

COMMITTEE MEETING

before

SENATE JUDICIARY COMMITTEE

Nomination Interviews of
Dr. Molly Coye to be Commissioner of Health,
Drew E. Altman to be Commissioner of Human Services;
and Frank Dodd, Dr. Roy Gottesman, Thomas J. Leane,
and Maxwell Weiss to Succeed Themselves on
The Hazardous Waste Facilities Siting Commission

May 19, 1986
Room 424
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT

Senator Edward T. O'Connor Jr., Chairman
Senator Carmen A. Orechio
Senator Richard Van Wagner
Senator Joseph Hirkala
Senator Donald T. DiFrancesco
Senator John H. Dorsey
Senator William T. Gormley

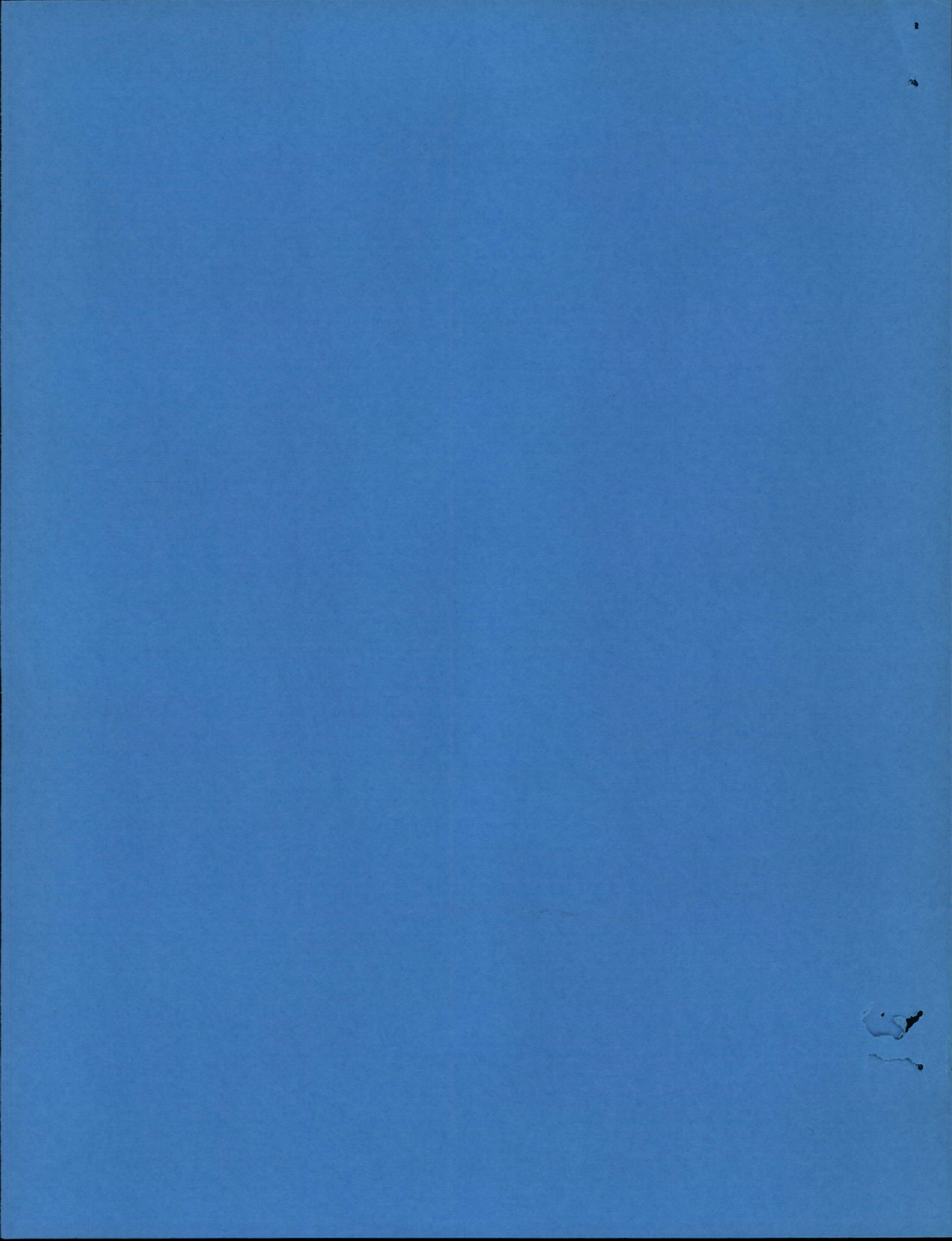
ALSO PRESENT:

John J. Tumulty
Office of Legislative Services
Aide, Senate Judiciary Committee

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New Jersey State Legislature

SENATE JUDICIARY COMMITTEE

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MEMORANDUM

TO: SENATE JUDICIARY COMMITTEE
FROM: EDWARD T. O'CONNOR, CHAIRMAN
DATE: MAY 9, 1986
RE: COMMITTEE MEETING, MAY 19, 1986

The Senate Judiciary Committee will meet on Monday,
May 19, 1986 at 2:00 P.M. in Room 424, State House Annex. The following
nominations will be interviewed.

TO BE COMMISSIONER, DEPARTMENT OF HEALTH

Dr. Molly Coye of Princeton, to succeed Honorable Richard
Goldstein, M.D., resigned, for the term prescribed by law.

TO BE COMMISSIONER, DEPARTMENT OF HUMAN SERVICES

Drew E. Altman, of Cranbury, to succeed Acting Commissioner
Geoffrey Perselay, for the term prescribed by law.

**TO BE MEMBERS OF THE HAZARDOUS WASTE FACILITIES SITING
COMMISSION:**

Frank Dodd of Manasquan, to succeed himself, for the term
prescribed by law.

Dr. Roy Gottesman of Glen Rock, to succeed himself, for the term prescribed by law.

Thomas J. Leane of Jersey City, to succeed himself, for the term prescribed by law.

Maxwell Weiss of Convent, to succeed himself, for the term prescribed by law.

In addition to the above nominations, the following bills will be considered.

S-1135 **Permits a person who has been victimized by a juvenile**
Lesniak **to submit a written statement for consideration by the**
 court handling that juvenile's case.

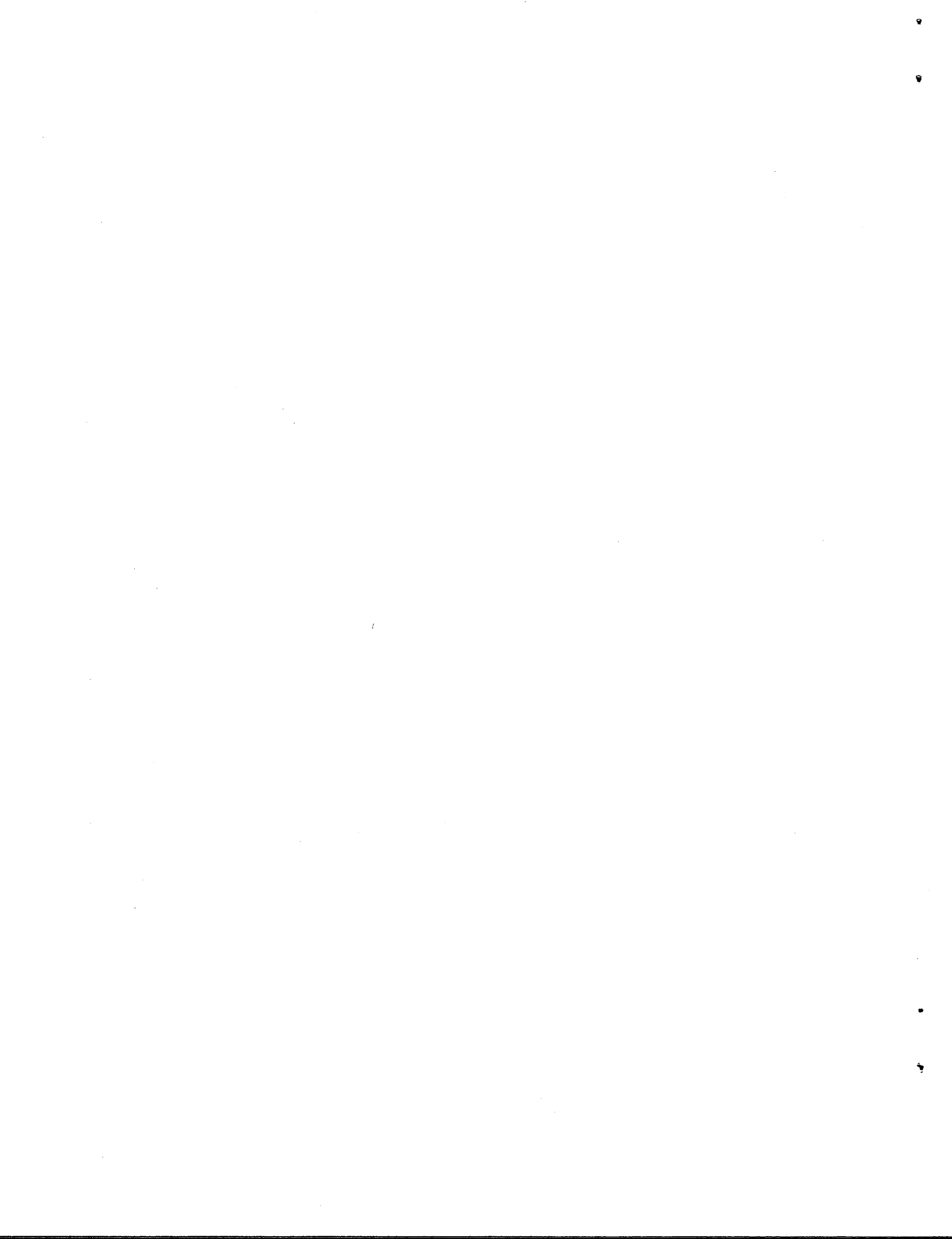
A-520 **Extends the right to submit a victim impact statement.**
Shusted

