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Sentinel

Hazardous material concern is abound

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SANTA CRUZ — The public has a right to know what hazardous materials are being used here and where they are stored, numerous citizens told county supervisors Tuesday.

But what if this information gets into the wrong hands, causing hazardous chemicals to be used to harm the community? others asked.

At issue is a proposed ordinance requiring businesses using or storing certain amounts of hazardous chemicals to disclose the type and location of those chemicals to the county. A \$100 one-time-only fee would be charged for filing a disclosure form.

After hearing more than two hours of testimony and still facing a long line of speakers, supervisors continued the public hearing to July 19 at 9:30 a.m.

Not only would this information be available to the public, but also would be sent to fire departments, law enforcement agencies, hospitals and ambulance companies to aid them in case of accidents involving hazardous materials, according to County Health Officer George Wolfe.

If she were moving her family into a neighborhood, Cathy Ryan said she'd want to know what hazardous materials were stored or used nearby.

"There is nothing in this ordinance which would regulate or deny the use of any substance," Ryan, representing Greenpeace Pacific Southwest, said. "It is designed purely to assure the availability of information crucial to the safety and well-being of the businesses, their employees and their neighbors."

But is there really a need for direct access by the public? Supervisor E. Wayne Moore Jr. asked Ryan. Couldn't she simply go to the health officer or fire officials to get this information?

The system isn't set up to allow people to gain this information simply by going to county or fire officials, Ryan responded.

Besides, she said, the public's right to know shouldn't be jeopardized by the small percentage of the population that might misuse this information.

But this small percentage of the population worried UCSC Chemistry Professor Joseph Bunnett.

While calling the ordinance "good legislation," Bunnett worried aloud about "the very, very small faction (of society) that wouldn't always behave responsibly with the information provided."

The consequence of the wrong person getting hazardous materials through access to this information "could be numerous deaths or some terrible explosion..." Bunnett added.

Wolfe said there are safeguards in the ordinance to prevent this. To dissuade those with evil intent, the ordinance requires anyone asking for information to leave a name and address, he noted.

And the precise location of hazardous materials within a business wouldn't be

disclosed to the public, he added.

The ordinance also protects companies with trade secrets by allowing them not to reveal a chemical's name, composition or physical data.

The company would, however, have to tell the county what symptoms would occur if someone were exposed and what the medical treatment would be.

Supervisor Gary Patton was opposed to the provisions for trade secrets. Patton said a business claiming a trade secret should have to reveal all about the chemical to the county. This information could be kept from the public.

He called the trade secret provisions "a large loophole," saying anything could be claimed as a trade secret.

A citizen could request the information involving a trade secret and must be given that information within 30 days unless the business gets the courts to stop the release of the information, according to the ordinance.

Patton said the business should go to court at the onset of filing a disclosure form to get the court to determine if the chemical is indeed a trade secret.

He also didn't agree with limiting the ordinance to those using 55 gallons or more or 500 gallons or more of hazardous materials. He suggested five gallons and five pounds would be a better limit.

The proposed ordinance, Wolfe pointed out, won't affect consumers who buy chemicals for household and garden use.

Local farmers — represented by Don Haggerty of the County Farm Bureau, Sherry Mehl of the county Agricultural Policy Commission and La Selva Beach farmer Tony Scherer — opposed disclosure of any type of chemicals used in agriculture.

While the ordinance now exempts some agricultural uses, it doesn't exempt agricultural chemical distributors or farm cooperatives storing chemicals in warehouses, Mehl said.

The Farm Bureau suggested such changes as deleting references to public access to the information, giving supervisors the powers the ordinance now gives to the health officer and deleting public access to information involving trade secrets.

Haggerty said the farm industry's use of chemicals already is sufficiently regulated by state agencies and federal laws.

Some persons speaking in favor of the ordinance included representatives from the local League of Women Voters, the Santa Cruz Regional Group of the Sierra Club, the North County Chapter of Teamsters for Democratic Union, the California Public Interest Research Group and Citizens Concerned About Toxics.

The Santa Cruz Area Chamber of Commerce conceptually endorsed the ordinance but raised concerns about requiring businesses to go to court to stop release of trade secrets and about security of businesses once it's disclosed where hazardous materials are located.