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work. We also need to share ideas to shape the program in future years. We should broaden our perspective beyond TRI and consider the implications of other Community Right-to-Know related programs. For these reasons, I would encourage you to become involved in such national organizations as the National Associations of SARA Title III Program Officials, which provides an opportunity to meet with your peers. There no longer is a clear demarcation between emergency preparedness and environmental protection. Plus, Community Right-to-Know strengthens the linkage between them. Community Right-to-Know implies that knowledge can lead to action. We have witnessed considerable action since the first national release of TRI data in spring of 1989. At the federal and state levels, we have seen packaging the data, pollution prevention programs, 33/50. From industry we have seen numerous commitments to reduce. From environmental groups we have seen their own summary reports and good neighbor agreements.

But we have also seen individual action. Remember the Minnesota woman who asked for the national TRI data because her children had asthma. She made her choice. We received a postcard from her saying that she moved to the 49th ranked TRI state, Nevada. Thank you.

Ted Smith

Mr. Smith is the founder and Executive Director of the Silicon Valley Toxics Coalition. Mr. Smith is currently President of the National Toxics Campaign Military Toxics Network, and he is also on the boards of the Toxics Coordinating Project, the California Toxics Coalition and the National Toxics Campaign. In 1990, Mr. Smith co-founded the Campaign for Responsible Technology. Prior to starting the Toxics Coalition, Ted Smith was a partner in the law firm of Smith & Johnson. He has also taught labor studies at San Jose State University. Ted has been a member of EPA's Integrated Environmental Management Program Advisory Committee, the City Manager's

Toxic Gas Task Force and the Intergovernmental Council Task Force on Hazardous Material Storage. Mr. Smith received his juris doctor from Stanford Law School after receiving his bachelor's degree from Wesleyan University.

Thank you very much. I wanted to thank you for inviting me here to New Orleans. It is probably the one city in the country I have most wanted to visit for the longest time, so I really appreciate it. I was reminded of a funny incident by one of the previous speakers that is an example of one of the additional uses of TRI data which I really want to address, but this one reminded me of some of the ironies of it. Not too long ago, we had a new employee in our office who came in to see me and she was just white as a sheet. She said, "There is a man outside who is from the IRS and he wants to see all of our Title III data." And she said, "Is that what we have to do to maintain our non-profit, tax exempt status? Are they investigating us?" And I said, "Well, no actually it is the new toxic release inventory data from EPA. I do not know why he would want to see it, but it is nothing that we should be worried about. Why do not you invite him in?" So he came in and he said, "I have been trying to get this data from EPA, I have been trying to get it from the state government, I can not get it anywhere. We are investigating the companies who are discharging the CFC's because we are empowered to enforce the CFC tax and we just need to get this information, so that is why we are here." And so we were very glad to turn over everything that we had. You can draw your own lessons from that story, but that is one of the more innovative uses of TRI data that I have run into.

If we could have the first slide, I would like to talk a little bit about the fundamental importance of TRI data (see page 47). When it gets right down to it, I think that TRI data, the usefulness of it, is in helping to identify the extent of the toxic contamination problem. If you look simply at the chart up here, on the slide now, you can see that the

production of synthetic chemicals in the United States has escalated very rapidly. Those are exponential numbers along the left hand column of the graph. And as each major new technological development has been developed, the production of these chemicals has just escalated. This is a chart that has been prepared by the Toxics Coordinating Project, which is the California Toxics Coalition. TRI data, to the extent that it is helpful at identifying the releases of those chemicals into the environment, can have a major impact on people's understanding and awareness.

The second slide I would like to show is what we like to call the solution (see page 48), which is how do we reduce the chemical emissions, and in particular chemical usage, which is really at the fundamental core of a lot of the problems that we have been dealing with. It identifies toxics use reduction as the real major goal by simply pointing out that controls in the past have not really been very successful. Where we have been able to measure very significant environmental benefits is where we have been able to phase out DDT; where we have been able to phase out the lead and gasoline; where we have been able to phase out DBCP and some of the others. Most recently, I think the real success story is in the phase-out of the CFC's in order to protect the stratospheric ozone layer. It is within this context that I and a number of people in the environmental movement come to this TRI data with that perspective.

