

Legislative History for Connecticut Act

HB 5843

PA 511

1983

LAW/LEGISLATIVE REFERENCE

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Senate - 4519-4520

House - 3857-3858, 7502-7508

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Labor - 644-648, 667, 671-673, 675-677, 679,
681-682, 686, 695, 700, 710-712,
714-718, 722, 726-728, 747-749,
774-775, 778-784

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53p

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1983

VOL. 26
PART 13
4361-4670

Regular Session
Monday, June 6, 1983

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THE CHAIR:

Is there any objection to passing this temporarily again?

Hearing no objection, it will be passed temporarily.

THE CLERK:

Page 17, Calendar 918, File Nos. 579 and 1027, Substitute for House Bill 5843. An Act Concerning Labeling Requirements For Toxic Substances And Notification To Local Fire Marshals Of The Presence Of Hazardous Materials In Business Establishments. (As amended by House Amendment Schedule "A").

Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR: (The President in the Chair).

Senator Harper.

SENATOR HARPER:

Thank you, Mr. President. I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the House Amendment Schedule "A".

THE CHAIR:

Move the House Amendment "A". Any objection to adoption of House Amendment "A"? Without objection, House Amendment "A" is adopted.

Senator Harper.

SENATOR HARPER:

Yes, Mr. President. The bill would require manufacturing employers to provide local fire marshalls with the hazard class and location

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of hazardous materials in the employer's establishment. Local fire marshalls would be required to distribute the information to fire fighters. Fire marshalls and fire fighters would be prohibited from disclosing the information to anyone else. The authority of local fire marshalls and the state fire marshalls to inspect buildings open to the public to determine their compliance with State law would be extended to inspection of all manufacturing establishments. Also, the initial section of this bill makes an amendment to Public Act 82-251 concerning suppliers of toxic substances that they not be required to label containers of substances beginning July 1st, 1983. This is the section that deals with containers with ethyl used for food or beverages. If there's no objection, Mr. President, I move the item to the consent calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar 919, File Nos. 686 and 1025, Substitute for House Bill 7189. An Act Concerning The Citizens Advisory Council To The Housing Courts. Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR:

Senator Owens. Middle of the page, page 17.

SENATOR OWENS:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

VOL. 26
PART 11

3847-4115

kpp

House of Representatives

Tuesday, May 10, 1983

SPEAKER STOLBERG:

Rep. Markham.

REP. MARKHAM: (34th)

Mr. Speaker, may this bill be referred to the Committee on Finance, Revenue and Bonding.

SPEAKER STOLBERG:

The motion is to refer to the Committee on Finance, Revenue and Bonding. Is there objection? Is there objection? Seeing no objection, the bill is referred to the Committee on Finance.

CLERK:

Calendar No. 460, File 579, Substitute for House Bill 5843, AN ACT CONCERNING LABELING REQUIREMENTS FOR TOXIC SUBSTANCES AND NOTIFICATION TO LOCAL FIRE MARSHALLS OF THE PRESENCE OF HAZARDOUS MATERIALS IN BUSINESS ESTABLISHMENTS. Favorable Report of the Committee on Labor and Public Employees.

REP. MARKHAM: (34th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Markham.

REP. MARKHAM: (34th)

Mr. Speaker, may this item be referred to the Committee on Government Administration and Elections.

kpp

House of Representatives

Tuesday, May 10, 1983

SPEAKER STOLBERG:

The motion is to refer to the Committee on Government Administration and Elections. Is there objection? Is there objection? Seeing no objection, the bill is referred to the Committee on Government Administration and Elections.

CLERK:

Calendar No. 466, File 313, Senate Bill 190,
AN ACT CONCERNING FUNDING AGREEMENTS BY LIFE INSURANCE
COMPANIES. As amended by Senate Amendment Schedule "A".
Favorable Report of the Committee on Insurance and Real
Estate.

REP. NOONAN: (70th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Noonan.

REP. NOONAN: (70th)

I move acceptance of the Joint Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER STOLBERG:

Will you remark?

REP. NOONAN: (70th)

Mr. Speaker, I believe the Clerk has an amendment, LCO 5483. It's very short. Would he please call and read.

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
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VOL. 26

PART 21

7384-7720

House of Representatives

Thursday, June 2, 1983

SPEAKER STOLBERG:

Are there further announcements or points of personal privilege? If not, would the Clerk please return to the call of the Calendar.

CLERK:

Calendar page 6, Calendar No. 460, File 579 and 1027, Substitute for House Bill No. 5843, AN ACT CONCERNING LABELING REQUIREMENTS FOR TOXIC SUBSTANCES AND NOTIFICATION TO LOCAL FIRE MARSHALS OF THE PRESENCE OF HAZARDOUS MATERIALS IN BUSINESS ESTABLISHMENTS. Favorable Report of the Committee on Government Administration and Elections.

REP. ADAMO: (116th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Adamo.

REP. ADAMO: (116th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER STOLBERG:

Will you remark?

REP. ADAMO: (116th)

Yes, Mr. Speaker, thank you. Mr. Speaker, ladies and gentlemen of the assembly, this bill is a very basic

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bill that takes care of numerous problems. The first being, that it will exempt in 1983, under the Labeling Statute 82-251, all alcoholic liquor and food containers.

It will also then provide that manufacturing employers provide fire marshals with the hazard class and the location of hazardous materials in the employers' establishments, and that the fire marshal will be required to distribute that information to the firefighters.

This bill came to the House as a result of a fire that was tragic in Stamford where numerous firefighters were injured and burnt, and we think it's an excellent bill and we urge its passage. I'd like to yield now to Rep. Lyons for the purpose of an amendment.

SPEAKER STOLBERG:

Rep. Lyons, do you accept the yield.

REP. LYONS: (146th)

Yes, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO 7426. Would the Clerk please call and read.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 7426, which will be designated House Amendment Schedule "A". Will the Clerk please call.

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CLERK:

LCO No. 7426, designated House Amendment Schedule "A", offered by Rep. Groppo, et al.

In line 68, delete the words "The local" and insert the words "Notwithstanding the provisions of section 1-19 of the general statutes, the local" in lieu thereof

In line 70, delete the word "any" at the beginning of the line and the words "concerning any hazardous"

In line 71, delete the words "material that is explosive or highly flammable"

SPEAKER STOLBERG:

Rep. Lyons.

REP. LYONS: (146th)

Yes, Mr. Speaker, I would move the adoption of this amendment.

SPEAKER STOLBERG:

Will you remark?

REP. LYONS: (146th)

Yes, thank you, Mr. Speaker. The bill before us requires the reporting and listing of certain types of chemicals to the fire marshal. These chemicals are explosives and flammables. The amendment would prevent the fire marshal or firefighters from disclosing any of this information.

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The purpose of this bill is to protect our fire-fighters, and in turn protect us, the general public. The information is not being given to the fire marshals for public disclosure, for if indeed it did, it could prove very dangerous. An unstable individual could receive this information, information telling where flammables and explosives were located in manufacturing concerns.

This amendment is very necessary. It's very necessary to protect our firefighters, and to protect the general public, and I would urge acceptance of the amendment.

SPEAKER STOLBERG:

Will you remark further on House "A"? Will you remark further? If not, all those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay. The amendment is adopted and ruled technical. Will you remark further on the bill?

REP. ADAMO: (116th)

Mr. Speaker.

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SPEAKER STOLBERG:

Rep. Adamo.

REP. ADAMO: (116th)

I simply urge passage of the bill as amended.

SPEAKER STOLBERG:

Will you remark further on the bill? Rep. Parker.

REP. PARKER: (31st)

Thank you, Mr. Speaker. For legislative intent.

On line 31, employer is defined as a manufacturing establishment. To the proponent of the bill, does this mean that cleaning establishments would not have to report toxic substances on the property?

SPEAKER STOLBERG:

Rep. Adamo, do you care to respond?

REP. ADAMO: (116th)

Yes, Mr. Speaker. I'm afraid I didn't hear the first part of that.

SPEAKER STOLBERG:

Rep. Parker.

REP. PARKER: (31st)

In the file the definition of employer is given as a manufacturing company. For legislative intent, does this exclude cleaning establishments who do use toxic substances?

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REP. ADAMO: (116th)

I believe it would, yes.

REP. PARKER: (31st)

Through you, another question, Mr. Speaker.

SPEAKER STOLBERG:

Please frame it.

REP. PARKER: (31st)

Thank you. Does it also exclude the listing of cleaning substances that a manufacturer may have or would he have to include all toxic substances on the property or only those used in the manufacturing process?

REP. ADAMO: (116th)

Through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Adamo.

REP. ADAMO: (116th)

I believe he would have to list them all as they were on the property.

REP. PARKER: (31st)

Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further on the bill? Will you remark further on the bill as amended? If not, will

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members please be seated. Will staff and guests come to well of the House. The machine will be opened.

COMPAR: The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

REP. Q: Have all the members voted? Have all the members voted? If so, the machine will be locked, and the Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

House Bill 5843, as amended by House Amendment Schedule "A".

