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Folder Title:
Dead Zone (and Other Amendments)

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U.S. Public Interest Research Group

National Association of State PIRGs

DEAR SENATOR COLE:

Thanks in particular for
your courageous leadership role
on the OZONE-depletion and
toxics Amendments — and
congratulations on the exceptional
work of your staff as well!

We look forward to working
with you in the future.

Gene Kapinski





U.S. Public Interest Research Group

National Association of State PIRGs

April 10, 1990

Dear Senator Gore:

Board of Directors

California PIRG

Colorado PIRG

Connecticut PIRG

Florida PIRG

Illinois PIRG

Maryland PIRG

Massachusetts PIRG

PIRG in Michigan

Missouri PIRG

Montana PIRG

New Jersey PIRG

New York PIRG

Ohio PIRG

Oregon State PIRG

Pennsylvania PIRG

Rhode Island PIRG

Washington PIRG

During the Senate's recent consideration of the Clean Air Act, S. 1630, many difficult votes were held on amendments that would have a profound impact on air quality well into the next century. As one of 17 Senators who supported the environmental position on each of five key amendments, U.S. PIRG commends you for your consistent and courageous commitment to the strongest possible reauthorization of the Clean Air Act.

Many of these votes required tough political choices. But we believe that your public support for strengthening amendments on the floor will be rewarded by your constituency, who have strongly expressed their desire for sound clean air legislation. America's environmental quality and public health will depend, to a large extent, on the Clean Air Act providing rigorous standards for control of air toxics, acid rain, ozone depleting chemicals, and smog well into the next century.

These very close votes, particularly those for the Wirth-Wilson amendment on tailpipe emissions and alternative fuels, and the Kerry-Wilson amendment on stationary sources of urban pollution, have also given great momentum to these issues in the House during their consideration of the bill. By expressing your support, the chances of their inclusion in the final legislation have been substantially improved.

U.S. PIRG deeply appreciates your leadership on behalf of Clean Air, and on behalf of the American public, who have waited more than a decade for this critical legislation to be passed.

Sincerely,

Gene Karpinski
Executive Director

Zoe Schneider
Environmental Lobbyist

David Hamilton
Field Director



Nissan Motor Manufacturing Corporation U.S.A.

April 4, 1990

Ms. Katie McGinty
Legislative Assistant
Office of Senator Al Gore
393 Russell Senate Office Building
Washington, DC 20510

Dear Katie:

Thank you so much for all your hard work to help us obtain a clarification of the Senate's intent with respect to our permit situation. With the enormous investment we have at stake, we could not afford to take a chance and rely on an oral assurance from EPA staff. The colloquy you helped Al work out with Senator Baucus was a big help.

Thanks again for everything you did. I look forward to meeting you again under less trying circumstances. Perhaps we can get you down to Smyrna in the not too distant future to see our operations. I think you would find them interesting.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gail".

Gail O'Sullivan Neuman
Vice President and General Counsel

GON:jd

SIERRA CLUB



408 C Street, N.E. Washington, D.C. 20002 202-547-1141

April 26, 1990

Katie McGinty
Office of Senator Gore
United States Senate
Washington, DC 20510

Katie
Dear Ms. McGinty:

I would like to thank you for your help and good work on the recently completed Senate clean air bill. This legislation was surely one of the most technically complex and politically difficult bills considered by the Senate in a long time. Working on clean air was not an easy task, but it was a job that had to be undertaken if Americans are to breathe healthy air in the future. I believe that the ultimate legislation will be a stronger bill than would have passed otherwise thanks to your contribution.

Although we were not always in agreement on clean air policy or legislative tactics, I greatly appreciated your candor and accessibility during the debate. Your long hours and hard work are greatly valued by me and other advocates for strong clean air legislation. Thanks again for all of your hard work!!

Sincerely,

A handwritten signature in dark ink, appearing to read "Dew", written over a horizontal line.

