company's profitability and its maintenance of market sharing is predicated on maintaining the strictest of confidentiality regarding a product's ingredients, included substances, and the process by which a product is manufactured. The only thing guaranteeing a company's continued viability in a market is that imperative trade secret, confidential, proprietary information be kept just that -- exclusive and confidential. Recent news articles -- two weeks ago in the New York Times -- have indicated that the EPA inadvertently released proprietary information to one of my company's competitors. Approximately 40% of that company's market share is directly related to that one product. They are the only ones who make that product.

A lawyer for the competing company went into the EPA, and even though they have the strictest of confidential standards, they gave the information to the lawyer of the competing company. I can only submit to you that it is a pretty good idea that somehow or other that company will market that same product in the near future.

Again, it is not that the companies don't want to tell what the hazards in the work place are. It is to protect themselves so that they can stay in business -- that and nothing else. It would be to the detriment of a company, Senator Dalton, if they were to withhold information, which twenty years down the line from now, would put them in a position similar to what was outlined earlier today. Do we really believe that the corporate folks that I represent are that dumb or that naive or that nasty that they would be willing to do that? I submit not. And, I would say, that I would like to see the data to show why they would.

Another problem with S-1670 is the definition of a Material Safety Data Sheet. It is requiring that a specific chemical name does nothing to help the health and safety of a worker. Also, such disclosure is an infringement, again, on trade-secret information. We submit that the thrust should be toward communicating hazards, not words that are 18 letters long that will mean little or nothing to the man in the plant who needs and wants to be protected.

We also submit that the oceans of paperwork, which will be required of both a company and the State, will be of little or no help, and again, an effective hazards communication program. In addition, the enormous cost of preparing the paperwork to both the State and the companies is another disincentive to business here in New Jersey. There has been a lot said here today that the health and safety of the workers is of more concern to a company than to the bottom line. I submit to you that the two and two go hand in hand. What I don't think the Legislature, or you, Senator Dalton, wants to do is to send a piece of legislation through which will impact in a negative fashion on the business here in New Jersey. I think we can effectually put together a hazards communication program which will meet the needs of the workers, and rightly so. They obviously should have that information, and still not force business to make decisions where they go elsewhere for the right or wrong reason.

We would also like to point out that there are many small companies which will not be able to comply with this section of the bill. Again, the intent

of S-6170 should be effective hazards communication, not the promulgation of need-less paperwork.

The section of S-1670 which allows workers to request certain information within 24 hours, and grant them a right to refuse to work, poses what many folks concede is a large problem to our industry. In effect, what is occurring here is a presumption of company guilt until proven innocent. I would hope that you would all agree that this is contrary to the democratic system.

Also in this section of the bill, S-1670 imposes a fine and a 30-day jail term on any employer who cannot provide the required information. One of the speakers who preceded me pointed that fact out quite well. In the real world, an out-of-state company could not be required to provide much of the information of the substances shipped into New Jersey plants. And the question in retort is, why wouldn't they if a New Jersey manufacturer requested that information? It is a simple matter of confidentiality. The production plant that made that chemical and shipped it into New Jersey to be processed into a finished product no more wants its confidential information characterized in a way that its competitors can use it as do the people here in New Jersey manufacturing the product. Therefore, if this were to go through, a New Jersey employer could be assessed the above noted fines while that employer has no way of receiving the information. One thing New Jersey statutes cannot do is effectively cross the jurisdictional lines in the State and force people outside of the State to do what we here in New Jersey do. That has been a problem all over the area. New Jersey's industry is the most highly regulated probably of all the states, save maybe one, and yet, our laws are specifically within the boundaries of our State.

Senator, the brief outline that I have gone over today only touches the broad parameters of our concerns. At the succeeding two Committee hearings, representatives of the chemical industry will endeavor to provide you with even more specific and technical comments regarding not only S-1670, but we hope a display of an example of what responsible members of the industrial community are doing in the way of hazards communication. We also hope to have experts in the field of cancer-related illnesses. I, as a non-technical person, can regurgitate to you today statistics which would refute on their face and many of the statistics about cancer-related illness in the work place that have been given before me. However, not being a scientist, and I don't remember many this morning, who can relate to the technical data, I'll defer that until we can have the specific, technically-qualified and ~~scientifically-oriented~~ people to do that. There are many studies that indicate that many of the facts you have heard today are not true. Just one off the top of my head -- the American Cancer Society has indicated in one of its reports in the last few years that they can find no cause and effect relationship between occupational exposure to chemicals and disease. But, that is another fact, and it is a fact that the Committee is going to have to look at.

It is our position that we hope that you will agree with us, after hearing all of our testimony at not only this, but at the two hearings coming up, that you will agree that the chemical industry is, as I purported it to be today, deeply concerned about and committed to effective hazards communication. It is our position that the last thing that corporate managers want are incidents whereby workers will be adversely exposed to toxic chemicals. It is in our best interest to do everything possible, as I have mentioned before, to ensure the workers

and the community are adequately safeguarded against possible negative exposure. We submit to you that we are now and have been doing an adequate job for the vast majority of the industries in the State of New Jersey.

We do, Senator, look forward to continuing dialogue between the Committee and the members of the industrial community, and we would say, parenthetically, that we understand your concerns with the bill. We applaud the fact that you agree with us that their ought to be effective hazards communication programs in all of the industrial segment of the State. We think that we will be able to work with you in whatever way we can providing technical information.

Thank you, Senator.

SENATOR DALTON: Thank you, Mr. Bozarth.

I would now like to call Mr. William Lynch, South Jersey Chamber of Commerce.

W I L L I A M A . L Y N C H: Good afternoon. My name is William A. Lynch, and I am a resident of Penns Grove, Salem County. I am Manager of the Office of Public Information for the Delaware River Port Authority.

However, I am here today representing the South Jersey Chamber of Commerce as Chairman of its State Affairs ad hoc Omnibus Subcommittee. Our group thoroughly reviewed S-1670, the Worker and Community Right to Know Act, and we thank the Committee for the opportunity to present our views on this proposed legislation. With me today is Mr. Thomas H. Wood, a member of the Chamber's Board of Directors and Vice President of the organization's Internal Affairs Council.

The Chamber represents some 400 businesses in the Burlington, Camden and Gloucester County area.

The Chamber of Commerce recommends the rejection of S-1670 for the following reasons:

The bill provides no new protection. It corrects no past problems or prevents no future abuses. Its purpose is to supply information, and that information is presently available under existing regulations of OSHA and EPA.

It is too broad in its application. The expensive procedures entailed would be required of hospitals, institutions and small businesses whose operations are completely unrelated to the chemical industry.

The bill is discriminatory in attempting to focus on the chemical industry, which has the best safety record of any manufacturing group in the nation. And, there are no provisions to delineate between the majority of chemical manufacturers who enforce elaborate safety procedures and the minority whose safety programs are less adequate.

The bill is detrimental to business and the citizens of the State in that it will curtail expansion of existing industry and jobs, and it will discourage the attraction of the new industries. The procedures required are costly and non-productive to industry, making New Jersey a less competitive location for manufacturing.] And, it will increase layers of bureaucracy in the State through the addition of personnel needed for compliance and enforcement.

The bill infringes on the prerogatives of industry in labor/management relations by negating existing agreements and rights that have been arranged through collective bargaining. As written, S-1670 permits, under certain conditions, autonomous behavior by employees without any recourse by management.

Provisions for the protection of confidential product information are totally inadequate. The bill requires that the information be divulged before the right of privacy is established.

This legislation has been demonstrated to be unneeded in that we were informed that an ordinance containing similar provisions was adopted in Philadelphia in 1980. After entailing the expense of adoption and setting up appropriate apparatus to ensure compliance, only four requests seeking information were received in one year.

In summary, the South Jersey Chamber of Commerce contends that the provisions contained in S-1670 will not contribute to an improved environment for the workers or citizens of New Jersey but would, instead, have the effect of needlessly hindering the efforts of the new Department of Commerce & Economic Development to create more jobs in the Garden State.

I want to thank you for the attention and courtesy.

SENATOR DALTON: Thank you, Mr. Lynch.

The next person testifying is Mr. Ed Abrams, Hardman, Inc., Belleville, New Jersey.

G O R D O N M A S O N: Thank you for this opportunity, Senator Dalton. My name is Gordon Mason. I am Director of Operations for Hardman, Inc. Ed Abrams is our Technical Director.

Hardman, Inc. is a responsible member of the community of Belleville, New Jersey. We are represented at this hearing on the proposed public law, S-1670 in order to obtain more information and register our objections to the law as currently proposed.

Hardman is a specialty chemical company, primarily involved in the manufacture of adhesives. This is a family-owned business, with the fourth generation currently employing about 100 New Jersey residents in the manufacture of products serving a national and international market.

The proposed "Community and Worker Right to Know" legislation would place companies operating from New Jersey at an economic and technical disadvantage. Neighboring states do not have similar laws. New York has a more reasonable and limited worker "Right to Know" law, which presumes the worker is a member of the community and also knowledgeable about the activities of the business.

Regulations at the Federal and State level under EPA, TOSCA, along with OSHA requirements, significantly govern this area. The proposed law creates a new level of control -- community -- with new costly and impractical identification of chemicals and formulations. Any chemicals which are liberated into the atmosphere have already been reported to the State EPA. Hardman, Inc. also maintains our MSDS of all raw materials in the production area, which are readily accessible to our work force. New reactive products must be submitted to the Federal EPA prior to commercialization.

Without enumerating each of the technical problems, many of the definition and reporting requirements are impractical or impossible as currently written. Our company uses several hundred raw materials to produce approximately 1500 formulations which creates a scope of reporting, which is mind-boggling.

One requirement for the MSDS is the specific chemical name, which conforms to the chemical abstract service rules of nomenclature. This information is not

always available from our suppliers. These chemical names are understood by less than 1% of the population.

Another problem is reporting under "Effects of Chemical Substances," which does not specify test methods, and many chemicals used have vapor pressures which are negligible. With respect to proprietary formulations, there are provisions for an administrative hearing concerning trade secrets. However, the cost to review the thousands of formulations for the company, tax-free community, would not be cost effective.

We employ approximately 20 technical individuals whose formulations and developments are not patentable, but proprietary. These technical efforts would be available to competition, except as protected by the expensive hearing procedure.

In summary, legislation of this scope is not necessary in view of several existing areas of protection. And, even more important, it places on those of us who have chosen to operate in the State of New Jersey, a severe technical and economic disadvantage without accomplishing the intended protection for the community.

Thank you.

SENATOR DALTON: Thank you, sir.

MR. ABRAMS: Senator Dalton, as was pointed out, we do not always have the information in terms of CAS registry number to put on a label. However, on those products which we do, I have got the EPA Toxic Substance Control Act inventory -- at least one volume -- if you will bear with me for a minute while I find the formulations -- one such product that is in literally hundreds of our formulations is Phenol 4/4 Prime (1 methylethylidene bis polymer with chloromethyloxiranes). I submit, how would anyone understand what that means? A chemist who has been working with it for twenty years under CAS nomenclature, and not IUPAC, would not recognize the compound.

There can be no argument against safety in the work place. And, we do have, as indicated, Material Safety Data Sheets for our employees, and would agree that education there, and certainly epidemiological studies involving those, would point out those areas and those chemicals which are, indeed, hazardous, and caution should be taken. However, as pointed out by a gentleman earlier, the thousands and thousands of compounds listed in NIOSH, to label everything as indicated there, to a small company, would put us out of business.

SENATOR DALTON: What is your name, sir, for the record?

MR. ABRAMS: Ed Abrams.

SENATOR DALTON: You are Mr. Abrams?

MR. ABRAMS: Yes.

SENATOR DALTON: Okay. And, (Senator Dalton refers to gentlemen with Mr. Abrams.)

MR. MASON: Gordon Mason.

SENATOR DALTON: Okay, thank you very much. Thank you for coming.

Mr. William Cleary, National Federation of Independent Businesses.

W I L L I A M C L E A R Y: Good morning, Senator. My name is William Cleary, and I am the Director of Government Relations for the New Jersey Chapter of the National Federation of Independent Business. I am here today representing our over 8,500 small business members who are falling under the auspices of this

legislation due to the 55-gallon impact number that you have put into this legislation.

The typical NIFB member is a person who owns and operates his business, employs between 6 and 9 employees, and roughly half the members have less than \$350 thousand in sales, and 93% of them employ less than 40 people. NIFB wishes to be on record as being opposed to S-1670 in its present form, yet very much in favor of the concept of providing safeguards to the worker and community to effective hazards communication.

Initially, I must agree with those who point out that what the Committee wishes to accomplish with this legislation is already covered under many other statutes, both State and Federal, and is the subject of much OSHA activity at the present. By adding another set of requirements for filing will create an even greater burden for those businesses which are experiencing problems in these tough economic times.

First, let us state that we believe "Worker and Community Rights to Know" have different solutions to their particular problems and should be addressed at separate times and in separate forms.

Second, in a recent news article, the need for this type of legislation is based on the Johns-Manville case of thirty or forty years ago. It would be interesting to learn at this date how many requests for information by a worker or a community have been refused by a company and for what reasons. I ask this question because it is my understanding that Philadelphia, where there is a city ordinance similar to this legislation, there have been only two requests for information. I would also wonder if these two requests couldn't have been filed by the firms in question.

We request that this added bureaucracy not be created and placed on the small business community. Rather than forcing thousands of businesses to send in forms, why not empower the Department of Health or a similar agency to investigate cases where information has been denied? Those responsible firms that are willingly complying with the intent of this legislation should not be enforced into reinventing the wheel. If the Committee feels, however, that it must go forward with this legislation, I ask that you consider the following recommendations:

One, the legislation empowers State agencies to promulgate rules and regulations regarding this act. We would appreciate that in this legislation, special consideration be given to those small businesses and their ability to comply with those rules and regulations that are promulgated --in other words, the time that they are allowed to comply, the costs that it would cost them to comply, the number of employees who are being considered. The penalties of \$2500 and thirty days in jail are clearly excessive to the owner of a small firm, particularly if that owner's presence is essential to the continuous operation of the firm in question. The 24-hour request for information is also a burden on the owner of a small firm. This individual may be forced to stop his portion of the work process in order to comply. Three to fifteen days would be a more reasonable time frame in a non-emergency case.

You have to keep in mind that we are talking about the guy who is running his own business and maybe has two or three helpers, because you have used that 55-gallon limit. A firm that already has an adequate employee awareness program set up should be able to receive a certification of that program rather than be

forced to create one that resembles that which the State may mandate.

Employers could be exempt from fines when it is shown that they made a good-faith effort to gain the requested information.

The following exemption is something that I think maybe the Committee would want to just take in its conceptual form and work with. We are hoping to gain an exemption for those firms whose activities and products are both common knowledge to both the worker and the community. Under this legislation, small firms such as gas stations, dry cleaners, swimming pool suppliers, hardware stores that mix paint, home and office cleaning firms -- the list goes endlessly on -- would be included.

For instance, a worker in a gas station, by common knowledge and common sense, knows that you don't smoke near gas, ingest gasoline, or soak your hands in it. Yet, gasoline and this firm would be included.

Also, when police or fire officials are called to an emergency at a gas station, they will automatically assume that the presence of gasoline is there. To force a firm of this size to comply with all the paperwork and rules and regulations is really kind of ridiculous. All the MSDS's and PID's required under this act would have no impact in this case. In fact, it would place undue burden on the owner of the firm and those who are responsible for collecting and disseminating this information.

