



**DEPARTMENT OF
PUBLIC WORKS**

OFFICE OF THE DIRECTOR

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CALIFORNIA

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September 26, 1990

Law and Legislation Committee
Sacramento, California

HONORABLE MEMBERS IN SESSION:

**SUBJECT: REVIEW OF PROPOSITION 128 ("BIG GREEN" INITIATIVE) RELATING TO
ENVIRONMENT AND PUBLIC HEALTH**

SUMMARY

Proposition 128, which will appear on the November 1990 ballot, is a broad environmental initiative addressing pesticide use, global warming, water quality, air quality, oil drilling and redwood preservation. At the request of Committee Chair Lynn Robie, staff has compiled information on the initiative for review and consideration by the Committee.

BACKGROUND

Over the years, State and local governments in California have developed a number of programs to address environmental issues. Proposition 128 on the November ballot seeks to enact an Environmental Protection Act to strengthen enforcement of environmental laws, protect the coast from oil spills, phase-out cancer-causing pesticides and reduce pollutants that destroy the ozone layer and worsen global warming. An analysis of the measure prepared by the State Legislative Analyst's Office is attached.

Sponsors of Proposition 128 include the California League of Conservation Voters, the Natural Resources Defense Council and the Sierra Club. The League of California Cities will not take a position on the initiative until the annual conference in October.

In addition to the information included in the Legislative Analyst's report, staff has identified other potential impacts of Proposition 128 on City operations. Section 26, 13397.6.b would require that each regional water quality control board develop specific plans to insure "full protection" of public health and recreational values, and full protection and propagation of fish, shellfish and their habitats. Existing law requires "reasonable protection", considering all beneficial uses of water.

The impact of this section is unknown; however, the full protection provision could be implemented at the expense of other beneficial uses, including domestic water supplies. For example, water releases for fish or recreation could take priority over water supply needs. Unlike the legislative process, the initiative process does not allow for negotiation on specific potentially troublesome provisions. As a result of concern about the "full protection" provision, a number of water agencies are opposed to Proposition 128 (including the Metropolitan Water District of Southern California, East Bay Municipal Utility District, and the Association of California Water Agencies).

With regard to storm drainage and sewer, Proposition 128 will require accelerated deadlines for all treatment processes. In addition, it may require structural controls within the stormwater system, something not anticipated in existing plans.

FINANCIAL IMPACT

As the Legislative Analyst's report indicates, local governments would incur one-time costs of approximately \$8 million statewide, and annual implementation costs of \$5 to \$10 million, decreasing in future years. The annual administrative and program costs to the state are estimated at \$90 million and are partially offset by \$10 million in increased annual fee revenue. Indirect fiscal impacts are unknown.

POLICY CONSIDERATIONS

Section 6.2 of the City Council's Legislative Policy Guidelines states that the Law and Legislation Committee shall only consider legislation which "directly relates to the functions, operations, or revenues of the City of Sacramento, or which affect the citizens of Sacramento in a manner distinguishable from its effect on the public generally."

Adopting positions on initiative measures differs from taking positions on legislation, as there is no opportunity to suggest amendments or revisions---the complete initiative, as written, must be either supported or opposed.

M/WBE CONSIDERATIONS

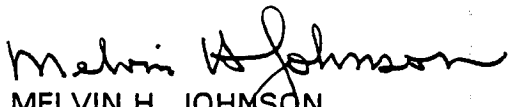
There are no M/WBE considerations associated with this report.

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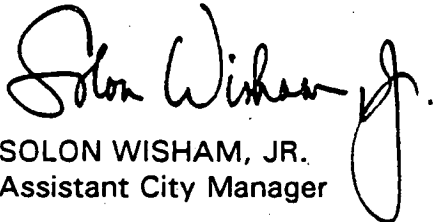
RECOMMENDATION

This report regarding Proposition 128 is presented for Committee review.

