

The Philadelphia Inquirer

new jersey/metro

section

B

Sunday, May 8, 1983

N.J. debates 'right to know' about chemicals

By Timothy Dwyer
Inquirer Staff Writer

TRENTON — In the beginning, there was only polite discussion and debate in the hearing rooms of the state legislature over the proposal known as "right to know." But in recent weeks, the discussion has erupted into a political street fight over whether the proposal will prevent — or bring on — the very demise of industry in New Jersey.

The issue involves hazardous chemicals and whether or not workers have the right to know what

chemicals they are handling. The issue was first argued in Philadelphia three years ago and has been spreading nationally ever since.

For a long time, debate in New Jersey over the issue remained low-key, restricted to those activists — in and out of industry — who foresaw the inevitable public fight over whether this highly industrialized state needed to regulate the workplaces in which hazardous chemicals are used.

But now that the issue has reached the statehouse, it could result in the

most stringent legislation on the subject yet enacted in United States. For it is here that, for the first time, legislation has been proposed that would protect not only the worker's "right to know," but also the community in which the company using the chemicals is located.

The bill, sponsored by Sen. Daniel J. Dalton (D., Gloucester), would require all companies that use hazardous chemicals, over a 36-month period, to:

- Give local health, police and fire departments a list of all hazardous

chemicals used or stored in their plants.

- Give their workers a list of all hazardous chemicals used or stored inside the plant.

- Label containers of hazardous chemicals, identifying the chemicals inside by name and identification number — which physicians can use in diagnosing a chemical-induced illness.

- Establish a program for educating workers about the chemicals with which they work and about the

chemicals' potential dangers.

- Give upon request, specific information to aid in diagnosing chemical-induced illness.

- Pay a \$2-per-employee fee to the state to fund the bill's implementation.

Dalton's bill has been embraced by a broad-based coalition of groups and organizations, some of which have seldom agreed on anything in the past. For example, anti-nuclear activists and some nuclear plant construction firms.

(See CHEMICALS on 8-B)

N.J. debates chemical-labeling bill

CHEMICALS from 1-8
tion workers actively support the
bill.

position's warning

On the other side, the issue has brought together the chemical industry, the largest employer in the state, and the New Jersey Chamber of Commerce, a powerful lobby for the state's industries. During an intense lobbying campaign, the two groups have warned legislators that if the law is passed, businesses will leave the state — taking jobs with them.

Opponents say they agree with the concept of the bill, but not with some of its specific proposals. They argue that the federal government should adopt a uniform "right-to-know" law because a variety of individual state laws would be too costly for industry.

Both sides agree that the issue comes down to trust. Industry wants labor to trust that companies have the best interests of their workers at heart and will protect them. And supporters of the Dalton bill say that in the wake of Three Mile Island, Love Canal and Times Beach, workers and legislators cannot trust industry, because it puts business concerns ahead of the health of its employees.

In the middle of this political windstorm is Dalton, a freshman state senator who is chairman of the Senate Energy and Environment Committee.

Workers and community

"The basic premise of the bill is that workers should have an opportunity to know about the substances that they work with, both the short-term and long-term health effects, and community residents also should have that same opportunity to learn about what is being stored in their community and what is being admitted to their environment," Dalton said last week in a telephone interview from Boston, where he was attending a conference.

The first "right-to-know" law passed in the United States was adopted three years ago in Philadelphia. It required companies to label containers, identifying the chemicals inside. Since then, eight states and municipalities have adopted similar legislation. In New Jersey, the process of drafting legislation began about 18 months ago, Dalton said.

"We had a number of meetings with industry representatives as well as labor organizations, community-based organizations such as tenants, neighborhood citizens and environmental groups. I felt that in order to pass or develop a comprehensive piece of legislation that there was a need for all parties with vested interest in the legislation to be involved in the process. Ideally, I wanted a bill that maintained, or upheld, two basic positions — worker and community information — but one that was generous to industry."

split widens

That process began to fall apart in the fall, and by the time the spring session arrived, industry lobbyists were saying that they had been frozen out of the process by Dalton, a

charge, he does not dispute. As the weeks went on, debate became more emotional as both sides accused the other of demagoguery. Even Gov. Kean's cabinet was split over the issue. Kean has taken no position on the bill.

Hal Bozarth, lobbyist for the Chemical Industry Council of New Jersey, is one of those who said he was frozen out of the process by Dalton. Bozarth has conducted a highly visible campaign against the bill.

"I assume that Sen. Dalton is working under the assumption that he wants to protect the worker," Bozarth said in an interview last week. "We agree, but we have a better idea of how to do it, because we're in the business."

Bozarth said most of the chemical industry had implemented sufficient "hazards-communication" programs. He said the Dalton bill would be costly to industry and would drive some companies out of the state to areas with less stringent — and less costly — regulations. In all, Bozarth said, the "right-to-know" law will cost industry in New Jersey \$20 million during the first year, not including the \$2-per-employee fee.

"When the bill passes, if it passes, it will send a message all over the country that New Jersey is not hospitable to industry," Bozarth said. He said the provision calling for labeling containers would be costly and would convey useless information to the worker. Further, he said, labels would allow competitors to steal the formulas for chemical products.

Vital information

Proponents, however, say the labeling would convey vital health-care information to workers who suspect that chemicals might be causing them to become ill. Bozarth said companies already comply with requests for information from physicians who are trying to diagnose and treat workers who may have been exposed to hazardous chemicals.

But James Robins, a professor of occupational health at the Harvard

School of Public Health and a proponent of the "right-to-know" law, said most companies were defensive and reluctant to cooperate with doctors.

"Even the manager feels under attack, is fearful of a compensation suit or freezes up because he thinks someone is out to get him," he said. "They just say they don't use anything dangerous."

Jim Lanard, a lobbyist for the New Jersey Environmental lobby, said the Dalton bill had generated large grass-roots support because there was a strong feeling that industry had failed to police itself and that it is time for government to intervene.

"After Love Canal and Three Mile Island, one would have expected industry to really clean its own house and make meaningful changes so that public health and welfare be protected. They have not done that."

Instead, they have mounted a tensile and expensive public relations campaign, trying to make public believe that they are concerned. They are doing nothing.

Both sides say they plan to intensify their lobbying efforts as the debate moves to the floors of the Senate and the Assembly.

Supporters of the bill plan rallies for the day that the Senate schedules a vote. And industry lobbyists say they will keep trying to slow down the process. Recently Senate leaders sent the bill to an additional committee for passage. But the slow-down strategy went back last week when Assembly Speaker Alan J. Karcher said he would co-sponsor the Assembly version of Dalton's bill and seek speedy approval.

Right to know measure up for vote

By DEBBIE APPLEGATE
Sunbeam Staff

May 11 1983
TRENTON — The Assembly Agriculture and Environment Committee will vote today on whether to release the "Right-to-Know" bill, requiring industry to label hazardous chemicals, to the full Assembly.

quiring industry to label hazardous chemicals, to the full Assembly.
The five-man committee, which includes Salem County legislator Thomas A. Pankok, is expected to endorse the measure by a 3-2 vote.

Assemblymen Raymond Lesniak and Anthony Marsella, two other members of the committee, authored

the bill. Late last month, Pankok publicly came out in support of the measure.

Probable dissenters on the committee are Assemblymen Elliot F. Smith and John O. Bennett.

Essentially, the bill would require industries to inform workers about the materials they are working with and the public about potentially hazardous chemicals within their communities.

Industries would have to label substances, keep medical records about harmful effects and make those records available to the public. The bill would also allow workers to refuse to handle substances for which medical information has not been provided.

The chemical industry, which generally has opposed the bill, says the federal government already has right-to-know legislation on the books and says that labeling chemicals could jeopardize trade secrets.

Charles Morris of the Right-to-Know coalition, a collection of labor, environmental and other groups, said early this week he does not expect any problems with the bill's release from committee onto the Assembly floor.

He said the coalition was particularly happy with Pankok's support. Morris said the legislator told the coalition in a meeting this week he would support the bill in committee, on the Assembly floor and in the

(Continued on page 5)

Industry airs grievances

Energy costs, high taxes are top concerns

By DEBBIE APPLEGATE
Sunbeam Staff

SALEM—County freeholders reaffirmed their support of industry last night at a one-hour, 45-minute discussion in which industry officials aired grievances about problems plaguing them today.

Company officials from most major county industries spoke of such problems as high energy costs, taxes, overregulation and the "right-to-know" legislation in a session designed to improve communication between the freeholders and the large firms in the county.

"We don't know what's on your minds unless you tell us," said Freeholder Walter J. Kern in opening remarks. "We are here to understand, to help you and to promote industry, which leads to jobs and a healthy economy."

David Hyson, of Anchor Glass in Salem, led off industry remarks with harsh criticism of high energy bills and taxes, both of which have forced

the plant to trim its employment rolls.

"We still have a business to run," he said. "The problem I see here is that in order to get where we're at, we've had to get rid of people."

Hyson said state regulations on pollution especially have hurt the plant. The state Department of Environmental Protection is too "vigorous" in its enforcement of pollution laws, he said.

Kathy Davis, a representative from Sen. Raymond J. Zane's office, told officials Zane supports efforts to reduce overregulation and is working on a bill which would allow the state legislators to eliminate unnecessary regulations from the DEP.

Freeholder Donald W. Sparks said he was upset at having to read of major industrial moves in the newspaper instead of learning of such moves directly from industry, but Hyson countered that notifying the freeholders is not standard business practice.

Douglas Frey of B.F. Goodrich in Pedricktown echoed Hyson's sen-

timents about high energy costs and taxes and also criticized the pending "right-to-know" legislation, which would force industry to label chemicals handled by workers.

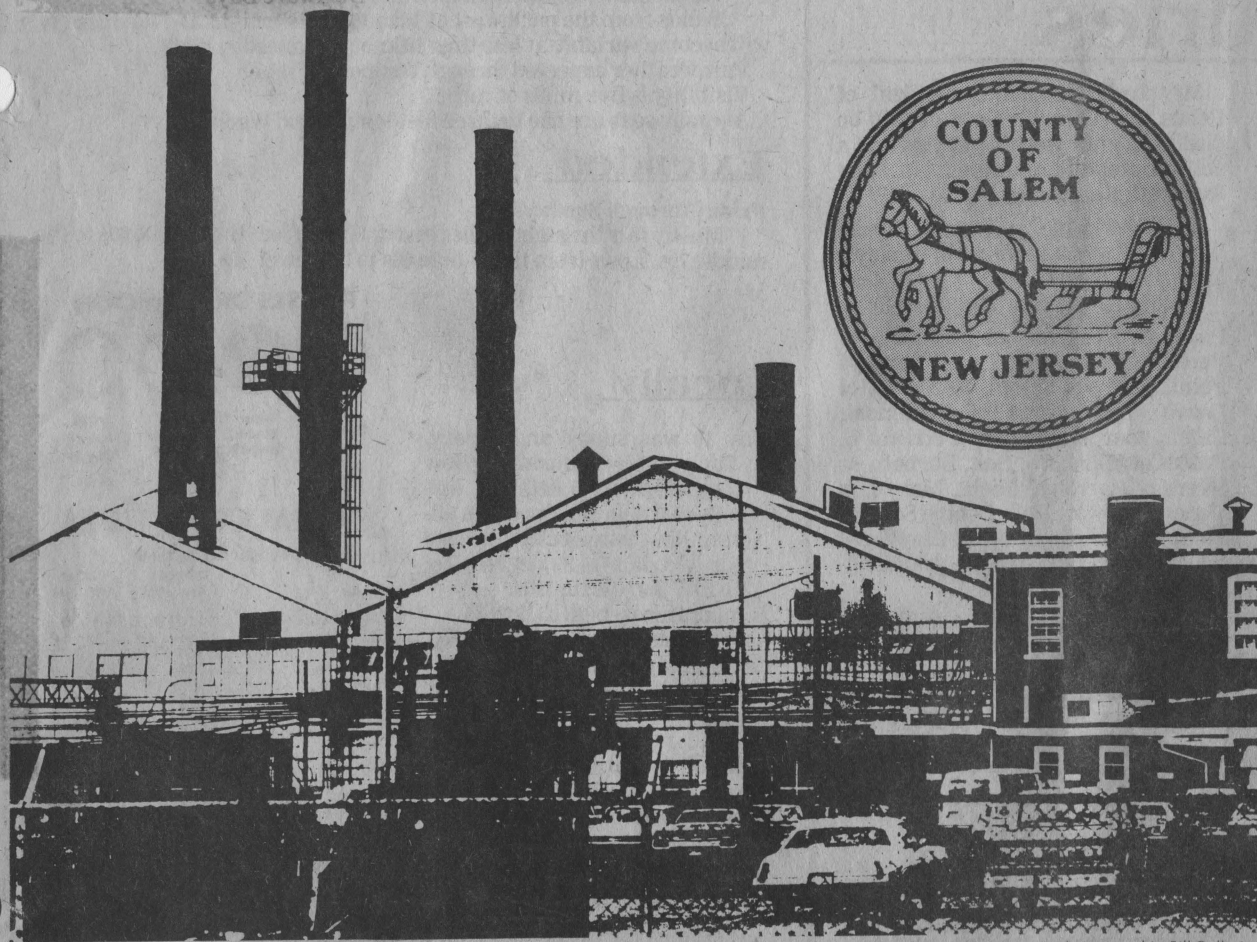
"I think the state government is trying to punish those here today, because of...past mistakes," Frey said.

"We do (want people to know), but we feel like we're already doing that. Now we're faced with a potential law that will place an additional burden on us. It brings nothing to the table. It will not improve safety at all."

Freeholder Director Clinton H. Ware told the industry officials the freeholders have formally opposed the right-to-know legislation, because of its potentially harmful effects on industries in the county.

Assemblyman Thomas A. Pankok was questioned about his position on the legislation, which comes before his committee today, and denied he was inflexible in his support for the bill.

"I won't vote for any legislation (Continued on page 5)



Sunbeam graphic Bill Gallo Jr.

Industry airs grievances

(Continued from page 1)

that drives industry out of Salem County," Pankok told the officials. Late last month, Pankok came out in support of the bill and said it is a "liveable piece of legislation" that is satisfactory to both industry and labor.

Pankok also suggested a study be done to make county residents aware of the economic impact of the industries in Salem County.

Other ideas discussed included employee training and reform of other state laws burdensome to industry, such as unemployment insurance.

Following the meeting, Ware said he was pleased with the session.

"It's good for a start," he said. "There were some real concerns out in the open.

"The main thing is that we made initial contact. Industry knows we're serious and committed to helping them out."

Kern also said the meeting was a success and called it "very positive."

He admitted many of industry's concerns cannot be dealt with at the county level, but added he hoped the freeholders could influence decisions at other levels of government.

Ware said this meeting will be followed up with contact to industries individually and other meetings.

Right to know

(Continued from page 1)

event an override of the governor's veto is needed.

"We're very happy with that," Morris said.

Morris said the coalition's next big hurdle will be pressing for passage in the Senate, which is scheduled to consider the bill on May 23.

He said a large group of citizens are expected to attend that Senate session, many of whom may testify before the senators.

He said the coalition expects industry to push for weakening amendments, but added the group has met regularly with legislators to convince them the amendments should not be added.

May 11, 1983

Phila

Augmen

Bad chemistry brews in N.J.

The chemical industry, New Jersey's biggest employer, is unhappy about a bill in the state legislature that would make companies tell workers and communities just what sorts of dangerous chemicals are going into their products, through their pipelines and out their back doors.

The bill is called a "right-to-know" bill — a truth-in-packaging piece of legislation that would require industries to let the local fire department know what they are storing on the premises and make them label their drums with chemical names and provide lists of those chemicals to workers who handle them every day.

That may sound sensible to most people — given the episodes at Love Canal and the rather poor record of industry in keeping its workers up to date on in-plant health hazards — but the chemical industry (cheered on by the New Jersey Chamber of Commerce) is fighting tooth and nail.

It argues that, not only would the rules cost a bundle (\$20 million for the first year, it says), but also that hard-pressed industries would line up to skip New Jersey for less-regulated climes should the bill pass.

Well, those arguments don't wash.

When Philadelphia debated a similar, though more modest, bill three years ago the business community went on the same warpath: Jobs would go down the drain, trade secrets would

be lost, red tape, etc., went the refrain. But the bill was adopted, and there hasn't been a peep about it since. In fact, when Allied Chemical burned in Bridesburg several months ago, the company decided to rebuild in Philadelphia rather than move out of town.

OK, the chemical industry says, maybe the *concept* of right-to-know laws isn't all bad, but if every state and city has a different one, it will be a royal headache to keep up. The truth of the matter is that, yes, it would be better if there were uniform federal regulations. But at this point there are none — though one federal proposal would require disclosure to employees — and local action makes sense in their absence.

If there is an overriding interest to be protected in New Jersey, where the cancer rate is frighteningly high and where industry coexists cheek-by-jowl with densely populated communities, it is the public interest. The chemical industry has no persuasive case for resisting disclosure in the face of growing evidence that whole communities and entire work forces may be at risk.

Those risks can be minimized, or at least taken into consideration, when a company puts its cards on the table, and the chemical industry's opposition to the right-to-know bill puts it squarely at odds with the clear and undeniable public interest.

'Right to know' bill will hurt, not help, workers

By ROBERT J. GEARY
Special to the Courier-Post

Organized labor is working to enact the "Worker and Community Right to Know" bill, (S-1670), sponsored by Sen. Daniel Dalton. The New Jersey Business and Industry Association is among the business organizations in the state which unanimously oppose this legislation.

The association believes that employees have a right to know what hazardous substances exist in their work place. They have the right to know what dangers are or may be associated with substances they handle on the job. Our quarrel with Sen. Dalton and his allies has never been over this fundamental point. Rather, we have had (and continue to have) difficulty with the senator's translation of that right into the language of the bill.

SEN. DALTON SEEMS to believe that he is the first person in New Jersey to recognize the importance of protecting employees from work-place hazards. Fortunately for industry and its employees, this is not the case.

Most companies have long since recognized that plants must be kept safe, if not as a matter of morality, then for reasons of dollars and cents.

S-1670, as introduced, called for every company in New Jersey to file a report with the state on each one of more than 100,000 substances "used, manufactured or stored" on site. The substances were not, by definition, hazardous. They were merely "substances," and the list included such things as table salt, ink, cleaning fluid, and bicarbonate of soda.

That's where we all started with this bill.

AS I SEE IT

Currently, the amended S-1670 calls for reporting on a list of some 400 hazardous substances (the so-called OSHA Sub-Part Z list), plus any other substances the State Department of Health wishes to add.

In addition to reporting, the bill calls for companies to label every container and pipeline holding one of these listed substances. That's within six months of enactment. Within two years of enactment, companies must label every container and pipeline in the work place, regardless of what it holds. The label must include the name of the substance and its chemical abstracts number.

IT IS TO THESE provisions that we object. Many companies, anticipating the need for "hazardous communications" sought by this bill, have established effective programs for labeling that use color codes (green for safe, red for dangerous) or geometric shapes.

The Dalton bill makes no provision for certifying these programs (many of them in place for years) as adequate. Instead, it would require that these companies tear up their existing programs (well understood by their employees) and replace them with the program devised by Sen. Dalton.

Frankly, we wonder of how much use to employees it will be to know that the barrel over here holds polychlorinated biphenyls, Abstract No. 86530, and the barrel over there holds sodium chloride, Abstract No. 20358. Better to say that the one over here is hazardous (red) and the one over here is salt (green).

Employees should be taught the hazards of the

substances with which they come into contact — and they are — as a means of convincing them to follow plant safety rules. If an employee wants to know more about the hazards associated with a particular substance, that information is available from company reports to OSHA.

A WORD ABOUT OSHA. Ten years ago, New Jersey decided — over the objections of the association and other business groups — to cede jurisdiction over plant health and safety matters to OSHA, the new federal agency. As a result, the state unit that conducted work-place inspections was eliminated.

Today, OSHA is on the verge of adopting regulations regarding "hazardous communications" to employees. Those regulations have been published and industry is anticipating their adoption in June. The regulations contain a strong pre-emption clause — that is, states are pre-empted from adopting different regulations. For companies operating in many states, it is clearly preferable to have one national standard rather than 50 state standards.

Perhaps we were wrong 10 years ago. But whether we were right or wrong, it makes little sense to keep changing the decision for what essentially are political reasons. Industry has spent a decade working to accommodate OSHA. Sen. Dalton would have us forget all that and deal once again with a state bureaucracy that, at this moment, does not exist.

And because it does not exist, the Dalton bill calls for industry to pay a fee-per-employee to pay for its creation.

The writer is vice president of the New Jersey Business and Industry Association.

Courier Post
5/12/83

I learned long ago that evaluating an issue by looking at who supports which side can often give one a better indication of the facts than simply listening to all the rhetoric.

Senator Dalton's "Worker and Community Right To Know Act" is just such an issue. The industry rhetoric says that it will drive jobs out of New Jersey and that it will actually harm rather than improve health and safety.

If industry is to be believed, labor unions across the state should be denouncing this threat to jobs and health. The fact is that labor organisations helped write this bill and have convincingly and unanimously supported it.

If industry is to be believed...

An op-ed piece by Robert Geary of the N.J. Business and Industry Association which appeared in the May 12th Courier-Post manages to destroy industry's credibility on this issue and should have convinced anyone with even a rudimentary understanding of the issue of the absolute need for Senator Dalton's bill.

While conceding that employees have the "right to know what hazardous substances exist in their workplace." Mr. Geary adds his name to the list of people opposing any practical application of that right.

According to Mr. Geary, Senator Dalton's original bill, which has been much revised in accord with industry wishes, called for reporting on 100,000 chemicals which "... were not, by definition, hazardous."

In fact, the original bill was based on the Registry of Toxic Effects of Chemical Substances, compiled by the National Institute for Occupational Safety and Health, under a congressional mandate, as a list of "all known toxic substances." Inclusion of a substance on the list of 50,000, not 100,000, chemicals means that "...the substance has the documented potential of being harmful if misused, and care must be exercised to prevent tragic consequences."

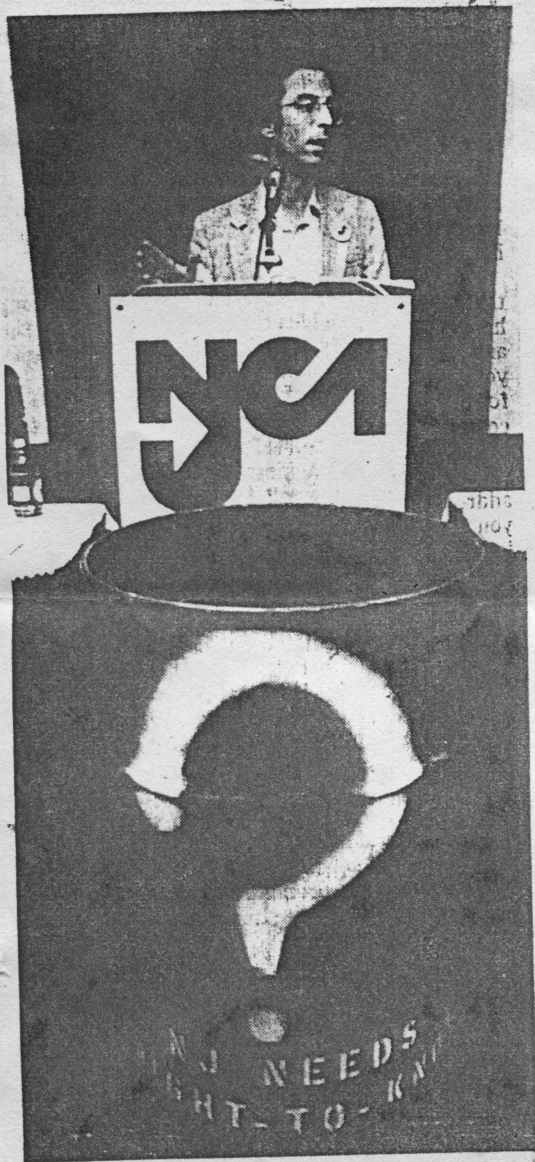
These chemicals are, by definition, Mr. Geary notwithstanding, toxic.

Moving from outright lies to flights of fancy, Mr. Geary argues that companies are currently doing a fantastic job of "hazardous communication", (is it the chemical or the communication that is hazardous?). He points to a program which uses color coded labels, red for dangerous, green for safe. A couple of questions come to mind. When does a chemical become dangerous enough to be "red", (NIOSH identifies 50,000 toxic chemicals and OSHA only regulates 450) and who makes that decision? How is a worker supposed to distinguish between, for example, a potent neurotoxin and a carcinogen?

In the system promoted by Mr. Geary, workers, whose health is at stake, are denied any opportunity to independently verify the company's hazard evaluation. The history of occupational safety and health is strewn with the bodies of workers who believed the company when they were told, "It's safe."

In the end, the clear implication of Mr. Geary's article is that the problem of chemical exposure is under control. Government statistics indicate that each year 390,000 American workers are added to the disabled list, and 100,000 die from occupational disease.

These are not the statistics of success. New Jersey needs the Right to Know.



Staff photo by Steven Zerby

Larry Cohen, director of organizing for Communications Workers of America District 1, at the podium.

Backers plot final 'know' bill push

By CHAPIN WRIGHT
Staff Writer

The Trenton Room at the Capitol Plaza Hotel looked more like the War Room at the Pentagon.

About 70 people gathered there yesterday afternoon to plan a final, last-minute assault on the State House. Taped to the walls were lists of New Jersey legislators targeted to be bombarded with phone calls, letters and telegrams in the coming weeks.

The objective: To insure passage of the Worker and Community Right to Know Act. The strategy: An all-out lobbying blitz.

Members of the New Jersey Right to Know Coalition listened intently as environmental lobbyist James Lanard told them how far they have go and where they go from here.

"When we got involved in right-to-know, we were told we would never see the bill get out of committee," he said.

ONLY A YEAR old, the New Jersey Right-to-Know Coalition is comprised of labor and environmental groups from around the state. It is part of New Jersey Citizen Action, an umbrella organization representing a variety of public interest groups.

More than 400 members of the Citizen Action were on hand at the Capitol Plaza yesterday for a Founding Convention to adopt by-laws, elect officers and attend a number of workshops.