Daniel Weiss
Washington Director
Pollution and Toxics Program

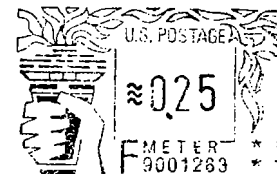
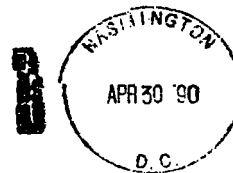
*Katie - Thanks to your work, we won
the dead zones amendment without
a shot fired! We're gonna win this one!*

SIERRA
CLUB



408 C Street, N.E.
Washington, D.C. 20002

Katie McGinty
Office of Senator Gore
United States Senate
Washington, DC 20510



AN AMENDMENT TO STRIKE THE "MITIGATION OPTION"

This amendment strikes the provision in the compromise Clean Air bill that allows sources of toxic air pollutants to buyout communities surrounding their plants rather than requiring them to install additional technological control measures to meet the one in ten thousand health risk standard.

The purpose of the amendment is to prohibit sources of toxic air pollutants from creating "dead zones" around their plants -- that is, areas that, because of high concentrations of toxic pollutants, are uninhabitable by human beings. In sanctioning the buyout option, the compromise bill subverts its very purpose -- unacceptable levels of toxic emissions will be tolerated; population, but not pollution will be reduced.

The amendment does not modify the risk standards defined in the bill. Rather, accepting these standards, the amendment provides that, once it is determined that a source is exposing people in the area to a one in ten thousand risk of contracting cancer, the source will be required to control its emissions and restore ambient air quality to safe levels.

GORE AMENDMENT

At the appropriate place, insert the following:

On line 12, page 15 of Amendment No. 1293, insert "carbon dioxide" after "particulate matter."

On line 3, page 17 of Amendment No. 1293, add after "(xiv)," "(xv) programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality."

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~~★~~ Gore / Leahy CFC amendment

Part 1

TO TITLE VII - OZONE DEPLETING CHEMICALS

An amendment to phaseout HCFC's

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On page 532, line 4, strike "Feasibility Report On"

On page 532, lines 5 through 11, strike "Not later than January 1, 1995, the Administrator shall submit a report to the Congress that includes recommendations concerning the development of a legislative or administrative regulatory program which provides that, except as provided in paragraph (1) of this subsection or in regulations promulgated to establish earlier" and insert: "In the absence of regulations promulgated in accordance with subsection (b) of section 504 establishing earlier dates"

On page 532, line 5 through 11, strike the text beginning with "Not later than" through "earlier --" and insert in lieu thereof "Except as provided in paragraph (1) of this subsection or in regulations promulgated to establish earlier dates --".

PART #2 TO TITLE VII - OZONE DEPLETING CHEMICALS

An amendment to modify Federal procurement practices to ensure that chemicals known to harm human health or the environment are not used as substitutes for chemicals that destroy the ozone layer.

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On page 548, following line 22, insert the following new subsection:

" (d) FEDERAL PROCUREMENT

" (1) APPLICATION OF SECTION. -- Each federal agency or department shall comply with the requirements set forth in this subsection and any regulations issued under this section, with respect to any purchase or acquisition of an item where the purchase price of such item exceeds \$10,000 or where the quantity of such items or of functionally equivalent items purchased or acquired in the course of the preceding fiscal year was \$10,000 or more.

" (2) Within 12 months of enactment of this ^{section} ~~Act~~, the Administrator of the General Services Administration (GSA), in consultation with the ~~Administrator of the EPA~~, shall develop a strategic plan for the procurement of substances as substitutes for those listed pursuant to section 504 (a) and (b) of this title.

" (3) No later than 36 months after enactment of this ^{section} ~~Act~~, each agency or department of the federal government shall conform its procurement regulations and specifications to the strategic plan promulgated by the Administrator of the GSA or, if the Administrator of the GSA has not met the requirements of ~~subsection (b)~~, to the requirements set forth in this ^{sub} ~~section~~. ^{paragraph (2)}

" (4) REQUIREMENTS FOR STRATEGIC PLAN.