S-1730 **Authorizes payments of reparations as part of criminal**
Lynch **sentencing.**

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(Hearing Transcribed by J & J Court Transcribers)



SENATOR EDWARD T. O'CONNOR (Chairman): We're going to open our meeting. And we'll begin today with nominations.

The first nomination we'll consider is that of Dr. Molly Coye of Princeton, to succeed the Honorable Richard Goldstein, for the term prescribed by law, as a Commissioner of the Department of Health. Dr. Coye?

SENATOR GORMLEY: I'll do the introduction.

SENATOR O'CONNOR: Senator Gormley is claiming home county status, which gives him the privilege. He has the privilege of introducing the Committee to you, Doctor.

SENATOR GORMLEY: It's an honor to introduce the nominee to fill the position of Commissioner of Health of the State of New Jersey. Molly brings to the position a varied background, having been a graduate of Stanford, John Hopkins University, and having an extensive background with regards to health care in California. And she's been a resident now of New Jersey for well over a year, in which she has served in the last few months as the Assistant Commissioner. To be able to get somebody, given the statutory requirements of the job, with these qualifications, we're very fortunate and I'll be very proud to move her nomination at the appropriate time.

SENATOR O'CONNOR: Senator, would you be good enough to introduce the members of the Committee, or would you like me to do that?

SENATOR GORMLEY: Okay. I'll be more than happy. I'm very sorry about that.

To my far left is Senator Hirkala. Then we have Senator Orechio. We have Senator O'Connor. And we have the legendary Senator Dorsey, immediately to my left. You read a lot about him. He's a much kinder person than what you read in the paper.

SENATOR O'CONNOR: Thank you, Senator Gormley. And the gentleman to my right is John Tumulty.

SENATOR GORMLEY: I'm very sorry.

SENATOR O'CONNOR: Doctor, we've been advised that the

State of New Jersey is likely to lose Federal Medicare DRG waiver this year. And as a result, the State's hospitals will be faced with a significant shortfall in payments for uncompensated care. How do you plan on addressing the loss of the federal waiver and the funding of uncompensated or indigent cases?

D R. M O L L Y C O Y E: Well, I have the advantage of joining -- I have the advantage of joining a department which already has, as you know, been working on issues around the waiver for many years. And our strategy at the time right now is to try and forestall the loss of the waiver, because, insofar as we can keep from losing the waiver, we maintain a significant contribution from Medicare to the cost of uncompensated care here in the State. To do that, we are supporting legislation which would create a pool. We see the need for legislation that would create a pool system to support the financing of indigent care. There's no doubt it's going to be a very tough year, steering our way through this. If we can manage not to lose the waiver, but to give it up eventually, at the point where there are no longer any financial benefits from maintaining the waiver, we will be doing well.

SENATOR O'CONNOR: Okay. Thank you.

New Jersey has one of the highest number of AIDS cases in the nation. What should be the Department of Health's role in helping to prevent AIDS and in treating AIDS patients?

DR. COYE: Well, as you know, I came originally from California, so I had a great deal of acquaintanceship with the problem of AIDS there. There are some significant differences in New Jersey, though, because such a high percentage of the cases here are to do with intravenous drug abuse. Because of that, we face some very particular problems. For example, the problem of sexual partners and of children of either the drug abusers themselves or their sexual partners having AIDS as well. So that we have the same needs that other states do for very strong work in health education, to try and get the word out and prevent the

spread of AIDS. But even more importantly, we are going to have to do a lot in the area of aftercare, meaning after a patient is out of the hospital, the support of that patient, because people who are drug abusers don't have homes and supportive environments to go to, to care for them when they are close to terminal. And the Health Department's been working on this very hard. We also need stronger support for the children who have AIDS.

SENATOR O'CONNOR: Okay.

Senator Lipman just sponsored a bill, which has been moving through the legislative process, dealing with the subject of teenage pregnancy. And we've become increasingly aware of this in New Jersey, and the many problems associated with young girls having babies. How should the State, particularly the Department of Health, address the problem of teenage pregnancy?

DR. COYE: Okay. First of all, I would point out that, even though we are developing initiatives that will deal with the health aspect of that in the Department of Health, that the problem is a very large one, that there are issues of employment, of education, of even housing for some of the teenage mothers, that are really beyond the scope of individual initiatives in the Department of Health. And we look forward to working with the Legislature and with the other departments in trying to address those problems.

From the point of view of health, there really are two prongs to the kind of response that I would like to see mounted. One is an initiative that we've already been developing with the Department of Human Services: the Maternal and Child Health Initiative. In that, we are, for the first time, offering -- will be offering -- a full package of services, including the kind of support and counseling and guidance that teenage mothers need to get through their pregnancy and have a healthy baby at the end of it.

The other type of response, though, is to provide more information to the teenagers, so that if they are going to be

sexually active -- and the level of sexual activity among teenage girls can be quite high -- that it at least is protected and educated. And hopefully, to reduce some of that level of activity, because, in a sense, when we provide health care for them once they're pregnant, we are dealing with the consequences of something that really should have been prevented to start with. And a lot of teenage women, when provided the right information, or girls when provided the right information, will avoid the pregnancy. And that's really the best way to do it.

SENATOR O'CONNOR: Doctor, would you attach any priority to any one of those particular suggestions?

DR. COYE: I think that the highest priority in the short run, over the next year or so, has got to be making sure that every one of the women who is pregnant does have adequate health care services. And that the family planning education is available to them as a part of that, because I don't know how familiar you are with it, but there's a very high rate of recidivism of teenage mothers who have a second baby right after their first baby. If we can get to them when they have the first baby and give them adequate education, they may not have the second child.

SENATOR O'CONNOR: Thank you, Doctor.

SENATOR GORMLEY: Doctor, we've just been joined by Senator Don DiFrancesco of Union and Essex Counties.

SENATOR DiFRANCESCO: We've met.

SENATOR O'CONNOR: You've met?

SENATOR DiFRANCESCO: I was here earlier, waiting for Senator Dorsey and Senator Orechio and Senator Hirkala and Senator Van Wagner.

SENATOR O'CONNOR: Senator Paoletta.

SENATOR DiFRANCESCO: Senator Paoletta.

SENATOR O'CONNOR: Okay.

SENATOR DiFRANCESCO: Waiting for them to come back.

SENATOR O'CONNOR: Are there any questions from the

Committee?

SENATOR DIFRANCESCO: Did you ask all the questions?

SENATOR O'CONNOR: Senator Hirkala?

SENATOR HIRKALA: Doctor, what do you think are the major problems facing the Department of Health as you take over the commissionership?

DR. COYE: Okay. I think the first problem is the area of teenage pregnancy and infant mortality, maternal and child health. And that was an area that I began developing initiatives in when I was in the Governor's Office, and I look forward to carrying on with that work in the Department of Health in cooperation with the Department of Human Services.

I hate to put priorities on things, but if I have to list them, very high up would be the environment. As you may have seen in my curriculum vitae, my background is in environmental medicine. And I look forward to working very closely with the Legislature and with DEP on environmental issues. And I think there's a great deal more we can do in the Department of Health in that respect.

After maternal and child health and the environment, probably the most important issue is to maintain our commitment to indigent care in the uncompensated care system and to revamp our planning approach to help services, so that we're able to better bring that into alignment with the patterns of disease and illness that we see in the community.

SENATOR HIRKALA: Thank you.

SENATOR O'CONNOR: Any other questions from the Committee?

SENATOR DORSEY: Doctor, I assume that Mary Ann Rhodes has advised you of the epidemiological survey the Department is involved in, in connection with radon?

DR. COYE: Yes.

