

# NJ RIGHT TO KNOW & ACT COALITION

10 Rutgers Place Trenton, NJ 08618 (609)695-3232

CO-CHAIRS

Jane Nagaki  
New Jersey Environmental Federation

Eric Scherzer  
Oil Chemical & Atomic Workers, Local 8-149

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Jersey City Environmental Commission  
\* Amy Bahruth  
Communication Workers of America  
\* Valerie Caffee  
NJ Rainbow Coalition  
\* Arnold Cohen  
Ironbound Committee Against Toxic  
Wastes  
\* Marie Curtis  
NJ Environmental Lobby  
\* Clara Dasher  
A. Phillip Randolph Institute  
\* Rick Engler  
Industrial Union Council, AFL-CIO  
\* Bill Flynn  
NJ Firemen's Mutual Benevolent  
Association  
\* Ben Forest  
Monmouth County Friends of  
Cleanwater  
\* Neal Gorfinkle  
White Lung Association  
\* Ray Graves  
NJ Police Benevolent Assoc.  
\* John Hall  
Chemical Workers Assoc.-  
Int'l Brotherhood of Dupont Workers  
\* Mark Herzberg  
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\* Shelley Hill  
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\* Carolyn Holmes  
American Fed. of State/County &  
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\* Deb Mahedy  
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\* Waheedah Muhammad  
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Employees # 195 - Totowa  
\* Peter Montague  
Environmental Research Foundation  
\* Harold Morrison  
International Union of Electronics  
Workers, District 3  
\* Juliana Moton  
Communication Workers of America  
\* Eileen Nic  
Citizens Commission on Bhopal  
\* Ray Peterson  
NJ State Federation of Teachers  
\* Dolores Phillips  
NJ Environmental Federation  
\* Peter Shuchter  
NJ Citizen Action  
\* Ira Stern  
International Ladies' Garment  
Workers Union  
\* Trudi Thornton  
NJ Education Association  
\* Ivey Williams  
International Chemical Workers,  
Region 3  
\* Marian Wise  
NJ Public Interest Research Group

July 15, 1991

TO: Members of the Legislature

RE: HELP (S.2058/A.2832)

The ad on the reverse is in Time, People, US News & World Report, New Yorker, Life and Audubon.

The ad tells the public that "...the best way to answer your questions about what goes on behind the walls of our plants is to show you what goes on behind the walls of our plants." You can even call an 800 number to arrange a plant visit to see how chemicals are made and disposed of.

The ads are by the Chemical Manufacturers Association. The Chemical Industry Council (CIC) is CMA's New Jersey affiliate. So why is the CIC so opposed to the HELP bill?

HELP lets one neighborhood resident accompany an inspection by a Local Emergency Planning Committee (LEPCs are already required by law) to help suggest prevention measures after certain toxic releases.

We urge you to support HELP in light of the chemical industry's own position to "...show you what goes on behind the walls of our plants."

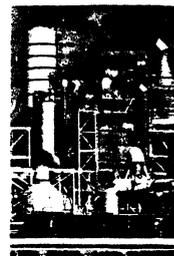
\* \* \*

The drawing on the left is from a new Chemical Manufacturer's Association publication. Note that eleven people are walking through a chemical facility.

## COUNSEL

David Tykulsker  
Ira Jay Katz  
Bennet Zurofsky

Hazard Elimination through Local Participation HELP-NJ



It also occurs to you that you don't have the foggiest idea how to go about finding out.

Well, we can't say we blame you. Over the years, our industry hasn't exactly been noted

for open doors, much less open dialogue.

But recently, the member companies of the Chemical Manufacturers Association have

esteemed in a firsthand look at the way we make, handle and dispose of chemicals. Because, ultimately, the best way to answer your questions about what goes on behind the walls of our plants is to show you what goes on behind the walls of our plants.