Total number voting	147
Subject Necessary for passage	74
Those voting yea	147
Those voting nay	0
Those absent and not voting	4

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Calendar page 11, Calendar No. 757, File 666, Substitute for Senate Bill 989, AN ACT AUTHORIZING THE

JOINT
STANDING
COMMITTEE
HEARINGS

LABOR &
PUBLIC
EMPLOYEES

PART 3

634-920

1983

MR. MC CARTHY: (continued)

House Bill 5843, An Act Concerning the Compliance with Education and Training Requirements for Work Placed Toxics addresses the subject of some debate last year when the General Assembly successfully passed what was referred to as the Worker's Right to Know and part of the bill as passed last year involved the Labor Department.

Before the bill was dealt with by the Senate last year there was some question with regard to an employer which had a lack of information with regard to certain substances in the workplace and language was entered that an employer would have the right to ask the Labor Department, the OSHA Division, to provide some material information which they in turn could give to their employees with regard to the proper handling, usage and working safely with a certain substance.

As you know, that part of the law does not become effective until July 1 of this year.

My reading of 5843, I feel that 5843 would substitute the employer/employee relationship for -- and put the Labor Department in the circumstance once they had given information, should there be any question on the information, should the employees feel was incomplete, not up to date, not properly to the point, whatever objection that may occur, we feel very strongly that that is an employer/employee question and should be dealt with by those two parties and not, in our reading of the bill, interject the Labor Department, where we would be in a position of arguing with employees over whether, whose information, theirs or the employers would correct with regard to the workplace.

I'd just like to footnote this that by saying over the past summer, some very large and extremely expert companies in the chemical field, companies who have invented more chemicals than I've read about, asked information from the State Labor Department with regard to some of these very chemicals.

To me I think there is a possible problem here of a corporation with a great deal of expertise, attempting to evade their responsibility and place in the Labor Department as the responsible party under the law. I don't believe

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MR. MC CARTHY: (continued)

that that would be effective properly. As you know, there's no funding with this particular piece of legislation and I think it's properly between the parties and would not like to see the Labor Department taking the place of the employer with regard to their employees.

Those are the only comments I have, Mr. Chairman.

REP. KINER: Thank you, John. I don't believe there are any questions from the Committee. Joining us are Representative Hurd and Senator Morton.

The next person to give testimony is Tim Morse followed by Joseph Bober.

TIM MORSE: Good afternoon. Thank you for hearing my testimony. I'm Timothy Morse. I'm with -- associate director of the New Directions Program in Worker Education on Occupational Health, University of Connecticut Health Center. I submitted copies of my testimony so I'll just paraphrase and take any questions that you might have.

I'd like to testify on House Bill 5843, which -- and its potential effects on Worker Right-to-Know Law. It appears to me that the proposed bill could seriously undermine information provisions of the Right-to-Know Law and I'd like to speak briefly to how that might happen.

The bill states that if any employer provides to his or her workers the information that the Labor Department provides the employer, that the employer will be in compliance with the Right-to-Know Law. The entire law is the way it is phrased.

First of all, I agree with John McCarthy who just spoke that it's a problem and that it places a primary responsibility on the Labor Department rather than the employer to provide the education. And I think that that's misplaced, particularly without an appropriation -- a major appropriation for the Labor Department. To expect the Labor Department to provide the information to the states, over 4,000 or 5,000 manufacturers alone on the all the toxics that they have is a huge task, that I think would be -- and

MR. MORSE: (continued)

the enormity of the task I think would become very apparent in the five days following June 1 when the bill goes into effect.

Also some of the more specific consequences would go from some of the specific information that the Right-to-Know Now requires.

The Right-to-Know Law that's in now says that the employer has to provide seven different categories of information. First is the generic or chemical name, second is the location of the substance, third is the chemical properties of the substance, fourth are the acute and chronic effects of the substance, fifth is emergency treatment for exposure to the substance, sixth is proper handling procedures and seven is proper clean-up procedures for leaks.

Now if you say that the only information that the employer would have to provide would be that provided by the Labor Department, the Labor Department really could only provide clear information on the chemical properties of the substance and the acute and chronic effects of the substance.

They could always speak in general terms about emergency treatment and proper handling procedures and proper clean-up procedures. Only the employer has the information available so that he could give the employee the location of the substance, specific emergency treatment such as where first aid kits are, eyewash stations, all that kind of information, proper handling procedures likewise can only be done by the employer. It cannot be done by the Labor Department. The Labor Department can instruct an employee on how to operate a degreasing machine safely and without, you know, exposing himself to major amounts of a chemical.

And the same with all the other complicated industrial equipment that's in the state. There's no way that the Labor Department could pass out information to employers that would train workers in how to handle these chemicals safely which is the intent of the law. A large portion of the law where the training requirements that only an employer can do. That the Labor Department can't give. Might make some sense that the Labor Department draw up some fact sheets

MR. MORSE: (continued)

on acute and chronic effects of the chemicals. That's something that the Labor Department could do and would actually be probably a less biased source than a lot of material safety data sheets that the employers rely on.

But can't really expect them to do that without an appropriation, No. 1, and No. 2, you can't expect them to do any of these other things, which the law requires.

Also without an appropriate and without having start-up time to get these kinds of materials ready, there could be very major problems in the five-day period which is required that an employee has to be told within five days of a request or else the employee can refuse to work with the substance.

There is no way that you can expect the Labor Department on July 1, when they're given all these requests all at once, and even further on down the line (inaudible) workers refusing to work with chemicals and with manufacturers and employers not getting the information.

There's also I think a potential problem in terms of the community access provision which allows citizens to get information from the Labor Department through the Freedom of Information Act and this is based on the annual reporting requirements of employers to the Labor Department.

The proposed bill says that if companies just give their employees the information that the Labor Department gives to them, that they're in compliance with the total law, which means -- and part of that law is the reporting requirements of the Labor Department.

It appears to me that it could be interpreted that if they get the information from the Labor Department and give it to their employees, then they don't have to report to the Labor Department what all the toxic chemicals they use are and that undermines that community access provision.

I think also there could be a big problem if the intent of this bill is to help small employers, the ones that are really going to swamp the Labor Department would be the large employers that call and ask for 300 of the 400 OSHA

MR. MORSE: (continued)

regulated substances and ask for all their information on it and they'll just get totally swamped and they'll be less resources for small employers to use who legitimately could use the service.

I'll just stop there and answer any questions that anybody might have.

REP. KINER: Thank you, Tim. Are there any questions from the members of the Committee? I don't think so, Tim. Thank you. Joseph Bober...

JOSEPH BOBER: Mr. Chairman, I urgently ask you to allow Morris Tonken who is the Chairman of the Employment Security Board of Review to speak before I speak. He is listed there, but he is listed further down. Is that okay?

REP. KINER: Yes, sir.

MORRIS TONKEN: I'm Morris Tonken. I'm Chairman of the Employment Security Board of Review. I'm here to register certain protests to Committee Bill No. 556, not all of the bill, of course, but with respect to only certain parts of it.

I address myself first to the amendment contained on line 29, dealing with a change to a full-time status for all members of the Board of Review.

For comparison purposes, the present Board of Review is made up of three individuals, the Chairman of the Board being the only permanent, full-time civil service employee. The remaining two employees, being per diem employees.

This bill proposed on line 29 to have all of the members of the Board of Review serve in a full-time capacity. As Chairman of the Board of Review, I have certain reservations about this provision, I don't think it's necessary to have all three members serving on a full-time basis.

I think the provision for a change to full-time status is the result of a recommendation of the Program, Review and

MR. SPRINGER: (continued)
certainty in budgeting because of inconclusive negotiations. Senate Bill 907 provides for the negotiation, mediation and fact finding and agreement to take place at a time for legislative approval. It provides for binding arbitration to resolve impasse and a limited right to strike if the arbitration award is rejected by two-thirds of the legislature or two-thirds of the membership of the union voted. The bill is less than we would want.

We would have prepared to see the health and safety limitations removed from the bill and let us be clear that the right to strike is not a license to strike but a way of making sure that negotiations are carried on between equals, a way of making sure that both parties only agreement under which they must work and that neither party feels that the agreement was imposed. The evidence is that strikes occur in less than five percent of those situations where the unions right to strike is protected by law. The bill is not perfect. To see if the executive vice president will discuss some of the areas it could be improved, we would like to work with you and other interested parties to improve this bill.

We believe there is a potential of great good. We support House Bill 5858 and that's concerning payment for hospitals for costs of consultants hired for unionization disputes. Our experience is representing health care workers in Connecticut convinces us of the need for legislation that prevents the taxpayers subsidizing union-busting activities. Even as the union cannot expect to be reimbursed by the government for organizing costs, health care facilities should not be reimbursed for activities entered into to prevent their employees from organizing into unions. Reimbursement would be especially inappropriate for activity engaged in by consultants that were not protected by law.

CSFT urges you to act favorably on House Bill 5858. We oppose House Bill 5843 because it would in effect gut existing legislation Public Act 8251. It would remove from the heart of that legislation provisions that provide for an employer informing its employees of dangers and protecting their safety. We urge rejection of this bill. I thank you.