Respectfully submitted,


MELVIN H. JOHNSON
Director of Public Works

APPROVED FOR COMMITTEE INFORMATION:


SOLON WISHAM, JR.
Assistant City Manager

September 26, 1990
ALL DISTRICTS

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RL4-COMM926.A

Official Title and Summary:

ENVIRONMENT. PUBLIC HEALTH. BONDS.
INITIATIVE STATUTE

- Requires regulation of pesticide use to protect food and agricultural worker safety.
- Phases out use on food of pesticides known to cause cancer or reproductive harm, chemicals that potentially deplete ozone layer.
- Requires reduced emissions of gases contributing to global warming. Limits oil, gas extraction within bay, estuarine and ocean waters. Requires oil spill prevention, contingency plans.
- Creates prevention, response fund from fees on oil deliveries.
- Establishes water quality criteria, monitoring plans. Creates elective office of Environmental Advocate.
- Appropriates \$40,000,000 for environmental research.
- Authorizes \$300,000,000 general obligation bonds for ancient redwoods acquisition, forestry projects.

Summary of Legislative Analyst's
Estimate of Net State and Local Government Fiscal Impact:

- Annual state administrative and program costs of approximately \$90 million, decreasing in future years; partially offset by \$10 million increased annual fee revenue.
- Local governments would incur \$5 million one-time cost; \$5 million to \$10 million annually, decreasing in future years.
- State General Fund to incur one-time \$750,000 appropriation in 1992-93 for Office of Environmental Advocate, future office administrative costs unknown; \$40 million for environmental research grants.
- If all bonds authorized for ancient redwood acquisition, forestry projects were sold at 7.5 percent interest and paid over the typical 20-year period, General Fund would incur approximately \$535 million in costs to pay off principal (\$300 million) and interest (\$235 million).
- Estimated average annual costs of bond principal and interest would be \$22 million.
- Per-barrel fee on oil would increase revenues by \$500 million by 1996-97, used to pay oil spill prevention/clean-up costs. Indefinite deferral of potentially \$2 billion in future state oil and gas revenues resulting from limits on oil and gas leases in marine waters.
- Indirect fiscal impact could increase or decrease state and local government program costs and revenues from general and special taxes in an unknown amount. The overall impact is unknown.

Analysis by the Legislative Analyst

Background

The state and local governments in California have developed a number of programs to address environmental issues.

Pesticides and Food Safety

Many foods grown in California are treated with pesticides to control bugs, molds, and other produce-damaging pests. The California Department of Food and Agriculture (DFA) regulates the sale and use of pesticides in California. Among other things, the regulations govern (1) the manner in which the pesticide may be applied to crops and (2) the amount of pesticide allowed to remain in or on food once it is harvested.

To enforce these regulations, the DFA tests about 17,000 samples of over 200 different kinds of produce. Produce that violates the requirements are destroyed. In addition, the state Department of Health Services assists the DFA in evaluating the health risks of people being exposed to pesticides, and enforces food safety laws to protect consumers from eating contaminated or mislabeled foods.

increased as a result of several factors. These include: (1) burning fossil fuels (oil, coal and natural gas) for energy, (2) clearing forests for industrial or residential use, and (3) polluting the air with industrial or motor vehicle emissions. Greenhouse gases may warm the earth's atmosphere and ultimately could cause significant changes in climate. Chlorofluorocarbons (CFCs), which are used as coolants, insulation, solvents, and for other industrial purposes, can damage the earth's ozone layer when they escape into the air. Damage to the ozone layer subjects plants, animals and humans to more of the sun's ultraviolet rays.

Federal law requires producers to cut CFC sales in half by 1998. The United States, however, recently signed an international agreement which calls for a complete phaseout of all CFC production by the year 2000. The federal government plans to update its regulations by the end of 1990 to reflect this agreement. Current state law does not regulate CFCs but requires that the state achieve certain air pollution reduction goals within a 20-year period. These laws require reductions in carbon monoxide and nitrogen dioxide levels.

Redwoods Preservation and Reforestation

California contains about 19 million acres of forestland that can support logging operations. This total forestland includes about 1.7 million acres of redwood forests composed of (1) about 1.5 million acres that have been logged previously (currently managed as second-growth forests) and (2) about 208,000 acres of virgin and partially cut stands considered to be old-growth forest. About 86,000 acres of these old-growth redwoods are in state and national parks, wilderness areas, or other areas where logging is prohibited. The remaining 122,000 acres generally comprise private stands of redwoods that currently are being logged, or could be logged in the future.

