

TOXIC gas

Law in mill

Countywide plan designed to prevent catastrophe

By Lisa Lapin
Mercury News Staff Writer

Silicon Valley, where more toxic gases are used and stored than any other place in the nation, is on its way to becoming the first place in the country to have a stringent law designed to prevent a catastrophic gas leak.

The landmark toxic gas ordinance, which will come before 11 Santa Clara County cities and the county board of supervisors for approval this month, contains strict rules for the handling and storage of toxic gases — going far beyond existing state and federal laws. The local ordinance also would serve as an emergency response plan, with details on how quickly to evacuate both residents or businesses in the event of an accident.

The law's goal is to prevent a disaster such as the 1984 gas leak in Bhopal, India, that killed 2,800 people. The final draft culminates a five-year battle between firefighters and industry and marks the first time the two warring factions, as well as cities and toxics prevention advocates, have

reached a consensus on how to deal with the deadly chemicals.

"This is the single most important piece of toxics legislation in the county in the last five years," said Palo Alto City Manager Bill Zaner, who led the cities in their contribution to the law. "It's the first thing we've ever had that provides an assurance that toxic gas will be contained quickly, and if not, that there will be a response quickly."

If passed, the law would be the second piece of landmark toxics legislation to emerge from Santa Clara County. The first was prompted by leaking underground tanks and regulated hazardous-materials storage. That 1983 ordinance became the model for state law regulating underground chemical storage.

The toxic gas ordinance is the brainchild of the county Fire Chiefs Association, long frustrated at responding to gas leak emergencies with little or no knowledge of the hazards. But industry rejected an earlier law written by the fire-

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fighters, stating it was too stringent and costly.

Industry still questions the need for an ordinance but says the new draft — done this time in conjunction with the cities — is a law it can tolerate.

"We're going along with it, but from an industry perspective, we think it's unnecessary," said Jacqueline Bogard, director of environmental programs for the Santa Clara County Manufacturing Group, which represents 90 corporations that employ more than 200,000 workers. "There are already a number of laws on the books. And this will just create tremendous layers of controls that will be very restrictive."

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— Jacqueline Bogard, industry spokeswoman

Bogard argues that industry will have to spend "tens of millions" of dollars to come into compliance with the new ordinance, while no statistics show that the public is at risk from the storage of toxic gases in Santa Clara County.

Ted Smith of the Silicon Valley Toxics Coalition disagrees, noting that local companies use over 1 million cubic feet of toxic gases each year, according to state Division of Occupational Safety and

Health studies. Some of the gases most commonly used in chip production — arsine, phosphine and diborane — also top the list as the most deadly, Smith said.

"Accidental releases do happen," Smith said, using as an example a small amount of arsine that escaped Wednesday from a building at National Semiconductor Corp. in Santa Clara. Although no one was injured, 400 workers were immediately evacuated.

If the 11 cities scheduled to review the law this month don't request a major overhaul, the county Intergovernmental Council will adopt it this spring. The ordinance would then be incorporated as part of each city's rules and regulations and be enforced and implemented by local fire departments.

All facilities that use toxic gases would have one year to submit a plan on how they will comply and

three years to be in full compliance.

The new law would regulate not only industry; but public uses of common toxic gases such as ammonia and chlorine. There are new provisions for the storage of chlorine at public swimming pools, for instance.

The law creates the first-ever system for assigning gases a hazard level — classes I, II and III,

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