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The Early Returns of a Toxic Poll

New pollution disclosure rules point the way to cleanups.

By PHILIP SHABECOFF

RETURNING members of Congress will learn something they may not have bargained for when they amended the toxic waste cleanup law in 1986.

It turns out that the water treatment plant for the District of Columbia keeps chlorine in tank cars stored on its premises. If one of those cars ruptured, it could send a plume of dense, highly poisonous chlorine gas 40 miles across the city and surrounding countryside. In all likelihood, the gas would pass directly over the Capitol and the White House.

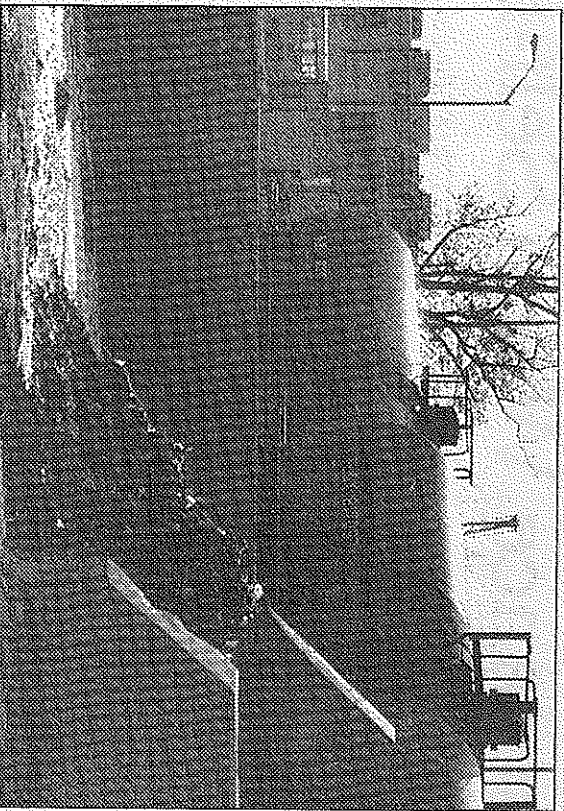
These chilling revelations were made recently by the local emergency planning committee for the district, one of thousands of such committees formed around the country as a result of the toxic waste amendments. The committee here had taken advantage of the new public disclosure requirements of the law to survey the city for potential dangers from chemical accidents.

While local officials insisted that the chance of a chlorine leak occurring was virtually nonexistent, the managers of the water treatment plant readily agreed to carry out some of the committee's suggestions, including installing guard rails to lessen the possibility of the tank cars colliding with a truck.

"That is the way the new law is supposed to work," said Fred Millar, a member of the planning committee. It is still too early to tell whether the changes made in the eight-year-old cleanup law, known as "the superfund," will work quite as well elsewhere, but so far environmental groups and Government officials are cautiously optimistic.

In reauthorizing and expanding the law, Congress added a "citizens' right to know" amendment requiring companies making or using a long list of dangerous substances to inform the Government and local communities about what chemicals they used, stored or emitted. The idea was to put more power in the hands of the communities to deal directly with threats from hazardous substances.

Though the amendment was adopted two years ago, the deadlines for companies to make their disclosures came just in recent months. The En-



Chlorine tank cars near downtown Washington.

The New York Times/Mary Katz

vironmental Protection Agency and state officials are still collecting and computerizing the reports — 70,000 so far from 17,000 companies — and the data will not be easily accessible to the public until April, agency officials say. Moreover, many states have not yet given the local emergency planning committees the money they need to go about their business.

Nonetheless, scattered reports from around the country suggest that the "right to know" provisions are beginning to bite here and there.

● In California's Silicon Valley, high-technology companies are under pressure from environmental activists upset by the disclosure that the companies have been releasing large volumes of toxic chemicals into the air and water. The activists are demanding that the industry reduce its discharges by 90 percent.

● In Rochester, residents were surprised and alarmed by new information that showed that the Eastman Kodak plants that turn out cameras and film used and released some dangerous chemicals.

● In Ohio, citizens' groups used the new information to compile a report showing heavy annual emissions of toxic substances into the air of two of the state's industrial counties, Montgomery and Hamilton.

THESSE concerns have yet to be translated into actions, however. In fact, while the right-to-know provisions are focusing attention on pollution problems, it is an open question whether they will make any real difference in reducing the risk of dangerous chemicals to public health, said Ed Hopkins, a former staff official in the office of Ohio's Gov. Rich-

ard F. Celeste.

"I don't think it is going to change the world overnight," said Mr. Hopkins, who is now organizing community use of the new information. "It is awfully early to judge if this is a success or just another environmental program. I think it will pay off over time. But it hasn't paid off yet."

Marion R. Hertz, manager of health, safety and chemical regulations for the Chemical Manufacturers Association, an industry trade group, said the amendments have already "had a huge impact on our member companies as far as complying with the law's requirement is concerned, such as filling out reports and working with the emergency planning committees."

E.P.A. officials have estimated that industry had to expend 13 million hours of work just filling out forms for reporting chronic releases of toxic substances.

Ms. Hertz also said she had been told that many companies had not known the extent of their emissions before doing the required reports. After learning about the problems, these companies had quietly gone about reducing or eliminating them, she said.

But internal industry inquiries have also found that many companies that release toxic substances into the environment simply do not know what happens to those releases after they leave their plants and what effect they might have on the public health of surrounding communities.

The new efforts are coming nearly a decade after the passage of the original toxic waste law.

Alarmed by proliferating reports of threats to public health from aban-

doned hazardous-waste sites around the country, including Love Canal, Niagara Falls, N.Y., Congress sponsored late in 1980 with the Comprehensive Environmental Response Compensation and Liability Act.

The law gave the E.P.A. authority to identify waste sites and to those responsible for the pollution clean it up. It also provided \$1.6 billion to clean up dangerous sites jointly with Government money and later seek reimbursement from polluters.

FINANCING for the law raised to \$8 billion in the reauthorization. Unhappy with the slow pace at which the E.P.A. enforcing the law, Congress also proved new provisions, including cleanup timetables and the "right to know" amendment.

The theory behind the public disclosure requirements was that informed citizenry would be able to monitor threats to its health and environment.

The rules were intended to local citizens a voice in designing emergency plans to prevent the of chemical disaster that occurred in Bhopal, India, in 1984 when a from a Union Carbide plant killed more than 2,500 people.

The new law also required states to appoint environmental public health and media representatives as well as government and industry officials to the local emergency planning committees.

Thomas McKinney, co-chairman of the emergency committee for Baton Rouge, La., like many who working to carry out the public disclosure provisions, regards the change in law as "revolutionary" because said, it calls for "a new relationship between industry and the public."

In the past, he said, corporations made decisions about toxic substances and then justified their decisions to the community. Now, he said, the public is part of the decision-making process.

But so far, Mr. McKinney said, law has achieved only a part of goal. The disclosure provisions have a "whopping amount of chemicals this community," he said, adding, actually reducing the risk, we have done much yet."

Indeed, while there has been some "anecdotal information" about companies deciding to eliminate dangerous chemicals or processes after they identified their annual releases, one has had time to fully assess numbers being reported," said Michael H. Shapiro, acting deputy director of the E.P.A.'s Office of Toxic Substances. "This is the first time around for everyone."