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# Local / State

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## Bhopal-born chemicals law little utilized

### State at risk years later

**Cott Thurm**  
Mercury News Staff Writer  
After the 1984 poison gas leak in Bhopal, India, California lawmakers had what seemed like a good idea: to require companies han-

dling dangerous chemicals to study their operations and make changes to prevent accidents.  
But four years after California became the second state to adopt such a law, its accomplishments are few. Only a handful of studies have been completed; most counties and cities, charged with reviewing the plans, don't expect any until 1992; and many local officials admit they don't have the expertise

to review the reports they do get.  
To the law's backers, the slow pace means Californians still are at risk of accidents that could be prevented. The concern is real. Explosions at Texas chemical plants killed 17 people last month and 23 people last October.  
"The thing that was supposed to be novel about this law is that it's geared to prevention," said Ted Smith, executive director of the

Silicon Valley Toxics Coalition, who has been studying the law's effectiveness. "But the way it has been implemented, it may take a real disaster before anyone gets serious."  
Santa Clara and Alameda counties are among the state's worst laggards. Neither county has even completed its list of companies that handle the chemicals — only the first step in a lengthy process.

Some cities in Alameda County are making more progress, however.  
There are no statewide numbers of how many plants handle the 300-plus "acutely hazardous" materials listed by the law, or how many have completed the study. But a Mercury News survey of more than a dozen cities and counties suggests that fewer than 20 studies of existing plants have been completed.

Compare that record with New Jersey's, where a similar law was adopted a few months before California's. Officials there have approved accident prevention plans from more than 75 percent of the approximately 250 targeted plants.  
"It seems to be going pretty well," said Barbara Klag, acting head of the New Jersey program. Although the paperwork require-  
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# Santa Clara County lags with plans, enforcement

By Scott Thurm  
Mercury News Staff Writer

When it comes to hazardous materials issues, Santa Clara County is usually among California's leaders.

The county and its 15 cities and towns pioneered the regulation of underground tanks and the storage of hazardous materials with ordinances that became models for state and federal laws.

But when it comes to enforcing the state's accident prevention law, Santa Clara County is a laggard.

County officials haven't identified plants they will ask to do safety studies. And

Part of the problem is that fire departments have balked at enforcing the accident prevention law, leaving it to the county Health Department.

critics complain that officials haven't even found all the plants that are using dangerous chemicals.

About 160 facilities have registered with county officials. But the Silicon Valley Toxics Coalition says it has identified an additional 81 plants that use the same chemicals.

Part of the problem is the unusual way hazardous materials laws are enforced in Santa Clara County. The cities — usually fire departments — track storage of hazardous materials. But they have balked at enforcing the accident prevention law, leaving it to the county Health Department.

Of more than a dozen local governments contacted by the Mercury News, Santa Clara County was the only one where enforcement of the laws is divided.

In addition, Ted Smith, executive director of the toxics coalition, said officials haven't aggressively sought additional resources or attempted to impose fees per-

mitted by the law.

But Lee Esquibel, the county's director of environmental health, said local officials had been waiting for the state to issue guidelines on how to draft the accident prevention plans. And county officials only recently proposed hiring one person — supported by fees — who would be dedicated solely to the program.

Before the guidelines were issued, Esquibel said local officials throughout the state "were working in a closet." What's more, he questioned the usefulness of requesting plans from industry, as some other local governments did.

## Implementation of state's dangerous-chemicals law stalled

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ments have prompted gripes from some industries, she said most companies find the program worthwhile, and that several have improved worker training.

Now, Congress is expected to impose just such a requirement on plants nationwide when it approves the new Clean Air Act this fall.

But in California, even the man who helped write the state law is concerned with the slow implementation.

"Given the political climate of the day, it was what we could get; at least some step toward prevention," said Paul Donahue, a legislative aide. "I have the gut feeling that it hasn't been carried out as vigorously as had been envisioned."

In short, this is how the law works: Once local officials compile their lists of companies, they must decide which plants pose the greatest dangers, and then ask them to conduct the safety studies. Companies have a year to complete the studies, which can cost more than \$500,000 and cover everything from worker training to the likelihood that chemicals will be released in an earthquake.

New businesses — or those making significant changes in their operations — that handle the listed chemicals must do the studies before obtaining permits.

The plans are massive, and local officials feel overmatched. Some, including Los Angeles city officials, are hiring outside consultants

### Preventing accidents

This chart shows the progress of several counties and cities in implementing California's accident prevention law. The second column lists estimated number of plants that use "acutely hazardous" materials. The third column is the number of plants the agency has requested from existing businesses; the fourth column is the number of these plants that have been completed. The last column is the number of plants submitted by proposed new or modified businesses.

County/city	Plants	Plans requested	Plans completed	New plants
Santa Clara County	160	0	0	0
Alameda County	n/a	0	0	0
Fremont	67	2	1	0
Berkeley	15	0	0	0
Union City	9	2	1	0
Hayward	31	2	0	0
Newark	7	3	1	0
Santa Cruz County	15	0	0	0
Monterey County	120	0	0	8
San Mateo County	30	0	0	0
Contra Costa County	88	10	0	0
Sacramento County	128	7	4	0
Los Angeles	300	3	2	4
Los Angeles County	830	37	3	0

n/a: not available  
Source: individual cities and counties

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"It's grueling," said R. Scott Adams, fire chief in Torrance, who has been reviewing an accident prevention plan for a Mobil refinery for 18 months. "It becomes a very complex process. It's not something you can do perfunctorily and put on a shelf."

Some local governments are making progress. The city of Los

ramento counties have requested and received plans from refineries, rocket manufacturers and sewage treatment plants.

In the Bay Area, Contra Costa County, home to most of the area's refineries and petrochemical plants, has asked 10 companies to do the studies.

And where the law is being used,

at companies that have done the studies — say the system is working. Companies are switching to less dangerous materials, reducing the quantity of chemicals they store and adding safety devices. Some are making changes before being asked, in an effort to avoid doing the extensive study.

"It was a helpful process for a new unit," said Bob Stockdale, a safety engineer at the Texaco refinery in Los Angeles. "It's not only valuable from the standpoint of preventing hazards, but you may find things that really improve your operations as well."

Don Upham, who runs the accident prevention program in Los Angeles County, said one local refinery, which he wouldn't identify, eliminated three of its seven chemicals that appear on the state list.

But many local officials charged with enforcing the California law say they have been hamstrung by a fickle Legislature that has amended the law several times, an understaffed state agency that was slow to issue guidelines, and the sheer size and complexity of the reviews.

"The general feeling among the administering agencies is one of frustration at this point," said Janet Keeter, assistant coordinator for hazardous materials in San Joaquin County.

Critics say there is one other key flaw in the law's implementation: Government agencies aren't routinely making public the studies and their supporting documents.

The law is unclear on what portions of the studies should be public records, and local officials are in-

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— Ted Smith, Silicon Valley Toxics Coalition

Angeles County, for example, won't disclose the names of companies that have completed the studies. But Fremont officials invite phone calls from residents to discuss the documents.

Assemblyman Robert Campbell, D-Richmond, has proposed clarifying the rules, and requiring that summaries of the plant's potential dangers be made public. The bill was approved by the Assembly and

is pending in the Senate.

One nationally prominent environmentalist says that making the records public is vital.

"California's process here could be extremely valuable to the rest of the country," said Fred Millar, toxics director of Friends of the Earth in Washington. "Those documents could be a national treasure to anyone who has a similar plant anywhere in the country."

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