

Firms scramble to satisfy law on chemical labeling

By TOM JOHNSON

Thousands of businesses are racing to comply with a requirement to label virtually every container and pipeline in the workplace, a controversial provision of New Jersey's right-to-know law which after years of court challenges finally takes effect at the end of this week.

The universal labeling requirement, often called the cornerstone of the law by environmentalists, was upheld by federal courts as a way of protecting firefighters, police and the public from toxics in the workplace.

But the business community, which has appealed to the Florio administration to delay implementation of the requirement, argued the provision will lead to confusion because federal law already requires labeling of hazardous substances.

"People are having a terrible time trying to make this thing work," said Jim Sinclair, a lobbyist for the New Jersey Business and Industry Association who estimated half its 12,500 member companies are struggling to comply with the law.

Under the law, every container, valve and pipeline must be labeled with its chemical name, its Chemical Abstract Service (CAS) number or with a special registry number if the manufacturer claims the information is proprietary and should be treated as a trade secret. If a container holds a mixture, the employer is required to identify the five predominant substances contained in the mixture.

To critics, the labeling provides little substantive information that could be useful to emergency personnel or firefighters.

"This is a very, very complex and confusing set of regulations," said Carla Israel, associate director of the Chemical Industry Council of New Jersey, which represents more than 100 companies. "They are required to label every vial, every tube and every container that they use."

One major chemical research lab spent more than 8,500 hours and more than \$500,000 since December trying to comply with the labeling requirements, according to Israel.

For Occidental Chemical's Burlington South plant in Burlington County, the new requirement led to the labeling of more than 1,200 valves and 1,000 containers in its laboratory, according to Frank Kanzler, environmental manager. The labeling provisions took up the time of a full-time engineer and a temporary employee since last November, he said.

"There may be some benefits," ob-

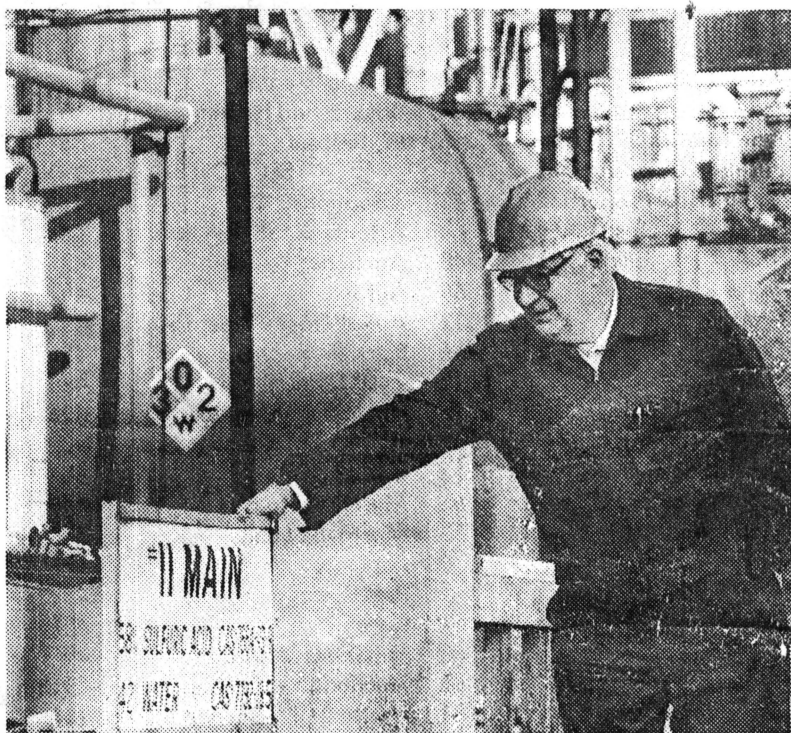


Photo by Vic Yepello

Charles McChesney, chief process engineer for Peridot Chemicals in Newark, checks a sign placed near storage tanks

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Firms move to satisfy chemical labeling law

Continued from Page One

served Kanzler, referring to the labeling provisions, but added, "If a building is on fire, what good is a label on a container inside going to do for a fireman responding to the alarm."

At American Cyanamid's Linden manufacturing facility, Rick Tabakin, plant manager, estimates it has cost between \$50,000 and \$100,000 to comply with the labeling provisions. Asked how many labels will be applied at the plant, he replied, "tens of thousands, maybe up in the hundred thousands."

The uneasiness about the labeling provisions is heightened by what most acknowledge is a checkered record in implementing the rest of the law, which was once hailed as a national model. Hampered by repeated court challenges and a history of underfunding, the departments of health and environmental protection continually have missed deadlines for completing workplace surveys, fact sheets and collecting other information under the act.

"It has not lived up to its full potential," conceded Jane Nogaki, a member of the New Jersey Right to Know and Act Coalition, a group of labor, environmental and civic organizations.

At the annual hearing on the law held by an advisory state council, the new DEP commissioner, Judith A. Yaskin, vowed to overhaul the right-to-know program.

It was prompted, in part, by the discovery that fewer than 17,000 hazardous workplace surveys were sent back to the department of the 34,000 it had sent out in 1988, Yaskin said.

However, Yaskin has provided few details on what the revamping would entail, saying the issue is still being discussed with the Governor's office.

Emma Byrne, Florio's press secretary, said the Governor has directed Yaskin to review the implementation of the right-to-know law and come up with recommendations for revamping the program. "He's aware of the problems in its implementation," Byrne said.

The administration expects to receive Yaskin's report in a couple of weeks, she added. She declined to say whether a delay in the labeling provisions would be part of those recommendations.

Meanwhile, state officials are gearing up to enforce the labeling provisions—despite manpower shortages.

The Department of Health, the agency charged with enforcing the labeling provisions, only has five inspectors for the estimated 37,000 facilities that will have to comply with the mandate, according to Rich Willinger, the right-to-know program manager.

"We are definitely going to enforce the law," Willinger said. "We will target employers for inspections and do the best job we can with the staff that we have."

In the past, the labeling provisions have only applied to some 9,100 facilities in the public sector. Last year, the department issued 126 administrative actions for violations of the right-to-know law, leading to imposition of \$467,000 in fines, he said.

Nogaki and other proponents of the law have little sympathy for industry's objections to the labeling requirements.



Photo by Frank DiGiacomo

Frank Kanzler of Occidental Chemical in Burlington County holds a labeled bottle of hydrochloric acid

"They've had five years to get ready for this," said Nogaki, citing the delays in implementation, largely brought about by challenges to the law, which reached all the way to the U.S. Supreme Court. "People have known for a long time that it is coming."

Willinger agreed, noting there are many good reasons for the labeling requirements. Firefighters can use the information gathered through inspections of facilities and determine precisely where certain chemicals are located.

And, in the event of a fire, if exposed to a substance, a firefighter would be able to tell his or her physician precisely what chemicals or mixture of chemicals he or she were exposed to.

But critics of the labeling law argue that the federal Occupational Safety Health Administration (OSHA) hazard communication standard provides much more pertinent information about what to do in the event of an emergency. The federal regulation provides information on the hazards posed by the material and what to do in the event of exposure.

American Cyanamid's Tabakin said he does not believe the state labeling law will do what it was intended to do—provide the community with valuable information about hazards in the workplace.

"If it doesn't do anything for anyone, why have it?" he wondered.

Administration to defend transfer of programs from Health Department

March 26, 1991 NSL

By DONALD WARSHAW

Florio administration officials will be asked today to justify proposals by the Governor to strip the state Department of Health of key programs protecting environmental and occupational health.

The Health Department's Right To Know Advisory Council has invited the commissioners of health, labor, and environmental protection to a session at the War Memorial Building in Trenton, seeking the rationale for two changes recommended by Gov. Jim Florio on Jan. 30.

The proposals are aimed at improving efficiency and ending overlapping of services by consolidating, in one department, programs that are now handled by other departments. They have raised a storm of protest, however, both from within

and outside state government.

Listed as Governor's Proposals 23 and 24, they project a transfer from the Health Department of its responsibility for enforcing the state's public employee occupational health and safety statute to the Labor Department. They also call for a shift of the Health Department's lead role for implementing New Jersey's worker and community right-to-know program to the Department of Environmental Protection.

Opponents of the changes maintain the recommendations will effectively dismantle innovative, nationally recognized state Health Department programs to protect community health and the health and safety of public- and private-sector workers.

Brenda Bacon, chief of management and planning in the Florio administration, said like all of the Gov-

Consolidation would increase roles of Department of Labor and DEP

ernor's recommendations, "they are not final."

"We've had a lot of comment saying these are model programs in the Health Department, recognized nationally, and, if anything, consolidation should be within the Health Department," she said.

Bacon said a "task force" is studying the recommendations and will report back in two weeks on "whether to modify, move forward or abandon them."

"We're still committed to the goal of downsizing and delivering services

better," Bacon emphasized.

Critics assert that rather than realizing any major savings and greater efficiency, the changes could jeopardize several millions of dollars in federal funding and programs that have achieved a national reputation for excellence.

Both the Health Department's occupational health surveillance advisory group and the state Right to Know Advisory Council, based in the Health Department, have come out strongly in opposition to the recommendations.

The surveillance advisory group,

composed of corporate, academic, medical, environmental and industrial health professionals, as well as union health and safety specialists, unanimously urged Florio to withdraw both proposals.

"This program is best managed by the Department of Health where workers can be counseled and trained on how to protect themselves," said Gastone Bello, a member of the right to know council and a senior vice president at Ciba-Geigy.

"I think the first priority is to make sure that it (the right to know program) works in line with what the law has said. This is very important," the Ciba-Geigy executive emphasized.

Smith also questioned why state Health Commissioner Dr. Frances Dunston has not taken a stand opposing the recommendations.

Bacon said Dunston, while not openly opposing the recommendations, has stressed that the programs within the Health Department have gained "national recognition."

Assistant Health Commissioner Rebecca Zaganiski alerted Dunston to the negative aspects of the Governor's proposals early in February.

"This impact will be felt particularly by minorities and the working poor, who are overrepresented in the groups at greatest risk for hazardous exposures in workplaces and communities," Zaganiski said.

The transfers, moreover, could end up costing New Jersey more than \$3 million in federally funded cooperative agreements "to investigate numerous health hazards in workplaces and communities," the assistant commissioner said.

INDUSTRIAL REVOLUTION

Firms try to adjust to environmental goals



Charles Dyer, section supervisor of oil movement and conservation, checks one of the floating roof tanks at the Exxon refinery in Linden

Photo by Joe Epstein

By GORDON BISHOP

The future of New Jersey industry—the state's beleaguered economic workhorse—is clouded with uncertainty as it struggles to stay competitive in a global marketplace while spending billions of dollars to clean up the environment and prevent pollution.

With only 16 percent of the workforce engaged in manufacturing—down from 23 percent only seven years ago—the future of industry will depend on how it adapts to the second "industrial revolution" in which

duction level within this "Decade of the Environment."

The question is no longer when industrial plants will become New Jersey's "clean and welcomed neighbors," but rather how they will achieve these high-performance operating efficiencies and how much it will cost.

State Environmental Commissioner Scott A. Weiner believes industry will meet the goal of 50 percent, or more, by 1996 if every company is not "micromanaged" by state regulators and enforcers.

"There is a movement away from command and control regulations in which government first tells you what to do and then tells you how to do it," Weiner said.

"The state is setting the goals, but it will be up to each company to figure out how to achieve those goals in the '90s."

Weiner, a 41-year-old attorney and native of Fort Lee, said the state has devised, for the first time, "a unique merging of interests" among government, business and the public.

"We all agree on the goal of pollution prevention," he said. "The challenge is how we are going to get there."

Weiner is looking to the "holistic" approach in making New Jersey's industry the cleanest—and the most stable—in the nation.

"We're looking at the total picture and letting industry come up with its own solutions to reducing

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pollution is no longer a costly and harmful byproduct of manufacturing.

As the leading state in environmental cleanup and pollution controls, New Jersey is working with industry to bring about revolutionary technological changes to reduce dangerous pollutants and wastes by as much as 98 percent in the 1990s.

Already, many of New Jersey's major industries, led by Merck, Du Pont, Hoffmann-La Roche, Ciba-Geigy and Cyanamid, have reduced their overall discharges into the environment by an average of 50 percent since 1987.

