

CHEMICAL MANUFACTURERS ASSOCIATION

STATEMENT OF POLICY ON "RIGHT-TO-KNOW" PROGRAMS

Over the past ten to fifteen years a variety of state, Federal and international initiatives have been adopted called "right-to-know." The hallmark of these initiatives is the requirement that industries provide health, safety and environmental information to their workers, their customers, parties in the chain of distribution and the public about their products and operations. The Chemical Manufacturers Association recognizes the importance and value of the right-to-know concept. By making such information available to citizens in their local communities, industries enable those citizens to understand better industry impacts on their community. With that information the public is better able to participate constructively in public dialogue about safely managing risks relating to industry's products and operations.

Through the Responsible Care® initiative, the members of CMA and their Responsible Care® Partners maintain a commitment to sharing information about and to managing health, safety and environmental impacts from the manufacture, transportation, distribution, use or disposal of chemicals. Each of the six Responsible Care® Codes of Management Practices contains an undertaking to sharing information and communicating with communities, employees, contractors, customers or others in the chain of distribution of our products about risks.

Placing health, safety and environmental information in the public domain has important consequences. It can provide the basis for important public policy, business and personal decisions. It also can provide industry the impetus to improve its health, safety and environmental performance. It is important, therefore, that government and industry provide information to the public that is as accurate, unbiased, credible and relevant as possible. If that information fails to inform the public or misinforms, then the resulting decisions will be flawed, resulting in potentially greater risk and in the misuse of resources. The greatest overall improvements in health, safety and environmental performance can best be achieved by using the limited resources of government, the public, and industry in the most effective manner.

Safeguarding legitimate intellectual property and sensitive commercial information is critical to ensuring the ability of U.S. companies to compete in a global economy, which benefits the American public and workers. Such information should not be unduly compromised. CMA believes, however, the two goals of fully and accurately communicating health, safety and the environmental information and of protecting trade secrets are compatible and can both be achieved in partnership between industry and the public.

Given the above, CMA adopts the following position regarding state, Federal and international government "right-to-know" programs and our industry's information sharing activities. This position is broken down into eleven elements which should be read together as a whole.

- 1) CMA supports collecting, analyzing and disseminating information that enables the public to accurately and fairly evaluate industry's environmental, health and

safety performance and to understand the overall state of human health, safety and the environment.

- 2) CMA and its members commit to working together with their employees, their communities, their distributors and others in their distribution chains, and their customers, to determine what information is the most useful to them and what is the best way to deliver them that information.
- 3) CMA believes that communication about environmental, health and safety impacts is a primary goal of right-to-know programs. CMA supports government information collection and dissemination programs that inform the public about those impacts in a manner that is understandable and consistent with sound risk communication principles.
- 4) CMA supports government programs that provide information to the public about environmental, health or safety risks associated with substances or operations in a way that places risks in context so that they can be fully understood. Any risk information should include, to the extent feasible and appropriate, information about:
 - the variability and uncertainty of the risk estimates;
 - appropriate risk comparisons;
 - uses and benefits associated with those substances or operations;
 - voluntary activities and government requirements to reduce or manage the risks posed; and
 - information about other major sources of risk.
- 5) CMA supports risk information disseminated by the government that is developed in a manner consistent with CMA's Risk Principles and the recommendations of the National Research Council and is:
 - based on the best, reasonably available information, using plausible assumptions;
 - revised as often as necessary to reflect new scientific understandings; and
 - developed using all relevant data with opportunities for public input.
- 6) CMA supports and encourages research to improve government and private sector communication of risk to the public.
- 7) CMA believes that considerable health, safety and environmental information about industry operations and substances is already being collected by the Federal and state governments and supports requiring those governments to inventory and to manage such information so that it is available to the public as efficiently and effectively as possible.
- 8) CMA supports requiring that government information dissemination programs provide adequate protection for legitimate trade secrets and confidential business information.

- 9) CMA supports requiring that the costs of government information collection and dissemination programs should be reasonably related to, and justified by, the benefits produced.
- 10) CMA believes that government should not mandate the disclosure of information where it will discourage voluntary efforts to improve health, safety and the environment (i.e., the mandated release of audit or management system verification information) and CMA does not support such mandates.
- 11) CMA believes the government has a commensurate obligation to disclose to the public information about the positive and adverse effects of its regulatory activities so that the public can assess the relative merits of those activities. CMA supports requiring the disclosure of such information.

Definitions

Public: The term public is intended to be construed broadly to include anyone who may have an interest in health, safety and environmental information about chemical industry products or processes. In particular, it includes citizens of plant communities, employees, contractors, customers, distributors or others in the chain of distribution of chemical products.

Right-to-know programs: As discussed here, "right-to-know" programs could encompass any programs, voluntary or government-mandated, that collect and disclose information to the public and whose purpose is commonly perceived by the public as "right-to-know," including but not limited to: labeling, workplace and transportation hazard communication, release and waste management reporting, community emergency response information reporting, sharing audit results or other measures of environmental, health and safety performance. Consequently, this policy statement would apply to all such programs.

Risk Communication: The process of conveying information to the public about the likelihood, seriousness, and magnitude of potential risks in a manner that is understandable and accurate.

Risk Comparisons: Providing information about risks posed by other substances or activities that helps place risks in perspective or illuminates alternatives for decisionmaking purposes. Appropriate risk comparisons for chemical substances include comparisons with: 1) risks posed by similar activities or substances; 2) risks posed by different exposure sources to the same substance or activity; 3) risks posed by different substances producing similar effects; and 4) risks posed by different substances or activities with similar exposures.

Risk: Risk is the potential for adverse affect. The term encompasses its components -- hazard, potency and exposure. As used in this statement, risk information can also include information about those component parts.

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