I would like to go back now for a moment to talk a little bit about our own local efforts in Silicon Valley. Up until pretty recently most people still believed that the electronics industry was a clean industry. It was a self-described clean industry and I think the TRI data has been helpful, among other things, in expediting peoples' understanding that in fact the electronics industry, too, is a chemical handling industry, that it, too, has significant chemical releases. We discovered this actually just about a decade ago, when we learned that our aquifers had been contaminated by leaking solvents. We

were one of the first local groups in the country to work successfully for the passage of a local Right-to-Know law, and then we were active in the re-authorization of Superfund, which provided the federal Right-to-Know law. We were the first group in the country that compiled the local data from our county and identified what those releases were back in August of 1988. The next slide is actually going to show you two years worth of data of reporting on who have been the largest dischargers of the TRI chemicals in Silicon Valley.

When we released this information we did it with a press release and a press conference. I want to read you a little bit of the information that we released. "Twenty-five major area companies are responsible for the discharge of millions of pounds of toxic chemicals into the environment each year, according to recent data. Twenty-five companies with 41 facilities in Santa Clara County admitted discharging over 12 million pounds of 34 different toxic chemicals into air, land and water. Almost 2 million pounds went into the air through stack admissions. Another 2 million pounds were classified as fugitive emissions. Under current legal regulations this type of pollution is largely legal, although considered immoral by many. The Silicon Valley Toxics Coalition has charged that industry has enjoyed a free ride to use the air as an open sewer for its waste disposal. Some companies, however, are already beginning to respond to community pressures in other parts of the country. Monsanto, for instance, has acknowledged almost 18 million pounds of discharges nationwide, but has promised to reduce those emissions by 90 percent in four years and is approaching a zero discharge standard of tolerance."

We tried to dramatize what the problem was and then put out a call for dramatic and rapid toxics use reduction and discharge reduction into the air and other environmental media. It was by identifying the chemicals of concern, which is the next slide I would like to put up, that we identified that

the largest single waste stream, by far, particularly the air waste stream, was freon, or CFC's. In fact, we identified that the largest single source of those discharges in Silicon Valley was IBM.

In the first year of reporting, IBM discharged about 1.5 million pounds of CFCs from one plant in San Jose alone. Now that may not sound like a lot to people from Louisiana. I was pretty impressed with some of those numbers I saw before. But for people in our area, again, who thought that we were dealing with a clean industry, these are pretty dramatic numbers. So we tried to design a campaign that would not only identify IBM, but some of the other companies as well. We also designed a campaign that used community organizing tactics to encourage the companies to reduce, as rapidly as possible, these kinds of discharges. In 1989, we organized a major rally at the plant gates of IBM, and asked them to make a commitment to rapidly phase out their CFC's. We asked them to do so well in advance of the schedule of the Montreal Protocol, because by that time we had identified the electronics industry as the single largest source of the CFC 113 emissions in the country. We knew that it was an innovative industry that could, at times, rapidly re-design its production processes, and we asked them to do that in this case, and to make public commitments around Earth Day of 1989. We also asked them to sign a good neighbor agreement committing to the rapid phase out of CFC's.

Well, they were not ready to do that in April of 1989, but we brought Ralph Nader out, and we had a couple thousand people show up at their plant gates and it generated a lot of interest and media publicity. We also said that we would come back to their plant gates in the big Earth Day of 1990 if they had not made some very significant commitments to phasing out the CFC's. Well, in the meantime, we started some discussions with them and we said, "Would you rather have us back out at your plant gates for Earth Day, 1990, or would you

rather have some kind of a cooperative demonstration of real progress being made which would require the inclusion of making some very dramatic commitments to the complete phase out of CFC's.

And, in fact, IBM did take this to heart and well in advance of Earth Day 1990 came out with a new corporate world wide commitment to the complete phase out of CFC's by 1993, which was well in advance of the deadline set by the Montreal Protocol. And even better, they did not say that they were going to be replacing them with some other chemical that was made by Dupont and might have some other kinds of health effects. What they discovered was that they could do their cleaning, their ultra-clean processes, very well by replacing the CFC's with soap and water. So they found a solution that did not create another environmental problem by solving one that was equally or more serious. And they even found a way of using their contaminated groundwater that they pumped out of the ground and then used that in their industrial processes to replace their CFC's. So it was a real nice, full-circle of environmental solution.