MS. TIANTI: (continued)
 was in fact a definition last year. We believe that the State Board of Labor Relations has done a good job in defining those people to be excluded on the basis of department heads because they look to the duties of the individual rather than to the titles. There are some municipalities that have a one person department and the person is the department head. We think that this is not something that can in fact be written into law but rather should have the broad definition of department head and that the State Board of Labor Relation has consistently made those determinations based on the actual duties of the individuals involved and we would urge you to leave the legislation as it is and to box 6909.

Finally, I would like to register our support for House Bill 5858, An Act Concerning Payments to Hospitals for the Costs of Consultants in Mediation Disputes. I think it's been addressed by George Springer already but certainly I find it repugnant as a person who is very much committed to the whole concept of collective bargaining that my tax dollars as they are paid to the state and ultimately to the health care institutions that they can use these monies to totally counter, if you will, that principle of the right of employees to be represented through -- representatives of their own choice. I think the -- for an employer, hospital if you will, to use monies which are public monies to fund union busing and then pass it on particularly in these tough financial times is in fact an injustice and I would urge that you give favorable consideration to HB 5858. Thank you.

REP. KINER: Thank you, Betty. Are there any questions from the Committee? Henry Murray followed by Mike Ferruci.

HB 5843

HENRY MURRAY: Representative Kiner, Senator Harper, members of the Committee, my name is Henry Murray. I'm an international representative of the United Automobile Workers Union. I'm speaking here today as vice-chairman of the Connecticut Council on Occupational Safety and Health, a statewide membership organization representing concerned health care professionals, unions and citizen groups concerned about occupational health and safety in our state.

We have provided the Committee with written remarks by our

MR. MURRAY: (continued)
chairman, Chip Stewart of the Steelworkers Union who couldn't be here today. We are here to oppose House Bill 5843. As a bit of background, this Committee is more aware than most that the keen interest and support that our council played last year in raising the Workers Right to Know Bill. Working with the Committee through the period of compromise and seeing it enacted into law after a great deal of compromise, almost unanimously by both Houses of the General Assembly. It wasn't a perfect bill. We would have liked to have seen the bill stronger.

We support the bill, we support the public act. We think it was a positive first step ensuring that Connecticut workers have the right to know what sorts of toxic and hazardous substances they work with in the work place and more importantly that the employer and employees take steps to reduce that exposure. We could have come here in this session of the legislature and raised bills to strengthen some of the deficiencies we saw in last year's act, but we didn't do that for a very, very important principle that we support and we hope the members of the Committee support. That this public act hasn't even taken effect yet. It takes effect in July 1 of this year. Our council believes as do our member organizations that this bill, that this public act ought to have an opportunity to work, that our council and other organizations in the legislature ought to be able to give this public act the right to know the time to be able to see where it needs to be strengthened. We would have hoped that those individuals who criticized the bill last year, those members of the business community who participated in those compromise sessions would have done the same thing.

Instead we get House Bill 5843 which our council characterizes as an insidious attempt to undermine the intent of the legislature enacted last year in ensuring that workers have the right to know. I think John McCarthy of the Labor Department and Tim Morris of the University of Connecticut have done an admiral job in explaining what the deficiencies of this bill are in relationship to the Connecticut State Labor Department. Our council would go on record, however, stating that far beyond the shifting of the burden to the Connecticut Department of Labor a burden of which the framers of the bill never intended and

MR. MURRAY: (continued)
the legislature didn't intend when it enacted. We think that this bill as stated in the intended purpose is to make clear what this bill simply makes clear is that the intent of the legislature is going to be thwarted by putting in a few words at the end of Section D contained in Section Four, subsection D of the public act. We oppose this bill. We think that the wisdom on the Committee in this legislation will kill this bill before it leaves the Committee.

Let the public act pass last year, the Connecticut Right to Know Bill see the light of day, have it work, find out what the deficiencies are and at that point have the legislature and those groups that are concerned come back and find out how to strengthen the bill in subsequent sessions of the legislature.

We also want to go on record, Mr. Chairman, in support of the Raised committee Bill No. 849, that Ray spoke of earlier, which would also extend a very, very important right to know to the firefighters of the State of Connecticut who are engaged in one of the most hazardous occupations when fire actually strikes. I'd be happy to take any questions from the Committee.

REP. KINER: Thank you, Henry. Mike Ferruci followed by Dr. Laurie Welch.

MIKE FERRUCI: Representative Kiner, Senator Harper, members of the Committee, my name is Michael Ferruci. I'm the staff representative with the American Federation of State County Municipal Employees, better known as AFSCME, Council Number Four, which represents in excess of 25,000 public employees. I'm here today to speak briefly on several of the bills starting with Senate Bill 149 which our union supports as at least a step in the right direction.

Hopefully, this bill which deals with the retirees or those retired under the MERF plan would provide them with some means of adjusting their retirement salaries. While the current law was well-intentioned to provide a mechanism to deliver them a cost of living adjustment on their retirement income, it wound up being something like a

MR. FERRUCI: (continued)

that it got to the point that when finally the state's bargainer said when they finally reached tentative agreement with the master unit that we're not going any further, you take it or leave it, that which they negotiated with the other unit. And at that point, which some very critical security and safety issues on our table became unresolved, we were not about to take it, and unfortunately, we wound up with a strike in the very first year under the act.

It was an illegal strike. It was messy. It got involved in all kinds of legal ramifications. We wound up in court and it was a terrible experience. So, hopefully, the Senate Bill 907 will at least send us in the right direction to finally put a final mechanism to the state act.

Briefly on Senate Bill 908 which our unit supports, here the delays that are now becoming normal in the fact finding process in the municipal sector is causing great concerns to our organization. We have over 250 contracts, most of which are in the municipal sector, so we obviously get involved in many, many fact finding situations and I do not know of one case where the fact finders request for an extension was denied because there was no cause. In fact, in the typical case, a typical case, fact finders make routine requests for extensions and they're monthly extensions of in excess of three to five extensions, three to five months and hopefully we'll get that corrected in this session.

And finally, we're here to oppose House Bill 6909 simply based on our belief that this process rightfully belongs to the State Board of Labor Relations for determination. Thank you.

REP. KINER: Thank you, Mike. Dr. Laurie Welch followed by Larry Fox.

DR. LAURIE WELCH: Members of the Labor Committee, I'm Laurie Welch, a physician with the Occupational Medicine Program at Yale University School of Medicine. I came here today to speak against House Bill 5843 the proposed amendment to the Right to Know Law.

DR. WELCH: (continued)

The two basic points I'd like to make about the proposed amendment, firstly, I'd like to reemphasize what's been said before by prior speakers that what this amendment does in essence is interfere with the ability to get any enforcement out of the Right to Know Bill. The amendment says in essence that the employer is only obligated to provide information on the designated substances if the employers receive such information from the Department of Labor.

If the Department of Labor has no information on a substance or has not provided it to an employer, the employer is not obligated to obtain it from another source nor obligated to provide any other information to an employee. It essentially shifts the burden of compliance to the Department of Labor and I'm sure this is not the intent of the legislature. Secondly, I'd like to reemphasize the importance of the law as it stands from my point of view as a clinician practicing occupational medicine. What my job is is to determine if the patient's illness is caused by or aggravated by work and to make therapeutic interventions based on that diagnosis.

To make a correct diagnosis, I need accurate exposure information. I can ask a patient what medication he takes and he will easily give me a list I can look up in a book for the possible adverse side effects would be and I could make some therapeutic interventions that way, however, in general, when I ask a patient whose a worker what substances he uses on the job, he can only say solvents or a chemical and I can't take that information and look it up and see what the possible ill effects are.

Obviously, this impedes my ability to diagnose and treat his illness if it's related to some exposure on the job. And this isn't any implication, if I feel strongly an illness is work-related, I may need to remove a patient from a job without being able to identify the specific hazard. Let me give you an example, this is just one case of what we see every week. I recently saw a young woman with a recent onset of asthma. Asthma is a disease that we know is in many cases caused by some on the job exposure and she described asthma that much improved on vacation on weekends and clearly worsened by exposure on the job.

DR. WELCH: (continued)

However, she has no information on the substances that she works with. So instead of being able to knowledgeably recommend a job transfer to some other job where that one -- there's probably only one offending substance where that one offending substance doesn't exist. I may have to say that she'll leave that industry all together because I can't figure out of the many things she works with what the substance is because I don't have the names and I don't have the information.

And what the Right to Know Bill was designed to do and would do is give this worker access to what she works with so I can have that information. And in addition, without that information, I can't make recommendations to prevent the development of asthma in her coworkers so I can sit back and be frustrated with the fact that someone else is going to get sick in that same workshop.

And I could spend hours describing similar cases to you where the information of on the job exposures crucial medical information is not available to me. And lack of this information impedes my ability to be a competent treating physician. The Right to Know Law as it stands is a crucial piece of legislation which will help correct this problem. I urge you to leave the law as it stands and not weaken it with the proposed amendment. I'd be happy to take any questions. Thank you.