We're opening the lines of communication in other ways. In some cases, quite literally. Call **1-800-624-4321\*** and we'll tell you

**You're driving by that chemical plant, just like you do every day, when one of your kids asks you what they make in there and you answer that you're not really sure and it occurs to you that you probably should be.**

taken some crucial steps towards changing that. Through an effort called Responsible Care.<sup>®</sup>

Many of us, for example, are now regularly holding community meetings. Which give the people who live near our plants an opportunity to tell us about their fears and concerns. And to ask questions of the people who actually run the plant, day in and day out.

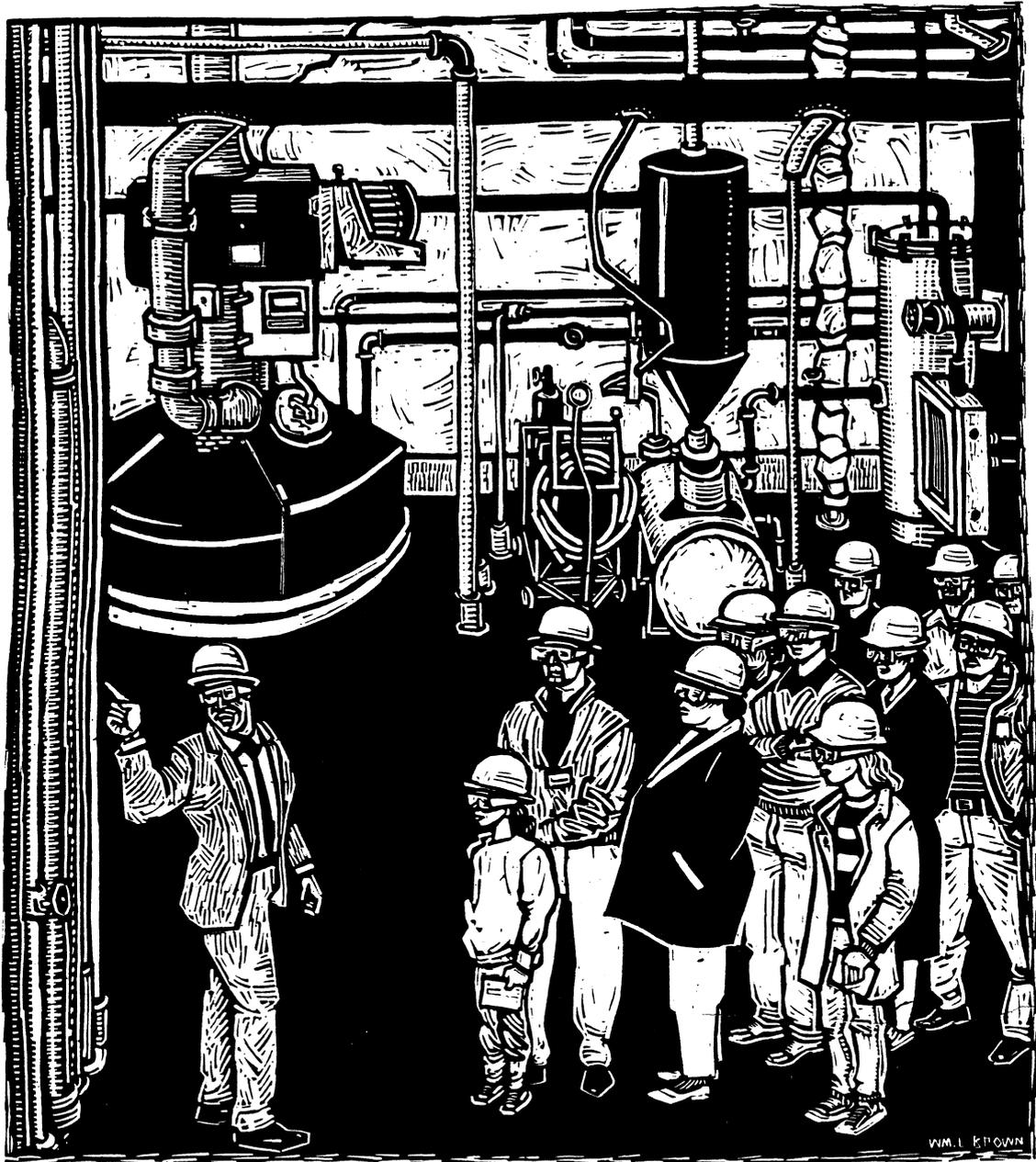
Others are offering tours to anyone inter-

how you can find out what your local chemical company is making. We'll also send you our **Responsible Care<sup>®</sup> Brochure**, which details other ways we're working to keep you informed.