SENATOR DORSEY: And you're going to pursue that diligently, I trust?

DR. COYE: Very diligently.

SENATOR DORSEY: Good. You have my vote.

DR. COYE: It may be of interest to you -- or the Committee -- to know, but particularly you, Senator Dorsey -- that in the process of purchasing a home with my husband, we have encountered the need to test that home for radon, because it's an area where there is potential radon exposure. So, I will take this issue closely to heart and be very concerned with it.

SENATOR DORSEY: Thank you. And I will tell you that when we were in Sweden --

SENATOR GORMLEY: What? Where were you?

SENATOR DORSEY: In Sweden.

SENATOR ORECHIO: Was that at government expense, Senator?

SENATOR DORSEY: No, that was not at government expense. I expect maybe the government will pay for that before the afternoon's over with.

We had some interesting conversations. And if you -- when this study that you're doing is completed, interestingly enough, I think it will be the most complete epidemiological survey ever done. The Swedes have done certain surveys, but not to the depth that I anticipate that this one will be in. They were very anxious to coordinate with New Jersey and get the benefit of your results, because I understand it is not an easy one to do.

DR. COYE: Yes. It's very difficult. And we have a tremendous advantage because we have the cancer registry in this State already, to use when something like this comes up. Yes.

SENATOR DORSEY: Thank you.

SENATOR O'CONNOR: Doctor, it's regrettable that the Senate President, John Russo, is not here today, because I see in your questionnaire that among your background, you have written a book on Chinese history. And I'm sure that after he returns from his ten days in China, he'd be interested to share some insights

with you.

Any other questions? Senator Van Wagner?

SENATOR VAN WAGNER: Yes. Dr. Coye, I'm probably going to pose this question to the next person who comes here too, and I just -- this question is not to put you on the spot or get a definitive answer, but just a general reaction. One of the issues that I think is very important to all of us, and will become increasingly important is an issue that revolves around the high cost of institutional care. And, in fact, today, as I understand, there is a presentation going on right now in the Masonic Hall, relative to the issue of home health care. And I wonder if, just very briefly, you have had an opportunity to look at the prospect of establishing home health care, notwithstanding the presence of community waiver programs and other programs that are designed to assist people in not becoming institutionalized--

DR. COYE: Right.

SENATOR VAN WAGNER: --but receive services in their home. But I wonder if you've given any thought to the establishment of a health care oriented, home health care delivery model in this State?

DR. COYE: Yes. One of the areas that I worked in as an initiative when I was in the Governor's Office was, broadly, the area of health and aging. And obviously, home care is important for other age groups, but primarily for the aging, in terms of numbers of people served. I think that it's terribly important. I don't think that it will wind up benefitting us as much to have a separate system for the health aspects of home care, separate from those other social support aspects of home care, but right now there's very little that is done in terms of preventive care under the auspices of home health care. It's supportive continuation of care for people who already have a recognized disability of some kind. And there's a tremendous amount that could be done by picking up the early diagnosis of problems so that they never wind up becoming full-blown. And you

may know Professor Sommers at Princeton.

SENATOR VAN WAGNER: Uh-huh.

DR. COYE: There are a number of people that we have been talking with, and we actually had a group of people come in through the National Center on Health Services Research to give us some ideas in that regard. And I hope we will be able to pursue that.

SENATOR VAN WAGNER: But you seem to indicate that you don't think that it's advisable to develop a -- for the want of a better description -- a freestanding home health care model that is oriented more towards the health -- actual delivery of the health care service--

DR. COYE: Uh-huh.

SENATOR VAN WAGNER: --than the social service aspect of it? You think they should be intertwined?

DR. COYE: I think it would be a good idea that they're closely coordinated. Whether that means that they're run by the same groups or agencies is something that I frankly don't have enough understanding to comment on yet.

SENATOR VAN WAGNER: Uh-huh.

DR. COYE: I would hate to see a lot of money spent on duplication of administrative functions, if that can be avoided. But it is also true that there are special skills that people in the health professions have. And those can't be provided by people who don't have health training.

SENATOR VAN WAGNER: So, I could assume that you would look for strong linkages at least?

DR. COYE: Yes.

SENATOR VAN WAGNER: At the very least?

DR. COYE: Yes.

SENATOR VAN WAGNER: Because, obviously, there are those that say that we are facing a very imminent crisis in this State, in terms of hospital costs--

DR. COYE: Yes.

SENATOR VAN WAGNER: --which has been looming for some time.

DR. COYE: And--

SENATOR VAN WAGNER: And which I don't envy you having to deal with.

DR. COYE: Definitely.

SENATOR VAN WAGNER: And I don't envy us having to deal with it either.

DR. COYE: Yes. And with the Medicare cuts in home care financing, we really are going to face a tough issue. Every state is. But with our amount of elderly people in this State, we're going to have a very tough time if the federal government, if HCVA does not change their policies for reimbursement of home services delivered in the home.

SENATOR VAN WAGNER: Well, I want to tell you, personally I'm very pleased that you've focused on this as one of the major issues facing us. It's an issue that I'm very concerned about, and I know Senator Bradley is addressing a group today on the aspect of federal legislation in that area.

DR. COYE: Uh-huh.

SENATOR VAN WAGNER: But I think, in terms of New Jersey's track record, we've always had a track record of getting there first.

DR. COYE: Uh-huh.

SENATOR VAN WAGNER: And I would like to see us, at some point, establish a real working model that could be implemented with the appropriate linkages, so that we could begin to move away from a reliance on institutional care, to some degree.

DR. COYE: Yes.

SENATOR VAN WAGNER: Thank you.

DR. COYE: I hope so. Thank you.

SENATOR O'CONNOR: Questions? Senator Gormley?

SENATOR GORMLEY: No questions.

SENATOR O'CONNOR: Senator DiFrancesco?

SENATOR DIFRANCESCO: No questions.

SENATOR O'CONNOR: Senator Orechio?

SENATOR ORECHIO: No questions.

SENATOR O'CONNOR: All right. Doctor, I just have one last question, and that has to do with Gramm-Rudman. New Jersey's expecting to have a pretty heavy reduction in Federal dollars for basic health services for children for the fiscal year 1986. How much of an impact do you anticipate this will have on some of the programs we've talked about today, such as family planning, prenatal care support, and a child lead poisoning screening program?

DR. COYE: It will have a very drastic effect on some of those programs. And we're trying to develop strategies now to deal with these. In some areas, like the lead poisoning, we will be able to address that through administrative changes, in part. Human Services has responded very positively on this, and they have just come across with regulatory changes, meaning that under their screening program for young children, they will now reimburse for lead screening. So it is a new way of financing, with Federal match, the same program that, with the other hand, the feds are trying to take the money away from. So, in those kinds of ways, we can sometimes make up the gap.

I'm very concerned about family planning. There are not those kinds of alternatives for us. The money that is cut from block grant support for family planning is going to be very, very difficult to replace. And I think that we are going to see a tremendous problem of increasing teenage pregnancy if we don't address that problem.

SENATOR O'CONNOR: Thank you, Doctor.

Motion by--

SENATOR DORSEY: I'll move the -- I'll move the release.

SENATOR VAN WAGNER: Second.

SENATOR O'CONNOR: Motion by Senator Dorsey, seconded

by Senator Van Wagner.

MR. TUMULTY: Senator O'Connor?

SENATOR O'CONNOR: Yes.

MR. TUMULTY: Senator Hirkala?

SENATOR HIRKALA: Yes.

MR. TUMULTY: Senator Orechio?

SENATOR ORECHIO: Yes.

MR. TUMULTY: Senator Van Wagner?

SENATOR VAN WAGNER: Yes.

MR. TUMULTY: Senator DiFrancesco?

SENATOR DIFRANCESCO: Yes.

MR. TUMULTY: Senator Dorsey?

SENATOR DORSEY: Yes.

MR. TUMULTY: Senator Gormley?

SENATOR GORMLEY: Yes.

MR. TUMULTY: Nomination's released.

SENATOR O'CONNOR: Congratulations, Doctor.

DR. COYE: Thank you very much.

SENATOR O'CONNOR: Good luck.

DR. COYE: Thank you.

SENATOR O'CONNOR: The next nomination to be considered is that of Drew E. Altman, of Cranbury, to succeed acting Commissioner Geoffrey Perselay, for the term prescribed by law, to be a Commissioner of the Department of Human Services.

Mr. Altman, I think you've heard the introductions of the Committee. Is there a home county Senator?

SENATOR DORSEY: That's Senator Garibaldi.

SENATOR O'CONNOR: Senator Gormley has asked for the unprecedented privilege of introducing you again to the Committee. Atlantic County is having its day here.

SENATOR GORMLEY: Yes.

SENATOR O'CONNOR: Senator?