Finally, we would like to caution the Committee as to the possible abuses of this program. We hope that, particularly with the community portion of this act, that all requests for information be placed through a responsible official, possibly a health official. It is feared that general dissemination of information on hazardous substances in the hands of the criminally or mentally unstable could be very detrimental to the community. I have only to cite the recent Tylenol case and the ransom case of the Gulf Refinery in Texas, I believe, to demonstrate the potentials of misuse of this information. The worker already knows or will have access to what is available in his particular work space.

Under the community aspects of this legislation you are pushing, the entire population would have access to information on a whole host of firms. I think proper safeguards should be placed in there, and proper, responsible officials should be responsible for gaining that information for the community as a whole.

If there was, say a spill at a local factory, you have the potential for four hundred residents to request that information. That is an unreasonable burden placed on the State agency that will be disseminating that information, whereas, if a public health official was designated the person who could request or a fire official could request, they might notice where an individual was unnecessarily requesting a lot of information on certain subjects and certain companies. And, we want to provide those safeguards. It is a sad state of affairs when society has reached this point where you have to fear people like the Tylenol killer in Chicago, but it is a statement that needs to be made.

I thank the Committee for allotting us the time to express our viewpoints, and I will present the Committee with some testimony.

SENATOR DALTON: Thank you, Mr. Cleary.

MR. CLEARY: Thank you.

SENATOR DALTON: The next speaker is Mr. C. Welles Fendrich, Jr., Chairman, Research and Development Council of New Jersey.

Mr. Fendrich? Mr. Fendrich, do you have copies of your testimony?

MR. FENDRICH: Yes.

SENATOR DALTON: Okay. Will you excuse me for one second, sir? I would like you to read that testimony, if you would, and I am going to go back for two minutes and try to throw something down I --

MR. FENDRICH: All right, I'll proceed, Senator.

SENATOR DALTON: Okay.

C. WELLES FENDRICH: Senator, Committee members, ladies and gentlemen, my name is Welles Fendrich, a Senior Vice President of Research-Cottrell of Somerville, New Jersey. However, I am here today with my other hat; I am also Chairman of the Research and Development Council of New Jersey.

On my right is Dr. Eugene Holt of Exxon Research and Engineering Company in Florham Park, and an expert in environmental matters. Dr. Holt also is a member of the Research and Development Council.

The Council represents 105 industrial, university and testing laboratories throughout the State. They are a major source of clean, light industry in the State, and make good neighbors in the surrounding communities. These are, indeed, laboratories, employ 105,000 persons, and last year, collectively, we spent \$6.2 billion in the search for new products and technical advances here in New Jersey. To put that in prospective as to whether an assumption might be -- whether the company is earning 5% or 10% after tax -- the sales to support an investment of \$6.2 billion would run in the neighborhood of \$60 billion to \$120 billion in sales.

As you may know, New Jersey is one of the leading states in research. In fact, we are spending 20% of all of the funds put forth by the private sector throughout this country. In essence, we are a job-creating industry. One breakthrough can be responsible for putting hundreds, and ultimately, thousands of people to work, particularly in high-technology industries that are so desirable and so sought after by all the states in the union, including our own. And, therein lies one of the problems the R&D Council has with S-1670.

At the same time that our State government is, through the excellent vehicle of the Governor's Commission on Science and Technology, fostering the location of new high-technology industry in New Jersey and enhancing the State's research and education community, S-1670 would, in our view, have a serious negative impact as it is now constituted on the work of the Commission. Please understand that we feel the objective of protecting our communities and our employees is a laudible one, and we support it. In fact, the laboratory community has long been in the forefront of environmental health protection. Protective devices, training programs, safety manuals, and other work practices and techniques are widely used to prevent or minimize exposure to hazardous substances.

In addition, laboratory personnel are highly trained individuals with the knowledge and respect to properly handle hazardous substances.

Today, in the interest of time, I am going to limit my remarks to some general comments developed by the Council on aspects of the bill which will have a particular serious impact on the operation of our laboratories. At future hearings, we hope to provide more detailed comments, which will elaborate on the many laboratory programs, which were already addressed and address those issues raised in S-1670 and on the heavy cost burden which the bill would impose on the labs.

Let me say, however, that we share many of the other concerns voiced at these hearings by the Chemical Industry Council and also supported by the New Jersey Chamber of Commerce.

These include the problems arising when individual states and localities seek to regulate matters dealing with interstate commerce, the bill's duplication of existing regulations and programs, at least in part, and in the inability to extract useful information from the massive paperwork which S-1670 will produce.

Turning now to laboratories -- although an attempt has been made in the bill to exempt some chemicals, or discharges amounting to less than 500 or 55 gallons, special health hazard chemicals, as defined by the bill, are not exempt in any quantity. This means that a very large number of lab chemicals will still be subject to the requirements of S-1670.

For example, we estimate that several thousand of the over ten thousand substances listed in the Fourth Edition of Sack's Dangerous Properties of Industrial Materials carry a toxic hazardous rating of three. A typical laboratory will have many of these substances. Therefore hundreds, perhaps thousands, of MSDS sheets will be required by the bill from each laboratory. This would overload both the compliers, as well as the enforcers. And, the laboratories -- those personnel chores with industrial hygiene and environmental health responsibilities would be diverted to, perhaps, unproductive paperwork burdens from their primary mission of maintaining safety in the working space.

Regulatory officials, likewise, would be swamped by an enormous task of cataloging and assessing the many Material Data Safety Sheets received from the labs.

Aggravating this situation, the same substance will be written up independently by tens or even hundreds of manufacturers and users, multiplying the task of the regulatory agency.

This effort also will impose a disproportionately high-cost burden on laboratories. Most of the many substances used in laboratories are present in only very small quantities. However, it costs as much to prepare an MSD for five grams of material as it does for five tons. Given the large number of substances handled, a small lab may well be forced to spend more to comply with the bill than would a large manufacturing plant handling a smaller number of high-volume substances.

The bill also requires labeling of containers, and the typical laboratory uses an enumerable variety of small glassware and containers, including test tubes, and the like. Perhaps that should be excluded to contain the chemicals involved.

Furthermore, they are often subject to extremes of temperature, humidity or other conditions in the lab, which could destroy this kind of labeling approach. Remember also that these containers are being handled, in the case of our labs, by highly-trained personnel, who are already aware of the identities and properties of the container's content.

The protection of trade secrets is another particularly troublesome issue, as you might guess, for the labs. The labs are in business to develop new products and new processes. New, often proprietary chemicals, are continually being synthesized in the research laboratories, and proprietary samples are continually received by testing labs from their clients. S-1670 would require an administrative hearing on the confidentiality of each of these substances, further adding to the already intense work load anticipated by the bill as it is now written on both the regulated

community and the compliance agencies.

I would like to turn now to those provisions of S-1670 dealing with community notifications. First, let me point out that labs do not have a significant environmental impact, particularly on surrounding communities. As mentioned earlier in my testimony, labs generally handle only small quantities of substances. Their operations are on a correspondingly small scale, as are other air emissions, water effluents, and waste generation.

Furthermore, even though small, many of these discharges are already regulated under Federal and State statutes and regulations. At a typical research lab, for example, water effluents and many air emissions are already regulated by the Federal Clean Air Act and by corresponding State regulations. These effluents are permitted under the State regulations and such permits which detail allowable discharge limits. There are public documents, open to the inspection of any interested municipality, organization, or individual.

Excursions from these limits, likewise, must be reported, and such reports also become public knowledge. The generation, storage, and disposal of hazardous waste is regulated under the Resource Conservation and Recovery Act. Again, the permits are publicly available documents.

The bill states that local fire, safety and health officials need detailed information for planning and for responding to emergencies. Again, the large number of substances employed in labs would render such information useless to an emergency force. A fire or other emergency warranting outside help would likely involve many substances of a wide variety of properties.

What are needed and what are already worked out in a great number of cases are general guidelines and procedures, established in advance, between the lab and its local emergency response forces on how to handle such situations. And, in many cases, these relationships already exist among our membership.

A final point on the public notification issue deals with confidentiality. S-1670 excludes from confidentiality protection discharges or emissions which are potentially toxic in the environment. The term "potentially toxic" is so vague that, conceivably, hardly any discharges or emissions would qualify for confidential treatment. This should be addressed.

That concludes the reasons why we feel, from the viewpoint of New Jersey's research and development community, that S-1670 could be counter-productive as it is now presented, and ultimately self-defeating. In summary, labs and lab workers are, in many cases, in our industry, already aware of the potential hazards involved in their control. The large number of substances handled, and small quantities would, even with exemptions allowed, require the preparation of an accumulation of many Material Safety Data Sheets and the preparation cataloging, and assessment of these sheets would place such a burden on regulators and compliers both that essential workable programs for worker protection would be harmed, while the sheer number of sheets would render them little practical value.

The cost to the laboratories of obtaining or preparing MSD sheets would be very high, far out of proportion, we believe, to the purpose which we are not questioning, and that is the health and safety of the worker, but the purpose in which they are intended to serve.

Public notification by laboratories would, likewise, be burdensome and unnecessary. The low-volume discharges resulting from small-scale lab operations

are, in most cases, already regulated as previously mentioned. In any event, as our judgment, they do not pose a major threat as we have found to the health of the workers in the labs due to the presence of procedures for handling.

Emergency forces also could not effectively use such notifications and practical procedures for emergency responses, we feel, and many of our institutions are already well established.

That concludes my remarks, Senator. The R&D Council has submitted copies of the remarks for your consideration. We thank you very much for giving us an opportunity to present our views.

SENATOR DALTON: Thank you, Mr. Fendrich, and I meant no disrespect by walking out. I will read your testimony in its totality. Thank you.

MR. FENDRICH: Thank you very much.

SENATOR DALTON: Mr. Guy Dubec, Occidental Chemical? Is Mr. Dubec here? Mr. Dubec, if you could, will you concern yourself with some of those issues that you feel have not been raised adequately, so, as I said, we can move this hearing on expeditiously? We still have many, many speakers.

H A R O L D D U B E C: Good afternoon, Senator Dalton. My name is Harold Dubec. I am a Division Manager of Environment Health and Safety for Occidental Chemical Corporation.

Occidental Chemical Corporation supports the concept of both the employee's "Right to Know" about the materials being handled by them and the communities "Right to Know" about the materials used by local industry.

To illustrate our concern and some of the activities that are going on in our various plants, I would like to describe them briefly for you.

In the area of worker "Right to Know," we have Material Safety Data Sheets available for review for copying by employees in each of the manufacturing areas of our facilities. Employees are aware of these and know they can see them.

When materials come into our plants, the labels that exist on them are not obliterated by the company and replaced by numbers. The labels that are there remain there for the entire time that the package is on our property. We present periodic training in specified hazardous materials, ones for which training is either required by law or for which we feel training is necessary. Any personnel monitoring that is performed by any agency, either by outside or our own internal industrial hygienist -- the results of that monitoring are given to the individual employee who was monitored. If it shows an exposure that raises a level of concern, written documentation of what will be done for control is included in what is given to that employee.

We prepare and distribute Material Safety Data Sheets on all of our products, and we provide periodic training in safety and emergency procedures, and we distribute written documentation in this area to all of our employees.

From the community standpoint, we have prepared and distributed to local fire departments the emergency information which will assist them in assisting us, if necessary, at our locations. When and where possible, we provide work-joint drills with fire departments and emergency agencies. We have them in for visits, and we have them in for practice.

Any hospital or physician who needs information on any of our raw materials or products is provided that information immediately. We provide it over the tele-

phone and we will follow it up with hard copy.

We have had and will continue to have emergency preparedness meetings with police departments, fire departments, civil defense units, local health departments, and what have you. We want the community to be assured that we are good neighbors, and that we are not causing problems for them.

We never refuse a reasonable request for information on our products or on our raw materials. Having gone through what we do and how we approach this area of worker and community "Right to Know," which we believe in, I have got to say that the provisions of S-1670 are specific, detailed, and I believe, a duplication, almost completely, of existing Federal, State and local laws and regulations. We don't believe this legislation is necessary.

Prior to my coming up here, lists of Federal, State and local laws and regulations have been read to you. I am not going to read you my list. It is the same as everybody else's.

We do, however, have some specific concerns with sections of the proposed legislation, and feel that some modification may provide for additional means of compliance.

In the definition of chemical, we are recommending that unintentional components of less than 1% be excluded rather than the half percent. This will bring the New Jersey legislation in line with the current OSHA proposal. We don't believe it would damage the protection being offered to workers and communities.

As has been stated, the NIOSH Registry is not the list to use. Foods, drugs, and other common household items are listed, along with industrially used innocuous substances, as well as substances which can be classified as hazardous by existing definitions. We believe the limited listing being proposed by OSHA is the approach which should be used by the State, and recommend the adoption of that list rather than the entire NIOSH Registry.

The requirements of the legislation in the areas of Material Safety Data Sheets, while primarily beneficial, are potentially of such a volume and nature to render the Material Safety Data Sheet confusing and to lessen its value. Not all materials have CAS numbers, but this legislation requires that that number be listed. Second, the requirement for all common names can lead to the listing of many names for any given compound. When the requirement for all common names of all components in mixtures is added, it is conceivable that an untrained or uninformed person could be overwhelmed and not learn the information which we are trying to provide them. Too much is just as bad as too little.

The requirement for a reference to relevant information in the NIOSH Registry isn't clear to us. If any reference is necessary, and we don't really believe it is, it should be limited to a listing of the Registry identification number only, not a reference to everything, as contained within the Registry listing. The requirement for hazard information should be modified to require this information only when it is known. As written, all of the items for a Material Safety Data Sheet are required. If portions of the information are not known, this bill effectively imposes testing requirements on the manufacturers of all chemical compounds. We do not believe that is the intent of the requirement and we recommend that it be changed.

And, as with hazards, health effects are not always known, and we recommend the same qualifier be attached to this requirement. We also recommend that the

phrase "necessary personal protective equipment" be changed to "recommended personal protective equipment." Material Safety Data Sheet is providing information, not putting requirements onto people.

The preparation and dissemination of the Public Information Data Sheet (PIDS) requires the divulgence of information which will compromise both trade secrets and site security. The problem of trade secrets and confidentiality are only poorly addressed in S-1670 and need to be tightened. The problem of site security is not even addressed. We are concerned that specific storage location is required on the PIDS. We recommend that this information be provided to bona-fide emergency agencies, such as fire departments. Further, as we have stated, the existing State, Federal and local regulations have required the previous submission of most of this information, and the duplication engendered by the submission of a PIDS is really not necessary.

We believe that including pipelines in the definition of a container is a mistake which will only serve to complicate the implementation of the proposal. By its very nature, a pipeline is at odds with the rest of the definition of a container. It is used neither to store, nor to hold the material, but to transport it. In the case of a multi-service pipeline, required labeling will either have to be changed everytime the contents of the pipe change, possibly several times a day, or be all-inclusive and not representative of any hazard at any specific time. Indeed, the current OSHA proposal excludes pipelines for precisely these reasons.

We have heard previously how difficult it is to obtain Material Safety Data Sheets. Everything you have heard is true. I've tried, in some cases, for years to obtain information. You get pieces, you get bits. Here we are going to have a law that will prohibit me from using material without a Material Safety Data Sheet. You have put a fine on and a jail term for violations. But, if the manufacturer of that material is outside of New Jersey, and I only happen to purchase small amounts of that material, he could care less. He is not going to do a special Safety Data Sheet for the State of New Jersey. I really don't believe that will happen.

