

But is the law actually doing anything to protect public health? Without question, says Warriner, citing the fact that California now requires warnings on alcohol and non-cigarette tobacco, filling two loopholes in the federal regulatory system. "The law is reaching where we couldn't otherwise," says Warriner.

Alcoholic beverages are a major cause of birth defects in the United States, but bills to require warnings had repeatedly died in the U.S. Congress. In October warning signs went up in stores, bars, and restaurants throughout California. A few months later Congress enacted a law requiring warning labels on all bottles of alcoholic beverages.

For tobacco, although warnings on cigarettes have been mandatory since 1965, roll-your-own tobacco, pipes, and cigars have escaped such federal scrutiny. "That was a conspicuous federal loophole for 25 years," says Roe. "Prop. 65 closed it in 3 weeks, over the objections of one of the most powerful lobbying groups in the country."

The other effect of the law, which is harder to quantify but is perhaps just as significant, is what Roe calls industry's "quiet compliance," which he says far outweighs the vocal grumblings about the law. Without fanfare, businesses in California have been reviewing their products and processes to see if they can reduce or replace toxic chemicals. And that, says Roe, was the true intent of the law—not to provide warning but to provide products that don't need warnings. Chevron, for example, is reviewing its entire product line. The company is perhaps exemplary, but it is also very visible. Of the 50 or more Ortho consumer products and agricultural chemicals Chevron has checked to date, none requires a warning, says Reyda, bolstering Warriner's claim that few products, in fact, will.

None of this addresses the larger question of whether it is in society's best interest to spend its time and money chasing the last microgram of a toxic chemical (see box). But California has clearly decided that it is, and society does not necessarily make these decisions on purely scientific grounds. The people of California did not ban products that contain toxic chemicals. They simply said, "Give us the information and let us decide if we want to accept the risk."

"Whether it will produce a safer environment, a reduction in cancer, I don't know," says Warriner. "There have been warnings on cigarettes for a long time. People are entitled to make bad choices."

Just what Proposition 65 will mean for California will probably not be clear for a few years. The drinking water regulations are not out in final form, and the state is still wrangling with industry and environmental

groups on such details as where to measure discharge. For many listed chemicals, the grace period has not yet expired, and only industry knows how many will ultimately require warnings. The state has not lifted the temporary exemption for food products, and until it does, manufacturers will continue to worry that the new law will be more restrictive than FDA regulations.

But judging from the state's past performance, few surprises should be expected.

Although there were some bumps in the road during the first year, even industry representatives concede that implementation has been smoother than they anticipated and that their worst case scenarios have not materialized. "I have no doubt we will get through this and people will understand risk better," says John Hunter of the Environmental Working Group. "David Roe is getting his bright lines, whether we like it or not."

■ LESLIE ROBERTS

Watkins Named Energy Secretary

Retired Admiral James D. Watkins will succeed John S. Herrington as secretary of the Department of Energy. Watkins, 61, takes over the department at a time when its nuclear weapons manufacturing complex is deteriorating and when there is mounting pressure on DOE to clean up sites contaminated by these operations.

President-elect George Bush acknowledged that he selected Watkins for the job in part because of his background in nuclear energy. Watkins served under Admiral Hyman Rickover, who guided the Navy's development of nuclear propulsion, in the early 1960s. He trained at the Navy's reactor school at West Milton, New York, and is a graduate of Oak Ridge National Laboratory's reactor training program. In addition, Watkins has commanded a nuclear attack submarine and nuclear cruiser. Watkins served as chief of naval operations between 1982 and 1986, before retiring.

It is expected that the operation and modernization of DOE's defense production program and related cleanup problems will be a top priority for Watkins. One pressing issue Watkins will have to deal with is restarting one or more of DOE's heavy water reactors at Savannah River to produce tritium, which is needed for the nation's nuclear warheads. Watkins has said that he will not compromise on safety in the operation of defense production plants.

Watkins, who also holds a master's degree in mechanical engineering, may have the strongest technical background of any top DOE administrator to date. But his administrative skills may have been a larger factor in his selection than his technical experience. He is regarded as a sensible, get-the-job-done administrator, according to knowledgeable executive branch officials.

Most recently, he headed the Presidential Commission on the Human Immunodeficiency Virus and he is credited with rescuing the panel's effort, which had been mired in internal strife.

The nomination of Watkins to the energy post has been praised by electric utility executives and the nuclear power industry. Watkins has pledged to try to revitalize nuclear power as an energy supply option for the United States. He serves on the board of the Philadelphia Electric Company.

Petroleum industry officials had hoped Bush would pick someone who understood the needs of American oil and gas producers. Bush stated publicly that he has urged Watkins to hire a deputy secretary with a strong background in fossil fuels, particularly oil and gas—an area where Watkins says he has little knowledge.

Environmental groups are responding coolly to Watkins' nomination. "From all accounts, he is a very fair and scrupulous man," says Dan W. Reicher, an attorney at the Natural Resources Defense Council. "We are concerned, however, about his military orientation. We are worried that under Admiral Watkins the cleanup of nuclear wastes is going to continue to take a back seat to nuclear weapons production."

■ MARK CRAWFORD



James D. Watkins. Will head energy department.

DOE