REP. KINER: Thank you, Doctor. I don't believe there are any questions from the Committee members. Merrilee

Millstein followed by Patrick Carroll.

(SB 901)

MERRILEE MILLSTEIN: My name is Merrilee Millstein. I'm here representing the New England Health Care Employees Union, District 1199. We represent approximately 13,000 health care employees in the state and 7,500 of them work for the State of Connecticut and obviously we're very, very concerned with the Impasse Resolution Bill that's being heard today. Basically, we are along with the other unions that have spoken today support the concept of impasse resolution. We believe that for the last three years and the members of the Labor Committee that have been around that long know we've spent many long hours trying to work out details of an impasse resolution. We support the right to strike for

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MS. MILLSTEIN: (continued)

fact that the hospitals don't even have to disclose how much they spend on management consultant firms, I have some documentation, it was a bill and it's not -- this information is not easy to come by -- in 1978 a hospital in Pennsylvania for a period of one month where they only used five consultants the bill for the hospital was \$62,000. That's one month. At St. Raphael's in New Haven they had consultants on for over three years if you add up the different organization drives that went on. At St. Mary's Hospital in Waterbury, they had the same management consultant firm was there at least two years.

We had two elections that were overturned by the National Labor Relations Board and we know that the hospital -- if you just figure that this was 1978 with inflation, you can imagine how much it costs. Is it really fair to ask the taxpayers of this state to pay those exorbitant costs of discouraging people and intimidating people away from their basic rights of unionization.

Lastly, I would like to just go on record as being opposed to House Bill 5843 that the bill that the Connecticut Right to Know Law was precedent setting, it was a significant bill and any attempt to erode that act we would oppose. Thank you.

REP. KINER: Merrilee, I'd like to ask one question of you if I may. It concerns 5858, the Hospital Cost Bill. So often on the floor of the House, we're caught in semantic debates and I would like to question you as to how you would define the word primary on line 39 of the bill. The Commissioner shall not consider amounts paid by the facilities to employees as salary or to consultants as fees for the primary responsibility of the employees or consultants is to persuade or seek to persuade and so forth and so on.

MS. MILLSTEIN: We're specifically talking about outside consultants that are called in during an organizing drive or right prior to an organizing drive that are used to work with supervisors to dissuade people from joining the union.

REP. KINER: So the word primary refers back to the consultants and not the employees?

MR. CAROLAN: (continued)

to settle the contract. This is just one example of the state's refusal to negotiate to bargain in good faith. We could give you many other examples that would keep you here all night. We feel that we should have the same rights as other workers. And the only way the state will be required to negotiate equally is if there is a method for impasse resolutions. Thank you.

REP. KINER: Thank you, sir. Connie Cortes followed by
Brendon Kennedy.

CONNIE CORTES: Good afternoon, members of the Committee. I am here to testify unfavorably to the House Bill 5843, An Act Concerning Compliance with Education and Training Requirements for Work Place

My name is Conception Cortes, I am a registered nurse with a particular interest in community health. The process of community health nursing is defined by the American Nurses' Association, includes health promotion, health maintenance, health education, an awareness of social and ecological issues and the use of dynamic forces to influence change. These goals are incorporated into the overall plan of care specialized for a specific group.

For example, a newly diagnosed diabetic is dependent upon the health care system to teach him the necessary techniques for continued health promotion and maintenance. When I do diet counseling I instruct the person to read the ingredients list on all foods. This list will indicate whether sugar or any of its forms has been added. When sugar is an additive and the diabetic knows that the product is particularly harmful to his body and so should be avoided. With this sort of education, the person is given the opportunity make an intelligent choice. No one should question a diabetic's right to know whether or not a product contains sugar. Unfortunately, this concept of one's right to know what we are exposed to daily is not universal. We are all workers and within our work places we are not always educated about the products or machines we use or about the immediate environment's existent or potential hazards. We are not taught about the various methods we might use to protect ourselves. Labels on containers are usually nonexistent or insufficient at best. Without this information how can we

MS. CORTES: (continued)
make an intelligent decision. Three years ago my father, Angel Cortes, was diagnosed with lung cancer. The cancer was inoperable and poorly responsive to treatment. An occupational history revealed a 25 year exposure to asbetos. During those 25 years no one suggested to him that asbetos might be harmful. No one offered him any type of protection. He was not given the opportunity to make an intelligence decision. His right to know had never been considered. Father died a year ago.

This story is personal but it is by no means unique. Our quality of life is continuously comprised. Companies will often cite cost benefit analysis to avoid protective standards. Legislative loopholes are used to protect trade secrets. And the bottom line is that our right to know is denied. We are a dynamic force and we are morally responsible for our brothers' well being. It is this love of life, this compassion and brotherhood that is the ultimate prize of being human.

REP. KINER: Thank you, Connie. Brendan Kennedy,
Followed by Larry Fox.

BRENDAN KENNEDY: Mr. Chairman, members of the Labor Committee, my name is Brendan Kennedy, I am the majority leader of the New Britain City Council and I am here today to speak in favor of Committee Bill 149, An Act Establishing a Minimum Annual Cost of Living Allowance for Retarded Members of the Municipal Employees Retirement Fund. The New Britain City Council at the meeting scheduled tomorrow evening will act on a resolution supporting the intent of Committee Bill 149 relating to this guarantee of an annual cost of living. I think the record would indicate in looking at the past history including last year's increase of close to I believe it was one-half of 1% that we are just looking to help the retirees that have given years of dedicated service to the community, some type of permanency to their annual cost of living. And I think that with the support of the other members of the New Britain City Council, we will then forward a copy of that resolution to this Committee for your consideration during deliberations. And Mr. Kiner and Senator Harper, I'd be glad to answer any questions you might have at this time.

MR. WILLIAMS: (continued)

sound judgments in representation elections. Some of the methods are supervisory harrassment, threats, fear tactics, intimidation, and in many health care facilities pressure is continually put on the employees, they are pulled off the floor, leaving units short staffed for the entire day. These are not isolated examples. We were involved in an election last year, in the Windham Community Hospital where the administration had hired an anti-union consultant and the consultant with the hospital personnel created really so many violations that the National Labor Relations Board overturned the election results and awarded another election to us which we subsequently won.

And we are concerned with the high cost of health care. The patient should not be expected to subsidize this kind of illegal activity. Other states, Massachusetts and California, for example, have already passed similar legislation. So we would urge your support of this important bill. We also have several corrections about House Bill 7015, An Act Concerning Examinations for Physicians in the State Classified System. These concerns arise from lines 32 to 39. And if this new section means that a department head or agency head could reject an examination and the Department of Administrative Services has to refine or redo the examination, then the legislation would probably be acceptable. But as we read the legislation, it looks as if an agency head could reject the examination and then appoint whoever they wanted to in that position, which would then be sabotaging the entire merit selection and examination system.

We also support as House Bill 5829, An Act Concerning Whistle Blowing by State Employees. We would urge you to reject House Bill 5843, An Act Concerning Clients with Educational and Training Requirements about the legislation that was passed last year. Thank you very much.

SEN. HARPER: Any questions. Thank you, Barry. Patty Evertt followed by Mary Restelli. Patty Evertt, has she left. Mary, go the microphone in back of you. It says minority leader on it. Before Mrs. Restelli speaks, let me

DAVE PORTEOUS: Thank you. Representative Gelsi, remaining members of the Committee. For the records also, Porteous is spelled P O R T E O U S. I was asked to say that. I am a member of the University of Connecticut Professional Employees Association. And first of all, before getting to my main topic, I do want to register opposition to House Bill 5843.

What I'd like to speak to briefly is Senate Bill No. 907, the Impasse Resolution Bill. Out of my personal experience at the university, clearly we are unionized, first of all because we can't be assured on a consistent basis of fair and equitable treatment on such things as raises, promotions, job assignment, comparable pay for comparable work and the like. Given that we must be unionized under these conditions, we are in a no win situation with regard to the collective bargaining laws in Connecticut at this time. On negotiations if we don't like management demands, and they won't change, we can stall, hurting ourselves. If management doesn't like our demands, they have the same option, stall. Until we hurt enough to give in. I have waited for -- in one case six months, in another case nine months before the expected raises came through.

The only recourse we have to impasse at this point in time and impasse being defined as either a mutual issue, one to which we both agree the union and the management at an impasse or stonewalling by the administration, the only recourse we have is to inflict a wound on ourselves. Which is simply to stall because we can't strike, and there is no recourse for them, no carrot and no stick to honestly, fairly, and conclusively negotiating. Therefore, I simply ask from some difficult experiences that I've had that you, from the standpoint of negotiating let alone the other issues that have been addressed here, about unfair labor practices, please do pass favorably on Senate Bill 907. Thank you.

REP. GELSI: Thank you, sir, are there any questions. From the Committee. Thank you. David Parker and I believe the next speaker is George Conrad, I believe. Is it George Conrad. DeFranzo. Peter Brown.