We recommend that consideration be given to requiring only a good-faith effort to obtain the required Material Safety Data Sheets.

We would like to recommend that in place of the requirement, that the employer annually update a Material Safety Data Sheet, the requirement be that the employer incorporate new information when it becomes available. Annual updating, if the basic information has not changed, does nothing but generate a piece of paper with a different date on it, and again, for employers who are outside of the State of New Jersey, I don't know that they will supply a new piece of paper, just to change the date. As information changes, most companies will automatically update their Safety Data Sheets and provide them to the purchasers of their materials. My company does that. If that happens once a year, then it is annual. If new information becomes available more than once a year, then it is more often. But, if there is no new information, we are not going to just generate paper for the sake of generating paper. We don't see the real need for that.

The section of the proposal dealing with employee education and training is too broad. We recommend that the program be limited in coverage to those

materials which pose exposure risks to employees. Not all materials are hazardous. Not all exposures pose a risk, and not all materials at a given manufacturing site pose exposure concerns to all employees. On a site that has several different manufacturing facilities, we don't feel that there is a need for all employees to be trained in all materials. The need for knowing the hazards of the materials to which they are exposed and with which they work -- there is no question about that.

We question the utility of having any discharge reported to the DEP. Discharge reporting is already required under the various Federal and State regulations. All of these regulations, however, limit the reporting to specific lists of materials, and some of them to specific quantities. By providing for a new reporting requirement, this proposal does not provide increased protection, but it does provide increased paperwork. The existing reporting requirements of both the State and Federal regulations adequately serve the purpose of S-1670, and no more than a reference to this required reporting is necessary.

We are opposed to the provision which gives an employee the right to refuse to work with a material if a request for a Material Safety Data Sheet or a Public Information Data Sheet has not been honored within 24 hours. We refer back to the difficulty in obtaining a data sheet. We strongly urge that the provision be removed from S-1670, and replaced with at least a 72-hour time period.

We believe the penalties contained in S-1670 are unduly harsh. A minimum fine of \$2,500 (with an upper limit of \$10,000), and a prison term of 30 days for each offense goes beyond reasonable penalties. A person can be fined \$2,500 and sent to jail for not having a piece of paper because a manufacturer outside of New Jersey didn't give it to him. I think that is a little harsh.

We are quite disturbed by the presumption that an employer is guilty of discrimination against an employee if any disciplinary action is taken against that employee within 90 days after the employee has filed a complaint under the legislation. It is pretty sad to be guilty until you are proven innocent. I also believe it is a violation of the constitutional rights of employers. But, notwithstanding the legal arguments, we believe, hold against this provision, it can be used by any employee to prevent any kind of disciplinary action for any reason. All that is necessary is that a complaint be filed every 90 days. This provision, if enacted, will have the effect of wiping out collective bargaining agreements which contain provisions for disciplinary action. They can be completely avoided just by filing a complaint every 90 days. We believe this provision has to be changed.

The provision that any person may bring suit without real or potential loss or damage, we believe, opens both industry and the DEP to frivolous actions which will consume both time and money in their defense. By permitting frivolous suits, we submit that companies other than those which have already filed for bankruptcy for this type of reason, may find it necessary to do the same thing.

We are opposed to the provision which allows local governing bodies to enact ordinances more stringent than S-1670. As each state, if things continue the way they are, enacts legislation, a national corporation will have fifty rules to follow, plus possibly Federal rules, and now possibly, even local rules. The burden is becoming too great. Standard rules and regulations with which we must all comply make things much easier to handle. If we have 50 state rules and an

uncounted number of local rules, it becomes impossible to work with it.

Thank you for the opportunity.

SENATOR DALTON: Thank you, Mr. Dubec.

I would like to call on a Mr. Burke from the DEP. Is he here or anyone from the DEP?

I know that you don't have a prepared statement.

T H O M A S B U R K E: I am here as an observer for the Department today. We are busy preparing our statement; however, I am in attendance purely as an observer.

SENATOR DALTON: Okay, I was under the understanding that you were going to respond to any technical questions.

MR. BURKE: If I can help you with responding to technical questions, I certainly will.

SENATOR DALTON: The one technical question that I have is that you have heard a number of the speakers indicate that this bill is a duplication of Federal statutes, and I wanted to know what your impression, if in fact, it was a duplication.

MR. BURKE: At the present time, this, after our review of the legislation -- it is certainly a valid question to determine to what extent this legislation duplicates Federal and other State regulations and requirements. At the present time, I have members of my staff at the Office of Cancer and Toxic Substances Research reviewing Federal and State laws to determine the degree of overlap.

For instance, within my office, we are conducting a statewide survey of industry, the Industrial Survey Project. There is a certain amount of similarity between that -- the reporting requirements under the Industrial Survey Regulations and the proposed legislation. However, I think that there are a number of areas where clearly there is no duplication, and what we are trying to do now, and hopefully we'll have prepared when the Department is prepared to come in and make a statement, is the amount of duplication and the perception of the Department of that duplication.

SENATOR DALTON: So, at this point, you are not ready to answer me in any definitive manner?

MR. BURKE: Yes, I'm sorry, Senator, but that is how I feel, yes.

SENATOR DALTON: Okay. Thank you, Mr. Burke.

The next speaker will be Mr. Moshir Robinson from New Jersey KOSH. Is Mr. Robinson available? (no response)

Is Mr. Rich Willinger from the Association of New Jersey Environmental Commissioners available?

R I C H A R D W I L L I N G E R: I have a prepared statement.

SENATOR DALTON: Okay. Mr. Willinger, as well as anyone else who I call up here to testify, we have now been listening for several hours, and it is not that we don't like to listen, but we would like to listen to something new at this point.

MR. WILLINGER: Senator Dalton, so far we have heard quite a bit from the labor community in support of S-1670, and I am happy that I am the first environmental group to express our support for this legislation also, and there will be others who will be following my testimony from the environmental community in support of this.

My name is Richard Willinger, and I am the Executive Director of the Association of New Jersey Environmental Commissions. ANJEC is a private, non-profit educational environmental group which serves over 1500 municipal environmental commissioners and other local officials in over 200 municipalities throughout New Jersey. New Jersey's municipal environmental commissions are advisory bodies which study the use of natural resources and counsel municipal officials about the needs of the community as they relate to the maintenance and preservation of the environment.

I won't read the entire statement. I'll go to selected parts of it.

ANJEC has been involved in toxic substance issues for many years since 1978. Recently, in 1981, we began operation of a computer system to retrieve information about any chemical substance for the general public and public officials throughout New Jersey. This was as a result of a grant from EPA.

Through the Chemical Substances Information Network, a fire fighter, a public official, a worker, or a citizen can quickly get complete information about the toxicity, carcinogenicity, mutagenicity, teratogenicity and other characteristics of any chemical substance in New Jersey today. We have disseminated quite a bit of this information to date; however all our efforts, as only a small, private organization, are insufficient to meet the needs of the workers and citizens of New Jersey. Comprehensive State legislation, such as S-1670, is needed to provide the necessary information to employees and the community.

We should no longer live in a world where a worker is required to handle a chemical about which he or she knows nothing and from which he or she could be physically harmed, whether immediately or 20 years in the future. A worker should be provided with information so that he or she can make his or her own independent judgment about working with a chemical substance. As a societal policy, and in terms of individual human suffering, we can no longer tolerate catastrophes such as what has happened in the asbestos industry, for example. Some industries may already be supplying some of the information and training, such as is required by the new act, and I believe, some of the prior members of industry have testified that they are doing so, which is great. But, it is no reason not to require the rest of industry to provide this information and training.

The bill before us now also addresses citizen knowledge of what is stored in the community, what could possibly become a health or safety hazard, and what the residents are breathing and drinking. The instances of environmental contamination by toxic substances are becoming legend in New Jersey, such as chemical control in Elizabeth and the South Brunswick Township well contamination of a few years ago. As has been stated by prior speakers, the public is entitled to clean air to breathe and unpolluted water to drink. Their volunteer and paid fire fighters and policemen and other emergency personnel must have the necessary information to contain any fires or spills that occur to prevent further contamination of the community, and must know what to do to protect the residents if the contamination spreads.

ANJEC believes that an informed citizenry is the best citizenry to have. We have conducted training programs on environmental topics to thousands of environmental commissioners throughout New Jersey to enable them to become actively involved in land-use planning and environmental issues in their municipi-

palities. With this information, they have dealt rationally and reasonably with these issues on the municipal level, and I am confident that those who received the information, such as this bill will allow to be provided, will continue to act rationally and reasonably about toxic chemicals.

ANJEC strongly supports the concept of "Right to Know" legislation, and what I have listed in my prepared statement are several recommendations which, I believe, would close a few loopholes and strengthen the law, and I will just talk about a few of them.

It has also been brought up previously that there are existing pieces of legislation under the law that deal with the reporting of toxic substances, one of which would be the New Jersey Water Pollution Discharge Elimination System, which lists toxics that are being charged in industrial waste water. Granted these permits do list the toxics that are coming out of it in an industry or sewerage treatment plant. Rather than the "Right to Know" legislation being duplicitous, I would suggest that the pages from these water pollution permits be attached to the various data sheets that will be on file.

Another section in Section 4e, possibly a mistake was made because the way I read it, it would exclude 55-gallon drums, and I believe the intent of the legislation would be to include any containers -- basic containers of 55 gallons.

In Section 4f, it talks about a discharge of a toxic substance could be an immediate health or safety hazard or cause any pollution. It could also dissipate within 48 hours required for notification under Section 4f. I propose that the notification period of a discharge be shortened to 3 hours and be reported to the local or country health department, as well as to the Department of Environmental Protection because those agencies could possibly be the front-line agencies to respond to these discharges.

Finally, in Section 10e, as my group is representative of municipal bodies, called Environmental Commissions, I propose that Section 10e be amended to add "environmental commissions and health departments" after "governing body of a municipality" to be notified about various instances and to also receive these data sheets.

I would like to thank you for the opportunity to present the views of ANJEC.

AUDIENCE: (Applause)

SENATOR DALTON: Thank you, Mr. Willinger.

David Kotelchuck, United Electrical Workers.

D A V I D K O T E L C H U C K: My name is David Kotelchuck. I am Director of Occupational Safety and Health Programs for the United Electrical, Radio and Machine Workers of America.

UE is an independent, national union representing 167,000 members in the electrical manufacturing, metal machining and assembly, and related industries. Several thousand work in the State of New Jersey in over a dozen plants represented by UE.

Just skipping over a few points -- a number of different issues related to this bill will be discussed by supporters today. Our union supports this bill.

I would like to discuss the experience of one UE local in the neighboring State of New York in dealing with the serious occupational and environmental

problem of PCB's in the absence of a State "Right to Know" law, such as the one that we are considering today. In this experience of UE Local 332 in Ft. Edward/Hudson Falls, New York, we can see how difficult it is to protect the health and safety of working people in the absence of basic information about the materials they work with and how their health and lives can be and are threatened by companies withholding such information from them. We also see in this experience that, ~~once~~ informed, workers can, through their unions, take appropriate, effective action to protect themselves and to protect all members of the community.

The General Electric Company produces capacitors and transformers at its twin plants in Fort Edward and Hudson Falls, New York.

The capacitors and transformers are filled with an oil to protect these electrical devices from sparking and overheating. Since the 1940's, the oil used at Ft. Edward/Hudson Falls has been a PCB oil. This oil has been used in the electrical industry for decades and has been known since the 1930's to cause chloracne, an occupational skin disease.

In 1966, PCB's were found by Scandinavian scientists to be a widespread contaminant in the environment. Within the year, it was also found to cause serious liver and reproductive disorders in birds, fish, and small animals.

Nevertheless, manufacturers kept ignoring these danger signals and using the chemical for a wide variety of new purposes throughout the 1960's. By the end of the decade, production and use of PCB's in the United States alone rose to 70 million pounds annually.

Then in 1968, in a tragic incident in Japan, PCB, being used as a heat transfer fluid, leaked into a batch of cooking oil and over 1000 persons fell seriously ill with liver, nerve and skin disorders. This is the famous, or infamous USHO incident there. In the early 1970's, scientists began finding that PCB's caused liver cancer in small animals, and birth defects and other reproductive disorders in monkeys.

Yet, throughout this entire period, until September of 1975, the more than 1,000 employees at the Ft. Edwards/Hudson Falls GE plants did not know that they were working with PCB's. The oil was being used under the GE trade name, Pyranols, and it contained over 99% PCB's. GE did not tell these employees they were working with PCB's despite the growing evidence, especially since 1966, that this material is hazardous. There were no labels on the containers stating that the oil contained PCB's, and no medical testing program was carried out to check on the health of these employees.

Our members and this union did not know that PCB's were being used in the plants until we read in the newspapers in 1977 that the State of New York was investigating PCB dumping in the Hudson River. The local plant manager, we should add, threatened at that time that the plant would close if dumping into the Hudson was halted, and our members were told by GE, in other words, to make a no-win choice between their jobs and their lives.

Had there been a State law, such as the one being considered today, our members would have routinely found out about PCB in the plants and would not have been subjected to its hazards unnecessarily for so many years.

When we heard about PCB, our union acted promptly and effectively to protect our members. We informed our members about the hazards, we organized a medical-testing program for our members and retirees, we supported stiff Federal standards

for PCB exposure, and we pressed GE promptly to clean up the plants and find a substitute.

GE, as a result of this public knowledge and pressure, eventually cleaned up the plant, cooperated with the testing program, and within a year, despite the claims that they couldn't do it, found an adequate substitute oil. GE later signed an agreement with New York State to help pay for cleanup of the Hudson River.

With worker and community knowledge, progress in this matter could be and was made. But what cannot be undone are the years of unnecessary exposure to our members when they did not know what they were working with.

The impact of what GE refused to tell our members and the public during that time are still being felt today. At this time, we are still awaiting the results of the first full-scale epidemiological study of our members being conducted by Mt. Sinai and the American Cancer Society to see if the PCB's have a long-term effect on the life expectancy of our members -- if it indeed causes cancer in humans. During this time, members continue to carry 10 and 20 parts per million of PCB's in their blood and must live in the fear that this contamination will eventually harm them. I should say it is not possible to remove this from the blood at the present time according to the state of medical knowledge.

In upstate New York this year, members of the community just found out that county highway departments bought barrels of PCB's from GE to spray the county roads in order to control dust there -- the dusty roads. This happened in the 1960's when the hazards of PCB's were well-known. The courts may possibly fine GE for their actions. There are court suits going on, but again, the long-term health effects of PCB exposure cannot now be undone.

UE urges the Legislature of the State of New Jersey to pass the "Worker and Community Right to Know" law to help prevent such scandals and tragedies from continuing to happen here. This will help protect our members and all of the citizens of the State.

Perhaps, I would like to make one additional comment. To the question about other laws and peoples' coverage under other laws -- this bill is an important advance for workers beyond their present OSHA rights. Under OSHA, workers are entitled to see Material Safety Data Sheets for materials they work with if the employers have such materials in the plant. But employers are under no obligation to gather such information, even for highly toxic substances. And, they are not required to tell workers that the materials they are using are dangerous. OSHA standards now say, "if a worker asks for information, and if the employer has it for company use, then management must share the information with the employees." This bill requires companies to gather data sheets for toxic substances and to inform workers and the community that such toxic chemicals are used in the plant. This is an important advance in worker and community rights, which will happen when this bill, we hope, is passed.