The Right-to-Know Coalition group worked for months with Sen. Daniel J. Dalton, D-Camden, on the legislation, which would require certain companies to disclose the names of potentially toxic substances in the workplace.

The bill was released last month from the Senate Revenue, Finance and Appropriations Committee and may get a full Senate vote in early June.

"We need your assistance so we can reach every legislative district in great numbers," said Lanard.

The chemical industry and State Chamber of Commerce have already "mounted a major media campaign" to defeat the bill, Lanard said.

"We have to stop them from trying to persuade legislators, through the media, not to take us seriously," he said.

The pro-right-to-know effort will also consist of a heavy letter-writing campaign to newspapers around the state. It will culminate on the day the bill comes up for a vote when hundreds of lobbyists will invade the State House.

"NOBODY CAN oppose this thing and expect to get the support of labor and the environmentalists in November," Lanard said.

Eric Scherzer, health and safety representative for Local 8149 of the Oil, Chemical and Atomic Workers, warned the group to be on guard during the crucial last days before a final vote.

"The key thing to watch out for is weakening amendments," he said. "They know they can't defeat the concept so they will try to change the bill."

Industry has been trying unsuccessfully to slow down progress on the Dalton bill ever since it was first introduced last September.

Lanard said it was due to the group's lobbying efforts that the bill was released from the Senate Energy and Environment Committee in February by a 5-0 margin.

Just two days prior to the vote, Sen. John F. Russo, D-Ocean, remained uncommitted on the bill, Lanard said. That day Russo received more than 100 phone calls urging him to cast a yes vote.

"Senator Russo voted yes only because of what Citizen's Action was able to do," Lanard said.

The coalition was "riding high" after that victory, Lanard said, "but we were finessed by industry."

SENATE PRESIDENT Carmen A. Orechio, D-Essex, unexpectedly referred the bill to the revenue committee.

"We were stunned," Lanard said. "It was a setback." But after an intense lobbying barrage, he added, "we turned it into our most significant success."

"Lobbyists in Trenton couldn't understand it," he continued.

Coalition member Peter Montague said that right-to-know is a growing national movement.

"I suspect that we are sitting on the tip of an iceberg," he said. "I suspect that this is an idea whose time has come."

Courier Post
5/20/83

AS READERS SEE IT

Right-to-know bill: Why industry's measures aren't enough

Here is a real-world response to Robert J. Geary, vice president of the N.J. Business and Industry Association, (C-P 5/12).

For the past 28 years I have viewed the chemical industry from the operating buildings from which has emanated the stench of myriad unknown chemicals, exposure to which may some day end my life.

Geary objects to the information required on labels, saying color codes would be as effective. He wonders if it makes any difference to an employee if a container is labeled as containing polychlorinated biphenyls or if it has a

red (hazard) label on it.

It is this sort of absurdity that makes the Right-to-know legislation so important to the citizens of New Jersey. It is this type of reasoning that has caused the Love Canals and Times Beaches across America.

It was the Gearys of the past who hid the hazards of asbestos from workers from 1934 to 1979.

Salem County (the "Bladder Cancer Capital of the World") had about 350 bladder cancers amongst employees in the beta-naphthylamine operation at DuPont Chambers' Works plant.

That operation was shut down in 1955 — 17 years after Dr. Huepner, a

DuPont scientist, was fired after he published a report linking that chemical and bladder tumors.

Would that chemical have received a red or green label?

Through organizations such as PHILAPOSH (Philadelphia Area Project on Occupational Safety and Health) workers are becoming more educated in how to review chemical information and utilize this knowledge to protect themselves.

The Right-to-know bill (S-1670) would provide the means for access to this data. Will all workers use it? No — not any more than people avoid cigarettes knowing the health hazards. But should all be denied because some choose to ignore?

Certification of programs already in place for communication of hazards is another industry request. This would only compound the employee's difficulty in obtaining information.

To clarify, I point to DuPont, the recognized leader in safety. Naturally this chemical giant would be considered for certification as it has a "hazardous communication" system.

However, according to the testimony of its corporate medical director before the U.S. Department of Labor in October, 1982, "DuPont believes . . . The appropriate crite-

There wouldn't be a fuss if industry obeys rules

The May 12 comments by Robert J. Geary regarding the Workers' Right to Know Bill hold two typical objections peculiar to spokesmen for business and industry.

First, that it would cost money to educate workers, and second, that the workers are too ignorant to understand the hazards in their work place.

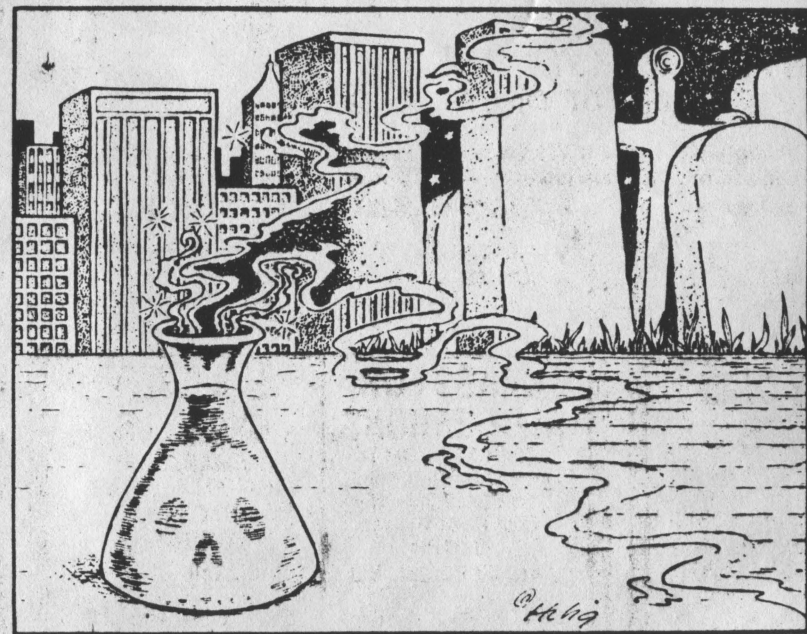
State Sen. Daniel Dalton and his supporters did not wake up one morning and decide to harass business and

industry via burdensome new rules and regulations.

The proposed legislation followed continual complaints from the workers. Had industry followed existing rules there would have been no need for such additional protective policies.

When the welfare of a company's most valuable asset, its workers, takes priority over profit, this type of controversy will be unnecessary.

EDWARD J. MONAHAN
Pennsauken



riation for determining whether disclosure is necessary should be whether the information is needed by a physician who has clinical responsibility for an employee."

I am employed by DuPont and frankly I don't want to wait until I have cancer before they tell my doctor what chemical exposures may have caused it. I want to prevent it.

Geary finally talks of OSHA and says "it makes little sense to keep changing the decision for what essen-

tially are political reasons."

I wonder if he made this argument in 1981 when President Reagan ordered the OSHA "labeling standard" reviewed — a review in which industry lobbyists so watered down the standard, it is a waste of paper to print.

CHARLES W. MORRIS
Chairman
South Jersey Right-to-Know
Coalition
Pennsville

VIEWPOINT

Wait for the feds

The current New Jersey legislative session has been a generally quiet one but one of the few issues that has sparked controversy has been the so-called right-to-know bill. This far-reaching measure would require most employers to post labels revealing the contents of every container on their premises—first hazardous chemicals and, eventually, the most commonplace of compounds.

The logic behind this proposal is irrefutable. Employees most certainly have a right to know whether they are dealing with dangerous substances. The only question is how to accomplish this goal.

The Legislature itself gives unmistakable signs of uncertainty about how to resolve this question. It has, since the beginning of the year, been in the process of drafting legislation. There have been a large number of amendments as it searched for a formula which would fulfill the intended purpose while meeting the concerns of industry that requirements might be unwieldy and impractical. A vote is now scheduled for mid-June but in light of these difficulties, it would not seem unlikely if there were still further changes in the bill.

A reasonable question to ask before such a vote would be: How have other states handled this problem? The answer, for the most part, is that they haven't. Only nine states have any legislation at all on the books and in most instances their laws are far less comprehensive than the proposed New Jersey statute. The reason for this is not widespread negligence but because a federal agency, the Occupational Safety and Health Administration (OSHA), has been preparing national regulations that will have the force of law.

At the outset of the year, supporters of the proposed New Jersey legislation said it was necessary because they felt the federal government was unlikely to act. More recently, however, there has been some movement on the federal scene. Douglas Clark, special assistant to OSHA Administrator Thorne Auchter, has said the federal regulations will be adopted sometime this summer.

The proposed federal law is unlikely to be as exhaustive as the one being prepared in New Jersey. But, in its draft stage, it does appear to fulfill the basic need of giving the worker the information as to whether the material in the workplace is likely to be hazardous to health or safety. In this sense, it may be preferable to the proposed New Jersey statute, which would require the employer to take not only this basic, necessary step but some others that seem like needless additions to normal safety precautions.

In any event, a sensible national standard is always preferable to a hodgepodge of conflicting statutes in the various states. For that reason, it would be well if the Legislature would delay action on a New Jersey statute and let the federal government set policy in this important area.

Plants in bloom

'Follow me, I know the way!'



PHILAPOSH

Philadelphia Area Project on Occupational Safety and Health

5th Floor, 3001 Walnut Street, Philadelphia, PA 19104 (215) 386-7000

To the Editor:

The following is in response to your May 29th editorial on the "Worker and Community Right To Know Act."

The writer is the Political Action Representative on the PHILAPOSH Board of Directors. PHILAPOSH is a coalition of unions concerned with occupational safety and health and is part of the New Jersey Right To Know Coalition.

Sincerely,

Charles Richardson
Charles Richardson

Your May 29th editorial opposing Senator Dalton's "Worker and Community Right To Know Act" made at least two very important points. Unfortunately, your conclusion that the bill is not necessary is not supported by the facts.

You begin by pointing out that "The logic behind this proposal is irrefutable. Employees most certainly have a right to know whether they are dealing with dangerous substances."

The fact is that without exact chemical names it is impossible for workers, industrial hygienists, doctors and others to do any sort of toxicological research into the real hazards of a chemical. In the absence of a Right To Know law which requires the labeling of substances with their exact chemical names, the evaluation of hazards, and therefore the health of workers is left in the hands of the same companies that told us for years that asbestos is harmless, despite overwhelming evidence to the contrary, and that today still deny the validity of studies proving that dioxin is harmful to humans.

Later in your editorial you state that "In any event, a sensible national standard is always preferable to a hodgepodge of conflicting statutes in the various states."

Organized labor, a key component of the Right To Know effort in New Jersey, has consistently supported a strong national OSHA standard. It was the Chemical Manufacturers Association which originally opposed that standard, as proposed during the Carter administration, with the arguments of federal de-regulation and states' rights. Now that the states are actually passing strong Right To Know laws (there are laws in 10 states and bills in at least 20 others), the CMA has reversed itself and supports a weak national standard.

By leaving the evaluation of hazards totally up to the companies, and by denying workers access to exact chemical names, the federal standard will do little to protect workers and will give workers no opportunity to protect themselves.

The National Institute for Occupational Safety and Health, the government agency which does scientific research on occupational safety and health, testified against

the proposed standard on precisely this basis:

"The often conflicting scientific data in the literature and the increasing amount of newly published information on the toxicity of occupational exposures makes the process of determining whether or not a substance is hazardous subject to abuses which could significantly undermine the effectiveness of the proposed rule. Selective or biased interpretations of the scientific literature could lead to wide variations in the labels and Material Safety Data Sheets developed for identical products."

The New Jersey bill avoids these faults by putting the real names of chemicals in the hands of those who are affected.

New Jersey needs a strong and effective Right To Know.

Beating the drum for right-to-know

By
BOB NARUS

- **ITEM:** A worker in Ocean County, exposed to phosgene gas, is treated by the company clinic and two area hospitals, and is sent home. That night, the phosgene reacts with the fluid in his lungs to form hydrochloric acid — and he dies.
- **ITEM:** Asbestos fibers hang in the air in — and around — the Johns-Manville plant in Manville. Company officials apparently knew of the dangers of lengthy exposure long before the public was told.
- **ITEM:** Thousands of drums of unidentified chemicals erupt into flames at Elizabeth's Chemical Control site. Firemen must put out the blaze without knowing what is burning — or what they might be exposed to.
- **ITEM:** Polychlorinated biphenyls, better known and feared as PCBs, drop onto the shop floor at the Singer plant in Elizabeth for years. No one outside management knows what the substance is until the plant closes and the company has to clean up the site for a new occupant.

In the past decade almost everyone has become aware of the chemicals which turn up in the air, in the water, and in the workplace — and of the dangerous effects they can have. But while we know that those chemicals are “out there,” we often do not know the specific substances we may be coming in contact with, or their particular effects.

Is the stuff in the container marked “Caution” just something you don’t want to set a match to, or is prolonged exposure to it liable to cause cancer? Is that funny taste in the water just the result of a rusty pipe, or the har-

binger of another Love Canal? If the plant down the road has a fire, does the local fire department have the training and equipment to fight it properly, or will firemen go in without knowing what risks they are exposing themselves to? It has become clear that what you don’t know *can* hurt you.

Frustration about what we do not know has helped to fuel the environmental movement in the past few years. Today, the movement to require manufacturers to reveal information about dangerous chemicals has moved from the suburban living room of the environmental activist to the urban fac-

tory of the labor movement.

In the final days of the Carter Administration, the federal Occupational Safety and Health Administration published a proposed regulation to get that information. It would have required employers to make a detailed survey of the hazards of all chemicals they used, and to label all chemical containers with the chemical name of their contents and extensive hazard warnings. Less than a month later, OSHA — now the Reagan OSHA — withdrew the proposal as part of a general attack on big government. A revised proposal was released last

spring, and a final regulation is expected within a few weeks.

The concerned groups aren't waiting. The question of what workers should be told about the substances they handle is being taken up on the state and local levels. Ten states and the city of Philadelphia now have what environmental and labor groups, grabbing the high ground, call "right-to-know" laws. Similar bills are pending in about two dozen other states, including New Jersey.

On the surface, it seems a fairly unarguable proposition that people who are exposed to any sort of risk ought to be told what that risk is and how best to minimize it. Senator Daniel Dalton (D-Gloucester Township), the sponsor of "The Worker and Community Right-to-Know Act," certainly thinks so. But perhaps surprisingly, so does James Morford, who speaks for the New Jersey Chamber of Commerce: "We support the concept that workers should be informed of the hazards in the workplace." And at least on the question of general principles, lobbyists

James Lanard of the New Jersey Environmental Lobby and Hal Bozarth of the Chemical Industry Council of New Jersey can sound more like friends than foes.

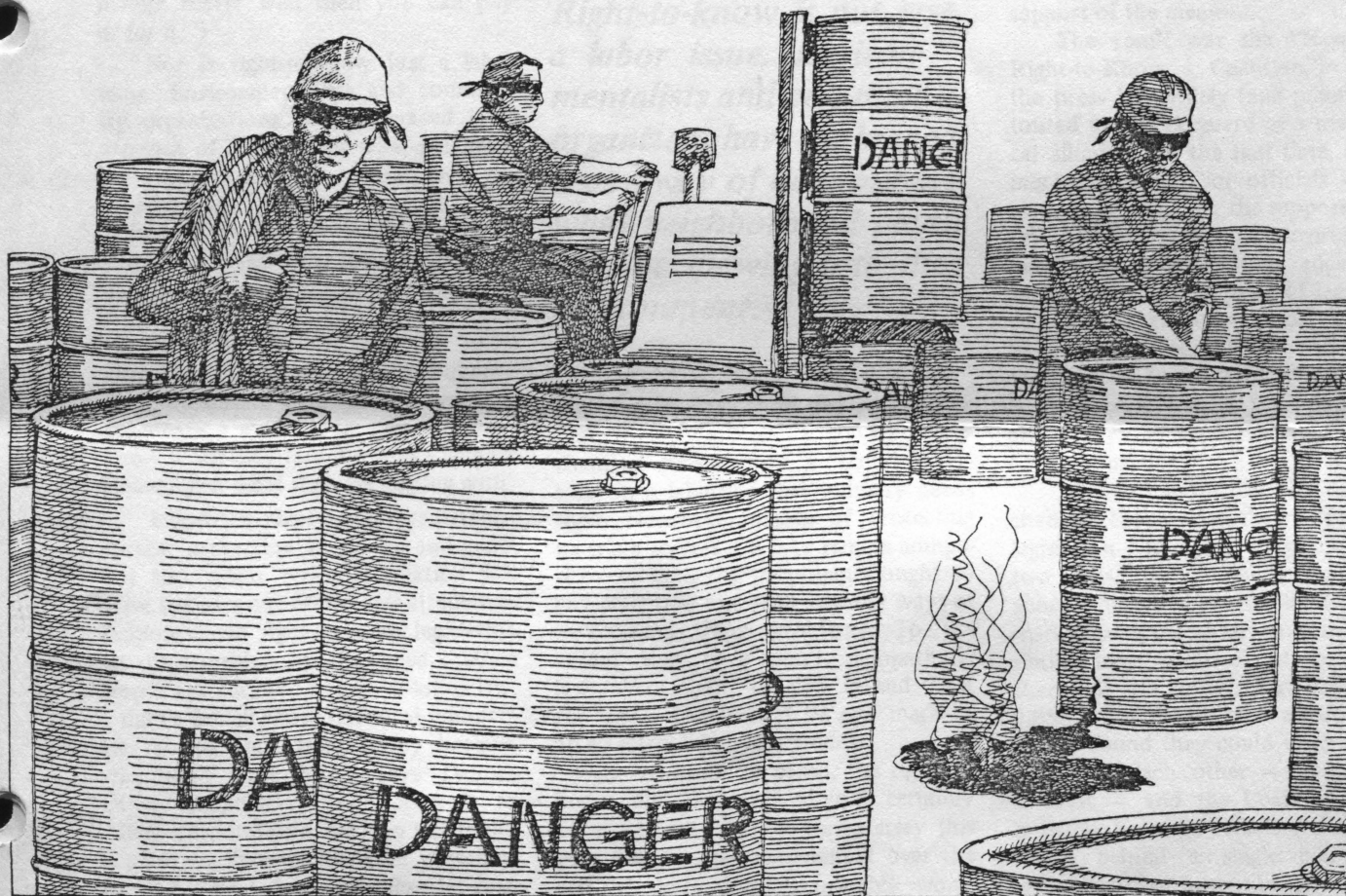
But the right-to-know battle that has been raging in the Legislature and the state's newspapers for several months is not about general principles; it is about how much workers and residents should know, and how much it should cost to tell them. Industry spokesmen who claim to support right-to-know insist in the same breath that they are already providing it. Hal Bozarth trumpets the sterling safety record of his industry at every opportunity and attributes it to extensive "hazard communication programs" adopted voluntarily by most companies. Employees are trained in the proper handling of dangerous chemicals, containers are labeled and often include extensive instructions on what precautions to take and what to do in the event of an emergency, and more extensive records of a substance and its hazards may also be kept. In industry's view, another government program superimposed on

this would merely cost money and confuse workers who are used to the industry's programs — without providing any more protection.

Labor officials reply persuasively that more protection is necessary. They point out, for instance, that the chemical industry's good safety record reflects a lack of accidents (like dropping an anvil on a worker's toe or falling off a ladder) rather than long-term health effects (like coming down with lung cancer after 20 years' work in an asbestos plant).

Naomi Fatt, the director of the Occupational Safety and Health Department of District 65 of the United Auto Workers, argues that industry programs provide only "acute information, not what happens if you are exposed to a little of it over a long period of time." Her pet example is formaldehyde, a chemical which can cause a strong allergic reaction and burning in the eyes on contact. Those dangers are highlighted by industry, she says, but not the fact that formaldehyde is also a suspected carcinogen.

Nor is a label listing the hazards of



a substance sufficient. The worker who died of phosgene gas poisoning because no one who treated him knew what he had been exposed to is an extreme example of the need to know precisely what workers are handling. Fatt and other labor officials recount futile efforts to learn the identities of chemicals their members may be exposed to so they can do their own analysis of the health effects of that exposure.

There the health issue becomes an economic issue as well. Fatt claims that only 5 percent of all occupational illnesses receive any form of worker's compensation. The major reason for the low figure, she asserts, is the difficulty of proving that a worker came in contact with a chemical that would cause such an illness. "Very few chemicals get as startling a reaction as asbestos," she says. An effective right-to-know standard would give unions the opportunity to prove that connection.

(Although union officials won't admit it, it will also give workers another reason to join a union and provide another bargaining chip in contract negotiations: "You want us to handle *that*?! Well then you can pay us for it.")

Nor is right-to-know just a labor issue. Environmentalists and community organizations have embraced it as a means of determining what neighborhood plants may be spewing into the environment. In Lanard's phrase, "Pollution in the factory is the source of pollution outside the factory." Environmentalists insist that the information on hazardous chemicals provided for the workers' benefit also be made available to county health departments. And firefighters' organizations want the information as well, so that they will know when they face the next Chemical Control just what they are dealing with.

Industry's response is predictable: Worker protection is all well and good, but too much costly regulation will drive business out of the state altogether. Proponents of right-to-know legislation are unimpressed by that plea. "When New York adopted a right-to-know law, I didn't see all those chemical companies moving into New Jersey because we didn't have one," says Dalton. Other supporters have pointed to Allied Corporation's decision to rebuild a plant in Philadelphia after a serious fire last year rather than relocate, even though a right-to-know ordinance is on the books there.

Of course, Dalton's proposal is considerably stricter than that in force anywhere else, so it is impossible to predict the exact consequences of its adoption. But most studies of the reasons behind business decisions to relocate or build new facilities rank the level of environmental regulations fairly low as a factor in those decisions.

Still, business does have a legitimate point to make about the cost of complying with a right-to-know law (even if you don't believe the precise figures in their cost estimates). Environmentalists, who rarely run chemical companies, do not always stop to think about the practical problems of complying with the regulations they propose. When industry claims that labeling is too expensive and they shouldn't have to do it at all, the proponents of right-to-know can argue that vested economic interests are trying to gut the bill. But when business notes that it is ludicrous to label miles of pipelines in a petrochemical plant (and very difficult besides if the contents of those

Right-to-know is not just a labor issue. Environmentalists and community organizers have embraced it as a way of determining what neighborhood plants may be spewing into the environment.

pipelines changes from day to day); or that it is cumbersome to list every chemical substance in a complex mixture on a label; or that industry needs some reasonable means of protecting its trade secrets if it is to remain competitive — then the proponents ought to pay attention and seek sensible ways of overcoming those problems. To the extent that they don't, sympathetic lawmakers ought to step in and do it for them. That would be one mark of an effective legislative process.

In an absolute sense, the right-to-know bill that will almost certainly be signed into law in New Jersey this year will be an improvement over the original draft. But it probably won't be as good as it could have been, thanks to the exigencies of lobbying tactics

and interest-group politics. The final version will be more cumbersome than it should be, and perhaps not as far-reaching as it is now. But the outcome, finally, will depend not on the merits of the legislation but on the political clout of its proponents and detractors.

Right-to-know was first introduced in the New Jersey Legislature in 1981 by then-Assemblyman Donald Stewart. When Stewart retired, the bills ("Worker Right-to-Know" and "Community Right-to-Know") were picked up by Dalton, the chairman of the Senate Energy and Environment Committee. Dalton pre-filed the bills, S-350 and S-351, in January 1982.

A month later, Lanard came to New Jersey to become the lobbyist for the New Jersey Environmental Lobby. Lanard had been active in the effort to enact right-to-know in Philadelphia, and he immediately set out to do the same here. Lanard pulled together a group of environmentalists, community organizers, and labor officials, some of whom were already working on the issue, to establish a united, grass-roots effort in support of the measure.

The result was the "New Jersey Right-to-Know Coalition," which the press has widely (and prematurely) touted as the vanguard of a new political alliance. For the first time, environmentalists and labor officials — traditionally at odds over the supposed trade-off between jobs and environmental quality — were working together in support of a major piece of legislation. (Whether that joint effort can last beyond one legislative battle is uncertain; Jim Lanard's other pet project is the bottle bill, a sore point with glassworkers in particular and the AFL-CIO in general).

The formation of the Coalition changed the course the right-to-know legislation has taken. Originally it was two bills: one provided information about hazardous chemicals in the workplace to workers; the other made similar information about both on-site chemicals and emissions available to the public. But labor and environmental groups found they could work together and trust each other — on this issue at least — and the Coalition decided it could be more effective if it joined forces behind a single bill. Dalton agreed, and last September reintroduced his legislation as a single measure, S-1670.

Even if a compromise could be fashioned that would make the right-to-know bill relatively simple to comply with, the business lobbies were in no position to endorse a compromise.

The original draft of S-1670 required every employer in the state to prepare and keep on file "Material Safety Data Sheets" on any of 40,000 chemicals (appearing in the registry of the National Institute of Occupational Safety and Health) that might be used in the workplace or discharged into the environment. Containers of those chemicals would have to be labeled as such (with the common name of the chemical and its Chemical Abstracts Service number), and a list of those substances would have to be filed with the Department of Environmental Protection. Employers who wanted to protect a trade secret would have to request a public hearing from the DEP and prove the need for such protection.

The legislative battle began in earnest with three public hearings last October. It was at those hearings that the opposition was first heard from publicly — and first displayed its strategy for opposing the bill. Three groups ultimately played a role in opposition to the bill: the state Chamber of Commerce, the Chemical Industry Council, and the New Jersey Business and Industry Association. It was the chemical industry, however, which took the lead in the lobbying effort.

On the surface, that would seem to make sense, since that is the industry most affected by the bill. "A little dry cleaning plant probably uses only one solvent," notes William Bobsein of Ciba-Geigy, the chairman of NJBIA's Environmental Quality Committee. A labeling requirement would be nothing more than a minor nuisance for such small operations. But a major chemical plant may use hundreds of chemicals, with an ever-changing inventory. The monitoring, record-keeping, and labeling that would be required under a right-to-know law would be substantial — and expensive.