PETER BROWN: Mr. Chairman, my name is Peter Brown, I'm president of Stamford Firefighters Local 786, International

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REP. GELSI: The Committee has been joined by Senator Matthews. We have James Ferguson.

JAMES FERGUSON: Mr. Chairman, my name is James Ferguson, I'm a firefighter in the Stamford Fire Department. I am here to speak in favor of Committee Bill 849. Because I was recently affected by being left in the dark by not knowing the type of chemical stored in different industrial areas. We responded to a fire in a chemical building. And we saw heavy smoke coming from the building. We started to make initial sizeup to see if placards or any other information was posted on the outside of the building or other information as to what was in this building. While we were investigating with the other firefighters, an explosion occurred and were severely burned by the chemicals and the fire that erupted. We were sent out to a burn unit, we spent a month, a month and one-half in a burn unit, we're going back three times a week for therapy and it hasn't been a very pleasant experience.

Other firefighters were also sent to the hospital by inhaling the toxic fumes. So in closing, an enactment of this bill will help considerably to protect firefighters and to help extinguishment of fires in these chemical buildings. Thank you.

REP. GELSI: Any questions by members of the Committee. Thank you very much. Pete, I believe, it's Metcalf. From CTCOSH. M E D O L F F. Jimmy Stewart. Steve Denoy. Bernie McKinnon.

BERNIE MCKINNON: Senator Harper, Representative Kiner, members of the Committee. My name is Bernie McKinnon, I'm the president of the UAW State CAP Council. And I'm here to speak in opposition to House Bill 5843 for all the reasons that were previously stated rather than going through all that again, I'm in favor of House Bill 5858, For most of the same reasons stated earlier. Rather than reading all of this testimony, I'm sure you have plenty of it there already. I'd also to speak in favor of House Bill 5833, Which is a bill for fixed shifts for state police. I wasn't asked to do this but I've seen many surveys and studies done on the effects of people who change shifts periodically and in these studies they suggested that there is much less

REP. KINER: Thank you sir. Sumner Kaufman followed by Henry Ward.

SUMNER KAUFMAN: Chairman Harper, Chairman Kiner, Vice-Chairman Gelsi, members of the Labor Committee. My name is Sumner Kaufman, and I'm Manager of Safety and Environment for the American Cyanamid Company at Danbury, Connecticut. The opportunity to make a statement this evening concerning House Bill 5843 and Senate Bill 849 is appreciated.

The American Cyanamid Company operates four plant locations in Connecticut. These sites are located in Wallingford, Danbury with two in Stamford. They employ 2,300 people with a total of \$50,000,000 in wages and salaries each year. The company purchases \$27,000,000 in goods and services and pays \$2,300,000 in local and state taxes. Cyanamid produces a broad spectrum of products in Connecticut to service the paper, textile, automotive, paint, rubber, pharmaceutical, medical and plastics industries. In addition central research and development for many corporate requirements are conducted in Stamford.

I thank you for this opportunity to presents these comments which seek to affect improving amendments to Public Act 82-251. Public Act 82-251 was enacted last year following active participation by my company and others who strongly support the concept of employee awareness of workplace hazards. After that cooperative effort and late in the legislative process, amendments were added which provided us no time for comment. Recognizing then that corrections might be warranted, this committee provided for a one year delay in implementation, with most of the elements becoming effective on July 1, 1983. I would like to address four areas of concern which follow our efforts to comply with the law over the past year.

1. Employee Notice -- The law now requires that unless an employer provides information requested by an employee within five days, the employer shall not require the employee to work with the substance. The principal source of hazards information on the chemicals in question is the supplier or vendor. If the material in question is a formulation, mixture or blend, the full information may not be immediatley available in which case the five period is unreasonable and unrealistic. Federal regulation

MR. KAUFMAN: (Continued)

recognizes this problem and provides 15 days for information for transmittal. Anyone who deals with the U.S. Postal Service must appreciate the need as well. It takes five days to go across town. Further, some of the statutory information may be readily available while the remainder is not. A good faith effort by the employer in seeking and providing the information should be recognized in the law.

2. Research Laboratory Exclusion -- The law now includes laboratories within its coverage. We believe that research laboratories not producing for commerce should be excluded because -

Quantities of chemicals involved are usually small; the use of those chemicals is short term; and, those using or handling the materials are technically trained scientists who by education or experience are knowledgeable in the needs for caution in dealing with chemicals.

3. Definition of Employee Exposure -- The law defines employee as "one who may be exposed," but fails to define exposure, which term has a special meaning in the field of industrial hygiene. A contaminant in the air at a workplace site may be detectable by very sensitive instruments 1,000 feet away. An employee there may be said to be exposed but is in no harm and at no risk. Employees who need to know the hazards involved and how to recognize and appropriately respond to emergencies are those by assignment routinely use and handle the material or may be present or called on at times of accidents, spill or unplanned discharge. Office workers, clerks, security personnel and others who are transient to the area should not be burdened with the training requirements of the law.

4. Labelling of Containers -- The law requires all containers holding listed materials to be labelled "TOXIC." In fact, the list of referenced chemicals, the OSHA Z List, is list of toxic and hazardous substances. Now, there is a real difference between TOXIC (poisonous) and HAZARDOUS (dangerous) which should be recognized and observed. The indiscriminate use of TOXIC will surely dilute its impact and frustrate the intent of the law. Such a requirement fails to recognize degree of hazard by requiring that things like metallic silver, cotton dust, iodine, propane and gasoline products be identified as toxic.

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MR. KAUFMAN: (Continued)

I submit that each may be hazardous in certain forms but to label them toxic is unwarranted. A label which identifies the material in the container by its name and hazard, meeting the requirements of federal law, is far more meaningful than a sign that says "TOXIC." In terms of Senate Bill 849, An Act Concerning Notification to Local Fire Marshalls of the Presence of Dangerous Substances in Business Establishments, we would like to make the following comments. Assuming reasonable provisions for protection of trade secrets, American Cyanamid Company supports fully legislation that would give responsible public officials and fire fighters access to information on dangerous substances that they might be exposed to in an emergency.

We do that in Danbury right now, you may be aware of a Danbury ordinance which becomes effective on the first of April. We helped in the preparation of that document and many of the comments that were made today have been included in that Danbury ordinance. They are not part of the current Raised Bill. Compliance with Senate Bill 849 as it is now drafted would pose an enormous burden on laboratories, including industrial, university, secondary schools, hospitals, and others. Clearly some kind of exemptions or minimum reportable quantities must be written into the law to cover laboratory use.

To highlight the problem of laboratories complying with the proposal we might note the situation at our Stamford Research Labs in Stamford. Here we have well over 100 individual laboratories where flammables and other materials reportable under the proposed law are used or stored. Quantities vary from fractions of an ounce up to 10 gallons or more. Company standards prescribe maximum quantities, permissible containers and other conditions for safe storage. Some of these laboratories would have dozens, if not hundreds, of materials to report. Reporting the exact location in a facility of small quantities would impose a large burden on the laboratory and a similar burden on local safety officials who would be required to process this information. Moreover, most of the reporting would serve no useful purpose.

The categories of dangerous substances and the definitions in Bill 849 are not appropriate. The categorization of hazardous materials is complex and needs

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REP. KINER: (continued)

Committee, I think what we would like to do is perhaps sit down with representatives from the chemical companies in the state with our firefighters and of course with members of the Labor Committee to work out some kind of legislation that would be acceptable to all.

And I would just like to, for the record, sir, just state one other item. You stated that last year, regards to the toxic bill, that amendments were being added leaving you no room to comment. I would simply remind you. I'm not sure if you're one of the people involved in that particular piece of legislation, but I know that Senator Skelley and myself sat down with representatives of the chemical companies at great lengths prior to the coming out of that particular piece of legislation so that I think the chemical companies did have an opportunity to discuss your particular questions. Thank you.

MR. KAUFMAN: May I respond?

REP. KINER: Yes, sir, you may.

MR. KAUFMAN: I would welcome the opportunity to sit down with the Committee and firefighters, Representative, and work out some of the problems that we have with 849. In terms of the bill as it was passed last year, there were changes made to the -- what was then a proposal -- that we were not aware of until very late in the game and really had no opportunity to review and respond and we thought -- we had a year to work with the law as it was passed and we have done that.

My company has and others that I am familiar with have and there are defects that we would like to see approved. That's why we're here.

REP. KINER: Thank you, Mr. Kaufman. Henry Ward followed by Dona'd Kiley.

HB 5843

HENRY WARD: Chairman Kiner, Vice-Chairman Gelsi, members of the Labor Committee. My name is Henry Ward. I am a chemist and an industrial hygienist by training. I'm currently the Manager of Environmental Projects for Stauffer Chemical

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MR. WARD: (continued)

Company in Westport. We manufacture chemicals for use in many fields including agriculture, industry, transportation, food ingredients and others. Worldwide, Stauffer employs more than 10,000 people. In Connecticut, our corporate headquarters and Environmental Health Center, employ approximately 1,000 people.