SENATOR GORMLEY: Thank you. I had the pleasure, as a member of the transition team, to interview Drew for a lengthy

period of time, I believe two to three hours. And I think there could be no finer choice to head the Department of Human Services. He's bright, he's interested, he has done an excellent job with the Foundation that he's now located with, the Robert Wood Johnson Foundation. He's been there since about 1981, I believe. And the most important thing is that he has a sincere interest in these issues. He is someone who has -- it's obvious by the publications that he's written, and by his educational background, that the intelligence level is there. But I think the most important thing is his sincere interest in social issues, and his desire to go right at them, and to be innovative, at a time when there are cutbacks in many programs, and to try to find the best way to deliver services to the people of the State of New Jersey who need these types of services. So, at the appropriate time, I'd be very happy to move his nomination.

SENATOR O'CONNOR: It sounds like you're completely objective, Senator. We'll be unaffected by any of the--

SENATOR GORMLEY: Oh, I know that.

SENATOR O'CONNOR: --answers to questions.

SENATOR GORMLEY: He might not get seconded now. I mean, he's in real trouble.

SENATOR O'CONNOR: Mr. Altman, we're aware that the instance of child abuse has increased dramatically over the last two years. And the question is, what can State Government, particularly the Department of Human Services, do to stem the increase, and ultimately reduce the incidence, of child abuse in the state?

D R E W E. A L T M A N: Well, Senator, this is one of a few issues in which I do not have a deep background, and one which I need benefit of facts and briefing, once starting on the job in July. I would say that, along with several other issues, Welfare reform, the homeless, community-based services, and a variety of others, there obviously can be no higher priority. The Governor has taken a leadership position, as have others on this issue. I

wholeheartedly support that. The name of the game, I think, is prevention. We've got to do all that we can to deal with this issue.

I think, in the process of that, we've also got to be more careful about constitutional rights, and that involves training and other things, so that frivolous charges are not passed down the line. But I do intend to make it a very top priority, and it's an issue that I think we just have to take very seriously. If we have to make some choices in a world of Gramm-Rudman, this is not one that should fall by the wayside.

SENATOR O'CONNOR: Thank you. You mentioned welfare reform.

MR. ALTMAN: Uh-huh.

SENATOR O'CONNOR: That's another question that I have. A number of states, including New York, California, and Massachusetts, have established employment and training programs for able-bodied, employable recipients of AFDC benefits. Massachusetts, in particular, has claimed to have a model program. Governor Dukakis says that 23,000 former Welfare recipients have found permanent jobs, as a result of their employment training program.

MR. ALTMAN: Uh-huh.

SENATOR O'CONNOR: Are you familiar with any of these programs?

MR. ALTMAN: In superficial terms, one never knows whether Governor Dukakis, whose home town I'm from, has a model economy or a model program. But certainly, they've done some things in Massachusetts that make a great deal of sense.

We have, I think, an obligation to meet people's basic human needs through the welfare program. But I think it's -- I think there's a professional consensus on the need -- the more important need -- to begin to move our welfare programs towards an employment oriented program, meaningful jobs, and to restructure the incentives under the welfare program to preserve the family,

rather than pull the family apart. I have started to look at what Massachusetts has done, as well as at what some other states have done. I plan to make this a top priority and to try and put together an initiative in New Jersey that goes beyond what they've done, and that will move in the direction I described.

SENATOR O'CONNOR: Have you given any thought to whether or not an employment training program should be mandatory for all able-bodied employable recipients, as the California approach provides, or whether it should be voluntary for AFDC recipients, as the Massachusetts program is set up?

MR. ALTMAN: Well, I think the important thing about employment training, about employment as I've looked at this -- again, this is only something I've just begun to look at -- is that we talk about training that can lead to meaningful jobs and to meaningful employment. Otherwise, we face a revolving door of people who are in to work and then back on the rolls again. As to whether it should be mandatory or voluntary, I really have no personal decision about that at this stage. I think, perhaps, it varies also, depending upon -- your approach to that -- depending upon the slice of the Welfare population you're talking about. There is a group, largest in terms of numbers, but smallest in terms of costs or expenditures, who are on and off the rolls in a relatively short period of time, obviously, trying to find work and sometimes succeeding. There is a longer term group, who are more chronically dependent on welfare. And I think the approach in that issue may vary, depending on what slice of the welfare population you're talking about.

SENATOR O'CONNOR: Okay. Questions from the Committee?
Senator Van Wagner?

SENATOR VAN WAGNER: Commissioner -- I guess that's premature, and I should call you Drew -- Mr. Altman. I was interested in your comments, because they seem to mirror Dr. Coye's comments on the concern you both have for preventative programs.

MR. ALTMAN: Uh-huh.

SENATOR VAN WAGNER: I agree with you. But the fact of the matter is, it seems to me, at least, and from most of the analyses that I've seen, that the present methodology of providing Federal moneys to the states by way of block-granting, seems to have left a lot of the preventative and outreach aspects of much of the Human Service and Health programming out of the equation, because the dollars are shrinking, the competitiveness for the block-grant moneys within the certain blocks, seems to preclude the opportunity to develop real preventative programs. Do you have any scheme, strategy, or ideas, in terms of how you might begin to redevelop those kinds of programs?

MR. ALTMAN: Well, I think--

SENATOR VAN WAGNER: Many of them fell by the wayside.

MR. ALTMAN: I think we're having great difficulty these days bringing the -- bringing the feds along on a variety of things that need to be done in New Jersey, and that just make good common sense. It's clear that prevention is something that has to underpin or undergird everything that we do in the Department. Rather than a specific initiative, I think it's a theme that has to be a foundation for everything we do. Preventing the low birth weight baby, preventing child abuse, detecting eye problems at an early age. These are things which can significantly improve the quality of people's lives and also reduce expenditures in the long run. But therein is the problem, and that is the difficulty with preventive approaches. They require an upfront commitment of resources for savings down the road, in a world in which everyone's time horizons are rather short. So, I think we have to recognize that this is a difficult issue. We have to find ways to free up funds and be more creative to make those upfront investments, if we're to reap the benefits down the road.

SENATOR VAN WAGNER: Then, without putting words in your mouth, I would assume that it would -- you will very much be in the forefront of recommending for the Legislature that,

wherever possible -- in spite of the loss of the Federal money -- that the Legislature look carefully at appropriating money for preventative programs.

MR. ALTMAN: Without question.

SENATOR VAN WAGNER: Thank you.

One other area I'd like to ask you specifically about. It relates to the issue raised by the Chairman relative to getting people on AFDC into the employment flow, and whether that should be voluntary or mandatory. There is one area, which seems to me, at least, to be providing some difficulty. For example, if an AFDC mother, for example, manages to gain employment, upon gaining that employment, whether or not that employer provides her with medical coverage for her children, instantaneously, her Medicaid coverage stops. Would it not seem to be a logical approach to provide some bridge or some time space or span for that person to maintain Medicaid coverage until she qualifies within her employment, or he qualifies, if that's the case, within the employment, to get -- to obtain private coverage?

MR. ALTMAN: Yes. The welfare program is interlaced with incentives that don't make sense, incentives--

SENATOR VAN WAGNER: I'm glad you said that.

MR. ALTMAN: --incentives that lead people away from employment, incentives that pull families apart, or certainly don't help any to bring them together. I think this is just one of a great many examples. And so, extending Medicaid coverage, so that the young mother can go to work without fear that her children will be wanting for health care and for health benefits is one area, and just one of a long list of incentives that need to be looked at, and which I think would be part of any package we put together to reform and to improve the welfare system so it leads to jobs and so it keeps families together.

SENATOR VAN WAGNER: Thank you.

And, coincidentally, a bill was scheduled to be heard today in Senator Codey's Committee. Unfortunately, the Committee

didn't meet. And, hopefully, that bill will be heard in the near future.

MR. ALTMAN: Good.

SENATOR O'CONNOR: Any other questions?

Senator Orechio?

SENATOR ORECHIO: Doctor Altman, the institutionalization of psychiatric patients in the '70s resulted in many cases of some very sorry experiences. And many of these wound up being homeless. And some cases involved in revolving door systems, wherein a -- I know in my own case, in my own community, we had a gentleman seventeen times make a visit to the county hospital, over an eighteen month period, because he wasn't able to adjust. And my question is that, in your position with the Robert Wood Johnson Foundation, and in co-sponsor with Pugh Memorial, I was wondering whether or not, when you're dealing with the problems of the homeless, whether you address that type of issue? And what is the solution for those psychiatric patients who really don't have a way to go and become problems to the community? It becomes expensive, and second, at one point they wind up being homeless.

MR. ALTMAN: Yes.

SENATOR ORECHIO: What is your solution to that kind of problem?

MR. ALTMAN: Well, let me make a couple of comments, one on the general issue of the institutional versus community-based services, and another on the problem of the problem of the homeless.