Of course, having the chemical industry out front on the issue did little to help the business community's case in the eyes of the public. And so far as the effects of a right-to-know law are concerned, most of the state's businesses are more like a dry cleaning plant than a Ciba-Geigy. The strong opposition to the bill from the

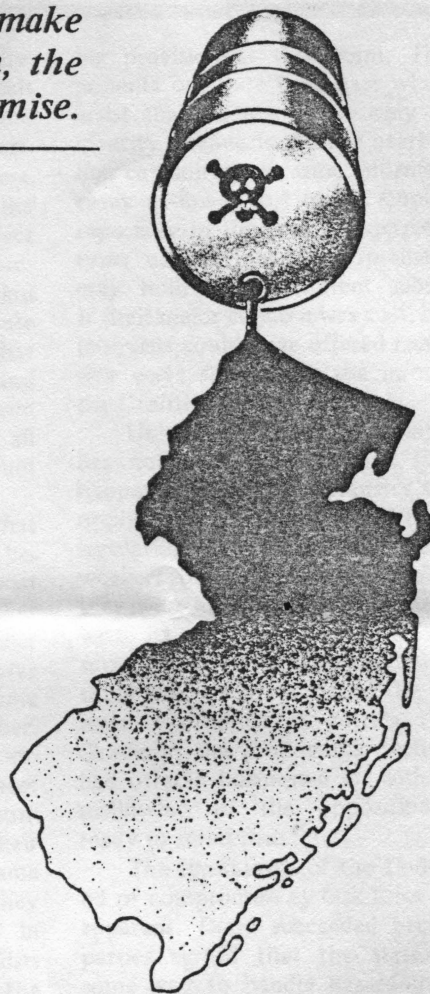
Chemical Industry Council is easily understood: the chemical companies it represents have the biggest stake in the bill. To understand the role of the Chamber of Commerce and the Business and Industry Association, whose memberships embrace firms far beyond the chemical industry — and, in fact, far beyond the manufacturing concerns which would be most heavily affected by the bill — requires some background on the dynamics of lobbying by associations.

The committees to which lobbyists like Jim Morford or Hal Bozarth report are — despite whatever internal disagreements they may have in normal times — a band of brothers when an outside challenge like the right-to-know bill arises. Think back to committees you have served on, and reflect how the most extreme member often can shape policy. No one on the committee wants a personal feud with an obnoxious colleague, so if old Charlie is sounding off, well, it won't hurt to go along with him in the testimony we're preparing, will it? So old Charlie, unreconstructed troglodyte that he is, gets his way.

That tendency is made more extreme by the lobbyist — who is, after all, a well-paid employee of the association — to want to appear to be earning his keep. He'll want to be able to assure old Charlie that it might be tough, but we should be able to block this one. He might brag a bit, work up a substitute bill to sow confusion, pull strings to get a bill referred to a hostile committee, try to stop it rather than modify it. These two tendencies, then, work against forging a compromise position.

The environmental-labor coalition, of course, also had its tensions between hard-liners and compromisers. One radical, for instance, was expelled by the Coalition for raising a ruckus at the Senate committee's public hearing in Newark.

So even if a compromise could be fashioned that would make the right-to-know bill relatively simple to comply with for most companies, the business lobbies were not in any position to



endorse such a compromise. That inescapable law of political nature led to the most serious strategic error made by the opponents of Dalton's bill: They decided to try to kill it rather than simply seek amendments to make it less onerous.

That decision might not have made all the difference; it is quite possible that no compromise between the Coalition and business could have been hammered out in any event. But the futility of any effort to defeat the bill outright should have been self-evident. "Anything with the word 'right' in it is going to fly in an election year," says Joseph Gonzalez, the former executive director of the Assembly minority who joined the fight in midstream as NJBIA's new top lobbyist.

Gonzalez's wisdom was unavailable to the business community last fall, however, and Bozarth, chief lobbyist for the Chemical Industry Council, went ahead with the shoot-to-kill strategy. In his three appearances at Dalton's committee hearings, Bozarth

did outline numerous problems with the initial draft of S-1670, but the focus of his testimony was a simple message: We don't need it. He offered a laundry list of federal and state laws which he said already required reporting of much if not all of the information required under S-1670, and insisted that his industry was already doing a bang-up job of protecting its workers with voluntary Hazard Communication Programs. These programs, he said, were more effective than Dalton's right-to-know legislation would be, because they told workers how to handle chemicals rather than just what they were. "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," he argued.

Despite the hard line of the business community, Dalton realized that the original draft of S-1670 had serious flaws, and he hoped he could still get business to at least discuss possible improvements in the bill. So he made an attempt to forge a compromise between the two sides. He held two meetings with "negotiating teams," a popular tactic in Trenton ever since

stances would be reported initially, drawn largely from a list of chemicals regulated by OSHA and another monitored by the DEP. The state Department of Health, rather than employers, would prepare and disseminate the renamed "Hazardous Substance Fact Sheets." The change was made, according to Lanard, to avoid the duplication of effort by many employers who use the same chemical and to insure that the fact sheets were uniform and correct. The number was reduced from 40,000 to 800 because that was all the health department said it could handle.

The Coalition agreed to that amendment, according to Lanard, because it retained something almost as valuable — universal labeling. Under the new bill every chemical container in every plant in the state would have to be labeled with its chemical name and Chemical Abstracts Service number. That way, Lanard explains, if a company did not have to keep a fact sheet on a chemical that workers were concerned about, they could go to their union's health specialist with the name and find out for themselves if what they were handling was dangerous. In Lanard's view, the environmentalists and labor unions were going to do the

ing provision at this point. The proponents overstate their case when they insist that labeling is the only way to identify chemicals. Surely nearby postings can convey the same information as easily at lower cost to the employer — especially in the case of complex mixtures or pipelines and containers that may hold many different substances. If their major concern was cost, business lobbyists could have offered less expensive ways to provide the information the Coalition wanted.

Unfortunately, such a compromise has not happened and isn't likely to happen. Thanks to industry's initial opposition to any sort of right-to-know legislation, and its insistence that workers did not need to know what they were handling as long as they knew what its hazards were, Dalton and his supporters became convinced that anything industry proposed on the labeling issue was aimed at gutting the bill. Similarly, the proponents, feeling they had offered business a lot without any mellowing of the opposition, were ready to stand firm.

The limitations of the Dodd method of compromise by task force became apparent. Dodd succeeded because all parties agreed that the state needed some way to handle hazardous waste. Dalton had no such consensus. He made universal labeling non-negotiable. Business groups, realizing they had gotten about all they were going to get from the bill, resumed the shoot-to-kill strategy with a vengeance. Now the two sides were not only far apart but frozen there.

Thanks to industry's initial opposition to any sort of right-to-know legislation, Dalton and his supporters became convinced that anything industry proposed on the labeling issues was aimed at gutting the bill.

former Senator Frank Dodd succeeded in passing the Major Hazardous Waste Facilities Siting Act in 1981 after it had been completely rewritten by a task force representing both industry and environmental groups.

Over the winter, S-1670 was rewritten twice by Dalton's committee aide, Mark Connelly. Dalton made clear at the time that he thought he made substantial concessions to industry, telling the press he made over 100 amendments to please industry. But he now concedes that the bill is much improved. "It wasn't really a concession," he says of the changes. "It just makes sense."

The biggest change was in the number of chemicals covered. Under the new version, only about 800 sub-

employers' work for them. Instead of adding another layer of burdensome regulation, the bill empowered people to protect themselves.

Needless to say, that is not how the employers saw it. Industry had seen many improvements in the bill — fewer employers were covered, rules for labeling some types of containers were relaxed, it became easier to establish and protect trade secrets — and further improvements would be made in future committee deliberations. But those matters became secondary when industry realized the expense it would have to go to in order to provide information it didn't necessarily want to provide.

There may have been some room for compromise on the universal label-

The distrust that had been building up for so many months finally came to the surface on March 7. Dalton's committee had reported the rewritten S-1670 unanimously the previous week. Senate President Carmen Orechio (D-Nutley) had referred the bill to the Revenue, Finance, and Appropriations Committee. A phone conversation with Bozarth convinced Dalton that industry was behind the move, hoping to slow the bill up. He refused to have any more contact with either Bozarth or the state Chamber's James Morford.

Business had plenty of reason to want the bill bottled up in committee. Even if it couldn't be held there until the end of the session, Bozarth and others hoped it could be held

(Continued on page 28)

Beating the drum for right-to-know

(Continued from page 10)

at least until the new OSHA regulations came out, demonstrating either that a state law was unnecessary or that the OSHA regulations would supersede state statute. But Bozarth denies having spoken to Orechio at the time, and in fact the bill belonged in the Appropriations Committee on its merits. Any bill that would require an appropriation of more than \$100,000 must go to Appropriations, according to Senate Rule 88 — and S-1670 requires a fund of several million dollars, collected as a \$2-per-employee tax on all businesses covered by the bill.

Nor did the referral slow the bill up; although it spent eight weeks in committee, during most of that period Orechio was only posting bills that had already passed the Assembly and would go straight to the Governor. Still, Dalton — now as set as the opposition was — had a scapegoat. "I stopped being profound, and started being political," he explained later.

His first political move was to ask the Assembly to consider the same

by the Assembly minority staff, was intended — according to its sponsor — as a workable alternative that might be adopted in whole or in part by the Legislature.

Unfortunately for Smith, Morford and Bozarth seemed to have other ideas. Morford sent a memo to the Chamber's Right-to-Know Task Force referring to the introduction of the bill as "diversionary." When the memo was leaked to the press, Dalton and Lanard called a press conference and lambasted the opposition. They also went after Bozarth, who, taking credit where credit could be taken, referred to Smith's bill in a Chemical Industry Council newsletter as an industry-drafted substitute.

Industry tried one other delaying tactic, calling for an economic impact statement on the bill. A 1977 law gave legislative committees the power to order such a study, but the process would have taken several months to complete. None of the committees through which the bill traveled was willing to wait that long.

Had Governor Kean stepped in earlier, he might have been able to extract concessions from both sides in the dispute while they were still talking to each other.

legislation. Assemblywoman Barbara Kalik (D-Willingboro) had sponsored Dalton's original bill in the lower house, and she now introduced the amended version, which was sent to the Agriculture and Environment Committee. Business responded, or seemed to anyway, by trying to clog up the legislative debate. The industry had been lobbying various legislators for a while, and Assemblyman Elliot Smith (R-Hillsborough) agreed to introduce a weaker bill that did away with universal labeling and permitted certification of existing Hazard Communication Programs — thus relieving the chemical industry of the most cumbersome procedures of the Dalton bill. Smith's bill, which was drafted

All this intrigue produced plenty of smoke in Trenton as well as the news columns, but there was very little light. S-1670 and its sister bill, A-3318, had a very easy time of it in committees this spring. On matters other than the major labeling issue, committee members were able to reach compromises on language. The Senate Revenue, Finance, and Appropriations Committee reported it out with minor amendments (mostly dealing with the funding mechanism) with a single negative vote. And the Assembly Agriculture and Environment Committee did the same, adopting the Senate committee amendments and adding a few of its own. Industry lobbyists, finally recognizing that delaying tactics were not going

to succeed, set about pushing amendments to gut the universal labeling provision of the bill, but both committees rejected those attempts.

Industry lobbyists hope to get another crack at passing their weakening amendments on the floor. Dalton can avoid that entirely by letting Kalik's bill, which contains the most recent amendments, move through the Assembly and then the Senate. If he wants his own bill to move, he will have to amend it on the floor, opening it up to the business amendments as well. Even so, he will almost certainly succeed in passing the measure intact — after all, it has already moved through three committees by a combined vote of 16 to 1.

Which leads us to the one interested party who has not been lobbying this bill: Thomas Kean. As chief counsel W. Cary Edwards explains it, the Governor left his department heads free to form their own opinions on the issue, and plans to listen to all their advice when the bill reaches his desk. And his departments are all over the lot: Health and Environmental Protection support the portions of the bill that fall under their purview, and the Public Advocate has endorsed it as well; Labor is publicly noncommittal but privately has assented to the provisions of the bill that it would administer; Commerce and Economic Development opposes the bill out of fear that it would hamper growth. (After Commerce Commissioner Borden R. Putnam testified against the bill, the Coalition charged him with conflict of interest because he held \$400,000 worth of stock in American Cyanamid, where he was a vice president before his retirement last year. The ethics commission, however, cleared him of any wrongdoing.)

All that advice has been available since last fall, however, and the Governor has yet to take a stand on the issue. Given the inflexibility of both sides, that is unfortunate. Had Kean chosen to step in earlier, he might have been able to extract some concessions from both sides while they were still talking to each other. Perhaps neither side would have been happy with the outcome, but at least Kean would have gotten a bill to sign that was still effective without being overly costly.

It seems clear now, however, that it is too late to reach such a compromise.

mise. Debate over the merits has largely given way to a show of political strength, and even if legislators and the Governor want to find some middle ground, the two sides are not about to lead them to it. The trade association lobbyists not and will not offer to back down for less than the deletion of the universal labeling provision. And the Coalition is not about to give anything on that issue, for fear that it might give too much.

In addition to all the advice, Kean will get plenty of pressure from both sides, and with the battle lines drawn, most participants and observers agree that he will have only two choices: sign the bill as is, in order to take the issue away from the Democrats (who want it badly); or conditionally veto it, returning it to the Legislature with one or more business amendments, including replacement of the universal labeling clause with a provision for certifying existing Hazard Communication Programs. In the latter case, the Coalition will have to prove it has the clout to override the Governor on a technical and little-understood issue.

Whatever the final result, New Jersey workers and residents will be better protected from hazardous chemicals than they are now. Although the bill is far too technical to expect legislators to grasp all its nuances in a one-day committee hearing or floor debate, the quality of the bill as it now stands attests to the ability of the legislators who have worked on the bill to turn a good idea into a respectably effective piece of legislation.

Legislators are not experts; lobbyists are — or can produce them on demand. When lobbyists are willing to reach a compromise, legislators can produce a bill that is in everyone's best interests. When the willingness to compromise dries up, as it did in the middle of the right-to-know debate, legislators — and governors — are left with no choice but to choose sides.

That's how the fight for right-to-know will end: choosing sides. In one case, the state gets the most effective right-to-know legislation in the county, but at a cost that might be a good deal higher than necessary. In the other, workers and residents get only a fraction of the protection they need. Either way, the lengthy legislative process will have produced quite a bit — but less than it could have.

Mail



(Continued from page 2)

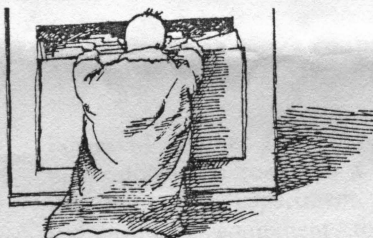
commended a fine be imposed whenever the privacy of the records was violated.

- A *New York Times* article with a sample size of 212 (a sample larger than any quoted in Mrs. Morrison's article) stressed that of these 212 birth mothers, 90 percent dreaded a confrontation with the past.

- In the Michigan Voluntary Registry results for the first year of operation, there were 144 birth parents who filed denials stating that they *did not want contact* with the adult adoptee.

- The courts have repeatedly upheld the right of the birth parent to anonymity. As recently as 1982, the Michigan Court of Appeals said the adoptee did not have good cause to infringe on the biological parents' right to privacy. In 1979, the Second Circuit Court rejected the constitutional arguments of the Adoptees' Liberty Movement Association (ALMA) to open the records, and the Supreme Court of the United States refused to overturn the decision.

The search groups, like ALMA, who support open records without restraint, have emotional arguments to



defend their position. We who favor a more moderate approach of a registry also have emotional arguments. I receive frequent phone calls telling of the damage done to the adoptive family and biological family because of the "unannounced knock on the door."

I am sorry that a magazine as fine as yours did not present the

issue of open adoption records in a fair and unbiased manner so that your readers could determine for themselves whether there should be unlimited access to adoption records, without regard to the feelings and rights of others (A-228), or whether there should be controlled access, which allows only those who wish contact to have it (A-1773).

Toni McHugh
Chairman
National Committee for Adoption
New Vernon

Unfortunate implication

To the Editor:

The special education issue of *New Jersey Reporter* (April 1983) is an outstanding report on the problems facing the New Jersey urban public schools. One comment in the lead article by Rick Sinding, however, is unfortunate in its implications.

In his discussion of the scores on the Minimum Basic Skills examinations, Sinding notes that the disparity between the urban and suburban district increases with the age of the students and says that "Either the suburban schools are doing a terrific job or the urban schools are doing a terrible job or both."

Another explanation of this phenomenon which is probably more accurate is that the distractions from the educational process are far greater for older urban than suburban children. Economic and social pressures to avoid school attendance and to fail to pay attention when present are far greater in the inner cities than in the suburbs. The quality of teaching may be equivalent, but the ability of the students to respond may be quite different.

Jim Boskey
Professor
Seton Hall University School of Law

Dioxin Found at Newark Plant

10 other sites to be tested

By Bob Drogin,
Mark Jaffe
and James Asher
Special Staff Writers

Phila. Inq.
June 3, 1983

TRENTON — High levels of dioxin, one of the most toxic chemicals known, have been found in soil at a former Agent Orange factory in Newark, N.J., and tests are planned for possible dioxin contamination at at least 10 other sites in northern New Jersey, state and federal officials said here yesterday.

The dioxin levels at the Newark, N.J., site may be higher than those found in Times Beach, Mo., where the federal government ordered evacuation and offered to buy all the homes earlier this year.

State officials said that tests of soil last week at the former Diamond Alkali Co. factory showed dioxin levels of 60 to 437 parts per billion on the one-acre site, which is now owned by Mariel Inc. Dioxin levels of 100 to 300 parts per billion were found on streets in Times Beach.

Officials of the federal Centers for Disease Control (CDC) in Atlanta have said that they consider any level of dioxin a potential health risk, and levels of more than one part per billion pose significant risks.

Gov. Kean yesterday urged residents near the plant in Newark's blue-collar Ironbound section to move away until further testing can be done around the site. Diamond Alkali produced Agent Orange, a herbicide containing dioxin, during the 1960s.

Kean offered free housing at a local YMCA to 75 to 100 residents in 25 homes within 300 yards of the Diamond Alkali plant, but stopped short of ordering an evacuation. He said that a voluntary health screening program would begin today for area residents and former workers at the plant, which is now closed.

"We have no reason to believe that these persons are in any health danger," Kean said at a crowded news conference in the statehouse. "This step is being taken purely as a precautionary measure to provide maximum public health protection."

Kean also invoked emergency powers to close a busy wholesale food market about a block from the dioxin site. He also said federal environmental officials would not test for dioxin in nearby homes, factories and in the Passaic River, which flows behind the factory.

Tiny amounts of dioxin cause cancer, birth defects, liver disease and death in laboratory animals. It causes chloracne, a severe skin rash, in humans. Other effects on humans are widely disputed.

Medical studies published in 1967 and 1971 reported that Diamond Alkali workers exposed to dioxin-laced herbicides suffered from chloracne and liver problems.

As word of the dioxin spread late yesterday, Ironbound residents began gathering on the porches of their small brick and clapboard homes.

"I'm frightened to death," said El-

(See WASTE on 16A)

study ties dioxin to immunological disorders

By Mike Penzler

WASHINGTON — British medical researchers published a study to the U.S. government for two years, establishing the "missing link" that ties the chemical dioxin to a host of diseases, a congressman said yesterday.

Rep. Tom Daschle (D, S.D.) said the study, conducted in 1978, "comes as a close link between dioxin and the ever going to find" to connect dioxin to the wide variety of diseases that afflict many Vietnam veterans afflicted by their exposure to Agent Orange.

Daschle said the research, conducted in 1978 by Dr. A. Milford Ward of the University of Illinois at Urbana-Champaign, showed that exposure to dioxin, a chemical in the body's immunological system, makes the exposed person vulnerable to a large number of diseases.

The congressman said that both the Environmental Protection Agency and the Environmental Protection Agency had been aware of the findings since 1960, but that neither had done any-

thing to alert government health agencies to their significance.

The study was provided by Dow to the U.S. government in 1960. "It was the content of public hearings on restriction of dioxin in 1960 that caused the study to be made," Ward said. "The study was conducted in Agent Orange and once widely used in this country to control weeds. Most of its use has been banned."

Ward said English workers who had been exposed to a

large amount of dioxin — far larger than combatants in Vietnam came into contact with.

"The immensity of the exposure makes the study irrelevant to the Agent Orange controversy," Long said.

Dioxin, the most toxic chemical ever synthesized by man, has become a concern in communities in Oregon to New York. It has been found in 11 places in Missouri, leading to the decision to buy out the town of Times Beach. It caused the abandonment of the Love Canal area of Niagara Falls, N.Y., and many other com-

munities have reported health problems that have been linked to the substance.

Many Vietnam veterans have complained of a broad range of disorders, including cancers, liver and kidney problems, nerve problems, vision and hearing impairments, birth defects in their children, sexual dysfunction, personality changes and skin rashes.

Daschle was accompanied by Dr. Joseph K. Prince, chief EPA immunotoxicologist in the agency's Chicago office. He called the Ward study "definitive" and said it corroborated

his own, still-unpublished research on 47 railroad workers exposed to dioxin. In a tanker car overturned in 1975, he said he found that 65 percent of the workers had suffered damage to their immunological systems.

Daschle said the study was given to him last week by a woman who, he said, asked not to be identified but who was aware of his attempts in Congress to compel the Veterans Administration to pay disability compensation to veterans suffering from some diseases in which he said the link with Agent Orange was beyond dispute.

dozens of N.J. sites to be tested for presence of toxic chemicals

By James Ather and Mark Jaffe

TRENTON — The discovery of extremely high levels of dioxin at a Newark chemical plant has led to the first in a series of dioxin testing under a new program recently initiated by the New Jersey Department of Environmental Protection (DEP).

Using a list furnished by the Industrial Environmental Research Laboratory in Cincinnati, state officials have identified 19 other factories where dioxin contamination may exist.

Paul Arbesman, deputy DEP commissioner, said yesterday that those 19 sites, all in northern New Jersey, were the "most likely" places to find dioxin in the state.

He added, however, that the dioxin testing is not limited to those sites. He said that the state is checking approximately 100 other locations for a variety of toxic wastes. According to the data prepared for the U.S. Environmental Protection Agency in 1980 by the Cincinnati

laboratory, the companies at the 19 sites once manufactured, processed, shipped or handled herbicides, pesticides or insecticides that could have led to dioxin contamination at the sites.

New Jersey officials contacted executives of those companies in April and asked for information about past production and whether testing for dioxin had been done at the plants. John Stanton, director of the DEP's division of waste management, said yesterday that not all of the companies had responded to the department's questionnaire. Within the last two days, after the Newark results were available, the DEP telephoned each company, demanding an immediate response.

One plant, Chemical Intesticide Corp. of Edison in Middlesex County, is abandoned and will be tested by the DEP soon.

The other sites are:

- Amchem Co., Linden, Union County
- American Cyanamid Co., Linden, Union County
- Easton-Chemical Co.,

Piquanock, Morris County.

- GAF Corp., Linden, Union County
- Givadian Corp., Clifton, Passaic County
- Merck Co., Hawthorne, Passaic County
- Milwaukee Air Corp., Berkeley Heights, Union County
- Rhone-Poulenc Inc., New Brunswick, Middlesex County
- White Chemical Corp., Bayonne, Hudson County

New Jersey only recently started testing for dioxin contamination in part because the test is complex. The private lab doing the testing, ETC Laboratories in Edison, only recently received its EPA certification for dioxin testing.

Dioxin is an impure byproduct in the manufacture of some pesticides. To detect the presence requires the use of sophisticated gas chromatography and mass spectrometry tests, which separate the various components of a sample because of the potential for toxic contamination, the tests must be done in an isolated laboratory.

chemicals affect warlike behavior in monkeys and orders

By Barbara Karrowitz, Andrew Mayhew and Ernie Tullerson

NEWARK, N.J. — Yesterday began the first of a series of tests at the Newark Farmers' Market, an open-air collection of produce dealers who supply restaurants, fruit vendors and housewives in North Jersey and Manhattan.

It's at midday. Thomas Smolewski, who runs a produce stand in the market, got an indication that something unusual was happening. An inspector from the state came by to inspect a housewife's basket of lemons had taken from the oranges from California, tomatoes from Florida and potatoes from Idaho and Maine.

By late afternoon, word began to circulate around the market that Gov. Keen had ordered it closed and reopened indefinitely. The cause? High concentrations of dioxin had been discovered at a former chemical plant about a block away from the market.

"Everybody says they don't understand it," said Smolewski. "How can they just close up and move this place?"

Dorothy McRay and her mother, Phoebe, were buying apples from Smolewski. They were inattentive about the warnings of dioxin in their midst. "We were coming here for years," Dorothy McRay said. "We live in this general area. Whatever we got, we've got it already."

Smolewski said they had never heard the dioxin only at the chemical plant. He said he had never heard the market relocated immediately to a site in central Newark as a precautionary measure.



former of environmental protection, who accompanied Goldenrod on the trip, said, "I think you probably have a bunch of people here who don't know dioxin."

He then summed up the attitudes expressed by the folks of this industrial core, who regard living downwind from chemical manufacturers as a part of daily life, and who describe objections of oil refineries as routine exercises.

"I was born and raised three blocks from the market," said Ed Taylor, 57, who works in a warehouse. "I've been here since I was born. I've been here since I was born. I've been here since I was born."

Agnes Hatfield, who lives down the street from the chemical plant and who works in the market, said, "I'm very shocked. I haven't smelled anything at all."

And then she added, "I am not to move."

Handing Newark, Ned Kobierski, 62, said he has lived near the market all his life. "I'm not angry. I'm a little concerned, but what can you do?"

He held a flyer that was distributed to neighbors by the Newark Human Rights Commission, which urges people to remain calm. "You are not in any danger," the flyer said. U.S. Environmental Protection Agency inspectors, it said, would be there today.

Kobierski said the information made him feel relieved.

Fred Roberts, who owns a truck-filling station on the street from the plant site where the dioxin was found, said he was not worried.

The growing concern among residents presented by the chemical plant was not shared by Richard Goldstein, New Jersey's commissioner of health.

Robert Hughes, the state's commissioner of health, said the state's



A guard patrolled the entrance to the Newark plant where levels of dioxin were discovered.

Anger Neighborhood calm turns into hostility

By H.C. Giesinger and Susan Pittelard

NEWARK, N.J. — They live in a working-class neighborhood called Ironbound, and the clock on Fleming Avenue has normally been the place for the drinking of beer and the swapping of stories.

