

WOHRC NEWS

WOMEN'S OCCUPATIONAL HEALTH RESOURCE CENTER
SCHOOL OF PUBLIC HEALTH
COLUMBIA UNIVERSITY

New Jersey Right to know Upset

By Mary Sue Henifin

The nation's most comprehensive law governing the right to know about dangerous substances in the workplace, as it applied to manufacturers, was struck down on January 3, 1985 by a federal district court. This was the first court battle on the issue. The New Jersey law had been challenged by various manufacturers and their trade associations in the case *New Jersey Chamber of Commerce v. Hughey*, C-84-3255.

The New Jersey right to know law had required that all employers provide information about hazardous chemicals to communities, the State Department of Health, emergency service squads and workers. It also required that all containers and pipelines carrying hazardous substances be labelled.

Non-Manufacturing Sites Covered

The court held that OSHA's Hazard Communication Standard preempted New Jersey's regulation. The OSHA standard only covers manufacturers so that this decision only preempts the state's regulation of manufacturers but leaves intact the regulation of other workplaces such as hospitals, universities, dry cleaners, dentists offices

and hazardous waste disposal facilities. If the federal OSHA standards were to be expanded to cover any of these non-manufacturing industries, their coverage by the New Jersey right to know law would also be preempted.

The federal Occupational Safety and Health Act only allows states to regulate areas where no federal standards are in effect or where state plans have been approved by OSHA. New Jersey did not seek prior federal approval of a state plan. States with approved plans may thus have a better chance of successfully winning a court battle over preemption and right to know laws (if they have passed them.)

The Court's opinion described New Jersey as "one of the most densely populated states with a high concentration of industry" where worker and community exposure to hazardous substances results in "debilitating or fatal illness, particularly cancer, lung ailments, sterility and birth defects."

The opinion suggested that New Jersey could pass a state law requiring information "to assist emergency response services, enforce compliance with environmental

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Growing Activism on VDTs

In December 1984 a bill for setting standards was filed in the Massachusetts legislature. Similar bills have been introduced in other states, such as New York and Connecticut, but to date none have become state law.

Coalitions of women's groups, state commissions on women, health activists and unions have been heavily engaged in lobbying efforts, as have industry councils in blocking these bills.

In a move timed to coincide with the Massachusetts bill, the Service Employees International Union, SEIU, and 9 to 5, The National Association of Working Women, launched a "Campaign for VDT Safety." The health and safety problems of office workers are "no less serious than the problems faced by industrial workers in the 1930's and they are even more insidious because of their subtlety," according to John Sweeney SEIU president. The SEIU is the nation's fifth-largest union.

It is to be anticipated that SEIU and 9 to 5 will rely heavily on VDT safety issues in

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•• Briefly Noted ••

FUNDING FOR OCCUPATIONAL HEALTH continues to occupy a small part of the federal budget. FY1985 once again has programs for occupational safety and health among the lowest funded health programs. The National Institute for Occupational Safety and Health, NIOSH, received \$66.7 million, or 16% of the Centers for Disease Control, its parent agency, budget. NIOSH's share is about 1% of the total National Institutes of Health Budget. The NIOSH budget is to cover research, and training as well as scientific and technical services to other agencies such as OSHA.

In an analysis of federal spending on research and development, *Chemical and Engineering News*, published by the American Chemical Society, reported that in the past twenty years the budget for defense related research has grown from 48% to 70% of the total. Health has gone for 10% to 35% of the non-defense budget.

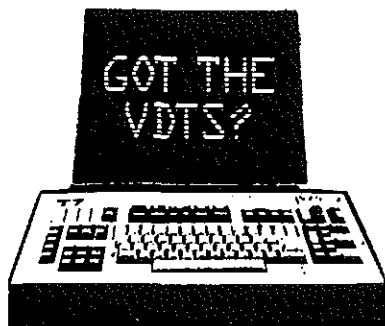
Occupational health related research is also carried out with a small part of research funds from other health agencies but these sources have not been clearly defined.