Now, I am wholeheartedly for community-based services. And I think that has to be a top priority. But I also think that in the last 10 or 20 years, since the deinstitutionalization movement took form, we've let our ideology, to a certain extent, get in the way of the real needs out there. And the real need is for a balanced system. One that makes community-based services the top priority. And that has to be the thrust. But one which

also preserves a first-rate back-up institutional capacity for those people who need it. So, as you judge what we do over the next several years in this area of big institutions and community-based services, it's all well and good to count the number of community-based services that have been put in place, and that is a goal. But I think the more important point is balance, and reaching some agreement on what is the appropriate balance of institutional services and services out there in the community.

With regard, more specifically, to the problem of the homeless, it is the case, as you described, that we developed, or I developed, at the Robert Wood Johnson Foundation, the largest private initiative to date, dealing with the homeless. This is an effort now underway in eighteen cities to bring the groups that normally fight with one another, concerned with this problem, together, to improve health and social services for the homeless. In that program, we're trying primarily to meet their basic needs, something around which I think both liberal and conservative spenders and budget cutters can reach some consensus, and hopefully, plug them into situations through job training benefits and other things, which can lead to some longer term improvements in their lives. It's not a problem that can be solved by any one department. It's a tough problem that involves jobs and housing and health care, chronic mental illness. So it's one that is going to involve a concerted effort of all the departments, or many of the departments in the State, if we're to make some progress. And it's one which is a very -- as you can tell from that background -- a very high priority with me.

SENATOR ORECHIO: Well, what about in the funding aspect? What do you feel ought to be the State's role? I mean, what happens many times is that this burden, then, is thrust upon the community, to deal with the needs of these psychiatric patients. And the question is, that once they're deinstitutionalized, they're no longer the primary responsibility

of the State.

MR. ALTMAN: Uh-huh.

SENATOR ORECHIO: But somehow, there's no follow-up. And, in addition to that, there's no funding mechanism to assist the community in the rehabilitation of this person--

MR. ALTMAN: Yes.

SENATOR ORECHIO: --who's been deinstitutionalized.

MR. ALTMAN: Well, I think you point in the direction of the answer to your question. It simply does not make sense, or worse than that, to dump people out of institutions and leave them on the street. We see, on the streets of every big city in the country, the horrors that that's produced. We have got to do a better job of developing the community-based arrangements for these people, and providing whatever funding is necessary to do that. Hopefully, if we look at this issue right, and understand that we are saving money in the long run, money in terms of institutional services, welfare payments, and so on, we'll be able to reach some agreement, working together on some new investments in this area, so we can do exactly what you suggest needs to be done.

SENATOR ORECHIO: Do you perceive that it might be a possibility to implement a group home type concept, as we do for the mentally retarded, for example, in psychiatric patients? Maybe handling the needs of a half a dozen or so on an as-needed basis, in a residential setting?

MR. ALTMAN: I do, and there are a great many really wonderful examples around the country, of group home or somewhat larger type arrangements, for people who have been homeless, that work very well. And that's something that we would have to -- that I would very much want to take a look at.

As with community services generally, I think the group home approach makes sense. This has also, and I'm sure this is not lost on you, been a tricky issue. And so, one does not simply site such homes, or locate them by administrative fiat. There's a

process of discussion and negotiation with local government, with community groups, that goes into putting such a plan together.

SENATOR ORECHIO: Thank you. No more questions.

SENATOR O'CONNOR: Senator?

SENATOR HIRKALA: Dr. Altman, I'm going to ask you a question which is sort of personal. And I should have asked the same thing of Dr. Coye, but I'll ask her later on. You seem to have such a great and extensive educational and experience background. And from the looks of things, I see nothing but good coming to New Jersey if you become the Commissioner. Are you going to have some solid roots, and do a good job for us, and not leave too soon?

MR. ALTMAN: First of all, my educational roots are extensive enough that I think Senator Gormley was worried whether I could get anything accomplished in the real world.

SENATOR GORMLEY: Well, we went through that. He overcame that in the first hour.

MR. ALTMAN: I, throughout my career, whether it was in academia or in the Federal Government, or at the Robert Wood Johnson Foundation, I've been concerned with the issues of the disadvantaged and the disabled. And I am taking this position, really because it gives me the opportunity to make a difference, in this State, in the state where my wife and I have now put down roots. So, I'm not going anywhere, in the short term or in the long run. And I hope that I'll be in a position to provide the kind of leadership to enable the Department and the State to move ahead in some very important ways in the areas we've mentioned today and some other areas as well.

SENATOR HIRKALA: Thank you very much.

Dr. Coye, you've heard the question. Please give me the answer later.

SENATOR O'CONNOR: Thank you, Senator. Are there any other questions?

Is there anyone here, from the general public, that

would like to address this particular nomination?

Hearing none, the motion by Senator Gormley.

SENATOR GORMLEY: So moved.

SENATOR HIRKALA: Second.

SENATOR O'CONNOR: Seconded by Senator Hirkala.

MR. TUMULTY: Senator O'Connor?

SENATOR O'CONNOR: Yes.

MR. TUMULTY: Senator Hirkala?

SENATOR HIRKALA: Yes.

MR. TUMULTY: Senator Orechio?

SENATOR ORECHIO: Yes.

MR. TUMULTY: Senator Van Wagner?

SENATOR VAN WAGNER: Yes.

MR. TUMULTY: Senator Dorsey?

SENATOR DORSEY: Yes.

MR. TUMULTY: Senator Gormley?

SENATOR GORMLEY: Yes.

MR. TUMULTY: Nomination is released.

SENATOR O'CONNOR: Congratulations.

MR. ALTMAN: Thank you all.

SENATOR O'CONNOR: We're now going to consider as a group the four nominees to the -- to succeed themselves to be members of the Hazardous Waste Facilities Siting Commission. And we'll consider them as a group, and ask questions to them as a group, after which we have a number of people who have signed up, indicating their desire to address the Committee on the nominations. And we'll then take those.

So the nominees, then, are Frank Dodd, of Manasquan, Dr. Roy Gottesman of Glen Rock, Thomas J. Leane, of Jersey City, and Maxwell Weiss, of Convent. Gentlemen, would you come up and be seated at the table?

We did have a Monmouth County Senator here, in the presence of Senator Van Wagner, but he's just gone over to another committee. So I'll take the liberty of introducing Senator Dodd,

my former next door neighbor in the summer, at the shore at Manasquan. We all know Senator Dodd as an Assemblyman, and a ten year State Senator, and also in conjunction with his experience with the Hazardous Waste Siting Commission. And I would say that I've had experience with the Senator, or a senator in that role, over the last four years, in particular, in conjunction with a project in Hudson County, or potentially in Hudson County. And I've found him to be most fair and professional in the way that the whole matter was conducted.

I would also like to introduce to the Committee Mr. Tom Leane. Thomas Leane of Jersey City. And I can say that I know Tom Leane professionally for about the last fifteen years. And I think he is a good professional. And at the appropriate time, I would be most happy to move both of the two previously named nominees.

Now, is there -- are there home county senators for the other two nominees?

SENATOR DIFRANCESCO: Where does Senator Dodd live?

SENATOR O'CONNOR: Senator Dodd lives in--

SENATOR DIFRANCESCO: Monmouth County?

SENATOR O'CONNOR: -- Monmouth County.

Senator Gormley, you've been introducing in the absence of a home county senator, so why don't you do that?

SENATOR GORMLEY: Okay. We have Roy T.--

SENATOR DIFRANCESCO: Gottesman. Roy Gottesman.

SENATOR GORMLEY: Roy Gottesman. Excuse me. From Bergen County. And, quite honestly--

SENATOR DIFRANCESCO: Maxwell Weiss.

SENATOR GORMLEY: And Max -- and Max Weiss, from--

SENATOR DIFRANCESCO: Convent Station.

SENATOR GORMLEY: -- Convent Station, New Jersey. And they both have -- obviously, I'm only familiar with the resumes, but obviously, they have excellent educational backgrounds and very fine reputations in the community. And they're excellent

nominees.

SENATOR O'CONNOR: Well done, Senator Gormley.

SENATOR GORMLEY: It's hard when you don't know them.

SENATOR O'CONNOR: I'll ask the first question, then. And I'll ask this of the Chairman, Mr. Dodd.

One of the fears that's been expressed with this whole idea of hazardous waste siting is that the siting of a new hazardous waste facility in New Jersey might tend to make New Jersey a magnet for waste generated in other industrial Northeastern states. Firstly, are any of our neighboring states making any effort to site hazardous waste disposal facilities within their states?

FRANK DODD: There are 27 states now actively pursuing the same goals that we -- our Commission is. And we're all moving together, fairly well together. New Jersey being the lead in -- throughout the country in this. But each state recognizing full well that each state will have to deal with its own toxic waste streams eventually. Sooner than later.

