

# Warriner Unfazed by Toxics Battle

CONTINUED FROM PAGE 1

says wryly, "but I can't remember whether it's 81 or 85 or 87, but it's one of those."

It's that dry wit that observers say gets the low-key lawyer through the minefields of the toxics morass more or less unscathed.

"I think you can defuse difficult situations with a sense of humor," he once told a reporter. "If you get angry, you've basically played your last card. There's nothing else you can do."

Unlike many others in the tight-lipped, straight-laced Deukmejian administration, which has enjoyed a less than warm relationship with the media, Warriner regularly grants interviews and holds impromptu press conferences — and has yet to make a major media gaffe despite his quick tongue. Sometimes, he says, other Cabinet members will "look at me like, 'Why did you say that?'" but they've never tried to discourage him.

Chief Assistant Attorney General Andrea Ordín — who heads the attorney general's public rights division, which includes the environmental section — has known Warriner since the two were young lawyers just out of UCLA law school assigned to the attorney general's criminal division in Los Angeles.

Although the two are frequently on opposite sides of the toxics issue [citing a "difference of opinion," the attorney general's office has declined to represent the agency in three of the four suits against various aspects of its Proposition 65 enforcement], Ordín said she has "high regard" for Warriner.

"As a lawyer and an administrator, he is skilled and intelligent and balanced, and he has a welcome sense of humor," she said. "He's pragmatic. He's a serious lawyer. Even when you disagree with the message, you appreciate the messenger."

Richard Martland, who heads Attorney General John Van de Kamp's civil divi-

sion and was Warriner's boss for four years, calls Warriner "one of the finest lawyers I know."

"His real forte is his very sound judgment," Martland says. "He has excellent insight into the real issues, and he's a very patient listener — which means in terms of negotiations that he can articulate issues that he thinks are pivotal to reaching agreement."

On the toxics issue, Martland says Warriner has handled "a very thorny problem as best as anyone could handle that, in terms of accommodating all the diverse interests involved. Even where we have had differences of opinion, our relations with Tom have always been superb."

Even environmental and business lawyers, who disagree with each other and often with Warriner's handling of Proposition 65 enforcement, admire Warriner's skill and patience.

"Warriner was given a job that I don't think anybody else would have handled," says business lawyer/lobbyist John Hunter of the industry-backed Environmental Working Group. "He seems to be the man the governor throws in when he wants to calm the seas. I think he was born that way."

Warriner's trek to the difficult, perhaps thankless, toxics enforcement job began 25 years ago when he was a political science undergraduate at UCLA, wondering what he should do next. "I took some classes with legal reference, government law classes, and developed a liking for it," he says about his decision to go to law school.

"I had the kinds of concerns that students have — wanting to see fairness in society — and law offered that opportunity," he recalls.

While attending UCLA law school he worked between classes and during summers for legal aid programs in San Pedro, Long Beach and Los Angeles, handling "whatever came in the door — lots of problems, domestic difficulties, landlord-tenant, problems with the welfare system."

After receiving his law degree in 1967, he joined the Army Reserves and was trained as a medical corpsman. Why would a lawyer become a medic? "There was a certain event going on in Southeast Asia," he says demurely, "and at that time that's what the opening was."

Returning to Los Angeles in 1968, he joined the attorney general's office, where young attorneys were then often immediately assigned to the criminal division. "I wrote a lot of appellate briefs. It was a helpful training experience."

He spent part of one summer in El Centro, just across the Mexican border from Mexicali, helping out an understaffed district attorney, handling drunk driving cases, rape cases, "whatever came in the door," he said.

In 1971, Warriner ended up in the health and welfare section of the attorney general's civil division — in part, he once said, because he could read medical charts — and rose to the senior assistant in charge of the section in 1979, serving as head of the section under both former Attorney General Deukmejian and Van de Kamp.

He also spent more than a year, in 1973-74, as a deputy director and chief counsel for the state Health Department, when that department was undergoing one of its perennial reorganizations and was plagued by some highly publicized problems with state hospitals, the Medi-Cal program and prepaid health plans — problems that remain, despite reorganizations, more than a decade later.

"It seems as though we have to get those things finally put away," he says wearily, "but maybe it's just the nature of government that these are matters of continual tension, and it doesn't seem to matter who the governor is."

During his years in the attorney general's office, Warriner also spent four years as a member of the Environmental Health Sciences Council of the National Institutes of Health — an experience which, combined with his state Health Department experience, gave him valuable insight into "the methods of regulatory science, the rubber-hits-the-road kinds of things."

While heading the attorney general's health and welfare section, Warriner supervised attorneys handling cases for the state's various health and welfare agencies.

Cases involved a broad range of issues, including the early abortion cases (deal with state funding for abortions for Medi-Cal patients), cretinism textbook issues, welfare reform, health care for prisoners and a plethora of cases affecting community care (foster care, day care, elderly care) and health facilities licensed by the state.

The safety of children in care facilities was a major concern of Warriner's as the section head, and he supervised the state's investigation of many cases involving allegations of neglect and abuse, which he sometimes turned over to local district attorney for criminal prosecution.