And the major firms, as well as smaller manufacturing facilities, expect to reach the 90 percent re-

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Jersey firms are fighting to adjust to a 'second industrial revolution'

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and ultimately eliminating sources of pollution into the air, water and on the land," Weiner said. "Industry will be given the flexibility to meet the public mandate for 50 percent source reduction over the next five years."

Weiner emphasized the state's role must be to work with industry to clean up past toxic waste sites through remediation, while also taking care of present industrial operations through better treatment, and preparing for a sound economic-environmental future through prevention.

"No right-minded person wants to create pollution," Weiner said. "Our mission in the '90s presents us with the greatest environmental opportunity for change since the advent of Earth Day in 1970, the beginning of the environmental movement."

Over the past 21 years, Americans have spent some \$1.5 trillion in higher taxes and higher product and service prices for environmental programs, according to the Center for the Study of American Business at Washington University in St. Louis.

Estimate on costs

For this decade, it will cost a staggering \$1.6 trillion for programs to improve the environment, the center calculates.

The study group finds that pollution prevention is the preferred option for reducing environmental risk.

A survey by The Star-Ledger found the same consensus among the state's industries.

Although cleaning up hazardous waste sites is a losing proposition, financially, New Jersey industry sees economic benefits in treatment and prevention.

"There is no money to be made in cleaning up past mistakes, but the economy and the environment can surely benefit through improved treatment and prevention programs that save energy and raw materials and help cut back on the increasing expense of controlling pollution and getting rid of waste," said Theodore Berger, associate vice president and director of corporate and environmental and safety affairs for Hoffmann-La Roche in Clifton-Nutley.

Roche operates the largest pharmaceutical production plant in New Jersey. The company employs 6,000 workers and spends a million dollars a day in research.

the survival of industry in New Jersey," Berger said. "Without productive industry, the state will be hard-pressed for financial resources."

Industry accounts for more than \$50 billion of the state's total revenue in terms of salaries, taxes and sales of product.

Today, manufacturing employs less than 600,000, compared with more than 800,000 in 1979. That's one-fourth of the state's manufacturing base that has either gone south, off-shore or gone out of business in the past decade.

In 1983, manufacturing accounted for about one-fourth of the workforce, while today it represents only 16 percent and is declining at the rate of 1 percent a year.

Berger said that Roche, which opened its U.S. base of operations in Clifton and Nutley in 1929, is a health care company that's "here to benefit mankind—and the environment is an integral part of that quality of life we all want."

During an interview, Berger's beeper went off. He immediately called and learned that one gallon of ethyl acetate had spilled in a laboratory.

"Twelve of us have beepers and we're available around-the-clock," Berger said. "I keep my beeper on my bedstand at night. I know exactly what happens the moment it happens."

Under the state's stringent reporting procedures, industry must notify officials of any spill posing a threat to workers or the environment. The one-

gallon spill in the lab was neither.

Berger, like many of his corporate peers, feels the state is finally moving in the proper direction by taking the holistic approach at each industrial site.

Presently, the environmental department requires separate permits for air, water and on-site disposal, a procedure that is complex, costly and time-consuming.

Under the new approach, the state will combine the complicated permitting procedures into a single or holistic process, something the state has been trying to do since the late 1970s when a "one-stop shop" for issuing permits was first proposed by industrial and environmental leaders.

In fact, industrial "pre-treatment"—the forerunner of pollution prevention—was launched in 1973 by a federal environmental official, Richard T. Dewling of Chatham. Dewling went on to serve as state environmental commissioner in the Kean Administration.

But as in a lot of activities in state government, it has taken New Jersey nearly two decades to get its act together on source reduction, the key to a clean and productive future for manufacturers.

Paul Wood, vice president of American Cyanamid headquartered in Wayne, blames the state's permitting system for the delays and the uncertainty in attacking pollution.

"In New Jersey, you have to wait in line for two years to get through the



Photo by Pim Van Hemmen

Exxon Chemical in Linden installed floating roofs on tanks holding organic chemicals, which has prevented the loss of more than \$1.5 million worth of toxic liquids over the last 10 years and reduced the company's need to make up for the evaporative losses.

system," Wood complained. "In Louisiana, the state goes directly to you."

Consequently, Cyanamid has "down-sized" its chemical operations. Chemicals will constitute only one-fourth of Cyanamid's business, the balance in pharmaceuticals and health-related developments.

At Merck, the world's largest pharmaceutical company, headquartered in Rahway, the watchwords are "freedom" and "flexibility."

Dorothy Bowers, Merck's executive director of corporate environmental resources, said Merck and its 6,000 employees can stay in New Jersey if "we are given the freedom and flexibility to implement our own prevention technologies."

During a tour of the plant's sprawling facility along Route 1-9, Bowers said that Merck can meet the 50 percent goal by 1996 if the state lets the company do it without a lot of bureaucratic interference.

"We can achieve 95 percent in a single step because we know our processes and we know what we can do," Bowers stressed. She has been in charge of Merck's environmental affairs since 1974.

Du Pont, which operates the world's largest chemical factory on the lower Delaware River in Salem County, has increased its plant's operating budget for environmental matters from 1 to 2 percent 20 years ago to 5 to 10 percent today.

"We've budgeted hundreds of millions of dollars for remediation, treatment and prevention," said Frank Gilmore, a Du Pont spokesman. "We expect to get back to that 1-2 percent level of expenditure in 10 years after the prevention technologies are in

Jim Sinclair, first vice president of New Jersey Business & Industry Association (NJBIA), supports Commissioner Weiner's strategy to make the environmental department run much like the Department of Community Affairs (DCA), which interacts with all of New Jersey's 567 municipalities on government matters.

"The DCA is not out to fine people but to get them to comply with the law," Sinclair said. "That's what Commissioner Weiner wants the environmental department to do."

The environmental department measures success by the number of penalties it imposes on business and industry, according to Sinclair.

"Mr. Weiner wants success to be measured by compliance with environmental regulations," Sinclair said.

Vision of role

NJBIA, the nation's largest statewide business organization with more than 13,000 member companies, wants the role of the regulator to be in "assisting" the business community in solving pollution problems, instead of acting as adversary in lengthy and unproductive litigation.

New Jersey Business represents 4,000 manufacturing firms.

Perhaps the biggest critic of the state's environmental regulatory machine is the Chemical Industry Council of New Jersey, which represents 105 companies, among them the largest manufacturers in the state.

Hal Bozarth, the council's long-time executive director, contends that the decline in the chemical industry is due, "in no small measure," to what is perceived as a "hostile regulatory climate" in New Jersey.

industry in New Jersey has worked proactively to conduct environmental cleanups of past practices, comply with a myriad of state and federal regulations, and implement forward thinking initiatives such as pollution prevention," Bozarth said.

"Unfortunately, the state continues to impose comparatively more stringent and expensive environmental regulations, resulting in industry choosing not to site new facilities or expand existing facilities in New Jersey."

Despite recent losses, however, the chemical industry remains the single largest employer and the most productive in the manufacturing sector, Bozarth said.

The chemical industry accounts for nearly 20 percent of the state's total manufacturing employment, providing jobs for 119,100 people in 1990, according to the state Department of Labor.

The industry provides an annual payroll of around \$5 billion, the highest manufacturing payroll in the state.

The chemical industry lost 9,100 jobs from 1980 to 1990 and the pace is accelerating. Within the past year alone, the chemical industry lost 3,100 jobs.

From 1984 through June of this year, 108 chemical facilities have been closed in New Jersey.

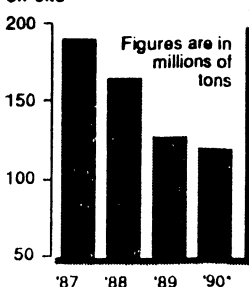
Within the past year-and-a-half, there have been 33 facility closures.

"For this reason, the state must reexamine its policy of placing additional burdens on manufacturers through excessive and punitive environmental regulations," Bozarth said.

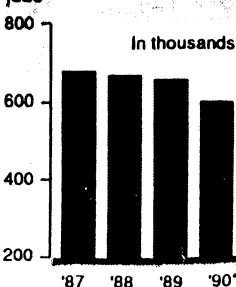
According to the labor department, New Jersey's chemical facilities relocated to the Carolinas, the Mid-

Emissions are down ... so are jobs

Releases of substances by manufacturers into air, water, land or transferred off-site



Number of manufacturing jobs



*Estimate

Sources: N.J. Dept. of Environmental Protection and Energy, N.J. Dept. of Labor



Photo by Richard Rosenberg

Environmental Commissioner Scott A. Weiner and Jeanne Herb, director of the Office of Pollution Prevention in the DEPE, visit the old Roebling Works in Trenton

Industry argues for less regulation

From preceding page

west and the Gulf Coast, citing consolidations, phase-out of product lines, high labor costs and the high cost of environmental regulations as reasons for leaving.

"The cost of addressing past, present and future environmental concerns has been disproportionately high for New Jersey manufacturers as compared to other states," Bozarth said. "New Jersey has the most stringent environmental regulations in the country, the largest number of cleanup sites needing remediation and was the first state to enact pollution prevention legislation.

"New Jersey chemical manufacturers have spent hundreds of millions of dollars in the last three years in pollution abatement and waste minimization projects," Bozarth said.

"This significant progress should be rewarded rather than punished with additional environmental regulations."

The chief critic of industry and the environmental department is the Public Interest Research Group (PIRG), a national organization founded by consumer advocate Ralph Nader in the early 1970s. The New Jersey chapter is based in New Brunswick and has extensive support from Rutgers University.

"With adoption of the Pollution Prevention Act last summer, New Jersey begins a new era that should foster manufacturing practices which are both good for the environment and good

for business, too," said Rob Stuart, a PIRG official.

"In short, we need a 'green economy,'" Stuart said.

The environmental activist said Congress set a goal in the first Clean Water Act (1972) of eliminating the discharge of toxics into America's water by 1985.

"That promise has failed to stem a veritable flood of toxics down the nation's sewers, rivers and waterways," Stuart said. "In 1988 alone, industries reported dumping 931 million pounds of toxics into our waters. The result has

TOMORROW: Pollution solutions

been far-flung contamination of fish, seafood, drinking water and recreation areas, as well as a pervasive sense on the part of the public that pollution control has failed."

Stuart regards toxic use reduction as "true pollution prevention" because it can end the toxics shell game whereby ever-increasing quantities of chemicals shift from one media to another (to the air, water or land).

Stuart wants industry to realize the benefits of "real" pollution prevention. He cited the costs to industry in 1990 of pollution controls and cleanup programs, which amounted to \$100 billion, almost one-third of what Congress spent on national defense.

The U.S. Environmental Protection Agency (EPA) expects the control

and cleanup annual expenditure to reach between \$148 billion to \$160 billion by the year 2000.

"By reducing the skyrocketing costs of toxic raw materials, liability insurance, worker exposure and finally treatment and control of hazardous wastes, industries can realize significant economic benefits over the long and short term," Stuart said.

PIRG's prescription for a healthier Garden State begins with upgrading or replacing older, inefficient and polluting facilities with newer, efficient and "pollution-free" plants.

"The technology exists and retrofitting is less expensive than cleaning up the waste generated by the old polluting way," Stuart said.

Stuart singled out two New Jersey companies for reducing toxics at the source.

Exxon Chemical in Linden installed floating roofs on tanks holding liquid organic chemicals, preventing the loss of more than \$1.5 million worth of liquid toxics over the past 10 years and thereby reducing the company's use of these chemicals to make up for the evaporative losses.

Intertox America, a paper processing company, developed a method for bleaching paper using non-toxic hydrogen peroxide. The New Jersey firm now operates as a consultant to other paper processors, helping them to switch to the new process and eliminate the use of toxic chlorine bleaching agents.

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Voter registration is made easier as sign-up locations are increased

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Gov. Jim Florio yesterday signed two bills including one aimed at making it easier to register to vote in New Jersey.

The legislation (A-745) was sponsored by Assemblymen Joseph Roberts (D-Camden), James McGreevey (D-Middlesex) and David C. Kronick (D-Hudson).