Thank you.

SENATOR DALTON: Thank you, Mr. Kotelchuck.

AUDIENCE: (Applause)

SENATOR DALTON: Les Leopold, Institute for Labor Education and Research.

LES LEOPOLD: First I would like to thank the Committee for the opportunity to testify on this very important bill.

I am a native of New Jersey. I am a graduate of the Woodrow Wilson School in Princeton, from which I received an M.P.A. in Public Policy Analysis in 1975. I am Vice President of the Institute for Labor Education and Research, and we have conducted research on economic trends in New Jersey since 1976 when we studied the impact of alternative tax policies on New Jersey residents for the Industrial Union Council.

The question that I want to deal with today is one that I think has been going on underneath the surface and inbetween the lines of much of the testimony. The question concerns whether this kind of legislation will lead to plant closures or runaway shops and job loss to New Jersey residents. I want to say from the outset that it is very hard to predict the future, but based on the most reliable economic information available to us, we believe that this kind of legislation will not harm the economy of New Jersey. In fact, there is every reason to believe that the "Right to Know" will aid the economic health and the business climate of the State over the long run.

Let me begin this argument by analyzing the claim that this kind of regulation can cost jobs and hurt New Jersey's economy. That claim is often based on the following economic model: that regulations will increase costs, which will, in turn, increase prices, which will, in turn, lead to loss of market to the competition, and that, in turn, will lead to job loss. That is the economic model we want to look at.

The key question, therefore, in evaluating this model is whether or not regulations of this sort will actually translate into increased prices. We are fortunate to have solid economic studies produced by well-respected corporate and government research groups to shed light on this issue. And, as we can see below in Chart I for those of you who have it, the study suggests that regulations have had a very small effect on prices in society at large.

Let me refer to just a few of these studies. Chase Econometrics, which is Chase Manhattan's Economic Forecasting Firm, completed a study in 1976 which found that pollution control increased the Consumer Price Index by only .3% to .4% a year. Data Resources did a study in 1979 which showed that pollution control only added .2% to consumer prices. In 1979, the Council on Wage and Price Stability estimated that all government regulations -- that is all regulations -- that includes railroad regulations, everything you can think of -- added only .75% per year to the consumer prices. They also claim that if we eliminated all environmental regulations in 1979, consumer prices would have increased at 12.8% instead of 13%. So, you are talking about a very, very small impact on prices.

Let me state the first point that I would like to make. Since regulations have little or no effect on prices in our national economy, it is highly unlikely that New Jersey's proposed "Right to Know" legislation will harm the competitive pricing of New Jersey firms.

Okay. Let's get on to a second method of looking at this issue. Another way to examine this issue is to see if areas of the country which have many regulations, experience more plant shutdowns than areas of the country with fewer regulations. If regulations cause capital flight, we would expect that the Frost belt, our area of the country, to show a much higher degree of closures than the

Sunbelt, which is a much less regulated area of the country.

Chart 2, the following chart on plant shutdowns, addresses this issue. It summarizes data on plant shutdowns by answering the following question: This is for Atlantic City. What are the odds that a plant that was open in 1969 would still be open by 1976? The answers are expressed as a probability by region and by size of the plant, and for those of you who have the chart, .50 would mean that it was a 50/50 chance that the plant would be gone sometime in this seven-year period. If you will look at the probabilities, you can see that the odds were remarkably similar in all regions of the country. It was about a 50/50 chance no matter where you were, North, South, East or West. In other words, plant closures occur with the same frequency in all areas of the country, both heavily regulated and lightly regulated. Therefore, we state our second point as follows: Since the probability of shutdowns does not vary between highly regulated and lightly regulated regions of the country, it is unlikely that the addition of the "Right to Know" legislation will have any impact at all on plant shutdowns.

Obviously, these first two points rely on circumstantial evidence. We cannot run a laboratory test on economic effects of this bill and control for all the other variables. However, we can support our claim if we are able to show that plant shutdowns, both in the North and the South, are caused by economic phenomena far larger, more powerful, and more pervasive than the enactment of any regulations on a state-by-state basis. Due to the limitation of time, we can only overview some of the key factors involved, but let me give you a little background on this issue.

Plants have always shut down and moved in the United States, but what is new is the number that are shutting down and the speed with which this is happening. From World War II to the early 1960's, there was very little problem with runaway plants or shutdowns except in a few industries like textiles, which were under heavy foreign competition.

United States corporations were unrivaled around the world after World War II, while Japanese and European corporations lay in ruins. This led to high profits for U. S. corporations, but by the early 1960's, other industrial countries, often with capital loaned and technology leased by U. S. firms, offered significant competition to U. S. firms. The competition led to pressure on profits.

To protect these profits, U. S. corporations devised strategies that both directly and indirectly involved and led to the large-scale flight of capital overseas and to disinvestment in the basic industries in the U.S.

Let us review these strategies:

1. Globalization: Large American corporations responded to competitive pressures with a rapid increase of investment overseas in order to take advantage of low-wage workers, natural resources, and new markets. Our research shows that the biggest jump in investment overseas took place in the early 1960's, well before the passage of environmental and social regulations. You can see that in Chart 3. It took place before any of this so-called environmental regulation even hit the books.

And this process of capital flight overseas has actually been aided and abetted by U. S. tax policies, which include foreign tax credits, loopholes in repatriation of profits, transfer pricings, export platforming, and a host of

other subsidies.

As a result of these policies, it has become highly profitable to shift plants abroad. In 1972, for example, U. S. firms earned \$24 billion in profits overseas. However, they only paid \$1.2 billion in profit taxes. That is a 5% tax rate. I think we would all be happy with a 5% tax rate. This phenomenon clearly exerts a far more powerful force on capital flight than do any of the regulations you can possibly propose.

2. Conglomeration: A second corporate strategy to cope with profit pressures is to buy up other companies and diversify holdings into a variety of industries. From the point of view of cash flows and profits, it makes more sense to buy an existing plant rather than to build a new one, or more importantly, to sink capital into an old one. As you all know, this take-over binge is still in progress. To give you a feel for how large a phenomenon this really is, we know that during the 1970's, two out of every three "new" Fortune 500 manufacturing plants were not new at all. Rather, they were the result of acquisitions and mergers. This corporate-merger movement has directly resulted in the disinvestment and deterioration of many basic industries in the U. S. The steel industry is perhaps the most well-known example. Throughout the 1970's, major U. S. steel producers systematically shifted capital for plant modernization to the acquisition and investment in non-steel enterprises. By 1979, 46¢ out of every new dollar of U. S. steel's capital investments was going into non-steel enterprises. And this year, U. S. Steel Corporation secured financing for \$6 billion in buying Marathon Oil. Meanwhile, our steel industry is decaying, and plants and jobs are disappearing. This drive to conglomeration and its consequences are far more powerful than any State regulation in determining the health of local industries.

3. The New Managerialism: Finally management has developed new managerial techniques with which to govern these vast conglomerates. And these strategies advocate fixed profit hurdles for each division of the conglomerate to reach. Sometimes these rates exceed a 20% return. That means that if a plant or a division was still profitable, but earning only 15%, they would be shut down, and the capital used in a more profitable area. A classical example is the fate of the Herkimer New York plant that produced library furniture. Sperry Rand bought it in 1955. The plant made a profit every year except one through the next two decades, and yet Sperry Rand decided to close the plant, in part, because it was not yielding a 22% profit. That is the standard they used to determine the life and death of all their investments.

This new managerialism also looks at each division as a source of ready cash and sometimes seeks out new acquisitions simply to milk them of their cash surpluses. There is an example here of the Lykes Corporation that bought Youngstown Sheet and Tube. They bought it, then they stopped investing in it, the plant shut down, and they used the money to buy a whole bunch of other assets. There is a chart here that shows that.

To summarize this point: These three trends -- globalization, conglomeration, and the new managerialism -- and not regulations, are the profound forces behind the problem of capital flight.

Let me finish then by summarizing the main part of this first part of the testimony. Health and safety regulations, such as the proposed "Right to

Know" law, are not the cause of plant closures and job loss. Such shutdowns and runaway shops that do occur are a normal, if unfortunate, part of this free-enterprise system, and as a result of the changing competitive climate in the world economy. There is no evidence that health and safety regulations have a significant impact on plant closings in any area of the country or the world.

On the contrary, there is considerable evidence to suggest that health and safety regulations actually help save jobs and make companies more competitive because they help improve the productivity of the industry's work force. I think this is an important argument for you all to consider here.

Productivity and efficiency are the key variables in determining the competitive health of an industry over both the short and the long run. Productivity is a direct function of the proper allocation and use of the industry's labor force, raw materials, and technology. Since the early 1960's, working conditions have deteriorated in this country's industries as a result of work place injuries. If you look at this Chart 5, since 1962, the number of work place injuries that have resulted in loss-work days -- these are official statistics -- has almost doubled. Chart 7 shows that during the same time, work satisfaction, according to Opinion surveys, started to decline, and Chart 6 shows, at the same time, the number of strikes, both wildcat strikes and normal strikes over working conditions rose drastically.

Each of these trends produces a sizable drag on productivity. Increased injuries and accidents, as well as unnecessary strikes over neglected working conditions, result in the loss of valuable work time. And the decline in worker satisfaction, which is in large part associated with labor relations on the job and exposures to hazardous substances, leads to declining worker morale and worker effort.

The "Right to Know" bill can make an important contribution to improving work-place productivity. It can help reduce the loss of valuable work days by reducing exposure to hazardous substances. It can improve worker morale by enabling working people to become more involved in learning about and influencing the nature of their work. And by encouraging increased knowledge of substances in our plants and offices, it can help foster an increased commitment by management and labor to work together to improve both working conditions and productive techniques. Study after study shows that such efforts to increase worker involvement and worker knowledge of the processes which directly affect them, have major productivity dividends for industry.

Professors Hays and Abernathy of the Harvard Business School have forcefully argued that the major difference between Japanese and United States industry is not regulations, is not technology, is not government support or culture. Rather, they claim, and I quote, "that the Japanese succeed because they pay attention to such basics as a clean work place, preventive maintenance for machinery, a desire to make the production process error free, and an attitude that thinks quality in every stage of the production process."

While this "Right to Know" bill cannot by itself counteract the powerful forces of globalization, conglomeration, and the new managerialism, it can encourage New Jersey industry to pay more attention to, and I quote again, "such basics as a clean work place." It should be considered from an economic viewpoint

as a bold and significant effort to boost the productive capacity of New Jersey labor and industry. You are to be commended for considering it.

Thank you.

SENATOR DALTON: Thank you very much.

AUDIENCE: (Applause)

SENATOR DALTON: Mr. William Solarski, United Steel Workers, District 9.

W I L L I A M J. S O L A R S K I: Good afternoon, Senator. My name is William J. Solarski, and I am a representative of the United Steelworkers of America. I am also Safety and Health Coordinator in the State of New Jersey, representing approximately 32,000 steelworkers in New Jersey.

The steelworkers urge and support the passage of S-1670, "Worker and Community Right to Know Act."

For the contrary, to the old notion, "what a worker doesn't know won't hurt him," we feel what a worker doesn't know, will hurt him. And I believe previous speakers have substantiated that fact.

Without going over the old ground that has already been gone over, I would like to make you aware of some facts that I have encountered in the field. In particular, a plant in South Jersey -- Winslow, New Jersey, to be exact -- it is a refining operation. It started operations in approximately June of 1970, and over the years, employed an average of approximately 75 production workers. As the operation grew, so did the number of lost-time days and medical terminations. Just through the years of 1974 to 1979 -- there is a chart accompanying this -- we have lost a total of 1207 lost days -- 47 medical terminations due to the job environment. Forty-seven represents basically, just over the four or five years we are talking about, almost a one-to-one ratio. For every person hired, there is an individual terminated. All of this was primarily due to becoming sensitized to the chemicals they worked with -- sensitivity cause to the processes of refining materials where several chlorides are used such as TPC, which is tetrammine platinum chloride solution and P.P.I., pestling platinum I salt.

Sensitivity or platinum allergy is caused by contact of the skin and respiratory membranes with solutions of platinum complexes such as sodium chloroplatinate. Employees becoming symptomatic, involving either dermatitis or more or less severe inflammation of the respiratory tract, or both, has occurred, and according to the company's doctor report, an individual who becomes sensitized where it now causes respiratory and bronchitis-type ailments, now renders this man to a possibility of a heart attack. As a result, they are saying that there is no way that these people can work in this particular environment.

Again in the same plant, to demonstrate an immediate hazard, earlier this year, an employee was ~~severely~~ hurt due to an explosion. The unknown substance caused a violent reaction of some kind. The reason that I used the words "some kind" is because management to this day has not been able to determine, or at least has not reported, what caused the accident. This individual, only by the grace of God, was not hanging over the vessel at the time when he was operating. When it did blow, it blew in a fashion of a large-bore cannon, which embedded materials into this man's face, caused severe burns, and to this day, this man is still in a pressure suit. We don't believe this individual will ever go back to work -- will ever go back to work.

Also, in connection with this plant, there have been complaints by families

to demonstrate the fact that it is not just the work environment. It now goes into the community. Women, mothers, wives, whatever you want to call them -- the individual spouses' wives -- cannot wash work clothes together with their regular laundry from this particular plant. In fact, we have even had one woman who claims that the machinery she has been using -- the machine and the material of some sort that was going into the work clothes caused a bubbling-type operation that bubbled over the machine, and in one instance, actually exploded the door off.

After many complaints and grievances and accidents, mind you, there has been some decline in lost time and medical terminations since 1979. This is because of the awareness of the safety plant committee and their effect on corrections, the employees now being able to safeguard themselves in most operations. They, to this day, are not able to acquire information on many other operations such as the ones I explained earlier where the explosion occurred.

Your bill is needed to acquire all chemical solutions and toxic solutions to be obtained by these workers to safeguard not only their own safety, but the safety of their families and loved ones. Because of these types of instances just cited, we, as steelworkers, feel it is important. We must know what we are working with. The employees and community residents themselves are often in the best position to detect evidence and effect the exposure of hazardous substances. Not to mention, there is a quote, "provided they are aware of the nature of the chemicals to which they may be and have been exposed, the employees and community residents have an inherent right," and the steelworkers certainly back that up to the hilt, "to know the dangers to which they may be exposed to in the work place, community, etc." We submit, that the worker is not a tea bag. You don't dip him and dip him and dip him until there is no longer any tea, and then throw him away. We feel that there is an obligation by the employer to safeguard that employee so this man can continue -- man or woman -- to give tea for the entire work span of his life.

We thank you again, and I appreciate the fact that I was able to attend this hearing and give my comments, and I appreciate your time and kindness. Thank you, sir.

SENATOR DALTON: Thank you, Mr. Solarski.

AUDIENCE: (Applause)

SENATOR DALTON: Next we have Remon Rivera, Casa Del Pedro. (no response) I would like then to call on Mr. Peter Montague, Princeton Center for Energy and Environmental Studies. Is Mr. Montague here? (no response)

I would like then to call on a panel, Abigail Sayer, Great Swamp Watershed Association, Diane Graves of the New Jersey Sierra Club, Michelle McManus, League of Conservation Voters, and Jim Craner, Princeton Environmental Action. Is there a Vivien Li here too?