THE UNITED MINeworkERS recently negotiated 40-month contract included an agreement to establish a joint committee to study the issue of parental leave. Union spokesmen predicted that the contract might eventually lead to "...leave for mothers, fathers or guardians of newly-born, newly-adopted or seriously ill children."

Barbara Regan of Westover, West Virginia, a UMWA mine committee person, hailed the move as a "historic moment," adding "At a time when social programs . . . are under attack, this offers an example to other workers of how to use their union contracts to fight for things that will benefit the whole society," according to a report in *Coal Mining Women's Support Team News*.

THE DEPARTMENT OF LABOR continues to be under the scrutiny of the Congressional Committee on Government Operations and is not faring too well. Its Sixtieth Report (House Report 98-1144) is entitled: *Occupational Illness Data Collection: Fragmented, Unreliable, and Seventy*

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Logo used by Labour Council of Metropolitan Toronto for VDT Conference

Work History

Rebecca Davis—Pioneer Wrote of Past Horrors

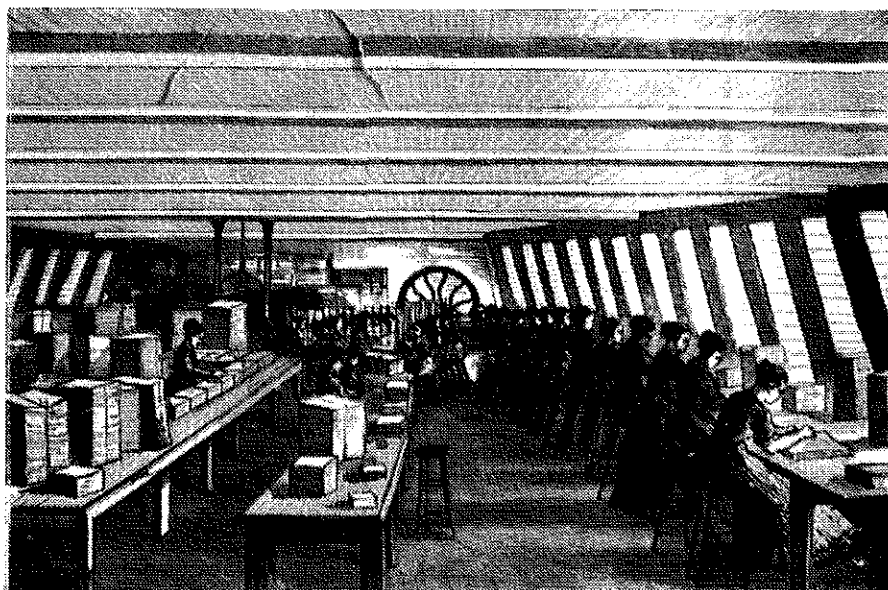
By Vilma R. Hunt

Eye-witness accounts of working conditions in 19th century America are rare. By the time of the Civil War the factory towns were well established but the image of America was still of wide open spaces, clean rivers and clear air—a land of opportunity.

One story, *Life in the Iron Mills*, published in 1861 described the impact on workers and the environment of the early industrialization of America and is a contemporary view of Wheeling, Virginia (now in West Virginia). It is the tale of a 19 year old millhand who carves beautiful and grotesque statues from the pig-iron slag that comes as waste from the furnace he tends.

To read the story today is to see and feel the misery of servitude that was the beginning of American industrialization and also the striving for something beautiful by a young worker who has been too close to the fiery furnace for half of his life.

It was Rebecca Harding Davis' first story and it was a shock to all who read it. It described a picture quite different from what was then generally believed by the majority of Americans. Their view of industry came from reports of life in the textile mills of Lowell, Massachusetts, which had become idealized as a community of young women, working in model factory conditions with both educational and social opportunities. Over the years, a very successful public relations program had kept from public knowledge the problems of deteriorating conditions and serious worker dissatisfaction there. So an author who wrote of poor people—laborers, mechanics and factory hands—was bringing new information to a naive public in the 1860's.



