The federal EPA (U.S. Environmental Protection Agency) has "systematically ignored" important provisions of SARA, the Superfund Amendments and Reauthorization Act of 1986, according to a new report by two environmental groups. The EPA has "simply decided not to enforce parts of the new law," says the study by the National Campaign Against Toxic Hazards (NCATH) and the U.S. Public Interest Research Group (U.S. PIRG).

The two environmental groups used the EPA's own data to draw their conclusions. They studied an October, 1987, EPA report describing the 74 "records of decision" or RODs issued in fiscal year 1987. RODs are official documents that EPA issues when they decide what to do at a Superfund site.

The report cites three specific provisions of the Superfund Amendments of 1986 that the EPA has ignored:

(1) Superfund section 121(b) requires the agency to select permanent cleanup remedies that protect human health and the environment by treating Superfund wastes to detoxify them, rather than simply containing the wastes by building a big box around them. In the past, EPA has favored boxes, placing "caps" over the waste (caps of clay or concrete or plastic), and putting walls or curtains (of clay or plastic or concrete) into the ground around a dump site to slow the inevitable migration of wastes from the site. The SARA law specifically instructs the agency to avoid temporary "containment" that really just passes today's problems on to the next generation. The law says the agency is supposed to prefer permanent remedies that actually detoxify the wastes.

Study of the 74 RODS from 1987 reveal that the agency only approved treatment technologies in 34% of Superfund cleanups-in the other 66% they approved "containment." Containment does not permanently fix a Superfund site for the same reasons that all landfills will leak-- sooner or later, nature will destroy the containment "box" just the way nature will destroy a landfill. Containment of a Superfund site slows down the rate at which chemicals will enter the environment and passes responsibility for the problem to our children and grandchildren. But it is cheaper (in today's dollars) than permanent cleanup, so it is the solution preferred by industries that have to pay for Superfund cleanups. EPA decisions seem to accommodate industry.

(2) The EPA has reversed the priorities set by Congress. Congress told the EPA to human health is more important than cost in selecting Superfund remedies. "EPA's response to its clear statutory obligations under section 121(d) has been to write them out of existence," the report says, citing EPA's August 27, 1987, interim guidance document concerning cleanup standards.

(3) EPA pays little attention to the view of citizens, despite clear language in section 117 of SARA giving citizens a right to participate in the remedy selection process. In particular, the EPA has failed to provide technical assistance grants (TAGs) under section 117(e) of SARA; in that section, Congress told the EPA to give $50,000 to communities so they could hire experts to help them understand the choices they face in a Superfund cleanup. EPA has not set up the TAG program.

The report is available free from Bill Walsh, U.S. PIRG, 215 Pennsylvania Avenue, SE, Washington, DC 20003; phone (202) 546-9707.

--Peter Montague

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EPA HAS IDENTIFIED 1196 POTENTIAL SUPERFUND SITES ON INDIAN LANDS

A report from the EPA (U.S. Environmental Protection Agency) Office of Emergency and Remedial Response has identified 1196 potential Superfund sites on or near 25 Indian reservations. In addition, the report says the Bureau of Indian Affairs has identified an additional 24 sites. The EPA has begun investigating the sites and the agency estimates that the number of sites requiring remediation will be much smaller than 1196. The report is available free from the Public Information Center, EPA, 401 M Street, SW, Washington, DC 20460; phone (202) 382-2080.

--Peter Montague

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NEED INTERNATIONAL TOXICS CONTROL

Two New York organizations have proposed an international agenda for preventing, and responding to, hazardous chemical disasters. The 172-page report recommends steps to address the present lack of an international system for protecting human health and the environment from hazardous chemicals: comprehensive regulations for the manufacture, export, import, transportation, use, storage, and disposal of hazardous chemicals; international guidelines for hazard assessment; an international judicial system for victims of chemical disasters; standards of civil and criminal liability for multinational corporations. For a free copy of the report, contact: Manina Lassen-Grzecz, Friedrich Naumann Foundation, 9th floor, 680 Fifth Avenue, New York, NY 10019; phone (212) 333-2521.

--Peter Montague

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