So that the next time you're driving by that chemical plant, like you do every day, and one of your kids asks you what they make in there, you can tell him. \*8 a.m. to 7 p.m. EDT

**The Chemical  
Manufacturers Association.**

We want you to know.



"By opening the plant gates, facility managers and their staff are demonstrating that they are proud of what they are doing, and that they are willing to answer people's questions. Such openness has increased people's knowledge and acceptance of industry operations..."

from CMA Progress Report, 1990

***NEW JERSEY  
RIGHT TO KNOW & ACT COALITION***

September 25, 1992

Mr. Frank Popoff  
Chairman of the Board  
Chemical Manufacturers Association  
2501 M Street, N. W.  
Washington, D. C. 20037

Dear Mr. Popoff:

It is our understanding that CMA affiliated companies in New Jersey support state legislation (Assembly Bill 1232 and other amendments) that would, in our view, effectively gut the New Jersey Worker and Community Right-to-Know law and its vital universal labeling provisions.

I would be most appreciative if you could provide me with a list, including addresses, of your national public advisory committee members that is part of your "Responsible Care" effort.

We plan to write them to inform them of this matter. We believe that such CMA member company action is inconsistent with the intended spirit of Responsible Care.

Please address your reply to me c/o New Jersey Right-to-Know Coalition, 223 Park Avenue, Atco, New Jersey 08004. Thank you.

Sincerely,

Jane Nogaki  
Co-Chair



CHEMICAL MANUFACTURERS ASSOCIATION

James D. McIntire  
Vice President-State Affairs

October 27, 1992

Ms. Jane Nogaki  
Co-Chair  
New Jersey Right-to-Know Coalition  
223 Park Avenue  
Atco, New Jersey 08004

Dear Ms. Nogaki:

This letter is in response to your September 25, 1992, letter to Mr. Frank Popoff, Chairman of CMA's Board of Directors, regarding New Jersey Assembly Bill 1232. In that letter you assert that the support for Assembly Bill No. 1232 by members of CMA and the Chemical Industry Council of New Jersey is "inconsistent with the intended spirit of Responsible Care®." We do not believe this to be the case.

Introduced with bipartisan sponsorship, Assembly Bill No. 1232 would reduce the significant record-keeping and reporting requirements of the current New Jersey statute. These requirements do little to advance the employee, emergency responder and community safety needs sought to be addressed in the original New Jersey Worker and Community Right-to-Know law.

Assembly Bill No. 1232 would also correct deficiencies in the original statute identified by the emergency response community. The bill would replace the current labeling system with a nationally recognized system which emergency response personnel are familiar with and are trained to use. We do not view the provisions of this bill to be inconsistent with the goals of Responsible Care®.

Under Responsible Care®, our members are committed to support a continuing effort to improve their responsible management of chemicals. CMA member companies must participate in Responsible Care® as an obligation of membership in the association and must commit to continuously improve their performance in the areas of health, safety, and environmental quality.

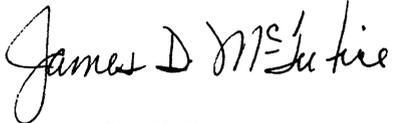
Responsible Care® obliges us to participate with government and others in creating responsible laws, regulations and standards to safeguard the community, workplace, and environment. Our industry brings to the public policy process the benefits of our technical expertise and experience, as well as a strong belief in the application of sound scientific principles

Ms. Jane Nogaki  
October 26, 1992  
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to public policy choices. Responsible Care® does not oblige us to accept or support proposed laws or regulations when we believe they are poorly conceived, or will not effectively achieve their intended purpose.

