This week and next the EPA (U.S. Environmental Protection Agency) is celebrating its 20th birthday, patting itself on the back for doing a great job. To balance the record, here's a partial assessment of the agency's performance since 1970:

Item: During EPA's 20-year effort to control toxic materials, industry has continued to produce more toxics each year (averaging 6.5% increase annually); thus in 1990, industry produced roughly four times as much toxic material as it produced the year EPA was born. To this day, EPA has no pollution prevention program worthy of the name.

Item: By its own admission, the EPA has information on 27,200 potential Superfund dump sites but the agency has placed fewer than 1200 of them on the official Superfund cleanup list and, after spending $4 billion of taxpayers' money, has actually cleaned up only 52 sites. The U.S. General Accounting Office (GAO) says the EPA is badly misinformed because GAO has evidence that somewhere between 103,340 and 425,480 contaminated sites need investigation.

Item: EPA has consistently underestimated the amount of hazardous waste produced in the U.S., from its 1973 report which put the number at 10 million tons annually to its latest report which puts the number at 259 million tons annually; the American Chemical Society says the true number is somewhere between 530 million tons and 2.9 billion tons annually--two to 10 times more than the EPA acknowledges.

Item: EPA made a policy decision in 1984 to start promoting hazardous waste incineration as an alternative to landfills, instead of encouraging, or requiring, waste reduction and pollution prevention. Then EPA exempted 80% of all liquid hazardous waste from RCRA [Resource Conservation and Recovery Act] by allowing cement kilns and industrial furnaces to burn such wastes as fuel (which EPA calls "recycling" the wastes).

Item: EPA has institutionalized "risk assessment" as the basis for all important decisions regarding control of toxic materials, thus sanctioning the repugnant concept that government can kill citizens without due process of law simply because the names and addresses of those to be killed are not known. EPA now routinely says it is an "acceptible risk" to plan to kill one out of every million citizens affected by a chemical or by a project such as an incinerator.

Item: EPA joined the Nuclear Regulatory Commission (NRC) in renaming one-third of the nation's so-called "low-level" radioactive wastes; the new name is "below regulatory concern" (BRC). Now these renamed (though still radioactive) BRC wastes are officially considered non-radioactive; therefore they can be put into municipal landfills, incinerators and recycling programs. The result will be inevitable increases in the public's exposure to radiation.

Item: EPA has routinely proposed fines for polluters that fail to recover amounts larger than the profits earned by illegal activity; thus EPA's enforcement programs have sent polluters the clear message that crime pays.

Item: For the past decade, EPA contributed substantially to destruction of lakes and forests by acid rain because the agency refused (illegally) to enforce Clean Air Act prohibitions against tall stacks on power plants and smelters.

Item: For 15 years, EPA ignored the threat to planet earth's ozone layer posed by CFCs (chlorofluorocarbons), despite the agency's own estimate that DuPont's stratospheric ozone hole will cause some 40 million cases of skin cancer and 800,000 cancer deaths among Americans before the year 2075.

Item: EPA has consistently ignored--and is still ignoring--the need for action to curb the growing threat of global warming.

Item: EPA has failed to control the problem of lead in drinking water; the agency estimates that at least 38 million Americans drink water containing lead at levels that exceed EPA safety standards.

Item: EPA has failed to protect the nation's children against lead pollution. Despite EPA's explicit recognition of the dangers posed by exposure to lead, an astonishing 88% of American children under age 6 now have sufficient lead in their blood (the average is 160 micrograms of lead per liter of blood) to reduce their IQs measurably.

Item: By the late 1980s, 27% of America's rivers and 22% of America's lakes were either not fishable or not swimmable, despite Congress's 1972 mandate to EPA to make them so by 1983.

Item: EPA in 1990 approved plans to incinerate dioxin-contaminated chemical-biological warfare agents in a residential section of Jacksonville, Arkansas, thus setting a chilling precedent indicating the agency believes it is acceptable to incinerate hazardous wastes, including dioxin wastes, adjacent to homes.

Item: In the mid-1980s, EPA proposed a "new technology" for cleaning up Superfund sites; they called it "natural flushing" and it consisted of doing nothing but allowing natural rain to slowly remove chemicals from an old chemical dump by washing them away over a 400-year period. EPA officials argued that this met Congressional requirements for a "permanent cleanup" strategy.

Item: For 15 years EPA failed, and in some years blatantly refused, to even ask Congress for funding to clean up asbestos in schools, where an estimated 15 million children are at risk. After Congress took action to force the agency to get involved in this issue, EPA dragged its feet, then finally established a program that subsequently was found to be inadequately monitored, inspected and enforced and which, in many cases, exposed children to more asbestos than they might have encountered if no removal program had been undertaken.

Item: EPA gave a "waiver" of hazardous wastes rules (even though EPA's regulations make no mention of the possibility of such waivers being given) to the Department of Energy (DOE) to allow them to bury hazardous chemical wastes in a salt mine (called the WIPP site) in New Mexico where DOE is proposing to bury one ton of plutonium and other assorted radioactive wastes.

Item: EPA has allowed a massive loophole to develop in RCRA (Resource Conservation and Recovery Act, the nation's basic hazardous waste control law) by declaring that hazardous chemicals dumped into sewage treatment plants are no longer legally defined as hazardous wastes. In 1986, EPA estimated that 202 million pounds of hazardous wastes were exempt from RCRA because they were dumped into sewers by industry each year. The figure is almost certainly larger today.

Item: Despite saying that control of pesticides is its Number One priority, EPA says it will be "well into the next century" before all dangerous pesticides are banned, restricted, or regulated. In 1972 Congress told EPA to gather new data on the 600 active ingredients in 45,000 different pesticide formulations because data on the hazards was either scientifically inadequate, fraudulent, or non-existent. To date, EPA is willing to provide safety assurances on only a handful of the more-than-600 active ingredients and the U.S. General Accounting Office (GAO) questions whether even these assurances have any validity.

Item: In the mid-1980s, EPA embraced the concept of selling "pollution rights," thus strengthening the legal position of polluters and assuring that pollution will always be with us since polluters can now buy and sell the "right" to produce it.

Item: EPA has continued to issue licenses (RCRA Part B permits) to
hazardous waste landfills despite the agency's frequent statements, which are corroborated by independent scientists, that all landfills leak.

In sum, EPA's record is a catalog of misdirection, mismanagement, missed opportunities, and abject failure.

Next week: An EPA insider tells Why the EPA Is Like It Is.

--Peter Montague

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Descriptor terms: epa; toxic materials; superfund; liquid hazardous waste; radiation; brc; lead; heavy metals; asbestos; pesticides; nm; rcra; hazardous waste landfills; landfilling;