SENATOR O'CONNOR: Is there any legal and constitutional way, without violating the Commerce Clause of the United States Constitution, to reserve for the hazardous waste disposal facility of New Jersey, to reserve for it only disposal generated here in New Jersey?

MR. DODD: In formulating the master plan for the Hazardous Waste Commission, which took several years, and that is identifying all generators of toxic and hazardous materials in the state, the waste streams and where they presently dispose of now, and in projecting into the 1990s what New Jersey's waste stream will be, we will limit the size of the incinerator and land emplacement to match New Jersey's waste stream. There will be a small percentage, obviously for interstate commerce laws, that we cannot say no to. But there will not be that much capacity left over for out-of-state wastes.

SENATOR O'CONNOR: Okay. The next question is one that

any one of you may answer. It has to do with the uproar that resulted from the Commission's announcement of the 11 proposed sites in February. And that suggests pretty much that the Siting Commission's information and education program hadn't been very successful. Do you plan to improve this component of the Commission's work--

MR. DODD: Senator O'Connor--

SENATOR O'CONNOR: --over the next few years?

MR. DODD: --and members of the Committee, we have had close to 90 public hearings in the four years that this Commission has been in existence. Prior to that, as Chairman of the Senate Energy and Environment Committee, we had close to 40 public hearings in formulating the bill over a two year period, knowing full well that some day the shoe had to drop. And no matter how well you try and coat it or couch it or phrase it, there was no way of saying, other than here are the municipalities and here are the reasons that they were selected. Now, we knew that when we started. I think everyone knew that. Perhaps the other members have a--

DOCTOR ROY T. GOTTESMAN: I'd like to respond to that, Senator. I believe that our meetings throughout the State gave citizens an opportunity to learn about the criteria and to input into the criteria. It was a very open process. I think it's a tribute to the Chairman of the Commission that our meetings have been completely open, in the sense that he has encouraged people to come and give us their views. The sessions that the Commission had, using a nominal group technique to amplify the criteria, were open. And I think it's been as open a process as one can want and can desire. I think the problem is that, unless you're ox is being gored, so to speak, you don't get into the process. And I think that's what has happened here. These people suddenly faced the fact that maybe one of these -- one of these sites will be in their backyard, and no one wants it in their backyard. But, unfortunately, I think it's true that it's going

-- that a hazardous waste facility to handle New Jersey's needs will have to be found in New Jersey.

SENATOR O'CONNOR: Doctor, it's interesting that you make the point that the meetings were open and everyone learned about the siting criteria, because one of the complaints we've had is that many municipalities on the proposed list have complained that they were not able to obtain from the Siting Commission the siting criteria in the selection process. And I'm wondering whether this lack of available information is being addressed.

MR. DODD: Senator, that is the work of our consultant, which we originally did not contract for, for an interim report. We knew full well there would be law suits and other action, but when we get down to the final three sites, that's when we were planning. What we have done is, we spent an additional \$26,000 with our consultant to have an interim report that addresses that. And that will be ready by the end of this week. We have gone to the printer's with that.

DR. GOTTESMAN: But let me also point out, Senator, that the criteria were established, you know, through public hearing, adopted by the DEP. So those were available. I think what the citizens have asked for, and as Senator Dodd has indicated, will be made available with the issuance of this report. What hadn't been contemplated is the application of those criteria that led to these 11 potential sites.

SENATOR O'CONNOR: Okay. I don't want to dominate the questions here. Any members of the panel have any questions at this point?

SENATOR ORECHIO: I want to make a statement, Mr. Chairman.

SENATOR O'CONNOR: Senator Orechio?

SENATOR ORECHIO: And that is, I think this group, defended by the Chairman, Senator Dodd, really should be owed a debt of gratitude for the heat they've taken throughout the State at these hearings. And they're probably an entity of government

that, basically, are considering positions that provoke the most emotion that anyone can muster. And I'm sure most of your meetings had hundreds of people in attendance, and you probably got more cat calls, and you probably said, "What do I need this for?" Especially with the salary being so high.

But anyway, the point I'm making is that--

MR. DODD: I'm beginning to like it, though. That's why I'm nervous.

SENATOR ORECHIO: I just think that they really deserve our commendation. So I'm ready to move their nominations.

MR. DODD: I should have known I was in trouble when Senator Laskin voted for the bill originally.

SENATOR DORSEY: See what influence you had over him? Now that you're gone--

MR. DODD: That should have told me something, right there.

SENATOR O'CONNOR: Senator Hirkala, I think you had a question.

SENATOR HIRKALA: No. I just wanted to reiterate what Senator Orechio said. They're doing a wonderful job in a tough, tough area.

MR. DODD: I may, just as a point of reference, Mr. Chairman, I took the liberty of leaning on our Legislative Services Commission for a little advance information, anticipating some of the questions today. And by the end of today, you will have approximately 18 bills being introduced by both Houses of the Legislature, excluding various districts. Now, at last count, there was about three acres around the Cape May Lighthouse that were still available for siting. So if you decide to go the legislative route in siting, do it all the way and eliminate this Commission. Because there's no in-between.

SENATOR ORECHIO: Any comments?

SENATOR DiFRANCESCO: Are there sites in Essex County?

SENATOR ORECHIO: Pardon me?

SENATOR DI FRANCESCO: Any proposed sites in Essex County?

MR. DODD: You may exercise senatorial courtesy.

SENATOR ORECHIO: Senator Dodd's safe.

MR. DODD: These are not Port Authority jobs.

SENATOR ORECHIO: The other three aren't.

Who's offering a motion?

Okay, would you go off to the side while we hear from those who may want to address the Committee?

Assemblyman Foy? Thomas Foy? Everyone on the panel, Assemblyman Foy. You know everyone on the panel, Assemblyman Foy.

A S S E M B L Y M A N T H O M A S P. F O Y: Yes.

SENATOR ORECHIO: You know the introductions.

ASSEMBLYMAN FOY: Mr. Chairman, members of the Senate Judiciary committee, I appreciate this opportunity to appear before you today and offer some commentary and observations regarding the confirmation process involved with the members of the Hazardous Waste Facilities Siting Commission, and those nominees that are here today offered by the Governor of this State. I can tell you from a personal standpoint, I view them much in the same manner that Senator Hirkala does, in that I, perhaps, question their sanity about why they would want to be reconfirmed to the positions that they're seeking today. It's a very difficult situation. I recognize that. I don't think that there's anybody in the State of New Jersey who envies the position that these gentlemen who are here before you today are in. They have to make some of the toughest decisions that will affect the lives of millions of New Jerseyans. But they are here today, they are seeking reconfirmation by this Committee, and another term on that Commission. And those of you who are in politics, which is all of you, and I know that when you're an incumbent, what you have to look at with respect to determining whether somebody should go back is, in fact, their record.

You're going to have to make that determination. And

I'm not going to tell you that any one of them is or is not qualified, with respect to their educational credentials, their experiential credentials, their integrity or desire to serve the public. I believe they probably have all of those and then some. And if that were simply the basis to do it, I wouldn't be here testifying.

And before you make your consideration, I want to offer some thoughts, in a general sense, about what they ought to be about, as I gleaned from their record over the past several years, and more recently, since the community that I live in, which is in my district that I represent, has been considered as a possible site for the incinerator. I've obviously had occasion to come much closer to their role and their situation. I can tell you, to an extent, their record is blemished. And it's blemished in several fashions. And I'm going to point them out. Perhaps you may want to give some consideration to speaking with the Commissioners about this.

First, in the determination for their siting criteria, they considered a lot of important things, based upon input they had from their staff, based upon input they had from their consultants and what have you. But one factor that is not a criterion, that has been ignored, is the economic impact of that siting decision on the community and its surrounding communities, about which they plan to locate the place. I don't know how you can, realistically, in a state as small as New Jersey, where you're going to site something that's going to burn carcinogens and benzene, it's going to have life threatening aspects, how you can ignore the reality of what it's going to do economically to a specific municipality.

Secondly, I'm deeply disturbed about the fact that I don't believe we've had full and ample disclosure of the facts. As a potential site municipality, it seems to me we ought to have the right to have every scrap of information that the Commission has had to utilize to make the predetermination that they have

made. I find it appalling for somebody to sit here and say that, well, we had to do this interim report. The very fact that they didn't contemplate an interim report, that we wouldn't come to them and want this information, is most disturbing to me, and seems to me to represent a lack of sensitivity or understanding about how the public would react to a decision as menacing as siting an incinerator or a toxic waste dump in their particular community.

To this date, we still have not had access to the records that the consultants, Rogers, Golden and Halperin (phonetic) have. Those are the records we want. We want to know what the criteria were in relationship to Burlington Township. Why was it that we were put on the list, and why was it that the other 100 municipalities that they examined were not put on the list? And we don't have that public information to date. And I think that's a blemish and a deficiency of this Commission and process. Not any individual. Just the process as it stands.