"With this legislation, we hope to reach the thousands of New Jersey residents who have not yet registered to vote, and make it easier and less confusing for those already eligible to go out to the polls," Roberts said.

McGreevey said the measure will permit eligible people to register to vote at a variety of public agencies, such as the state Division of Motor Vehicles offices, unemployment offices and taxation offices. Similar programs have proved successful in other states, he said.

The law will also require that, whenever practical, state government employees in contact with the public ask individuals if they wish to register to vote and inform them that registering will not affect their eligibility for any

state programs.

"This law makes voter registration forms more easily available to the public, and that is important if we want to encourage citizens to participate in our election process," the Governor said.

The signing was hailed by the New Jersey Public Interest Research Group, which said it would help reach the 2 million unregistered voters.

The second bill, sponsored by Assemblymen Byron Baer and D. Bennett Mazur (both D-Bergen), expands the number of groups eligible to sponsor gubernatorial debates.

Under the old law, the only groups allowed to sponsor debates were private organizations that were not affiliated with any political party or candidate and had not endorsed any candidate in the gubernatorial primaries or general election. In addition, the organization had to have sponsored a televised debate since 1976.

Eliminating those provisions will allow many other organizations to sponsor debates, Baer said.

Ledger

Newark, N.J., December 8, 1991

Right-to-Know triviality drowns firms in paper

By GORDON BISHOP

The adhesive tape in the first aid kit at your workplace, as well as furniture polish, aerosol dispensers, cleaning agents and 3,000 other products, must now be registered as "hazardous materials" under the state's Community Right-to-Know law.

Cosmetics and medications in desk drawers or on cabinet shelves at worksites are also subject to regulation by the state, which requires some 40,000 businesses and all 567 municipal and 21 county governments to fill out extensive reports each year on exactly what kind and how many "hazardous" substances there are in the workplace.

"What started out as a good idea has turned into a blizzard of regulatory paperwork," observed James Sinclair, first vice president of the New Jersey Business & Industry Association, the largest statewide business organization in the nation with more than 13,000 member companies.

"We're not dealing with hazards anymore, but with information," Sinclair said. "The Right-to-Know Act was supposed to help local emergency responders, but can this really help them? It overwhelms them with unnecessary information."

Sinclair wants the Right-to-Know Act to be re-exam-

ined to remove the costly burden of reams of redundant paperwork on business and industry.

A. Welles Sumner, an environmental attorney who represents several companies and communities, said New Jersey's Right-to-Know Act began with the "admirable objective" of locating hazardous substances, but it has "degenerated into a program that buries the important with the unimportant, wastes public money and dissipates our state's economic resources."

Sumner, of Scotch Plains, said the original act required certain businesses and all government agencies to report information annually on the quantity of 161 substances on their premises.

But the staff of the Department of Environmental Protection and Energy (DEPE) included another 3,000 substances when the program instruction booklet was printed and mailed to public and private employers.

Among the thousands of materials that must be included in the forms are bullets used by police departments and matches or lighters placed on reception tables.

The government entities and business firms receiving

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Trivialities in Right-to-Know law drown firms in sea of paperwork

Continued from Page One

the booklets are advised that reporting the additional 3,000 items is mandatory.

"The pages necessary to list the unauthorized substances in the booklet consume over a million pieces of paper, cost over \$20,000 to mail and are ultimately added to the state's waste stream," Sumner calculated.

The cost to 40,000 businesses and governmental entities of filling out forms on 20 times the number of substances authorized by law is incalculable, Sumner added.

"The data concerning the 161 authorized substances is obscured by the data on the 3,000 others," the veteran environmental lawyer complained.

Before any substance can be added to the 161 on the list, the environmental department must develop "documented scientific evidence" that a substance poses a threat to the public health and safety.

Moreover, adding a substance to the list must follow the Administrative Procedure Act, which requires public comment and scientific scrutiny. The department has not conducted public meetings on the list of additional substances mailed to employers this year, according to Sumner.

Fanwood, a small suburb in Union County, is a typical New Jersey municipality that must fill out state forms that make federal income tax forms look simple by comparison.

"The paperwork coming out of Trenton absolutely blows my mind," declared Fanwood Mayor Patricia Kuran, who completes her eighth year in office Dec. 31. "We have only a handful of people who run our community and they're spending more and more time on paperwork and less and less time on what they were hired to do."

Kuran admitted that small communities like Fanwood can no longer keep up with the increasing number of forms that must be filled out every year for everything from how much salt or lime is in the public works department to how much iodine and sun-dry medicines are in the office cabinet.

"Every department in the state mandates us to do something to stay in compliance or face penalties or lose state aid," Kuran said. "When will it ever end?"

Raymond Manfra, Fanwood's director of public works, said he still has the same staff he started with 30 years ago, but they're spending more



Photo by Wally Hennig

Paperwork generated by the state's 'Community Right-to-Know' law is too excessive, according to Fanwood Mayor Patricia Kuran, Lt. Robert Carboy, left, and Raymond Manfra, director of public works

business of maintaining the town's infrastructure.

"We're at our desks longer every evening to get through the forms and applications to meet the state's deadlines," Manfra said. "The lists are constantly changing, as are the rules and regulations. It's getting more confusing every year, even for veterans who have been doing it for years."

Manfra noted that the state's environmental department has 4,000 employees, compared with Fanwood's population of around 7,000.

"The amount of paperwork generated is out of control and a lot of it is unnecessary," Manfra remarked.

Kenneth Stahl, president of Stahl Soap Co., Hoboken, said he had to hire an outside consulting firm to do what his office staff had been doing routinely for many years.

"We simply could not handle the increasing workload any more," said Stahl, whose 40-year-old family firm moved from Brooklyn to Hoboken 14 years ago. "So it's become an added expense to our overhead."

He described the state surveys and reports as the "significant getting lost in the insignificant."

Stahl also wondered how emergency response teams could determine

checking today's forms that contain just about everything except the water coming out of the faucet.

"We have fragrances in our soap making process that should probably be on the list, but there is no category on the list to place them," Stahl disclosed.

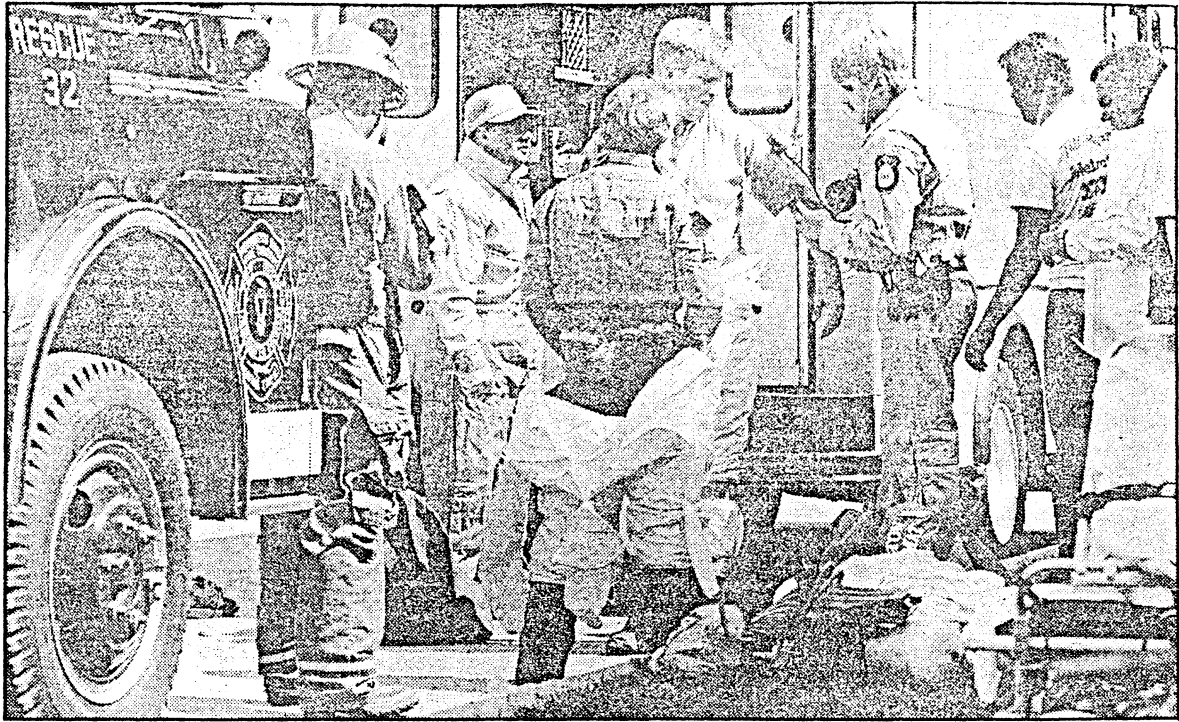
Fearing penalties for failing to list a particular substance, even though it's not required to be reported, Stahl put the fragrance in question in the "cosmetics" category, "just to be safe."

In the latest survey, due March 1, 1992, the Bureau of Hazardous Substances Information warns that the state may perform "random and unscheduled inspections" of any facility subject to the provisions of the Right-to-Know Act.

The purpose of an inspection is to review a facility's Right-to-Know survey and validate the accuracy of the chemical inventory information reported.

During a visit, an inspector can examine the facility's files for its Community Right-to-Know information, such as appropriate copies of the survey, chemical inventory lists and material safety data sheets.

Fines of up to \$2,500 can be imposed for not filing the survey should proof be unavailable of submissions to



Staff photo by Marc Bellagamba

Emergency squads rushed to Trenton State College after a student spilled sulfuric acid.

Acid burns TSC student

EWING — A Trenton State College student suffered burns yesterday when she accidentally dropped sulfuric acid on one of her arms during a science class.

Neveen Hessein, 21, of Old Bridge, refused medical treatment after spilling the corrosive acid on her forearm at 2:30 p.m., fire officials said.

The Crowell Hall science build-

ing was evacuated for two hours while the Hamilton Township Hazardous Materials Team cleaned up the spill.

According to fire officials, Hessein, who attends summer school classes at the college mistook the jar of acid for water and attempted to pour it down a drain in a classroom sink, spilling the liquid in the process.

The acid burned Hessein's arm but she refused medical treatment, officials said.

The Hazmat team was called in to clean up the spill, which was less than a half-pint, and neutralize any acid that had been poured down the drain.

Also responding were fire and emergency squads from Ewing, Pennington and Lawrence.

Activists attack right-to-know law

■ They're concerned a bill would weaken the law that informs people about chemicals in the workplace.

By **TODD B. BATES**
PRESS ENVIRONMENTAL WRITER

TRENTON — Activists fired both barrels yesterday at legislation they contend would gut New Jersey's "right-to-know" law, which informs people about chemicals in the workplace.

The bill would lead to a "toxic chemical cover-up," endangering workers, emergency responders, public health and the environment, activists said. One labeled it another example of an "anti-environmental" movement in the Legislature.

"We're here to denounce a very dangerous bill," said Jane Nogaki, co-chair of the New Jersey Right-to-Know and Act Coalition, an alliance of 160 firefighter, labor, environmental and community groups that held a news conference.

The bill's sponsors, Assemblyman Robert C. Shinn Jr., R-Burlington, and Assembly Minority Leader Joseph V. Doria Jr., D-Hudson, immediately took umbrage at the barrage of criticism.

The complex bill (A-1232), which would amend the Worker and Community Right to Know Act of 1983, is designed to improve the law and cut through red tape, they contended.

"Quite frankly, I think it's a clear case of an attempt to character-assassinate, and I resent it," Shinn said.

Activists, dubbing it the "Right-to-Know Nothing" bill, called on Gov.

Florio and Assembly Speaker Garabed "Chuck" Haytaian, R-Warren, to oppose the measure.

Haytaian said he had not seen the legislation, and "it's very premature to start talking about a bill that's not even (been) discussed in (legislative) committee."

"There has been some displeasure with the right-to-know law, some talk it would be reformed, but I haven't gotten any specifics," Haytaian said.

Florio spokesman Jon Shure said "at this point, we don't know what it is, so we'll take a look at it."

Under the right-to-know law, employers send surveys on the chemicals they use to the state Department of Environmental Protection and Energy, and local fire, police and health departments.