Stauffer has long recognized that workers have a right and a need to know about the potential hazards of chemicals in the workplace. To that end, Stauffer has included effective chemical hazards communications programs as an integral part of our approach to maintaining safe and healthful workplaces for many years. Stauffer, together with most of the chemical industry, supports the informed use of all chemicals in the workplace and welcomes the opportunity to work with the state legislators to help draft reasonable and effective right-to-know legislation.

We believe that Connecticut's Public Act 82-251 which was passed last year, focuses on those substances with true hazard potential, and establishes guidelines for practical training programs in manufacturing facilities. Many of the general features and concepts of the Act have already been incorporated within Stauffer's chemical hazards communication programs.

However, the Act has some disadvantages with respect to research facilities which are working to discover and develop new beneficial products and technologies. Therefore, we are suggesting that Connecticut follow the lead of states such as California and Michigan in exempting research laboratories from the requirements of this Act.

The reasons for suggesting such an exemption are as follows:

First, a research laboratory employs people who, because of their education, training, or experience are aware of the hazards involved in handling toxic chemicals. In addition, research activities are commonly supervised by individuals with even more extensive training. A recent American Chemical Society survey confirmed that most laboratory workers are highly trained, finding that better than 73 percent of all

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MR. WARD: (continued)

laboratory workers have at least a bachelor's degree. The survey also showed that fewer than eight percent of all industrial laboratory workers were employed where there were no written safety programs.

The second point, is that conditions in a research laboratory change frequently and substantially. The American Chemical Society survey showed that the use of toxic chemicals in laboratories tend to be in very small quantities for limited amounts of time and again are used by professionals and informed workers. Under those conditions, the nature and frequency of training can best be determined by the professionals familiar with the laboratory in question and its unique circumstances.

The third point is with respect to the Act's requirement that a chemical inventory or list be developed. It should be noted that the inventory of substances used in a research laboratory is constantly changing. As each new project is initiated, a new set of substances is examined and utilized.

The fourth point is that most research laboratories have adopted sound work practice rules, as generally described in the National Research Council's text, "Prudent Practices for Handling Hazardous Chemicals in Laboratories." Stauffer's laboratory worker safety and health programs include hazard assessments of new substances and methods before introduction; employee training; periodic medical surveillance and periodic ventilation system inspections to insure that the laboratory hoods are functioning properly.

Research laboratories are indeed unique workplaces, with job safety and health considerations very different from other workplaces, especially manufacturing facilities. For these reasons and based on the excellent safety and health experience at our own research laboratories and the results of a recent DuPont epidemiological study of chemists, we believe that it is not necessary nor appropriate to include research laboratories within the scope of this law.

We therefore suggest that the committee include in HB 5843 a sectopm wpi;d wpi;d a,emd kib;occt 82-251 as follows:

MR. WARD: (continued)

Notwithstanding any language to the contrary, the provisions of this Act shall not apply with regard to a laboratory primarily engaged in research in which a toxic substance is used by or under the direct supervision of a technically qualified individual providing that the toxic substance is not produced in the laboratory for commercial sale.

I am submitting to you copies of the sections of Michigan and California laws pertaining to exemptions for laboratories.

I am also submitting a portion of the preamble to Federal OSHA's proposed hazard communication rule in which OSHA explains why activities in research labs should be exempt from coverage.

Thank you for your consideration of this matter.

REP. GELSI: Representative Kiner has a question Mr. Ward.

REP. KINER: How would you define a research lab?

MR. WARD: A research lab by our definition would be one whose function is to work on the development of new products. I believe in my testimony I addressed that.

REP. KINER: Okay, following through then with that definition, would Stauffer's then be considered a research lab?

MR. WARD: Our facility in Farmington, our Environment Health Center, conducts toxicology testing to support our new product development programs, and given that, we consider that to be a research laboratory.

REP. KINER: Then indeed if this were to pass Stauffer's would be eliminated from the Act?

MR. WARD: That's true.

REP. KINER: Thank you sir.

REP. GELSI: Are there any other questions by members of the Committee? Thank you. Mr. Kiley, Donald Kiley.

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DONALD KILEY: I'm Don Kiley from Monsanto Company in Bloomfield, Connecticut.

I hope to impress you with my brevity not my brilliance. I had intended to speak to HB5843 and SB849. Based on Representative Kiner's remarks on 849, I will submit those comments written and our company would be happy to work with you, sir, and fire safety officials.

On HB5843 and both I endorse the comment to both Mr. Kaufman and to Mr. Ward and I ask that you give them serious consideration. Thank you.

REP. GELSI: Any questions by members of the Committee? Thank you, sir. Steve Perruccio...Jim Rochelle... Herbert Foy...Helen...

JIM ROACH: My name is Jim Roach. I'm representing the Connecticut Employees Union Independent and representing the Municipal Employees Union Independent.

I'm here to speak in favor of Bill No. 107. I really do not want to go through all of the statements you had before. It becomes apparent that the MERA or the Municipal Employees Relations Act has binding arbitration, the teachers have binding arbitration and it seems at this point that it has to fall in line that the binding arbitration would go now to the state employees.

I also want to speak in support of Bill 149. Many things have been said here this afternoon and I think that they're absolutely right and that it's apparent at this time, this bill is necessary for the municipal retirees.

I would also like to speak in favor of Bill No. 908. Earlier Ray Shea has made a statement that if it was necessary he could probably find instances where three or four months have been passed on fact finding. I can give you a fact. On August 23, 1982, I went into fact finding with a municipal employer. The fact finder himself has requested an extension three times and it was granted by the Mediation Arbitration Board. The employer requested an extension and that was granted. Two hundred five days have gone by as of today and

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MS. RINKER: (continued)

or not to be included in the same units. They do have that option.

We also -- we support Senate Bill 908 concerning the fact finding and municipal collective bargaining. You are aware of the 30-day time period which is virtually not recognized any more. Extensions are granted almost as a matter of course and many people have given examples of that. We also have examples ourselves right now. We are waiting for a decision on a report since November 1982 on a contract which expired in July 1982. We still haven't gotten a decision and that's in the same town where we just waited for a year for a decision on another contract so we would strongly support the 60-day limit or if not, at least make some kind of a recommendation for some kind of fine or something to be imposed on a factfinder for each day of each week over the 30 or 60 day period.

We oppose House Bill 6909. Many people have spoken to the effect that the State Labor Relations Board has done an effective job in making determinations about department heads. This bill just seems to cloud an issue. In many of the smaller towns, departments as they are defined in this bill, are actually divisions of a department. For example, public works may include highways, sewers, sanitation, parks and recreation and to call each of those departments as I said I would create a lot of confusion and cloud the issue.

It seemed to make sense to leave that determination to the State Labor Relations Board the way they are currently doing that.

In conclusion we would just like to go on record opposing House Bill 5843 and in support of House Bill 5858 and Senate Bill 849. Thank you.

REP. GELSI: Representative Belden...

REP. BELDEN: With regard to Senate Bill 908, that would put a mandate of 60 days on the factfinding, in your experience an extension is evidently almost automatic now. Does every-

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MR. PORTER: We currently have the collective bargaining law for teachers that only provides for binding arbitration and we also -- we oppose that and we favor the right to strike for teachers also.

REP. BELDEN: Thank you.

REP. GELSI: Any other questions? There are none. Thank you, sir. John Anderson followed by James Abnee...

JOHN ANDERSON: Thank you, Mr. Chairman. My name is John Anderson. I'm counsel for the Connecticut Business and Industry Association and I'm here to remark just briefly on behalf of and in favor of House Bill 5843.

This bill simply says and it is simply intended to say that when an employer seeks the assistance of the State Labor Department in order to comply with the Right-To-Know Act, gets information from the Department, turns around and disseminates it to the employees in accordance with the terms of the Act, that that employer is in compliance with the Act.

The intent here is not but the law. The intent is to create a mechanism whereby small, let's say, non-sophisticated employers with toxic substances on the premises could comply and meet the terms and more than the spirit, but the actual terms of the law.

To reject this bill requires of a small company greater knowledge of the substances that they may be dealing with than the State Labor Department. I would submit that on behalf of the small business community this would be an extremely difficult and hardly defensible burden to be met.

