Dear Legislator,

Between October and December, 1989, at several hearings of the Joint Legislative Committee on Hazardous Materials and again in February, 1990 before the Joint Committee on Hazardous Waste, the Sierra Club was joined by other environmental and public interest organizations in calling for a comprehensive state management program for hazardous substances.

Following the landmark ENSCO hearings in Mobile in May, 1990, our call for a comprehensive state program was joined by thousands of citizens throughout the state. Nonetheless, the Legislature adjourned without taking care of the problem.

From August through September, 1990, we participated in the Governor's Hazardous Waste Technical Advisory Committee and in October the Committee issued its report, calling for a comprehensive, preventative approach to hazardous waste management in the state. In that month we again testified before the Joint Committee on Hazardous Waste and again were joined by a broad spectrum of organizations emphasizing that ENSCO was not the problem but a symptom, and that what was needed was a broad systematic approach to the whole cradle-to-grave hazardous substance cycle.

For the past several months we have participated at length in a series of Joint Subcommittee hearings and working groups trying in good faith to develop legislation that would establish the kind of comprehensive program we have consistently called for. The elements of that program are the same now as they were in 1989:

- A comprehensive definition of hazardous substance to include all hazardous materials, toxic substances and pollutants now regulated by the state and federal governments.
- A definition of hazardous waste that recognizes hazardous waste as a subcategory of hazardous substance and that discourages imports to Arizona by defining as hazardous in this state all wastes recognized as hazardous in other states.

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A mandatory reporting base that includes all facilities using hazardous substances above certain threshold quantities.

Mandatory reduction of hazardous substance use to maximum practicable extent by major governmental and industrial users.

A fee structure for all phases of hazardous substance use to cover costs of the state program and to discourage imports of hazardous waste.

State ownership of the state facility.

A ban on imports and incineration at the state facility.

H.B. 2121, which you will be voting on soon, addresses none of these points adequately.

Not only would H.B. 2121 keep the current narrow federal definition of hazardous waste (thereby encouraging import of California wastes), but it would exempt pesticides, PCBs, toxic minewastes, asbestos, municipal incinerator ash, industrial sludges and other broad categories of toxics from hazardous substance reporting and reduction requirements.

Rather than requiring reductions in use of hazardous substances at the front end of the hazardous substance cycle, the bill focuses on voluntary end-of-the-pipe control of hazardous waste and pollution after it is created.

Although the bill would ban incineration at the state facility for the immediate future, it raises unnecessary uncertainties by requiring a study committee to review the issue if and when Arizona generates enough so-called "incinerable" waste. Imports to the facility would not be banned outright and no fee structure would be established to prevent imports.

Many of you were elected on environmental platforms that recognized the need to establish the kind of comprehensive program we have been calling for. We call upon you now to make sure that the bill you send to the Governor includes at least these major elements to protect human health and the environment.

Sincerely,

Craig O'Hare
Conservation Chairman

Michael Gregory
Toxics Coordinator