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Dead Zone Dear Colleague Letter

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United States Senate

WASHINGTON, DC 20510

March 20, 1990

Dear Colleague:

While Eastern European countries finally breathe the air of political freedom, the Washington Post today reports that they are "suffocating in . . . toxic breezes." Steeped in a hazardous chemical soup, entire villages have been condemned, and soil and water are biologically dead. The people of Eastern Europe, who have fought so valiantly for political freedom, still face environmental repression.

And we are failing to heed the lesson that is so painfully being learned in Eastern Europe. The United States Senate is prepared to pass into law a provision that absolves industry of its responsibility to control life-threatening emissions. At a time when we should be providing leadership, when we should be setting an example in the world community, we are retreating.

Since 1970, the Clean Air Act has required sources that create unsafe exposures to control their pollution. Today, for the first time, we are saying that public health and safety are at best secondary considerations, and that people and communities can be sacrificed to excessive pollution.

In the Clean Air bill that is before us, companies that release cancer-causing pollutants are permitted to buy out communities and create "dead zones" -- areas that, due to high concentrations of toxic air pollutants -- are hostile to life and uninhabitable by human beings. A company could, quite literally, buy every home in a designated neighborhood. In plain and simple terms, this legislation condones the destruction of communities and the scattering of neighbors and friends. And, what if it is determined that the pollution has spread beyond the bought out area? In this legislation, it would simply mean that a still larger neighborhood would be bought out. And, what of the family just over the boundary of the designated neighborhood? What of the risk they face? Doubtless they will not be comforted to know that their chance of contracting cancer is just below that which drove their neighbors from their homes.

The buyout provision is deeply offensive. Lives are bound up in the places people live, in the friendships they form with neighbors, and in the local schools, churches, synagogues, 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 tears at the values we extol in this Congress.

The tragedy wrought by industrial buyouts is visible in Louisiana today. Faced with reports of dangerously high levels of vinyl chloride in the blood of children living near its Revilletown plant, the Georgia Gulf Corporation in 1988 dismantled a community that had been in existence for more than a century. With those most at risk cleared out, Georgia Gulf now plans to increase its emissions -- presumably to levels that will expose yet another community to increased risks of cancer, and liver and kidney damage.

While striking the mitigation option, our amendment in no way alters the new "actual man" risk assessment methods that have been crafted, nor does it deny industry the option of obtaining a site specific alternative to EPA's risk calculations. It is therefore our understanding that the amendment does not go to the heart of the compromise that has been reached.

The buyout option subverts the very purpose of "clean air" legislation: unacceptable levels of toxic emissions will be tolerated; people -- but not pollution -- will be removed. We urge you to join us in our effort to strike it from the bill. If you wish to co-sponsor our amendment or if further information would be useful, please call Katie McGinty at 224-4944 or Ric Erdheim at 224-4744.

Sincerely,

CAROL, —

Please look
this over for
Katie. It's the
Dear Colleague
for the Clear Air
Toxic Amendments.
Thank you!

—

March 19, 1990

Dear Colleague:

When the Senate resumes consideration of the Clean Air Act Amendments, I intend to offer an amendment to the air toxics title of the bill. The amendment strikes a provision in the bill that allows polluters to buyout communities surrounding their plants rather than requiring them to ensure public health and safety by controlling their toxic emissions.

The purpose of the amendment is to prohibit polluters from creating "dead zones"; areas that, because of high concentrations of toxic pollutants, are uninhabitable by human beings. In sanctioning the buyout option, the compromise bill subverts the very purpose of "clean air" legislation: unacceptable levels of toxic emissions will be tolerated; people -- but not pollution -- will be removed.

The compromise that was reached regarding risk assessment methods is concession enough to industry. Under the terms of the compromise, polluters may obtain an exemption from the emission limitations that EPA determines are necessary to contain cancer risks below the one in ten thousand level. Moreover, in applying for a "site specific" exemption, the polluter need not use data "specific" to its plant at all. Rather, with respect to some seventy risk assessment parameters, the polluters will be able to choose among EPA's numbers, data from the nearest meteorological center, or its own calculations. In addition, the source, unlike EPA, may use population figures that exclude those most at risk: those who live most of the day at home and those who spend most of their lives in the same community -- some 15 percent of the population -- can be ignored. The assertion that the newly wrought risk methods more closely conform to reality is itself fiction.

~~It is not unlikely that a source would find itself out of compliance with the one in ten thousand standard, 1 year.~~

Let's also not forget that, at the earliest, a polluter will have 11 years to meet health-based requirements. Moreover, as written, the bill allows polluters to exercise the buyout option even if technological controls are readily available.

The "dead zone" problem is not more theoretical than real to the contrary, a bitter controversy regarding buyout activities rages in Louisiana today. Faced with the reports that dangerously high levels

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of vinyl chloride in the blood of children living near it's reville-town plant the Georgia Gulf Corporation in 1988 dismembered a black community that had been in existence for over a century. With those most at risk cleared out, Georgia Gulf now plans to increase its emissions -- presumably to levels that will expose yet another community to increased risks of cancer, liver and kidney damage.

Clearly, the buyout option has no place in an effort to protect the environment and to ensure public health and safety. The provision is simply unworthy of inclusion in the progressive package that the Environmental Public Works Committee has so painstakingly produced for our consideration. I urge you to join me in striking it from the bill. Please call Katie McGinty at 294-4944 on my staff if you would like to co-sponsor the amendment.

Sincerely,

Al Gore
United States Senator

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