So, again I want to stress that CBI does not intend or desire to cut the bill. In fact we're going to write a brochure about the law. We are going to conduct workshops on the law. We're going to do everything within our power to acquaint our public, your public with its terms. But we implore you to enact this language or something similar so that the small -- the small and non-sophisticated employer need not become a medical and chemical expert in order to

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- MR. ANDERSON: (continued)
comply with the Act.
- REP. GELSI: If I can, 5843 really doesn't say that. It says that any employer, even if they probably have 40 times the expertise of our Labor Department can still go there and request that information.
- MR. ANDERSON: I would -- if language other than this more satisfactory to that -- more -- directly pertinent to your point could be worked out, I'd certainly explore it. But the intent here is to help the company that is not in a position to help itself.
- REP. GELSI: I think the Committee understands your position. Are there any questions by any other members of the Committee? Then, thank you, John. James Abnee followed by Tom Bothur.
- JAMES ABNEE: Senator Harper, Representative Kiner and other members of the Committee. My name is James Abnee, Jr., chief health and safety representative of the Machinists Union, East Hartford Local Lodge 1746 in Pratt Whitney. On behalf of the machinists in this state, we want to reject Bill 5843. I must say that this bill will severely hamper the workers' rights that are guaranteed under the Right-To-Know Bill. Everyday it seems we come up with new problems of new and old chemicals and substances we used in the plant. By passing this bill you are preventing that employee and worker from knowing what he or she is working with which conflicts with the OSHA Act and its intentions of preventing and detecting occupational disease and hazards. Every year we have hundreds of cases of work-related injuries due to toxic and harmful chemicals and substances used in the workplace. Out of thousands of chemicals and substances at Pratt Whitney we have obtained over 1,200 material safety data sheets to inform and educate our members to what they are working with to prevent problems before they happen, not after.

MR. ABNEE: (continued)

This bill would take the responsibility from business and corporations of providing a safe and healthful working place, because they don't have to inform their employees what they are working with. The Labor Department does.

Also I'd like to speak briefly on Bill 5858. We support this bill where they use tax dollars for management consulting firms as to anti-union activities. This does not directly affect our members but in all sense of the word they use totally affect indirectly by having their tax dollars used for these anti-union activities. Thank you.

REP. GELSI: Any questions by any member of the Committee? There are none, thank you. Tom Bothur...

TOM BOTHUR: Mr. Gelsi and other members of the Committee. My name is Tom Bothur, I'm a member of the Machinists Union and also a member of the AFT. I've had experience in both industrial unions and public unions.

Lest anyone forget here, collective bargaining labor relations is an adversary role. There must be equal partners in this collective bargaining. State employees have their labor to withhold. The state has their dollars to withhold.

In order to be equal partners in negotiations, there is no equality when the state as one speaker prior today said -- can give out the last best offer and then have the General Assembly approve it.

I speak in favor of Bill 907 and I ask for your support. Thank you.

REP. GELSI: Thank you. Any questions by members of the Committee? Hearing none -- next one is T. Joseph Loy... followed by Leo Curty...

T. JOSEPH LOY: Thank you, Mr. Chairman. My name is Joseph Loy. I'm an employee of the Office of the Secretary of the State and a member of the Administrative and Residual Employees Union Local 4200. And I just want to add my voice to those who have already spoken in favor of the concept represented by Committee Bill 907. Excuse me, concerning collective

CONNECTICUT COUNCIL ON
OCCUPATIONAL SAFETY and HEALTH ⁷⁴⁷

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TESTIMONY OF JAMES STEWART, CHAIRPERSON
CONNECTICUT COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH (CONNECTICOSH),
AND
PRESIDENT, UNITED STEELWORKERS OF AMERICA LOCAL 7528, CONCERNING HB 5843,
LABOR AND PUBLIC EMPLOYEES COMMITTEE, MARCH 15, 1983

Good afternoon and thank you for allowing me to speak before you against this proposed change in the Right-to-Know Law, House Bill 5843, "An Act Concerning Compliance with Education and Training Requirements for Workplace Toxins."

As many of you know, ConnectiCOSH is deeply committed to the Right-to-Know and was the supporter of the introduction of the Right-to-Know Law (Public Act 82-251) last year. While we believe the law is weaker than we would like, we believe it is a very positive step in helping workers to find out what chemicals they are exposed to and then taking steps to reduce exposure. We did not propose any strengthening legislation for the law this year, not because we think it is unnecessary, but because we thought the law should have some time to work so we could better evaluate what needed to be done to strengthen it. We hoped that the business interests would do the same--wait to see how the law worked.

Instead, we find that this bill is introduced which will seriously cut back the law which passed practically unanimously last year after considerable compromise.

This bill (H.B. 5843) is deceptively simple, adding only one sentence to the law. The intent is supposedly to make clearer what the law requires of employers. It would make it clearer, but it would do so by crippling the requirements of the law. It says that all employers have to do to comply with the entire law is to hand over whatever the Labor Department gives them to their workers. How is the Labor Department supposed to tell workers how to operate a specific degreasing

machine safely? How is the Labor Department going to tell workers how to evacuate in case of a spill of a toxic chemical? How is the Labor Department going to tell workers where the eyewash station or first aid kit is? How is the Labor Department going to tell workers where a toxic substance is located?

The answers to all these questions are simple. The Labor Department can't tell workers any of these things. Yet this proposed bill would have the effect of letting the employer off from any obligation to tell the workers such things because all they have to do is give the workers what the Labor Department gives them.

And how is the Labor Department going to provide all the information on all toxic substances to all the new workers in the state within five working days of July 1, 1983? I trust the legislature will provide the funding sufficient to hire the hundreds of toxicologists it will take to provide this information to the over 6,000 manufacturing firms in this state. I also trust the state is hiring many extra lawyers to deal with the cases involving all the workers who refuse work because they haven't received the information within five working days. It also appears that this bill puts the total legal responsibility for providing correct information on the state--I'm sure that the employers in the state will be happy not to have that obligation anymore.

I would like someone to tell me why employers don't want to give up any control over what chemicals they force workers to breathe, but are more than happy to give up the responsibility for knowing whether the chemicals they use can kill or not. The state can take the responsibility for that.

The OSHA Law states that "Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." The Connecticut Right-to-Know Law currently just covers the OSHA regulated substances. Employers should have the responsibility for the

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information and training requirements of the law, not the Labor Department.

The only other possible effect of the law, if not to literally shift the burden of compliance from the employer to the Labor Department, is to entirely eliminate the intent of the General Assembly to have employers (or anyone) furnish the information to employees as outlined in the law.

The practical effect of both interpretations is the same--workers won't get the information about toxic hazards that the law intended.

I would like to end with a few suggestions to strengthen, rather than weaken, the law.

- (1) Expand the scope of the law to cover the NIOSH RTECS list of about 40,000 chemicals.
- (2) Add a labeling provision so that all chemicals must be labeled by the chemical name and toxic effects.
- (3) Have all workers automatically informed and trained, rather than just new workers.
- (4) Delete the trade secret provisions. Particularly for the 400 OSHA regulated chemicals, there is no need for trade secret provisions--all are commonly used chemicals.
- (5) Add enforcement provisions to ensure that the law is followed.
- (6) Give the Labor Department funds to set up an information service for those companies who legitimately need it. It should not be the sole obligation of the Labor Department to pass out this information, however.

Thank you very much for your time and attention.

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Industrial Aircraft Lodge No. 1746-A

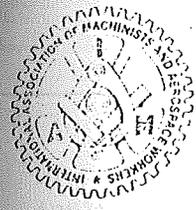
International Association of Machinists and Aerospace Workers

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TESTIMONY ON H.B. 5843, LABOR AND PUBLIC EMPLOYEES COMMITTEE OF THE GENERAL ASSEMBLY ON MARCH 15, 1983

Good afternoon Senator Harper, Representative Kiner, and members of the committee. My name is Bill Shortell. I'm a machinist at Pratt-Whitney Aircraft in Southington and I'm a shop steward for Local 1746-A of the IAM (Machinists Union).

I am here today to testify in opposition to House Bill 5843, "An Act Concerning Compliance with Education and Training Requirements." I find it disturbing to see this bill surface. It belongs in the murky mind of some CBIA board member where it must have been conceived.

Before the Right-to-Know Law has had even a trial testing in the workplace or the community, already we see this ill-concealed attempt to thwart the purpose of the law. As if Big Business did not already have a bad enough record of ignoring and scoffing at health and safety legislation--now, when Connecticut workers are just getting the chance to learn about the toxic chemicals that shorten their lives, we see this confusing bill which would make enforcement of the Right-to-Know Law impossible.

Our law, as it is, is a compromise. New York State has a much stronger law. Bills modeled on the strength of the New York law are close to passage right now in Rhode Island, Massachusetts, New Jersey, Maryland, and elsewhere. It was the intent of ConnectiCOSH and the Connecticut labor and citizens movement in general to let this modest piece of legislation take effect without trying to strengthen it this session. We thought we had a tacit understanding with the business community to give the law a chance to work.

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But if CBIA insists on attempting to gut the Right-to-Know Law, we will insist on strengthening it. We will propose that there be generic labeling of all toxic workplace chemicals, that the NIOSH list of 40,000 chemicals be used, and that all employees be given expanded training (not just those who request it).

My experiences in the shop have shown me that the people I work with need the Right-to-Know to get the information we need in order to find out what we're being exposed to. If the Right-to-Know Law is weakened even before this opportunity is taken, the people in my plant will not even get a chance. Don't let us continue to die for the Right-to-Know.