Loggers use different methods to harvest timber. These methods include clearcutting, which involves cutting all the trees on a site at one time, and the selection method, which involves periodically cutting selected trees on a site. Regardless of which method is used, the timberland owner must ensure that a specified minimum number of trees are growing on the land within five years of concluding logging operations. The California Department of Forestry and Fire Protection (CDFFP) regulates logging activities on California's state-owned and private timberlands.

Marine and Coastal Resources Protection

Currently, there is substantial oil drilling and oil transportation along some portions of the state's coastline. In addition, urban growth and industrial activity near California's coastal waters have increased the amount of pollution which ultimately reaches the state's marine waters through runoff or industrial and municipal discharge.

Oil Drilling and Spill Cleanup. The state grants leases for and receives significant revenues from private oil and gas development on state tidelands and submerged lands that extend to three miles offshore. The State Lands Commission (SLC) has an extensive regulatory program designed to prevent spills at offshore drilling platforms, marine terminals, processing facilities, and pipelines within its jurisdiction. The Department of Fish and Game (DFG) directs the overall operations of all state agencies involved in responding to an oil spill. For the actual cleanup work, the DFG attempts to make the responsible party pay for the cleanup. If the responsible party is unable to pay for cleanup, the DFG may use funds recovered from prior cleanups and civil fines.

Marine Water Quality. The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards regulate the discharge of wastes into state waters. This regulation involves a variety of activities including water quality standards development, water quality monitoring, and permitting of dischargers. Permitted dischargers currently pay an annual fee for their permits. Revenue from the fee partially supports the boards' regulatory programs.

State Environmental Laws

The DFA coordinates state pesticide policy and enforces pesticide laws. Three other state agencies are responsible for the development and coordination of state environmental policies as follows:

- The Environmental Affairs Agency establishes policies and coordinates state environmental programs related to air and water quality and solid waste disposal.
- The Resources Agency oversees forestry and wildlife programs, management of state lands, and other

materials handling and disposal, and various environmental health assessment and enforcement programs.

Proposal

This measure makes significant changes to existing law regarding pesticides and food safety, certain air pollution emissions, old-growth redwood forest preservation, marine and coastal resources protection, and the coordination and enforcement of state environmental laws. These changes include:

- A phased-in total prohibition on the use on foods of pesticides containing any ingredient which may cause cancer or reproductive harm.
- Adoption and implementation of a new state plan which mandates statewide reductions in the emissions of greenhouse gases and development of a program to phase out the use of CFCs.
- Authorization to sell \$300 million in bonds to purchase old-growth redwood forests and to fund tree-planting programs.
- A permanent statewide ban on new leases for oil and gas development in the state's coastal waters.
- A new program and funding mechanism for cleaning up oil spills off the coast of California.
- Accelerated deadlines for additional treatment of wastes that are discharged into water; development by coastal counties of stormwater management plans; and implementation of pollution prevention plans by certain waste dischargers.
- Creation of a new elective office of the Environmental Advocate with responsibility for overseeing the implementation of the measure and for enforcement of all of the state's environmental laws.

Pesticide Regulation. This measure requires that stricter standards be used to determine if pesticides may be used on food products. Under current law, pesticides that contain an *active* ingredient (the component of a pesticide that kills pests) that is known to cause cancer or reproductive harm may not be used on food unless the DFA determines that the pesticide will be used in a manner that poses no serious health risk. Under current law, the DFA does not regulate inert ingredients (the component that carries the active ingredient) in pesticides based on the risk of cancer or reproductive harm. In contrast, this measure would ban the use on food of any pesticide containing a chemical that is known to cause cancer or reproductive harm, regardless of the manner in which the pesticide would be used, and regardless of whether the chemical is present in the active or inert component of the pesticide.

This ban would take effect in two to five years, depending on whether it is the active ingredient or the inert ingredient in a pesticide that contains a chemical that is known to cause cancer or reproductive harm. However, if the manufacturer of a pesticide with active ingredients known to cause cancer or reproductive harm demonstrates that banning the pesticide would result in severe economic hardship to the agricultural industry, the measure allows the state Director of Health Services to postpone specific uses of that pesticide for up to three additional years.