Thank you for your interest in Responsible Care®. If you would like additional information on our Responsible Care® program, please contact Jon Holtzman, CMA's Vice President of Communications, at (202) 887-1200.

Sincerely,

A handwritten signature in cursive script that reads "James D. McIntire". The signature is written in dark ink and is positioned above the typed name.

James D. McIntire  
Vice President-State Affairs

cc: R. A. Roland, Chemical Manufacturers Association  
J. C. Holtzman, Chemical Manufacturers Association  
H. Bozarth, Chemical Industry Council of New Jersey

***NEW JERSEY  
RIGHT TO KNOW & ACT COALITION***

November 3, 1992

Mr. James D. McIntire  
Vice President-State Affairs  
Chemical Manufacturers Association  
2501 M Street, N. W.  
Washington, D. C. 20037

Dear Mr. McIntire:

We have received your letter of October 27, 1992.

Our letter of September 25, 1992 said, in part, that: "I would be most appreciative if you could provide me with a list, including addresses, of your national public advisory committee members that is part of your "Responsible Care" effort."

No such listing was provided in or with your October 27th reply.

Will you please provide the requested address list or indicate the reason that you will not provide it thus denying your Public Advisory Committee members opportunity to consider this matter.

Sincerely,

Jane Nogaki  
Co-Chair

Please address your reply to me c/o New Jersey Right-to-Know Coalition, 223 Park Avenue, Atco, New Jersey 08004.



CHEMICAL MANUFACTURERS ASSOCIATION

James D. McIntire  
Vice President-State Affairs

November 10, 1992

Ms. Jane Nogaki  
Co-Chair  
New Jersey Right-to-Know Coalition  
223 Park Avenue  
Atco, New Jersey 08004

Dear Ms. Nogaki:

Thank you for your November 3, 1992, letter referencing our earlier correspondence.

We have forwarded to our public advisory panel members copies of your September 25, 1992, letter to CMA, as well as our October 27, 1992, response to your letter. Should members of our public advisory panel desire more information from your organization, they may be in touch with you directly.

If you have any questions in the meantime, I can be reached at the number indicated above.

Sincerely,

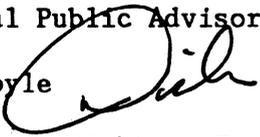
A handwritten signature in cursive script that reads "James D. McIntire". The signature is written in dark ink and is positioned below the typed name.

cc: J. C. Holtzman, Chemical Manufacturers Association  
H. Bozarth, Chemical Industry Council of New Jersey



CHEMICAL MANUFACTURERS ASSOCIATION

November 20, 1992

To: National Public Advisory Panel Participants  
From: Dick Doyle   
Subject: New Jersey Right-to-Know & Act Coalition

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I am providing you with a series of letters that were sent between CMA and an organization called the New Jersey Right-to-Know & Act Coalition. A total of four are attached.

In these letters the issues of record-keeping, reporting and labelling, among others, are addressed. These issues are the focus of legislation being considered in New Jersey. Both the Coalition's concerns and CMA's response are contained in these series of letters.

The Coalition asked CMA to provide them with a list of the participants on the National Public Advisory Panel and their addresses. This is not consistent with our agreement with you, nor a practice we want to get into. We informed the Coalition we would make all of the correspondence available to the Panel members. The decisions to follow up with the Coalition is yours.

I am looking forward to seeing you on December 4 and 5.

cc: Ms. Jane Nogaki, New Jersey Right-to-Know Coalition  
Mr. Jon Holtzman, CMA  
Mr. Jim McIntire, CMA

# New Jersey Right to Know and Act Coalition

223 Park Avenue  
Atco, New Jersey 08004

March 1, 1993

Mr. Hal Bozarth  
Executive Director  
Chemical Industry Council of New Jersey  
150 West State Street  
Trenton, New Jersey 08608

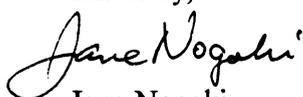
Dear Hal:

We are writing on behalf of the New Jersey Right-to-Know and Act Coalition which represents 160 New Jersey labor, community, environmental, and emergency response organizations.

