More Chemicals-Controls Strongly Urged By Panel, Citing Rise of Cancer Incidence

By a WALL STREET JOURNAL *Staff Reporter*

WASHINGTON—A White House committee, reasserting its contention that cancer incidence is on the rise, issued a strong call for more regulation to control chemicals.

The group, the Toxic Substances Strategy Committee, found that "man-made toxic chemicals are a significant source of death and disease in the U.S. today," said Gus Speth, its chairman. Of the health hazards arising from chemicals, "cancer is a leading cause of concern," the committee reported.

Mr. Speth acknowledged recent public sentiment against increasing government regulation but said that in the area of toxic substances "we must strengthen government action, not weaken it, if we are going to provide the protection the public demands."

Among other things, the committee specifically recommended:

—Passage of proposed legislation creating a federal "superfund" to use in cleaning up toxic spills and abandoned waste sites.

—Removal of barriers that prevent transferring trade secrets and confidential information on toxic substances among government agencies, as well as increased public access to such data.

—Legislation to strengthen regulation of the cosmetic industry, over which, the committee said, the government has less authority to check for hazardous ingredients than other industries.

The committee estimated that occupational exposure to cancer-causing agents is a factor in more than 20% of all cancer cases.

It also repeated its assertion, first made in a draft report last year, that cancer incidence rates are rising. The committee bases the finding on data from the National Cancer Institute showing that cancer incidence increased about 10% between 1970 and 1976 after having remained relatively constant for the previous 30 years.

Industry groups charge that the finding is based on unrepresentative and incomparable surveys. After the final report was released, the American Industrial Health Council, a trade group, accused the committee of trying to "unnecessarily alarm the public with indiscriminate charges and allegations based on this nonconclusive data."

Mr. Speth conceded that the committee isn't exactly sure of the role toxic chemicals play in increasing cancer rates. But he argued that higher cancer rates strongly suggest "some new or intensified causal factors" in the environment.

Measure Creating Superfund to Clean Up Chemical Wastes Is Voted by Senate Panel

By DAVID IGNATIUS
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WASHINGTON—The chemical industry seems to be losing its battle to block a potentially troublesome hazardous-waste bill from clearing Congress.

The Senate Environment Committee approved a tough hazardous-waste bill by the surprisingly large margin of 10 to one, with the only dissent coming from freshman Republican Alan Simpson of Wyoming. Earlier this year, when the Senate panel was snarled in debate, industry lobbyists had hoped that the bill might die in committee.

Because two similar hazardous-waste proposals have already been approved by House committees, congressional aides predict that a final bill could be enacted this year. But the industry, during House and Senate floor debate, is expected to press for amendments that would weaken the measure.

The Senate bill would be tougher on the chemical industry than the House versions. It would open chemical companies and their customers to a new round of government and private lawsuits over damage caused by toxic-waste spills. And it would force companies to contribute up to $700 million annually to a new federal "superfund" that would help pay for cleanup of existing dump sites around the country.

The only bright spot for industry lobbyists Friday was the Senate committee's approval of an amendment by Sen. Peter Domenici (R., N.M.) that would prevent many private lawsuits for damages that occurred before enactment of the bill. The Domenici amendment was approved unanimously.

Amount of Superfund

The fund envisioned in the Senate bill would raise about $4.1 billion over the next six years, with 87% of this total coming from industry and the remainder coming from the federal treasury. A version of the superfund approved this month by the House Ways and Means Committee would raise a total of $1.2 billion, with 25% coming from the government.

The Senate measure would impose fees on sales of 44 substances, with 65% of the total levy drawn from sales of petrochemical products, such as benzene or butane; 20% drawn from sales of inorganic materials, such as arsenic, lead or mercury; and 15% drawn from sales of crude oil.

These fees couldn't exceed one cent a pound for petrochemicals, $10 a ton for inorganic materials, and three cents a barrel for oil. In any case, they couldn't total more than 2% of the purchase price of the product.

The fund would pay for cleanup of some of the 5,700 waste dumps that have been identified as potentially hazardous by the Environmental Protection Agency. It could also be used to relocate families whose health might be threatened by toxic emissions at such cities as the Love Canal tract in Niagara Falls, N.Y.

"Strict Liability"

Potentially more worrisome for the chemical industry are the liability provisions in the Senate bill. The measure would impose "strict liability" for damages — which means that plaintiffs wouldn't have to prove that negligence was involved in a waste spill—on companies that contributed to a hazardous emission. Such suits could be filed against the owners or operators of dump sites, the companies that generated the waste or contracted for its disposal, or the concerns that transported it.

Victims could sue under the measure only for actual economic damages, such as out-of-pocket medical expenses or lost income. This limitation would prevent large awards to compensate victims for such noneconomic damages as "pain and suffering." Even so, the Senate bill would be much more favorable to victims than existing law, which usually requires a victim to present elaborate evidence of a company's wrongdoing.

The Domenici amendment that cleared the Senate panel is intended to deter lawsuits by people who assert that they contracted a disease such as cancer because of exposure to hazardous waste long ago. According to William Donovan, a committee aide, this amendment could save the chemical industry billions of dollars in future litigation costs.

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