AUDIENCE: No.

D I A N E G R A V E S: Thank you for the opportunity to comment on S-1670, the "Worker and Community Right to Know Act." My name is Diane Graves and I am the Conservation Chair for the Sierra Club's New Jersey Chapter.

The Sierra Club supports S-1670, and we urge its prompt passage. We commend you, Senator Dalton, and your Committee for proposing this legislation.

Workers have long sought information on the hazards and health effects of substances to which they are exposed in the work place. The Sierra Club in New Jersey has supported workers "Right to Know" and the elimination of exposures, or the reduction of exposures, to the maximum extent possible since 1976, hence, a rather brief statement today. The national Club supported the Shell strike in 1973. That strike was unique in labor history, being exclusively prompted by concerns for occupational health rather than by labor's traditional preoccupation over wages.

With the passage of OSHA, the work-place environment began to be cleaned up and was continuing toward needed improvement until recent policies and actions in Washington. We believe states must now take steps toward protecting workers and assuring all workers, not just those in responsible companies, should have the "Right to Know" about the substances to which they are exposed.

The community has the "Right to Know" about hazardous substances stored and used in various manufacturing and service processes within its boundaries. It is obvious that at a minimum police, fire departments, health departments, medical centers, and hospitals should have this information. Citizens should have access to this information as well.

It is long overdue that attention is being paid to the various hazards associated with many substances used in close proximity to people. Perhaps this will lead to more careful handling of these materials, both in transport and in use, and to the substitution, the reduction or even the elimination of the use of certain highly toxic chemicals. We believe that safeguards can be worked out to protect legitimate trade secrets.

The DEP should be provided with funds adequate to fully meet its responsibility under this act. Again, we support S-1670 and urge its passage.

Thank you.

AUDIENCE: (Applause)

A B I G A I L S A Y E R: My name is Abigail Sayer. I am here today as spokesman for the Great Swamp Watershed Association, which endorses the "Right to Know" bill.

Our Watershed consists of 55.4 square miles in southeastern Morris County and encompasses the Great Swamp National Wildlife Refuge. The Basin is highly sensitive to changes in water quality and we strongly support measures that will help protect that quality from unforeseen degradation.

This bill would make it possible for communities and individuals to obtain information that could be vital to health, safety and protection of natural resources. In fact, we think this bill is so important that we suggest you consider extending it to include prospective employers, as well as existing employers. When industry or manufacturing or any number of different concerns want to build in a community, that community should have the "Right to Know" what exactly the proposal is for its town. Such a step would provide information that would allow community assessment of a prospective proposal.

Communities would benefit from this advance information as they could then evaluate local services necessary to continue adequate public health and safety protection. The suggested extension would ensure that municipalities could properly plan for any additional burdens prospective employers might place on

public services.

As we all know, local government must use all measures available to cut costs. Planning for future needs is an essential part of the local budget, and expansion of this bill to include prospective employers would make a significant contribution to that budget planning.

We appreciate this opportunity to present our view to you.

Thank you.

AUDIENCE: (Applause)

M I C H E L L E MC M A N N: My name is Michelle McMann. I represent the League of Conservation Voters. The League is a national non-partisan, political action committee. The organization was born in 1970 at the time we began to research and publish the Congressional Voting Records of all representatives, based on how they voted on environmental and health issues.

In 1979, our founders decided that the League of Conservation Voters had to reach more people. We began, at that time, to go door-to-door. Our primary concern is to hold elected officials accountable to their constituents.

The League of Conservation Voters makes endorsements and runs independent campaigns for candidates, both State and national elections. These candidates must have proven this commitment to citizens' concerns about environmental issues.

In addition to our election involvement, and as a complement to it, we also work on current environmental legislation. The Community and Worker Right to Know Act, S-1670, is one of these issues.

We are now going door-to-door in Monmouth County. We conducted a poll of all the people we have spoken to since September 13. I would like you to recognize at this point that we actually talked to 75% of all residents who live in the towns we canvas. Out of 7,700 people we talked to, 4,800, or 62% of those citizens, expressed concerns about dangerous health effects of chemicals in their communities. These are also the citizens who have expressed doubt in their public officials' ability to protect them.

We have recruited over 200 volunteers in two weeks, volunteers who want to work with their neighbors, to pass S-1670, and in just the past two days, we have handed out 200 fact sheets about S-1670, the Worker and Community Right to Know Act. To the citizens who expressed interest in this crucial legislation, we collected 117 signatures on the Right to Know petition in one day.

Our staff is finding overwhelming support for S-1670 in the neighborhoods, and we feel confident that, based on our own past experience in New Jersey, this "Right to Know" legislation will prove to be an issue of crucial importance to the residents of New Jersey now and at election time.

We, the League of Conservation Voters, will pull out all the stops to get information to the citizens to help pass this legislation.

AUDIENCE: (Applause)

J I M C R A N E R: Good afternoon. My name is Jim Craner. I am a junior at Princeton University. I am 20 years old, and I am representing the Princeton Environmental Action today.

Princeton Environmental Action endorses the bill, S-1670, and applauds Senator Dalton for introducing it. I would like to mention that I have been a life-long New Jersey resident, having grown up in Union County, New Jersey, and I would like to thank you for allowing me to speak here today.

We have heard quite a lot of testimony regarding the hazards of toxic chemicals from victims, scientists, and ordinary citizens, and the irreversible results they have had on people in the work place and in the community. These chemicals are the same chemicals that are not only in industry, but they move out into our land, water and air. It is indisputable that we have a very serious problem on our hands, and we must do something now.

That is your responsibility as our legislators. You must look today at not short-term profits, or investment speculation, or the threat of closing down industry, but at the threat of closing down lives and long-term concern of our environment.

It is going to be my generation who must live here a very long time and continue generations. Without the safety and assurance of knowing the names and health hazards of these chemicals with which we must live, we are in trouble. We have no choice regarding pollution, yet it is the outcome of a society that depends heavily on chemicals.

Workers and residents should be the ones to decide rationally about their exposure levels and how they should respond, not government and not industry. It makes perfect sense that those who are affected should be the ones making the decisions, and that is exactly what S-1670 drives home.

The chemical industry, and for that matter, all competitive industry, rests on the basis that people are free to choose the products they want and what they wish. This is a common-known theory, and industry has not accepted that responsibility. Its externalities, namely hazards and pollution, have affected the public adversely. It is the public that suffers, and we wish not to oppose the American industry and production and jobs, but simply to find an equitable means of protecting ourselves before it is too late. The ugly statistics bear out this inequity.

I would also like to point out in my experience, although I am young, that I have worked fairly extensively in organic chemical laboratories, and I would just like to address quickly some of the points that were raised by industry, and rebut them.

First of all, in my work in both New Jersey and California, I clearly learned to understand the dangers of certain chemicals -- solvents such as chloroform or benzene, (inaudible), many carcinogens and mutagens, etc. -- the list goes on. The public cannot get public access to these names, nor can the workers under present law. Now, it is not possible for everybody to sit down and take two years of organic chemistry in college, and information must be clear and to the point. The argument by industry is that the names would be too long, and I could spell out names that are 26 and 27 letters long. It does not make a difference. The point is that once people have these names, there will be a compellation through the MSDS and Public Information Sheet that says exactly what, in simple language, they should do about those chemicals and how to react. That is what is important, not the names.

The fact that industry says that it is going to go out of business, I ask you to give me a break because I don't think that is going to happen. Nor do I think that a madman can simply run around once he knows the name of chemicals and insert them into various things. Sure, that has happened recently, but just

think about it. Anything in the environment can be toxic in certain levels, and I just wish to say basically that we have to look at this rationally and how many chemicals that are a serious threat in our environment and in the work place are really under consideration here.

Finally, as an environmentalist, I believe that the "Right to Know" is a keystone in detecting sources of pollution. One of the stipulations is that we must document how many chemicals, what quantity, and where they are stored in chemical work places be listed. The reason that that is important is if we look at such chemical disasters as Love Canal and Valley of the Drums, in which toxic materials were stored on-site, and that property virtually ruined, and then those chemicals leaching out into other adjacent areas, we see that we definitely have a problem that affects not only industry, but the public.

I would just like to make a point that in the environment, it is not owned by environmentalists. It is owned by everybody. Everybody has a right to breathe clean air and to drink clean water, as Mr. Willinger had said. The problem here becomes when certain parts of society are taking advantage of that at the detriment of others.

In conclusion, I would like to say that you will not be catching of those against industry, but a vote to promote worker health and security, as well as public security. To those who have said that this bill will hurt cost effectiveness, I rebut with this. Live are not cost effective. "Right to Know" is a good mechanism by which the people can respond, and identify the problems before they have to. It makes sense, and I urge you to support it.

Thank you.

AUDIENCE: (Applause)

SENATOR DALTON: Thank you very much.

Another panel that wishes to testify includes Mr. George McDevitt, Vice President, International Chemical Workers, Bob O'Sullivan, American Civil Liberties Union -- Oh, I'm sorry, I am misreading this. Mr. George McDevitt and three others. Are there three others?

AUDIENCE: Yes.

G E O R G E M C D E V I T T: As you said, my name is George McDevitt and I appreciate this opportunity to talk to you about our efforts to reverse the pattern of occupational illness and injury in the State of New Jersey. The chemical workers has nineteen locals in the State of New Jersey, representing thousands of workers and their families. We have contracts with the major pharmaceutical houses and chemical manufacturers in this State.

Public health, working in cooperation with the government, has a proud tradition in our State of wiping out many infectious diseases, such as polio and measles. Unfortunately, the same type of progress has not yet been made in the area of occupational illness and injury.

Health statistics for the years 1949 through 1976 show significantly elevated rates of cancer in the citizens of New Jersey, compared to the rest of the United States. Bladder cancer, a type of cancer strongly associated with occupational and environmental chemicals exposures, was elevated 29% in white men and 34% in non-white men over these years.

In our county, Salem, New Jersey, we had the highest bladder cancer rate in the entire United States. Deviating a little bit -- these are the facts that

I am concerned with, not profit and loss -- people. That one statement alone about the amount of the highest plant bladder cancer in the United States in Salem County, should be something that people take cognizance of. Twenty-nine percent of the work force in that county is employed in the chemical industry. The President's report has estimated American industry experiences 100,000 deaths and 390,000 disabilities per year. The New Jersey work force makes up 3.42% of the national work force, so estimates based on extrapolation, would be that 3,420 deaths and 13,338 disabilities per year for New Jersey workers. Already in New Jersey, even though it is well-known that occupational disease is grossly under recognized and under-compensated, there were 26,330 permanent compensation awards and 13,670 temporary compensation awards making up, gentlemen, \$113 million paid out for the single year of 1981.

There can be no doubt that New Jersey is one of the highest-risk states in the country for occupational and environmental disease, specifically cancer.

Occupational disease is caused by exposure to toxic chemicals. New Jersey is the leading value producer nationwide in the manufacture of synthetic organic dyes, synthetic organic pigments, and pharmaceuticals. However, occupational disease by definition is 100% preventable if the exposure to these toxic chemicals can be controlled. Proper industrial hygiene controls, medical monitoring, and safe-work practices are the key protections in controlling exposure.

The "Right to Know" is a critical tool in getting these protections in place in New Jersey work places. The "Right to Know" protections, as laid out in this Senate Bill, will allow workers and the industrial hygienists and medical doctors to begin to recognize hazards and take action to prevent dangerous exposures. The key way to enable this process to take place is to provide the exact chemical name and hazard warning to workers.

This type of information has not been made available to workers on a routine basis in New Jersey. An International Chemical Worker Union in Bound Brook, New Jersey, which produced aromatic amine dyes in the 1950's, 1960's and 1970's was not notified of the hazards of exposure to the dyes even though the company's medical director published a chapter on industrial bladder cancer in 1949. Bladder cancer can be prevented if medical monitoring takes place regularly. Yet, these procedures were not carried out by that company until the 1970's. Needless to say, there have been a number of bladder cancers reported by members of this local.

Lack of chemical identification and hazard warning is not just a historical problem. Animal carcinogens, which public health service believes to be suspect human carcinogens, are not treated with reasonable precautions by many employers.

The National Occupational Hazards Survey documented that 70% of recorded exposures are made to trade-name products. The chemical name, not the trade name, is the passkey to the occupational health literature, and therefore, to the information on hazards and protections. The International Chemical Workers Union Health and Safety Committee representatives and servicing representatives of New Jersey have received extensive training in health and safety over the last five years, including workshops on how to look up the hazards of chemicals in occupational health books. In addition, the International employs industrial hygienists and medical doctors to work with local union representatives on solving

toxic chemical problems in the plant. If we cannot get basic information on the identity and hazards of chemicals we are exposed to, much of this local union training and International professional support will be for naught.

Workers in New Jersey will not get adequate "Right to Know" protection unless the New Jersey State government acts on this matter. The "Right to Know" issue has been before Federal OSHA for nine years now, and we still do not have a chemical labeling regulation. The government published an advanced notice of proposed rulemaking on chemical labeling in 1977, and another proposed rule in 1981. The 1981 proposed rule was revoked, and another proposed rule was published in 1982. The present proposed rule, if it ever becomes a final rule, will certainly be challenged by labor because it has been watered down to nothing, and, in addition, it may be challenged by industry. There will certainly be extensive litigation over the rule, and we will continue without decent "Right to Know" protection.

The New Jersey "Right to Know Act" is needed now. We have suffered far too long without this protection. Provisions for posting chemical identities and hazard warnings must serve as the foundation of this act. In addition, the trade-secret balance struck in the language of the act must retain the burden on the employer to demonstrate the legitimacy of a trade-secret claim before health and safety information is withheld. Otherwise, industry will use trade secrets as a smokescreen to avoid compliance with the act. A small, but significant number of employers have tried this tactic in the past and have forced the International Chemical Workers to go to the National Labor Relations Board to correct the problem. The National Labor Relations Board found, in fact, the company had made overly broad trade-secret claims by withholding the chemical identity of every substance in the plant.

It is essential that New Jersey pass the "Right to Know Act" as some fifteen other states and cities have also done. There is not a state in this union, in this country, that needs such protection more than the State of New Jersey. This act will provide workers and public health professionals in labor, government and industry a fighting chance to reduce and prevent occupational illness, not only in our work force, but our community.

I thank you. I also want to take the time now to introduce my technical advisor, who is the Director of Program Occupational Health at the Montifiore Medical Center in New York. He is the Assistant Professor at the Albert Einstein College of Medicine -- David Michaels. David?

D A V I D M I C H A E L S: Thank you, Vice President McDevitt. As you can see, we address the chemical workers of great numbers from several locals throughout the State have come before us to this hearing. They feel the importance of it. We are fortunate on the panel that three local officers from different parts of the State -- each of them will answer a few questions. They will post them to illustrate some of the problems that the International Community Health Workers have to face in the area of health and safety. Joe, would you identify yourself, please?

J O S E P H O B E R L A N D E R: My name is Joseph Oberlander, President of Local 155, Trenton, New Jersey -- Thiokol Chemical.

MR. MICHAELS: Joe, are there any substances used at the plant at Thiokol here in Trenton to which workers are exposed and which may be hazardous to their health?

MR. OBERLANDER: More than half, I would say. The big one would be asbestos.

MR. MICHAELS: And how is asbestos used?

MR. OBERLANDER: It is used in the production of drum brakes and disc brakes.

