



Natural Resources
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EPA BENZENE RULES: OLD POISON IN NEW BOTTLES

Proposed regulations on air emissions of the cancer-causing chemical benzene, expected to be issued on Friday, are "the most shocking public health decision to come from the Environmental Protection Agency during the Reagan era," according to David D. Doniger, senior attorney for the Natural Resources Defense Council.

"Benzene is a known cause of leukemia and other forms of cancer," Doniger stated. "In his unprecedented benzene proposals, EPA Administrator Lee M. Thomas has deemed it 'safe' and 'acceptable' for factories that emit benzene to visit a chance of getting leukemia as high as 1-in-170 on their most heavily exposed neighbors. These are cancer odds thousands of times higher than EPA held safe or acceptable in previous administrations. This is a death risk roughly equal to the national murder rate."

"Thomas has made this astonishing decision despite provisions of the Clean Air Act and court decisions that forbid him to compromise the protection of people's health for reasons of cost in defining what is to be considered 'safe.' Flouting the law and the court decisions, Thomas has countenanced public health dangers of unprecedented magnitude even while acknowledging that more effective pollution controls are available."

Benzene is a known human carcinogen, causing leukemia, multiple myeloma, and possibly other forms of cancer. Large amounts of the chemical leak into the air from steel mills, chemical plants, oil refineries, and many other sources. In 1984, disregarding the law's mandate for health protection, the EPA set standards for some benzene sources on the basis of "cost-benefit analyses" -- people in disproportionately high danger were left unprotected under these standards because the agency deemed the cost to industry of greater value than their lives.

Last July, however, the U.S. Court of Appeals in Washington unanimously struck that practice down in a case brought by NRDC over another cancer-causing air pollutant, vinyl chloride. In a decision for the 11-member court, Judge Robert Bork ordered the EPA to determine what level of exposure to a cancer-causing

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pollutant can be considered "safe." Safe, he wrote, did not necessarily mean "risk-free." But if any level of danger is deemed "acceptable," the decision must be made solely on health considerations, without any compromise on account of the cost of controls. The court further ruled that the Administrator must reduce exposures below the "safe" level when additional pollution controls are available, because the Clean Air Act requires "an ample margin of safety." ?

In two subsequent cases the same court has indicated that cancer risks from food coloring cannot be considered safe or acceptable unless they are less than one chance in 1,000,000 over a lifetime, and that a 1-in-1000 chance of getting cancer from workplace exposure to asbestos could never be tolerated. (Those cases are Public Citizen v. Young, decided in October 1987, and Building and Construction Trades Department, AFL-CIO v. Brock, decided in February 1988.)

Following its vinyl chloride decision, last December the court remanded EPA's 1984 benzene regulations and ordered the agency to rewrite them by June 5.

"So what did Administrator Thomas decide people should consider 'safe' and 'acceptable' when exposed to cancer-causing chemicals in the air? Contrary to the court decisions, he decided it was 'acceptable' for benzene-emissions from coke oven by-product recovery facilities in steel plants to expose some people to a lifetime risk of leukemia as high as 6-in-1000, or 1-in-170," Doniger stated.

"This is a shockingly high public peril that no one dreamed could ever be considered safe or acceptable just a few years ago," Doniger added. "If air travel were this dangerous, thousands of people would die each year."

EPA does propose to impose some pollution controls on the coke oven by-product facilities as a nod toward the "ample margin of safety" requirement. But despite agency projections that the most exposed neighbors will still incur a 1-in-10,000 leukemia risk, Administrator Thomas has refused to require additional pollution controls that he expressly acknowledges are available.

For oil refineries and chemical plants, Thomas's "ample margin of safety" determination is even more distressing. For these plants, Thomas decided to reaffirm the existing benzene standard that the court sent back, even though the most exposed neighbors of these plants face as high as a 1-in-1000 chance of leukemia, and even though further controls are available.

The proposed decision also leaves two other types of benzene sources (benzene storage tanks and ethylbenzene/styrene production units) completely unregulated.

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These cancer odds, moreover, are for leukemia alone. EPA has given no weight to benzene's demonstrated ability to cause at

least one other form of cancer in humans (multiple myeloma) and many other forms of cancer in animals.

"So the bottom line of these decisions is that you should consider yourself 'safe' when your chance of getting cancer from air pollution is equal to your chance of getting murdered, and you enjoy an 'ample margin' of safety when the air is thousands of times more dangerous than air travel," Doniger said. *

Thomas' decision drew a stinging rebuke last month from a bipartisan group of Senate environmental leaders (Sens. George Mitchell (D-Me), Dave Durenberger (R-Mn), Bob Graham (D-Fl), and Robert Stafford (R-Vt)). "We have sometimes disagreed with your policy decisions," they wrote in a May 12 letter to Thomas, "but this instance goes beyond simple disagreement about policy. We find your benzene decision an extraordinary departure from constitutional procedure and public health principle almost unique during your tenure as the Administrator."

The benzene decision is just one of a string of recent EPA decisions seriously compromising historical standards of public health protection:

- A high-level agency memorandum proposed discounting the dangers of arsenic in drinking water by 90 percent because arsenic causes only skin cancer, a disease EPA considers as curable. Putting aside the fact that some skin cancers are fatal, the principle here seems to be that it is okay for polluters to make you sick so long as doctors know how to make you well again.
- An EPA draft report proposes to reduce the previously recognized estimate of the cancer risk from dioxin by 16-fold. The new estimate is just the average of several other numbers derived from inconsistent theories of how the chemical causes cancer. Just last month, EPA's independent science advisors strongly criticized the averaging procedure used to make new, lower estimates as unscientific.
- In April, Thomas proposed to let electric utilities and other industries continue exposing hundreds of thousands of asthma sufferers to levels of sulfur dioxide that his medical advisors told him were unhealthy. Despite their recommendation, Thomas dismissed the impact on asthma sufferers as "transitory" and unimportant. He even suggested that asthmatics look to their doctors for medication rather than to EPA for pollution control.

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