They mention that they spent -- they're spending \$28,000 to give us this report that's going to help us. Well, guess what, gentlemen? We have a public hearing for the people of the Seventh Legislative District, and the residents of Burlington Township on May 29. And you just heard the Chairman tell you that they're going to give me the report on Friday. Now, my mama didn't raise any dummies, but I'm not going to be able to digest and understand it and be able to comment and question intelligently in three days what has taken their consultant three years to do. That's grossly unfair. We're not being treated properly as residents and citizens, when something like that occurs.

In addition, there is an absolute inequality of positions between the power and the might of the State of New Jersey as evinced through the Hazardous Waste Facility Siting Commission and what the municipalities have, to be able to rebut and refute what is occurring and what's being said about their

municipalities in terms of the siting criteria. They're spending \$478,000 on consultants, and the law provides that Burlington Township, if it's ultimately on a site selection list, may get as much as \$50,000 to have our experts examine what it took their experts nearly a half a million dollars to come up with. I think that is also grossly unfair.

These gentlemen have heard me speak before. I do not bear any personal malice against any one of them. I think they're fine individuals, and I think they're a little crazy to want to do this job. But, by the same token, Harry Truman said it best of all. "If you're going to be in that kitchen, you're going to have to expect the heat." I can tell you that the heat that they're enduring is a lot less than the 4100 degrees that that incinerator will be burning toxic waste in the community in which it's located.

Thank you very much. I'd be happy to answer questions or let the chair go to somebody else.

SENATOR ORECHIO: Well, I guess no questions, Assemblyman Foy.

We have three members of No D.I.C.E who want to be heard. And the first will be Betty Ann Warner. Maybe the three should appear together. Theodore Howland and David Jenkins as well.

D A V I D S. J E N K I N S: Chairman, members of the Committee, if you please, I'll begin. My name is Dave Jenkins. I'm the Chairman of the No D.I.C.E organization. No D.I.C.E is an acronym for No Dumps in Clean Environments. This is a grass roots environmental group, located in East Greenwich Township, Senator Zane's home town. And we presently have in excess of 800 members.

I would like to begin by addressing an issue that we find very disconcerting. And that is that the residents of East Greenwich and the three other sites which are potential sites for a land emplacement facility have repeatedly asked the question of the Siting Commission, what is going to be located in our

district, in our community? The Siting Commission has answered that the technology involved in this land emplacement facility is still under consideration. So it's very difficult -- I agree with Assemblyman Foy -- it's very difficult for us to rationally assess the dangers and the needs of the community, since we have no idea exactly what's going to go there.

We have a minor problem which I think that this Committee may be able to help us with. For several weeks, we have been trying to obtain the resumes and credentials of the members of the Siting Commission. We are anxious to find out just exactly what the State of New Jersey is looking for in members of this Commission. We have requested this information from the Commission and from the Governor's Office, and we hoped to get it before today, so that we could better evaluate the Committee's response to those resumes, but we were unable to do so. I would ask that this Committee consider sharing that information that you used in your evaluations with us. We would be very grateful if you would consider to do so.

Thank you.

SENATOR ORECHIO: Thank you.

B E T T Y A N N W A R N E R: I'm Betty Ann Warner. I'll continue.

Since the resumes and the qualifications of the Committee members were not made available to us, I ask your attention as I read a statement entitled, "People's Bill of Rights Related to Environmental Concerns." These are basic principles, which you are familiar with. But perhaps a reminder is in order.

"People have the inherent right to be safe in their homes and workplaces. Our children have the right to grow up strong and healthy, not diseased, deformed, or to die before they've had a chance to live; to be safe in their schools, free from cancer causing asbestos or other hazards, and to play in their backyards, free from erupting chemical pits or contaminated soils and water.

"We have the right to be free from exposures, imposed on us against our will, to poisonous substances that can cause birth defects, cancer, sterility, genetic damage, miscarriages, and stillbirths. We have the right to know what poisons other people, industry, corporate polluters, and government have decided to bring into our neighborhoods and workplaces. And the right to know how these chemicals can adversely affect our health, our environment, and exactly what they intend, if anything, to do about it.

"We have the right to safe, total clean-ups of hazardous waste sites and spills, to have the clean-ups take place quickly with our neighborhoods, homes, and environment restored to the way it was before the polluters chose to contaminate them.

"We have the right to participate as equals in decisions affecting our lives, children, homes, and jobs, in the matter of exposure to hazardous wastes. We have the right of access without cost to information and assistance that will make our participation meaningful, and to have our needs and our concerns be the major factor in all policy decisions.

"We have the right to be compensated for damages to our health, our homes, and our livelihoods. The responsible parties must compensate us for the costs of cancer treatments, care of our birth-defected children, the loss of our homes, farms, and jobs.

"We have the right to public policy that prevents toxic pollution from entering our neighborhoods by using existing technology, beginning with reduction at the source. A technology that will provide jobs, business opportunities, and conservation of valuable resources.

"We have the right to strong laws controlling toxic waste, and vigorous enforcement of these laws. If a child dies of exposure to chemical poisons in the environment, someone must be arrested and prosecuted for manslaughter."

Keeping these rights in mind, I implore you to look very carefully at the credentials and values of the people who are

appointed to our State agencies and commissions. Their first priority should be the protection of the people and the environment, not siting more hazardous waste facilities. I feel our government and their appointed agencies have responsibility to uphold these rights, or this country is down the tubes.

I will close on a personal note. I have two sons. One is a high school sophomore. The other is 19 years old, entered the Army in January of this year. He's been trained as a paratrooper, and he's right now at Fort Bragg, North Carolina. If he is called upon to go the Middle East, or Central America to defend his country and the quality of our life, then I certainly feel we owe it to him, and thousands of young people like him, to do everything we can to insure that his children, when the time comes, will not be exposed needlessly to toxic environments. And the responsibility for a clean environment belongs to all of *JY NO* us.

Thank you.

SENATOR O'CONNOR: Thank you very much.

Yes, sir?

T H E O D O R E O . H O W L A N D: Gentlemen, my name is Ted Howland. I'm a resident of East Greenwich Township and a member of the Citizens Clearinghouse for Hazardous Waste, which is a national organization which was founded by Lois Gibbs from Love Canal, Niagara Falls, New York. The purpose of that organization is to give groups such as ours -- to share information with us and give us technical assistance so we can intelligently deal with situations such as this, to look at the facts and examine them and discuss them with groups such as the Siting Commission, who have half a million dollars to play with to hire whatever consulting engineers they need.

I'm also a member of the No D.I.C.E organization, and I come here today in that capacity, to give you some statements that the No D.I.C.E organization feels should be heard at this time. We recognize the need for waste reduction, waste recycling, the

development of alternative production processes which yield fewer hazardous waste byproducts, and the use of products whose production does not create hazardous waste byproducts.

We recognize that industry does not voluntarily seek to change production methods or take other steps to reduce the production of hazardous wastes, until such time as it is economically advantageous for them to do so. We further recognize that the dumping of hazardous waste is the cheapest method industry has of ridding itself of these hazardous wastes.

This practice has also created nearly 100 known sites in the State of New Jersey that are so dangerous that the DEP and the EPA have agreed that they must be cleaned up. And these are Superfund sites. There were 97 the last time I looked at a publication, but daily, it could be 98 or 99. We're turning them up all the time.

We further recognize the need to clean up the many existing hazardous waste sites that now contaminate New Jersey's air, soil, and groundwater. Additionally, we recognize that the Major Hazardous Waste Facility Siting Act does not provide incentives to industry to reduce waste production or to seek alternate production methods to eliminate hazardous waste. We recognize that the Siting Act really perpetuates the dumping of hazardous waste as a, quote, "solution," unquote, to our waste problems.

We further recognize that the Siting Act will be used by the present Siting Commission as the basis to continue this shell game of moving waste from clean-up of the Superfund sites to new locations, thus merely spreading the contamination to new areas, rather than eliminating the problem.

We recognize that the power of eminent domain is government's power to take private property, again, quote, "for public use," unquote. We recognize the Siting Commission intends to use eminent domain to take private property and then turn it over to private industry to use. This is not public use.

We recognize that the chemical industry will profit from the sale of products whose manufacture has produced hazardous waste. We further recognize that the waste industry will profit from placing these wastes in a land emplacement facility, which is proposed to be built on land taken by eminent domain.

We recognize that the public will neither use nor benefit from the storage of these wastes. Although the chemical industry and the waste industry will have profited from the use of this facility, the public will only get poisoned land, poisoned air, and poisoned water.

We recognize the Siting Act considers a 2,000 foot buffer zone as sufficient to protect the public from a hazardous waste facility. We recognize that a home, a school, a hospital, located only 2,000 feet from a waste facility, in the event of an airborne toxic emission in only a five mile an hour wind, would be affected by that toxic emission in less than three minutes.