MR. MICHAELS: What do you know about the hazards of asbestos?

MR. OBERLANDER: First of all, we had to find out for ourselves through our Health and Safety Committee. The company just tells you it is bad for your health, they put a couple of signs up and that is it. But, we did find out so far that you can run down through research of our own.

MR. MICHAELS: And, what are some of those hazards?

MR. OBERLANDER: Cancer, for one, over a long-term effect, taking the particles home on your work clothing so that your immediate families and possibly your relatives are exposed to the same work conditions that you are exposed to.

MR. MICHAELS: Here is the interesting point. As you have heard this morning, a representative from the disabled workers here in New Jersey who had worked at Johns-Manville, would never have been told that asbestos was dangerous, and then the fact that was never told that it was dangerous -- that asbestos could, in fact, contaminate the home, cause serious lung damage, asbestosis, and cancer to the families of exposed workers. Have you ever been told not to wear contaminated clothes back at your home?

MR. OBERLANDER: We were never told that because most of the people where I work go home with the same clothes on that you come to work with.

MR. MICHAELS: I think the importance of this -- I would like the Committee to know -- is that numbers of industry representatives have said that national laws are sufficient, and it's very important that the problems in the national law don't include this point. It is really dealing with community hazards and dealing with family hazards. This is an area where I think this law really surpasses that and makes a very important point.

We were just recently studying Long Beach, California with 10% of the wives of shipyard workers who were exposed to asbestos. Ten percent of the wives had asbestosis. This is a phenomenal problem and one that we are very worried about at Thiokol.

This is a company which makes NASA fuel. It is a very advanced company, owned by a multi-national corporation, and they still don't warn their workers about the dangers of asbestos.

Are there any other substances which are hazardous to your health and are used at Thiokol?

MR. OBERLANDER: Well, there is one. It is called hexamethylene-tetramine.

It just has been found out not too long ago that it makes formaldehyde, formaldehyde fumes, which so far, the studies, have a possible link to cancer.

MR. MICHAELS: This chemical, formaldehyde, which has been -- NIOSH has issued a warning saying it should be treated as a carcinogen. Have you ever been told by Thiokol that you should be careful with it, that it might cause cancer?

MR. OBERLANDER: They wouldn't know themselves.

MR. MICHAELS: They have never told you.

MR. OBERLANDER: No.

MR. MICHAELS: Let me go on. Mr. Harris, will you identify yourself?
W I L L I A M H A R R I S: I am William Harris, Local 9, ICWU, and I am employed by the CIBA-GEIGY Pharmaceutical Company in Summit. I am the Health and Safety Officer for that particular local.

MR. MICHAELS: Are there any substances used the CIBA-GEIGY plant in Summit that are dangerous to workers' health?

MR. HARRIS: Yes, there are. There are a number of our chemicals that we use in the raw material and the chemical processing that are deemed hazardous. Our knowledge of two of them, if I may --

MR. MICHAELS: Please.

MR. HARRIS: One is known as a (inaudible), which is commonly by their term, hydrazine hydrochloride. There is another one that is hydrochlorothiazide. I had no knowledge that these were determined to be suspected as carcinogens until I notified my International in Akron. They ran it through their computer bank. At the time that I received a letter from the International and had a meeting with the company personnel -- management personnel, they said that there was some thought about it might be a carcinogen, but there was nothing conclusive. Yet, still and all, the World Health Organization has, in fact, considered this a suspect carcinogen -- both of the products.

MR. MICHAELS: So, the case in this is that CIBA-GEIGY never told you that this might be a carcinogen until you already had the information from the International Union.

MR. HARRIS: That is fact.

MR. MICHAELS: And CIBA-GEIGY, being one of the fifty largest corporations in the world, it is really not having a problem obtaining this information.

MR. HARRIS: That is a fact.

MR. MICHAELS: Thank you. We'll go on with our final representative, Mr. Lutz.

E D L U T Z: I am Ed Lutz, President of Local 825 out of Paterson, New Jersey.

MR. MICHAELS: What company do you work for?

MR. LUTZ: I work at P.F. Laboratories, which is a manufacturer of pharmaceuticals.

MR. MICHAELS: Are you exposed to any substances which may be hazardous to your health there?

MR. LUTZ: We have had over a period, I would say roughly an 18-year period -- we have had different cases of sensitivity to certain products and certain raw materials that the personnel were working with. We found that the company was not too responsive in a lot of areas until we did activate the Health and Safety Committee through the help of the Vice President, Mr. McDevitt and the Internationals. We have been educated in health and safety over a period of years to delve into those areas to have the company move in the direction to make corrective steps. I am not saying that the company is 100% in what their procedures are based on raw materials or reagents of solvents, but I think basically that the important thing is here for this bill -- that we are discussing right here today -- to be passed so we can have the people in the plants in the State of New Jersey be educated and to recognize basically the materials they are working with -- not these drums where they take the labels off and replace it with some marking.

I believe tonight I have here in the room two chemists who have been

involved over a period of years with us who can basically outline an area of about 14 to 15 different reagents and solvents that the people had no knowledge whatsoever of working with.

MR. MICHAELS: You brought Mr. Lutz here for a specific reason, which is that the P.F. Laboratories where he works is an example of a small company and certainly the issue of the ability of small companies to respond to this legislation is a very important one. How many people work at P.F.?

MR. LUTZ: We have in the neighborhood of about 159 to 160 people, and I believe in listening to some of the testimony given here today that some of the larger corporations in the State of New Jersey that indicated the basic concern over confidentiality. I believe that a small company, whether it be 160 people, or a big corporate company with 5,000 people -- I believe that that company has a right and a responsibility to each one of its employees -- not only in the area of health and safety, but the right to know what is there.

MR. MICHAELS: Once you activated your safe and health mechanism, you informed the committee with the help of the International and you requested from the company trade names and information about the substances with which you work, did you get that information?

MR. LUTZ: We have obtained that information over a period of years. It isn't based on a first request. I believe right now where any of these new raw materials are coming into the plant on a day to day basis, we have addressed various areas where the company would respond. But, not in all cases.

I think the area of concern with this bill today is to have these companies respond in that direction.

MR. MICHAELS: To your knowledge, though, in all the information you have gotten, has it harmed the financial ability of the company to compete with other --

MR. LUTZ: No, I believe that the company has gained the knowledge and the response to the individual worker. They haven't lost anything in that respect based on the confidentiality of their formulas or what have you.

MR. MC DEVITT: Senator, just to conclude, I would like to also add as another avenue in this that was not discussed, and it just came to my mind about these locals saying that they obtained this information. Some of them obtained them after six and seven months of strike, which the main issue was safety and health. In the area of the State of New Jersey -- economics -- strikes are not too good for it. When you have to take a worker to walk the streets to find out what he is working with, there is something wrong with society. And, we, of government, are supposed to be for the people, and we are the people, and we would expect, and very strongly, that we do not the company uses statistics. And I say for you, Senator, it is my son or daughter in those plants, like yours, or even that company spokesman -- their son or daughter is dead, it is 100% dead. I don't like that statistic.

Thank you.

AUDIENCE: (Applause)

SENATOR DALTON: I want to thank all of the members of the ICWU who came here today, and I am sorry you had to wait so long, but as you can see, there are still people waiting, so, thank you very much.

The next person I would like to call is Mr. Peter Montague, Princeton Center for Energy and Environmental Studies.

P E T E R M O N T A G U E: Thank you very much for the opportunity to testify. My name is Peter Montague, and I am with Princeton University. I am not representing the University today. I am here as an individual.

I am going to talk about the community "Right to Know," and I am going to give some specific examples of why it is important from the community perspective to have a "Right to Know" law in New Jersey. This should not be taken to indicate that I don't appreciate or understand the importance of worker "Right to Know." I believe that the work-place environment is the most heavily impacted environment in America, and its importance should never be downplayed.

I preface my remarks by a really a side issue, but a really important issue. In S-1670, there is reference to a sub-category of chemicals that are considered to be highly toxic, and there is specific reference to a book that I have with me today by Ann Irving Sacks called, "Dangerous Properties of Industrial Materials." I have the fifth edition.

A highly toxic chemical as defined in Irving Sack's book is one, it is quantitatively defined. It is defined as something that has a measure of toxicity that has an L.D. 50 -- that is to say a dose that causes a death in 50% of a species of animals subjected to such a dose, that dose being 500 milligrams per kilogram or less. That is milligrams of material per kilogram of body weight of the affected animal, so if that amount of material given to a laboratory animal causes the death of 50% or more of the laboratory animals, Irving Sack's ranks it as a number 3, a highly toxic chemical. That is on page VII, edition five of Sack's book.

There is a definition in words as well. Something that is highly toxic is "capable of causing death or permanent injury due to the exposure of normal use." The second definition, "incapacitating and poisonous." The third statement about it is that it requires special handling. So, that is an important sub-category of chemicals that is highlighted in this law, and I think that is an important feature of this law, and I certainly support its inclusion.

There are at least four important public policy objectives from the point of community residents who may be affected by hazardous chemicals that will be served by this law. I have gone to a file of newspaper clippings that we keep on hazardous materials in New Jersey, and one of my associates and I have pulled out newspaper reports. We pulled them out at random, not at random in a scientific sense, but a haphazard sense.

What I am going to testify to today is really the tiniest tip of a very large iceberg. We get relatively a thousand clippings per month -- new clippings per month from the newspapers of New Jersey about hazardous chemicals in the environment, and I have pulled out only a very few of the many, many newspaper reports that we get.

Enforcement of other laws will be facilitated by S-1670. For example, in Lafayette Township in Sussex County, the Federal **Environmental** Protection Agency considered bringing action against the Gillback Refrigerator Company because they failed to register as a generator of hazardous waste. The Federal government has no independent way of finding out who is registered as a generator of hazardous waste and who is not, and if S-1670 were on the books, you could go to the PIDS and find out which companies are handling which chemicals, and that would tell you who

ought to be registered as a producer of hazardous waste. So, it would serve as an independent check of use to other agencies in the enforcement of other environmental laws, and I think that might turn out to be a very important aspect of this law.

I am sure you have heard in testimony earlier today about the public health emergencies that would be helped by this law. In East Rutherford Borough in Bergen County, a fire at an East Rutherford warehouse raged for about five hours and came within 150 yards of radioactive medical supplies stored in the same building. Firemen were not aware at the time they were fighting the blaze that the warehouse contained radioactive material. This would be the kind of thing that would be available, the kind of information that would be available through S-1670. It would be immediately or quickly available to emergency-response personnel, and they would know what they were getting into.

In Hamilton Township in Atlantic County, here is a typical -- we have an entire file on fires that involve chemicals, and I have only pulled out two that relate to fires. Billowing smoke from a rubber factory fire contained cyanide gas and PCB's, and forced the evacuation of 1500 residents. This, unfortunately, as things stand now, you learn after the fact -- after the fire has been fought, you learn that the smoke contains PCB's and cyanide gas. If you knew from the information supplied through S-1670 what chemicals were involved in the fire, you might very well be able to tell early along in fighting a fire what was involved. This is tremendously important in New Jersey. New Jersey has a lot of chemical fires every year.

Planning functions of a variety of kinds would be served at the local level by information that would be made possible through S-1670. In Allamuchy Township in Warren County, the township is considering an ordinance to change a zoning tract to an industrial designation. A chemical company and a research laboratory want to come in there, and the town is concerned about the chemicals that would be involved. The only mechanism that they have right now is an environmental impact statement, and they are required in an environmental impact statement of the proposed facility, but an environmental impact statement is a one-time -- it is a snapshot in time of what that company is doing or intending to do right now at this instant. There is no ongoing mechanism in an environmental impact statement to provide that township with information as the characteristics of that chemical firm or that industrial firm change, and one of the ceiling characteristics of the chemical industry is rapid change. So, the fact that you know something about the chemicals that are being produced today does not assure that you will know something about the chemicals that are being produced tomorrow. A planning function would be enhanced in many locales by this legislation.

Dover Town, Morris County -- water pollution has forced the closing of one town well and the frequent monitoring of others. The Dover Health Department has begun a survey to assess chemical use by local industries, so there is a local community that is already trying to carry out the functions that would be required under S-1670. This is not a unique situation, I assure you. There are numerous towns that already want this information. S-1670 has written into it a particularly efficient, and I think effective way, of gathering that information. I think if we left it to individual health departments to go after that information on their

own, it would be gathered at considerably more expense to the public and to private industry that if it were a streamline procedure such as written into S-1670.

In Fairfield Borough in Essex County, we have another warehouse fire that involved large quantities of Agent Orange. As a result of that, a hazardous chemicals committee was set up in Fairfield Borough to worry about the general problem of hazards in the community, and fire inspectors were given the task of compiling a chemical inventory for over a hundred industries. There are, according to this newspaper report, more than 700 businesses in that community that use hazardous chemicals. The township is struggling to develop an ordinance to control toxic chemical storage. I would suggest that S-1670 would provide that township and numerous townships with the basic information, chemical abstract services and quantity of chemicals being used, and they could then have a handle on what is in their town and then would know how they wanted to respond to it in detail.

Another planning function, in Hope Township, Warren County, in August of 1981, the Fire Prevention Bureau of that town was investigating a chemical company that had abandoned a plant. They didn't know what had been in that plant. They didn't have the benefits of S-1670, and when they went into the facility, they found many quart-sized and two-gallon containers of exotic chemicals. They tried to get the company to clean those up. The company attorney said that the company had not left those behind when they moved out, but that the trespassers has brought those chemicals in after the company had moved out. If S-1670 were in place, the local officials would know whether or not that company had, in fact, been using any of those chemicals, and in fact, when the date was announced that the plant was going to be closed, local officials could have looked at the PIDS and seen whether or not there were substantial quantities of chemicals that they were concerned about, and they would have known whether or not they should have paid close attention at the time when the plant was being dismantled.

In Hamilton Township in Mercer County in 1980, a fire destroyed a 500-foot long warehouse at a plastic recycling plant. Local people rejoiced, hoping that the plant would never reopen, according to this newspaper announcement, because they had been smelling odd smells for years from that facility, and they didn't know what these smells represented. They felt that it was a health hazard, but they had no way to find out.

In the four-block Deutzville neighborhood, for over a decade, a fine white dust has spewed out over homes and yards daily in Hamilton Township. These people have been subjected to a chemical assault that they don't have any idea about, and S-1670 would give them the basic information that they need to find out whether or not they really are being harmed or whether or not they have nothing to worry about.

This same article describes another fire at a rubber company warehouse in Hamilton Township. The smoke from the fire contained traces of styrene, phosgene hydrogen cyanide and PCB's. Again, these were learned after the fact, whereas with S-1670, we could begin to learn about some of these hazards before the fact.

The Council of Hamilton is preparing an ordinance, according to this newspaper clipping, to require industries to register toxic material. So, there is another local community that is concerned enough about this kind of problem that they are beginning to take local action.

I restate that I believe that these, in terms of resources expended, society

would be better off to do this statewide rather than to allow one community after another to apply their individual local resources to the problem. The information would be gained in a way that was more universally useful and was more efficiently and effectively gathered. If it is done through S-1670, then it would leave it to every local health department and fire department to gather the information.