So, by the time of Earth Day 1990, we were able to make joint presentations with IBM. They opened up their plant, they took people on a plant tour and they showed that they really are making progress. Then, by Earth Day the next year, we used the TRI data identified by 25 largest companies in the Bay area that were discharging CFC's. We sent them a questionnaire asking them to describe their own internal corporate goals and timetables for phase out of CFCs. We asked them to commit to rapid phase out. We asked about alternative solutions and how far along they were. Based on that data, we then published a list of the leaders and laggards. I have heard that terminology here today and I think it is useful terminology. We gave awards to the companies that were out in front and gave some brick bats to the companies that were dragging up the rear.

We discovered that in fact it was many of the military contractors that were making the least progress. We did this for both CFCs and TCA, which is another one of the chemicals destroying the ozone layer. We found the military contractors were the least aggressive because they are stuck with military specifications. This is important when we start talking about the barriers to pollution prevention. The military requires of their contractors that they use a lot of these chemicals and they have been extremely slow in changing those military specifications.

So, if I had to step back and say what has been our overall strategy in trying to use the TRI data, I would say that it really has been to try to use it to identify the leaders and the laggards. To identify and promote effective technologies, processes and companies, identify and seek to change, phase out or replace the harmful technologies. In other words, to help companies get off of their chemical dependence and to focus attention on the companies and their leadership that have failed or refused to implement effective pollution prevention policies.

We have heard some of the arguments put forward today about why we can not go forward in moving this program to the next step. They are the same kinds of arguments that we have heard repeatedly: trade secrets, too much paperwork, etc. In the whole history of chemical reporting, in Silicon Valley at least, going back to 1983, I think there is only been one, possibly two claims of trade secrecy made. So I just do not think that we feel that is a legitimate kind of a concern. The paperwork you have heard about from other speakers today, really is not a very significant problem in most cases. There was a man from one of the major electronics companies, originally when we were talking about our local Right-to-Know ordinance, who did use a term which I think is really the fundamental basis of what some of the real concerns are. He says, "We are really concerned about making this informa-

tion public because of the hassle factor." And we said, "What do you mean by the hassle factor?" And he said, "Well, if people have this information, they will use it to hassle us." And I think that is precisely right. And that is in fact what we have tried to do. I think the problem has been how do you use it to hassle in an effective way, in a way that is going to bring about needed changes. I think we have largely been on the target, although I think sometimes we have not been, but I think we are all learning as we go along.

One final problem that you heard about from a previous speaker was that we are now going to get in to a data overload: "We just cannot put up with the data that we are going to get. We just need to keep that down to a minimum because we will not be able to handle it." Well those are arguments that people have used in the past about why they do not want to report information to IRS also, that it would just give them a data overload and they cannot handle it. IRS seems to come back and to say that we can handle it. We all know they have problems doing it sometimes. But, I just think that we have to look at those kinds of rationales again with somewhat of a jaundiced eye. We should focus on what we can do to use this data to more effectively target the leaders and the laggards. In that way, we can help to bring about not only waste reduction, but also move up the chain so that we can actually get much better usage reduction data. I understand I am out of time. I am going to have to just show you two very quick slides that I think also need to be stated.

I was at a TRI conference in Vienna that was mentioned earlier. This slide is a statement issued by all of the non-governmental organizations there - the NCO's which are the European groups from all over the continent. I think that the information that we now provide in this country really is leading the world. I think that sometimes we do better in making data public than we do in figuring out what to do about it, but I think

that we are in the leadership of public disclosure and that this is something that is being picked up now around the world. This will certainly benefit all of us.

And lastly, I would like to show a slide that is a statement distributed by the Campaign for Responsible Technology. In the middle there, I just want to read it, because I think that this is an important insight. It says, "We have abdicated power over our future to the experts, and for the sake of our children we must take that power back. Our society does not even have a forum to discuss the possible results of technological change. By failing to establish such a mechanism, a body chosen directly or indirectly by the people, we have placed the fate of the planet in the hands of technical specialists who, however brilliant, are unqualified to decide questions of the common good." I believe that the importance of TRI is that we get the information out to the public so that the people themselves can help to participate in making some of these decisions about what direction we want to go. Thank you.

