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Al's Remarks on Amendment to Strike Air Toxins Buy-Out Option

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Remarks of

SENATOR AL GORE

AMENDMENT TO STRIKE THE AIR TOXICS BUY-OUT OPTION

Mr. President, I rise to offer an amendment striking a provision in the substitute bill that would allow industrial sources that release cancer-causing pollutants to buy out and relocate heavily exposed persons instead of curbing their excessive pollution.

The provision that my amendment strikes would permit toxic polluters to "mitigate" their pollution instead of controlling it. The text of the substitute makes it clear that "mitigate" is a euphemism for buying out people's homes and removing them from the area. In effect, industries would be authorized to create "dead zones" -- uninhabitable sacrifice areas downwind from their facilities.

Mr. President, I find this concept offensive at a very deep level. Such a provision would be a major retreat from the existing Clean Air Act and would seriously weaken its public health

protections. Since 1970 the Clean Air Act has required sources that create unsafe exposures to control their pollution. The substitute proposes -- for the first time -- to let industries remove people instead of their pollution. Buying out people instead of controlling toxic emissions is a concept that has no place in the Clean Air Act.

Some may imagine that sources would use this mitigation option to surround themselves with "greenbelts," moving people back uniformly and thereby reducing everyone's cancer risk. This is not how it would work.

The fact is that the "dead zone" -- the zone containing people exposed to unacceptably high cancer risks (higher than 1-in-10,000 under the bill) -- typically consists of a discrete neighborhood or small area downwind from the source. If sources have the mitigation option, they will have to buy out just these circumscribed pockets of homes, not a whole greenbelt.

In public health terms, the contrast between a buy-out and controlling the pollution is sharp indeed. Under the current law, when a source controls its emissions, cancers risks are reduced not only for the persons in these "hot" pockets of excessive risk, but also for everyone around the facility. Not only is the most exposed

person protected, but lives are saved in the entire surrounding population.

But under the buy-out scenario, no one outside the dead zone would benefit at all. At best, everyone else would continue to breathe the same level of cancer-causing pollution and, as the offensive plant expands, these people will become subject to still higher levels life-threatening emissions. People all around the facility would continue to contract cancer and die.

If we look at this buy-out option a little harder, even more unsavory problems emerge:

Consider for example what happens to property values. How much are affected people going to get for their homes? Once word gets out that these homes are receiving the area's heaviest concentration of cancer-causing pollution, what will they be worth on the open market? Not much. And if the only buyer is the source itself, you can bet the owners won't get top dollar.

And where will they go? Neighborhoods will be destroyed and neighbors scattered. Lives are bound up in the places people live, in the friendships they form with neighbors, and in the local schools, churches, and social clubs where neighbors congregate. What right

does a company have to disperse all that? To authorize industries to destroy the fabric of local communities simply does not comport with the values we extol in this Congress.

And what will happen to the property values just outside the "dead zone?" Nobody at all will want those homes. The cancer risk in this adjacent area will be just a shade under the 1-in-10,000 level. No one -- particularly families with small children -- will want to move there, and the source that creates this risk will not be obligated to buy those homes.

Consider also what just a slight miscalculation in risk assessment could do. Suppose the source owner uses the most up-to-date emissions dispersion model and the best available data. Suppose the modelling tells it that most exposed persons are located a quarter mile due north of the plant. But what if the true wind direction is a few degrees different from the wind direction assumed in the modelling, so that the zone that is really the most exposed is located a quarter mile northeast of the plant.

If the source reduces its pollution, this slight error in the modelling will make no difference. The most exposed persons, although misidentified, will still be protected.

But if the source used the "mitigation" option, it would have bought out the wrong people! Those most at risk will have no protection at all.

Consider also that -- with the mitigation option -- a source could actually increase its cancer-causing emissions. All it would have to do is buy out a slightly larger pocket of homes and remove the next most heavily exposed people. For example, if the source removed all people with estimated cancer risks greater than 1-in-20,000 (half of the 1-in-10,000 level), it could double its cancer-causing emissions, and double the cancer risk of everyone else around it.

None of these perverse possibilities can occur so long as it remains industry's obligation, as under current law, to control its pollution. I urge my colleagues to vote for this amendment, and delete the "mitigation" option from the substitute.