But last night that daily ritual changed. For the residents of Ironbound, the narrow back room of Gold's became the scene of their anguish — and anger — as they heard explanations of why the toxic chemical dioxin had been found just a few hundred yards away from where many of them live.

"About 100 people piled into Gold's, where they sat on metal chairs around long tables and drank their beer out of the bottles and they smoked their cigarettes."

It may be a bit, interpreted Kobierski. "That's just a scary."

Martinez tried to explain what had happened and what it now meant, they wrung their hands and quickly whispered, "Oh, my God."

"Every resident should be tested whether or not they have lazy list effects," Martinez told the number group.

At the beginning they were calm. But later they turned angry and hostile, pointing their fists on the table and demanding immediate action. The room became noisy and hot.

"I want to find out what exactly is going on," said Lisa Terrence, 32, who lives at 58 Br. St., two blocks from the former Diamond Alkali plant where the dioxin was found. "You're damn right I'm mad. I want to know what the hell is going on now."

Another longtime resident, Stanley Rodin, said he had the same kind of wrath for the kind of precautions Martinez suggested should be taken against the toxic chemical. "The more you hear, the more angry you get," he said. "They say, 'Test your water.' Who is going to test the water? They don't even check the water for dioxin."

Residents asked the councilman whether it was safe to eat food they had purchased from the nearby Newark Farmers' Market, about a block away from the chemical site. As a precautionary measure, officials said they would close the market until this morning.

"If they are closing down the farmers' market," Martinez told the group, "I would take a precaution and not go there until they are open."

But after the meeting, no one said they would accept the state's offer to leave their homes and stay in the local YMCA.

"I don't want to go," said Marie Dombroski, who was born in the neighborhood 81 years ago. "Good, I don't want to die from poisoning. I've been here since I was born. I've been here since I was born. I've been here since I was born."

Martinez said last night that there were 250 people without a home in the chemical site. Across the street

from the plant is a large vacant lot where children often play.

It is a neighborhood of modest brick and clapboard homes, tucked into a huge industrial complex of aging plants and warehouses. It is a neighborhood where children ride their bikes down the sidewalks and homeowners hang outside their windows after dark, just to watch the activity outside.

It is a neighborhood of different ethnic groups — Polish-American, Portuguese and Hispanic. It also is a neighborhood considered to be proud and closely knit.

News of the chemical site spread slowly through the neighborhood yesterday afternoon. "People came out onto their porches, and initially at first they seemed unfazed by the news. In this section of Newark, chemical mishaps are nothing new."

But then the public officials were going to protect us, but apparently not," said John Vucilo, 38, who lives less than one block from the former plant with his sister, who is pregnant and not eating properly," he said of the possible evacuation. Residents of the area had gotten used to talks of chemicals, he said.

Last year, said Vucilo, the neighborhood was coated with a layer of green paint that came out of the stacks of one of the chemical plants. "It was a very bad experience yesterday, the residents of Ironbound became very concerned. The word dioxin, I've never heard of before. It was a very bad experience."

So did the mere mention of the word dioxin. Previous stories of its effects in Times Beach, Mo., had been widely publicized.

"I don't know if I'm afraid," said Marie Dombroski, who was born in the neighborhood 81 years ago. "Good, I don't want to die from poisoning. I've been here since I was born. I've been here since I was born. I've been here since I was born."

"We have been fighting other kinds of toxic chemicals and chemical spills," she said yesterday. "We have been fighting other kinds of toxic chemicals and chemical spills," she said yesterday. "We have been fighting other kinds of toxic chemicals and chemical spills," she said yesterday.

Ex-operator of plant merged with oil company

By Craig Stock

Diamond Alkali Co., the former operator of the Newark, N.J. plant where dioxin contamination was found, is a subsidiary of Diamond Shamrock Corp., a large oil and chemical company with headquarters in Dallas, Texas.

Check Youkum, a Diamond Shamrock vice president, said the company had used the Newark plant to Chemical until 1971, 20 years after it bought the plant.

Youkum said that Agent Orange was produced at the plant from 1966 through 1968 and that the plant accounted for about 5 percent of all Agent Orange produced in the U.S. A wide variety of other herbicides was made at the factory in the 20 years Diamond Alkali ran it, he said.

Youkum said Diamond Shamrock did not want the Newark plant or dioxin contamination at the

plant and could not comment on them. Company officials have scheduled a series of news conferences with environmental protection officials today.

Because Diamond Alkali manufactured components of the chemical defoliant called Agent Orange for use by the U.S. military in the Vietnam War, the corporation has been named in a class-action suit filed by Vietnam veterans who contend that they were injured by dioxin, which is a byproduct of the substances used to make Agent Orange.

The veterans assert in their lawsuit that Diamond and other producers of the chemicals knew that dioxin was a contaminant in the Agent Orange they produced and were aware that dioxin was toxic and carcinogenic.

The attorney in charge for the case for the veterans has maintained that the chemicals produced by Diamond contained particularly high concen-

trations of dioxin.

Diamond Shamrock in recent years has been selling off many of its chemical operations in favor of other businesses, such as petroleum and other energy operations. Chemical production accounted for only about 1 percent of its revenues as recently as 10 years ago, now accounting for only about a fifth of the company's sales and profits.

The latest example of Diamond Shamrock's move out of chemicals is its presence in the energy business opened last week when it made a tender offer to buy a \$4 billion stake by Natomsas Co., an energy company with large oil and gas holdings in the Far East. After the offer, Natomsas agreed to a merger with Diamond Shamrock.

A few days before the Natomsas offer was announced, Diamond Shamrock had made a preliminary agreement to sell its metal-

coating and process chemicals operation to W.R. Grace & Co. for \$173 million.

In April, Diamond Shamrock spun off its agricultural-chemical operations and some other divisions to a joint venture with the Japanese company of Showa Denko.

Diamond Shamrock was created in 1967 through the merger of Diamond Alkali of Cleveland and Shamrock Oil & Gas of Amarillo, Texas. Diamond Alkali was founded in 1914 and owned worldwide and had sales of \$3.2 billion in 1982, placing it 123th on the Fortune magazine listing of the nation's 500 largest industrial companies.

It had profits of \$189.5 million in 1982 but lost many other chemicals companies. Diamond Shamrock's earnings were up this year. A first-quarter profit was listed as \$6.6 million, a decrease of 93 percent from profits of \$64.7 million in the first quarter of 1982.

Dioxin is found at plant

WASTE, from 1-A

eanor Podlas, 62, who lives a block from the plant. "Of course, my heart has been racing ever since I heard about it."

State officials planned to open a command center at the site today and an information office in a nearby housing complex.

Paul Arbesman, a deputy commissioner of the New Jersey Department of Environmental Protection, said the dioxin was identified in the first round of a state program to test for dioxin at 11 sites that had manufactured, processed, shipped or handled chemicals associated with dioxin. He said that dioxin testing may not be limited to the 11 sites.

He identified the other 10 sites as Chemical Insecticide Corp. in Edison; Amchem Co. in Linden; American Cyanamid Co. in Linden; Easton/Guardian Chemical Co. in Pequannock; GAF Corp. in Linden; Givaudan Corp. in Clifton; Merck Co. in Hawthorne; Millmaster Onyx Corp. in Berkeley Heights; Rhone-Poulenc Inc. in New Brunswick and White Chemical Corp. in Bayonne.

The U.S. Environmental Protection Agency tested for dioxin on the Newark site last week and the results became available early Wednesday, officials said.

"We were interested in this site because it produced Agent Orange..." said Robert E. Hughey, commissioner of the state Department of Environmental Protection.

Kean said the EPA and the CDC would begin a testing program today in homes and factories near the Diamond Alkali site to see whether the dioxin had spread.

"The testing of samples taken in the adjacent housing area will be analyzed on an expedited basis, and we expect to have results by early next week," Kean said.

The plant site, which has five buildings and an unknown number of storage tanks, is in a residential and industrial area less than a mile from the New Jersey Turnpike. The gates were locked and four Newark policemen kept reporters 250 yards away from the site yesterday afternoon.

Until the testing has been completed, Kean ordered the closing of the Newark Farmers' Market, a 24-hour open-air wholesale market about a block from the contaminated site. The center sells fresh produce and raw fish to local residents, supermarkets, groceries and restaurants in northern New Jersey and New York.

State officials who toured the market last night told the vendors that it would be closed at 7 a.m. today. They said the market would be moved to a temporary site near Port Authority of New York and New Jersey offices in Newark.

Kean also ordered a ban on consumption of fish taken from parts of the Passaic River, which flows behind the site. A health advisory is already in effect on the river because of high levels of polychlorinated biphenyls. PCBs, used as coolants in electrical transformers, are a known carcinogen.

Kean said health officials also would test for dioxin in and around the Sherwin Williams Paint Co. and the SCA Corp. facilities, which are adjacent to the plant. Sherwin Williams has about 300 employees, and SCA, a waste disposal company, has about 50.

"I wish to emphasize that all the steps I've outlined are precautionary ones," Kean said. "There is at this point no solid evidence to indicate that dioxin contamination has spread beyond the site in question."

Diamond Alkali merged with Shamrock Oil and Gas Co. in 1967 to form Diamond Shamrock Inc., which is based in Dallas. Chuck Yoakum, a Diamond Shamrock spokesman, said the company has no knowledge of any dioxin contamination and was waiting to see the report by New Jersey officials.

State officials planned to meet with Diamond Shamrock officials today.

Yoakum confirmed that Diamond Alkali produced Agent Orange, a 50-50 mix of herbicides 2,4-dichlorophenol (2,4-D), and 2,4,5-trichlorophenol (2,4,5-T), from 1966 to 1968. Agent Orange, used as a defoliant in Vietnam, contained dioxin as a chemical contaminant.

Thousands of Vietnam veterans have blamed Agent Orange for a broad array of disorders, including cancer, liver and kidney problems, nerve problems, birth defects in their children, personality changes and skin rashes.

Diamond Alkali sold the site in 1971 and it changed hands several times and was bought in 1981 by Marisol Inc., a solvent recycling company based in Middlesex County, according to state officials. Commissioner Hughey said that Marisol was not involved in production of the dioxin.

Dozens of workers became ill at the plant from exposure to the chemicals, particularly during an explosion in 1956, according to two medical studies.

A study in 1964 by doctors from Newark Beth Israel Hospital found that 29 workers at the Diamond Alkali plant suffered from chloracne, a severe skin rash associated with dioxin exposure.

Eleven of the 29 also suffered varying degrees of porphyria cutanea tarda, according to a report in the Archives of Dermatology, a medical journal. The disease is characterized by hypersensitivity to light, heavy growth of hair, skin discoloration, and problems in urination.

Also contributing to this article was staff writer Tim Weiner.

Newark dioxin threat: A question of seriousness

'Long shot,' says environmental aide

June 6, 83

By Matthew Purdy
Inquirer Staff Writer

A top New Jersey environmental official said over the weekend that it was a "real long shot" that dioxin contamination at Diamond Alkali Co. in Newark threatened the health of residents near the plant.

Tom Burke, director of the state environmental department's office of science and technology, which initiated the search for dioxin in the state, said the surveying of the residents' health and the testing of

homes and food from the Farmers Market near the site were "totally precautionary" measures.

He said that steps initiated last week — including moving the market and offering voluntary evacuation to 75 to 100 residents — were taken to "err on the side of safety," not because of any evidence that the residents had suffered any ill effects of the contamination.

At the Farmers Market yesterday, a ban remained on the outdoor sale of
(See DIOXIN on 4-A)

Waste was 'all over' plant, doctor says

By Bob Drogin
and H. G. Bissinger
Inquirer Staff Writers

NEWARK, N.J. — Dioxin and other toxic chemicals were "all over the place" at a Diamond Alkali Co. plant that produced the herbicide Agent Orange here in the 1960s, according to a former company doctor.

Dr. Roger Brodtkin, now head of dermatology at the University of Medicine and Dentistry of New Jersey in Newark, said that workers had "no protection from chemical pow-

ders and vapors that routinely contaminated the plant grounds."

"The stuff was coming out [of the plant], being loaded into box cars and it was all over the place," Brodtkin said yesterday. "The smokestacks were belching the chemical intermediaries, including the dioxin. . . . was all over the ground, in your hair everywhere."

Brodtkin said that he treated about 50 workers at the plant for a severe skin rash, known as chloracne, due to
(See DOCTOR on 4-A)

Toxic waste 'all over' at plant, doctor says

DOCTOR, from 1-A

ing weekly visits between 1962 and 1971, when the plant closed. Studies have shown that dioxin causes chloracne.

"I have seen workers that have had only one brief exposure and developed chloracne that lasted for years," he said. "There was a welder who cut open a pipe in the dioxin process. His ears grew to the size of two cantaloupes, his face all covered with cysts and pus. It's rough stuff."

State and federal officials this week confirmed that high levels of dioxin, one of the most toxic chemicals known, contaminated soil on the former Diamond Alkali site. Testing is under way to see if the contamination has spread beyond the plant gates and into the surrounding Ironbound neighborhood.

"It's a terrible disease, chloracne," Brodtkin added. "How would you like to have 50 boils all over your arms, your groin, your back and go to the doctor every week to get four or five lanced? It hurts."

Brodtkin said he still treats "10 to 15" former plant workers for chloracne. He participated in a study conducted in 1962 and published two years later that found 29 Diamond Alkali workers with chloracne and 11 with liver problems.

The study followed an explosion of an autoclave at the herbicide plant in Feb. 20, 1960. One man died and 10 were injured.

In another interview yesterday, a

57-year-old former employee of the plant, who asked not to be named, said he still suffers from chloracne rashes under his arms and on his groin. He did not want his name used because "the company was very good to me."

He said that Diamond Alkali produced herbicide used in the defoliant Agent Orange in a building separate from other buildings on the three-acre site. Agent Orange contained dioxin.

He said there was no dumping or spills at the plant, but said, "there's always leakage in a chemical plant."

A second study of plant workers by the Federal Public Health Service in 1969 found 13 workers with moderate to severe chloracne and 35 with mild rashes. A number of workers also complained of stomach illness, eye irritation and liver disorders.

In addition, the National Institute for Occupational Safety and Health in Cincinnati is reviewing certificates for workers at the Diamond Alkali plant in Newark and at 11 other plants around the nation where workers had been exposed to dioxin. NIOSH began the study in 1979 and expects to complete it in 1985, a NIOSH spokesman said yesterday.

The study is designed to see if the exposure to dioxin may have played a role in the deaths of former employees.

Dioxin is extremely toxic in laboratory animals and causes cancer,



Associated Press

The area in Newark where dioxin contamination was found

birth defects and other problems at very low levels. Other than chloracne, its effects on humans are disputed, however.

Brodtkin said he approved of the state's efforts to guard the former

Diamond Alkali plant and test for dioxin in surrounding homes and businesses.

"I think there is cause for concern," he said. "I think they should try to clean it up."

Dioxin threat to residents called 'long shot'

DIOXIN, from 1-A

fruits and vegetables. But about 40 merchants were allowed to sell produce inside their stores after installing plastic strips in doorways and windows, according to an order issued by state environmental commissioner Robert Hughey.

In a telephone interview Saturday evening, Burke drew wide distinctions between the site in Newark, where the herbicide Agent Orange was produced in the mid-to late 1960s, and Times Beach, Mo., where the federal government evacuated the entire town earlier this year when it was discovered that dioxin had been sprayed on the roads in the town. Dioxin is a byproduct in the production of Agent Orange.

Although contamination at the now-defunct Diamond Alkali plant was found at levels as high as 1,200 parts per billion — as much as four times the levels found in Times Beach — Burke said the contamination most likely was localized on the site.

"I don't feel we have a Times Beach," he said. "We don't have promiscuous distribution of the material and I don't think we'll have residential contamination."

He said one of the main factors working against residential contamination is that dioxin does not vaporize and, therefore, would have been carried off the site only by vehicles, workers or soil erosion.

Also, Burke said officials had been surprised by the lack of health complaints from residents of the city's Ironbound section near the plant after the contamination was announced. He said the most likely victims of the dioxin are those who worked at the plant. The state is

attempting to locate the former workers with the help of Diamond Shamrock Corp., the parent company of Diamond Alkali.

Burke said that there had been no health complaints and that none of the residents had taken up the state's offer for free housing elsewhere in Newark.

By tomorrow night or Wednesday morning, state officials expect to have the first results of tests on the contents collected from vacuum-cleaner bags in homes in Ironbound. The tests will help determine whether the dioxin has spread.

Tomorrow, testing will begin in Edison at the abandoned Chemical Insecticide Corp. plant, the second of 11 sites the state suspects of having been contaminated by dioxin, a chemical that has been associated with cancer and skin rashes.

Burke said the other sites that will be tested in the next few weeks have only a "slight" potential for being contaminated. Unlike the Newark and Edison sites, which have been out of use for some time, the other nine sites are operating, and state investigators, therefore, will have a "less likely possibility of finding something."

He said that although dioxin may have been used at the other sites, by now the contaminant probably would have been cleaned up or dumped somewhere else. The state selected the 11 sites to examine because the chemical processes they use are suspected of producing dioxin as a byproduct.

Burke said that because they are abandoned, the Newark and Edison sites are in a "class by themselves." In particular, the Newark site was notable for evidence of "really bad housekeeping."

"There's nothing to compare with the kind of things we found up in Newark," he said.

There is evidence of at least two explosions at the plant and numerous spills, state officials have said. Burke said that he was unsure of the condition of the Edison site but that the nine operating plants were not marked by the poor state of the Newark operation.

"You can tell a bad actor when you see [one]," he said of the former Diamond Alkali plant.

In another development, the Associated Press reported that a former owner of the site in Newark alerted the current owner of the property two years ago that the site was contaminated.

The news service said that G. William Mitchell sent a mailgram with such a warning in June 1981 to Mari-

sol Inc., the company that bought the unused facility that year as a real estate investment. Mitchell is board chairman of Chemicaland Corp., which the AP said bought the plant from Diamond Alkali in 1969 and sold it in 1971. (Other accounts have said that 1971 was the year Chemicaland bought the facility from Diamond Alkali.)

Peter Neger, owner of Marisol, confirmed in 1981 that he had received the mailgram, the AP said, but he denied that there were any problems with the facility.

AP also said that after interviewing Mitchell in 1981, it took his warning to at least seven officials of Burke's department and to federal environmental officials.

But its questioning produced no testing at the site, the news service said.

The Gloucester County

Tuesday

June 7, 1983
Woodbury, N.J.
8th year: No. 107

25¢

Copyright 1983 The Gloucester County Times

Wednesday weather

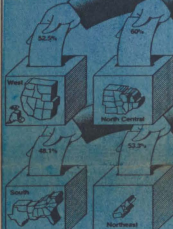


Warm

Wednesday will be partly sunny with the high in the mid 70s and a near zero percent chance of rain. For details see Page A-2.

TimesCapsule

Where voting Americans live
(Percentage of voting-age population that cast ballots in 1980 presidential election)
National average: 62.9% (1980)
NJ: 62.9% (1980)
NJ: 62.9% (1980)



SOURCE: Census Bureau

County history

Pittman's Broadway Theater wasn't always the scene of controversy and male burlesque shows. According to an ad in the June 7, 1939 edition of The Times, it planned to show that evening four vaudeville acts, a movie — Marion Davies in "Not So Dumb," — and the latest Movietone newsreel.

What's happening

The Southwest Citizens Organization for Poverty Elimination (SCOPE) will set up its mobile unit from 10 a.m. to noon Wednesday at the Community Health Center, 9 Carpenter St., Woodbury. The Bridgeboro-based organization offers service information and referrals concerning housing, energy, social problems, budget counseling and community events. No appointment is necessary. In the afternoon, the SCOPE will set up from 1 to 5 p.m. at the Deptford Municipal Building, 101 Cooper St., Deptford.

News summary

PAGE A-3

Telephone recommendation for new county complex criticized... Chemical trailer to be removed from Greenwich Township... Bridgeboro residents protest over proposed veterans... Harrison, South Harrison to end joint county sign in name only.

PAGE A-4

Three U.S. diplomats expelled from Nicaragua... Congress subpoenas close loophole in hazardous waste cleanup.

PAGE A-5

Light turnout predicted today in New Jersey primary... State enters hamstrung in National Park sale to memorializing veterans... Chlorine gas leak sickens 23 at nuclear plant.

Index

| | |
|---------------------------|-----------------------|
| Amusement.....A-8 | Events.....A-8 |
| Anderson.....A-6 | Frank.....B-3 |
| Bloody.....A-6 | Gonzalez.....A-3 |
| Bridgeboro.....B-4 | Harrington.....B-4 |
| Brothers.....A-6 | Karnow.....A-6 |
| Carmichael.....A-6 | Letting.....A-7 |
| Classified.....B-4 to B-7 | Letting.....A-7 |
| Comics.....B-4 | Obituaries.....A-7 |
| Criminal.....B-6 | Sports.....B-4 to B-7 |
| Crowdwood.....A-6 | Television.....A-6 |
| Deer Abby.....A-6 | Viewpoint.....A-6 |
| Economy.....A-10 | Weather.....A-2 |

EPA seeks firms to begin cleanup of county's 2 worst chemical sites

By ELLIOTT GOLDBERG
Times Staff

The search has begun for private firms to start work on limiting the spread of pollution at two of Gloucester County's worst environmental problem sites, state and federal environmental officials said Monday.

The actions are the first evidence that initial cleanup of the sites — the Lipari landfill in Mantua Township and the Bridgeport Oil and Rental Service Co. in Logan Township —

will begin this summer as had been previously announced.

The Lipari site has been rated as the state's worst chemical hazard area while Bridgeport Rental is ranked seventh.

The cleanup projects have been discussed for several years and Lipari was recently used as an example of the delays that have plagued the Environmental Protection Agency's cleanup projects.

Rep. James J. Florio, D-Eat. Dist. 4, a frequent EPA critic, noted that numerous permits have been made before about the cleanup of Lipari, but this time the work

might actually start.

He said the recent shakeup of agency personnel has resulted in a flurry of activity to clean up sites. "They're all falling all over themselves to try to demonstrate activity," he said.

An EPA spokesman confirmed Monday that companies last week were asked to submit bids for the first phase of cleanup at Lipari, a former toxic waste dump near the Pitman border. The project will consist of building a cover over the 16-acre landfill and walls beneath its surface to prevent chemical runoff to nearby waterways.

Herman Phillips, a spokesman in EPA's regional office, said Monday that bid specifications for the Lipari work were advertised on May 31. He said he could not confirm when the actual work will begin.

That Robert P. Dixon of the Gloucester County Planning Department said the contract expected to be awarded between July 15 and 30 and work started in August. Edwin Litz, the state Department of Environmental Protection's site manager for the project, confirmed the same approximate schedule.

At Bridgeport, officials are planning to begin cleanup work in August.

(See EPA, Page A-5)

Dioxin warnings ignored

By TOM ROSENTHAL
Associated Press Writer

NEWARK — Federal officials ignored warnings 20 years ago that workers at a dioxin-contaminated plant here were suffering from a rare skin disease that caused facial boils, skin discoloration and unwanted hair growth, according to a doctor who treated the employees.

Dr. Roger Irokin of the University of Medicine and Dentistry of New Jersey said Monday that he treated more than 50 workers at the now-abandoned Diamond Alkali Co. plant, which manufactured the defoliant Agent Orange in the 1960s.

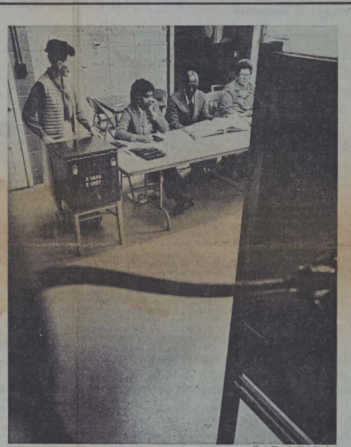
"We told them that there was a health problem there, but they felt it was not a big deal," said Irokin. "They knew they had dioxin there, but they didn't act."

The plant along the Passaic River in the Irbeson section of the state's largest city was sealed off Thursday after Gov. Thomas H. Kean announced hazardous levels of dioxin had been found in the ground at the site.

Diamond Alkali, now part of the Dallas-based Diamond Shamrock Corp., produced herbicides at the plant from 1961 until 1971. Dioxins were byproducts of the process.

Samples taken at the plant recently by the federal Environmental Protection Agency found levels of dioxin ranging from 18 parts per billion to 1,200 parts per billion. One part per billion is considered hazardous to human health, according to the EPA.

(See DIOXIN, Page A-5)



Times Photo by Dave Steiner

Waiting for voters

Primary election workers wait for voters from Woodbury's 2nd Ward, 2nd District, this morning at a polling place on Railroad Avenue in the city. A spot check of the polls indicated a light voter turnout. A state primary election roundup story appears on Page A-5.

Donorbe woman's sentence challenged

By ELLEN LOVEJOY
Times Staff

WOODBURY — In a rare move, the Gloucester County Prosecutor's Office on Monday appealed the sentence set by a judge for a 6-year-old Moore Township woman charged with manslaughter in the death of an elderly companion.

The challenge to the sentence set last month for Brenda Lyle, who was ordered by Superior Court Judge Milton L. Silver to serve five years of probation and to enter an alcohol rehabilitation center. Ms. Lyle was convicted in April of killing 79-year-old John Brodwin, also of Moore Township.

Assistant County Prosecutor Steven Sand

"was essentially no punishment." The request for a more severe sentence will be decided by a Superior Court appeals panel.

At the time of the sentencing, Silver had agreed with defense attorney Jeffrey Warner that Ms. Lyle would be better rehabilitated through an alcohol treatment program than in jail.

Warner had said that all of Ms. Lyle's brushes with the law — four or five prior disorderly offenses — involved her inability to handle alcohol.

Neighbors had told police that Ms. Lyle was intoxicated on the night she and Michael Brodwin after he stopped her in the face. The fight ended with his death.

And Warner had also read portions of a report from a psychiatrist that indicated a

jail term might lead Ms. Lyle — who was once beaten and raped while incarcerated for inebriation as a juvenile — to commit suicide.

She had told the judge she would rather give her life than go to jail.

"I think if you sent someone to death you should do some jail time," the assistant prosecutor had said after the sentencing.