" (A) General.--The strategic plan, referred to in paragraph (3) shall provide for federal government-private sector cooperation in research, development, and deployment of non-ozone depleting technologies, processes, and chemical alternatives to the ozone depleting substances listed in section 504 (a) and (b). The plan shall provide greater regulatory certainty regarding alternatives to ozone-depleting substances by hastening the identification, development and deployment of alternative technologies with maximal environmental benefit. To ensure maximal environmental benefit, the strategic plan shall seek to maximize the use of alternative materials, process modifications, product redesign and substitution in order to minimize the use of materials and substances, including

energy, which contribute to stratospheric ozone depletion, the creation of tropospheric ozone, global climate change, or which have been identified by an agency as a probable or known human carcinogen, or a known animal carcinogen.

"(B) Specific.-The strategic plan shall identify ^{subparagraph} alternatives to categorical uses of substances listed in ~~section~~ (A). The section 504 which meet the general criteria of ~~subpart~~ (A). The categorical uses, referenced in the preceding sentence shall be: air conditioning and refrigeration, solvents, rigid and flexible foam, fire extinguishers and other miscellaneous uses. The plan shall also include a list of persons and firms known to manufacture, sell, or utilize such alternatives.

^{section} "(5) PROCUREMENT PROGRAM.-Within 36 months after enactment of this ~~Act~~ each agency or department of the federal government shall have in place an affirmative procurement program which will assure that future purchases of items known to use or be manufactured with substances listed in section 504 will, to the maximum extent practicable, conform to the requirements of this subsection. Each such procurement program shall, at a minimum, contain-

- " (A) A preference program for alternatives which maximize the environmental benefit to be obtained by eliminating use of substances listed in section 504;
- " (B) An agency promotion program to promote the preference program adopted under subparagraph (A);
- " (C) Annual review and monitoring of the effectiveness of an agency's procurement program in accordance with the requirements of this subsection."

PART #3 TO TITLE VII - OZONE DEPLETING CHEMICALS

An amendment to prohibit export of CFC equipment and technology and investment in facilities capable of producing CFC's in any nation not in compliance with the Montreal Protocol.

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On page 544, line 6, ^{and 7)} strike "Within one year after enactment of this section" and insert "~~Effective~~ Immediately upon enactment of this ~~Act~~" (section)

PART 4 TO TITLE VII - OZONE DEPLETING CHEMICALS

An amendment to strike provisions in the Clean Air Act preempting states' efforts to control ozone depleting chemicals:

On page 557 line 10, strike "except as otherwise provided in subsection (c)".

On page 557, strike lines 11 through 25.

On page 558, strike lines 1 through 6.

Amendment to strike the "mitigation" (toxic buy-out) option.

On page 268, line 7, strike "and mitigation measures".

Strike page 269 lines 4-18 and renumber the succeeding paragraphs accordingly.

On page 273, line 22 through page 274, line 9, strike the sentence beginning "To the extent".

Gore

Amendment to strike the "mitigation" (toxic buy-out) option.

On page 268, line 7, strike "and mitigation measures".

Strike page 269 lines 4-18 and renumber the succeeding paragraphs accordingly.

On page 273, line 22 through page 274, line 9, strike the sentence beginning "To the extent".

Statement of The Problem

According to the compromise, sources which are subject to a 1 in ten thousand risk standard which is developed on an industrial category basis, may submit a site-specific health assessment of the risk posed from that source. The source could show that it is not subject to the category-wide standard because the actual cancer risk posed to the most exposed individual in the community does not exceed one in ten thousand. As part of this demonstration, the source may employ "mitigation measures" to reduce the expected risks of carcinogenic effects to actual persons living within the vicinity of the source. This might include the use of tall stacks to promote pollutant dispersal or relocating people who are living in the area of greatest exposure.