Contrary to popular belief, the entrance of women into the workplace is not a phenomenon of the 1980's. Pictured here is a 19th sheetmaking factory where women workers are shown folding, gathering and sewing sheets. The manufacture of textiles, although much more automated today, is a major employer of women. In 1980 there were 782,000 textiles mill workers in the United States. Almost half (49%) were women according to the U.S. Department of Labor.

Davis was telling her readers that she saw working conditions in mills and factories as "terrible tragedy, a reality of soul (and body) starvation, of living death." She was charging misuse of black and white human beings in an industrial world. Her stories were widely acclaimed but within a decade were forgotten, indeed forgotten for nearly 100 years and only rediscovered in the 1960's.

Today we can recognize Rebecca Harding Davis as a lone voice writing of the encroaching smoke in a land where everyone expected to be able to see forever, and about people of little importance to those who saw only opportunity ahead. Hers was the first warning voice, one that was not heard until too late. □

Life in the Iron Mills (The Korl Woman) by Rebecca Harding Davis with a biographical interpretation by Tillie Olsen. Feminist Press, Box 334, Old Westbury New York 11568. 1972.

Dr. Vilma Hunt is a Professor at Pennsylvania State University and a noted authority on women's occupational health. She is a Mellon Research Fellow at MIT this year.

BRIEFLY NOTED

(Continued from page 1)

Years Behind Communicable Disease Surveillance and concludes that a crisis exists in the information systems on occupational disease.

Of particular interest to women is the Committee's Sixty-First Report on the Women's Bureau which concluded that there is an urgent need for funding and increased activism by the Bureau. (House Report 98-1145).

WOHRC readers should be aware that the Women's Bureau played a pivotal role in bringing to light the needs of working women (see illustration on page 5) in the past and sponsored the work and reports of such pioneers of occupational as Alice Hamilton.

1985 INDEX / DIRECTORY OF WOMEN'S MEDIA has been issued. It is a valuable resource that lists 464 women's periodicals, 116 women's press and publishers, 80 women's bookstores, 67 art/graphics/theater groups among other useful entries, arranged geographically and cross-referenced. It is available for \$8 from WIFP, 3306 Ross Place, N.W., Washington DC 20008.

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WOHRC FACT SHEET



WOMEN'S OCCUPATIONAL HEALTH RESOURCE CENTER NEWS

SCHOOL OF PUBLIC HEALTH

COLUMBIA UNIVERSITY

Vol. 6 No. 6

Never Done – Hours of Work Around the World

“The ten-hour workday six days a week, with eight hours of sleep at night, left my father about four hours out of twenty-four to do what he, as a free person in a free country, wanted to do. We saw him guard and hoard those four hours, being careful to waste no hour. Had his workday been eight hours, he would have had twelve hours more in a week to do the things he wanted to do, things his personality craved. There was no yearly vacation. From 1876 to 1904, August Sandburg walked from his home to the same Q. blacksmith shop six days a week

for a ten hour workday. On an eight-hour workday he would have had in those years many days amounting to two or three years of time for work of his own choice, for rest, for play and talk with his children and friends, for his accordion and his Bible. In those added two hours a day across those years his personality would have reached out and down and up, would have struck deeper roots in the good earth and sent higher branches toward the blue sky.”

– Carl Sandburg¹

Hours of work have been a major issue between employers and employees almost since the start of industrialization and the basic issues of women's rights on the job and society's perceptions of the role and limitations of women have been inextricably interwoven into the history of legislation and general practices governing the hours of work around the world.²

In the 1920's, for example, activist organizations, like the Women's Trade Union League and the Consumer League of New York, staunchly supported protective legislation for women, which included legal prescription of the maximum hours of work permitted. Other activist groups, like the Women's League for Equal

Opportunity, however, opposed special rules for women, arguing that “restrictions on the conditions of labor should be based upon the nature of the industry, not on the sex of the workers. . . .”³ They feared that shorter work-week legislation for women would “discriminate against women and handicap them in competing with men in earning their livelihood.”⁴