In Jamesburg Borough, Middlesex County, 600 to 650 drums were abandoned on the property of Fabco, Inc. plastics factory for an undetermined length of time. Surely, if S-1670 were in place, that kind of situation would be much easier to catch before the fact. These drums were left by the railroad track and they turned out to be filled with hazardous chemicals that were very flammable. There was a considerable danger of fire there. The fire did not happen to break out. It is a situation that should not have developed, and probably would not have developed if S-1670 had been in place.

The biggest category of benefits from this law would be in terms of investigations. Belvidere Township, Warren County -- people who live near Inco Container Company have complained to the town council of foul odors emanating from the plant. They suspect that the odors are polyvinyl chloride or vinyl chloride used in the production of clear plastic bottles. Right now, to get verification of that, you would have to inspect the plant. Under S-1670, you would pick up the PIDS sheet and see what they are using and see if there is any basis for being concerned about the odors coming out of such a facility.

Independence Township, Warren County -- a chemical manufacturer, Southland Corporation, moved to the town in 1978. Residents of the neighboring Alamunchy Township have complained about odors from the plant because of what they claim is the installation of faulty air-pollution control scrubbers. What are they smelling? Is it a health hazard? They are unable to find out. S-1670 would make it easy for them to find out.

East Orange, Essex County -- an anonymous phone tip about foul odors in the area of a warehouse led fire prevention and health officials to discover violations there. Very volatile chemicals were stored in drums and the drums were leaking. It took the odors affecting the community to get some action. Under S-1670, the information would have been available to the community to do their own investigation, and I believe, would help the problem of enforcing existing laws and doing investigations leading to enforcements. You would have under S-1670 workers and community residents being able to sure up the enforcement and investigatory arms of the State.

Abex Corporation in Berkley Township, Ocean County is accused by an employee of dumping chemical solvents, gasoline, brake fluid, and benzene on their grounds. Do they use those chemicals in fact? I have no idea whether they, in fact, use those chemicals. S-1670 would tell us whether or not such a claim by a worker had any reasonable basis, in fact, or not. If he had no reasonable basis, in fact, one would not need to investigate.

Boonton, Morris County, July, 1980 -- "DEP Finds Abnormally High Levels of Phenols, Toluene, and Benzene in Septic Systems of the Johannsen Manufacturing Company." The company says that it does not discharge any of those chemicals. S-1670 would tell us right away whether or not the company uses any of those chemicals, and in fact, it would tell us whether or not other firms in the area

that might affect that ground water using any of those chemicals and it would help pin down who was the responsible party for placing those chemicals in the ground.

Boundbrook Borough, Somerset, New Jersey -- Blue Spruce International, a firm that mixes pesticides for sale to third- world countries causes employees of a nearby company to become sick from pesticide fumes that spilled outside the Blue Spruce Company. Immediately one wants to know, what does Blue Spruce handle? Under current laws, despite what you have heard from several testifiers today, they don't give us a handle on this kind of problem, and I believe that S-1670 is needed to sure up existing laws.

SENATOR DALTON: Mr. Montague, if I can stop you right there. That is the point I asked the DEP earlier, and perhaps you could dwell on that a little bit, because one of the things that concerns me is that a number of people feel there is duplicity with regard to this bill and as it relates to some of the Federal statutes, specifically TOSCA, the Clean Air Act, etc. Could you dwell on that a little bit?

MR. MONTAGUE: Well, the Clean Air Act regulates something like ten chemicals. There are standards set for something like ten chemicals. The Safe Drinking Water Act sets standards for 14 chemicals. Dangerous Properties of Industrial Materials, which does not rank water as a dangerous material, has about 10,000 chemicals listed in it as hazardous to one degree or another. So, in my opinion, the existing Federal laws are very inadequate for controlling the hazards of chemicals to which we may be exposed.

I feel very strongly that this law does not duplicate existing laws, although I reserve judgment until I hear what the DEP has to say. They know more about their business than I do, but in my experience and to my knowledge, this law that has been proposed is not going to be a duplication of existing laws. It will enhance and strengthen existing laws, and it is very much needed.

SENATOR DALTON: So, in effect, what you are saying is that what we have here is a more comprehensive situation in that we are trying to address in the --

MR. MONTAGUE: Right.

SENATOR DALTON: It would be a more comprehensive basis that the --

MR. MONTAGUE: Right, absolutely. I would challenge those who have said that this law is duplicative to come forth with a chapter and verse of the laws that they believe already give us the right to know about these chemicals.

SENATOR DALTON: I think the one gentlemen indicated that -- a Mr. Bozarth indicated that TOSCA allowed -- in TOSCA you had to make or it had to be written somewhere, the hazard, the health hazard that a chemical posed. But, I think the distinction there is not only writing down somewhere the hazard that a health chemical poses, but the distinction is making that information available, and readily available.

MR. MONTAGUE: Absolutely, I agree with that. There are numerous places in public literature where it is written down how hazardous various chemicals are. That is not what is unique about S-1670. But, getting that information to the people who need the information is the unique and important feature of this law.

I am almost finished. I'll just give you a few more examples of investi-

gative kinds of actions that I believe S-1670 would enhance and strengthen.

In Bridgewater Township, Somerset County, residents near the PVP Company, which manufactures plastic foam used in flower arrangements, complained about toxic fumes from company smokestacks. The company claims that these fears of the toxicity of the fumes are ill-founded, and yet, the newspaper reports that empty drums are stacked outside of the company, and those drums bear skulls and crossbones. You would much rather have a CAS chemical designation than a skull and crossbones to tell you what it is you are actually dealing with. I believe that the people in Bridgewater would like to have S-1670 working for them.

Carlstadt Borough, Bergen County --Scientific Chemical Processing Corporation -- that is a local company -- has housekeeping and storage methods that a newspaper article designates as unsafe and environmentally unsound. They have corroded and leaky chemical drums stacked outside their facility, and they have, according to the newspaper, inadequately controlled and inadequately cleaned up continual spills. You would like to know what it is that this company handles. If you see that their housekeeping practices are poor, you would like to know what it is that they are so cavalierly handling outside of their facility in the neighborhood.

In the same community of Carlstadt, Bergen County, Ganes Chemical Works, a chemical plant in a residential section of Carlstadt, is suspected of discharging acids and other materials into the sewer, causing odors to seep through toilets, sinks and electric sockets at companies on the same sewer line. People who live near the plant have also complained of odors from the sewers. One would like to be able to go to a PIDS statement and find out what quantities of which chemicals this company is handling. Maybe there are no public health reasons to be concerned. On the other hand, maybe they are genuine public health reasons to be concerned, and one would like to know more about it.

In Hunterdon County in Frenchtown Borough, a company called Bio-Serve, which reportedly uses more than a dozen known or suspected carcinogens to create special diets for laboratory animals, has come to the attention of the local health authorities who have asked the EPA to carry out an inspection. One would like to know in more detail what this company is involved with because according to the local Board of Health, carcinogens are potentially being emitted into the air around that facility. A PIDS statement from that company would be in real interest to the people who live and work in that immediate locale.

Also in Frenchtown Borough in Hunterdon County, the Board of Health wrote a local manufacturer of technical ceramics and asked what was stored in the 64 steel drums on the factory's grounds. The company is Plessi-Frenchtown, and they responded in general terms. If they were subject to S-1670, one would know whether or not their response in general terms really fit the kinds of chemicals that they, in fact, use on their facility.

In Hackettstown in Warren County, residents have complained about odors from the Ultra-Poly Corporation plant. The company President says that no toxic substances are allowed in the plant, and that they use a completely inert, odorless product. He suggested that the odors might have originated at a neighboring leather plant. A typical dispute -- one would like to know where the truth lies. One would like to know what the leather plant uses and one would, of course, like to know what the

Ultra-Poly Corporation uses. S-1670 would give one the beginnings of the necessary information.

Elmwood Park Borough, Bergen County -- a resident's well tested in August had traces of trichloroethylene and had to be closed. The DEP said that two nearby chemical companies don't use those substances, and DEP is investigating the source of the contamination.

I think that S-1670 would greatly facilitate the search for the nearest user, a large-quantity user, of a particular chemical. If you find a chemical in the ground, and you want to know where it is, you could reduce the amount of leg work involved in such an investigation and probably save a fortune of dollars by having the information on file and readily available.

In Fairlawn, Bergen County -- in January 1979, the Borough's 15 wells were closed after high levels of chlorine and hydrocarbons were discovered in them. The Borough hired a consultant to pinpoint the source of the contamination. According to the newspaper, the high levels of chemicals indicate that a spill at a company in the Fairlawn Industrial Park was probably responsible. One, of course, would like to look at the PIDS forms of all the firms in that Industrial Park to see who was using the hydrocarbons of the kinds that were found.

As I said, this is just the merest chip of the iceberg. The people of New Jersey are under assault, as I view it, from exotic chemical substances. I think, personally, that S-1670 is the most important piece of legislation that I have ever known to be proposed, and I certainly thank you, Senator, for your personal part in this effort, and thank your colleagues, as well.

I would be happy to answer any questions.

AUDIENCE: (Applause)

SENATOR DALTON: Mr. Montague, I am definitely going to ask you questions. However, we are running a little late right now, and we have many other people who want to speak. Thank you very much for your testimony.

Mr. Dan Robbins, United Rubber? Is Mr. Robbins still here? (no response)

Ed Chilvin, UAW 595. Is Mr. Chilvin still here? (no response)

Jane Tousman?

JANE TOUSMAN: My name is Jane Tousman, and I am here today primarily as a concerned citizen and also as a citizen activist.

I wanted to give you a picture of some of the frustrations that we, as citizen watchdogs have, and we feel that S-1670 would address. First of all, I would like to very, very definitely emphasize the fact that I am mostly concerned with the future development in the community. I am concerned with the fact that we have site-plan committees and planning boards who ask questions of applicants and are even saying that this information that you have -- if you are going to come to us with this application, is privileged information, and we do not find out exactly what chemicals you are going to propose putting into our community.

What had happened in our specific town, and this is the only way I know to go with this, is that the application is then turned over to a consultant who charges \$75.00 an hour for review of this application. In our town, it is Plant Professional Examiners of Union. What they do is they review it, but they do this not in the public's eye. This is done on their own okay, and they charge, as I said, \$75.00 an hour. Then they write a review of that industry which is coming

in, and you are allowed from the public "Right to Know" to see that review. But, the thing I find strange is that the reviews all look very, very similar. All they say is that the applicant will not cause any problems. There is nothing in that review or anything that the Planning Board goes over, because our town does not require an environmental impact statement on how that building will affect the water or the air in the community. There is nothing ever brought out about the type of diking that will be needed for, let's say, a storage facility, fuels or other liquid hazardous waste substances. There is nothing in there about whether a sprinkler system would be required if the substance happened to be volatile and if it caused fires, and you would like to know how that would be taken care of.

There is nothing in there about buffer zones or any of the other things that would be very, very important in that applicant coming into this town. Then you say that he is coming in with these substances, and how will this impact on the air, and how will it impact on the water? Again, problems, figuring out exactly what chemicals are involved. They are never listed. They are never listed in the consultant's review, and they are never discussed at that site-plan committee meeting or at the Planning Board meeting, which comes in after. You can ask, but you are not necessarily told what these chemicals are.

Let's say that you know a general category of a specific type of application. Let's say you are talking about a plastic factory or perfume factory or something of this type, and let's say you know that there would be something in there that you would be concerned about, and you call up the Department of Environmental Protection to find out if this person had any sort of a permit to handle these particular substances on site. Well, you call up, and you find out that this person had, indeed, a permit for transporting certain types of substances. But, again, the door is closed. You are told that the information in that permit is not to be told to you, that it is privileged information, and I truly believe that S-1670 would address that. We could be told these things.

All right. Let's say you go a step further and you check with the EPA, and you get their permitting department and you ask them about this specific applicant. Again, they can't even track it down. You make five or six phone calls to the EPA to try to find out exactly which department handles what, and when you do track it down, you are not told what those chemicals are. I believe that this is very, very important.

I think that the Safety Data Sheet that is made reference to in this particular bill would take care of many of these ills very, very well, and I think that although libraries in the area -- if they could carry Safety Data Sheets, it would certainly facilitate everybody much, much better. You could go to the library, you could find the Safety Data Sheets, and at least you would have some idea of some of the chemicals involved and how they should be handled.

Also, I am concerned about the volatility of some of these chemicals that we are talking about. I believe that it is much, much easier these things before they happen. We should have, certainly, a knowledge of what these particular substances are, and how flammable they are. I think that the only way we can be helped is for you to allow us to help ourselves, and I truly hope that the bill will be passed.

Thank you.

AUDIENCE: (Applause)

SENATOR DALTON: Thank you, Ms. Tousman. We have been informed that the jackhammers will start up again at 4:30, so let me do this. Let me ask if there is anyone in the audience right now who has something that he would like to say that perhaps I, or the staff, haven't had the benefit of hearing before today?

Sir, why don't you come up and identify yourself?

ANTHONY A. DOTTE: Senator, my name is Anthony A. Dotten. I am from Howell Township. We have a landfill there that has been completely contaminated with hazardous chemicals that are so bad that the SCA, which is their subsidiary, is using radar analysis to determine if they can chance removing them because they might explode.

In this same dump, from your area, Rollins Chemical was processing germ warfare, infectious waste. When it blew up, guess where it went? Right into this local landfill among residents that are now, according to the school system, very "kooky-acting" because these chemicals are very insidious. They will either make you suicidal, even a maniac who could cause murder, or other things that according to a psychology magazine about -- there was a good report on it about two months back.

I have been trying to find out from the DEP what this infectious waste is and what condition it is in because they use land movers over this. This is all wetlands. According to all the laws of the country, this dump is an open dump that was supposed to be closed down. There is an underground artesian water source with the Muddy Ford Brook on one side, and on the other side is the Sandy Hill Brook. They fall into the Metedeconk River, which falls into Barnegat Bay. Right above us is the Manasquan River, which is extremely polluted from dumps. Up above that, they are planning to build in this State, according to the DEP engineering, two reservoirs, which will make the cost of potable drinking water higher than the price of gold by the time they try treating it.

I have been in much contact with the DEP. I wrote letters to Mr. Tyler, and I never got an answer. I gave the press two letters that I wrote, requesting water tests that were done, because at one time, they were putting sewer lines right on the Ramptown-Greenville Road into one of the creeks, disturbing all the sediment, which is so highly contaminated with metals that it is flowing down into Bricktown. In Bricktown, they are putting in a lot of cluster housing. They are putting it in now on Greenville-Ramptown Road. When they start pumping this, this water will come from this artesian source and these two creeks from the dumps, which are loaded tremendously with benzene.

The DEP Enforcement Director, Edward J. Londres, came to our township. He distributed an EPA Inventory Report this thick that I had two weeks before that -- I made out that I was a quick reader, and I said to him, "Sir, I reviewed your report in the last three minutes," and I said, "you said there are only a few hot spots on the dump." I said, "this report shows it's all hot spots." He said, "there is no off-site contamination." I said, "in here, there is a full-page report on (inaudible) Well, which is an off-site, private well, loaded with such horrendous chemicals that I can't even pronounce them." I have copies of all these reports that I can furnish you with.

I also found a report that he certified under oath to Judge Accarino in

the court records in Freehold that there is no off-site contamination. When I reported this to Mrs. English, she turned me in to the Attorney General. The Attorney General had another Attorney General from Princeton who called me up at home five nights in a row. Finally, he arrived Friday morning with a detective, but I wasn't at home. I came home Friday night, and my wife said, "why don't you call him?" I called him, and he tried to use coercion as though I was the lowest type of criminal.