The measure also requires that stricter standards be used to determine the amounts of pesticide residue that may remain on food based on *all* potential serious human health effects, such as debilitating disease or injury. The measure prohibits residues of *active* ingredients on food unless they

used. In addition, the measure prohibits *inert* ingredients from being used on foods, unless the ingredients pose no significant risk of debilitating disease or injury. Current law does not specify limits on the amount of inert ingredients that may remain on food. Foods—including foods shipped into the state from outside California—that contain any residue of a banned pesticide or a residue that exceeds the acceptable limits could not be sold in the state. Finally, the measure requires the DFA to establish a program to collect and dispose of any pesticides that are banned under the measure.

In addition, the measure transfers from the DFA to the DHS the responsibility for evaluating pesticide health risks and setting pesticide exposure limits and other health standards. The measure also prohibits the DFA from allowing a pesticide to be used in a manner that conflicts with regulations adopted by the DHS. Finally, the measure expands the information that the DFA must provide to the public before the department allows a pesticide to be used in California.

The DFA currently allows about 2,300 different pesticide products to be used on food. At least 350 of these pesticide products would be banned under the provisions of the measure. The effect on agricultural production of banning these products would depend on the degree to which farmers are able to find, within the timeframe set out in the measure, effective substitute pesticides for those banned by the measure or to use economical alternative methods of producing crops.

Air Pollution Emissions. The measure imposes new air emissions standards and other requirements. Among other things, the measure:

1. **Greenhouse Gases.** Requires the California Energy Resources Conservation and Development Commission (CEC) and the Air Resources Board (ARB) to develop and adopt, by January 1, 1993, a plan to reduce greenhouse gases. The measure does not define the specific components of the plan but requires that the plan must (a) reduce greenhouse gases to the "maximum feasible" extent and (b) require net reductions of carbon dioxide emissions from the 1988 levels of 20 percent by January 1, 2000 and 40 percent by January 1, 2010. These percentages can be adjusted to reflect differences in the population growth rate between California and the nation. The measure requires all state and local agencies to adopt regulations to carry out the plan.

Meeting the measure's carbon dioxide requirements would necessitate substantial reductions in the amount of fossil fuel (oil, gas, and coal), which is used in transportation, electrical power generation, and industry. The extent of these reductions on these sectors of the economy would depend upon the specific provisions which are incorporated into the plan.

2. **CFCs.** Requires the ARB to develop a regulatory program to phase out CFCs by 1997, and specifies some intermediate restrictions on CFC use and recycling. Individuals or corporations may petition for extensions of the deadlines on the intermediate and final restrictions. The measure requires the state to establish and administer a program, beginning January 1, 1993, mandating the installation and proper use of CFC recycling equipment by mechanics who service vehicular air conditioning systems.

Recycled Paper Products. Requires state agencies and local governments (cities, counties, school districts, community colleges) to grant a 10 percent bid preference for companies selling recycled paper products. The bid preference allows these companies to be awarded a contract, even if their bid is as much as 10 percent higher than the lowest bid offered by a competitor that is not

also reveals a \$100,000 per-contract ceiling on the amount of the preference payable under existing law. The measure requires the state to reimburse local governments for the difference in price paid due to the preference.

4. **Trees.** Requires any person who constructs a residential or nonresidential project to plant one tree for every 500 square feet of the project. The measure does not define "project." As a result, the number of trees required for planting is unclear. For example, if "project" means the surface area of the foundation of a building, plus the floor space on each level of a multistory building, the measure could require thousands of trees for one tall office building. If "project" means only the foundation area, then the measure would require fewer tree plantings.

Redwoods Preservation and Reforestation. The measure authorizes the state to sell \$300 million in general obligation bonds to acquire stands of old-growth redwoods (\$200 million) and to support urban forestry projects and rural reforestation programs (\$100 million).

In addition, the measure imposes a one-year moratorium on logging in any stand of old-growth redwoods that is 10 acres or larger and which previously has never been logged. After this one-year moratorium, the measure would prohibit clearcutting of old-growth redwoods forests, but would allow selective cutting of these forests.

Coastal Drilling. Currently, state law prohibits *new* oil and gas development in most of the state's coastal waters. In addition, the State Lands Commission (SLC) has prohibited new oil and gas leases in the remaining coastal waters. This measure prohibits any new oil and gas leases in the state's coastal waters, marine bays, and estuaries. The measure allows a suspension of the prohibition in the event of a federal energy emergency.