Because it could take as long as 18 months for the appeals court to decide whether the sentence is appropriate, the defense attorney Monday asked Silver to lower the bail on Ms. Lyle. She would not have to spend more time in jail. She has been incarcerated since her arrest.

Sand requested that the \$75,000 cash bail originally set be reduced so that she would

have to post only 10 percent, or \$7,500, to be released.

But after ruled that Ms. Lyle, who Winter said has no money, can be released through the assistance of the Gloucester County Resources in Atlantic City to begin the process that was imposed as part of her sentence.

Although she will be released from jail while waiting to post bail, Silver set the \$75,000 bail at 10 percent stated, meaning she would have to pay \$7,500 in the time to face the Atlantic City facility and be caught. Silver also ordered Winter to supply a list of names and addresses of people with whom Ms. Lyle is in contact so the court will have somewhere to start looking for her if she should leave the treatment center.

Cattle to be tested for brucellosis in county

By ELLIOTT GOLDBERG
Times Staff

About 75 percent of the estimated 2,500 cows and bulls in Gloucester county will be tested in the next 60 days for presence of the disease brucellosis, although a persistent outbreak of the disease has not spread to the county.

The testing is scheduled for all dairy and beef cattle in South Jersey and 128 townships. Dr. Ernest Zirkle, a state representative for brucellosis control, said brucellosis, an incurable disease that af-

flicts cows' reproductive system, has been found this year in two herds in adjacent Salem County and one in Warren County in northern New Jersey.

Cows from infected herds have been destroyed in an effort to keep the disease from spreading.

The state Department of Agriculture's extended testing will cover all cattle in Salem County, plus those in nearby parts of Gloucester and Cumberland counties — a total of about 12,000 animals, Zirkle said.

He estimated the animals to be tested on about 10 farms in South Jersey and 128 townships comprise about 75 percent of all

Gloucester County cattle.

The reason for the concern is because it's not going away," Pat Quinn, an agriculture department spokeswoman, said of the disease. "It's ending us," she said.

Brucellosis can cause abortions in pregnant cows, plus weight loss and decreases in milk production in dairy animals. It also can affect the reproductive organs of cattle.

The disease is usually transmitted among cattle on a farm through contact with afterbirth or genital discharges. It can be carried between farms by small animals, people, and farm equipment.

Drinking unpasteurized milk from infected

cows can cause undulant fever, a treatable disease that produces flu-like symptoms in humans.

Zirkle said agriculture officials fear brucellosis may spread beyond Salem County from contaminated equipment and from people who visit farms throughout the area.

"The problem is that the dairy industry in South Jersey is centered in Salem County, and the people headquartered there serve the whole area," he said. "We just feel that although the chance of the disease spreading is remote, we want to be sure it isn't around."

(See CATTLE, Page A-2)

Section A—Nation-World-Living
Section B—Local-Classified
Section C—Sports-Money-People

Astrology 9A Experts 9A
Classics 9B Letters 10A
Comics 12C Movies 3B
Crossword 12C Quizzes 4B
Dr. Abby 6A Television 13C
Editors 10A Weather 2A

WEATHER

Today: Partly sunny
Tonight: Fair
Tomorrow: Sunny
Details: Page 2A
A GANNETT NEWSPAPER SERVING SOUTH JERSEY

Manic depressives suffer painful chemical disorder

Page 8A

Irish actor Richard Harris never tires of 'Camelot'

Page 14C

RHIT-POST

TUESDAY, JUNE 7, 1983

25 CENTS

Church leader told to vacate city premises

By KEN SHUTLEWORTH
Of the Courier-Post

CAMDEN — Superior Court Judge Neil F. Deignan dealt bodisatva a setback yesterday when he ruled that a self-proclaimed reversed must vacate his pleasure-oriented church in Cramer Hill by Monday.

The judge's ruling against Leon Burkowski, 37, supports the city's attempt to remove him from the premises, where neighbors, a dozen of whom attended the hearing, considered his church a nuisance. They have complained to a number of city hall agencies, including the health department and the police department.

The property is owned by the city, although Bernard Hammons, supervisor of city properties, signed an agreement of sale last October indicating the house at 2815 Tyler Ave. would be sold to Burkowski for the church he said he wanted to establish there.

A few months later, the church

turned out to be the Institute of Hedonism, promoting peace of mind, relaxation of body and personification of soul. Mostly, the neighbors say, it is an after-hours drinking club on the weekends and the noise is annoying.

On May 30, patrolmen Peter McHugh and Ronald Moreau were called by patron Tim O'Leary, 208 Wilson Road, Cherry Hill, because a "burlly" member of the Wheel of Soul, a city-based motorcycle club, had tried to stop him from getting into his car outside the building while other gang members detained several of O'Leary's friends inside.

McHugh and Moreau found a number of people inside the building drinking and discovered a 32-caliber revolver behind a booth. Burkowski, a painter and paperhanger when not propagating the faith, was charged with operating a public nuisance and the city's friends inside.

Please see COURT, Page 12A



Leon Burkowski in front of Cramer Hill church building he was ordered to vacate.

Photo: Peter Smith by Ron Kagan

Terry Moore steps in for Zsa Zsa on stage

By KEVIN RORDAN
Of the Courier-Post

PHILADELPHIA — Terry Moore, an actress who stands to inherit millions as the widow of the late Howard Hughes, will replace Zsa Zsa Gabor in the leading role of "Forty Carats" at the City Line Dinner Theater.

Gabor, 46, was fired June 2 after reportedly asking that several handicapped people in the audience be moved away from the stage during her performance.

"I just finished reading the play. I got goose bumps thinking about it," Moore, 35, said during a press conference in the theater offices. Performances of "Forty Carats," canceled after Gabor was fired, resume Friday.

A veteran film actress who has performed in summer stock and regional theater productions, Moore claims she was never divorced from the billionaire Hughes after secretly marrying him in 1949.

Last month, her attorneys reached an agreement with other heirs of the contested estate in which Moore will receive a settlement she describes as "not more than eight figures."

With her seven-year legal battle won, Moore said

yesterday she is eager to return to acting.

"I've hit the boards and I really love the theater. I'd rather work than anything."

Area hospitals reported 23 workers sought medical attention for chlorine inhalation, with one person admitted for observation. It did not appear any were seriously ill, said hospital officials.

"It was a non-accident," said Laverly. "We don't even have any nuclear fuel in the reactor at this time."

When the leak was reported, portions of the plant's reactor building were evacuated, along with the turbine building and several other structures housing machine shop and contractors' offices, Laverly said.

"We don't know exactly what they (the workers) were doing at the time, but chlorine is a very toxic gas," he said.



Zsa Zsa Gabor, fired from leading role

5 flee chlorine gas leak at idle nuclear plant

Associated Press

FORKED RIVER — A chlorine gas leak at the idled Oster Creek nuclear station left one worker hospitalized, forced the evacuation of 60 other employees and resulted in a "major event" being declared at the plant, officials said.

The leak began about 18:50 p.m. yesterday in a building on the plant grounds where chlorine is

added to the water that cools certain plant equipment, including pumps and heat exchangers, said Jim Laverly, a spokesman for GPU Nuclear Corp., which operates the plant.

The leakage was stopped at 11:17 p.m. and the plant was "back to normal" by 1:45 a.m. today, when workers were allowed to return, he said.

An "unusual event" is the lowest of the categories used to describe incidents at nuclear plants. Officials said the declaration required

that local authorities and the Nuclear Regulatory Commission be notified, although the nuclear reactor was not involved.

Area hospitals reported 23 workers sought medical attention for chlorine inhalation, with one person admitted for observation. It did not appear any were seriously ill, said hospital officials.

"It was a non-accident," said Laverly. "We don't even have any nuclear fuel

in the reactor at this time."

When the leak was reported, portions of the plant's reactor building were evacuated, along with the turbine building and several other structures housing machine shop and contractors' offices, Laverly said.

"We don't know exactly what they (the workers) were doing at the time, but chlorine is a very toxic gas," he said.

Please see CHLORINE, Page 5A

Large turnout expected for today's primary

State legislative races, county freeholder bids highlight ballot

By LILLIAN MICKO
Of the Courier-Post

New Jersey voters went to the polls today with state election officials predicting the highest turnout ever for a primary anchored by legislative races.

Polls in South Jersey opened at 7 a.m. They will remain open until 8 p.m.

Voters will be choosing major party candidates who will then square off in the general election Nov. 8. Independent candidates also will be on the November ballot.

Besides Assembly and Senate positions, nominations for countywide and local offices are at stake in South Jersey.

Eligible to vote are 1,627,383 New Jerseyans, the largest pool of voters ever for primary elections.

Of that number, 1,258,316 are registered Democrats, 806,729 are registered Republicans and 1,561,347 are independents.

The breakdown for the 16-county region is:

99,225 Democrats, 46,631 Republicans, 100,109 independents in Camden County; 56,132 Democrats, 39,080 Republicans and 73,277 independents in Burlington County; 36,103 Democrats, 21,858 Republicans and 41,233 independents in Gloucester County.

Except for 2,000 voters statewide officially registered as "independents," unaffiliated voters can participate in either party's primary simply by declaring their allegiance at the polls.

However, those who want to change their official affiliation, which would include anyone who has not voted in a primary, would have to have done so by April 18 — 50 days before today's election.

Election officials said it is historic and surprising that there are more eligible voters for a primary anchored by legislative races than there were last year, when congressional elections, including a U.S. Senate slot, were at stake.

Christine St. John, director of the election division, attributed the phenomenon to increased voter awareness and a growing belief after the past few years that every tally counts.

She said that theory received a boost during the 1981 gubernatorial general election, eventually won by Republican Thomas Kane over Democrat James Florio by fewer than 1,800 votes out of the more than 2.3 million cast.

The last time legislative races were the highest elective office anchoring primary ballots was in 1976, when just the Assembly was up for re-election.

St. John said the turnout then among eligible voters sta-

tewide was 13.9 percent. In 1971, the last time both Assembly and Senate races were the ballot's featured events, the turnout was 18.9 percent.

By contrast, election officials expected 18 percent of those eligible to cast ballots today.

Only one major legislative primary in South Jersey is being contested. That is in the 7th District, where Assemblywoman Catherine Costa and Willingboro Councilman Frank Quinn are vying for the state Senate nomination.

The seat is now held by Democrat Herbert T. Costello, who is retiring.

Also in the 7th, which includes 13 riverfront towns in Burlington County and Pennsauken in Camden County, Michael DiMaggio is vying for the state Senate nomination of two Democratic Assembly slots on the "Beam Technology: Stop War, End Dependence" banner.

Please see RECORD, Page 12A

Doctor says clues of dioxin ignored

Continued from Page 1A
suffer from the disease, known as chloracne.

Their skin turned black and they grew hair all over their faces, even on their eyelids. We had to treat them with surgery to remove the boils or drain them," the doctor said.

"They had so much sickness they couldn't afford to let people go to a doctor," he said. "That's why I went to the plant and worked at the infirmary. They might have half the people on a shift under medical care at a time."

Brodick, who was paid by Diamond Alkali to treat workers, said he received federal and state health officials in 1963 that the plant contained hazardous amounts of dioxin.

"They came to look, both federal and state people, but no action was taken," Brodick said.

Brodick said that in 1964 he published a paper in "Archives of Dermatology," a medical journal, linking dioxin to chloracne and liver damage. Still, Brodick said, "We hadn't impressed anyone that it was a health problem. What could we do?"

Chuck Voskum, a Diamond Shamrock spokesman, said the firm was "aware that chloracne was a problem" at the plant.

He said it difficult to locate details about workers' illnesses because the

company has turned over records to a federal court in New York, which is hearing a class-action suit by Vietnam veterans against companies that manufactured Agent Orange.

Brodick said he believed the plant produced Agent Orange as early as 1960, but dioxin made the defoliant was only manufactured there from 1960 to 1968, a period when the plant made 3 percent of the Agent Orange used by the government in Vietnam.

The good doctor may have been confused about when we made Agent Orange because the two main ingredients, 2,4,5-T and 2,4-D — were used at the plant earlier in making herbicides," said Voskum.

Dr. Donald J. Birmingham, formerly with the Federal Public Health Service, said he visited the New York plant in 1964 before leaving the government that year.

"I saw some of the patients there and I knew of health problems, but I was not aware that dioxin was there," Birmingham said.

"There are times when our cancer and other health registries are expected to trigger responses," said Dr. J. Richard Goldstein, the state health commissioner. "This was not one of those."

Goldstein said "we will be conducting a review of the medical history of that (Newark) site, but it's not a priority at this time."

WEATHER

South Jersey

TONIGHT: Fair. Lows in the low to mid 50s.
TOMORROW: Mostly sunny. Highs in the 70s. Lows in the 50s.
NEXT THREE DAYS: Fair with possible showers through the period. Highs in the mid to upper 70s. Lows in the 50s.

Philadelphia and the Delaware Valley

Fair tonight. Lows in the low to mid 50s. Mostly sunny tomorrow. Highs in the 70s. Lows in the 50s.

NEXT THREE DAYS: Fair with possible showers through the period. Highs in the mid to upper 70s. Lows in the 50s.

The Jersey Shore

Fair tonight. Lows in the mid 50s. Mostly sunny tomorrow. Highs in the 70s. Lows in the 50s.

NEXT THREE DAYS: Fair with possible showers through the period. Highs in the 70s. Lows in the mid to upper 50s.

The State

Fair tonight. Lows in the low to mid 50s. Mostly sunny tomorrow. Highs in the 70s. Lows in the 50s.

NEXT THREE DAYS: Fair with possible showers through the period. Highs in the mid to upper 70s. Lows in the mid to upper 50s.

The Poconos

Fair tonight. Lows in the upper 40s to 50s. Mostly sunny tomorrow. Highs in the upper 60s to low 70s. Lows in the 50s.

NEXT THREE DAYS: Fair with possible showers through the period. Highs in the low to mid 70s. Lows in the 50s.

Tomorrow's forecast



South Jersey Skies

Tuesday, June 7
Sunset today, 8:26 p.m.
Sunrise tomorrow, 5:45 a.m.
Moonset tomorrow, 3:33 a.m.
New Moon, June 10
The planet Venus, high in the west at sunset, sets at 11:33 p.m. Venus is about the same size as the Earth and is about 72 million miles from the Earth tonight, a little nearer than Mercury.



Travel forecast

Thunderstorms were expected over most of the Eastern Seaboard. Sunny skies were forecast for the rest of the nation.

Temperatures

Resorts

| Location | High | Low |
|--------------------|------|-----|
| Atlantic City | 65 | 50 |
| Camden | 65 | 50 |
| Delaware | 65 | 50 |
| Jersey Shore | 65 | 50 |
| Long Beach | 65 | 50 |
| Marina | 65 | 50 |
| Myrtle Beach | 65 | 50 |
| North Myrtle Beach | 65 | 50 |
| Surf City | 65 | 50 |
| Wilmington | 65 | 50 |

Tomorrow's Times

CAMDEN: High and low are at 10:26 a.m. and 7:26 p.m.
ATLANTIC CITY: High and low are at 10:26 a.m. and 7:26 p.m.
DELAWARE: High and low are at 10:26 a.m. and 7:26 p.m.
JERSEY SHORE: High and low are at 10:26 a.m. and 7:26 p.m.
LONG BEACH: High and low are at 10:26 a.m. and 7:26 p.m.
MARINA: High and low are at 10:26 a.m. and 7:26 p.m.
MYRTLE BEACH: High and low are at 10:26 a.m. and 7:26 p.m.
NORTH MYRTLE BEACH: High and low are at 10:26 a.m. and 7:26 p.m.
SURF CITY: High and low are at 10:26 a.m. and 7:26 p.m.
WILMINGTON: High and low are at 10:26 a.m. and 7:26 p.m.

U.S.

Observations taken at 8 p.m. yesterday

Location High Low Wind Direction

Albuquerque 65 45 S 10-15
Anchorage 65 45 S 10-15
Atlanta 65 45 S 10-15
Austin 65 45 S 10-15
Baltimore 65 45 S 10-15
Boston 65 45 S 10-15
Butte 65 45 S 10-15
Casper 65 45 S 10-15
Chicago 65 45 S 10-15
Cincinnati 65 45 S 10-15
Cleveland 65 45 S 10-15
Dallas 65 45 S 10-15
Denver 65 45 S 10-15
Detroit 65 45 S 10-15
El Paso 65 45 S 10-15
Fort Worth 65 45 S 10-15
Houston 65 45 S 10-15
Indianapolis 65 45 S 10-15
Jacksonville 65 45 S 10-15
Kansas City 65 45 S 10-15
Las Vegas 65 45 S 10-15
Los Angeles 65 45 S 10-15
Louisville 65 45 S 10-15
Madison 65 45 S 10-15
Miami 65 45 S 10-15
Milwaukee 65 45 S 10-15
Minneapolis 65 45 S 10-15
Mobile 65 45 S 10-15
Montgomery 65 45 S 10-15
New York 65 45 S 10-15
Newark 65 45 S 10-15
Oklahoma City 65 45 S 10-15
Omaha 65 45 S 10-15
Philadelphia 65 45 S 10-15
Phoenix 65 45 S 10-15
Portland 65 45 S 10-15
Raleigh 65 45 S 10-15
San Antonio 65 45 S 10-15
San Diego 65 45 S 10-15
San Francisco 65 45 S 10-15
Seattle 65 45 S 10-15
St. Louis 65 45 S 10-15
Tampa 65 45 S 10-15
Tucson 65 45 S 10-15
Wash. D.C. 65 45 S 10-15
Yonkers 65 45 S 10-15

Fly AIA to Cleveland, Detroit or Boston and save up to \$190.10.



AIA makes it worth your while to take off from Atlantic City International instead of Philly.

American International Airways has the lowest fares to Cleveland, Detroit and Boston. With savings up to \$190 over any other airline.

- Convenient DC-9 non-stop jet service to all three cities.
- Free parking less than 1 minute from your flight.
- Only 55 minutes from Center City Philadelphia, less from South Jersey.
- Easy-to-take schedules and fares to Ft. Lauderdale, Miami, Orlando, and West Palm Beach, too.

| AIA from Atlantic City International | 1 from Philly International | You Save |
|--------------------------------------|-----------------------------|----------|
| One-way Roundtrip | Standard Roundtrip coach | |
| To Detroit \$79.95 \$159.90 | \$332 | \$172.10 |
| To Cleveland \$49.95 \$99.90 | \$290 | \$190.10 |
| To Boston \$39.95 \$79.90 | \$206 | \$126.10 |

For information and reservations, call your Travel Agent or
1-800-JET-1111 609-345-6623
In Philadelphia In New Jersey
Reservations lines open 7 days a week, 8:30 AM-6:30 PM

We're easy to take.



American International Airways

Source: Price Business Journal, May 6, 1983. Seats shown must be made and travel completed by June 30, 1983.

How To Get Your First Degree Without Getting The Third Degree.



If you're serious about continuing your education, Security is serious about lending you the money to do it. What's more, we think you should be able to get the money you need without going through a grand jury investigation. That's why you should talk to the people at Security Savings before you go anywhere else for a student loan. You see, we realize this is the first time you'll be borrowing a large sum of money. So at Security, we designed our student loans to make things as easy as possible for you. Security student loans are available at substantially low interest rates.

And your loan is interest-free while you're in school. What's more, you don't have to begin payments until six months after you graduate. And you can take up to 160 years to pay!

One more important point: If you fill out the coupon, we'll see it that the required forms are sent to you. Or call and request the forms from Donna Bohleke at 800-222-0467.

Security
SAVINGS & LOAN ASSOCIATION
"What will they think of next?"

Please send me the required student loan forms. A.S.A.P.

☐ Mail to: Security Savings & Loan, Student Loan Dept., P.O. Box 100, Camden, NJ 08101

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____



EQUAL OPPORTUNITY LENDER

BURLINGTON COUNTY DIVISION
609-829-5500
CINNAMON Run 110 & Meeting House Rd.
DELAN 206 W. 1st St.
MAYFIELD 100 W. 1st St.
PHILADELPHIA 100 W. 1st St.
TAYLORVILLE 100 W. 1st St.

LOTTERY

PICK 1 LOTTO
Drawn: June 6, 1983
NUMBER 926
Straight bet \$254.50
Box Playoff \$47.00
Front Pair \$47.00
Back Pair \$29.00

PICK 4 LOTTO
Drawn: June 6, 1983
Pick 4-winning number 6211
Straight bet payoff \$27,980.50
Combination payoff \$223.00

PICK 6 LOTTO
Drawn: June 2, 1983
01, 06, 12, 20, 26, 30
Five-digit bonus number 11488

PA. DAILY NUMBER
Drawn: June 6, 1983
NUMBER 193

PENNSYLVANIA LOTTO
Drawn: June 5, 1983
19, 38, 30, 33, 12, 06
Alternate jackpot number 26

New Jersey — (800) 958-0300
Pennsylvania — (215) 271-1800

COURIER-POST...CALL US

ESTABLISHED 1896
A MEMBER OF THE GANNETT GROUP
Cherry Hill, New Jersey 08034
GANNETT BROADCASTING CORPORATION
7 Second Class Postage Paid
at Cherry Hill, N.J.

Monday through Friday 8:30 a.m. to 5 p.m.
Advertising — 683-0000
Classified Ads. — 683-7100
Monday through Friday 8:30 a.m. to 5 p.m.
News Desk. — 683-6000
Sports. — 683-6000
Circulation. — 683-4700
or 800-257-4289

Monday through Friday after 5 p.m.
News Desk. — 683-8001 or 8002

Saturday and Sunday
News Desk. — 683-8001
Sports. — 683-8007 or 8008
Circulation (until 11 a.m.) — 682-4700
or 800-257-4289

DAILY WEEKEND DELIVERY
If you do not receive your Courier-Post mail Subscriber Service at 800-4700 or 800-8001. (Some deliveries subject to our hours.) We'll do our best to deliver your papers.

Newark tests reveal some dioxin spread

By TOM ROSENTHAL
Associated Press

NEWARK — Dioxin has spread beyond the grounds of an abandoned herbicide plant here, but officials say tests show contamination of nearby homes and businesses by the toxic chemical is not as serious as they had feared.

The tests were done after officials announced last week that large amounts of dioxin were found in the ground around a plant formerly

operated by the Diamond Alkali Co.

Gov. Thomas H. Kean said that of 31 dust and dirt samples taken in the neighborhood, dioxin in low concentrations was found at one home, at a chemical treatment plant and at a street curb.

Kean said yesterday that the results made him "guardedly optimistic" that the contamination primarily was contained at the plant. And Richard Dewling, assistant regional

Please see TESTS, Page 4A

*Courier-Post
June 8, 1983*

Tests near Newark plant reveal limited spread of dioxin

Continued from Page 1A

administrator of the federal Environmental Protection Agency, said: "We do not have the potential problem we thought we did."

Kean said further tests would be conducted and that parts of the four-acre plant site would be shrouded with a canvas tarpaulin to prevent any further spread of dioxin. He said areas at the site "hot" with contamination eventually would be entombed, possibly in concrete.

The plant manufactured the jungle defoliant Agent Orange and other herbicides in the 1960s. Dioxin — an unwanted byproduct in the manufacture of some of the herbicides, including Agent Orange — is the most dangerous substance synthesized by man. It has been linked to a host of health problems, including cancers, birth defects and liver and kidney ailments.

Kean said the preliminary findings will be sent to a California laboratory for verification. He noted the EPA would return to the area Monday to conduct more extensive sophisticated testing.

Samples taken two weeks ago by the EPA at plant site found levels of dioxin ranging from 58 parts per billion to 1,200 parts per billion. One part per billion is considered hazardous to human health, according to the EPA.

The preliminary results found 1.1

parts per billion at the residence, whose occupants officials did not identify; 1.2 parts per billion at SCA Chemical Services Inc.; and 5.8 parts per billion at a street curb. Officials would not say how far the contamination found in the street was from the plant.

"We did not find the kind of gross contamination we were concerned about, given the levels of contamination (at the plant). What we've got right now is not high levels," Kean said, adding he would not be fully relieved until the test results were returned from California.

Kean said he ordered Department of Health employees to visit the residents of the house where traces of dioxin were discovered.

The plant owned by Diamond Alkali, which eventually became part of Diamond Shamrock Corp. through a merger, was sold in 1971. It now is owned by Marisol Inc., which purchased it as a real estate investment.

Kean invoked his emergency powers last Thursday to order a nearby farmers market closed. He also banned consumption of fish taken from the Passaic River, which runs along the rear of the plant in Ironbound section of the state's largest city.

The governor also offered to house 100 residents of homes within 300 yards of the plant at a city YMCA at

state expense pending final testing, but no one accepted his offer.

After the disclosure of preliminary tests yesterday, Kean stopped at a bar about a block from the contaminated plant to tell area residents he was cautiously optimistic about the findings. At the bar, the Lisbon at Night, Kean bought all the patrons a beer.

Kean also noted no levels of dioxin were found at the farmers market, but he said the restrictions previously ordered — including a ban on outdoor sales of food there — would remain in effect.

While Kean was praised by area residents for visting their neighborhood, the governor was not able to reduce all fears.

"I'm not relieved," said John Vuocola, who added officials had not taken a sample from his house about a block from the plant. "There's not enough information. I'll wait until next week."

"I'm not reassured," said Nancy Zack, who lives seven blocks from the plant. "It's good it's not at the level that's at the site, but it's still a level dangerous to health."

Meanwhile, in Edison, inspectors in white-hooded safety suits combed a vacant lot yesterday, scooping up soil that will be tested to determine whether it is contaminated with dioxin.

The two-acre lot on Whitman Avenue is one of 10 sites in New Jersey

officials decided to test for dioxin after the discovery of the contamination at the Newark site.

Private homes are about 1,000 feet from the former Chemical Insecticide Corp. site. If tests reveal dioxin con-

tamination, the EPA will do its own tests and will screen local residents and workers in the surrounding industrial area, said James Staples, spokesman for the state Department of Environmental Protection.

DEP officials said that of the sites to be tested in addition to the Newark plant, the Edison lot has been assigned the most urgent priority. Results from those tests were expected to be revealed next week.

dioxin: Why a chemical quirk remains such a threat

By Dick Pothier
Boulder Staff Writer

No scientist ever sat down in a laboratory to try to make dioxin, as far as is known today.