Some labor historians see the movement for protective legislation for women to have been a means of winning rights for men from “behind women's petticoats.” As the historian Elizabeth Brandeis noted “In order to put an end to evening overtime work the men workers in the textile mills made a long and determined fight for a night work law for women which should prohibit their employment after 6:00 P.M. and thus force the closing of the mills at that hour.”⁴

It was indeed for women that the first state laws prescribing the maximum hours of daily work were upheld by the U.S. Supreme Court. The historic 1908 decision *Muller vs Oregon* permitted Oregon to set a 10-hour day maximum for women only. Unfortunately, the Court's reasoning was based on their assumption that female physical structures and maternal functions “place her at a disadvantage” compared to men and that even if legally females were to be “upon an absolutely equal plane” with men, “it would still be true that she is so constituted that she will rest upon and look to him for protection; . . .”⁵

The imposition of protective rules and regulations governing hours of work, night work, weight lifting regulations spread, not only in the United States but around the world.⁶ Some of the benefits were extended to men and establishing protections for women served as a driving wedge toward establishing these same rights – a minimum wage, an eight hour day, overtime pay, for all working people. However, in some cases, it was not for the protection of health, but for the explicit exclusion of women that protective legislation was passed. According to the Women's Bureau⁷ the active lobbying by the craft unions involved in the skilled trades of grinding and polishing was instrumental in the passage of an 1899 New York State statute prohibiting women from using grinding and polishing machines.

Passage of the Civil Rights Act and creation of the Equal Employment Opportunities Commission in the United States led to the legal decisions striking down all state protective legislation as discriminatory and placing women on an equal footing to men in this regard. Protective legislation for women still exists in many other countries of the world, however.



Recognizing the special burdens of the multiple roles of women is not new as this 1936 Women's Bureau Bulletin illustrates.⁸

History clearly shows that a major issue in industrial relations has been hours of work, but is there a relationship between the hours that you work and your health? Is leisure related to well-being? Does over-work injure you? How much is too much—and how little is too little?

The answers to these questions are relative. Almost everyone agrees on the extremes: both unemployment and excessive hours of work (well-above 40 hours, with no regular vacations or work breaks) will be detrimental to well-being. The International Labor Office, for example, has documented the correlation between the shorter work week with regular vacations to the increased standard of living in nations around the world.⁹ Any occupational hazards present will have a greater effect as the exposure time increases. Excessive hours of stress on the body can worsen musculo-skeletal injuries.

Several researchers have studied the profound adverse health effects of unemployment.¹⁰ Unemployed workers have shortened life expectancies and an increase in virtually all chronic diseases. The accident rate of workers who learn they are soon to become unemployed rises dramatically.

The issues become less clear with less extreme cases and many other factors come into play. The nature of work, the extent of responsibility and autonomy, the sense of accomplishment one feels after completing a task, and, most important, the conditions of work, both physical and psychological, will all contribute to the drain and strain of the job.

Underload and Overload

Job underload and overload have been found by researchers to be serious stressors. Jobs which are either very boring or underutilize one skills, or else jobs, even if interesting, which place too many demands on a person—demands like continually meeting deadlines, or simply having too much work—will raise the stress level. Scientists have been able to document biochemical changes related to the stress response in people with such jobs.¹¹

Getting away from it all—that is, work breaks and regular vacations are one way in which a person can recover from the stress of such work.

Multiple Work Roles of Women

Women, on the average, work many more hours per week than their male counterparts. In most, if not all societies, women with paid employment, continue to bear the main responsibilities for childcare and housework as well, although males are sharing a greater burden in some countries.¹²

In 1977 the ILO reported that the typical employed women works an average of 75-80 hours per week all over the industrialized world, East and West. Employed married

