

RIGHT TO ACT LEGISLATION

TOXICS USE REDUCTION AND COMMUNITY RIGHT TO ACT BILL (SB 1068)

1. Statewide goal of 50 % reduction in toxics use and waste generation to air, water and land within 5 years: Provides for 50% goal which the Congressional Office of Technology Assessment (OTA) has determined to be reasonable and is already policy for several other states' (e.g., Massachusetts and Oregon).

2. Requires industrial facilities to conduct toxic audits and prepare toxic use reduction plans: Companies or government bodies that must report information under the community right-to-know law (SARA Title III) plus utilities & incinerators would be required to conduct comprehensive audits of toxics used and generated as waste, and to prepare plans for implementing all feasible toxic reduction measures.

3. Provides workers and community members with additional rights to monitor facilities and to bargain for increased toxics reduction measures: Provides additional rights to monitor facilities, including the right for communities to bring in their own experts to verify company compliance and evaluate reduction plans, and the right for workers to access environmental information and investigate hazards.

4. Provides workers and community members with training in investigating hazards and developing safeguards: Creates a Toxic Use Reduction Institute to teach workers and community members about toxic use reduction and to provide technical assistance to workers and community members working on specific facilities. It would also conduct research on toxic use reduction techniques.

5. Citizen Suits: Gives worker and community members the right to take companies to court to force compliance with the law.

6. Provides businesses with additional technical assistance in achieving toxics use reduction: Advocates greater funding to expand the services and expertise of the state's Office of Waste Reduction Services to provide industry with additional assistance in achieving toxics elimination and reduction.

7. Imposes a 5-Year Moratorium on the Siting of any New Hazardous Waste Disposal

Facilities: To give any toxics use and hazardous waste reduction program a chance, and to send a clear message that the state is serious about promoting source reduction over disposal, the state should place a moratorium on the siting and permitting of new hazardous waste landfills and incinerators. The state's existing Capacity Assurance Plan has determined that sufficient disposal capacity exists within the region for the next twenty years.

WORKER RIGHT TO ACT BILL (SB 946)

1. Mandates Health and Safety Labor-Management Committees: Specifies membership and duties of the committee which include requirements for frequency of meetings, inspections and recommendations regarding improvements, worksite health and safety plan, and toxic use reduction plans.

2. Mandates Worksite Safety and Health Plan: Promotes specific requirements for periodic inspections and hazards documented. Also sets up various safety programs including: industrial hygiene services, medical services, emergency medical response programs and first aid programs.

3. Right to Refuse Dangerous Work: An employee may choose not to perform a task if s/he thinks there is danger of death or injury even before an inspector has declared imminent danger.

4. Increases Authority for workers and MIOSHA inspectors regarding citations and penalties: Each time a violation occurs a separate citation shall be issued. If the violation is not corrected, the citation fine will be doubled. Employees or reps can contest failure of MIOSHA inspectors to conduct inspections and issue citations.

5. Worker's Compensation Protections: Employees cannot ask for information on previous claims of workers because filing a claim is a protected activity; and drug testing required because the worker filed a worker's comp claim is discrimination.