

# RIGHT-TO-KNOW LAWS



## A Powerful Tool for Preventing Harm

We have the right to know about chemicals we may be exposed to in our daily lives so we can make informed decisions to prevent toxic exposures. Right-To-Know laws help make government responsive, hold corporations accountable, and empower communities to protect their health and environment.

- **Community Right-To-Know**—The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) requires facilities that use hazardous materials to send and/or make reports available to State Emergency Response Commissions, Local Emergency Planning Committees, and local fire departments. The “Fisherman’s Right-To-Know” law requires companies and sewer systems to post signs where pipes discharge pollution into rivers and streams. And drinking water, lead, and asbestos disclosure and Right-To-Know laws inform people about potential hazards in their home environment.
- **Worker Right-To-Know**—Material Safety Data Sheets (MSDSs) are chemical use and safety reports companies are required to make available to their workers that tell about the hazards of chemicals used on the job. MSDSs can also spur safety changes. In a government survey, one third of employers said they had replaced hazardous chemicals with less hazardous ones because of information received on MSDSs.
- **Public Access to Toxic Release Information**—The Toxics Release Inventory (TRI) came on-line as the first federally mandated environmental database available to the public in 1989. Within the first eight years of reporting, industries reduced chemical releases under TRI by 44 percent, or 1.6 billion pounds—mainly because citizens armed with toxic release information in their communities worked with local industries to prevent pollution through toxics reduction and spill prevention plans. TRI is now widely recognized as a valuable source of environmental information for the public, workers, legislators, the press, regulators, investors, and industry.
- **Public Access to Compliance Information**—The Environmental Protection Agency (EPA) created Enforcement and Compliance History On-line (ECHO) to provide a readily accessible on-line public inventory of companies’ compliance with environmental laws. For the first time, people can find historical compliance profiles with respect to clean air, clean water and hazardous waste laws for some 800,000 facilities. This information was formerly generally available only via slow-moving ‘freedom of information’ requests. Now company inspection, violation, enforcement, and penalty information is readily available on the Internet.

Right-To-Know laws are a powerful tool for preventing harm that we must continue to sharpen by working towards global reporting of all toxic chemicals in our environment and taking the guesswork out of what their adverse health effects are. Armed with information, people can then take action to address critical toxic pollution problems in their communities. Knowledge is power, and can be used to put pressure on businesses and government to act in the public interest.

**BE SAFE: Take Precautionary Action.**  
**We Have a Right-To-Know About Pollution & Health**

# BE SAFE's FOUR PRINCIPLES

## 1. HEED EARLY WARNING SIGNS

We can heed early warning signs of toxic exposures and prevent them by taking a precautionary approach. Right-To-Know laws help people identify situations where caution is needed so they can take preventive action to eliminate health hazards. Research linked drinking contaminated water and on-the-job exposure to lead and other hazardous chemicals to increases in disease, learning disabilities, and cancer. As a result, Right-To-Know laws were developed to provide people with information on these hazards. Water companies now have to send yearly reports to consumers to tell them what is in their drinking water. Landlords have to tell tenants about lead paint in housing; and employers have to inform workers of any hazardous chemicals in their workplace.

## 2. PUT SAFETY FIRST

Right-To-Know laws support a “better safe than sorry” approach by informing decisions made by government, industry, and the public. Each year, companies in the United States report thousands of chemical fires and spills. Many companies must also disclose potential hazards to workers and communities. The public’s right to know about chemical industry hazards has spurred efforts to prevent pollution, save lives, and protect property through safer technologies. [WGCRTK, 2003] By spotlighting potential spills and pollution sources, Right-To-Know laws help motivate preventative action and provide information needed to measure progress.

## 3. EXERCISE DEMOCRACY

We have a right-to-know about pollution and how it affects our health. With public information on hazards, people can effectively pressure businesses or politicians to act in the public interest. Right-To-Know laws give people a greater voice in public health by transferring information from previously inaccessible corporate files to people, making government more responsive, and holding corporations accountable. Community leaders, armed with environmental hazard information, play a critical role in protecting our environment.

Unfortunately, while Right-To-Know laws have been gaining momentum over the last decade, the federal Department of Homeland Security is now developing procedures that may cut a broad swath of information out of the public domain in the interest of “public safety”. Our ability to remain informed and participate in the decision-making of government is fundamental to the democratic process. We must ensure there is continued public access to information that community residents, parents, journalists and others use to inform the public and make their communities safer places to live.

## 4. CHOOSE THE SAFEST SOLUTIONS

Right-To-Know laws compliment regulations and initiatives to develop safer technologies that do not release chemicals into the environment. Publicity on industrial hazards that generates a public outcry often prompts companies to explore safer solutions. Here are some ways you can explore safe solutions in your community and tap into the Right-To-Know information highway.

### ■ Investigate air pollution near your home.

For information, go to [www.scorecard.org](http://www.scorecard.org).