Nobody ever wanted it or needed it.

And when this mysterious chemical turned up now and then in various places, it was an accident — a chemical quirk in a perhaps botched experiment.

Nobody worried about it. Until about five years ago, nobody knew that it was one of the most toxic substances ever created by man or nature.

Today, more than 100 years after the first recorded case of a lab-synthesized chemical now called dioxin, scientists know almost nothing about this highly toxic chemical made up of elements that surround us every day.

The scientists of modern industry, in some cases to support the war in Vietnam, perfected chemical methods for making defoliants and in the process produced dioxin. In just a few years, industry made enough dioxin to create what some scientists are calling the decade's worst environmental threat.

It is a threat with a large element of irony. Scientists learned to create industrial processes that produced hundreds of pounds of dioxin as a waste product. But dioxin, once it is produced, is one of the strongest chemical molecules known, almost impossible to break down.

Dioxin may be here to stay — for ever.

65 studies

America's taxpayers are beginning to pay a \$100 million research tab to find out how bad the news is. There are more than 65 federally supported studies planned or being conducted to measure how much, if any, health damage has been caused by dioxin.

There is no single chemical called dioxin. The term is applied to a family of 75 compounds, each containing molecules that differ slightly from one another.

But they all contain the same basic, simple "building blocks" — oxygen, hydrogen, carbon and chlorine.

One of the 75 dioxin compounds is much more toxic and common than the others, and its lengthy scientific name has been shortened to TCDD — for the compound 2,3,7,8-tetrachlorodibenzo-p-dioxin.

This form of dioxin is created as an unwanted byproduct in the manufacture of herbicides, and some dioxin remains as a contaminant in those products — particularly "Agent Orange," the plant-killing defoliant used by the Army in Vietnam to deprive the enemy of protective forest cover.

Dioxin is often described as the most toxic chemical known. Scientists have found, for example, that one-millionth of a gram — a dot of dioxin barely visible to the human eye — will kill more than half of the guinea pigs used in experiments commonly done to test toxic products.

This makes dioxin 2,000 times more toxic than the same amount of strychnine, an extremely poisonous substance.

In some cases, researchers using test animals to determine whether dioxin produced malformed offspring were stymied when the tiniest dose they could administer killed the pregnant guinea pig. But tests on other lab animals showed the chemical to be fetotoxic — meaning it killed the fetus — and teratogenic, meaning that it caused birth defects.

In other tests, very low doses of dioxin were found to cause cancer in test animals. No single type of cancer predominated — suggesting to some researchers that dioxin injures the body's natural immune system, weakening the body's defenses against cancer.

On the other hand, the principal producers of herbicides that have the byproduct dioxin point out that a guinea pig is not a human being. But it is widely recognized among cancer researchers that nearly all substances that cause cancer in humans also cause it in laboratory animals — leaving the strong suspicion that substances that cause cancer in animals may also cause it in people.

Not enough information

Dioxin is strongly suspected of being a carcinogenic ("cancer-causing agent") in humans. But because many cancers take 30 or more years to appear, there is not yet enough information to make a firm judgment.

In 1981, the Environmental Protection Agency's cancer-risk assessment group surveyed medical literature and studied lab reports before concluding of dioxin: "Carcinogenic responses have been induced in mice and rats at very low levels. In addition, dioxin has been shown to be a potent cancer promoter. These results, together with the strongly suggestive evidence in epidemiologic studies, constitute substantial evidence that dioxin is likely to be a human carcinogen."

The Dow Chemical Co., one of the primary producers of Agent Orange and thus of its byproduct dioxin, disagrees. "Studies where humans have been exposed show no effects of low-level industrial exposure, and only temporary effects where considerable over-exposure has occurred," the company said in a recent statement on dioxin.

But one big question still remains: If dioxin can be so easily created, if it can be produced as a byproduct of other industrial processes, why can't the molecule be taken apart again to neutralize its toxicity?

"We wish it were as easy as that," said Paul Stehr, a chemist in the dioxin-control unit of the federal Centers for Disease Control in Atlanta. "Any one of the 75 compounds we call dioxin can be formed during a simple heat or burning reaction with the right substances available."

Because the elements of dioxin are

so basic, Stehr said, "there's no doubt that dioxin has on some occasions been made by nature." But the "hot spots" of dioxin being found across the nation were produced by industry, he said. These sites have been chemical plants, dumps and waste-disposal sites.

The dioxin molecule, Stehr said, is simple and very tough. It has not yielded, so far, to attempts to neutralize it.

"It's a very stable chemical that does not break down easily in the

environment or in the body," Stehr said. "It's so stable that it's a hazard because it won't go away."

Another expert on dioxin's chemistry, Paul Deoras of the EPA in Washington, said: "Once dioxin is in the soil, it tenaciously binds to clay and certain types of soil, almost as in a chemical reaction. It is virtually impossible to get it out of the soil."

Stehr said the only "recommended" solution to dispose of dioxin is to burn it at high temperatures, 1,500 degrees Fahrenheit or higher.

Incineration at high temperatures for long periods of time will break the molecule down," he said. "But in most cases, the problem is that the dioxin is right in the soil, and there's so much contaminated dirt that incineration is not a practical means of getting rid of it."

Engineers and chemists reporting on dioxin in a recent special "Dioxin Edition" of the professional journal Chemical and Engineering News, published by the American Chemical Society, said that dioxin continued to

be made, today, by accident, in the production of many chemical compounds.

Several compounds, called chlorinated phenols, are used to produce wood-preserving agents and purifying solutions for water used in industry.

But, the report said, chlorinated phenols are a "precursor" to dioxin, and dioxin is probably routinely produced along with the desired chemical, and these products may contain some level of dioxin contamination.

Dioxin probe spreads to Pa., 2 other states

By Bob Drogin,
James Asher
and Matthew Purdy
Inquirer Staff Writers

The federal Environmental Protection Agency yesterday began a preliminary investigation of 14 sites in Pennsylvania, Maryland and West Virginia that may be contaminated with dioxin, EPA officials in Philadelphia said yesterday.

The EPA said the list comprised six sites in Pennsylvania and four each in Maryland and West Virginia where companies were reported to have manufactured herbicides associated with dioxin, one of the most toxic chemicals known.

The officials cautioned, however that the list was still incomplete and unconfirmed. They said a complete list would be issued today or tomorrow.

"We're trying to find out if we have a problem," said Steve Wassersug, head of regional EPA air and waste management. "These are not necessarily sites where there is dioxin. We're talking about sites where
(See DIOXIN on 14-A)

EPA begins dioxin probe of 14 sites in Penna., Maryland, West Virginia

DIOXIN, from 1-A

there may be the potential of a problem."

He said the EPA notified state officials yesterday and set up a dioxin task force to coordinate investigations and testing at the sites.

Wassersug declined to identify the companies or the sites, but he said the list was being drawn from a lengthy 1980 EPA report on dioxin as well as from other state and federal records. Dioxin is a chemical impurity formed during the production of certain herbicides.

According to the 1980 report, area companies that produced herbicides associated with dioxin include: Alco Chemical Corp., 3136 Guilford St. in Northeast Philadelphia; Amchem Products Inc. and Union Carbide Corp. both in Ambler, Montgomery County; American Color and Chemical Corp. in Lock Haven, Pa.; Miller Chemicals in Whiteford, Md.; Monsanto Chemical Co. and Roberts Chemicals Inc., both in Nitro, W.Va., and Union Carbide Corp. in Charleston, W.Va.

None of the companies could be contacted last night. Most of the companies produced 2,4-Dichlorophenoxy acetic acid, called 2,4-D, or 2,4,5-Trichlorophenoxy acetic acid, called 2,4,5-T, according to the 1980 report. Dioxin is believed to be an impurity in both herbicides.

Those two herbicides were combined during the 1960s to form Agent Orange, a defoliant sprayed in Vietnam. Herbicide 2,4,5-T also was widely used in this country until 1979, when it was restricted because of reports of birth defects and other problems.

"We're looking at sites involved with the production and handling of 2,4-D and 2,4,5-T," said Ed Skernolis, head of the dioxin task force. He said none of the companies so far identified by the EPA had been contacted.

"On one side, we want to move out as quickly as possible, but the other side is we want to move out as accurately as possible," Skernolis said.

"We need to make sure we're not talking about a paper corporation. Some of these might be inactive sites. Some of these might be operating facilities. Some of these might have at one time or the other produced a herbicide."

Skernolis said it "might be a week or more" before testing could begin.

The Monsanto plant in Nitro, W.Va., had the nation's first reported accident involving dioxin in 1949. A 1981 report by the American Medical Association noted that 54 former Monsanto workers had sued the company for \$1.7 billion after allegedly suffering from kidney disease, leukemia and other ailments.

Wassersug said the investigation was launched because herbicides and dioxin were found at the former Diamond Alkali plant in Newark, New Jersey, and 10 others in the 1980 report as a group.

The EPA dioxin task force is headed by Walter Lee, an organ-

izer Shaul, chief of waste enforcement and investigation; Neil Wise, a lawyer; Ed Cohen, a toxic chemical specialist, and Charles Walters, an adviser from the federal Centers for Disease Control in Atlanta.

Skernolis said the EPA has tested for dioxin at more than 300 sites in the mid-Atlantic states in the last year as part of broad tests for toxic chemicals.

"To my knowledge, we have never discovered dioxin at any ... of the sites we have screened," he said.

In Trenton yesterday, New Jersey environmental officials reiterated their assessment that levels of dioxin — ranging from 1.1 to five parts per billion — found in three locations outside the heavily contaminated former Diamond Alkali site were minimal and probably posed no health threat to area residents.

Robert Hughey, commissioner of the Department of Environmental Protection, said at an afternoon news briefing that the levels found in one home, at an adjacent plant and on a nearby street were "reassuring" because they showed no "gross contamination" such as was found inside the Diamond Alkali plant.

Hughey also announced that the state was trying to trace the movements of toxic wastes from the Newark site and another suspected dioxin site in Edison, N.J. The abandoned Chemical Insecticide Corp. plant in Edison is the second site to be inspected of the 11 suspected of possible dioxin contamination. Soil samples were taken Tuesday from the Edison site, and tests are expected to be completed by early next week.

Michael Catania, chief of regulatory enforcement for the DEP, said he hoped to know by next week where the Diamond Alkali plant disposed of wastes.

Last week, tests by state and federal authorities found levels ranging from 60 to 1,200 parts per billion in the soil at the Diamond Alkali plant, which produced the herbicide Agent Orange and its byproduct, dioxin.

The levels of 1.1 parts per billion, found in the debris taken from a vacuum cleaner bag at one area residence, and 1.2 parts per billion, from the air conditioner of a waste-treatment plant adjacent to the contaminated site, fall just outside the "safe" level of dioxin set earlier this year by the federal Centers for Disease Control for two contaminated sites in Missouri.

Renate Kimbrough, a toxicologist with the CDC, said the safe level of dioxin is 1.1 parts per billion for human beings, based on data from testing lab-

oratory animals. She said that the use of one part per billion as a guideline was "no

concentrated sample because a vacuum cleaner is used in several places around a house.

Tom Burke, director of the New Jersey Office of Science and Technology, said yesterday that the levels found outside the site were "minimal," but that officials had "some concern" over the findings. He said no "blatant" health problems had been exhibited by the 75 to 100 residents who live near the former herbicide factory in Newark's Ironbound section.

However, a Chicago epidemiologist whose specialty is cancer-causing chemicals, said yesterday that New Jersey officials were "irresponsibly minimizing" the seriousness of dioxin contamination found in the neighborhood around the chemical plant.

According to Samuel Epstein, a professor of environmental medicine at the University of Illinois, the levels of dioxin near the Diamond Alkali plant were "very high" and required "drastic action" by the state.

"It is rash indeed to allow people to live and to allow commercial establishments to operate so close to a site where there are very high dioxin levels," he said. "To suggest that one part per billion is safe is either frankly irresponsible or ignorant."

Other scientists, however, disputed Epstein's contentions. Dr. Bernard Goldstein, associate director of the Rutgers University toxicology program, said, "Until we know more, it's difficult to take any action."

"If I was living at the distance of those homes, I wouldn't have left," Goldstein said.

Environmental commissioner Hughey said that additional tests on soil taken from an adjacent plant were expected to be completed yesterday but would not be available until today.

James Margolin, who manages the waste-treatment plant at which 1.2 parts per billion of dioxin were found in the air conditioner, said tests performed by his company — SCA Chemical Services Inc. — confirmed that figure, which state officials announced Tuesday night.

Town's lifeblood may be killing it

DIOXIN, from 1-A

cough and gag.

"Every now and then you'd hear a buzzer go off, and everyone would be running out of the plant," Mrs. Marcaccio said as she sat sewing in her living room. "Sometimes it would smell so bad; there'd be a blue — what do you call it — an ammonia cloud, and you'd have to shut your doors."

When her dog turned yellow and the color wouldn't wash out, the company sent someone to the house. "A guy came over here — he was a big shot all dressed up in a suit — and he clipped some of the fur off and said there was nothing to worry about. The yellow never did come out. We had to have the dog shaved."

Mrs. Marcaccio continued to live in the neighborhood, and people continued to go to work every day at the plant. Some neighbors said the workers would emerge with red skin one day, purple another. The plant emptied for the last time in November.

With the city's unemployment rate more than 20 percent these days, it would not surprise Mrs. Marcaccio to see a line forming outside the door if the plant announced it was reopening. At one time, the company employed about 350 people, according to Frank Taggart, who has been city manager here for 13 years.

"Obviously, [the company] had a tremendous impact on our community when they ceased operation," Taggart said in an interview in his office. "They were the biggest users of our city water. They made a big contribution to the sewer-treatment plant. There is an impact on taxes — there was a tax levy of \$10 per employee. But of course, the biggest impact was employment."

Residents are finding out here, and in other places like the Iron City section of Newark where there is dioxin contamination, that what has kept them alive all these years may also be killing them.

It was the discovery of dioxin in Newark that led regional EPA officials to broaden their investigation of potential dioxin-contaminated sites. Dioxin is recognized as one of the most deadly chemicals. Minute levels have been known to cause cancer, birth defects and other problems in laboratory animals. Its effect on the health of humans is disputed.

Until the testing is completed here, of course, residents won't know whether the area is contaminated. For some former workers, like Frank Furl, the testing is not enough.

A former employee of Drake Chemical, Furl heads Citizen Laborers for Environmental Action Now (CLEAN), a group that wants the Centers for Disease Control in Atlan-

ta to conduct a health screening for residents.

"This county has too much cancer, too much sickness for a rural backwoods county. Our county has the highest cancer rate in the state — 2.8 percent. The state average is 1 percent. The next closest county is 1.92 percent," Furl said in an interview.

CLEAN was founded in April and has grown from 50 members to more than 150, many former employees of the plants, according to Furl. He said residents just wanted the sites cleaned up, that they're not interested in the government's buying the property as it did in Times Beach, Mo., where exceedingly high levels of dioxin were found.

"In some areas, if you yelled 'dioxin' out a window, there would be panic in the streets. They [Lock Haven residents] aren't running in the street yelling: 'Oh no, dioxin, we're going to die.' What they're doing is saying let's wait and see what they find."

"What's going to happen if they find it? I don't know. We don't want to leave. No one wants to leave. We just want it cleaned up."

A kind of rural toughness here allows residents to joke about the "moon suits" used by the EPA to work with chemicals that they handled for years dressed only in coveralls.

"They keep telling us that nothing's wrong," said Raymond Gorham, an auto mechanic who grew up in a house with a yard that ran adjacent to Drake Chemical. "If there's nothing wrong, why are they wearing those suits?"

Gorham, 45, lived in the neighborhood around Drake for 23 years. When he was a boy, he and his pals used to play commando on the grounds of the plant. "Sometimes it would eat your shoes right off if you stepped in the wrong stuff," he said with a tight-lipped smile.

"We had a cow that died. It got sick after those fumes went across the back yard, and the next day it was dead. We went to the plant, but it didn't do no good. They said it was progress; there was nothing they could do. There must have been something wrong with the cow."

Still, Gorham continued to play there, and when he got older he hunted rabbits and rats. He said he couldn't eat many of the rabbits, though. "We'd cut them open, and they have these growths. I just thought there were a hell of a lot of sick rabbits back there."

Neighborhood residents attributed the problems with their sheets and animals to the plants, but it was just in the last year or so that they began to question the connection between



Philadelphia Inquirer / PHILIP SEARS

Beverly Marcaccio cuddles her granddaughters Jamie Phoenix, 7, (right) and Jodie, 4

instances of cancer and the proximity of their homes to the plants. Now they talk about their illnesses as easily as some people discuss their car troubles.

Gorham's mother died from cancer. His sister just had a 40-pound cancerous growth removed from her abdomen. Another sister is going to the doctor because she suspects that she, too, has an abnormal growth.

John Blair, who lives in a small stone house just two doors from Mrs. Marcaccio on East Park Street, was out trimming his hedges Friday when a visitor stopped by. He put down the electric clippers and walked toward his front porch. Before he sat down, he opened his shirt and showed off a long scar that ran

from under his left armpit to his abdomen.

"I just had an operation for cancer two weeks ago," said Blair, 45, who has lived in the house for six years. He said he didn't associate the tumor on his left lung with the American Chemical & Color plant.

Margaret Jerles lives in a shingled house between Blair and the Marcaccios. She has lived there for 40 years and used to own the Blair house when it was a three-car garage.

By her count, four people who have lived in that house since 1945 eventually died of cancer, including her sister, who was a secretary at American Chemical & Color. Then, she said, there were the two brothers who lived on the next street, worked

in the plant and also died of cancer. The most tragic death though, she said, was Mrs. Marcaccio's daughter. "She was such a good-natured girl."

The developments of the last week had residents remembering things that they assumed were all a part of living next to buildings with smokestacks and colored lagoons. And though they are beginning to raise questions, they're still withholding judgment.

"Oh no, no one is getting hysterical," Mrs. Jerles said when asked about the EPA's investigation. "They lived around it all their lives. They worked in it, so there's no sense in getting hysterical. If they do find anything, there's not much they can do."

NEWS RELEASE

RELEASE: June 15, 1983

CONTACT: Joe Gonzalez
Bob Geary

NJBIA ASKS REASONABLE "RIGHT TO KNOW" AMENDMENTS

Senate and
The New Jersey Business and Industry Association today called for serious debate in the Assembly on the "universal labeling" provisions of the proposed "Worker and Community Right to Know Act" before a final vote on the bill.

As it stands now, the proposed Act (A-3318) would require some 27,000 companies in New Jersey to label every container in the workplace, whether it contains anything hazardous or not. The labels would have to provide a complete breakdown of the ingredients that make up the substance in the container.

(The latest amendments, adopted Monday at the request of the sponsor, Assemblywoman Barbara Kalik, provide that, for non-hazardous substances, only the five predominant ingredients would have to be listed on the label. Obviously, however, companies would be forced to gather a complete list of ingredients, even for non-hazardous substances, in order to determine which five are predominant.)

NJBIA believes that the bill now before the Assembly goes far beyond the widely accepted goal of assuring that workers and key local officials have access to detailed information about hazardous substances with which they may come into contact.

In particular, A-3318's "universal labeling" clause appears to be designed with the goals of labor union organizers in mind rather than the needs of workers and community leaders.

Under universal labeling, plant workers will be confronted with a mass of unrecognizable chemical formulations on container labels that will have the effect of obscuring the information about workplace hazards that they need to assure day-to-day plant safety.

At the same time, thousands of New Jersey companies, from chemical plants to auto body shops to newspaper publishers will be required to label every substance in the workplace down to the ink in the copying machines--and the labels won't just say "ink," they'll contain a list of the bases, the pigments, the dyeing additives, and whatever else "predominates" in ink.

"In all, we are talking about 27,000 companies of various sizes and descriptions labeling more than 150,000 substances made up of more than 500,000 'chemical' ingredients, and all of this for no discernible public policy purpose," Bruce G. Coe, president of NJBIA said.

Proponents of A-3318 have argued that NJBIA, among other groups, "opposes labeling." That statement is just not true.

NJBIA has consistently argued, however, that container labels should be functional, conveying as quickly and effectively as possible to the employees who handle them 1) a common, recognizable substance name, 2) safe handling instructions, and 3) instructions, including possible medical treatment, if the substance is mishandled.

NJBIA has also said that the labels on hazardous substances should direct interested employees to a Material Safety Data Sheet (MSDS) on file in a central location in the workplace that would contain the detailed ingredient information that A-3318 requires be put on every label, whether for hazardous or non-hazardous substances.

In fact, the proposed OSHA regulation regarding "hazardous communications" uses this kind of labeling-and-reference system. NJBIA believes that the clear pre-emption clause in the OSHA regulation will, when it is adopted, bar New Jersey from enacting different rules on the same subject. That issue is likely to be settled in the courts.

"The effect of the OSHA-style approach, which we favor, will be to convey to interested employees and community leaders, firemen, and others the very same information about workplace hazards as is called for by A-3318, but in a far more efficient and effective manner," NJBIA's Coe said.

The only apparent reason for requiring this information to be put directly on millions of containers in thousands of work sites around the state is for the convenience of labor organizers.

For their purposes, surrounding workers on a daily basis with hundreds of obscure-sounding chemical formulations helps convince members and potential members that they need the union to protect against workplace hazards.

Any union could fetch the same information from the files, of course, but the impact on the employees they are working to cultivate would be nowhere near as dramatic.

"Industry does not object to providing relevant information to workers and the community, and we have not made an issue of the cost of doing so," Coe said.

"We do object to the high cost of providing redundant and confusing information for the sole apparent purpose of doing organized labor's work for them," he said.

FYI -- Attached are two labels, one currently in use by a major New Jersey company, the other what would be required by A-3318.

X The first label conveys safety information and, by number, corresponds to a company MSDS that is available for inspection by employees and contains detailed chemical information.

The second (A-3318) label contains the information required by the bill.

Both labels describe a common "coal tar dye," in one case a black dye and in the other a blue dye.

N

K

utes

g to

d, li-
near

In



42198-07

Coal Tar Dye, Liquid, NA 2801

PRINTED IN U.S.A.

ABC CORPORATION

CALCOZINE* BLACK CSP LIQUID

Mixture of basic dyes in acetic and hydroxyacetic acids and water

DANGER! CAUSES BURNS OF EYES AND SKIN
HARMFUL IF INHALED. VAPOR IRRITATING.
COMBUSTIBLE LIQUID AND VAPOR.
Do not get in eyes, on skin, on clothing. Avoid breathing vapor.
Keep away from heat and flame. Keep container closed.
Use with adequate ventilation. Wash thoroughly after handling.

FIRST AID: In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Get medical attention. Wash clothing before reuse.

NOTICE

This product contains the following material to which employees exposure, as air contaminants, must be limited according to the Occupational Safety and Health Act and its regulations (29 CFR Section 1910.1000): Acetic Acid.

ATTENTION

Do not use air pressure or apply heat with open flame to remove contents of this drum. After emptied, drum may retain solid, liquid, and/or vapor residues. Continue to observe all precautions, if any, on label. Do not cut, puncture, torch, or weld on or near the emptied drum. Do not use for other purposes.

AVG. GR. 317½
143.9 kg

NET 300
159.9 kg

PROTECT FROM FREEZING

42198-07

LBL 3136 (R1) 3/81

*TRADEMARK

ABC CORP—TRENTON, NJ

ABC CORPORATION

COZINECAL* BLUE VSP LIQUID

| CAS# | CAS NAME | COMMON NAME | % |
|------------|--|----------------------------|------|
| 64-19-7 | Acetic Acid | Acetic Acid | 24.7 |
| 112-80-1 | 9-Octadecenoic Acid | Oleic Acid | 0.2 |
| 79-14-1 | Acetic acid, hydroxy— | Hydroxyacetic Acid | 7.8 |
| 448-25-1 | 1, 3-Benzenediamine, 4, 4'— ((4-Methyl-1, 3-Phenylene) Bis (Azo)) Bis (6-Methyl— | Bismarck Brown Rx Base | 10.2 |
| 5329-14-6 | Sulfamic Acid | Sulfamic Acid | 6.2 |
| 7732-18-5 | Water | Water | 37.3 |
| 510-13-4 | Benzenemethanol, 4-(Dimethylamino)— Alpha—(4-Dimethylamino)Phenyl)— Alpha—Phenyl— | Malachite Green Color Base | 3.0 |
| 7664-93-9 | Sulfuric Acid | Sulfuric Acid | 0.8 |
| 109-86-4 | Ethanol, 2-Methoxy— | Methyl Cellosolve | 0.8 |
| 126-86-3 | 5-Decyne-4, 7-Diol, 2, 4, 7, 9-Tetramethyl— | Surfynol 104H | 0.03 |
| 548-62-9 | Methananium, N-(4-(Bis (4-(Dimethylamino) Phenyl) Methylene)—2, 5-Cyclohexadiene-1— Ylidene)-N-Methyl—, Chloride | Crystal Violet | 2.6 |
| 72102-56-8 | Methylium, (4-(Dimethylamino) Phenyl) Bis (4-Ethylamino)— 3-Methylphenyl)—Chloride. | | |
| 111-15-9 | Ethanol, 2-Ethoxy-, Acetate | Cellosolve Acetate | 1.5 |
| 7647-01-0 | Hydrochloric Acid | Hydrochloria Acid | 0.4 |

COZINECAL* BLUE VSP LIQUID

| CAS# | CAS NAME | COMMON NAME | % |
|------------|---|----------------------------|------|
| 64-19-7 | Acetic Acid | Acetic Acid | 24.7 |
| 112-80-1 | 9-Octadecenoic Acid | Oleic Acid | 0.2 |
| 79-14-1 | Acetic acid, hydroxy— | Hydroxyacetic Acid | 7.8 |
| 448-25-1 | 1, 3-Benzenediamine, 4, 4'— ((4-Methyl-1, 3-Phenylene) Bis (Azo)) Bis (6-Methyl— | Bismarck Brown Rx Base | 10.2 |
| 5329-14-6 | Sulfamic Acid | Sulfamic Acid | 6.2 |
| 7732-18-5 | Water | Water | 37.3 |
| 510-13-4 | Benzenemethanol, 4-(Dimethylamino)— Alpha—(4-Dimethylamino)Phenyl)— Alpha—Phenyl— | Malachite Green Color Base | 3.0 |
| 7664-93-9 | Sulfuric Acid | Sulfuric Acid | 0.8 |
| 109-86-4 | Ethanol, 2-Methoxy— | Methyl Cellosolve | 0.8 |
| 126-86-3 | 5-Decyne-4, 7-Diol, 2, 4, 7, 9-Tetramethyl— | Surfynol 104H | 0.03 |
| 548-62-9 | Methananium, N-(4-(Bis (4-(Dimethylamino Phenyl) Methylene)—2, 5-Cyclohexadiene-1— Ylidene)-N-Methyl—, Chloride | Crystal Violet | 2.6 |
| 72102-56-8 | Methylium, (4-(Dimethylamino) Phenyl) Bis (4-Ethylamino)— 3-Methylphenyl)—Chloride. | | |
| 111-15-9 | Ethanol, 2-Ethoxy-, Acetate | Cellosolve Acetate | 1.5 |
| 7647-01-0 | Hydrochloric Acid | Hydrochloria Acid | 0.4 |
| 7440-62-2 | Vanadium | Vanadium | 0.03 |
| 7439-98-7 | Molybdenum | Molybdenum | 0.3 |

AVG. GR. 317½ NET 300

143.9 kg

159.9 kg

PROTECT FROM FREEZING

42198-07

news
release



common
cause NEW
JERSEY

110 WEST STATE STREET,

TRENTON, NEW JERSEY 08608



609•396-1150

EDITORIAL MEMORANDUM

TO: Editors and Editorial Writers

FROM: The "Right-to-Know" Coalition

RE: Right-to-Know Legislation

The purpose of this memorandum is to inform you about the current status of "Right-to-Know" legislation, to describe the provisions of the bill and to respond to the main arguments which industry is making against this bill.