INTERNATIONAL EXAMPLES OF WORKING HOURS⁹

	Normal hours/ per week	Hours actually per week	Minimum weekly rest	Minimum annual leave
Australia	40	34.5 a	1½-2 days	3-4 (4 **) weeks
Belgium	40 (38**)	33.6 a	1 day (Sun)	4 weeks (2-3**)
Canada	40 (35-40**)	37.6 b	24 hours (2 days under fed)	2 (3**) (weeks leg)
Denmark	40	33 a	1 day (some commerce 2)	30 days (1)
El Salvador	44	44.5 a	1 day Sun.	15 days
Finland	40 (35-40**)	40.4 a	24 hrs (2 days**)	4 (5**) weeks
France	39	39.7 a	1 day Sun. (2 cs)	30 days (1)
Germany (Federal Republic)	48 (40**)	40.7 b	24 hrs (shops 1½ days)	18 days (1) (4-5 wks**)
Mexico	48(40cs)	46 a	1 day Sun. (2 cs)	6 days (1-2 wks **)
Sweden	40	35.6 a	36 hrs (more by ** contract)	25 days (1) (5-7 wks **)
USSR	41	40.7 a	42 hrs	15 days
United States	40	34.8 b	2 days	1-2 wks **

** union collective agreements; a hours actually worked; b hours paid for; cs civil servants; 1 legislated national minimum

women appear to have a greater workload than employed married men. They report 17% less free time and less time for rest and recreation. On the average women have been found to spend at least 5 hours per week more time commuting, doing housework and other family tasks.

The Quality of the Environment Survey published in 1979 found that at least almost half the women surveyed spent an additional 3½ hours on housework on the days that they worked. This would make the average workday for employed married women 11½ hours, not counting commuting and work preparation time.

Paid Leisure and Vacations

International trends, particularly in the advanced industrialized world, are toward the shorter workweek with longer periods of paid vacation. Among Western nations, workers in the United States, on the average, appear to have the shortest vacation periods. In Sweden, France, and Denmark five weeks of vacation are mandated by law. In the Federal Republic of Germany there is a legislated three week minimum vacation time.

Is there scientific evidence that longer vacations can lead to better health? The answer is no.

In fact, there is really limited scientific evidence to support many of our modern concepts of the quality of life. People in the modern world have simply come to believe that human beings have some basic rights and needs—and the international trends toward shorter work weeks and improved conditions are apparent, even without an absolute medical data base upon which to proceed.□

Notes and References

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2. Much of the historical discussion is adapted from Stellman, Jeanne Mager, *Women's Work Women's Health*, Pantheon New York, 1977.
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4. *Testimony of Mrs. Clarence M. Smith at hearing before the New York State Industrial Survey Commission, Nov 8, 1926, p. 935.*
5. *Muller v. Oregon, 208 U.S. 412 (1908).*
6. An excellent source of information on international trends is the International Labour Office in publications such as *International Labour Conventions and Recommendations 1919-1981, Geneva 1982.*
7. U.S. Department of Labor Women's Bureau *Women's Bureau Bulletin.*
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13. Int'l Labour Office, *Women workers and society: international perspectives, Geneva, ILO 1977.*

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South Africa

We recently received a report on activities from the Industrial Health Research Group, based in the department of Sociology at the University of Cape Town. The Group is involved in research, educational and consultancy activities related to occupational health and safety. Its efforts are principally directed toward the needs of the independent Black Trade Union movement and all of its services are provided free of charge.

Among the technical staff members are Judith Cornell, a social research, Dawn Garisch and Jonny Myers, physicians and Rufus Rwexu, a field research.

The IHRG has developed programs with many individual Unions and Councils of Unions, such as the Federation of South Africa Trade Unions.

Judith Cornell has recently written to inform WOHRC that IHRG is beginning to undertake training courses and sessions for Unions on women and work. These courses are a major new development in the Union movement which has only recently begun to carry out programs in this area.

Austria

A researcher in Austria recently reported that contact allergies to nickel could be found in 45% of 247 hairdressers who were suffering from hand eczema. Eczema is a condition where the skin is often red, and scaly and may be itchy, among other symptoms.

