We rarely ask our readers to write their government, but today we urge you to take up the pen IMMEDIATELY and write two sentences. The health of your family is at stake, and you only have until October 3rd to act. Mr. Reagan's EPA (U.S. Environmental Protection Agency) is about to decide how much risk the American public is willing to accept from toxic industrial air pollution. The decision will have far reaching consequences; as many as 25,000 people may be legally killed or injured each year by each air pollutant if the decision goes the wrong way.

Congress passed the federal Clean Air Act in 1970 and within a few years the EPA set regulations for six kinds of air pollution: sulfur dioxide, particulate matter (soot), carbon monoxide, ozone, nitrogen oxides, and lead.

In 1977, Congress was not satisfied by the "progress" EPA was making toward cleaning up the nation's air and they passed Section 112, requiring the EPA to control toxic air emissions. Since then (11 years later), EPA has used Section 112 to set air regulations for six more pollutants: radionuclides, beryllium, mercury, vinyl chloride, benzene, and arsenic. So in 18 years, EPA has set regulations for 12 air pollutants (out the thousands that exist).

Some of these Section 112 standards (national emission standards for hazardous air pollutants, or NESHAPS) were challenged in court, and the judge decided the EPA really wasn't doing its job. The judge told the EPA to go back and start over on toxic air pollutants.

The judge said the EPA must take two steps whenever they regulate the emission of a toxic air pollutant: (1) the EPA must determine a "safe" or "acceptable risk" level (the judge used the terms interchangeably); and (2) the EPA must then set an emission level that may not be higher than (but may be lower than) the "safe" level and that protects public health with an ample margin of safety. The judge said that the EPA may not consider economic factors, or feasibility, in determining what is a "safe" level, though they may consider economics and feasibility in the second step (deciding on an ample margin of safety). Now the EPA wants YOU to tell them what YOU consider a "safe" or "acceptable risk" level for toxic air pollutants. On July 28, 1988, EPA published a notice in the FEDERAL REGISTER (pgs. 28496-28592), seeking comments on how much risk the public is willing to endure from toxic industrial air pollutants. The immediate goal is to set a standard for benzene, a known human carcinogen, but EPA says this will form the basis for all their toxic air pollutant standards from now on. Since 75% of the American people live near an industrial facility, the EPA's current effort may directly affect 180 million people. Indirectly, it will affect all 245 million Americans, so this is an enormously important decision.

The EPA is considering four different ways of deciding what risk is "acceptable." They label these Methods A, B, C, and D.

Method A is the "case by case" method. Method A would leave the EPA free to decide for itself how much pollution was OK. Basically, this is the "trust me, I know what's best for you" method.

Method B considers only the "total incidence" of disease. Under Method B, the EPA would not consider the risk to any individual but would only consider the total number of people made sick or killed. They propose that one death per year from each kind of regulated pollutant would be acceptable. This method would allow small groups of individuals all over the country to be subjected to very high individual risks--literally comparable to Russian roulette in our neighborhoods. Failure to limit the risks to individuals would allow a few individuals to endure a much higher risk than the general public would endure.

Method C would consider ONLY the risk to individuals, and the "acceptable" lifetime risk of death from each pollutant would be one chance in ten thousand. This means if you exposed 10,000 people to the legal amount of that pollutant, one of those 10,000 people would die. Since there are about 245 million Americans, this method says (in simplest terms) it's OK for each regulated pollutant to kill 24,500 people each year.

Method D is the same as Method C except that it's 100 times stricter: Method D considers ONLY the risk to individuals and it says the "acceptable" risk is one in a million. In effect, this method says its OK for each regulated pollutant to cause disease or death in 245 Americans each year.

The EPA reportedly favors Method C, the one that would limit individual risk to one in ten thousand, thus allowing each pollutant to kill or injure up to 24,500 Americans each year. You may be shocked that your government might propose air standards that seem so lax. However, EPA considers that they are beefing up some earlier positions they have taken. For example, in 1985, they published the opinion (FEDERAL REGISTER, Feb. 6, pgs. 5191, 5193) that an individual's lifetime cancer risk of one chance in a thousand was too insignificant to regulate. Compared to this 1985 approach, the Method C proposal, which would limit an individual's cancer risk to one in ten thousand, can be considered an improvement.

Method A, which would allow the EPA to decide what's an "acceptable risk" on a case by case basis, gives the agency too much leeway. Almost everyone familiar with EPA will agree that the agency cannot be trusted to make decisions consistently to protect public health and safety. EPA's discretion should be limited.

Method B could also be rejected because it fails to protect the lives of individuals. Method B would allow small numbers of people in isolated neighborhoods to be sacrificed. Recent history tells us the sacrifice would occur in neighborhoods inhabited by the poor, the poorly educated, the politically unorganized, and by minorities. WE BELIEVE NO INDIVIDUALS SHOULD BE SUBJECTED TO HIGH RISK.

Of the four methods proposed, only Method D, which limits the risks endured by individuals, comes close to being satisfactory, in our view, and even Method D seems highly questionable. Killing people is wrong. It is also unconstitutional. The U.S. Constitution says no one may be deprived of life or liberty without "due process." Method D seems to say it's OK for each regulated pollutant to kill a few hundred people each year without due process. No indictment, no trial, nothing. Their "crime" is living near an industrial facility, which most of us are "guilty" of.

We ask you to take 3 minutes to write a brief note to the EPA saying something like, "I don't think it's acceptable to kill anyone with industrial air pollution. Of the methods you proposed July 28 for deciding what's an acceptable risk for benzene, I favor the approach of Method D, limiting individual risk, but I want something stricter than one in a million." Or tell them whatever you like. WHAT IS MOST IMPORTANT IS THAT THEY KNOW YOU'RE WATCHING THEM. We'll keep you posted.

Send your letters BEFORE OCTOBER 3 to: Central Docket Section (LE-131). Docket No. OAQPS 73-9 Part 1, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. You can bet industry will send comments, so we had better do the same.

--Peter Montague

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Descriptor terms: air; air quality; standards; epa; air pollution; health; congress; legislation; clean air act; sulfur dioxide; particulates; carbon monoxide; ozone; nitrogen oxides; lead; regulations; enforcement; risk assessment; health statistics; benzene;