It is fundamentally bad environmental and public health policy to allow the use of "risk management" strategies that permit pollution dilution or dispersal, or receptor manipulation in lieu of pollution reduction. If Congress officially authorized such activity it would be approving a concept which is fraught with errors during implementation and immoral in its potential outcome, since it may result in exposing a greater number of people to a lower concentration of carcinogens in order to reduce the concentration that other people receive. The specific problems the use of "mitigation measures" create includes:

1. Major prospect of erroneously including or excluding people from protection by manipulating exposure assumptions or using incorrect data.
2. If pollutant dispersal techniques are used, people living outside the dispersal zone might well be exposed to higher levels of carcinogens than if nothing were done or if pollution reduction were used instead of dispersion.
3. The same is true of people relocation strategies. Those who are not in the relocation program will be subjected to higher levels of carcinogen exposure than would be the case should pollution reduction be used to protect the most exposed people.
4. Indeed, concentrations of carcinogens might be increased for people living beyond the "mitigation zone" as long as they did not exceed the one in ten thousand cancer risk level. Increases in exposure to carcinogens should never be a policy adopted in federal law.
5. Often workers within a plant are ancillary beneficiaries of pollution reduction requirements because plant levels of carcinogens are reduced as well. The use of mitigation measures eliminates the "extra" in-plant benefits.

Are These Problems More Theoretical Than Real?

Absolutely not. A controversy regarding "buy out" activities rages in Louisiana today. In 1988 the Georgia Gulf Corporation facility in Plaquemine, Louisiana bought out a small community of two dozen homes located next to the plant called Revilletown. The facility manufactures poly-vinyl chloride and other chemicals. The "buy out" which destroyed a black community in existence

6248675
Nancy New
State Legislatures

for more than 100 years, was initiated in response to a law suit brought by some of the residents when blood levels of vinyl chloride in the blood of children living in Revilletown was found to be several times above levels considered safe by public health officials. While the buy out did eliminate from further exposure the residents of Revilletown who lived closest to the plant, it did nothing to protect other nearby residents.

In 1989, Gerogia Gulf applied to the Louisiana Department of Environmental Quality for a modification of its air permit in order to increase its emissions of PVC particulate, ethylene and other chemicals as part of a project to expand production of PVC by 400 million pounds annually. Clearly, this increase in emissions would not have been feasible, but for the removal of the residents who had previously been the most exposed. Just as clearly, the remaining residents will be exposed to higher risks from greater exposure to PVC which has been linked to cancer, liver and kidney damage.

ANALYSIS OF COMMITTEE AND ADMINISTRATION DRAFTS OF THE TENTATIVE AIR TOXICS AGREEMENT

Senate and Administration negotiators are currently considering two versions of a tentative agreement over the air toxics provisions of the Clean Air Act. One version was drafted by staff of the Environment and Public Works Committee, the other by the Administration.

On two fundamental issues, both versions retreat not just from S.1630, but also from current Clean Air Act.

It has been fundamental since 1970 that the Clean Air Act's health standards must protect the most sensitive and most exposed individuals. But as drafted, the "actual person" risk assessment provisions of both versions would abandon protection of the people in the greatest danger and protect only average people. Under either version, it is virtually certain that real persons will be in much greater danger than the risk assessments predict.

see p. 2
It has also been fundamental since 1970 that industrial facilities must meet health standards by controlling their pollution. But instead of controlling cancer-causing emissions, both versions of the tentative agreement would allow industries to "mitigate" their pollution by buying out people that live nearby and creating uninhabitable sacrifice zones downwind from their facilities.

The National Clean Air Coalition opposes these retreats from existing law.

The Administration draft contains many additional, very damaging provisions that would abandon control of toxic motor vehicle emissions, further weaken control technology requirements for industrial sources, maximize manipulation of risk assessments, and further delay health standards. These provisions should be rejected as well.

"Actual Person" Risk Assessments

As drafted in both the Committee and Administration versions, the "actual person" will turn out to be the average person, not the person who is truly the most endangered. This is the result of providing that risk assessments shall be based on the "most likely actual exposure" (Committee draft, p.5) and the "typical lifestyle" (i.e., patterns of daily activity and length of residence) of persons in the vicinity of a carcinogen-emitting source (Committee draft p.6, Administration draft, p.6). These terms invite EPA to issue rules that water down the risk assessment methods so that they protect only persons of average exposure, not the persons who are most exposed.