Oil Spill Prevention and Cleanup. The measure prohibits the state from issuing or renewing, after January 1, 1992, any lease for a facility located on state tidelands that is a potential source of oil spills, unless the SLC has adopted an oil spill prevention plan. The measure requires oil facilities and local agencies along the coast to develop oil spill contingency plans. The measure also requires the DFG to direct all state activities relating to oil spill response, including enforcement of new civil penalty provisions.

To fund oil spill cleanups, the measure creates the Oil Spill Prevention and Response Fund and requires the SLC to collect revenues and administer the fund. The SLC is required to impose a fee of up to 25 cents on each barrel of oil traveling through state waters by tanker or pipeline, so that the fund reaches \$500 million within six years. The measure requires the Attorney General to take action to recover from parties responsible for oil spills any money spent from the fund for cleanup or other response costs.

Marine Water Quality. The measure makes several changes in the state's water quality regulation programs regarding marine bays, estuaries and coastal waters. The measure requires:

- Certain industrial waste dischargers to develop and implement pollution prevention plans designed to reduce production of water pollutants.
- Coastal counties to develop stormwater management plans to minimize runoff that pollutes marine waters.
- The SWRCB and sewage treatment facilities to meet a variety of accelerated deadlines for improving water quality. These improvements already are required by federal or state law.

In addition, the measure requires the DHS to identify threats to the public health from contaminated fish and contaminated waters that are used for swimming. The DHS is required to set standards to protect the public health

actions necessary to warn and protect the public regarding waters and fish that pose a public health threat.

Environmental Advocate and State Environmental Law Enforcement. The measure creates the Office of the Environmental Advocate in the executive branch of the state government, to be headed by a partisan elected official chosen in the November 1992 statewide election. The advocate will oversee the implementation of this measure and the enforcement of all state environmental protection and public health laws. The advocate may sue or pursue administrative action to ensure compliance with this measure or other environmental protection and public health laws. The measure also provides legal mechanisms by which public officials and individuals may seek to enforce the provisions of the measure.

In addition, the measure creates a seven-member California Council on Environmental Quality (CCEQ) as part of the office, with the advocate as council chairperson. The council will administer a competitive research grants program on (1) alternatives to pesticides in agriculture, (2) compliance with the other environmental requirements in the measure, and (3) methods to reduce the amount of toxic chemicals produced in the state.

Fiscal Effect

The more significant governmental costs and revenues that would result directly from this measure are summarized below.

Administrative and Program Costs. This measure would result in identifiable annual state administrative and program costs of approximately \$90 million. These costs would be offset partially by increased annual fee revenue of about \$10 million. Local governments would incur one-time costs of up to \$3 million, and annual costs in the range of \$5 million to \$10 million. The annual costs to the state and local governments would decrease over time. These costs would result from activities related to pesticides and food safety; air pollution, global warming and ozone protection; and oil spill prevention and cleanup, water quality and waste discharges.

The measure also makes one-time General Fund appropriations of (1) \$40 million for environmental research grants in 1990-91 and (2) \$750,000 to the Office of the Environmental Advocate for administrative costs in 1992-93. The administrative costs of the office in future years is unknown.

Bond Costs. The state would incur costs for the bonds sold to acquire stands of old-growth redwood trees and to support urban and rural forestry programs. These costs would total about \$335 million to pay off the principal (\$300 million) and interest (\$235 million), assuming an interest rate of 7.3 percent. The average payment from the state's General Fund would be about \$22 million per year, over a period of about 20 years. The state would incur about \$4 million in annual costs to administer the bond program. These administrative costs would be paid from the bond funds.

Oil Spill Prevention and Response Fee Revenues. The per-barrel fees on oil required by this measure would result in total revenues of \$500 million by 1996-97. These revenues would be used to pay for oil spill prevention,

cleanup, and related state administrative costs.

