



Initiative Measure 383

TO THE PEOPLE

Official Ballot Title:

Shall Washington ban the importation and storage of non-medical radioactive wastes generated outside Washington, unless otherwise permitted by interstate compact?

The law as it now exists:

Current regulations of the Washington Department of Social and Health Services require a "site use permit" prior to the disposal of "low-level" radioactive wastes in the state. There is no state law governing "high-level" radioactive wastes. The handling, transportation and disposal of such wastes are regulated by the federal Nuclear Regulatory Commission.

There is no special state limitation applicable to the storage or transportation of radioactive wastes produced outside the state.

The effect of Initiative No. 383, if approved into law:

If enacted into law, Initiative 383 would prohibit, as of July 1, 1981, the temporary, interim or permanent storage within the state of Washington of any radioactive waste produced outside the state. It also would prohibit the transportation within the state of any radioactive waste produced outside the state and destined for a temporary, interim or permanent storage site within the state.

Exempted from the initiative's prohibitions are radioactive wastes already in storage within the state as of July 1, 1981, and "medical waste," which is defined as radioactive waste resulting from therapy, diagnosis and research in medical fields. Medical waste, however, does not include spent fuel or waste from the fuel of an isotope production reactor.

Despite these prohibitions, the initiative authorizes the state to enter into a compact with other states, subject to approval by the

United States Congress, to provide for regional storage of radioactive wastes.

A violation or failure to comply with the provisions of the initiative would constitute a gross misdemeanor or subject the violator to a civil penalty of \$1,000 for each violation. The attorney general, or any person residing in the state may also bring an action to enjoin any violators of the initiative.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Initiative Measure 383 begins on page 58.

Statement for

WHY INITIATIVE 383?

Hanford, Washington, is the most likely site for storage of spent fuel and other high-level radioactive wastes from commercial reactors in the United States and from overseas. The "low-level" radioactive waste from Three Mile Island is also scheduled for Hanford. If something isn't done, Hanford will be the nation's and world's radioactive waste dump. Initiative 383 is needed to stop the use of Washington State as the national dump, and to institute a sensible policy of nuclear waste management in regional disposal sites.

INITIATIVE 383 WILL PROTECT THE HEALTH AND SAFETY OF WASHINGTON CITIZENS

Radioactive waste requires isolation from the environment for about 600 years. Leaks will happen; 450,000 gallons have leaked into the ground at Hanford. More waste means larger and more frequent leaks into the soil, water, and food chain. If Washington is the major repository for United States radioactive waste, the Columbia River may become permanently contaminated.

Initiative 383 means less waste transported through and stored in Washington, and would minimize environmental and food chain contamination.

WASHINGTON STATE SHOULD NOT BE THE NATION'S NUCLEAR WASTE DUMP

Both the National Governors' Conference report and United States Senate Bill 2189 say that each state should be responsible for its own radioactive waste. Initiative 383 will send a clear message to the Federal Government that Washington State will not be the national radioactive waste repository. Other states must share this responsibility.

INITIATIVE 383 MEANS RESPONSIBLE NUCLEAR WASTE MANAGEMENT

The only sensible way to handle radioactive wastes, both high-level and low-level, is in regional storage sites. Washington should responsibly and realistically agree with Pacific Northwest states on such a site.

Vote YES on 383.

Rebuttal of Statement against

Initiative 383 has virtually no effect on jobs or nuclear power. Washington industries can continue using Hanford's low-level site—only other states are affected. Initiative 383 prohibits import of spent fuel, reactor waste, and non-medical low-level waste. If low-level waste is "innocuous", why store it at Hanford or any special site? Compacts before July, 1981, are realistic. Regional negotiations are underway and model compacts have been drafted. Washington must protect the well-being of its citizens.

Voters Pamphlet Statement Prepared by:

GEORGETTE VALLE, State Representative; H. A. "BARNEY" GOLTZ, State Senator; RUTH WEINER, Chairperson, Don't Waste Washington Committee.

Statement against

Initiative 383 is not in the best interest of the citizens of our state because of its adverse effect on our economy and jobs. The initiative is aimed squarely at stopping nuclear power in the Pacific Northwest.

The only wastes coming into Washington today are comparatively innocuous low-level wastes consisting mainly of clothes, lab gloves, coolants, lubricants, tools, towels, and trash that has become mildly contaminated during work at hospitals, universities, research labs, industrial plants, and nuclear power sites.

These wastes do not include spent fuel or waste from reactor cores, and are less hazardous than many chemicals transported routinely across our highways. In 15 years of operation of the low-level waste site at Hanford, there has been no damage to the environment or harm to a single human being.

Initiative 383 pretends to be for regional sites under "interstate compacts." Interstate compacts require three to five years to develop; identical bills must pass affected state legislatures, and the compact approved by Congress. Initiative 383 will effectively close the Hanford low-level site on July 1, 1981, without providing time to establish regional sites.

If the Initiative's proponents were sincere, they would have agreed to a five-year "grace period" as suggested by our legislature last winter. They refused, and the legislature killed the bill. It is obvious the proponents want no regional sites, they want to stop nuclear power. The people of this state and the entire United States will pay the price.