It may be "typical" or "most likely" for people to move, on average, every five years, or to spend eight hours away from home. But the fact is that some people live for decades – even their whole lives – in one home. This is especially so in working class and middle class neighborhoods prevalent around industrial facilities. Families may live in the same house for 50 years. And some people are home almost round the clock: young children, homemakers, the elderly, and disabled or ill persons. "Typical" or "most likely" assumptions do not fit the actual exposure of these people.

It is also the case that some people are more sensitive to cancer-causing chemicals than others. According to the best available information, a substantial percentage persons are as much as 50-100 times more likely than average people to contract cancer from a given exposure to a cancer-causing chemical, for genetic reasons or because of ill health.

The current EPA risk assessment method even partially accounts for persons with above-average sensitivity only indirectly, by using conservative exposure assumptions -- the 70 year exposure scenario. Indeed, this has always been one of EPA's reasons for retaining the 70 year exposure scenario. This exposure scenario must not be discarded without requiring EPA to account directly for sensitive individuals. That would require multiplying the EPA carcinogenic potency estimates by 50-100 fold.

The "most likely" exposure and "typical" lifestyle provisions also maximize the opportunity for sources to game the risk assessment process. Even under the Committee's draft (which, unlike the Administration version, requires sources to use EPA's potency estimates and verified site-specific data on emissions, terrain, meteorology, etc.), sources will be able to get almost any result they want simply by changing the exposure and lifestyle assumptions. If the first cut yields too high a risk, then the facility can just change the exposure or lifestyle assumptions. If a 16-hour-a-day assumption won't give the right answer, try 12 hours. After using these opportunities to manipulate high risk away by changing these assumptions, few sources will have to install pollution controls.

In short, the goal of the "actual person" provisions may have been to reduce reliance on modelling exercises and to make risk assessments more realistic. But the real result of the provisions, under both versions, will be to maximize manipulation of modelling and to average away protection for the people that are truly in the greatest danger.

The "Mitigation" (Buy-Out) Alternative

Under both drafts, industrial sources releasing cancer-causing pollutants would have the option to buy out and remove heavily exposed people instead of controlling their emissions. Industries would be authorized to create uninhabitable zones downwind from their facilities.

Since 1970 the Clean Air Act has required sources that create unsafe exposures to control their pollution. This is a sound policy that should not be abandoned.

Some may imagine that sources would use this option to create a "greenbelt" around them, moving people back uniformly and thereby lowering everyone's cancer risk. This is not how it would work.

If the buy-out option became law, the first thing a source would attempt is to narrow down the "hot zone" – the zone of persons estimated to face cancer risks greater than 1-in-10,000 – to its smallest possible dimensions, by making the maximum use of the averaging and gaming opportunities opened by the actual person risk assessment process. Even if the hot zone could not be averaged or gamed away entirely, in most cases sources will be able to surgically narrow it down to a neighborhood, or even to just a few houses. The source could then avoid pollution controls by buying out only these persons. Far from establishing a greenbelt, such a source would be removing only a pocket of homes downwind.

The contrast between the buy-out scenario and actually controlling the pollution is sharp indeed. If the source controlled its emissions, cancer risks would be reduced for everyone around it. Not only would the most exposed person be protected from unacceptably high risk, but lives would be saved in the entire surrounding population. But under the buy-out scenario, no one outside the narrow hot zone benefits at all.

In fact, a source could actually increase its cancer-causing emissions if it bought out a slightly larger pocket of homes and removed the next most heavily exposed people. For example, if the source removed all people with estimated cancer risk greater than 1-in-20,000 (half the 1-in-10,000 level), it could double its cancer-causing emissions, and double the cancer risk of everyone else around it.

Additional Damaging Changes in the Administration Draft

The Administration draft makes many additional damaging changes that should not be accepted. Seven of the most important are as follows:

(1) Control of Motor Vehicle Air Toxics Abandoned. The Administration draft eliminates EPA's duty to control toxic emissions from motor vehicles under the program to curb toxic pollution in urban areas. This change effectively abandons the President's goal, stated last June, to cut cancer deaths from air toxics by at least 75 percent.