After I got through informing him of some of the things that go on in the State, and I am very familiar -- I gave Congressman Gore a lot of information regarding this dump. He struck it out. What I am showing you is that there is so much collusion that we do need the law that you are trying to put through.

To an ordinary citizen, it is a losing battle. I quit drinking my water two years ago. The reason why I moved down there, if you could see my house -- I built a beautiful home, 300 feet into the woods -- people can't sell their homes. If I had a way of lifting that home by helicopter just to move it someplace else, I would.

Presently, I did aerial photos on this dump. I submitted them to the township -- 40 beautiful, better than even than the Air Force would have taken -- the Mayor kept them for six months. He never did anything. He had a public meeting, and he said he was doing his private investigation. Congressman Gore has this in one report that the Mayor never did act on those excellent photographs.

I also visited the dump. What amazes me is, what is the DEP doing? Do you know what I found? The first time I visited it last December, there was a pipe -- I believe it was a gas-well. It had a faucet off of it. It is close to

the Muddy Ford Brook. You can check this. I tried turning the faucet because I thought it was closed, and I couldn't move it. It was very cold that day, and I thought that maybe it was frozen shut. I found a beagle dog along the Muddy Ford Brook and even the rats didn't bother him, because whatever was in him, rats wouldn't touch.

When I revisited the dump in February, I saw the same source. I have photographs of all of this in color and black and white -- also of the dog. Water was flowing out of this faucet and I still couldn't turn the plunger, you know, to open and close it. The Muddy Ford Brook was about eight feet away, and this was leaking over to it. In my photographs, you can see that the water coming out of this thing was green, blue, orange and grey.

I have had water tests on my well. There are no metals like iron in the water in that area. There are wetlands all around there being filled in. In one area, the ground is about this high and I don't know how this person is getting the thing in there. That is why I originally went in there, because I suspected an illegal dump.

I contacted the Soil Conservation Commission in Freehold and I gave two letters to the press. I never never got an answer and I even sent photographs. They are trying to say that there is a "grandfather" clause and that this guy has a right to do this.

I have been living there almost ten years, and this activity has only been going on for the last two years, so there is no "grandfather" clause. Not only that, but he is also digging into the water aquifers. I have pictures where he is exposing the underground water to contamination.

Presently at the dump, I would say there is a new light that they have, which is about ten acres. This is without a permit. In 1970 at this dump, the DEP wanted them to get an engineering site-plan, but they never got it.

They also have no engineering cleanup plan, so in the meantime, they can do anything without any regulation as long as they don't have this. The thing is that this should be terminated. There is a problem, and the people need it.

But, what I want to know from the DEP, since they are here, if they would permit it -- I have photographs of so many DEP test wells, and guess what? There is garbage all over the place which is unburied. The State law requires that garbage be buried everyday.

Would you mind answering me, sir? Since Mr. Tyler, Mrs. English -- and also when I wrote to Rick Gimello about public participation -- when there was public participation after the fact, or as there has been no public participation in the past -- he didn't even give me the courtesy of an answer. Rick Gimello is part of the Enforcement Department. Would I go to the Gestapo and talk to Hitler rather than him for public participation? I would figure that public participation was something between the public and an organization. I am very confused and so are my people.

SENATOR DALTON: Thank you very much.

MR. DOTTE: Thank you, sir.

D R. K E N N E T H R O S E M A N: I am Dr. Kenneth Roseman, and I am Director of Occupational and Environmental Health Services for the State Health Department.

I just wanted to say something from the Health Department. We have not, at this point, taken a formal position on the bill. We are still reviewing it. We support the concept of the bill, and we see it as being a useful mechanism to reduce disease burden from occupational and environmental health in the State. It will help our investigations in the Environmental and Occupational Health Program, and so, we are going to be further looking at the bill and giving you our formal opinion in the future.

SENATOR DALTON: When in the future, Doctor?

DR. ROSEMAN: I can't say at this point. I did want to add one other thing about -- the question about, does it duplicate? I think really the proof that it doesn't duplicate is that workers do not know what they are working with. We have a lot of difficulty in finding out, during our investigations, what workers work with and what the community is exposed to. I really think that is the bottom line on whether your S-1670 does duplicate current legislation. I believe it does not at all.

SENATOR DALTON: Thank you very much.

Who else would like to testify? Can I get some hands? If you could be very brief --

A L L A N K A U F M A N: I'll be very brief. My name is Allan Kaufman. I am the President of Communication Workers of America, Local 1082. I would like to speak in favor of this bill on behalf of the thousands of CWA members in New Jersey and on behalf of particularly some members of my own local who work in the North Brunswick Sewer Department.

It is sort of strange that it is even an issue that people have a right to know what they are working with. You can't know if you go to the store and there is cyanide in your Tylenol. But, I don't really see the difference between

what happened to those people and the madman who did that to those people and those businessmen who refuse to label what they know is hazardous material so that the people who work with it and the people in the community who are exposed to it know. The "Right to Know" is really the right to your own health and the right to your own life, and there is nothing more basic than that.

What happened to the people in my local is that in the Sewer Department, they got a notice that there was a leak into a little stream that was by a lateral trunk from a plant. They went out there and found the leak. The sewer line was running right out of the brook. They called out the people from the company where the trunk was located, and they assured that there was nothing hazardous being used in the plant. They had to fix the sewer. They were ordered by the DEP to fix it within twenty-four hours. They went into the water, people were standing on the bank, there were some people in the water for hours, and they had to go back again when it broke again. A sample was taken, and they found many carcinogens coming out of that trunk. One person who was in the water fixing it hasn't been back to work in a year. He suffered all kinds of -- he has nervous disorders, a condition where the doctor told him his muscles are deteriorating, a pancreas infection, chest pains, and stomach cramps. A lot of people who went into the water and were only breathing the materials had these type of symptoms anywhere from a couple of days to a couple of months.

There was this one fellow who will never work again. There is another fellow who was out three months, back after six months, and he is out again. The rest of the people, another ten or twelve of them, have to live with the fact that they know they were exposed to carcinogens. They are all very worried that they are going to have cancer. They don't know what is going to hit them today, tomorrow or in twenty years.

It just seems such a basic thing that what is being used in the plants should be labeled because the people there said that they were just asked for the sheets of every chemical that was used in that plant. They wouldn't have had to take someone's word for it that it was nothing hazardous. They would just have had the sheets, they would have seen what was on there, and they would have said, "We have to have special protective gear to work with this." They could have fixed it if they had taken the right precautions.

There seems to be nothing more basic than that "Right to Know."

AUDIENCE: (Applause)

SENATOR DALTON: Thank you.

Anyone else?

ERIC SCHERZEER: I am Eric Scherzeer from the OCAW and Local 8-149. I am the health and safety representative. I think we were somewhere a little bit later on your list. With me are two other representatives of OCAW Locals in the State.

I think what we would like to do, knowing the shortness of time, is to mention a couple of key points that we would like you to take notice of, and hopefully have more time at one of the other hearings to amplify them.

The Local I represent is Amalgamated Local of 800 members and 23 different shops -- all different kinds of shops. Some of the key things that I don't think have been mentioned at all that affect our members are the increasing numbers of

chemicals that come into our plants from overseas and Material Safety Data Sheets that are either there that contain almost no information whatsoever from these overseas manufacturers -- I am talking about Europe, as well as India, Asia, Singapore, and Formosa. Those countries are manufacturing some of the most hazardous chemicals that we use in our industry. One of the provisions of the bill, as I read it, would require an employer to update the MSDS yearly, and I would expect that to include my employer, who has done a lot of research and uses these chemicals in a research and development area, to put on that form all of the hazardous chemical information that he knows about that chemical, even if the manufacturer of that chemical from overseas doesn't include it on the original form or no form comes from those manufacturers.

I think that those are some of the most hazardous chemicals that are being made overseas because, in some senses, they are too hazardous to manufacture in the United States. That is one key point.

The other key point is in terms of labeling. I work in the shop everyday and I know how workers deal with different chemicals that the labeling thing is absolutely crucial. If a chemical causes cancer or is suspected of causing cancer, and that is on the Material Safety Data Sheet or the OSHA requirement goes through and the regulation pretty much allows labeling to go on as it is, those workers will never know about that. If our labeling provision in this bill is strongly enforced and a label goes on that drum, a suspected carcinogen -- you would be surprised -- or maybe you wouldn't be surprised -- but, workers in the shop will handle that chemical in a very different way than any old 55-gallon drum that they deal with everyday. I think that that kind of label on a drum is absolutely crucial, and I strongly would recommend keeping that kind of provision in the bill and strengthening it if it is not as strong as it should be.

W I L L I A M V O G E L: My name is William Vogel, and I represent Local 8562, Sever-Geiger Corporation, Toms River, New Jersey.

I would like to tell you a brief story about one of our workers back in 1974. His name was Mr. Keebler. He was a chemical operator, working with vat dyes and phosgene gas. Phosgene gas is now and was then a recognized hazardous chemical. In World War II it was called mustard gas. He went out to change the tank and was exposed to phosgene. He was taken to our plant medical facility and was treated. From there, he was taken to Community Memorial Hospital in Toms River where they didn't know how to treat him, so he was transferred to Fitkin Hospital, or Jersey Shore Medical Center, as it is now called. There they gave him oxygen and monitored his bodily activities for a few hours and then sent him home.

Phosgene is the type of chemical that when it hits moisture, particularly as it would in your lungs, it changes to hydrochloric acid. The body produces more fluid to try to neutralize the acid, and as a result, that night he died. He literally drowned in his own fluids.

The hospital was unaware of how to treat him. Even with a recognized chemical where there was an MSDS sheet available, two area hospitals, as a matter of fact -- even the plant medical facility was unaware.

If this bill is passed, I feel -- S-1670 was passed -- that kind of problem, even with recognized chemicals, would be completely alleviated. It wouldn't take

something like a death to make it happen. Thank you.

V E R N O N J E N S E N: My name is Vernon Jensen. I am the President of the OCAW Local 8-891 at Union Carbide in Boundbrook, New Jersey. I also do occupational health and safety work for an international union under an OSHA grant. I cover a lot of territory, and I talk to a lot of people at various plants in doing this. And in conducting educationals, I get questions asked, all of which are pertinent, I think, to our present subject.

From my personal experience as a local union president, we are, at the moment, reaping the grim harvest of the fact that we used asbestos as a filler in our phenolic molding material up until 1972, when Union Carbide determined that it couldn't meet the OSHA standard and stopped making this particular product. Around that time, Dr. Sillifad came to our plant to set up a multi-phase screening program, and he predicted at that time an epidemic of asbestos-related disease. That prediction has come to fruition, and we just recently, at Massachusetts General Hospital, checked 50 of our people. We have got 22 cases of asbestosis. We've got one case of lung cancer, and one case of methephelioma, which, as you know, comes only from exposure to asbestos.

The gentleman who has methephelioma dumped bags from Johns-Manville for many years. In our phenolic molding material department, those bags were not marked "asbestos." They were marked "chrysotile," which is a form of deception. It is a type of asbestos, but it was not identifying the substance as asbestos. It was not identified as being harmful. If that gentleman with methephelioma had known that he was dumping asbestos and he knew that it was a dangerous substance, he would have had the right to make an intelligent choice whether to subject his health to that kind of risk or not. He did not have that type of choice.

S-1670 would provide him with that right of intelligent choice. As I did my educationals, I was asked a number of questions by people from two New Jersey locals. These are the most recent ones. A gentleman who is working in a plant where they make Clairol hair dye tells me that the people in that department are urinating a variety of colors of dye, which shows, of course, that they are inadvertently ingesting a certain amount of this dye material. Earlier there was talk from DICWU, quite properly, about the amount of bladder cancer that comes from dyes. While this was in Salem County, he was talking a-- There has to be a strong suspicion that these people are being exposed to something that is going to give them bladder cancer too. The company will not tell them what is in the Clairol hair dye. Now, that directly mainstays some of the bright remarks we have heard from industry representatives earlier today.

And, the Purex Company in northern New Jersey, likewise, -- and this is pertinent to what Eric was talking about -- we have got people there who are working with enzymes that go into various Purex products. These enzymes come from Denmark. They are noticing a good many pulmonary problems among the people who work with these enzymes, which they cannot identify. The company will not identify them and they can't get the identification from Denmark. The local President told me, and I don't know -- this is second-handed -- I don't know if it is true or not -- that the company refused to let the State Board of Health check into the situation at all. I am going to try to set up a NIOSH health hazard evaluation at that plant.

We had a representative here earlier testifying for an industry from

Occidental Chemical. One of the films that I show during my educationals is "The Song of the Canary." This is about an Occidental Petroleum plant in California, where a number of young men were rendered sterile through contact with DVCP. Supposedly, the company -- they had prior information, which they did not communicate to their workers. The company responded in a typically public-minded way. When they were precluded from using it in agriculture in the United States, they were selling it overseas where it was being used in agriculture there.

Occidental Chemical also, incidentally, owns Hooker Chemical, and I cannot be reassured by statements from the wonderful folks who gave us Love Canal and DVCP. I would much rather be protected by S-1670. I think that "Right to Know" is an idea whose time has come, quite obviously.

The minister this morning lifted a phrase that I have written here, but I said it was a moral imperative, and that precisely, he anticipated me. It is a moral imperative. People can have the right to make intelligent choices, which S-1670 would give them.

I commend you and your Committee and the other people who are involved in promulgating this very, very needed legislation. As I said, it is a moral imperative, and I hope that we will succeed in getting S-1670 enacted unexpurgated by industry influences.

MR. SCHERZEER: Senator Dalton, thank you very much for the opportunity. I think that all of us have a little bit more to say. We don't want to take anymore of your time now, but after sitting here all day long and listening to this testimony, we would like to give you the basis of a little bit of our experience. We will enlighten you some more in the future, and hope to work with you in getting this bill passed.

Thank you.

SENATOR DALTON: I appreciate it. Thank you.

AUDIENCE: (Applause)

SENATOR DALTON: Sir, if there is nothing new to add, please -- we would like to get going, if we could. Okay? If you have something that is new that nobody has talked about, we'll stay here. Otherwise -- I am for the bill. I am the sponsor.

You have spoken before, right?

AUDIENCE: (Someone answers "yes.")

SENATOR DALTON: This gentleman over here hasn't had the opportunity to speak.

GEORGE TANASIJCZUK: Hello. My name is George Tanasijczuk. I represent the United Paperworkers' International, Local 1712, Executive Board. I am also speaking for the International on this.

We, in the paper industry, use an awful lot of chemicals in the process of paper where it is burned off, either used or diluted in the paper-making process. The workers in our mills are in constant contact with chemicals, and everytime we ask for the MSD, which they will give us -- but, half the time where I have to disagree with the chemical industry -- there is nothing really in there. You can see they are labeled "trade secret," and as far as what the actual effects are of the chemicals not available, what to do with or about it for our local fire companies and that is not available. It is something I know that has been brought up, but that should be. These chemical companies are saying that they do supply

it, but a lot of this is not available to us. That is about it.

SENATOR DALTON: Thank you. Thank you very much. The next hearing relative to the bill will be at 7:30 P.M. next Wednesday at the Newark City Council Chambers. It will be followed by a hearing on October 20 in southern New Jersey at the Washington Township Municipal Building at 7:30 P.M.

Thank you for your participation.

(HEARING CONCLUDED)