The DEPE requires some employers to file other surveys on hazardous substance releases and waste disposal methods. Employers also are required to put labels on containers that identify chemicals and to train employees about hazardous substances.

The Department of Health prepares fact sheets on hazardous substances.

Business interests have long criticized the law as being ineffective, a bureaucratic nightmare and duplicative of some federal requirements. But activists have hailed it as protective of worker and community health.

Under the legislation, the container labeling system would be replaced with a requirement that all containers be labeled as required by federal law, and farms would have to take steps to inform workers about pesticides, among many other proposals.

DIGEST

New Jerseyans will see a lot more of Democratic presidential candidate Bill Clinton, his state financial chairman predicts. **Page C10**

A lawyer representing jockey Julie Krone said he will file a lawsuit after a vulgarity appearing with her name was broadcast on racetrack monitors. **Page C11**

An algae bloom continued in the waters off the Bayshore but no sign of a fish kill was found. **Page C11**

LOTTERIES

July 22, 1992

NEW JERSEY

PICK-3: 347; Straight Bet: \$201;
Box: \$33.50; **Pairs:** \$20
PICK-4: 3374; Straight
Bet: \$2,762.50; Box: \$230

NEW YORK

DAILY: 989
WIN-4: 1179
LOTTO 54: 8, 12, 20, 30, 45, 49
SUPPLEMENTAL: 37
PICK 10: 5, 6, 8, 20, 24, 25, 27,
28, 30, 32, 39, 49, 50, 60, 69, 70,
72, 74, 77, 78

PENNSYLVANIA

DAILY: 745
BIG-4: 3214
SUPER 7: 16, 21, 30, 39, 40, 45,
50, 60, 61, 62

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Groups blast Right-to-Know changes

7-23-92
JERSEY JOURNAL

TRENTON (AP) — A coalition of labor, environmental and community organizations yesterday criticized pending legislation they said would virtually repeal the state's right-to-know law.

The groups urged Assembly Speaker Garabed Haytaian, R-Warren, and Gov. Jim Florio to oppose the bill because it would lead to a "toxic chemical cover-up."

"This bill should be called the 'Right-to-Know Nothing,'" said Jane Nogaki, co-chairman of the Right-to-Know & Act Coalition. "We cannot allow the citizens of our state to be put back in the dark ages when it comes to knowledge of toxic substances."

The measure, sponsored by Assembly Minority Leader Joseph Doria, D-Hudson, and Assemblyman Robert Shinn, R-Burlington, is pending before the Assembly Policy & Rules Committee.

Doria said the groups had "grossly misrepresented" the bill's intent.

He said the bill would streamline the right-to-know reporting system "without endangering worker health and safety, or weakening environmental standards."

Doria said products like typewriter white-out and water would have to be labelled under the current law, which also requires a "superfluous" amount of paperwork.

The Worker & Community Right-to-Know Act, passed in 1983, helps prevent exposure to chemicals because it requires that all substances be labeled and that firefighters and police be trained about toxic hazards.

The law also requires companies to reveal what chemicals they release into the air and water.

Legislators come under intense fire for plan to alter right-to-know law

By TOM JOHNSON

A legislative plan to revamp New Jersey's once heralded right-to-know law came under harsh criticism yesterday from environmentalists, labor and emergency response personnel.

The bipartisan bill (A-1232), sponsored by Assemblymen Robert Shinn (R-Burlington) and Joseph Doria (D-Hudson), was described as gutting the 1983 law that requires manufacturers to label hazardous substances in the workplace and provide information about dangerous chemicals to workers and the public.

"This bill should be called the right-to-know nothing," said Jane Nogaki, chairwoman of the New Jersey Environmental Federation. "We cannot allow the citizens of our state to be put back in the Dark Ages when it comes to knowledge of toxic substances."

Tim Dillingham of the New Jersey Sierra Club said the public is virtually surrounded by toxic substances. "This bill would, in essence, blindfold our firefighters, our workers and even our schoolchildren to the dangers around them," he said.

But the sponsors strongly defended the bill, insisting the detractors were grossly misrepresenting the intent of the proposal, which aims to streamline the program.

Shinn argued the current system is confusing to workers because it incorporates elements of both New Jersey's right-to-know law and the federal Occupational Safety Health Administration's (OSHA) hazard communication rule.

"OSHA, in my mind, does a good job in identifying what is in a drum or a container," Shinn said. "You can't change the federal law so everything ought to flow through the federal program."

But critics of the legislation note the OSHA rule has many loopholes, including no provision covering public employees.

"It eliminates protections for public workers," said Amy Bahruth, a member of the Communications Workers of America (CWA) Local 1031 and a member of the Governor's right-to-know advisory council. "We'll leave public workers in the dark about the hazards of the workplace."

Shinn maintained the bill only aims to make a program, which many describe as convoluted, less confusing and more workable.

"The purpose is not to gut anything," agreed Doria. "This is a practical response to correcting the bureaucratic problems that have arisen with enforcement of the original law."

"I think they're trying to do a character assassination on Joe Doria and myself," said Shinn.

The law was passed after a lengthy legislative battle and hailed as a model for the rest of the nation. It survived a tough challenge in the federal courts, which upheld its key provision requiring universal labeling of all containers in the workplace.

It has since been implemented and many manufacturers have complied with the labeling provisions based on state Department of Health inspections, Nogaki said.

STAR LEDGER.

7/23/92

A24

Bid to pare down chemical labeling incites fight

By THOMAS FITZGERALD
Staff Writer

TRENTON — Environmentalists and trade unionists yesterday blasted an Assembly bill they said would gut a 1983 state law requiring disclosure of hazardous chemicals in the workplace.

The bill, sponsored by Assemblymen Joseph Doria, D-Bayonne, and Robert Shinn, R-Hainesport, would amend the Right-to-Know Act. Designed to prevent exposure to dangerous substances, the law mandates

labels on nearly every chemical used in a plant.

The Doria/Shinn bill would simplify the cumbersome labeling program, supporters say.

It would eliminate the "universal labeling" system, requiring labels only on the most hazardous chemicals. To aid emergency workers, the bill would require large placards on buildings listing the most lethal chemical inside. It also would streamline paperwork involved in the program.

But opponents charge the bill would allow industries to "cover up"

or minimize chemical hazards.

"This bill should be called the Right-to-Know Nothing," said Jane Nogaki, chairwoman of the New Jersey Environmental Federation. "We cannot allow the citizens of our state to be put back in the dark ages when it comes to knowledge of toxic substances."

Doria, however, said environmentalists are misrepresenting the intent of his legislation. Its purpose is to correct "bureaucratic problems that have arisen with the enforcement of the original law," he said.

FOR INSTANCE, Doria said the placards required in his legislation would make the Right-to-Know law more useful for public safety workers.

"Emergency-response personnel don't have the time to read all the individually labeled containers when catastrophe strikes," he said. "They don't need useless paperwork, they need a simplified inventory of what is in a building when there is a fire or other disaster."

Steve Vreeland, a leader of the Fireman's Mutual Benevolent Association, disputed the characteriza-

tion, saying the bill would "make our jobs even more dangerous by requiring labeling of just the single most lethal chemical per site, ignoring the dangers of other chemicals."

Hal Bozarth, lobbyist for the Chemical Industry Council, said the current program, which requires a label with a chemical's name and its reference number on nearly every container, results in confusion.

"We're not saying we don't want to comply," Bozarth said. "Let's make the system work."

Right-to-know law imperiled, group says

By LAUREL VAN LEER
Home News staff writer

TRENTON — A bill that would reform the state chemical "Right to Know" law would "virtually repeal" the law, members of the Right to Know and Act Coalition, said yesterday.

The bipartisan bill, sponsored by Robert Shinn, R-8th Dist., and Joseph Doria, D-31st Dist., attempts to make it easier for industry to comply with the law by lightening

the labeling requirements. The state law requires nearly every container and pipeline carrying any substance, including water, to be labeled.

Coalition members, including firefighters, environmental activists, factory workers and farm workers, have supported the original Right to Know law which was passed in 1983.

The Shinn-Doria amendment "is a very dangerous bill," said Jane Nogaki, co-chairman of the coali-

tion and chairman of the New Jersey Environmental Coalition. "It would virtually repeal the act."

Changes in the law should be made through the Governor's Right to Know Advisory Council, said Nogaki.

The group calls the amendment "The Right to Know Nothing Act."

The Chemical Industry Council last week spoke out in favor of rolling back Right to Know labeling requirements to less comprehensive federal standards. Standard la-

beling would make it easier for companies with facilities in several states to create a corporate labeling system.

Labeling requirements under federal OSHA regulations do not cover federal, state, county or municipal employees.

The coalition said the amendments also would do away with chemical labeling at any research and development lab, quality-control lab or any company that operated one of these labs.

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Right-to-know act changes opposed

By ROSE VENDITTI McIVER
Courier-Post Staff

An environmental argument is brewing over a legislative proposal to alter the N.J. Worker and Community Right-to-Know Act.

The 1983 act was the basis for federal legislation requiring those using certain hazardous chemicals to report their use and emission of such chemicals to the public and inform their workers about the substances.

The assemblymen proposing the amendment say it will eliminate conflicts with federal worker-protection laws and improve worker safety by changing the labeling requirements for hazardous substances and extending such requirements to farm workers who do not speak English.

But some environmental and labor groups say the amendment would effectively repeal the protections currently provided by the act. They fear the new labeling rule would make it more difficult to find out about chemical hazards and say the amendment would totally exempt the public sector from right-to-know rules.

Please see CHANGES, Page 4A

Changes to labeling act proposed

Continued from Page 1A

The amendment proposed by Assemblymen Robert Shinn, R-Burlington, and Joseph Doria, D-Hudson, is now before the Assembly's Policy and Rules Committee.

Public hearings may be held on the amendment as early as August.

The state Department of Environmental Protection and Energy (DEPE), which administers the act, is making only politically safe comments about the amendment — so far, anyway.

DEPE spokeswoman Judy Rotholz said the agency believes some changes should be made in the current right-to-know act, but isn't prepared yet to specify the nature of those changes or comment on the Shinn/Doria bill.

The current N.J. Worker and Community Right-to-Know Act requires public and private entities to:

File annual reports cataloging their supply, use and discharge of certain hazardous substances.

Label every container with the chemical name of the hazardous substance. All companies must use the same names for the same chemicals, which can have several trade names.

Provide workers with detailed explanations of the chemicals' hazards — in English and Spanish.

Under the proposed amendment, some chemicals could be removed from the list of reportable substances. Those containers would not have to be labeled or cataloged.

Labeling requirements for

reportable substances would be changed so the state would be using the same chemical names as required by the federal Occupational Safety and Health Administration (OSHA). Code numbers also could be used in addition to chemical names.

Critics of the amendment focused on the code numbers, saying they would be confusing for workers and that every industry should use the same names for the same chemicals. Assemblyman Shinn said that criticism is unfounded because the amendment requires the use of both the code number and chemical name.

Those companies using reportable chemical substances would have to file emission reports every other year unless their emissions and chemical use changed "significantly." There was no indication in the amendment who determines what is significant or how.

Under the federal Community Right-to-Know Act, companies would still have to disclose their estimated emissions every year. That act does not require inventory reports, however.

The Shinn/Doria amendment would add freight, warehousing and storage facilities to those industries that are covered under the right-to-know act. It would exempt research and development and quality control laboratories from the law, along with the public sector — including schools and other government entities.

Amy Bahruth, staff representative for the Communications Workers of America, Local 1031,

said the amendment "eliminates right-to-know for some 200,000 public employees potentially exposed to chemical hazards."

Asked about that proposal, Shinn said it probably will be changed from a blanket public sector exemption to one that would exempt offices but include other public entities that use hazardous chemicals, such as sewage authorities and public works warehouses.

The requirement that Spanish-speaking workers receive information about chemical hazards in Spanish was replaced by a requirement that all non-English speakers working on farms or in other agricultural jobs receive information in their own language.

Shinn said the change was designed to broaden the law to include the many Asian agricultural workers as well as to protect Spanish-speaking workers. He said most of New Jersey's non-English speakers are concentrated in the agricultural field, which is why the amendment pinpointed that area.

Non-farm employers with non-English speaking employees would not be required to provide translations of chemical hazard information.