State Tidelands Revenues. Currently, oil development is prohibited in California's coastal waters. In some areas this ban results from state administrative action and in other areas from the enactment of state law. Consequently, this measure's ban on new oil and gas development would have no immediate effect on state oil revenues. In the absence of this measure, however, the administrative ban could be lifted and the state could receive offshore oil revenues from some areas over many years. The total amount of this potential revenue is unknown, but could be up to \$2 billion. In addition, by making permanent the existing state law bans on drilling in other areas of the coast, some of which expire on January 1, 1995, the measure could result in the state forgoing additional unknown oil revenues.

Timber Harvesting Revenues. This measure could increase or decrease the revenue that the state receives from various taxes, depending on the effect of the measure on the net value of harvested timber. In addition, the measure could result in decreased revenue to local governments to the extent that lands acquired under the measure no longer would be assessed property taxes.

Potential Indirect Fiscal Impacts

In addition to its direct fiscal impacts on state and local governments, this measure could have a variety of indirect fiscal impacts. This is because the private sector of the California economy would be required to make substantial changes in order to comply with the measure's provisions. These changes could increase or decrease state and local government costs of providing programs and services and revenues from general and special taxes.

Examples of the measure's provisions that could have an indirect fiscal impact on state and local governments include:

- Mandated reductions in carbon dioxide emissions which will result in reduced use of fossil fuels for transportation, electrical generation, and other economic activities.
- Pesticide use restrictions which could increase the cost of producing some agricultural crops if farmers cannot find economical alternatives for controlling pests.
- Pesticide/food safety provisions and water/air quality requirements which could reduce the number of Californians who experience adverse health effects such as cancer or respiratory ailments.
- Restrictions on oil drilling and increased requirements for oil spill prevention and response which could (1) reduce the risk of a major oil spill along the coast and (2) have an impact on economic activities along the coast.

These changes could affect such factors as business costs and profits, and consumer prices and demand for various goods and services; thus indirectly affecting state and local government costs and revenues. The overall net impact of these changes is unknown and would depend on, among other things, (1) the specific elements that are included in plans required by the measure and (2) the manner in which various sectors of the state's economy adapt to the measure's new requirements and restrictions.

Argument in Favor of Proposition 128

Proposition 128 is the BIG GREEN initiative.

It will protect us, and especially our children, from toxic chemical pollution of our air, water and food supply. It will save billions of dollars in health care and energy costs. It was written by California's well-respected major environmental organizations, and is supported by leading California health care professionals, scientists, farmers, business and labor leaders.

It is opposed by the chemical and pesticide industries and big agribusiness.

Proposition 128 deals with URGENT HEALTH ISSUES that need addressing. If we don't take responsible action NOW, the problems will continue to get worse. WE OWE A CLEAN AND HEALTHY ENVIRONMENT TO OUR CHILDREN.

Here's what Proposition 128 will do:

- PHASE OUT CHEMICALS THAT DESTROY THE OZONE LAYER which protects us from skin cancer, and reduce carbon dioxide that threatens global warming;
- Phase out the use of pesticides on our food which have already been PROVEN to cause cancer or birth defects, and require that safer alternatives be used;
- PROTECT OUR DRINKING WATER and coastal waters from toxic chemical contamination. It sets tough new sewage control and health standards;
- Protect our ancient redwood forests, and plant millions of new trees to reduce carbon dioxide;
- Requires oil companies to establish an oil spill clean-up and prevention fund, to protect the coast and to ensure that an Alaskan oil spill disaster doesn't happen here;
- Elect an independent Environmental Advocate with tough powers to crack down on polluters and make government and corporate bureaucrats comply with environmental protection laws.

The pesticide and chemical industries say we can't afford to clean up California.

We can't afford not to.

In Southern California every year, we pay \$9 billion in extra sick days and medical bills caused by air pollution. The National Center for Health Statistics issued a study in 1985 stating the overall medical costs for cancer in California alone are over \$7 billion annually.

Pesticides have contaminated more than 3,000 drinking water wells throughout the State. Sewage and toxic waste are pumped into the oceans, and fish and marine life are contaminated by toxic chemicals. 90% of our ancient redwoods have already been cut down. An epidemic of skin cancers will happen because of the growing hole in the ozone layer.

PROPOSITION 128 IS REASONABLE AND FEASIBLE. It allows time for industry to develop and phase in alternatives. In fact, many alternatives are already available. It provides \$40 million for research on safer substitutes.