The New Jersey State Assembly and Senate are expected to vote on the Right-to-Know proposals on Thursday, June 23, 1983.

Please use this material in any way you like. For further information or for direct quotations from members of the coalition, call any of the people listed below:

Naomi Fatt, Chairman: 212-673-5120

Jim Lennard, Co-Chairman: 201-878-0446

Joe DeBella, Co-Chairman: 201-933-9494

Rick Engler, PHILAPOSH: 215-386-7000

New Jersey Right To Know Coalition Endorsers*

International Association of Firefighters (IAFF) Local 290 and
Association of New Jersey Firefighters (IAFF)
New Jersey State Firemen's Mutual Benevolent Association
International Ladies Garment Workers Union (ILGWU), South Jersey Joint Board
American Federation of Teachers (AFT) Local 2373
New Jersey League of Conservation Voters
New Jersey Environmental Lobby
Princeton Environmental Action
Oil, Chemical & Atomic Workers Union, (OCAW), District 8 Council
International Union of Electrical Workers (IUE), District 3, & Locals 140 & 134
Association of Federal, State, County and Municipal Employees (AFSCME) Council 71
United Auto Workers (UAW) Region 9, District 65 and Locals 918 & 585
American Association of University Professors (AAUP)
Sierra Club of New Jersey
American Civil Liberties Union (ACLU)
United Rubber Workers, Region 2, District 2 and Local 367
American Federation of Government Employees, Local 1778
Cumberland Central Labor Union
Camden-Gloucester Central Labor Union
Industrial Union Council, AFL-CIO
Chemical Workers Association
Communication Workers of America (CWA) Locals 1022, 1084, 1038
Environmental Research Foundation
United Food & Commercial Workers Locals 1360, 56, 80
Committee for Abortion Rights & Against Sterilization Abuse (CARASA)
Independent Oil Workers
Burlington Central Labor Union
United Paper Workers International Union, (UPIU) Region 3
United Electrical Workers, District 1
International Brotherhood Electrical Workers (IBEW), Local 592
New Jersey Public Interest Research Group (PIRG)
Chemical & Industrial Union
Mobilab Union
Cumberland Conservation League
New Jersey Toxics Project
Oil, Chemical & Atomic Workers (OCAW), Locals 8-638, 8-5570, 8-760, 8-562
United Steelworkers of America, Locals 2026, 7836, 13945, 7098
Citizens for a Better Environment
International Chemical Workers Union

National Organization of Women (NOW)
United Silverton Alliance (USA)
Serious Taxpayers Opposed to Pollution (STOP)
Re-Inhabiting New Jersey
United Food & Commercial Workers Locals 1360, 56, 80
Committee for Abortion Rights & Against Sterilization Abuse (CARASA)
Independent Oil Workers
Burlington Central Labor Union
United Paper Workers International Union, (UPIU) Region 3
United Electrical Workers, District 1
International Brotherhood Electrical Workers (IBEW), Local 592
New Jersey Public Interest Research Group (PIRG)
Chemical & Industrial Union
Mobilab Union
Cumberland Conservation League
New Jersey Toxics Project
Oil, Chemical & Atomic Workers (OCAW), Locals 8-638, 8-5570, 8-760, 8-562
United Steelworkers of America, Locals 2026, 7836, 13945, 7098
Citizens for a Better Environment
International Chemical Workers Union
Coalition of Labor Union Women-North Jersey Chapter
New Jersey Tenants Organization
Association of New Jersey Environmental Commissions
A. Philip Randolph Institute (APRI)
Philadelphia Area Project on Occupational Safety & Health (PHILAPOSH)
Great Swamp Watershed Association
The Committee for a Better Environment, Inc.
Princeton University Democrats
New Jersey Common Cause

The Right-to-Know Coalition is a broad-based coalition comprised of citizens' groups, firefighters, labor unions and environmentalists who have joined together to work for the passage of the Worker and Community Right to Know Act, sponsored by Senator Daniel Dalton (S-1670) and Assemblywoman Barbara Kalik (A-3318).

The Purpose of This Legislation

"To establish a comprehensive program for the disclosure of information about hazardous substances in the workplace and the community, and to provide a procedure whereby residents of this State may gain access to this information." (from Senate Bill No. 1670 and Assembly Bill No. 3318).

Under the present law, New Jersey workers and residents do not have the right to know even the names of the various chemicals to which they are exposed. Exposure to toxic chemicals is a deadly problem in New Jersey. Our state ranks second in the nation in production of chemicals and, to add to this, each year thousands of new chemicals are introduced into industry. Many of these materials pose a serious threat to the health of the workers who handle these substances and to the surrounding communities. The recent discoveries of Dioxin contamination in Newark and Edison are prime examples of this problem.

Dangers faced by workers and by citizens in surrounding communities range from relatively innocuous rashes, through serious eye injuries and life-threatening liver and kidney damage to death from emphysema and cancer. New Jersey ranks near the top in the nation in the incidence of cancer among workers, and over 3,000 occupation-related deaths are reported each year in this state.

Although many of the materials used in industry in New Jersey are known to be hazardous to the health of workers, the community and to the quality of the environment, there is no mechanism for informing those who are at risk about these hazards. In spite of some scattered "well-meaning"

efforts by industry to inform their own workers of the nature of the substances they are working with, most people in New Jersey are either entirely uninformed or misinformed about the daily dangers to their health posed by these materials.

This ignorance itself promotes a general fear; there is a high degree of serious unfocused apprehension among New Jersey citizens about the extent and nature of the toxic contamination of the air, water and land around them.

The Provisions of S-1670 and A-3318

Over the past 18 months, the provisions of this proposal have been discussed extensively in public meetings and in legislative committee hearings. The end result is a compromise that addresses many of the concerns raised by both the opponents and proponents of this legislation. The major provisions are as follows:

1. Employers covered by this act will be required to label and disclose the chemical names and abstract numbers of approximately 1000 chemicals known to be extremely hazardous. This must occur within 18 months of enactment. Within 3 years of enactment, all chemical containers shall be labeled. When a container holds a mixture, only the top 5 ingredients and the Chemical Abstract Number must be labeled. In addition the Department of Health will issue a list of chemicals which can be labeled with their common name rather than with their chemical name. This provision which requires labeling with the chemical name and Chemical Abstract Number is known as "UNIVERSAL LABELING" and is one of the most important features of this bill.
2. Information on hazardous substances will be available to workers at the work site and to the public through the Department of Environmental Protection, Department of Health and County Health Departments.

This will include a list of hazardous substances used, stored or produced at a facility. The Department of Health will provide a detailed fact sheet for each hazardous substance that includes acute and chronic health effects, symptoms of exposure, safe handling procedures and emergency and first aid procedures. Local police and fire departments will receive all of this information.

3. Other provisions include measures for workers' protection against retaliation, employers' protection against the revealing of trade secrets, the right of citizens to sue for failure to abide by or enforce this act, availability of all information in Spanish, routine inspections, the establishment of a Right-to Know Advisory Council and a \$2 per employee fee to cover the cost of administration.

The Arguments Put Forward By Industry and The Coalition's Responses.

"Universal labeling is the heart of Right-to-Know...."

Senator Daniel Dalton
Sponsor, S-1670

Industry is currently trying to have the labeling of all chemicals with their chemical names deleted from the bill. Without this provision, the bill will not provide the protection that workers and firefighters need. Below are some of the main industry arguments against universal labeling, along with our responses.

Industry argues that specific chemical names are useless to workers.

In fact, it is incomplete or inaccurate hazard information which is useless or harmful to workers. There are no standard texts that translate most chemical trade names (not to mention numerical codes or symbols) into specific chemical names. It is only with the specific chemical names that workers, physicians,

and others can attempt to find in toxicology tests the acute and chronic health hazards of workplace substances.

The histories of such substances as benzene, vinyl chloride, dioxin and asbestos show that companies cannot be relied upon to fully inform and protect workers. We must have the precise chemical names so that we can inform and protect ourselves.

Although it is true, as industry argues, that many chemical names are long and confusing, precise identity is still crucial. An amendment was added in the Assembly committee which will allow common names to be used on labels when they clearly identify a specific chemical.

Industry argues that they will be forced to label many non-toxic chemicals and that this is a waste of resources. Industry's views of what is toxic and non-toxic clash with reality. Numerous chemicals which industry has said are harmless have been associated with cancer, birth defects, lung disease, etc. Beach sand, one of industry's favorite examples, can cause silicosis, a debilitating and deadly lung disease.

If the price we pay to save thousands of lives is the labeling of a few truly harmless chemicals, it seems we have found ourselves a bargain.

Industry argues that universal labeling will be too costly. The costs of not implementing a real Right-to-Know are seen all over New Jersey in the forms of death, disease, birth defects, lost production and a threatened environment. The costs of implementation of occupational safety and health and environmental regulations have been consistently over-estimated by industry. Their cost estimates for the New Jersey bill have never been substantiated.

Industry argues that the Occupational Safety and Health Administration will soon issue a standard which will give the workers the Right-to-Know. The federal OSHA standard-if it becomes law in its current form-will require

that companies evaluate the hazards of a substance and inform their workers of those hazards. Because the standard will not require the disclosure of chemical identities, workers will have no way to verify whatever information they are given or to do further research. This is precisely why labeling with specific chemical names is so important to the N.J. bill.

Battle lines drawn on bill forcing employers to label all chemicals

Star Ledger

By GORDON BISHOP

The Legislature is poised to vote on a controversial bill that would require almost all New Jersey employers to label every container in their workplaces, listing everything from the most hazardous chemicals to even the most common substances such as salt, water and sugar.

The Public's Right-to-Know bill (S-1670), if enacted, will cost the state's employers—excluding agriculture—as much as \$25 million the first year, based on preliminary estimates by the Chemical Industry Council of New Jersey and the New Jersey Business and Industry Association.

The landmark legislation, considered the toughest in the nation for identifying chemical substances inside containers, has again pitted environmental and labor interests against business and industry.

The Right-to-Know issue has divided the Kean administration into two camps: The environmental and health authorities versus the commerce and economic development officials.

Sponsors of the bill, led by State Sen. Daniel J. Dalton (D-Camden), say they have the votes to win legislative approval of the measure. The Senate and Assembly are expected to vote on the bill the week of June 16.

State Environmental Commissioner Robert E. Hughey, whose department helped draft the bill, says Gov. Thomas Kean supports the concept although "he has some questions on labeling all containers" even if their contents are harmless.

State Commerce Commissioner Borden R. Putnam thinks the Right-to-Know bill is premature because the fed-

eral government is about to adopt a comparable law this summer.

"New Jersey businesses would again be placed in an economically uncompetitive position if they have to label all of their containers while businesses in other states will be following the new federal ruling which involves much less paperwork and costs to employers," Putnam said.

The federal regulation is to be

adopted this summer by OSHA (Occupational, Safety and Health Administration), according to Douglas Clark, special assistant to OSHA Administrator Thorne G. Auchter.

Hal Bozarth, chief spokesman for the Chemical Industry Council of New Jersey, said the state's business community supports the federal regulation be-

(Please turn to Page 22)

Battle lines drawn over labeling

(Continued from Page One)

cause all employers in the United States will have to comply with its labeling requirements.

The New Jersey bill, Bozarth said, is "excessive" because it means "labeling anything and everything, from containers to valves on pipelines in process-

all chemical containers on the job

ing plants."

He cited what he called some ludicrous examples of the New Jersey bill. For purposes of illustration, he referred to four common everyday materials that could be listed by their chemical names:

- Alpha-D-Glucopyranosyl Beta-D-Fructofuranoside, which is ordinary sucrose, or sugar.
- 1,3,7 trimethyl-2,6-dioxapurine, or caffeine used in coffee and some sodas.
- Aceticylic acid, or aspirin.
- Sodium 1, 2-Benzisothiazolin-3-One-1,1-dioxide, or sodium saccharin, a sweetener used as a substitute for sugar.

Even tap water has an eye-opening chemical name, di-hydro-oxide, while common table salt is, to a chemist, sodium chloride. Water also contains chlorine and in many municipalities, fluoride.

The OSHA regulation, which will be federal law within three months, will cost New Jersey's businesses \$5.4 million, initial calculations show, compared to four times that amount for the state's Right-to-Know bill.

There is also the still unresolved question of whether the OSHA regulation would preempt the New Jersey bill, as have a number of environmental laws such as the 1970 U.S. Clean Air Act and the 1972 U.S. Clean Water Act. That question would have to be settled in the courts.

The heart of the issue is the worker's and public's right to know what substances they are exposed to in the workplace and community. The issue was first raised in 1976 by former New Jersey congressman Andrew Maguire, a Democrat from Bergen County, and the Health Research Group. They petitioned OSHA to establish a standard to require the labeling of all workplace chemicals. The standard was to be comprehensive in scope, but not complex in design so that the average person could read a label and know what to do.

The federal thrust was to come up with a sound "hazard communication standard." The success of any identification and labeling program would depend on the method of communication used. The worker would have to understand what he or she was reading, and residents in the vicinity of chemical plants, refineries or storage sites would likewise have to know what a particular substance was and its impact on humans.

* * *

OSHA officials believe they have done just that with a new standard under review by the Office of Management and Budget (OMB) before it is published in the Federal Register in July or August, when it will become law.

President Carter, in his final weeks in office, rec-

today list the chemicals in the container and would continue to do so under the new OSHA standard.

The OSHA standard, however, exempts pipelines and valves controlling the flow of liquids in processing plants and refineries. The New Jersey bill would require labeling every valve at an industrial plant. A single refinery has thousands of valves, many of which are used one week for one chemical and the next week to mix a different batch of compounds. Under such a labeling edict, the labels on the valves would have to be changed constantly.

Aides to Kean say if the New Jersey Right-to-Know bill passed the Legislature, the Governor probably will invoke a "conditional veto," meaning that some amendments might have to be made to the bill before he approves it. One of those amendments is said to be less than "universal labeling."

* * *

Assemblyman John O. Bennett (R-Monmouth), a proponent of the Right-to-Know bill, said he was surprised to find that many New Jersey industries are properly labeling all containers with potentially harmful materials.

"I visited IFF (International Favors and Franchise) in Hazlet and Union Beach, and they do far more in labeling than what is required by S-1670," Bennett said. He is the ranking Republican on the Agriculture and Environment Committee where the Assembly bill has been amended several times. One estimate puts the number of amendments at more than 100 since the bill was introduced in January 1982.

Bruce Coe, president of the New Jersey Business and Industry Association, said all of the state's major chemical and petroleum companies have comprehensive labeling procedures simply to protect themselves against worker and public lawsuits.

"Everyone knows what happened to Johns-Manville and the asbestos nightmare," Coe said. "No industry wants to go through that mess today."

Industry failed to get Dalton to change his bill, exempting those companies that have comprehensive labeling instructions. Dalton's bill has about a dozen cosponsors, while a companion bill in the Assembly has the same number of cosponsors. Assemblywoman Barbara Kalik (D-Burlington) is the sponsor of the Assembly bill. If they are passed, they will be merged into one bill and sent to the Governor, who then has 45 days to sign it.

The New Jersey Right-to-Know bill is the product of the powerful Right-to-Know Coalition made up of labor, academic, environmental, health and municipal fire fighting interests, about 70 organizations in all.

At first, the coalition had 40,000 chemicals it wanted listed in the New Jersey legislation. Eventually, that was reduced to the 1,000 hazardous chemicals on the OSHA list and those included in a survey

particular substance was used.

* * *

OSHA officials believe they have done just that with a new standard under review by the Office of Management and Budget (OMB) before it is published in the Federal Register in July or August, when it will become law.

President Carter, in his final weeks in office, recommended that chemical names be listed on labels. If the worker or resident wanted additional information, he would have to consult a 19-pound book listing 50,000 chemicals, compiled by the National Institute of Occupational Safety and Health (NIOSH).

Ironically, the official government compendium is the result of chemical studies conducted largely by the industries that created the molecular compounds in their laboratories.

Another source of chemical references, to be used in connection with the original Carter administration labeling standard, is the Material Safety Data Sheet (MSDS). It tells one what the exposure symptoms are, what to do, what not to do, what to wear, and anything related to protection of human health.

There is no definitive book on chemicals in existence. Industry produces 80,000 chemical compounds, which, when mixed to produce other compounds, total somewhere in the neighborhood of a half-million chemical mixtures. And each year another 1,000 chemicals come into the marketplace, adding to the mixture total.

When President Reagan took office, he scrapped the Carter administration approach and replaced it with a "communicating standard" requiring training by workers so they know what they are reading and how to find the appropriate literature after they've read the label.

The new OSHA standard coming out this summer is a "hazard evaluation system," rather than a listing of long chemical words, according to Clark. The label warns of "imminent peril" and describes the chemical or chemicals as "corrosive" or "explosive" and advises how to handle the material properly. Many companies

of the powerful Right-to-Know Coalition made up of labor, academic, environmental, health and municipal fire fighting interests, about 70 organizations in all.

At first, the coalition had 40,000 chemicals it wanted listed in the New Jersey legislation. Eventually, that was reduced to the 1,000 hazardous chemicals on the OSHA list and those included in a survey done by the Department of Environmental Protection (DEP).

The present bill would direct businesses to label all containers storing hazardous substances within 18 months, and to label all containers within the workplace within three years, with certain exemptions.

The state Public Advocate, representing the public interest, sees the bill in its present form as a necessity in order to inform workers and residents of neighborhoods near industries who need to have knowledge about chemicals that may be safety hazards or may affect their health.

* * *

Some lawmakers, including State Sen. John Russo (D-Russo), said legislation should protect the worker, but not "to the point where they lose their job."

The state health department estimates 1,200 citizens develop cancer each year as a result of exposure to chemicals in the workplace. Another 1,300 residents are hospitalized annually with occupation-related diseases.

A Bureau of Labor Statistics survey in 1977 and 1978 found that an average of 59 per cent of all occupational diseases that resulted in time off were caused by exposure to hazardous chemicals in the workplace.

The consensus among business, industry and state commerce leaders is that New Jersey will be able to live with the federal OSHA labeling standard due out soon.

Proponents of the New Jersey Right-to-Know bill say they've been waiting a year for the federal government to act on a national standard. The New Jersey bill, they say, is designed to protect state workers and residents in the absence of any federal regulations.

The Philadelphia Inquirer

An Independent Newspaper

Published Every Morning by Philadelphia Newspapers, Inc.
400 N. Broad Street, P.O. Box 8263, Philadelphia, Pa. 19101

SAM S. McKEEL
President

EUGENE L. ROBERTS JR.
Executive Editor

EDWIN GUTHMAN
Editor

Thursday, June 23, 1983

◆ Page 14-A

New Jersey's right to know

You don't have to look further than the headlines for arguments in favor of the toxic-chemical-reporting bill that is set for a vote in the New Jersey Legislature today. The bill is the first in the nation that would extend rights to workers and communities under the same umbrella. And, in New Jersey, Lord knows, both have suffered enough.

The bill would provide workers with safety information about the chemicals they handle on the job. (Perhaps they would have thought twice about the dangers of vinyl chloride or dioxin, had they known.) It would provide municipal governments with the rundown on the chemicals that are stored or emitted in the community. (Perhaps the chemical contagion in Elizabeth a few years ago might have been better contained, had local firefighters known.)

Unlike three years ago in Philadelphia, when the City Council passed pioneering chemical right-to-know legislation, there is broad conceptual support of the bill in New Jersey. But

although compromises have been made to ease some objections of the chemical industry, major points of contention remain.

The industry's opposition is focused on a provision that would require, in two phases, that all chemicals be clearly labeled with the chemical name of the substance — not a color code, a brand name or other possibly confusing identification. Initially, the bill would require labeling of about 1,000 chemicals determined hazardous by the state. Later, all substances would have to be labeled.

Industry trade groups insist that only known hazards need be labeled in some fashion. But labeling all drums or containers provides a failsafe to the worker or fireman who does not have to wonder upon encountering an unmarked drum: Is it innocuous or is it poison that hasn't been stenciled yet?

It is late in the game for New Jersey residents to be finding out about the chemicals they handle and breathe every day. They are facing dioxin scares almost daily and worrying about contaminated water, and they suffer one of the highest cancer rates in the country.

The Community and Worker Right-to-Know bill is a modest beginning. To weaken it at the last minute by dropping labeling provisions that would assist workers in making independent health decisions would fly in the face of its whole purpose. It should be passed promptly and passed intact.

*Philadelphia
Inquirer*

The Star-Ledger

The Newspaper for New Jersey

U

Newark, N.J. Friday, June 24, 1983

Workplace right-to-know wins big Senate boost

By TOM JOHNSON

Following a frantic day of lobbying, the Senate last night overwhelmingly approved a far-reaching bill that guarantees workers and the public information about hazardous substances in the workplace.

The legislation, called the right-to-know bill, was passed 39-0, a margin that belied the intense negotiations and debate that has swirled around the proposal in the 18 months it has been under discussion.

Even late yesterday, the outcome of the vote was uncertain. It was only after supporters and opponents agreed on amendments that would narrow the scope of the measure as it applies to research and development labs that opposition among lawmakers faded.

Upon approval, hundreds of members of a right-to-know coalition, comprised of labor, environmentalists and citizen groups, who were sitting in the Senate gallery broke out in cheers and applause. The coalition had carried out heavy lobbying in the past week, deluging targeted senators with phone calls and holding several rallies in front of the State House.

Despite the near unanimous consensus in the Senate, business and industry lobbyists vowed to press for further amendments to the bill, considered the toughest law of its kind in the nation. It is expected to be heard by the Assembly Monday.



Photo
Assemblyman Richard Van Wagner (D-Middlesex) signs a bill that was placed in the State House hallway by the Right to Know coalition to draw attention to the chemical bill.

The Assembly has given final legislative approval to a hotly contested bill that would force industry to label and disclose to workers and the public any potentially hazardous substances in the workplace.

"I believe this is the landmark piece of legislation for this particular session," said Assemblywoman Barbara Kalik, D-Burlington, who sponsored the bill in the lower house. The vote yesterday was 62-12 along partisan lines, although many Republicans voted with the Democratic majority.

By Daniel Aksel
Staff Writer

Bill on toxics in workplace goes to Kean

Assembly GOP unveils new right-to-know bill

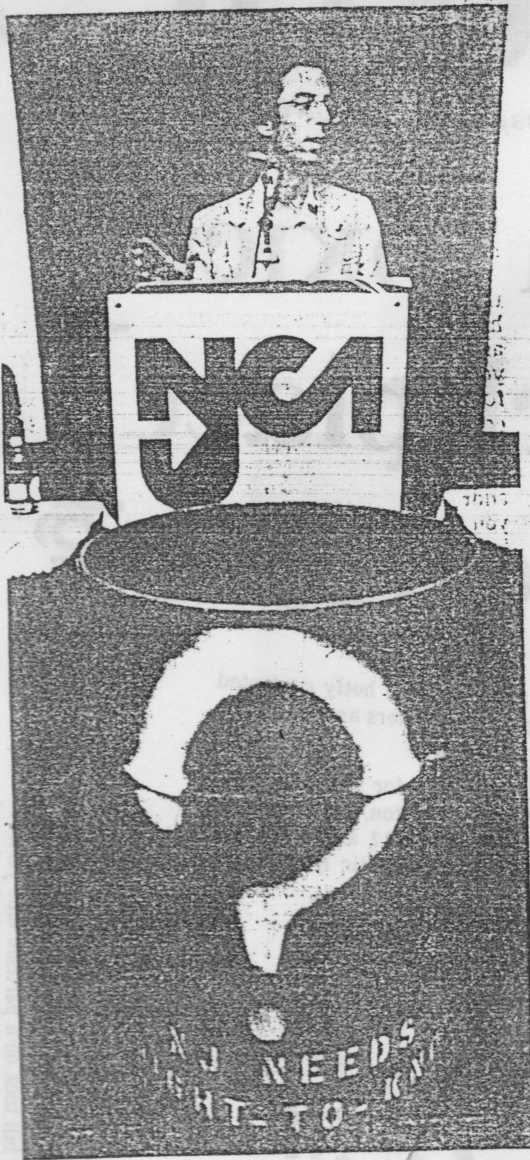
The battle over a workers' right-to-know bill took on a partisan tone yesterday as a Republican assemblyman unveiled what he termed a more practical and workable version of the controversial legislation.

Democrats, however, immediately denounced the bill, to be introduced by Assemblyman Elliott Smith (R-Somerset), as an attempt to water down efforts to

The reason for universal labeling is to assure that employers are not given the opportunity to say that something which contains hazardous materials does not, Kalik said.