Rebuttal of Statement for

INITIATIVE 383 WILL NOT: REDUCE RADIOACTIVE WASTE AT HANFORD—Most is federally controlled—not affected; **PROTECT HEALTH AND SAFETY**—The claims and assertions of the proponents are untrue and not supported by extensive national and international research on the health and genetic effects of ionizing radiation; **SUPPORT RESPONSIBLE WASTE MANAGEMENT**—National and congressional actions are in progress that address waste management more intelligently and equitably. The deadline date makes a compact with other states impossible.

Voters Pamphlet Statement Prepared by:

CHARLES T. KEENAN, Executive Vice President, Western Environmental Trade Association; SUSAN E. GOULD, State Senator; RAY ISAACSON, State Representative.

Advisory Committee: ROBERT DILGER, Executive Secretary, Washington State Building and Construction Trades Council; PAT MURRAY, Treasurer, Committee for Sensible Energy Policy; JULIE WAYMIRE, Co-Chairman, Committee for Sensible Energy Policy.



COMPLETE TEXT OF Initiative Measure 383

AN ACT Relating to radioactive waste; prohibiting the storage of certain radioactive waste in Washington state; creating a new chapter in Title 70 RCW; and providing penalties.
BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The people of the state of Washington find that:

(1) Radioactive wastes are highly dangerous, in that releases of radioactive materials and emissions to the environment are inimical to the health and welfare of the people of the state of Washington, and contribute to the occurrences of harmful diseases, including excessive cancer and leukemia. The dangers posed by the transportation and presence of radioactive wastes are increased further by the long time periods that the wastes remain radioactive and highly dangerous;

(2) Transporting, handling, storing, or otherwise caring for radioactive waste presents a hazard to the health, safety, and welfare of the individual citizens of the state of Washington because of the ever-present risk that an accident or incident will occur while the wastes are being cared for;

(3) The likelihood that an accident will occur in this state involving the release of radioactive wastes to the environment becomes greater as the volume of wastes transported, handled, stored, or otherwise cared for in this state increases;

(4) The effects of unplanned releases of radioactive wastes into the environment, especially into the air and water of the state, are potentially both widespread and harmful to the health, safety, and welfare of the citizens of this state.

The burdens and hazards posed by increasing the volume of radioactive wastes transported, handled, stored, or otherwise cared for in this state by the importation of such wastes from outside this state is not a hazard the state government may reasonably ask its citizens to bear. The people of the state of Washington believe that the principles of federalism do not require the sacrifice of the health, safety, and welfare of the people of one state for the convenience of other states or nations.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter.

(1) "Radioactive waste" means unwanted radioactive material, including radioactive residues produced as a result of electric power generation or other reactor operation.

(2) "Medical waste" means radioactive waste from all therapy, diagnosis, or research in medical fields and radioactive waste which results from the production and manufacture of radioactive material used for therapy, diagnosis, or research in medical fields, except that "medical waste" does not include spent fuel or waste from the fuel of an isotope production reactor.

(3) "Radioactive waste generated or otherwise produced outside the geographic boundaries of the state of Washington"

means radioactive waste which was located outside the state of Washington at the time of removal from a reactor vessel.

NEW SECTION. Sec. 3. Notwithstanding any law, order, or regulation to the contrary, after July 1, 1981, no area within the geographic boundaries of the state of Washington may be used by any person or entity as a temporary, interim, or permanent storage site for radioactive waste, except medical waste, generated or otherwise produced outside the geographic boundaries of the state of Washington. This section does not apply to radioactive waste stored within the state of Washington prior to July 1, 1981.

NEW SECTION. Sec. 4. Notwithstanding any law, order, or regulation to the contrary, after July 1, 1981, no person or entity may transport radioactive waste, except medical waste, generated or otherwise produced outside the geographic boundaries of the state of Washington to any site within the geographic boundaries of the state of Washington for temporary, interim, or permanent storage.

NEW SECTION. Sec. 5. (1) A violation of or failure to comply with the provisions of section 3 or 4 of this act is a gross misdemeanor.

(2) Any person or entity that violates or fails to comply with the provisions of sections 3 or 4 of this act is subject to a civil penalty of one thousand dollars for each violation or failure to comply.

(3) Each day upon which a violation occurs constitutes a separate violation for the purposes of subsections (1) and (2) of this section.

(4) Any person or entity violating this chapter may be enjoined from continuing the violation. The attorney general or any person residing in the state of Washington may bring an action to enjoin violations of this chapter, on his or her own behalf and on the behalf of all persons similarly situated. Such action may be maintained in the person's own name or in the name of the state of Washington. No bond may be required as a condition to obtaining any injunctive relief. The superior courts have jurisdiction over actions brought under this section, and venue shall lie in the county of the plaintiff's residence, in the county in which the violation is alleged to occur, or in Thurston county. In addition to other relief, the court in its discretion may award attorney's and expert witness fees and costs of the suit to a party who demonstrates that a violation of this chapter has occurred.

NEW SECTION. Sec. 6. Notwithstanding the other provisions of this chapter, the state of Washington may enter into an interstate compact, which will become effective upon ratification by a majority of both houses of the United States Congress, to provide for the regional storage of radioactive wastes.

NEW SECTION. Sec. 7. This chapter shall be liberally construed to protect the health, safety, and welfare of the individual citizens of the state of Washington.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act may be known as the Radioactive Waste Storage and Transportation Act of 1980.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 70 RCW.