PROPOSITION 128 IS COST-EFFECTIVE.

The interest of Proposition 128 is our health—to protect us from toxic chemicals.

Our children have a right to a clean environment, free from toxic chemical pollution.

WE OWE IT TO THEM, for their health and their future. WE OWE IT TO OURSELVES.

VOTE YES ON PROPOSITION 128.

DR. JAY HAIR

President, National Wildlife Federation

LUCY BLAKE

Executive Director, California League of Conservation Voters

DR. HERB NEEDLEMAN, M.D.

*Member, American Academy of Pediatrics,
Committee on Environmental Hazards*

Rebuttal to Argument in Favor of Proposition 128

As university scientists and doctors whose life work is ensuring public health, we share the concerns for safe water, air and food. But PROPOSITION 128 is NOT THE WAY.

C. Everett Koop, M.D., U.S. Surgeon General 1981-89, agrees. He says:

"I have spent my life admonishing Americans to do things to protect and enhance their health.

"Public policy should be based on sound science, NOT SCARE TACTICS. If I thought this proposition would protect the health of mothers and children, as its proponents claim, I'd be with them. I'm not. Proposition 128 would NOT PROTECT CALIFORNIANS' HEALTH."

Let's examine THE FACTS:

- Proposition 128, dealing with many complex scientific and health issues, was written by politicians and lawyers.
- The National Cancer Institute reports cancer rates have decreased or stabilized, except for those related to personal behavior, such as smoking.
- Proposition 128's restriction of carbon dioxide emissions has NOTHING TO DO WITH SMOG.

- There are NO PROVEN human cancer-causing pesticides allowed on foods in California.

- The National Academy of Sciences recommends we eat more fruits and vegetables to reduce the risks of cancer and heart disease. But 128 would counter that advice by INCREASING PRICES 30% and seriously reducing supplies of these healthy foods.

Proposition 128 deals with too many complex issues, and would result in higher food, water and energy prices, more bureaucrats, more lawsuits and HIGHER TAXPAYER COSTS.

And still not make us or our children any healthier.

Read Proposition 128. VOTE NO!

WALLACE I. SAMPSON, M.D.

Stanford University School of Medicine

DR. JUDITH S. STERN

*Professor, Department of Nutrition
University of California, Davis*

STEPHAN S. STERNBERG, M.D.

Sloan-Kettering Institute for Cancer Research

Argument Against Proposition 128

All Californians are concerned about our environment but Proposition 128 COSTS TOO MUCH, TRIES TO DO TOO MUCH AND MAY CAUSE MORE PROBLEMS THAN IT SOLVES. We urge you to VOTE NO.

IT COSTS TOO MUCH

The INITIAL ESTIMATES by the non-partisan independent Legislative Analyst said that Proposition 128 would cost nearly \$3 BILLION with "ADDITIONAL UNKNOWN COSTS" to state and local taxpayers. Since then, independent non-government economic experts estimate that costs and lost revenue could be \$12 BILLION ANNUALLY.

NO FUNDING SOURCE

Californians can't afford that price tag—especially since Proposition 128 HAS NO FUNDING PROVISION. That means HIGHER TAXES or SEVERE CUTS IN essential SERVICES.

HIGHER FOOD AND ENERGY PRICES

Hardly anyone denies that the new regulations proposed by Proposition 128 would result in higher costs for food, electricity and gasoline. Some estimates indicate FOOD PRICES INCREASING BY 30%, electricity UP 20% and gasoline UP \$.60 per gallon! Californians on fixed incomes, seniors, small businesses, single parents and the poor would be hardest hit.

NEW STATE BUREAUCRACY

Proposition 128 would create an entirely NEW STATE BUREAUCRACY with a budget of OVER \$40 MILLION! It has been widely reported that Tom Hayden, an author of Proposition 128 will run for Environmental Advocate, a position the initiative would create. If elected, Tom Hayden would head a whole new Sacramento bureaucracy employing hundreds of new lawyers, consultants and bureaucrats at a cost of millions of additional taxpayer dollars. Proposition 128 would give broad authority over all environmental issues to a single individual—independent from and more powerful than the Governor, the Legislature and local governments—with a multi-million dollar annual budget. POLITICIZING THE ENVIRONMENT IS NOT THE WAY TO SAVE IT!