He also was responsible for the state's defense in a major test of the state's authority to license and monitor child care programs in church facilities, *North Valley Baptist Church v. State of California*, 84-767, in which the state was sued by a church group claiming religious freedom in refusing to get a state license for its day care program. The suit has been heard in U.S. District Court in Sacramento and a decision is imminent.

Central to the church day care licensing debate has always been the belief of certain fundamentalist church groups that they have the right to discipline children with corporal punishment — a view not shared by the state.

"Not that the [North Valley] church was into abusing children, but the dictates were such that they felt they had to reserve the right to do that," Warriner says. "The issue wasn't that they were child abusers; it was really a classic constitutional issue — whether they should be able to operate without a license, played off against the interests of the government that children will receive a certain level of care."

Regarded by many in the attorney general's office as a superb negotiator and administrator, Warriner was tapped by his former boss, Deukmejian, in January 1987 to handle the governor's enforce-

ment of the controversial toxics initiative, which requires public warnings and regulation of carcinogens and dangerous chemicals.

Controversy over which chemicals should be on that list, and how the warnings should be issued — particularly insofar as they concern the powerful alcohol and tobacco industries — has prompted one of the most vehement debates in state government.

Warriner approached the maelstrom with his usual equanimity. "The proposition that was passed by a substantial vote of the electorate, I think, is a very helpful law if properly applied," Warriner says.

"I don't think anyone will argue that we should further degrade our drinking water supply, or that we should expose people at work or in consumer products to dangerous chemicals. Certainly the government doesn't think we should do that, nor do the environmentalists, the agricultural groups or business. Our disagreements are really very narrow."

Often he will defuse a potentially explosive situation with humor. When the powerful liquor and wine-making industry objected loudly to the declaration of chronic alcohol use as potentially carcinogenic under the new law, Warriner responded that, "I find it difficult to believe that anyone thinks alcoholism promotes a long and full life."

Despite the public squabbles over lists and public notice of danger, Warriner says much of the debate is overstated. "There is a surface rhetoric which sometimes sounds more hostile than the working relationship," he says carefully.

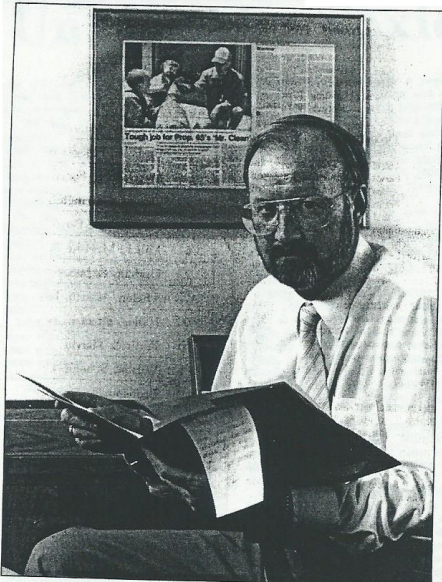
"This is a political environment. But the issues are so important that there is reluctance [among all parties] to have it not succeed. These issues are so important that there is more accommodation among the parties than you might expect. Although we don't agree with everything advocated by environmentalists, and they don't agree with us on everything, we are all concerned with having the proposition work."

"I think it's a workable law, and we're sure going to give it a shot."

When he's not wrestling with toxics, Warriner is a devoted family man — many lawyers who have worked with him comment on the "balance" in Warriner's life. Weekends will find Warriner at 4-H outings, including a recent sheep judging at the Yolo County Fairgrounds which prompted one journalist to observe that Warriner "has to watch his step, even on weekends."

"There is a certain amount of serendipity to life, but I've been fortunate," Warriner muses. "I don't think as a lawyer you could find more interesting jobs than I've had — which isn't to say that I'm allergic to money. And I've been fortunate in my personal life. I have a very nice family and I enjoy spending time with them. I don't think I engage in any conscious balance. I haven't set out a diagram of my life. I don't have a lot of hobbies. The kids have always been interested in things I find interesting."

"I take care of the business that I have to do and then I spend time with my family."



THOMAS WARRINER: "I think you can defuse difficult situations with a sense of humor. If you get angry, you've basically played your last card."

## Serendipitous Route Leads Warriner to Toxics Wrangle

BY SIGRID BATHEN  
RECORDER CAPITAL CORRESPONDENT

SACRAMENTO — State Health and Welfare Agency Undersecretary Thomas Warriner believes it's "serendipity" that led him to become Gov. George Deukmejian's principal representative on enforcement of the controversial Toxics Initiative, passed by 63 percent of the voters in 1986 as Proposition 65.

It may be serendipity, but it has placed him in dead center in a rolling, confusing, hyperbole-laced battle over the definition of what is "toxic" in an increasingly chemical-laden society.

DDT? PCBs? Alcohol? Tobacco?

How much? How little? How to phrase the public warning?

As the chief legal counsel and a top administrator for the sprawling state agency — which employs 40,000 people with a budget of \$20 billion and oversees all health and welfare programs in the state — Warriner seems unfazed by a job that other lawyers say is one of the toughest, most thankless in state government.

Warriner is not your standard stereotype of the money-hungry lawyer. He isn't even sure how much he makes, although he knows it's more than \$80,000 and less than \$90,000. "It's not that I don't like money," he says.

SEE WARRINER PAGE 8