

ENVIRONMENTAL LAW SEMINAR

THE EMERGING INTERNATIONAL ENVIRONMENT

BLOOMINGTON, MN - APRIL 21, 1989

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59% OF MINNESOTANS BELIEVE THAT OUR STATE SPENDS TOO LITTLE ON ENVIRONMENTAL PROTECTION AND RECYCLING. A RECENT SURVEY FOUND THAT 90% OF CANADIANS SUPPORT STIFF NEW PENALTIES ON INDUSTRIAL POLLUTION REGARDLESS OF ECONOMIC COSTS AND POTENTIAL JOB LOSSES. ECOLOGICAL PARTIES HAVE MET WITH SURPRISING SUCCESS IN RECENT EUROPEAN ELECTIONS.

THE DAMAGE CAUSED BY OUR ENVIRONMENTAL SHORT-SIGHTEDNESS IS FELT EVERYWHERE AND BY EVERYONE. PEOPLE SEE THAT OUR LAKES ARE BEING

CONTAMINATED, OUR AIR POLLUTED AND OUR FORESTS DESTROYED. A NATIONAL INVENTORY RECENTLY COMPILED BY THE E.P.A. REVEALED THAT U.S. MANUFACTURERS RELEASED OVER 22.5 BILLION POUNDS OF HAZARDOUS SUBSTANCES INTO OUR LAND, AIR AND WATER IN 1987. THE ECONOMIC COSTS OF ENVIRONMENTAL DESTRUCTION ARE STARTLING. ACID RAIN ALONE CAUSES \$5 BILLION IN DAMAGE ANNUALLY TO THE BASIC INFRASTRUCTURE OF OUR NATION.

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TIONAL THURSDAY, APRIL 13, 1989

Industrial Pollution Called Startling

By **PHILIP SHABECOFF**
Special to The New York Times

WASHINGTON, April 12 — Industry in the United States is putting a "startling and unacceptably high" volume of toxic substances into the land, air and water, the Environmental Protection Agency reported today.

The first national inventory of toxic releases into the environment, which was mandated by 1986 amendments to the toxic waste law, showed manufacturers required to report under the law released or disposed of at least 22.5 billion pounds of hazardous substances in 1987.

Linda Fisher, the agency's assistant administrator for policy and planning, said the total volume of toxic chemical releases reported by industry was "far higher than what we thought was going to occur."

Surprise Is Widespread

She said that because this was the first year the inventory had been made there was "no frame of reference, no base line with which to assess the significance of the numbers."

But Ms. Fisher added, "Everybody here had the same reaction — that the numbers were bigger than anticipated and we had to do something about it." She said that chemical companies were also expressing surprise about the volume of chemicals being released.

Ms. Fisher said agency officials believed that the risks to public health represented by the toxic substances counted in the survey were low, but added, "quite honestly we need to know more."

The survey data received by the agency did not give information vital to an assessment of health risks, such as concentrations of the substances, the timing of releases and the number of people exposed.

'Too Much Toxic Material'

Ms. Fisher asserted, however, that the numbers show "we are producing too much toxic material in this country." She also said they underscore that the regulatory programs to control toxic pollution are inadequate and that there must be a national effort to change the way industry operates so fewer toxic substances are produced.

The agency reported that manufacturers released 2.7 billion pounds of chemicals into the air in 1987, some 300 million pounds more than a House subcommittee, using agency data, reported March 22. Agency officials said the increase was based on more data, including new reports from manufacturers.

The releases also included 9.7 billion pounds into streams and other surface waters; 3.2 billion pounds were injected into underground wells; 2.7 billion pounds went into landfills and 2.6 billion pounds were sent to waste treatment and disposal facilities.

Many of these releases were accidental or unregulated, the agency said.

Actual Volume Probably More

The E.P.A. has proposed removing sodium sulfate, a byproduct in the chemical processes that accounts for some 10 billion pounds of waste annually, — from the list of more than 300 chemicals that must be reported to the national inventory. The agency and others have said the chemical does not constitute a significant risk to health or the environment. Since it accounted for

The first survey finds releases of 22.5 billion pounds a year.

44.4 percent of the total found in the survey, its removal would substantially reduce the volume of reportable chemicals that are released.