The researcher, Helmut Lindemayr from the Universitäts-Hautklinik in Vienna (*) also reported that hairdressers nails contained ten times more nickel than those of controls. He also reports that although nickel was undetectable in 8 shampoos tested, 2 out of 6 hair dyes, 2 out of 8 bleaching agents and 8 out of 9 solutions for permanent waves were found to contain nickel. Hand tools may also have nickel in them.

Other workers exposed to nickel, such as workers in smelting, have been known to develop serious skin conditions, sometimes given the name "nickel itch."

(*)Lindemayr, H, *Der Hautarzt* 35:292-297, 1984.

Editorial

What's a Woman's Work Worth?

Last November Clarence Pendleton, chairman of the U.S. Civil Rights Commission, called the principle of pay equity for women for work of comparable value "looney tune," scoffing at the "ludicrous" idea that the work traditionally carried out by women was of comparable value in the marketplace to work traditionally carried out by men. Women who want to earn more money should go out and get the same jobs as men. Be truck drivers, not secretaries, he advised.

There *is* something "looney tune" about the way in which women's work is valued. Traditional women's work involves the care of children and the sick. Teaching and tasks relating to the preparation of food have always been the domain of women, in the home and in the marketplace. So called "clerical" tasks, a code for keeping papers flowing and the system rolling, are completely dominated by women.

For these tasks women earn less than 60% of wages of men. Female college graduates continue to be underemployed and earning less than most male high school graduates. But the pressure to re-evaluate is on. Courts have backed the concept of comparable worth. Recent news reports find State officials across the country stymied by the revolutionary task. After all, how can we compare these menial "female" tasks to the

much more worthwhile physical and mental tasks traditionally carried out by men?

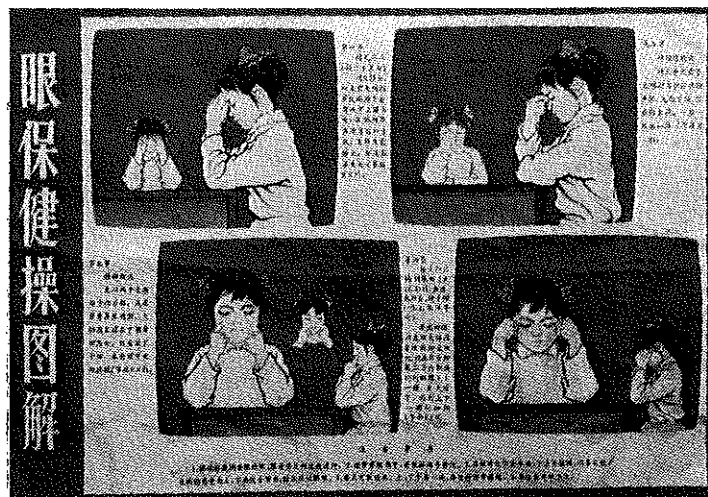
We have some ideas. How about deciding it to be worth as much to give a child love and care in a daycare center as it is to haul a box of oranges in a truck. Or figuring out that the nurse who gives the patient the majority of the physical attention and moral support, certainly life-sustaining forces, is really quite valuable—perhaps more than 1/10th as valuable as the physician who spends five minutes a day with a patient.

The people who tend the books and type the notes and letters are important too. If Wall Street executives took daily three hour lunches the market would function. If the clericals did, the market would surely plunge—and probably halt. Surely ten to thousand-fold wage differentials can't be justified.

Linda Chavez, the U.S. Civil Rights Commission's staff director, noted that comparable worth would "radically alter our existing marketplace economy." We agree. And it's time. The values we place on work aren't inherent properties of the tasks but social decisions about what is important to society.

Our children, our health, our cleanliness, our food are the really important things. Why do we have to switch our jobs? Instead women's work must be recognized for the great value it is. □

China



We recently received a copy of this poster, widely distributed in China, from Dr. Clifford Gross, Chairman of the Biomechanics Department at the New York College of Osteopathic Medicine. Dr. Gross notes that the picture demonstrates massage techniques that are believed by the Chinese to be effective in reducing eye strain.