In light of the significant modifications officially proposed today by the New Jersey Department's of Health and Environmental Protection and Energy to the regulations implementing the Worker and Community Right-to-Know Act, we are writing to ask you to withdraw the CIC's support for Assembly Bill #1232. As you are aware, we believe that this bill would effectively dismantle virtually the entire Act.

The Coalition generally supports most of the proposed regulations and asks you to do the same. We believe that they respond to many employer concerns, lessen employer burdens, and can be implemented without endangering worker, firefighter, or neighborhood health. In light of your Responsible Care program, we feel such action on your part would be appropriate.

Sincerely,



Jane Nogaki  
Co-Chair



Eric Scherzer  
Co-Chair

c: Wayne Tamarelli, Chairman, CIC/NJ  
Governor Jim Florio  
Secretary of State Dan Dalton

To : *DAVID HUNTER* Archer —  
*release FYI*

LABOR UNIONS PICKET CHEMICAL INDUSTRY COUNCIL OVER THEIR  
ATTEMPT TO DISMANTLE NEW JERSEY RIGHT-TO-KNOW LAW

Contact: Rick Engler  
609 866-9405

For Immediate Release, Trenton, April 28, 1993:

150 representatives of organized labor from the New Jersey Industrial Union Council, AFL-CIO and the Mercer County Labor Union Council, AFL-CIO today picketed the Trenton offices of the Chemical Industry Council to protest the trade association's support for legislation that the unions said would dismantle the state chemical Right to Know Act. The demonstration was one of hundreds that took place across the nation as part of the annual "Worker Memorial Day" activities called by the national AFL-CIO to remember the victims of occupational disease and injury. Before the picketing, the unionists packed a local union hall where they held a candlelight ceremony and read the names of New Jersey workers who died in the last year from workplace hazards. They also called for the reform of the federal Occupational Safety and Health Act which they said was far too weak and urged passage of comprehensive OSHA reform legislation now pending in the U.S. Congress.

According to Don Dileo, President of the Mercer County Labor Council, "It is outrageous that the chemical industry is trying to take away this vital law that has helped protect worker health since 1983." Archer Cole, President of the 200,000 member Industrial Union Council, said "The right-to-know about the chemicals workers and plant neighbors are exposed to is vital to

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public health. Industry, in the name of profits, wants to go back a decade to the time when our members had great difficulty learning about what they were exposed to." According to Eric Scherzer of the Oil, Chemical, and Atomic Workers Union and Co-Chair of the Right-to-Know and Act Coalition, "The CIC is part of the industry's "Responsible Care" program that promises public responsibility about toxic chemical issues. In reality, they're hypocrites." Jane Nogaki of the New Jersey Environmental Federation said "Workers are the public's first line of defense against pollution. They prevent toxic spills and emissions and monitor chemical exposures on a daily basis. Taking away right to know law provisions like labeling can only increase hazards to neighborhoods and our environment."

The legislation that the Chemical Industry Council is supporting is A.1232, introduced by Assemblyman Joe Doria (D-Hudson) and Assemblyman Robert Shinn (R-Burlington). In its present form it would eliminate effective container labeling (including labeling in public high school chemistry labs and darkrooms), endanger firefighters and other emergency responders by requiring labeling of only the single "most potentially lethal" chemical per site, endanger all public employees who no longer would have a right to effective training, and endanger Spanish speaking citizens by ending rules for chemical information to be provided in Spanish.

According to the New Jersey Department of Health, some 2,500 workers die every year in New Jersey from occupational disease.

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Unions represented at today's memorial service and picket included CWA, UAW, OCAW, AFSCME, Intl. Chemical Workers, Teachers (AFT), Steel Workers, Lithographers, IUE, Carpenters, Aluminum, Brick & Glass Workers, ILGWU, and Machinists.

-30-