But agency officials acknowledged today that the actual volume of toxic chemicals released into the environment is probably far higher than the 22.5 billion pounds reported today.

For one thing, they noted, only manufacturers that used more than 10,000 pounds or produced more than 75,000 pounds of the substances were required to report. Moreover, about 25 percent of manufacturers required to report their releases into the environment did not do so, they noted. Many nonmanufacturing facilities, such as dry cleaning shops, release toxic substances into the environment, the officials said. Finally, they noted, many more than the 300 chemicals named by the amendment to the waste law are toxic and find their way into environment.

Senator Frank Lautenberg, Democrat of New Jersey, said the data show "we are assaulting the environment with toxic emissions into the air, water and ground."

Mr. Lautenberg, a chief author of the right-to-know amendments to the toxics law under which the reporting was required, said legislation would soon be introduced to regulate emissions of toxic chemicals into the air. Such emissions are now virtually uncontrolled by the Government.

New Strategy Urged

Dr. Jerry Poje, environmental toxicologist for the National Wildlife Federation, the nation's largest conservation group, said the inventory shows "the nation's program for controlling toxic pollution has failed." He added, "We need a new national strategy to reduce chemical releases and eliminate all releases into the air and water."

The chemical industry already is taking steps to reduce emissions into the environment, said Jeffrey Van, spokesman for the Chemical Manufacturers Association, an industry trade group. Just last week, he noted, the association approved a policy of industry-wide steps to reduce such releases and to monitor such pollution on a regional basis.

Today's inventory was based on reports from 17,500 manufacturing plants around the country. William K. Reilly, Administrator of the E.P.A., said the survey showed that "we need to supplement our efforts with a new strategy, one that couples conventional controls and vigorous enforcement of our current laws, with pollution prevention so we can cut down on the actual amount of toxics being generated as byproducts. This is one of my primary goals at E.P.A."

Exxon Turns Down U.S. Request For \$15 Million to Study Oil Spill

By **PHILIP SHABECOFF**
Special to The New York Times

WASHINGTON, April 12 — The Exxon Corporation today turned down a Government request to provide \$15 million to begin a long-term assessment of the environmental damage caused by the tanker accident in Alaska. But the Interior Secretary said he believed the company would eventually provide money for the study.

The Secretary, Manuel Lujan Jr., said the company had been asked to pay for the initial costs of a supervisory council set up by his department, the Agriculture Department, the National Marine and Fisheries Service and the State of Alaska that will review the damage from the 240,000 barrels of oil that spilled from the Exxon Valdez into Prince William Sound. The council would eventually also supervise efforts to rehabilitate wildlife and the habitat.

Mr. Lujan told reporters this evening that Exxon lawyers, in negotiation with Government lawyers, had refused to make available the \$15 million in money available. The Exxon lawyers told the Government that they could not just hand over a check for \$15 million because the company could earn interest on the money, Mr. Lujan said. Exxon is under no legal obligation to pay the money.

The talks are continuing, and Mr. Lujan said he believed the company

would provide money. He added that the Government had been hoping the company would pay the money today, "but I don't think they came here willing to settle."

"I think they should have," he said.

Fraction of Costs

A spokesman for Exxon, William Smith, said, "We have not yet seen the Secretary's comments and are unable to comment upon them."

Mr. Lujan said the \$15 million represented a fraction of the long-range costs of dealing with the spill, which, he said, would amount to "tens of millions or even hundreds of millions of dollars." That amount, he said, was in addition to the costs of the cleanup, in which the Interior Department is not involved.

The House Interior and Insular Affairs Committee voted today to authorize its Subcommittee on Water, Power and Offshore Energy Resources to subpoena witnesses and documents for an inquiry into the spill.

The subcommittee chairman, George Miller, Democrat of California, said he hoped that subpoenas would not be necessary and that industry, Government and individuals would voluntarily cooperate in the investigation.

In European Politics, a Rush to Be Green

By James M. Markham

New York Times Service

PARIS — Across Western Europe, mainstream politicians are scrambling to embrace the cause of the endangered environment as small ecological parties register startling electoral triumphs.

In sharp reversals, Prime Minister Margaret Thatcher of Britain and President Francois Mitterrand of France have emphasized that they want to put environmental concerns at the top of their policy agendas.