### ■ Learn about tools and resources.

Help fight pollution in your community and help preserve Right-To-Know laws. For information, go to [www.crtk.org](http://www.crtk.org), [www.rtknet.org](http://www.rtknet.org), or email George Sorvalis at [sorvalis@crtk.org](mailto:sorvalis@crtk.org).

### ■ BE SAFE.

Take precautionary action to prevent harm by promoting Right-To-Know laws. Sign on to the BE SAFE Platform on the next page. Be counted when we deliver this national Platform to the White House in 2005. Endorse the BE SAFE Platform today at [www.besafenet.com](http://www.besafenet.com).

### ■ Your Vote Counts.

The next election will set the country's course on Right-To-Know policies. For information on state and federal environmental voting records, contact [www.sierraclub.org](http://www.sierraclub.org) and [www.lcv.org](http://www.lcv.org). To register to vote, contact [www.earthday.net](http://www.earthday.net)

## RIGHT-TO-KNOW LAWS SPUR CHEMICAL INDUSTRIES TO TAKE GREATER CARE SIMPLY BECAUSE SOMEONE MIGHT BE WATCHING

*"It genuinely bothered me... We said, 'If there's going to be a list, we don't want to be in it.' Right there, I made a decision: we were either going to improve or get out of this business."*

Cyrus Jaffari of Caspian, Inc. quoted in the *Los Angeles Times*, after his company was listed as a polluter on the Toxics Release Inventory (TRI).

Using Right-To-Know information on potential worst-case chemical spills, the Local Emergency Planning Committee in Cuyahoga County, Ohio worked with local industries to reduce the danger that an accidental or terrorist release could send a toxic plume into nearby communities. Preventive safety measures were taken to replace volatile chlorine gas with a non-toxic alternative at a wastewater treatment plant, and to eliminate a large tank of dangerous hydrofluoric acid at an aluminum manufacturing facility.

Citizens used worker and community Right-To-Know information to help guide efforts to reduce pollution at two chemical plants in the Texas Ship Channel, the area's two biggest toxic polluters. The plants made more than \$16 million in improvements, reduced reported chemical emissions by 17%, and proposed another \$60 million in improvements to further reduce emissions.

## References:

Primary Contributor: Paul Orum, Working Group on Community Right To Know.

# ***BE SAFE Platform***

*In the 21st century, we envision a world in which our food, water and air are clean, and our children grow up healthy and thrive. Everyone needs a protected, safe community and workplace, and natural environment to enjoy. We can make this world vision a reality. The tools we bring to this work are prevention, safety, responsibility and democracy.*

*Our goal is to prevent pollution and environmental destruction before it happens. We support this precautionary approach because it is preventive medicine for our environment and health. It makes sense to:*

- *Prevent pollution and make polluters, not taxpayers, pay and assume responsibility for the damage they cause;*
- *Protect our children from chemical and radioactive exposures to avoid illness and suffering;*
- *Promote use of safe, renewable, non-toxic technologies;*
- *Provide a natural environment we can all enjoy with clean air, swimmable, fishable water and stewardship for our national forests.*

*We choose a “better safe than sorry” approach motivated by caution and prevention. We endorse the common-sense approach outlined in the BE SAFE’s four principles listed below.*

## ***Platform Principles***

### **HEED EARLY WARNINGS**

Government and industry have a duty to prevent harm, when there is credible evidence that harm is occurring or is likely to occur—even when the exact nature and full magnitude of harm is not yet proven.

### **PUT SAFETY FIRST**

Industry and government have a responsibility to thoroughly study the potential for harm from a new chemical or technology before it is used—rather than assume it is harmless until proven otherwise. We need to ensure it is safe now, or we will be sorry later. Research on impacts to workers and the public needs to be confirmed by independent third parties.

### **EXERCISE DEMOCRACY**

Precautionary decisions place the highest priority on protecting health and the environment, and help develop cleaner technologies and industries with effective safeguards and enforcement. Government and industry decisions should be based on meaningful citizen input and mutual respect (the golden rule), with the highest regard for those whose health may be affected and for our irreplaceable natural resources—not for those with financial interests. Uncompromised science should inform public policy.

### **CHOOSE THE SAFEST SOLUTION**

Decision-making by government, industry and individuals must include an evaluation of alternatives, and the choice of the safest, technically feasible solutions. We support innovation and promotion of technologies and solutions that create a healthy environment and economy, and protect our natural resources.

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**Take precautionary action to prevent harm by promoting Right-To-Know policies. Sign onto the BE SAFE Platform.**

Be counted when we deliver this national platform to the White House in 2005. Endorse the platform today at [www.besafenet.com](http://www.besafenet.com)



BE SAFE is coordinated by the Center for Health, Environment & Justice. To sign the platform or for more information, contact us at CHEJ, P.O. Box 6806, Falls Church, VA 22040, 703-237-2249, or 518-732-4538, or visit [www.besafenet.com](http://www.besafenet.com)