Under the amendment, any container of materials that can be bought by the general public (pool chemicals, for example) would not have to have special labeling or an explanation of its hazards.

Shinn said he proposed the law



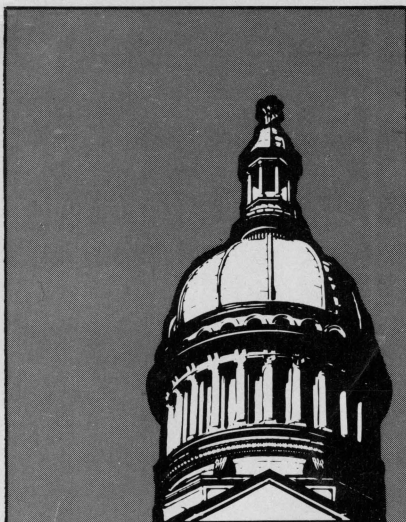
ROBERT SHINN
... 'a starting point'

after visiting a company where he noticed every container had at least two or three labels on it. He said he found it confusing and decided to do something about it.

"This bill is a starting point," said Shinn. "We're looking forward to a lot of input from industry and labor and workers and citizens."

They don't have to worry about that as far as Jane Nogaki is concerned.

"We're going to be there every step of the way," said Nogaki, chairwoman of the Right-to-Know and Act Coalition, which represents more than 125 environmental, labor and civic groups around the state. "We're going to make sure New Jersey doesn't take a step backward."



BUSINESS WATCH

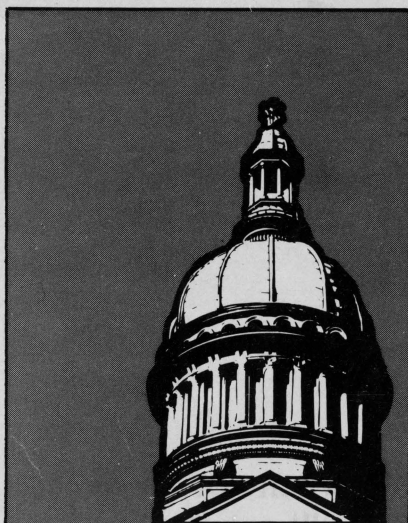
*By Joseph E. Gonzalez, Jr.
Executive Vice President
New Jersey Business &
Industry Association*

Positive Bills Progressing Through the Legislature

With the exception of Initiative and Referendum, fewer of the negative bills of the past have been surfacing in the Legislature this year. NJBIA welcomes this contrast to the deluge of anti-business legislation (most of which, thankfully, was not enacted) which occupied this page during 1990 and 1991. Here are some of the positive bills which have been recently introduced and are making their way through the legislative process.

- **A-1232 (Shinn)** — Assemblyman Robert Shinn has recently introduced legislation which would revise the reporting and labeling requirements of the Worker and Community Right-to-Know Act. NJBIA has been urging a change in the State's confusing and duplicative Right-to-Know law since its enactment nine years ago. A-1232 would replace the present container labeling system with a requirement that all containers be labeled as required by federal law and allow the use of Material Safety Data sheets for purposes of hazard communication.
- **A-939 (Shinn)** — The Department of Environmental Protection and Energy has proposed a rule permitting any person to appeal the granting of a permit by DEPE to an employer. This proposal would extend, by a minimum of four months, a process which is already excruciatingly long and involved. A-939 would simply direct the DEPE to withdraw its proposed rule.
- **S-371 (Bassano)/A-757 (Colburn)** — These bills would require health insurance carriers to offer basic health care plans, free of costly State mandates, to companies which have 25 or less full-time employees. NJBIA, in surveying its members, has found that expense is the primary reason for small businesses not to offer health insurance to their employees. A-757/S-371 could have a significant impact on decreasing the costs of uncompensated care and the burden currently shouldered by those employers who provide health insurance for their employees. (Similar legislation cleared the Assembly last year.)
- **S-370 (Bassano)/A-519 (Vandervalk)** — These bills require the Commissioner of Health to contract with collection agencies to provide hospital bad debt collection services. Destitute circumstances are not always the reason for unpaid hospital bills. This measure should bring about a better debt collection system for our hospitals, thereby reducing both the amount of uncompensated care in the State and the surcharge paid primarily by employers.
- **A-1280 (Kamin, Doria)** — This bill would authorize public colleges and universities to include optional fees for student organizations on tuition bills. It would ban the negative check-off which is the principal funding vehicle (aside from lawsuits) for the anti-business Nader offshoot, Public Interest Research Group. A-1280 would permit individuals paying college bills to add a contribution for P.I.R.G., but it would necessitate an affirmative decision.
- **A-956 (Roma)** — This bill would eliminate the concept of joint and several liability under which a party partially at fault in a suit can be required to pay 100% of the damage to the plaintiff. Under A-956 a party would be responsible for its proportion of the damage caused and no more. NJBIA considers this a fair way to reduce the cost of litigation.

Now that NJBIA members have the new 205th Legislative Directory, companies should take the time to write their legislators on these and other issues reported on in our various publications.



BUSINESS WATCH

*By Joseph E. Gonzalez, Jr.
Executive Vice President
New Jersey Business &
Industry Association*

Environmental Bills Top List For Fall Legislative Session

After a brief respite following three mid-summer sessions, the State Legislature is back at work with an unusually large number of meetings scheduled for both the Senate and Assembly during the campaign period. Next year is an election year with the Governor and the entire Legislature up for reelection. So the chance for agreement on major legislation in 1993 will be relatively remote. Accordingly, NJBIA and other groups who work the halls of the Legislature have a brief window of opportunity this fall to see bills that are important to them considered and passed by the Legislature in a less politically charged atmosphere.

Right at the top of the current priority list for business is reform of the State's notorious Environmental Clean-up Responsibility Act Law. Senate Bill 1070, sponsored by Senators McNamara (R-Bergen) and Rice (D-Essex) would make extensive improvements in the controversial ECRA Law. The intent of the sponsors is to encourage cleanups, reduce the cost of compliance, provide financial resources for cleanups and encourage the redevelopment of the State's industrialized areas. Senator McNamara, who chairs the Senate's Environment Committee, is working with NJBIA in hopes of releasing a version of the bill which will both improve the existing law and be acceptable to Governor Jim Florio. Florio announced his interest in reforming the ECRA Law in June before a meeting of the State Bankers Association. Thus, for the first time since the ECRA law was passed in 1983, there is reason to believe that legislation to improve it will be signed into law. Those with concerns about ECRA should contact Jim Sinclair, First Vice President, NJBIA, who staffs our Environmental Quality Committee, as soon as possible to let him know what their priorities are, as well as to receive an update.

Another statute from the 1980s which is receiving considerable attention now is the Worker and Community Right-to-Know Act. Assemblymen Shinn (R-Burlington) and Doria (D-Hudson) have introduced A-1232 which would revise the reporting and labeling requirements of New Jersey's controversial Right-to-Know law. Among the provisions in A-1232 are sections which would replace the container labeling system which now exists with the requirement that all containers be labeled as required by federal law. It would also allow material safety data sheets to be used by employers for the purposes of hazard communication in place of the fact sheets now prepared by the Department of Health. This legislation may have a tougher time being enacted than the ECRA reform bill. "Citizen" groups have zeroed in on A-1232 with a campaign that we consider disinformation on the effects of the bill.

Last year, the Legislature passed a series of bills, sponsored by former Speaker Doria, designed to improve the permitting process in the State. Building on that accomplishment, the Assembly has passed three regulatory reform bills to make the regulatory process more efficient and responsive. These bills, all sponsored by Assemblyman Franks (R-Union), would grant statutory authority to the Office of Business Advocacy, transfer all rule-making authority to a new Office of Regulatory Services and require greater publication of the Governor's executive orders and proclamations and Attorney General's opinions. We will be working to achieve Senate passage of these bills by the end of the year.

THE JERSEY JOURNAL

126th Year — No. 85 ★ ***

Tuesday, August 11, 1992

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Doria bill branded a health threat

By Steven Kalcanides
Journal staff writer

The Bayonne Citizens for Clean Air has asked the City Council to pass a resolution opposing a state Assembly bill which it claims will threaten the health and safety of public workers and students.

The bill, sponsored by Assemblymen Joseph Doria Jr., D-Bayonne, and Robert Shinn, R-Burlington County, would eliminate key requirements of

Bayonne Citizens for Clean Air asks council for help

the Community and Worker Right to Know Act, said the group.

"We have asked the council to pass this resolution because many public workers and students would be seriously and adversely impacted if this legislation is adopted," said BCCA President Marc Liebeskind.

The pending legislation would weaken labeling requirements for haz-

ardous substances used by public sector workers, and could have an impact on many other people, Liebeskind said.

"Labeling requirements would be minimized, resulting in workers not knowing what they are being exposed to," he said yesterday. "This puts emergency responders such as firefighters and police at a terrible risk."

The group refers to the bill as the

"Right to Know Nothing."

Council President John Halecky said yesterday that the council received the letter and draft resolution from the BCCA, but he could not comment on the matter because he did not have enough information.

"Our secretary is contacting Joe Doria's office and we're getting a copy of Assembly Bill A1232," said Halecky.

"Also, we would like to know what caused him to go for this bill. There must have been a reason for it."

While many other community organizations have come out against the bill, Doria and Shinn have said the intention of the proposed legislation has been misrepresented.

Doria has said the legislation would streamline the reporting system under the law and would not endanger the

See DORIA — Page 4

Continued from Page 1

health or safety of workers or weaken environmental regulations.

The legislation seeks to correct bureaucratic problems that have come about as a result of enforcement under the original law, which was passed in 1983, Doria has argued.

Shinn has said the current system incorporates elements of the state law with the federal Occupational Safety and Health Administration guidelines, which he said leads to confusion for workers.

Doria and Shinn could not be reached for comment yesterday.

Liebeskind maintains that the bill would eliminate the hazardous substance fact sheets published by the state Department of Health.

Liebeskind said the fact sheets provide health and safety information, including how to protect oneself against exposure to hazardous materials.

"Anything that deprives the public of knowledge of what is happening to them should be viewed with disdain and not be permitted," he said. "This legislation appears to fall into that category."

The BCCA sent a letter and draft resolution to the council this month, and told the council members that representatives of the New Jersey Public Interest Research Group are available to address them, if necessary.

RIGHT TO KNOW

Hearing spurs debate on law's revamp

By TOM JOHNSON

New Jersey needs to improve its nine-year-old worker and community right-to-know law, legislators were told yesterday, but whether just a fine-tuning or a drastic overhaul is needed provoked sharp disagreement among state officials, business leaders and environmentalists.

The Assembly Policy and Rules Committee opened hearings in the Statehouse on a bill (A-1232) to revamp the once-heralded law, which requires manufacturers and others to label hazardous substances in the workplace and provide information about dangerous chemicals to workers and the public.

Before a packed room, the two sponsors, Assemblyman Robert Shinn (R-Burlington) and Assemblyman Joseph Doria (D-Hudson), heard condemnation of the bill and praise for their efforts to address the program.

Environmental groups assailed the bill as an effort to gut and undermine one of New Jersey's most important occupational and public health laws.

"It smacks of Vice President Quayle's Council on Competitiveness, which aims to roll back environmental regulations," said Dolores Phillips, a lobbyist for the New Jersey Environmental Federation. "There is a need for right-to-know reform, but this bill is not the vehicle for it."

Doria accused critics of "gross distortions" about what his bill would do, saying he only wanted to improve the efficiency and eliminate well-documented problems in the law.

"Our aim is to protect the lives of firemen, ambulance workers, policemen and industrial workers," he said. "These people don't need useless paperwork, they need a simplified system of assessing what is in a building when there is a fire or some other disaster."

Others, like Joseph Marser Jr., the owner of a company that publishes business directories, took no issue with the concept of the law, but argued its scope ought to be re-examined. Since 1986, he said, he has refused to pay an annual \$80 assessment charged to businesses covered by the law because he claimed his company used no hazardous substances.

When an inspector finally came to check out his plant, Marser was told he did use hazardous substances in his 2,300-square foot plant because the official found "one small squirt can of oil, one small bottle of glue and six bottles of whiteout."

