

*Hazardous Materials*

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# Major opposition to toxic-material ordinance

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SANTA CRUZ — A far-reaching county ordinance proposed to control industry's use of toxic materials in Santa Cruz County ran into major opposition Tuesday.

The Hazardous Materials Advisory Commission, which previously had been on record as supporting the county's efforts, urged supervisors to scrap the draft law and adopt a model closer to one passed by city of Santa Clara.

Joining the commission in its criticism were the Chamber of Commerce of the Greater Santa Cruz Area, and officials of Lockheed Missiles and Space Co., American Telephone and Telegraph Co. and UC Santa Cruz.

But the board majority indicated they like the direction of the present draft, and ordered it sent to the commission, high-tech industries, UCSC and the chamber for comment. It is to be brought back for public hearings Oct. 22.

For the past six months, the county has been drafting a comprehensive hazardous-materials ordinance, unprecedented in state law for its sweeping scope. The third and latest version expands the law to new regulatory areas not contained in previous drafts.

"It's a strong ordinance, designed for the maximum protection of the public," said county Public Health Officer George Wolfe, who recently returned from a leave of absence.

*Checks are stolen*

"The intent of your board ... is to have a county ordinance which is different," he said. The draft ordinance accomplishes that by tying public-health regulations with land-use permits.

Wolfe outlined seven key areas of dispute that have arisen, the most controversial being the requirement for a hazardous materials management plan, including an "environmental audit," of companies.

Industry representatives maintain the law would require companies to divulge their trade secrets.

Besides requiring companies to record what materials are being used, it empowers the county to investigate the manufacturing processes used by industry, and, if deemed necessary, revise the operational procedures.

"The foremost policy issue (that

needs to be resolved) is, should the process be regulated, or should we regulate only containment?" Marjorie Bourret of the hazardous materials commission said.

Bourret said the ordinance could have "very significant economic impacts on the county" from industry's standpoint, and it would be expensive for the county to hire the experts needed to enforce the law.

She said the commission wants to "disregard the draft ordinance, resolve the major policy issues and select a version of the Santa Clara model as a starting point, adapting it to Santa Cruz County's needs."

Dan Natali, of Lockheed, said his company protests the requirement to describe their manufacturing processes.

Supervisors' Chairman Gary Patton replied, "The community has a

right to say we don't want you to use high-risk substances — if you don't comply go someplace else."

"Our point is, give us a law we can read. Who's the expert in electronics, anyway?" asked Natali.

"I guess what we're saying is who's the expert in the area of county health?" replied Patton.

Wolfe said he believes the industry concern over the environmental audit and trade secrets is valid in some cases.

"But I submit the county's need to know, in some cases, is essential," he added.

"The most important thing is having access to the information, not necessarily where that information is kept," said Wolfe.

San Lorenzo Valley Supervisor Joe Cucchiara said, "I want to absolutely respect industry's rights in the

area of trade secrets." He suggested the data be kept at a third, neutral site, instead of at the county or at a company. In the event of a hazardous leak or a fire at a plant, the county would still have access to essential information.

The commission raised a complaint about the process by which the ordinance has been drafted.

"Staff has produced several versions and other people have reacted to it," said Bourret. "The problem has been the process. It's an action-reaction, adversarial relationship."

After the meeting, Bourret said she was satisfied with the board's direction to consider the ordinance in late October. It will give the commission time to discuss the latest draft with county staff before it comes back to the board for final review, she said.