New Jersey's Largest Evening Newspaper TUESDAY, JUNE 28

Office Record



Staff photo by Steven Zerby

Larry Cohen, director of organizing for Communications Workers of America District 1, at the podium.

Backers plot final 'know' bill push

By CHAPIN WRIGHT
Staff Writer

The Trenton Room at the Capitol Plaza Hotel looked more like the War Room at the Pentagon.

About 70 people gathered there yesterday afternoon to plan a final, last-minute assault on the State House. Taped to the walls were lists of New Jersey legislators targeted to be bombarded with phone calls, letters and telegrams in the coming weeks.

The objective: To insure passage of the Worker and Community Right to Know Act. The strategy: An all-out lobbying blitz.

Members of the New Jersey Right to Know Coalition listened intently as environmental lobbyist James Lanard told them how far they have go and where they go from here.

"When we got involved in right-to-know, we were told we would never see the bill get out of committee," he said.

ONLY A YEAR old, the New Jersey Right-to-Know Coalition is comprised of labor and environmental groups from around the state. It is part of New Jersey Citizen Action, an umbrella organization representing a variety of public interest groups.

More than 400 members of the Citizen Action were on hand at the Capitol Plaza yesterday for a Founding Convention to adopt by-laws, elect officers and attend a number of workshops.

The Right-to-Know Coalition group worked for months with Sen. Daniel J. Dalton, D-Camden, on the legislation, which would require certain companies to disclose the names of potentially toxic substances in the workplace.

The bill was released last month from the Senate Revenue, Finance and Appropriations Committee and may get a full Senate vote in early June.

"We need your assistance so we can reach every legislative district in great numbers," said Lanard.

The chemical industry and State Chamber of Commerce have already "mounted a major media campaign" to defeat the bill, Lanard said.

"We have to stop them from trying to persuade legislators, through the media, not to take us seriously," he said.

The pro-right-to-know effort will also consist of a heavy letter-writing campaign to newspapers around the state. It will culminate on the day the bill comes up for a vote when hundreds of lobbyists will invade the State House.

"NOBODY CAN oppose this thing and expect to get the support of labor and the environmentalists in November," Lanard said.

Eric Scherzer, health and safety representative for Local 8149 of the Oil, Chemical and Atomic Workers, warned the group to be on guard during the crucial last days before a final vote.

"The key thing to watch out for is weakening amendments," he said. "They know they can't defeat the concept so they will try to change the bill."

Industry has been trying unsuccessfully to slow down progress on the Dalton bill ever since it was first introduced last September.

Lanard said it was due to the group's lobbying efforts that the bill was released from the Senate Energy and Environment Committee in February by a 5-0 margin.

Just two days prior to the vote, Sen. John F. Russo, D-Ocean, remained uncommitted on the bill. Lanard said. That day Russo received more than 100 phone calls urging him to cast a yes vote.

"Senator Russo voted yes only because of what Citizen's Action was able to do," Lanard said.

The coalition was "riding high" after that victory, Lanard said, "but we were finessed by industry."

SENATE PRESIDENT Carmen A. Orechio, D-Essex, unexpectedly referred the bill to the revenue committee.

"We were stunned," Lanard said. "It was a setback." But after an intense lobbying barrage, he added, "we turned it into our most significant success."

"Lobbyists in Trenton couldn't understand it," he continued.

Coalition member Peter Montague said that right-to-know is a growing national movement.

"I suspect that we are sitting on the tip of an iceberg," he said. "I suspect that this is an idea whose time has come."

6-29-83 1N9

Kean should sign toxics bill

Within the next 45 days, Gov. Kean will have a chance to prove that he wants to leave New Jersey something more tangible than a scrapbook of shirt-sleeved tours of dioxin scenes. He has on his desk a far-reaching bill — passed overwhelmingly by both houses of the legislature — that would require factories and public agencies that handle hazardous chemicals to make health and safety information available to workers and the public.

There has been intense lobbying on the bill from both the chemical industry, which has tried to soften it by fighting labeling provisions, and a coalition of unions and environmental groups. "We're going to kill the dog, when we're trying to kill the fleas," argued Assemblyman C. William Haines (R., Burlington), in opposing the bill.

But in New Jersey, the nation's second largest producer of chemicals, there has been little evidence of industrial hardship on the scale of the hu-

man suffering that workers have been exposed to in handling dioxin or vinyl chloride or asbestos. At this point, *not* knowing what's in the drum a worker is handling creates, according to Common Cause of New Jersey, "serious unfocused apprehension."

The legislature has not been insensitive to industrial concerns. Included in the Worker and Community Right To Know Act are protections against disclosure of secret formulas and exemptions for research labs. As far as costs go, there are the continuing costs of business as usual: escalating cancer rates, lost time on the production line and environmental degradation.

If Gov. Kean is serious about the environment, if he is serious about heading off future dioxin scares in New Jersey and leaving a legacy that will endure long after the shirt-sleeved photos fade, he should stop making nice talk about the "concept" of the right-to-know bill and sign it.

Kean shouldn't sign

The wrong right-to-know bill

To the Editor:

If the proposed Worker and Community Right-to-Know legislation in New Jersey were as you described it ("Kean should sign toxics bill"), the business community, too, would support it. The bill you describe is reasonable. Senate Bill 1670 is not.

You suggest that "factories and public agencies that handle hazardous chemicals (should) make health and safety information available to workers and the public." We agree. S.B. 1670, however, would require not only that information on hazardous substances be made available, but that the chemical makeup of more than 150,000 non-hazardous substances (for example, the ink for the printing press) be spelled out on a label affixed to every container in every "manufacturing" facility in New Jersey. "Manufacturing" is defined to include 27,000 companies, from chemical plants to auto body shops to newspaper publishers.

You suggest that research labs are exempt. They are not. However, as a "compromise," S.B. 1670

would permit research facilities to use the kind of hazardous communications system that we sought for all companies. That is, instead of requiring container labels with a dozen or so undecipherable chemical names (does it help you to know that one of the components of blue dye is 5-Decyne-4, 7-Diol, 2, 4, 7, 9-Tetramethyl?), containers could be labeled blue dye. The label would carry useful safety and handling information. Companies would be required to honor employee requests for detailed information about blue dye within five days.

You suggest that "not knowing what's in the drum a worker handles creates serious unfocused apprehension." We believe that surrounding workers with thousands of obscure chemical names on labels describing the components of harmless dyes and inks will create unfocused apprehension. Moreover, cluttering up labels with chemical names may deflect workers' attention from the practical information they need: Is the substance flammable? Is it corrosive? How should it be handled?

You suggest that, "As far as costs go, there are the continuing costs of business as usual: escalating cancer rates, lost time on the production line and environmental degradation." We agree. That is why industry, for economic as well as moral reasons, has spent so much time, effort and money putting together effective workplace safety programs. Not to do so is to assure higher worker compensation bills, higher insurance rates and lawsuits with the potential to put companies out of business.

In short, the business community supports the "right to know." What we object to is a "right-to-know" bill that heaps useless and expensive administrative and labeling burdens on business in order to achieve what should be a simple objective: the transfer of information. Or as Assemblyman C. William Haines put it, "We're going to kill the dog when we're trying to kill the fleas."

ROBERT J. GEARY
New Jersey Business and
Industrial Association
Trenton.

sey ACTION

Volume 2 - No. 4 June - July, 1983

CHEMICAL RIGHT TO KNOW BILL WINS IN LEGISLATURE

Citizens Claim Victory Over Chemical Lobby



Senator Dan Dalton, original sponsor of S1670, surrounded by staff and leaders of the NJCA Right to Know Coalition after victory on Right to Know in the state Senate. (credit: Phil Savoie)

Farm Labor Unprotected by 'Right-to-Know'

By DODIE MURPHY WAGNER
Staff Writer

Farmworkers throughout New Jersey will not be protected by Right to Know legislation, which if signed by the governor will require industries to reveal the chemicals they use and store.

The legislation has been approved by both the New Jersey Senate and Assembly. Gov. Thomas Kean's signature is anticipated by September, according to state Sen. Dan Dalton, D-Turnersville, who sponsored the bill.

Protection to farmworkers wasn't included because Dalton and other supporters felt it would jeopardize the bill's chances of passing in both houses, Dalton said Tuesday.

"This was a judgment call," the senator said. "It was not based on substance but on what we had to do to get the bill passed. Every time you involve farmers in an issue the whole thing blows up politically."

The American Civil Liberties Union is upset about the situation "and the notion you can trade-off farmworkers," according to director Jeff Fogel.

Fogel attacked political strategy which gives rights to some workers and denies them to others.

"People with dark skin are entitled to the same rights as those with white skin and people with Spanish surnames nonetheless have American surnames," Fogel said yesterday from his Newark office.

"At some point, both unions and

politicians who support labor must stand up and say those who work on farms are entitled to the same benefits as those who work in factories," he added.

Dalton said a federal law protects farmworkers by requiring labels on some insecticides.

Fogel disagrees.

"We've looked at it carefully and it's not enough," he said.

Bergen County Assemblyman Byron Baer has introduced legislation to extend Right to Know's protection to farmworkers.

"The only question is if we can get it out of committee for a hearing," Fogel said.

Meanwhile, New Jersey Citizen Action, a Hackensack-based coalition representing community groups, churches, trade and labor organizations, issued a statement yesterday praising passage of the bill and blasting two local assemblymen for failing to support Right to Know.

The bill's opponents "were voting against the health and well-being of their constituents," said Charles Morris, health and safety

chair of the Chemical Workers Association.

He criticized Republican Assemblymen Joseph Chinnici of Bridgeton and Guy Muziani of North Wildwood, both of whom represent Cumberland and Cape May counties.

"Legislators like Chinnici and Muziani were elected to represent citizens, not just monied interests like the chemical lobby," Morris said.

New Jersey Citizen Action did not take a stand on the bill's failure to protect farmworkers.

Right to Know Law Ignores Farmworkers

By DODIE MURPHY WAGNER
Staff Writer

Angel Dominguez knows of the deals, the lobbying and the pressure.

Politicians struck their compromises in full view of the people they're paid to represent, he says. For the most part, the silent constituents — those ignored by Right to Know legislation — have brown skin and Spanish surnames.

"We made the calls but hit a dead wall," he said. "No one would listen to us."

As director of the American Civil Liberties Union's Farmworkers Rights Project in Glassboro, Dominguez, a 32-year-old Vineland activist, crusades for South Jersey's 15,000 migrant farmworkers.

Months ago he met with state Sen. Daniel Dalton of Turners-



Very few people care about farmworkers. They're the least protected class of workers in the state — in the nation."

—Angel Dominguez

ville, Right to Know's sponsor. The meeting was fruitless — Dalton and his supporters kept farmworkers out of the legislation. To do otherwise, the senator said last week, would have jeopardized the bill's chances of passing the state Assembly and Senate.

Dominguez sees a pattern to the discrimination and it befalls minorities, the poor, who would benefit from new laws. Right to Know is not the first piece of legislation to ignore the people Dominguez represents.

He is livid that Right to Know

— which would require industries to reveal chemicals used or stored in the workplace — does not apply to farmers. If signed into law by the governor, it will protect only those who work in factories.

The current Legislature was not the first to greet farmworkers with deaf ears, according to Dominguez.

"The Assembly, in 1978, did not want farmworkers included in the minimum wage bill," he recalled. "What I saw then I see again: very few people care

(Continued on Page 7, Col. 3)

Report Studies Health Hazards Of Migrants

By DODIE MURPHY WAGNER
Staff Writer

Three years ago, investigators for the Field Foundation, a nationally-respected organization, studied the health status of migrant farmworkers.

Among the foundation's findings were:

- "Migrant farmworkers and their families suffer from a combination of factors — poverty, worker exploitation, poor agricultural practices, unfocused and sporadic public programs, rural poverty, and the condition of migrancy itself."

- Pesticide use has increased and changed while regulations to protect farmworkers has not kept pace. "State and federal governments will not take the initiative in protecting fieldworkers from exposure."

(Continued on Page 7, Col. 4)

Right to Know Law

(Continued from Page 1)

about farmworkers. They're the least protected class of workers in the state — in the nation."

A separate Right to Know bill, one that would protect migrant workers, sleeps in a state Assembly committee.

It's time to awaken it, according to the farmworker advocate, with public hearings this summer, before farm crews leave South Jersey.

If the bill is ever to leave the committee, he said he must battle. He is ready for that, and to wage it alone.

Most migrant workers know the danger they confront in their daily exposure to pesticides. "One national study found farmworkers have more of one type of liver cancer than anyone else," Dominguez said. "But the problem with (exposing the dangers of) pesticides is that very few studies are available."

Ten years ago, three physicians from the New Jersey Medical School in Newark delineated the effects which pesticide exposure may have on migrant farm workers — frequent headaches, dizziness, blurred vision and a general feeling of weakness.

Their study was the first and last one known to be undertaken in the fertile fields of South Jersey.

Their report said most cases of pesticide poisoning come from "inhalation of pesticide dust or vapors or accidental contact with

clothing and skin, with subsequent absorption through the skin."

Additionally, "migrant farmworkers in New Jersey often live in the midst or on the fringe of vegetable fields," the report said. When airplanes spray vegetables with toxic pesticides, "the planes almost unavoidably spray the farmworkers and their homes as well."

Recent parathion spraying in Franklin Twp. led a 9-month-old child to death's door, Dominguez said. When he speaks about farmworkers and pesticide dangers, he carries with him copies of news article detailing the child's near death.

Dominguez agrees with the Rutgers medical investigators who said the migrant population has been given the lowest priority in terms of health and social services.

"Obviously, programs to improve this situation are needed in New Jersey," the report said.

Dominguez calls the issue and his crusade a moral one.

"Mostly I'm without support," he admitted. "There aren't many friendly faces out there."

Report Studies Health Hazards Of Migrants

(Continued from Page 1)

- "Medical care given migrant farmworkers has been described as approaching that available in developing countries. One article referred to 'interesting parallels' between the illnesses in the children of migrant farmworkers in the U.S. and those in Vietnamese and Cambodian orphans."

- A migrant worker's life expectancy is 49 years.

- The federal government's Task Panel of Migrant and Seasonal Farmworkers said: "In no other industry have the economic risks been shifted so directly from management to the public, which must compensate for the abuses farmworkers endure as a result of the agricultural industry's failure to attend to the needs of its own work force."

- Pesticides represent the outstanding occupational hazard (for farmworkers).

- The cumulative effect of farmworker exposure to pesticides is not understood. The federal Environmental Protection Agency allows pesticides to be mixed freely in spite of ignorance of the possible effects.

- Many of the solvents in pesticides are considered carcinogenic.

- Agricultural pesticides are not chosen on the basis of safety to human beings. "Parathion (and ethyl parathion and methyl parathion) is a very popular and very dangerous pesticide."

- Recognition of pesticide poisoning has been rare because: doctors do not recognize it; investigations of pesticide incidents are conducted by people who do not know the toxicant involved; clinical laboratories are unequipped to detect pesticides; effects are difficult to demonstrate unless elaborate studies are performed; pesticide mixtures with solvents or other chemicals may result in symptoms which are difficult to diagnose.

- "The risks associated with exposures to pesticides are even greater for children than for adults."

Our Readers Write

Back Separate Bill

Dodie Wagner's story in your newspaper (July 6, 1983), "Farm Labor Unprotected by Right to Know," left the impression that New Jersey Citizen Action has no position on this issue.

Quite the contrary, New Jersey Citizen Action, a statewide coalition of labor, community, minority, senior, women and environmental organizations, has a strong position supporting the farmworkers. They need the right to know the hazards of pesticides and other toxic chemicals they work with.

Every day farmworkers in New Jersey are exposed to some of the deadliest chemicals known to man. Pesticides like Dieldrin, Mixrex and DDT are banned only after farmworkers, residents and communities are poisoned with them for years.

Studies show male farmworkers face twice the risk of developing liver cancer as most other workers due to exposure to toxic chemicals. Researchers are unable to link the disease to specific chemicals because most farmworkers do not know what they have been exposed to.

New Jersey Citizen Action is fighting, with farmworker organizations, for passage of Assembly Bill 3631, the Farmworker Right to Know Bill. A-3631, sponsored by Byron Baer, D-Bergen, extends coverage under the Worker and Community Right to Know Act to farmworkers. The farmworker bill is in the Assembly Agriculture and Environment Committee.

New Jersey Citizen Action urges Assemblymen Pankok, Marsella, Bennet, Hollenbeck and Smith to support A-3631.

We believe the people who help feed us deserve the right to know.

CHARLES MORRIS,
Chairperson,
South Jersey-N.J.
Right to Know Coalition

Editor's Note: In its news release supporting the current Right to Know Bill awaiting the governor's signature, N.J. Citizen Action did not take a stand

Legislators Opposed 'Right to Know'

By DODIE MURPHY WAGNER
Staff Writer

Cumberland County's two state Assemblymen opposed state legislation which would require growers to reveal the chemicals they use and store on their farms.

Republicans Joseph Chinnici of Bridgeton and Guy Muziani of North Wildwood — who represent Cumberland and Cape May counties — said they do not support the Farmworkers' Right to Know Bill, which languishes in the Assembly's agriculture and environment committee.

Both said they will vote against the bill if it reaches the Assembly floor.

A similar bill requiring industries to tell workers and communities which chemicals they use and store needs Gov. Thomas Kean's signature by Aug. 12 to become law.

The assemblymen oppose the farmworker bill — which would protect migrant fieldworkers by identifying the pesticides to which they are exposed — because they claim the legislation would hurt farmers.

"The EPA (federal Environmental Protection Agency) labels everything," Chinnici said. "If the state requires labeling we'll have to import produce."

Muziani opposes the bill for two reasons: farmers "already are over-regulated" and because "the EPA is supposed to come out with new regulations (concerning chemicals and pesticides on farms).

"I don't know how far reaching they'll be," he said, "but the state shouldn't act until we see how far the federal government goes."

Jeff Fogel, director of the American Civil Liberties Union in Newark, last week said federal EPA requirements do not protect farmworkers because not all chemical ingredients are required to be labeled.

The Community and Worker Right to Know bill governing industry was passed without support from Cumberland's assemblymen.

Chinnici said he supported that bill but state Legislature records show he abstained when the vote was taken last June 27.

Told of the discrepancy, Chinnici maintained his support for Community and Worker Right to Know.

"I don't care what the record shows," he said when contacted Tuesday at his district office. "As far as I'm concerned I supported it."

Muziani also abstained from

voting on the legislation.

"That bill contained a universal labeling requirement that I thought would confuse the worker because it requires the labeling of hazardous and non-hazardous chemicals," he said. "I don't think the workers can understand the information on labels; there are too many technical terms."

INDEPENDENT OIL WORKERS UNION

~~AFFILIATED WITH O.C.A.W.~~

~~LOCAL 8-831~~

911 BILLINGSPOORT ROAD
GIBBSTOWN, NEW JERSEY 08027

(609) 423-3615

July 21, 1983

PRESS ADVISORY

For Immediate Release

"MOBIL UNION URGES KEAN TO SIGN TOXICS BILL"

Richard A. Meyer, President of the Independent Oil Workers Union representing nearly 1000 workers at Mobil Oil's Paulsboro, New Jersey Refinery, today urged Governor Kean to protect New Jerseyans from future toxic disasters by signing into law the Worker and Community Right to Know Act which has been on his desk for several weeks.

The Right to Know Act, which requires chemical companies to label their chemicals, and to provide workers and nearby residents with information on potential health hazards, recently passed both houses of the legislature in an overwhelmingly bi-partisan vote (40-0 in the Senate, 62-12 in the Assembly).

According to Mr. Meyer, "In a State that is the second highest producer of chemicals --and toxic wastes-- we need preventive measures to protect our workers and citizens from health hazards associated with these chemicals". "Industry has proven to us all that they cannot be trusted to protect our health and environment."

The Right to Know measure has had strong opposition from industry, and many believe that Governor Kean may conditionally veto the Bill. Meyer and members of the Union called on the Governor to protect the people of this State by signing the bill into law and to give no consideration to any weakening amendments.

Opinion

Vineland, N.J.

Tuesday, July 26, 1983

Page 6

Bias Unintended in 'Right to Know'

In your July 18 articles written by Dodie Murphy Wagner entitled "Right to Know Ignores Farmworkers," Angel Dominguez, director of the American Civil Liberties Union's Farmworkers Rights Project, offered some views which I believe warrant further comment.

I share in Angel's disgust over the fact that migrant workers will not be covered by this legislation; however, I must disagree with his suggestion that brown-skinned people with Spanish surnames were intentionally kept out of the bill by State Sen. Daniel Dalton, D-4th Dist., and his supporters.

The notion of discrimination won't wash with those of us who know that workers in many other industries also are excluded from the protection afforded by this act, namely: construction workers, retail trade and general merchandise workers, recreation and amusement services workers and those employed by certain crude petroleum, natural gas and ordinance and accessories industries.

Exclusion of the agricultural industry from Right to Know not only fails to protect migrant workers from chemical exposure, it

MY VIEW



KEN
ESTES

The writer, who resides in Centerton, was vice chairman of the South Jersey Right to Know Coalition for more than a year and worked hard for passage of the bill.

also does not protect our school kids who have traditionally worked on farms each summer. In fact, the farmers themselves are excluded, as are their wives, children and surrounding neighbors.

The issue of preventing death and illness should be relatively uncontroversial, yet it has generated tremendous opposition from the chemical industry and the New Jersey Chamber of Commerce which spent untold money to weaken and ultimately defeat this

legislation. They are responsible for more than 100 of the weakening amendments the bill suffered, including prohibiting coverage for workers in certain industries.

As to who was really responsible for keeping Right to Know protection from those in the agricultural industry? Well, it certainly was not Sen. Dalton. After all, he sponsored this bill which, by the way, is the strongest hazard communication bill in the country.

You may be appalled and some-

what puzzled to know that, according to the legislators in my district, the farmers themselves voiced the strongest opposition and actually wanted to be excluded for fears that this regulation would be burdensome and hurt their already declining industry.

I sincerely believe that reducing the number of chemical-induced cancer cases in this state is a benefit that greatly outweighs any problems this bill could cause to our farmers.

Without question, the right to know should be guaranteed to **all** people, but many will continue to be excluded unless we remind our legislators — today — of their obligation to serve the people of New Jersey.

If you have a story to tell or a point of view to express and it's longer than a letter to the editor, send it to Marvin Smith, Editorial Page Editor, The Times Journal, 891 E. Oak Rd., Vineland, N.J. 08360. Enclose your name, address and telephone number. We'll be happy to print it so long as it is in good taste.

Don't change bill on toxic labeling, Florio tells Kean

By Ernest Tollerson
Inquirer Trenton Bureau

TRENTON — U.S. Rep. James J. Florio (D., N.J.) yesterday urged Gov. Kean to sign legislation requiring the disclosure and labeling of hazardous workplace chemicals.

Florio, author of the federal Superfund toxic-waste cleanup law, said that signing the legislation, which is called the Worker and Community Right to Know Act, "would give New Jersey the most comprehensive hazard communication law in the nation."

Generally, the legislation requires that hazardous chemicals be listed on containers in the workplace and that companies disclose descriptions of the chemicals to the Department of Health.

In a letter to Kean yesterday, Florio urged the governor to sign the measure "in its present form," referring to statehouse speculation that the governor may veto a provision requiring the labeling of about 1,000 hazardous chemicals and the eventual labeling of nonhazardous chemicals.

Florio aide Wayne Fisher said the Camden County Democrat had written the letter "primarily because there are indications that the governor is going to conditionally veto" all or part of the labeling section of the bill.

In the eyes of labor, community and environmental groups, the labeling provision is the heart of the bill. If the legislation were signed into law with the labeling section intact, companies would have 18 months to post labels listing hazardous chemicals. It would also give companies three years to phase in labels for nonhazardous chemicals.

Critics from industry found this section burdensome and sought to modify it as the bill moved through the legislature in June. They would like Kean to veto it and substitute a different clause.

Private industry groups, including the New Jersey Chemical Industry Council, favored labels with safety and health warnings and fact sheets compiled by state health officials. They argued that warnings were more important than labels with complex chemical names.

Kean has until Aug. 12, or the first time the Senate meets, to sign, veto or conditionally veto the bill.

Yesterday, W. Cary Edwards, the governor's chief counsel, said Kean planned to meet with the bill's sponsor, Sen. Daniel Dalton (D., Gloucester), and confer with cabinet officers. He said Kean had not decid-

ed whether to sign or veto the labeling provision, but he noted that Kean had backed the concept of the bill.

Edwards said Kean had received a variety of position papers on the labeling issue. Environmental Commissioner Robert Hughey supported the labeling provision, he said, and Commerce and Economic Development Commissioner Borden Putnam opposed it.

The Florio letter also attempts to discredit the arguments of critics who say the bill is unnecessary because the federal Occupational Safety and Health Administration (OSHA) is drafting its own chemical-disclosure regulations.

"The preliminary OSHA regulation, in my estimation, is less protective of workers and communities and, therefore, is less acceptable than S-1670," Florio said in the letter.

The proposed OSHA regulation, Florio said, does not require universal labeling, only labeling of hazardous chemicals. Florio said "the inadequacy of such a provision becomes clear when one considers that certain forms of dioxin, one of the most toxic substances known, might not be considered a 'hazardous chemical' for the purpose of the regulation."

Unlike the legislation, the proposed OSHA rule does not provide towns, police and firefighters with community access to data on chemicals that a factory produces or uses, Florio said.

Hal Bozarth, a lobbyist for New Jersey Chemical Industry Council, said yesterday that OSHA soon would develop a standard "that will be sufficiently strong." Whatever OSHA selects will pre-empt any state law, he said.

Florio's letter takes the position that the labeling provision of the legislation would not inflict financial hardship on businesses operating in New Jersey.

"Arguments that a hazard communication standard as comprehensive as S-1670 would harm economic development are tenuous at best," Florio said in his letter. "The experience of other cities and states with right-to-know provisions have demonstrated little, if any, effect on development or the propensity of firms to relocate in areas without such laws."

Bozarth said yesterday that chemical companies had estimated that the first-year implementation costs of the Dalton legislation would be \$60 million. Bozarth said that cost would affect corporate decisions on whether to expand in the state or relocate.