We recognize that, given the above conditions, nothing could be done to protect the occupants of that home, the students of that school, or the patients in that hospital, from exposure to toxic emissions. We recognize that this, gentlemen, is not -- and this term is used rather loosely -- quote, "an acceptable risk," unquote, even though the Siting Commission considers it to be that. We recognize that the Siting Commission has evaded this fact. Indeed, on May 6, the Siting Commission refused to respond to this question.

We recognize that the Siting Act and the Siting Commission would rely on the New Jersey Department of Environmental Protection to protect the citizens of New Jersey. We recognize, and the record shows, that the New Jersey DEP has so far been unwilling and/or unable to provide the promised protection. As an example, we cite the case of Chemical Control Company in Elizabeth, New Jersey. Chemical Control was closed by the DEP, which then coordinated and controlled a clean-up of the site. At the time of the fire at Chemical Control, one year after

the DEP began its clean-up, there were more barrels of hazardous waste on-site than there were when the DEP closed the facility.

We recognize that the Siting Act provides for a controlling board consisting of nine members from the Siting Commission, one member from the host county, one member from the host community. This is the board that will be in charge of control at the facility, once the facility is -- location's been sited and the facility goes into operations. This board has the power to petition the DEP to close the facility in the event of safety violations.

We recognize that, given these circumstances, the facility which is in violation of safety standards could continue to operate for years, before the DEP could close it, if, in fact, it could ever close it. Therefore, as a result of these stated facts, we implore you, the Judiciary Committee, to take the following action: refuse to reappoint the members of the Siting Commission; suspend the activities of the sovereign Commission until such time as an amended Siting Act has been adopted.

An amended Siting Act should include at least the following provisions: an initial stipend and subsequent annual stipend paid to the host community for voluntary -- voluntary -- acceptance of a hazardous waste facility. Establish a controlling board, once sites are chosen, of seven members, consisting of one member from the DEP, one member from the reestablished Siting Commission, one member from the host county, and four members from the host community. Remember also that the community that you're talking about under this scenario is one that has voluntarily accepted a site.

This board should also have the power to immediately close a facility which violates safety standards. Let negotiations be held for years to reopen a closed facility, rather than to delay the closing of a non-safe facility.

Further, we suggest that legislation be changed that would restrict the siting of hazardous waste facilities to a

minimum of five miles. Five miles from homes, schools, or hospitals. This would increase response time, in the event of an accident, to 30 minutes. This would also allow for some action to be taken to protect the occupants of these structures from exposure to toxins, in the event of a spill or an accident.

We present these statements to you, gentlemen, not as spoken by the residents of only East Greenwich Township or only the other ten proposed sites. We present these to you as coming from all citizens of the State of New Jersey. All citizens of the State of New Jersey are exposed to the dangers posed by the transportation and storage of hazardous waste. We implore you, our elected officials, to represent us, the citizens of New Jersey, not just the powerful petrochemical industry.

I thank you for your time.

SENATOR HIRKALA: Are there any questions from the Committee?

MR. JENKINS: Thank you very much, Senator.

SENATOR HIRKALA: Thank you very much.

Does anyone else desire to be heard on the nominees? If not, we'll hold nominations until the Chairman returns.

Senator Dodd, would you like to respond to--

MR. DODD: Yes. Yes, I would.

SENATOR HIRKALA: --any of the previous testimony?

MR. DODD: Senator Hirkala, yes.

First, if I may introduce my Executive Director and Deputy Director, Rick Gimello and Susan Boyd, who are the backbone of our organization. We have a staff of five people that runs our Commission, on an annual budget of about \$350,000, which is adequate, because we do utilize all of the other existing State and Federal agencies. We also rely heavily on figures from environmental organizations, industry, and other groups that help us in this.

I don't know where to begin. The timeliness, the 11 sites that we have nominated, will-- We need three sites. We

need two incinerator sites and a land emplacement. Not a dump. We are not looking to foster dumping in any way, shape, or form. The Federal EPA, and the State DEP are very much in favor of our project, for the first time to take waste that cannot be treated or incinerated, other bulks that otherwise cannot be dealt with, and we have to have a place. The other option that we now do throughout the nation, and probably throughout the world is we scoop a hole out of the ground and dump it in. What we are proposing is as far from that as the Wright brothers were from the shuttle.

The difficulty will come, and we will share this when we get down with the final three communities. And we, as a Commission, along with the DEP and the municipality, will hear industry proposals, and we will jointly question industry as to how they plan to meet the safety and the health, and all the other aspects. And we will learn this together. It's not that we go in and condemn land and say okay, here it goes. It doesn't work that way. When we get down to the three sites, it's at least three years before we're talking about groundbreaking for the actual facility. And that is after all the input and questions, exhaustively, before we make that final decision.

All I can say is the dedication of the members of this Commission and the staff over the years-- We have the support of every environmental organization in the State. Industry supports it. All other public interest groups. I think there is some loose cannon in the Sierra Club down in South Jersey who seems to have a problem that he didn't surface in all these years of the process, until his municipality was named. Now, we have those problems. They're real social problems. If the Legislature feels that it can do it by passing bills and ganging up on Carmen Orechio today, and Assemblyman Foy tomorrow, and whether John Dorsey can get enough votes to keep it out of his district, if you think that's one way of doing it, you won't have any questions or problems with me as Chairman, or I'm sure the other members of

this Commission to say, "Goodbye. Thank you very much for the wonderful experience."

People, unfortunately, do not trust our State agencies, because of problems in the past. They don't trust industries. So, whether you have this Commission as is, or you want to tinker with it and change the membership and a few dates and this and that, you still will need a body that can be believed, who has no axe to grind. We are honest brokers. We're not mad at anybody. We've got a lot of people mad at us, but we are charged by law with making the most environmentally sound health decision, based on facts, not emotions, or votes, or anything else. You can't fire us. We don't run for office. We are charged with doing the right thing. And that is our charge.

SENATOR HIRKALA: Any questions of Senator Dodd?

MR. DODD: Plus Kathy Crotty told me to be nice today.

SENATOR HIRKALA: Well, you always were, Frank.

SENATOR DORSEY: That's true. That's true.

SENATOR HIRKALA: Thank you very much, Senator. We'll hold this just for a few moments, until Chairman O'Connor returns. Senator Bubba?

SENATOR JOSEPH BUBBA: All right. I just wanted to make a comment on appointments that are not being considered today.

SENATOR HIRKALA: No.

SENATOR BUBBA: Huh?

SENATOR DORSEY: No.

SENATOR BUBBA: Appointments that--

SENATOR HIRKALA: Please don't. No. Wait for the Chairman, Mr. Bubba.

SENATOR BUBBA: I can then? Well, I'll talk to him outside, then.

SENATOR DORSEY: Which-- It depends on what your point was.

SENATOR DORSEY: Okay. Now you can. The Chairman's

back.

SENATOR BUBBA: Okay.

SENATOR DORSEY: Check with Senator Graves first.

SENATOR BUBBA: Senator Graves will ask me to be here.

SENATOR DORSEY: Oh, is that right?

SENATOR DiFRANCESCO: Batman and Robin. Here they go.

SENATOR FRANK X. GRAVES, JR.: Now, Don, don't get too smart, Don.

SENATOR DiFRANCESCO: Graves and Bubba, the Righteous Brothers.

SENATOR O'CONNOR: Okay. Unless there are objections from the general public here, what we would do -- or from members of the Committee -- we'll move all four nominees together and vote all four at once. Otherwise, or if there's objection to that, we can take the Commissioners individually.

SENATOR DORSEY: I'll move the group of four.

SENATOR ORECHIO: I'll second the motion.

SENATOR O'CONNOR: Hearing no objections, then, the motion made has been by Senator Dorsey on all four and seconded by Senator Orechio.

MR. TUMULTY: Senator O'Connor?

SENATOR O'CONNOR: Yes.

MR. TUMULTY: Senator Hirkala?

SENATOR HIRKALA: Yes.

MR. TUMULTY: Senator Orechio?

SENATOR ORECHIO: Yes.

MR. TUMULTY: Senator DiFrancesco?

SENATOR DiFRANCESCO: Yes.

MR. TUMULTY: Senator Dorsey?

SENATOR DORSEY: Yes.

MR. TUMULTY: Senator Gormley?

SENATOR GORMLEY: Yes.

MR. TUMULTY: Nominations are released.

SENATOR O'CONNOR: Congratulations. And good luck.

MR. DODD: Is this for the Port Authority or the Sports Complex?

SENATOR DORSEY: Hey, Pat, when are you going to come and photograph us again?

MR. DODD: I've got to do a catch-up on a lot of you.

SENATOR O'CONNOR: All right.

(HEARING CONCLUDED)