Other larger companies' executives complained of meaningless paperwork and having to label thousands of small containers in their workplaces and research and development labs.

Even officials from the three state departments handed responsibility for implementing the law conceded some reform is necessary, but said they could not support the current bill as drafted.

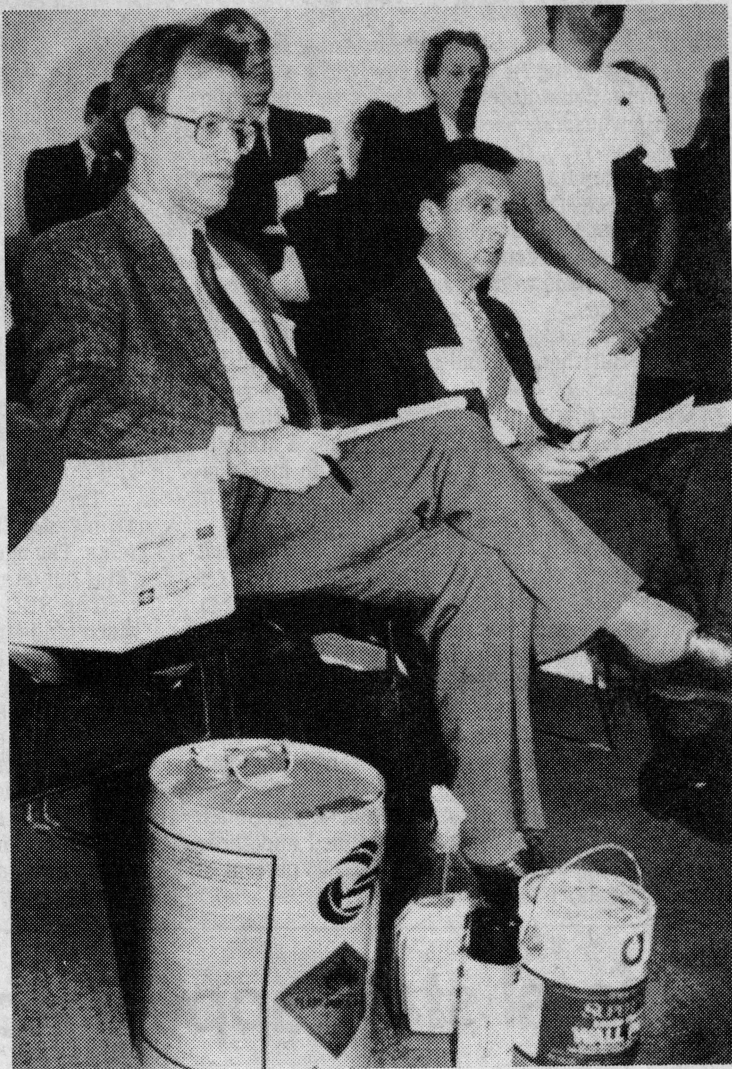


Photo by Frank DiGiacomo

Rick Engler of the AFL-CIO waits to testify before an Assembly committee on the right-to-know law. He brought containers whose contents should be listed on their labels but are not

Richard Sinding, an assistant commissioner for the state Department of Environmental Protection and Energy (DEPE), said the agency has been working internally to improve operation of the program and already has identified several key issues.

The DEPE believes the threshold level for reporting hazardous substances needs to be changed, noting it is absurd to require industry to report a bottle of nail polish remover or a pack of matches, Sinding said. He also said the list of chemicals that must be reported may be too expansive and may need re-examination.

Kathleen O'Leary, director of the Department of Health's Occupational Health Safety Service, urged the committee to hold off action on the bill, particularly a provision that would totally eliminate worker right-to-know guarantees for some 200,000 municipal workers, state employees and teachers.

Doria argued the bill does not intend to eliminate those safeguards but merely afford flexibility to the public sector in meeting those goals.

Much of the concern of right-to-know advocates was their fear the bill would drastically curtail the universal labeling provisions of the law.

"It's the cornerstone of the program," said Eric Scherzer of the Oil, Chemical and Atomic Workers Union. "When you have an unlabeled drum, you know something is amiss."

NSL 11/7/92

- ☐ Asbury Park Press
☐ Courier-Post
☒ Home News
☐ New York Times

- ☐ Philadelphia Inquirer
☐ The Press
☐ The Record

DATE: NOV 7 1992
☐ Star-Ledger
☐ Trenton Times
☐ The Trentonian

Insurance commissioner warns legislation could increase rates

TRENTON (AP) — A bill to make health insurance coverage cheaper and easier to obtain instead could lead to steep rate increases for subscribers, Department of Public Advocate officials said yesterday.

Deputy Commissioner Ina Lewisohn said the proposed legislation would take both the Public Advocate and the Department of Insurance out of the regulation process.

The bill would require every health insurer and health maintenance organization to help cover individuals, said Assemblyman Nicholas Felice, R-Bergen, chief sponsor of the bill. Companies would be prohibited from rejecting

applicants based on their health history, sex, age or other factors.

The companies would be required to cover a quota of individual patients in proportion to their share of the health insurance market, he said at a news conference yesterday. If companies fail to meet their quota, they will be required to pay a subsidy to Blue Cross and Blue Shield.

Blue Cross and Blue Shield for years has been required by law to accept all applicants. It incurred deficits as other companies dropped individual coverage or only accepted the best risks.

A surcharge on hospital bills that subsidized the company's individu-

al coverage was struck down by a federal judge in May.

Felice said premiums for the policies would be determined by a board that would include insurers as members, rather than by the state insurance commissioner.

That makes Ms. Lewisohn nervous.

"We have grave concerns over a plan that would substitute the scrutiny of state regulators and analysts with a review board composed in large part of insurance industry representatives," she said in a news release.

The bill is scheduled for a vote before the Assembly Insurance Committee on Monday.

Right-to-know law subject of testimony

TRENTON (AP) — Environmental groups charged yesterday that proposed changes to the state's landmark right-to-know act would gut the law and leave workers and residents ignorant of possible dangers.

However, a lobbyist for the chemical industry said changes before an Assembly committee would make the law work better, and provide greater help to firefighters if they had to respond to an emergency.

The Assembly Policy and Rules Committee heard testimony but took no action on a bill to revamp the 9-year-old law, which requires labeling and reporting of hazardous substances being used, stored and released into the environment.

One goal of the changes is to ensure resources are applied toward improving worker and community safety, said Assemblyman Robert Shinn, R-Burlington. Shinn said documents currently are compiled, reviewed and stored without any analysis to determine if hazards are properly managed.

The bill Shinn and Assemblyman Joseph Doria, D-Hudson, are sponsoring would reduce the number of chemicals covered, exempt research and development activities, change labeling requirements and provide protection for products whose contents are "trade secrets."

Doria said the bill's goals were being "grossly distorted" by environmental groups "who see it as a threat to their control through a bureaucracy they're close with."

He also said the bill was intended to start a discussion and could be changed before final adoption.

Richard V. Sinding, a director in the Department of Environmental Protection and Energy, conceded changes were needed, but could be handled administratively rather than with new legislation.

DEPE's "zero-threshold" interpretation of the law, which technically requires businesses to report such items as nail polish remover, correction fluid and matches, is being revised, he said.

"The absence of a threshold undermines the credibility of the law," Sinding said.

He said exempting R&D could promote economic growth, but could be a loophole allowing companies to exempt their entire plants if parts are used for R&D.

The New Jersey Right-to-Know & Act Coalition, composed of labor, firefighters, environmental and community groups, said the bill would "effectively repeal" the 1983 law.

A chemical council spokeswoman said the main goal was to improve labeling requirements by eliminating relatively safe chemicals.

- ☐ Asbury Park Press
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- ☐ Philadelphia Inquirer
☐ The Press
☒ The Record

- ☐ Star-Ledger

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But he said the Assembly bill has flaws. Exempting research and development could promote economic growth, but could be a loophole allowing many companies to

exempt their entire plants if parts are used for R&D, he said.

The New Jersey Right-to-Know & Act Coalition, composed of labor, firefighters, and environmental and community groups, issued a news release saying the bill would "effectively repeal" the 1983 law.

Labor leaders criticized the exemption that would be provided to public employees, while environmentalists said businesses were using the recession and quirks such as nail-polish reporting to convince legislators to excuse themselves from regulation.

"This is a special-interest bill," said Dolores Phillips, lobbyist for the New Jersey Environmental Federation. "The Chemical Industry Council and the Business and Industry Association have made it a top priority to roll back these rules."

Environmental bill stirs controversy

Some chemicals would be exempt

The Associated Press

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Compromise on auto exhaust

By EUGENE KIELY

Record Trenton Bureau

TRENTON — A state plan that would require the sale of cleaner-burning cars by 1996 would be delayed by two years under a compromise bill to be introduced next week, officials said Friday.

Environmentalists charged that the bipartisan agreement, struck between the Florio administration and Republican lawmakers, could weaken the state plan. But those involved in the negotiations called it a practical compromise.

N.J. bill would delay new rules

The proposed standards — known as the "California car standards" — would require all cars sold or registered in the state to emit fewer ozone-causing pollutants.

Lawmakers have expressed concern that the standards would significantly raise car and gas prices in New Jersey and hurt the state's

oil-refining industry without significantly improving air quality.

The Department of Environmental Protection and Energy has said its proposal, announced in February, would increase the cost of a new car by \$170. The auto and petroleum industries estimate the extra cost at \$1,000.

State Sen. Henry P. McNamara, R-Franklin Lakes, who worked on the compromise as chairman of the Senate Environment Committee, called it a "cautious approach to a serious problem."

DATE: _____

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Critics swipe at right-to-know bill

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The New Jersey Right-to-Know & Act Coalition, composed labor, firefighters, environmental and community groups, issued a news release saying the bill would "effectively repeal" the 1983 law and "lead to a toxic chemical cover-up."

Labor leaders criticized the exemption that would be provided to public employees, while environmentalists said businesses were using the recession and quirks such as nail polish reporting to convince legislators to excuse them from regulation.

Gibbs quits Florio Cabinet

TRENTON (AP) — State Human Services Commissioner Alan J. Gibbs yesterday announced his resignation, saying he has accepted the job as executive director of the newly formed National Transit Institute at Rutgers University.

Gibbs' resignation is effective Nov. 30. His departure is the third resignation from Gov. Jim Florio's Cabinet in two months. Community Affairs Commissioner Randy Primas and Health Commissioner Dr. Frances Dunston preceded him.

"I have made this decision with real mixed emotions," said Gibbs. "The challenge of directing a newly created national institute, and building it from the ground up, is truly exciting. But it is with great sadness that I leave the department and this administration."

Florio praised Gibbs, whom he appointed in March 1990, just two months after taking office.

"I am proud that Alan has been tapped to lead this new national institute," said Florio. "His leadership of the National Transit Institute will place New Jersey at the center of national transportation policy, and this is a tremendous honor and opportunity for our state."

The National Transit Institute was created by a six-year \$18 million federal grant to develop proposals for mass transit systems. The program will address both federally mandated transit responsibilities and the developing needs of the transit industry.

"I am delighted that Alan Gibbs has agreed to serve Rutgers and the nation in this important position," said Rutgers President Francis L. Lawrence.

The Department of Human Services, the largest in state government, has more than 20,000 employees and a \$5.5 billion annual budget.

Deputy commissioner William Waldman, a Middlesex County Democrat who was former Gov. Thomas Kean's last acting commissioner, is expected to replace Gibbs on an interim basis.

No successor to Gibbs has been named.

- ☐ Asbury Park Press
- ☐ Courier-Post
- ☐ Home News
- ☐ New York Times

- ☐ Philadelphia Inquirer
- ☒ The Press
- ☐ The Record

DATE: NOV 8
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☐ Trenton Times
☐ The Trentonian

Lawmakers review right-to-know law

Associated Press

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One goal of the changes is to ensure resources are applied toward improving worker and community safety, said Assemblyman Robert Shinn, R-Burlington.

A special section reporting major actions during yesterday's meeting of the state Legislature

Health Dept. and DEPE join in move to streamline right-to-know law

By TOM JOHNSON

The Florio administration is proposing sweeping revisions to the state's Workers and Community Right-to-Know law with the aim of significantly streamlining the reporting and labeling requirements long attacked by industry as an onerous burden to doing business in New Jersey.