Eye massage and exercise techniques are not common in North America. Indeed, in many instances it is still a matter of controversy whether close work can result in straining of the eyes. Data is not readily available on the efficacy of the Chinese program for reducing "eyestrain".

VDT ACTIVISM*(Continued from page 1)*

forthcoming grass-roots organizing campaigns.

Many Union contracts now contain specific language on VDTs, including the right to transfer to other jobs, when available, if an operator is pregnant. Potential risks for pregnant operators from VDTs is a highly controversial subject with many scientists denying such effects. No definitive study either confirming or disproving the effect has been carried out. There is, however, widespread belief among workers and their Unions that a risk exists.

Several Unions have successfully negotiated contract clauses which include agreement that VDTs will have non-glare screens and brightness and contrast controls and that machines will be routinely maintained and serviced, including the availability to workers of cleaning solutions for dust removal.

Eye glasses and eye examinations are provided free of cost to VDT workers in several contracts.

Both Unions and activist groups working closely with unions and unorganized workers have developed materials, run conferences and held educational programs.

In December, 1984 the first issue of *Automated Times*, a Massachusetts newsletter on Office Automation was published. Mass-COSH, a Massachusetts based statewide coalition of health activists has published a 2nd edition of "Health and Safety Contract Language for Operators of VDTs/CRTs." □

A list of names and addresses of these and other references is available from WOHRC. Please send \$2.00 and a self-addressed stamped envelope when ordering.

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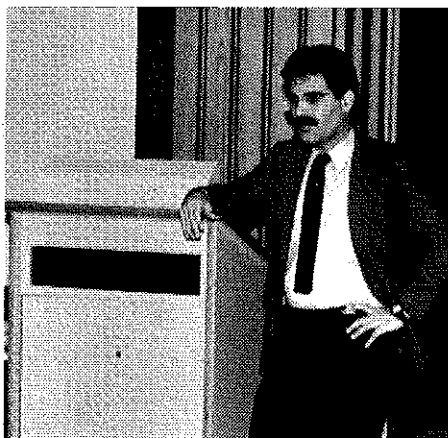
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Cancer Drug Safety

Safety and health of mixing and administering cancer chemotherapeutic drugs was discussed at the first of several regional conferences sponsored by WOHRC. It was held at the Columbia Presbyterian Medical Center on January 21, 1985

The program included a presentation by Dr. Stephen Zoloth, Hunter Health Sciences, (pictured above) on short term assays, such as the Ames test, for detecting risk. Dr. Michael McCann, Center for Occupational Hazards, discussed industrial hygiene precautions and WOHRC Director Jeanne Stellman presented an overview and led a question and answer period.

RIGHT TO KNOW*(Continued from page 1)*

laws, . . . to provide the public with information concerning toxic substances used in their communities and emitted into the environment, and to assist health professionals. . . " as long as workplace and non-

workplace regulatory schemes were not "inextricably intertwined."

It thus appears that one ironic outcome of the decision may be that community residents may have a stronger right to information about toxic substances than the manufacturing workers who are working with them, and often, with exposures at a much higher level. New Jersey is now drafting a new law covering community and emergency service disclosure. The State also plans to appeal the decision.

Trade Secrets and Right to Know

One of the strongest criticisms of the federal Hazard Communication Law is a loophole that allows manufacturers to withhold non-emergency information if they can support a trade secrets claim. The federal standard is being challenged as too narrow before a federal court of appeals. Several environmental groups, unions and states, including New York and New Jersey have filed the case.

In the recent decision on the New Jersey right to know, the court held that although "employers may face the unpleasant choice of disclosing trade secrets or limiting or shutting down operations in New Jersey," any non-manufacturing employers using any of a list of 835 hazardous substances must unconditionally report the required information to state agencies. Limited trade secret protection is provided for some 1200 additional hazardous substances. □

Mary Sue Henifin, MPH, former Resource Coordinator for WOHRC, is completing her law degree and is currently working at the Women's Rights Project, American Civil Liberties Union.

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