Chemicals

CEO CHAIRMAN FINDS IT IMPOSSIBLE TO SET RATIONAL POLLUTANT STANDARDS

Setting rational standards for many pollutants under existing legislation is almost impossible, according to Russell E. Train, chairman of the Council on Environmental Quality.

Testifying before the Senate Commerce Subcommittee on the Environment August 3, Mr. Train said current controls over the manufacture and distribution of potentially toxic substances pertain to only a small percentage of the substances which find their way into the environment. He added that controls over production and effluents suffer from the limited focus of their authority.

Mr. Train said a limitation of effluent controls is that they deal with a problem only after it is manifest and do not provide for obtaining information on potential pollutants before damage has occurred. He said methods should be provided to evaluate and, if necessary, regulate production of toxic substances, such as polychlorinated biphenyls and cadmium, which threaten human health and the environment.

Mr. Train said that the proposed Toxic Substances Control Act (S 1478) would provide a mechanism for "comprehensive and systematic" control of hazardous substances. He said the bill is " necessary and workable."

He expressed concern over Amendment 338, proposed by Senator William B. Spong, Jr. (D-Va), saying that requirements for preclearance certification, mandatory reporting of tests, taxation, and reimbursement for testing could involve "stifling and cumbersome administrative procedures" and "dilute the ability of the administrator to effectively and efficiently regulate the most significant hazardous materials."

EPA Official Testifies

Robert W. Fri, deputy administrator of the Environmental Protection Agency, testified that S 1478 provides the authority necessary to deal with toxic chemicals from the standpoint of total human and environmental exposure.

Mr. Fri said that authorities can be effective in controlling chemicals only to a limited degree, since exposure comes from a variety of consumer products as well as from effluent discharges. Controls apply only to a small percentage of the chemicals in the environment, he added.

Mr. Fri said EPA intends to use effluent standards to control toxic substances, under the Administration's proposed amendments to the Federal Water Pollution Control Act. Even so, he said, some toxic chemicals would either not be sufficiently controlled, or would elude control by the media approach.

Mr. Fri stated that additional research is needed to determine the long-term, low-level exposure effects of manufactured chemicals in the environment. He pointed out that EPA has started to develop test protocols for a select group of heavy metal compounds. He also noted that EPA entered into an agreement with the Department of Health, Education, and Welfare to establish a National Center for Toxicological Research, to conduct chronic effects research and to develop test protocols.

Opposes Pesticide Exclusion

Harrison Wellford, of the Center for the Study of Responsive Law, told the subcommittee that exclusion of pesticides from substances covered by the proposed legislation "preserves the maze of overlapping and contradictory regulatory responsibilities" which currently "embarrasses" the government. He stated that EPA should be responsible for testing for preclearance certification to avoid a conflict of interest that results when the manufacturer does his own testing.

Louise Dunlap, representing Friends of the Earth, said S 1478 was "riddled with loosely constructed discretionary authority." She endorsed citizen civil suits provisions and the procedure for certifying new and existing chemicals included in Amendment 338, but said that the National Academy of Sciences should not be the only source for the list of qualified scientists for the Toxic Substances Board.

In a discussion of polychlorinated biphenyls, Dr. Robert Risebrough of the Institute of Marine Resources, University of California at Berkeley, said their accumulation rate in "sinks" such as the sea is a crucial factor in assessing their environmental impact. He said it is difficult to estimate the amount of PCB present on land that eventually will enter the sea, because of insufficient data.

"We cannot seriously approach the problem without knowing how much is already on the land and how much more is introduced each year," he stated.

Dr. David H. Klein, professor of chemistry, Hope College, Holland Mich., told the subcommittee that better treatment of discharge streams coupled with limitation of the total quantity of such pollutants as unburned hydrocarbons, nitrogen oxides, phosphates, and mercury entering the treatment system offers "great promise for the preservation of the environment."

Dr. Klein said existing laws tend to concentrate on industrial discharges and a few specific major pollutants. He added that individual consumers dispose of a wide variety of products containing potential pollutants, and such disposal is largely unregulated.

He said that new chemical products, as well as old ones, should be evaluated to determine whether they pose a danger to the environment. He said that hazardous substances should not be used unless there is no substitute, and in such an event, the total quantity in circulation should be limited and disposal should be regulated. He noted that annual disposal of 500 tons of mercury by battery users has not been controlled.

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