The proposals to dramatically revamp the right-to-know law were outlined by officials from the Department of Health and Department of Environmental Protection and Energy (DEPE) yesterday to the Assembly Policy and Rules Committee, which is weighing its own legislative plan to reform the program.

The issue has become one of the more volatile of this legislative term, with environmentalists fearful that the once-heralded right-to-know law would be gutted by a pending bill (A-1232) and business interests pressing hard for reforms in the decade-old law.

Yesterday's hearing focused largely on regulatory proposals developed by the DEPE and the Health Department to address frequent criticisms of the program, particularly relating to reporting and labeling requirements. If implemented, the proposals would ease some reporting and labeling requirements for the 45,000 industries covered by the law.

Richard V. Sindig, an assistant DEPE commissioner, said the proposals seek to bring state and federal right-to-know laws into closer conformity and to focus on the most hazardous chemicals.

"I think we're doing what the original law intended to do and that is to make the community and emergency responders aware of the hazards and to help them respond quickly,"



(Above) DEPE Assistant Commissioner Richard V. Sindig testifies on the right-to-know bill. (Right) Assemblyman Robert Shinn (R-Burlington), left, a member of the Assembly Policy and Rules Committee, confers with Chairman Paul DiGaetano (R-Bergen) on the legislation

Sinding said. "In my own mind, our own original definition of hazards got carried away."

Under the DEPE's proposal, the number of substances that would be covered under its community environmental survey would be dramatically reduced, by perhaps up to one-half or two-thirds, according to Gerald Nich-

olls, a DEPE administrator. For example, more than 3,000 substances on a Department of Transportation (DOT) hazardous substances list would be dropped from reporting requirements.

The state also is proposing to increase the threshold reporting requirements for hazardous substances, which would also ease paperwork bur-

dens for certain industries. In addition, a Department of Health proposal would reduce labeling requirements significantly on both consumer and non-consumer products.

Also, the state would substantially ease provisions dealing with trade secret claims made by industry, a source of much controversy over the years.

Environmental groups, which have bitterly opposed any effort to reopen the right-to-know law to legislative scrutiny, were cautiously supportive of many of the proposals outlined by the departments.

However, Rick Engler, an official with the Industrial Union Council and a member of the New Jersey Right to

Know Coalition, said the coalition opposed plans to drop labeling requirements for consumer products of less than 5 pounds or a half gallon or less.

Holding up a can of degreasing solvent bought in a local hardware store, Engler noted it contained a label from California warning the substance was known to cause cancer and birth defects. If the proposed labeling requirement in New Jersey was dropped, it would still contain that warning, but consumers in the state would not know what chemicals were in the product. "It makes no sense," Engler said.

Industry lobbyists praised some of the provisions in the regulatory proposals—especially dealing with trade secret claims, labeling requirements and reporting mandates—but nonetheless argued the reforms did not go far enough.

Alan Bograd, a senior staff engineer for Exxon Chemical Co., said only legislative changes as proposed in the bill before the committee would bring about the fundamental changes needed in the program, including eliminating the duplicative reporting requirements mandated under the state and federal right-to-know programs.

Assemblyman Robert Shinn (R-Burlington), a sponsor of the bill, however, said he thought the departments have taken strides to improve efficiency of the program. "I saw some positive things today," Shinn said at the conclusion of the hearing, "but I didn't see anything that negated the need for legislation."

One key issue yet to be addressed, Shinn said, is whether to consolidate the right-to-know program in one state department, instead of having the DEPE, the Health Department and the Department of Labor administer different aspects of the law.

Photos by Frank DiGiacomo

Group wants N.J. labeling law to stick

By PETER PAGE
Staff Writer

TRENTON — Two summers ago a half-dozen Camden firefighters were ordered at the last instant not to enter a small industrial building they believed was burning.

A deputy fire chief who had just days before reviewed a 23-page list of chemicals inside the building, a list prepared under the state Right To Know Act, frantically radioed them to evacuate the area. There was no fire in the building but there was hydrochloric acid leaking in a locker filled with other chemicals.

"If those firefighters had entered the building, they would have absorbed the chemicals through their skin and the toxic fumes would have attacked their gear through the stitching," said Peter Carbone, assistant chief training officer for the Camden City Fire Department and one of 10 speakers yesterday to blast proposed revisions to the Right To Know Act.

That anecdote is beside the point, said Hal Bozarth, lobbyist for the Chemical Industry Council, which favors a bill to revise requirements

that take chemical labeling "to the point of absurdity."

"We believe the emergency responders deserve a system that really provides them with the information they need to protect themselves," he said. "We are glad to join with the Passaic County Fire Chiefs Association in supporting this bill. I don't know of any other firefighters backing the bill but my guess is there are an awful lot more."

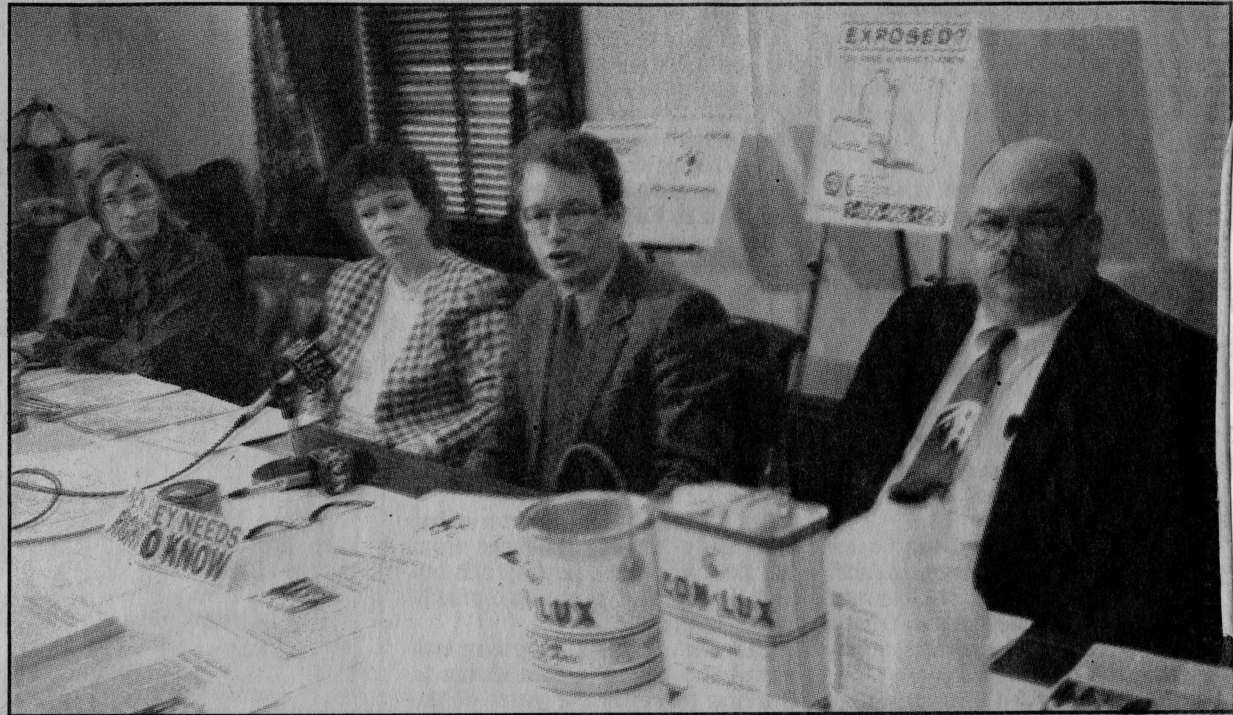
THE STATE Right To Know law was enacted in 1983 and survived six years of federal court challenges before being upheld in 1989. The bill that is aimed at amending it was recently introduced by Assembly Minority Leader Joseph Doria Jr., D-Bayonne, and Assemblyman Robert Shinn, R-Hainesport.

According to the New Jersey Right To Know Coalition, which represents 160 labor unions, environmental groups, emergency response and public health organizations, the bill would undermine key portions of the law.

"The law works," said Rick Engler, vice president of the New Jersey Industrial Union Council. "It has saved lives and health in New Jersey."

The coalition charges the chemical industry with trying to accomplish through legislation what it was unable to achieve through litigation.

"It's true we went to the Supreme Court and it's true that we lost but we are saying change the system to make sense for emergency response," Bozarth said. "This pro-



Staff photo by Ken Wajda

Supporting New Jersey's Right To Know law during a news conference yesterday are, from left, Monona Rossol, industrial hygienist; Barbara Warren of the Consumers Union; Rick Engler of the N.J. Industrial Union Council, AFL-CIO; and John Paul Fannin, Hawthorne Borough safety coordinator.

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ACCORDING to an analysis of the Doria bill released by the coalition, the Doria bill would exclude nearly all containers from labeling requirements and reduce the information required on containers that are labeled while broadly defining which facilities are exempt from the law and allowing companies to withhold health and safety information of ingredients to protect trade secrets.

"There is absolutely no reason for a two-ounce container inside a laboratory to have a five-inch label," Bozarth said. "If the building is in flames, labels will not make any difference."

Trenton Times C1

April 7, 1993

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Trenton Times C1
April 7, 1993

RIGHT-TO-KNOW LAW

Activists cite public benefit in lobbying against overhaul

By TOM JOHNSON

With legislators mulling an overhaul of the state's right-to-know law, firefighters, consumer advocates and environmentalists weighed in yesterday with a spirited defense of the program, saying it has proved an enormous benefit to the public.

"The right-to-know law works," said Rick Engler, a member of the New Jersey Right to Know Coalition and a vice president of the Industrial Union Council. "It has saved lives and protected the health of thousands."

Engler said the coalition recognizes that some changes may be needed in the 10-year-old law, which was enacted despite fierce opposition from the business community, but argued any reforms can be done by regulation rather than legislation.

"There are some areas where it could be fine-tuned," said Engler at a press conference in the Statehouse, "but we think it could be done through the regulatory process."

The Assembly Policy and Rules Committee is considering a bill (A-1232) sponsored by Assembly Minority Leader Joseph Doria (D-Hudson) and Assemblyman Robert Shinn (R-Burlington) to revamp the program, but it has run into opposition from environmentalists who fear a dismantling of the right-to-know law.

Under the law, thousands of businesses are required to label all containers in the workplace, provide train-



Rick Engler, a member of the New Jersey Right to Know Coalition and a vice president of the state Industrial Union Council, speaks in support of the state's right-to-know law at a Statehouse news conference. Listening is Barbara Warren of the Consumers Union

ing to employees on how to deal with hazardous substances and complete a survey of hazardous chemicals used in a facility that is available to the public and emergency response personnel.

Those provisions, proponents argued yesterday, have proven invaluable throughout New Jersey.

For example, Peter Carbone, a training officer with the Camden Fire Department, recounted how the right-to-know survey helped avert sending firefighters into a potentially dangerous situation after a spill of hydrochloric acid and other chemicals at a small industrial warehouse in the city.

"This law has saved firefighters from serious injury and even death," Carbone said. "I strongly urge that we maintain this law."

In Hawthorne in Passaic County, since the borough started relying on community right-to-know surveys and other right-to-know information, it has reduced its worker compensation claims by 50 percent, according to John Paul Fannin, the community's safety coordinator.

Monona Rossol, an industrial hygienist who has traveled around the country advising companies, called the New Jersey statute an important educational tool. "Nowhere else do I see a law that works as well as this one," she said. "New Jersey should be very proud of this law."

The law is also important to consumers, said Barbara Warren of Consumers Union. "It allows the public to identify hazardous substances in consumer products," said Warren, citing its provisions requiring labeling of certain chemical ingredients in a product.

The provision allows consumers to choose or substitute products which have ingredients that are the least unhealthy or least harmful to the environment, she said.

Bruce Ohlendorf, an official with the Middlesex County Department of Health, agreed. "One of the best ways we have in reducing occupational hazards is by making people aware of the hazards posed by a product," he said.

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business

BUSINESS BRIEFS

■ IBM unveils 'clones'

NEW YORK (AP) — IBM yesterday unveiled 40 new low-priced personal computer models, its first upgrade since entering the highly competitive "clone" business six months ago. Analysts said the new PS-Value-Point computers are central to International Business Machines Corp.'s bid to regain market share from the low-cost knock-offs of the computers IBM developed more than a decade ago.

