

CDC & ATSDR

CENTERS FOR DISEASE CONTROL
AND PREVENTION

AGENCY FOR TOXIC SUBSTANCES
AND DISEASE REGISTRY

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Subject: _____

Notes/Comments: Bob-
Here are Deborah
Weimer's comments on the
text of the report related
to ATSDR.

Sarah



clothing can be taken home unless adequate workplace safeguards are in place. The second occupational group is emergency responders. ATSDR surveillance data indicate that chemical emergencies are frequent, resulting from industrial plant mishaps, transportation accidents, and improper disposal of chemicals. Emergency responders can potentially transport chemical contaminants into the home unless clothing changes and other safeguards are effected.

The worker protection standards [29 CFR 1910.120 and 40 CFR 311] required by § 126 of SARA [29 U.S.C. 655 note] have provisions for changing and decontaminating work clothing, providing change rooms, and showering before leaving the hazardous waste site. If these requirements are adhered to, they should prevent contamination of the homes of hazardous waste workers homes.

There are aspects of CERCLA that make it unlikely for incidents of workers' home contamination to be the subject of direct actions by either EPA or ATSDR. These aspects include: in responding to hazard-waste releases, the highest priorities must be assigned to releases that present the largest public health threat [42 USC § 9604]; and specification of strict criteria for determining these priorities [42 USC § 9605]. Criteria to be considered in determining these priorities are: The population at risk; the harmful effects of toxic substances located at hazardous-waste sites; the likelihood that these substances have, or will, contaminate drinking water; and the potential for direct human contact with these substances. ✓

Under these provisions, the following rules^{yes} have been promulgated: 40 CFR 300, which resulted in the "National Priority List" consisting of 400 high-priority hazardous-waste sites; and 40 CFR 302, which specifies hazardous waste substances and the reportable-release quantities of these substances (i.e., quantities of hazardous substances that, if released, may be harmful to public health and/or the environment and must, therefore, be reported to EPA).^{del} While these aspects may restrict the roles of EPA and ATSDR in prevention and control of workers' home contamination, recent case law indicates that State and Federal Courts may provide an alternate vehicle for addressing this issue under CERCLA and SARA.⁷ The National Response Center

⁷In Vermont Poultney v. Staco, Inc. [1988], the court awarded the plaintiffs (the state of Vermont and the village of Poultney) nearly \$74,000 in decontamination costs incurred by the plaintiffs in responding to a release of mercury from the defendants' thermometer-manufacturing facility into Poultney's sewer system. In finding the defendants liable, the court stated that "the defendants released mercury to the environment through the movement of workers to and from the...facility in [the village of] Poultney."

Although decontamination of workers' homes is not addressed directly under any of the above-mentioned rules, some hazardous-waste sites (Alaska Battery Enterprises, Anderson Development Company, and Borfos Nobel, Inc.) designated on the "National Priority List" have been identified as sources of workers' home contamination. As EPA and ATSDR conduct studies at other sites on the "National Priorities List," additional cases of workers' home contamination may be found as has occurred previously. Many of the chemicals noted in previous chapters as being involved in workers' home contamination are on the priority list of hazardous substances [40 CFR 302] and have low reportable-release quantities (i.e., 1-10 pounds).

REVIEW OF STATE LAWS

In its requests for information (Appendices 2 and 3), NIOSH requested information on State and local laws that were relevant to preventing workers' home contamination. The responses from State agencies to these requests are summarized in Tables 20 and 21. Agencies from thirty States and Puerto Rico responded to the requests for information. Of these, 11 States and Puerto Rico replied that there were no State statutes or rules related to workers' home contamination. Arizona, California, and Idaho reported that laws existed for reporting BLLs and/or pesticide poisonings. Michigan, Maine, and Pennsylvania reported the existence of laws related to CERCLA on hazardous waste sites and emergency response to releases of hazardous chemicals. Oregon reported that, while it had no laws or regulations dealing directly with workers' home contamination, it had many occupational safety and health regulations that help to prevent workers' home contamination.

About half of the States and Puerto Rico have State Occupational Safety and Health Programs approved by OSHA. To be approved the State's occupational safety and health laws have to be at least as protective as the Federal law. To determine whether any of these laws had more stringent requirements, the Occupational Safety and Health laws of the States with approved programs were obtained and evaluated from this aspect. Most of the State laws were identical to Federal laws in regard to workers' family protection; however, the State OSHA laws apply to State and local government employees. Thus in States that have their own OSHA, families of these employees are benefited by requirements in the State arsenic, asbestos, cadmium, and lead standards, for showering and changing clothes at work, in contrast to State and local government employees in the remaining States.