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Good afternoonn, My name is Steve Derby and I'm the
co-chair of the Connecticut Citizen Action Group. I came
before you today to discuss the impact of Committee Bill 5843,

AN ACT CONCERNING COMPLIANCE WITH EDUCATION AND TRAINING REQUIREMENTS
FOR WORKPLACE TOXICS. As most of you probably know, CCAG worke
very hard last year in passing the bill that this amends, the
Right to Know law. This law was the result of several years
of fighting for people's right to know what dangerous chemicals
they may be exposed to, both in the workplace and in the community.
This bill does not go into effect until July of 1983, and it is
very disturbing to see attempts to change and weaken the law before
it is even given a chance.

5843 could well impact the intent of the right to know law in
regard to the community having access to the information about
chemicals in their neighborhoods. Presently, the law provides
for companies to give lists of chemicals to the labor department.
If a chemical is considered a trade secret, the company can obtain
a registry number for it and people can get all other information
except the name of the chemical. Otherwise citizens can obtain
lists through the labor department. This bill could be interpreted
to mean that the employer is no longer responsible for registering
his chemicals with the labor department, thus excluding the only
avenue for the citizen to obtain information.

Bill 5843 only requires an employer to request information from

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the labor department and pass it along to its employees.
 The employer is then in compliance with all the information requirements of the law if it does give the requested information to employees. This could mean that the company would not have to submit a list of its toxic chemicals to the labor department as required. Since citizens can only gain access to information concerning these toxics by inspecting the labor departments files, a company's failure to submit the list would destroy a citizen's right to know.

I hope the committee closely scrutinizes this bill for its impact on both workers and the community. Do not undue the intent and purpose of this very important law- ~~the~~ to give people the right to know what they are exposed to.

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HB 5843

Accidental Disclosure May Prove Costly for Monsanto

By PETE EARLEY
Washington Post

WASHINGTON — The Monsanto Co.'s top-secret recipe for one of the most profitable agricultural weedkillers ever appears to have fallen into a rival's hands because of a bureaucrat's blunder at the Environmental Protection Agency.

The EPA inadvertently disclosed the formula of Roundup, described by industry experts as the largest selling herbicide in the world, in response to a Freedom of Information Act request by a Washington lawyer.

The mistake could undermine Monsanto's domination of the herbicide market, which last year accounted for sales of \$450 million for the St. Louis-headquartered company and nearly 40 percent of its profits.

The EPA foul-up, the first ever of this magnitude, is expected to cause an uproar in the chemical industry, which has been urging Congress to tighten restrictions on the release of government documents through the Freedom of Information Act.

The law has been widely exploited by lawyers for clients who use the government data to develop strategies for fighting federal investigations, spying on the competition and discovering how strictly federal regulations are

really enforced.

The Roundup trade secrets, which EPA is otherwise required by law to keep confidential, were released in May to Clausen Ely Jr., an attorney whose clients have included Monsanto rivals in major pesticide and herbicide markets.

Ely, a partner in the Washington law firm of Covington & Burling, obtained the trade secrets when they were included in several documents, apparently by accident, that Ely had requested under the Freedom of Information Act.

Ely said he turned over the documents to one of his clients, whom he has refused to identify. He said disclosure of the name would violate lawyer-client confidences. But Ely maintained that he did not look at the documents and did not know what information they contained.

Monsanto, however, said it believes its patented formula for Roundup is in enemy hands, according to Monsanto attorney W. Wayne Withers, who said, "The release has caused irreparable harm and damage to Monsanto."

When the EPA discovered its mistake, it demanded that Ely retrieve the documents from his client and return them to the agency, which he did. But the EPA has been unable to assure Monsanto

that its trade secrets were not compromised. In fact, the agency is not even certain which and how many documents containing trade secrets it gave Ely.

Monsanto reacted by going to court, seeking an order holding EPA Administrator Anne M. Gorsuch in contempt for illegally releasing the secrets. Monsanto agreed to drop the matter Aug. 31 after the EPA admitted that it had erred and agreed to set up a special panel to check all future herbicide approval applications for ingredients similar to Roundup.

The EPA, however, will not be able to keep Monsanto's competitors with foreign subsidiaries from producing an imitation of Roundup to compete with the fourth largest chemical company in the world market. Monsanto sells Roundup in 115 countries.

The EPA also has launched an internal investigation to determine how the secrets passed through agency safeguards. While the probe is not complete, Byron Nelson III, a spokesman for the agency, said investigators believe the slip-up was an accident.

He refused to discuss details, but government sources said a GS-9 technical specialist at EPA released Monsanto's trade secrets while processing the request filed by Ely for information about gly-

Roundup's active ingredients. Investigators believe the employee either failed to delete the trade secrets before he gave the EPA documents to Ely or that a machine used at EPA malfunctioned.

Nelson said the agency routinely blocks out trade secrets with a "special magic marker" that blacks out portions of the document when it is copied without altering the original. The employee reportedly blamed the machine for not blacking out the secret information.

In a telephone interview, the employee in question refused to discuss specifics, but repeated that the trade secrets were released unintentionally. "I have never had any contact with Ely or members of his staff," he

Roundup began to dominate the pesticide market shortly after it was introduced in the 1970s. It differs from other commercial herbicides because it not only can kill a wide assortment of annual weeds, but also because it kills perennial weeds while permitting farmers to plant their crops within hours after spraying.

Jack Early, a spokesman for the National Agricultural Chemical Association, said the availability of confidential data held

by the government worries the 110 chemical manufacturers in his association.

"We certainly don't mind sharing safety data with the proper regulatory agencies, but we do not want trade secrets, formulas and innovative techniques spread all over the world," he said.

It takes an average of eight years for a chemical company to get a pesticide registered with the

EPA, Early said, and it costs an average of \$30 million to \$35 million in research and supplemental tests and reports required by EPA.

"What we are concerned about is that a competitor could pick up this data (legally) and register in Japan or France without spending a dime except for copying costs," he said.

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Occupational Medicine Program

March 15, 1983

Members of the Labor Committee --

I am Laurie Welch, a physician with the Occupational Medicine Program at Yale University School of Medicine. I am here today to speak against House Bill 5843, the proposed amendment to the Right-To-Know Law.

There are two basic points I would like to make about the proposed amendments.

Most importantly, this amendment would allow non-compliance with the intent of the Right-To-Know Law. The amendment says, in essence, that the employer is only obligated to provide information on the designated substances to the employee if the employer has received such information from the Department of Labor. If the DOL has no information on a substance, or has not provided it to the employer, the employer is not obligated to obtain it from another source, nor obligated to provide any information to the employee. This amendment shifts the burden of compliance to the DOL, in essence. I am sure the legislature did not intend to require the DOL to provide this information to all the workers in the state without specific funds for that purpose.

Secondly, I would like to reemphasize the importance of this law as it stands from my point of view as a clinician practicing occupational medicine. My job is to determine if a patient's illness is caused by or aggravated by work and to make therapeutic interventions based on that diagnosis. To make a correct diagnosis I need accurate exposure information. I can ask a patient what medications he takes and he will give me a list. If I ask him what substances he uses on the job he can only say "a solvent" or "a chemical". I cannot determine what chemical or what its effects might be. Obviously this impedes my ability to diagnose and treat his illness.

This has many implications. If I feel strongly an illness is work-related I may need to remove a patient from a job without being able to identify the specific hazard. Let me give you an example. I recently saw a young woman with a recent onset of asthma. She describes asthma that is much improved on vacations or weekends and clearly worsened by some exposures on the job. She has no information on what substances she used in her job. So instead of being able to knowledgeably recommend a job transfer to an area without exposure to the offending substances, I may have to restrict her exposure to all possible substances in her job.

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STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH PROMOTION & DISEASE PREVENTION

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TESTIMONY ON PROPOSED BILL NO. 5843
" AN ACT CONCERNING COMPLIANCE WITH
EDUCATION AND TRAINING REQUIREMENTS
FOR WORKPLACE TOXICS."

In 1982 the Department of Health Services enthusiastically supported AN ACT PROVIDING EDUCATION AND TRAINING FOR EMPLOYEES CONCERNING WORKPLACE TOXICS as it provided information regarding exposure to the many occupational hazards seen in Connecticut workplaces. We pointed out that many individuals are exposed to these substances on a daily basis, often without knowledge of their relationship to occupational disease. This bill provided a mechanism for dissemination of knowledge of these workplace toxins, enabling workers to take protective measures to reduce the probability of developing occupational diseases.

Unfortunately, information regarding the toxic effects of these substances is limited. New studies are published daily showing additional effects not previously known. Some of this information, such as the finding that the substance may represent a previously unknown health hazard, should be transmitted to exposed workers as soon as possible.

The changes proposed in this bill would limit the responsibility of the employers' information gathering requirement to information provided by the Department of Labor. Discussions between our Toxic Hazards Section and John Geil, Director of the State Department of Labor's Occupational Safety and Health Section have revealed that they most likely will not have sufficient resources to obtain, analyze and provide all necessary information. Moreover, we are of the opinion that the employers should utilize additional information sources. Therefore, the State Department of Health Services opposes this bill and any changes that would weaken the Connecticut's landmark " Right To Know" legislation.


Alan J. Siniscalchi, M.S., M.P.H.
Acting Chief, Toxic Hazards Section

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