THE SOLUTION

A New Strategy for the Future

Pollution control is not enough.

The federal government's pollution control strategy has failed. Our current legal and monitoring systems are cumbersome and often contradictory. Many times, regulations are enforced only through voluntary compliance.

Although government and industry spend \$70 billion a year on "waste management", we see little measurable decrease in toxic contamination.

A new pollution prevention strategy for the future:

To solve the toxics problem, we need a new perspective. **Toxics use reduction** prevents pollution by decreasing the use of hazardous chemicals in the home, workplace and environment.

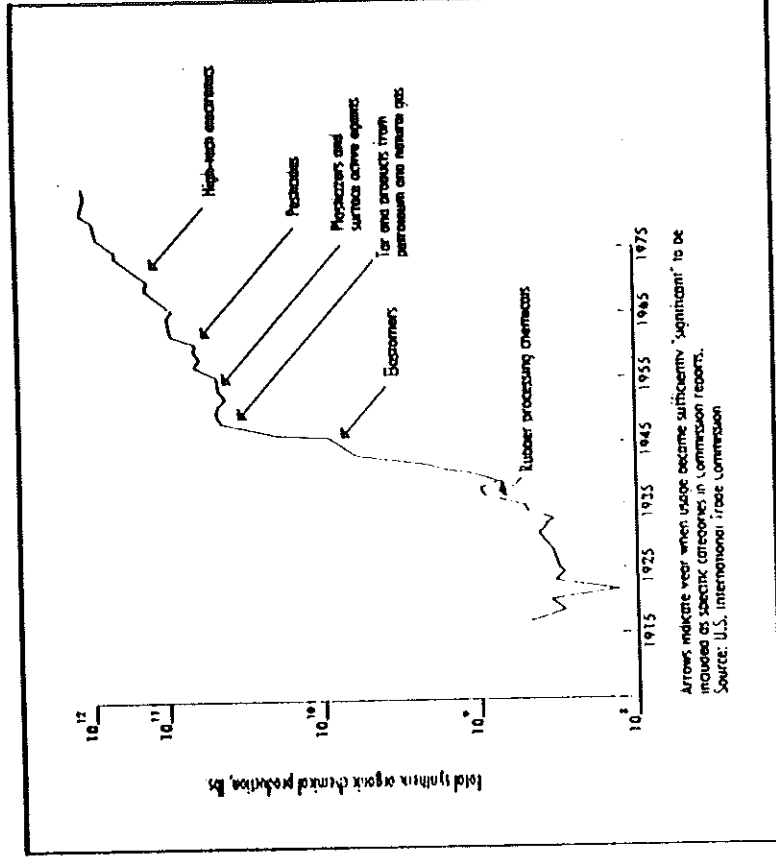
Success Stories:

Through technology changes, chemical bans, and the development of safer alternatives, we can protect our health and environment without acute economic impact:

- Rachel Carson's ground-breaking research led to the banning of DDT, and a new public awareness of chemical hazards.
- By changing to lead-free gasoline, we have measurably lowered the level of lead in infants' blood.
- The pesticide DBCP, which has contaminated groundwater and caused reproductive harm to workers, is now banned.
- In 1976, Congress banned the manufacture of highly-toxic PCB's, and ordered remaining uses phased out.
- Worldwide concern led to an international treaty to reduce the use of ozone-destroying chlorofluorocarbons; citizens continue to call for complete elimination of CFC production.

THE PROBLEM

Chemical Use Continues to Soar



Today we face an increasing threat to our health and environment from decades of unrestrained growth in the use and production of toxic chemicals.

Toxic contamination has crept into every aspect of our lives: our water, air, homes, food, and workplaces. The results are cancer, birth defects, genetic mutations, worker illness, and suffering.

- Worldwide, we now use some 70,000 chemicals, and the list grows by 500 to 1000 every year.
- California farmers used 420 million pounds of pesticides in 1986.
- Almost 1/5 of major California drinking water wells are contaminated by hazardous substances.
- Each year, over 35,000 California workers seek medical treatment for work-related illnesses.
- Los Angeles air quality exceeds federal safety standards 150 days a year.
- Annually, we add about 350,000 tons of household hazardous waste to California landfills, many of which are leaching toxics into the environment.