- o EPA estimates that motor vehicle emissions cause 55 percent of all cancer deaths from air toxics. Without controlling toxic motor vehicle emissions, it is impossible to meet the President's goal of cutting cancer deaths from air toxics by 75 percent.
- o S.1630 commands EPA to control toxic emissions from both stationary sources and motor vehicles in order to meet the 75 percent reduction goal. The Administration's insistence on deleting mobile sources from this program effectively abandons the President's goal.

(2) Industrial Source Controls Weakened. The Administration draft weakens the first-phase "maximum available control technology" (MACT) requirement for industrial sources. The Committee's draft would establish a floor for MACT standards applicable to existing sources: MACT could not be less stringent than the average of the emission levels

achieved by the best performing 10 percent of the sources in a category. The Administration draft would turn this into an unenforceable "benchmark."

(3) All Available Controls Not Required. The Administration draft abandons the Committee's requirement that industries use "all available technology and controls" before they may use the "actual person" risk assessment process or the buy-out option to lessen control requirements. In other words, even when they are able to meet the health protection standards applicable to their industrial category, sources could take advantage of the opportunities for averaging and gaming to weaken their control requirements. Or they could avoid health-based controls entirely by buying people out.

(4) Most Exposed Individual Abandoned. All references to the most exposed "person" are changed to "persons." The plural form would authorize EPA or sources to deny protection to the individual in greatest danger by burying that individual in a larger group. EPA could require that there be a threshold number of people over the 1-in-10,000 level -- 100 people? 1000 people? -- before sources would have a duty to control emissions.

(5) Manipulation of Risk Estimates Maximized. The Administration draft vastly increases opportunities to game the site-specific and actual person risk assessment process.

- o The Committee draft requires use of actual data for the configuration of the facility and the meteorology and terrain of the site. Emissions estimates and dispersion modelling must be confirmed by monitoring emissions and ambient concentrations. Sources must use EPA's potency factors ("unit risk" factors) for each chemical.
- o The Administration version drops these safeguards. EPA does not have to require sources to use real site-specific data on configurations, emissions, meteorology, or terrain. EPA does not have to require monitoring to verify emissions or ambient concentration estimates. EPA can allow use of unapproved cancer potency factors.

It would be difficult to design a process more subject to manipulation.

(6) Health Protection Further Delayed. The Administration draft also allows an extra two year extension whenever EPA concludes there's a threat of shutdown. The shutdown threat could be abused to further delay the installation of pollution controls.

(7) New Sources Built in Violation of Health Standards. The Administration draft lets some new and reconstructed sources operate for up to 12 years in violation of health and environmental standards. Even new sources would be eligible for the buy-out option in lieu of installing necessary controls.

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(4) Most Exposed Individual Abandoned. All references to the most exposed "person" are changed to "persons." The plural form would authorize EPA or sources to deny protection to the individual in greatest danger by burying that individual in a larger group. EPA could require that there be a threshold number of people over the 1-in-10,000 level – 100 people? 1000 people? – before sources would have a duty to control emissions.

(5) Manipulation of Risk Estimates Maximized. The Administration draft vastly increases opportunities to game the site-specific and actual person risk assessment process.

- o The Committee draft requires use of actual data for the configuration of the facility and the meteorology and terrain of the site. Emissions estimates and dispersion modelling must be confirmed by monitoring emissions and ambient concentrations. Sources must use EPA's potency factors ("unit risk" factors) for each chemical.
- o The Administration version drops these safeguards. EPA does not have to require sources to use real site-specific data on configurations, emissions, meteorology, or terrain. EPA does not have to require monitoring to verify emissions or ambient concentration estimates. EPA can allow use of unapproved cancer potency factors.

It would be difficult to design a process more subject to manipulation.

(6) Health Protection Further Delayed. The Administration draft also allows an extra two year extension whenever EPA concludes there's a threat of shutdown. The shutdown threat could be abused to further delay the installation of pollution controls.