The emergence of "green" issues, from the dumping of toxic waste to the sinking of a Soviet nuclear submarine off Norway, coincides with a sharp decline in East-West tensions and a shift away from fears about the danger of war in Europe.

"People are talking quite openly and consciously about global security far more in terms of the ecological threat and economics than in

terms of nuclear weapons," said Richard Davy of Oxford Analytica, a British research organization.

The list of concerns in Western Europe is growing: toxic spills in the Rhine River and the North Sea, dying seals and forests, polluted beaches, major traffic jams in many capital cities, shrinking space to dispose of garbage and the menace of the "greenhouse effect," the heating up of the atmosphere by chemical pollutants.

Anxiety about the environment has spurred the European Community to take measures on eliminating chemicals that damage the Earth's protective ozone layer and to consider tougher rules to cut automobile pollution.

Last month, Britain and France, which have relatively poor records on defending the environment, sponsored major international conferences on the issue. And last week, environ-

mentalist parties from around Europe gathered in Paris.

Mr. Mitterrand's conversion has occurred as the Ecologists, the environmentalist party, demonstrated in municipal elections last month that it might be able to claim as much as 10 percent of the electorate in national elections. That would put them ahead of both the faltering Communist Party and the far-right National Front.

In West Germany, the Greens' strong showing in elections in West Berlin in January and Frankfurt last month have forced the Social Democrats to accept them as coalition partners.

With the popularity of the governing Christian Democrats at its lowest level in seven years, politicians in Bonn are talking seriously about a coalition of the Greens, the left-of-center Social

See POLLUTION, Page 4

POLLUTE: In Western Europe, a Rush to Be Green

(Continued from page 1)

Democrats and the centrist Free Democrats after the 1990 general elections.

Since 1983, environmentalist parties have won seats in national parliaments in West Germany, Sweden, Austria, the Netherlands, Belgium, Switzerland, Finland, Portugal and Italy, demonstrating that they can attract voters not only from traditional leftist parties but from the right.

In November, the Communist Party in Italy was stunned when the Greens outpolled it in regional elections in Trentino-Alto Adige.

Mrs. Thatcher's adoption of the environmentalist cause has enabled her to soften her image as a politician solely interested in unleashing the creative energies of capitalism.

She has also prevented the opposition Labor Party from stealing an

issue with wide popular appeal, particularly in rural areas.

Last month, Mrs. Thatcher was the host of a 124-nation conference in London that discussed the man-made threat to the ozone, an issue that appears to have her personal interest. Mrs. Thatcher is a former research chemist.

The French political elite has long tended to regard passionate concern about the environment as a West German problem that blended dangerously with neutralist attitudes on strategic questions.

The sinking of the Greenpeace ship Rainbow Warrior in 1985 by French secret service agents in New Zealand stirred little outcry in France, even though a photographer for the environmentalist organization was killed.

The ship had been involved in protests against French nuclear testing in the Pacific Ocean.

But the 1986 Chernobyl nuclear accident in the Soviet Union marked the beginning of a major shift in French attitudes, one that Mr. Mitterrand and Prime Minister Michel Rocard have sought to exploit.

In forming a predominantly Socialist cabinet in May, Mr. Rocard chose Brice Lalonde, a former presidential candidate for the Ecologists, as secretary of state for the environment.

The French environmentalists have steered clear of the neutralist positions of their German counterparts. In the municipal elections, they drew voters from all over the country. One of their slogans is: "Neither right nor left, but elsewhere."

Michel Brule, of the BVA polling organization, said the Ecologists were "benefiting from the fact that the debate in France is increasingly less political, and certainly less ideological."

Mr. Mitterrand and Mr. Rocard have joined Western Europe's staunchest defenders of the environment.

At a French-sponsored conference of 24 nations in The Hague last month, they pushed for the creation of an international authority to be called Globe. Its rules would be enforced by the International Court of Justice.

"One day there will be 'green helmets' just as today there are 'blue helmets,' with the power to inspect and verify the polluting nature of this or that installation or product," Mr. Rocard said, referring to United Nations peacekeeping forces, who wear blue helmets.

Within the European Community, however, France remains the most outspoken opponent of stringent emission-control standards for automobiles.



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