MORE LAWSUITS

This initiative would create the potential for thousands of new lawsuits against state and local governments. Cash penalties and lawyers fees would have to be paid for by taxpayer dollars. The BOUNTY PROVISION of this initiative would allow members of radical groups like EARTH FIRST to personally share in any awards from successful lawsuits.

MAKES BUSINESS NON-COMPETITIVE

California's businesses, small and large, forced to comply with hundreds of new government regulations, would be at a competitive disadvantage with their counterparts in other states. Proposition 128 would require such extreme environmental regulations that it would GIVE FOREIGN COUNTRIES major ADVANTAGES over California businesses.

PROPOSITION 128 TRIES TO DO TOO MUCH

Proposition 128 is 39 pages and more than 15,000 words long. Clearly we need to protect California's environment. But we must take a rational approach, one that examines issues concerning California's resources—air, water, forests, food and coastline—independently. There are too many important issues in Proposition 128 to be voted on together. It should be split into separate pieces so the issues are voted on separately.

Protecting the environment is an absolute necessity, BUT PROPOSITION 128 COSTS TOO MUCH, TRIES TO DO TOO MUCH AND MAY CAUSE MORE PROBLEMS THAN IT SOLVES!

Proposition 128 is WELL-INTENDED but FATALLY FLAWED.

VOTE NO ON PROPOSITION 128

BARBARA KEATING-EDII
President, Consumer Alert

AL STEHLI
Family Farmer

LARRY MCCARTHY
President, California Taxpayers' Association

Rebuttal to Argument Against Proposition 128

THREE THINGS ARE VERY CLEAR:

- Big Green (128) is a battle for the health of Californians, especially our kids and grandchildren;
- The chemical and pesticide industries, and their allies are leading the fight to defeat Big Green;
- We should do everything possible to protect ourselves and our children from chemicals that cause cancer and birth defects.

BIG GREEN WILL PROTECT OUR HEALTH NOW AND IN THE FUTURE.

- It is tough and enforceable—with strong penalties and no loopholes. It stops the use of known cancer-causing pesticides within 2-8 years, and chemicals destroying our ozone layer within 7 years.
- The chemical and pesticide industries say government is doing enough. The truth is government hasn't done enough. 128 deals with one issue: stopping the pollution of our water, air and food.
- They say it costs too much. That's nonsense. And they don't talk about the cost of pollution to our health and the economy.

- Their claims about food prices are simply false—another example of chemical and pesticide companies crying wolf.
- An independent Environmental Advocate will enforce environmental laws and fight bureaucratic inaction.
- 128 funds research to develop alternatives to harmful chemicals. Who's really trying to protect your health? The environmental and health specialists supporting 128? Or the chemical and pesticide industries opposing it?

LET'S DO WHAT WE KNOW IS RIGHT.
VOTE YES ON 128.

DR. HERB NEEDLEMAN, M.D.
*Member, American Academy of Pediatrics
Committee on Environmental Hazards*

DR. JAY HAIR
President, National Wildlife Federation

MICHAEL PAPARIAN
State Director, Sierra Club California

'Big Green' costly, L.A. says

Los Angeles Times

LOS ANGELES — A sweeping environmental initiative on California's November ballot could cost the city of Los Angeles \$6 billion or more to implement over the next 15 to 20 years, according to a report by the city's chief legislative analyst.

The report, obtained by the Los Angeles Times, said that the preliminary estimates are "likely to understate the actual cost" of complying with the initiative's requirements to clean up smog-producing city utility plants.

The study is one of the few independent estimates of the potential costs of Proposition 128, labeled "Big Green" by its proponents, and is likely to add new fuel to the emotional debate over the financial impact of

the measure, whose progress is being watched nationwide.

Big Green would attempt to regulate pollution, toxic emissions and water quality, and ensure preservation of natural resources.

Opponents of Proposition 128 have estimated its total cost to California taxpayers from \$6 billion to \$12 billion, with the cost to business and industry many billions of dollars more.

But supporters of the ballot measure say that those estimates are wildly inflated.

The exact price tag is difficult to determine and is subject to widely differing interpretations and assumptions on how the initiative would be implemented and enforced, said William McCarley, who prepared the report.