■ Pa. firm to go public

HORSHAM, Pa. — Manufacturing equipment maker Quad Systems Corp. plans to go public with the sale of 2 million common shares through Unterberg Harris and Pennsylvania Merchant Group Ltd. Of these, 500,000 will be sold by stockholders. Boston-based TA Associates plans to offer 140,103 shares, which would reduce its stake to 10.4 percent after the transactions. Hancock Venture Partners, also of Boston, plans to sell 124,216 shares and will hold 9.2 percent after the sales. The estimated \$10.19 million of proceeds will be used to expand manufacturing capacity, to repay debt, for working capital and for general corporate purposes.

■ Too much sugar in U.S.

WASHINGTON (AP) — The Agriculture Department is considering quotas on U.S. sugar producers that could leave U.S. farmers without a market for some of last year's bumper crop. Until now there have been no limits on how much sugar U.S. farmers could sell. But a bumper crop of sugar beets has pushed U.S. stocks so high that USDA could be forced to invoke an unusual 1990 law that ensures the country continues importing some sugar, industry officials said yesterday.

■ Judge: CEO can stay

LOS ANGELES (AP) — Gerald A. Wiegert, who locked his

Group wants N.J. labeling law to stick

By PETER PAGE
Staff Writer

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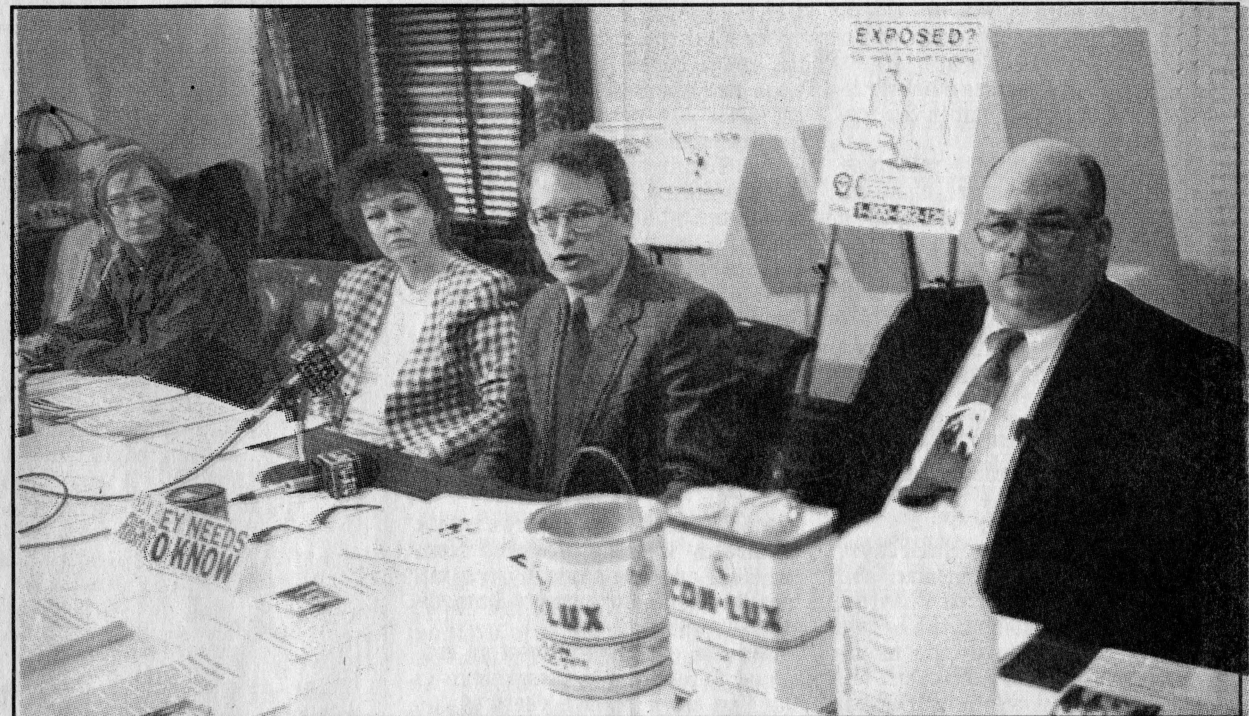
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• see KNOW, C2



Staff photo by Ken Wajda

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Ailing Continental pins survival on global alliances

NEW YORK (AP) — The Bankruptcy Court judge overseeing Continental Airlines' 2½-year restructuring is expected to decide soon whether to approve a plan to sell the carrier to Canada's largest airline and American investors.

Approval would be the last step before Continental leaves Bankruptcy Court for the second time in seven years and becomes the first airline since then to survive the reorganization process. Eastern, Pan Am and Midway airlines failed in similar efforts and went out of business.

Continental also would become

Continental before and after

Vital statistics for Continental Airlines when it filed for bankruptcy protection in 1990 and today.

Financial results

1992 revenues: \$5.57 billion
1992 loss: \$107.6 million



Know

• continued from C1

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Changes in right-to-know law sparking debate 4/12/93

The state's 10-year-old "Worker and Community Right to Know Act" is slated for some updating to meet longstanding complaints from the business community.

This will make many businesses happy, but environmentalists and others are concerned.

Environmentalists and public safety personnel think that if change is to come it should be within established regulations rather than by major legislative amendments to the law.

Businesses are required by law to label every container in their marketplace, have on hand an up-to-date survey of all hazardous materials and their location available to the public and public safety agencies.

The law was originally enacted in response to some unpleasant surprises firemen found when what they had taken for ordinary factory firefights turned into extraordinary toxic events.

One objector to dramatic change in the

law at an omnibus State House news conference last week was Peter Carbone, a training officer with the Camden Fire Department.

He said right-to-know surveys in Camden avoided sending unsuspecting firefighters into a dangerous head-on meeting with spilled hydrochloric acid and other chemicals at a small warehouse in his city.

"This law has saved firefighters from serious injury and even death," Carbone said. "I strongly urge that we maintain it."

But the chief sponsors of legislative change, Assemblyman Robert Shinn,



STATE
WATCH

JOHN
MCGOWAN

R-Burlington, and Assembly Minority Leader Joseph Doria, D-Hudson, maintain state officials have gone overboard with regulations in their efforts to provide these protections.

A bill they introduced into the current Legislature last year would ease the regulations, they say, without adversely affecting the protections the law provides.

"Our aim is to protect the lives of firemen, ambulance workers, policemen and industrial workers," said Doria. "But these people don't need useless paperwork. They need a simplified system of assessing what is in a building when there is a fire or some other disaster."

The Department of Environmental Protection and Energy — one of three state departments involved with enforcing the law — held public hearings last month on regulatory changes it proposes to make.

Department officials conceded then that enforcement might have

over-reached, and revealed they were considering such things as reducing by half or more the number of substances considered hazardous for purposes of this law and reducing reporting requirements in response to businesses' worry about exposing trade secrets.

Shinn said after that hearing he was encouraged by some of the changes proposed by the department but heard nothing that changed his mind about the need for new legislation.

The opponents of legislative change last week were concerned, among others things, by the fact that enacting an effective new law may be more difficult than just streamlining regulations and would give businesses that vigorously opposed the initial law a new opportunity to defeat it in court.

John McGowan writes for the *Courier-Post* from Trenton. His column will appear Monday in the South Jersey section.

IN THIS SECTION: BUSINESS MONDAY

Phil, Let's talk
about the *Jane*

SL

5/1/93 SL

Trenton State cuts tuition hike by \$150

The Trenton State College Board of Trustees has approved a \$150 tuition rollback and students can expect a refund check shortly, school officials said.

The board voted unanimously Thursday to set its tuition increase for the 1993 school year at \$350 instead of the \$500 already levied.

"We anticipate refunds being sent to students within the coming month," said vice chairwoman Eleanor Horne.

Tara Doyle, a student representative to the board, said students were pleased. "They're very happy to get money back," she said.

May graduates will receive their refunds at home, and refunds for students on scholarship will be sent to the sponsors, said Alfred Bridges, a college vice president.

The board's approval was the final step in a compromise reached earlier this month with the state Board of Higher Education.

Under the agreement, the college was granted the \$350 tuition increase for full-time undergraduate, in-state

students this fiscal year, down from \$500. That sets tuition for the school during the fiscal year 1993-94 at \$2,815.

Trenton State can still raise tuition for out-of-state undergraduate and graduate students by \$500.

The conflict between the college and state officials began in August, when tuition for the current school year was increased 4.5 percent and a \$500 "quality fee" was tacked onto student fees.

The board withheld judgment on the fee at the time to enable an external review to be held, but Trenton State asked the state Attorney General's Office to rule on the board's authority to review its fees.

The attorney general upheld the board's authority, prompting the school to redesignate the \$500 as additional tuition. However, the increase put Trenton State over the state's 4.5 percent guideline, making it ineligible for the tuition stabilization incentive program and sending the parties into negotiations.

Unions defend Right to Know Act, urge toughening of OSHA laws

By DONALD WARSHAW

Union members demonstrated yesterday outside Chemical Industry Council offices in Trenton, protesting what they charged was the trade association's support of legislation to dismantle the state's Right to Know Act.

About 150 members of State Industrial Union Council affiliates and members of the Mercer County Labor Union Council picketed for an hour outside the chemical council's headquarters on West State Street.

Elsewhere in the state, unionists gathered at the Botto House, American Labor Museum to remember workers killed in job-related incidents in New Jersey over the past year.

Other ceremonies were held outside the Salem nuclear plant and near the DuPont plant in Deepwater.

The ceremonies and demonstrations were part of hundreds held across the nation yesterday as part of Worker Memorial Day activities called for by the national AFL-CIO.

In Trenton, labor spokesmen charged that the legislation (A-1232) sponsored by Assemblyman Joseph Doria (D-Hudson) and Robert Shinn (R-Burlington) would, in its present form, "eliminate effective container labeling by requiring labeling of only the single 'most potentially lethal' chemical per site."

Doing so, the unionists said, will endanger firefighters and other emergency response personnel as well as all public employees who no longer would have a right to effective training.

Eliminating labeling of containers in Spanish would endanger Hispanic workers, they further maintained.

"It's outrageous that the chemical industry is trying to take away this vital law that has helped protect worker health since 1983," said Don Dileo, president of the Mercer council. Industrial Union Council President Archer Cole maintained that the Right-to-Know statute has provided chemical workers and those living near chemical plants, as well as firefighters and other public safety workers, with "vital information about public health."

"Industry in the name of profits wants to go back a decade to the time when our members had great difficulty learning about what they were exposed to," Cole said.

In Washington, D.C., the AFL-CIO issued a report yesterday detailing the extent of worker deaths and injuries in the United States and called for passage by Congress of amendments to the federal Occupational Safety and Health Act (OSHA).

The study, entitled, "The Workplace: America's Forgotten Environment," concluded, "Public law and policy in the United States have created a much higher standard for protection of public health and the environment than for protection of America's workers."

"The workplace is truly a forgotten environment where fatalities, injuries and disease are widespread and government intervention is limited," said Lynn Rhinehart, author of the study, and an AFL-CIO occupational safety and health specialist.

In contrast to efforts to protect the environment and a \$7 billion annual budget for the federal Environmental Protection Agency, the study said the Occupational Health and Safety Administration has an annual budget of only \$300 million.

With a staff of 2,411, OSHA has responsibility for the safety and health of around 100 million workers at 6.5 million job locations, the study added.

There are 17,700 workers in the EPA, it noted.

The study further found while the maximum criminal penalty for employers who willfully violate an OSHA standard resulting in the death of a worker is six years in prison; 15 years is the maximum sentence for violating a federal environmental law.

Only one person has gone to jail for violating the act in its 23-year history, the study added.

A comparison of OSHA and EPA enforcement actions taken against the same companies further showed EPA "comes closer to the authority necessary to enforce the law; OSHA does not," the report maintained.

The robes are itchy,
the wings are too heavy,
and who knows what
toxic substances are
in these clouds !...

I knew there'd
be trouble if
Cesar Chavez
showed up here!



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