(7) New Sources Built in Violation of Health Standards. The Administration draft lets some new and reconstructed sources operate for up to 12 years in violation of health and environmental standards. Even new sources would be eligible for the buy-out option in lieu of installing necessary controls.

Statement of The Problem

According to the compromise, sources which are subject to a 1 in ten thousand risk standard which is developed on an industrial category basis, may submit a site-specific health assessment of the risk posed from that source. The source could show that it is not subject to the category-wide standard because the actual cancer risk posed to the most exposed individual in the community does not exceed one in ten thousand. As part of this demonstration, the source may employ "mitigation measures" to reduce the expected risks of carcinogenic effects to actual persons living within the vicinity of the source. This might include the use of tall stacks to promote pollutant dispersal or relocating people who are living in the area of greatest exposure.

It is fundamentally bad environmental and public health policy to allow the use of "risk management" strategies that permit pollution dilution or dispersal, or receptor manipulation in lieu of pollution reduction. If Congress officially authorized such activity it would be approving a concept which is fraught with errors during implementation and immoral in its potential outcome, since it may result in exposing a greater number of people to a lower concentration of carcinogens in order to reduce the concentration that other people receive. The specific problems the use of "mitigation measures" create includes:

1. Major prospect of erroneously including or excluding people from protection by manipulating exposure assumptions or using incorrect data.
2. If pollutant dispersal techniques are used, people living outside the dispersal zone might well be exposed to higher levels of carcinogens than if nothing were done or if pollution reduction were used instead of dispersion.
3. The same is true of people relocation strategies. Those who are not in the relocation program will be subjected to higher levels of carcinogen exposure than would be the case should pollution reduction be used to protect the most exposed people.
4. Indeed, concentrations of carcinogens might be increased for people living beyond the "mitigation zone" as long as they did not exceed the one in ten thousand cancer risk level. Increases in exposure to carcinogens should never be a policy adopted in federal law.
5. Often workers within a plant are ancillary beneficiaries of pollution reduction requirements because plant levels of carcinogens are reduced as well. The use of mitigation measures eliminates the "extra" in-plant benefits.

Are These Problems More Theoretical Than Real?

Absolutely not. A controversy regarding "buy out" activities rages in Louisiana today. In 1988 the Georgia Gulf Corporation facility in Plaquemine, Louisiana bought out a small community of two dozen homes located next to the plant called Revilletown. The facility manufactures poly-vinyl chloride and other chemicals. The "buy out" which destroyed a black community in existence

for more than 100 years, was initiated in response to a law suit brought by some of the residents when blood levels of vinyl chloride in the blood of children living in Revilletown was found to be several times above levels considered safe by public health officials. While the buy out did eliminate from further exposure the residents of Revilletown who lived closest to the plant, it did nothing to protect other nearby residents.

In 1989, Gerogia Gulf applied to the Louisiana Department of Environmental Quality for a modification of its air permit in order to increase its emissions of PVC particulate, ethylene and other chemicals as part of a project to expand production of PVC by 400 million pounds annually. Clearly, this increase in emissions would not have been feasible, but for the removal of the residents who had previously been the most exposed. Just as clearly, the remaining residents will be exposed to higher risks from greater exposure to PVC which has been linked to cancer, liver and kidney damage.

Amendment to preserve existing law for residual risks ("protect public health with an ample margin of safety") pending study by NAS and recommendations to Congress by the risk policy commission.

p. 251, lines 3-4: delete the last sentence of paragraph (7).

p. 251, line 17, delete "If the Administrator" and all that follows through p. 252, line 4. On p. 252, line 5, before "Administrator" insert "The".

p. 252, lines 8-9: delete " the authorities of subsection (f) or (g), as appropriate." and insert in lieu thereof "the authority of subsection (f).".

Strike p. 252 line 19 through p. 253 line 22.

Strike p. 260 line 10 through p. 261 line 13.

p. 261, line 14: change subsection (g) to (f) and renumber all succeeding subsections accordingly.

p. 261, lines 17-20: delete the first sentence of this paragraph.

p. 262, lines 1-6: delete the last sentence of this paragraph.

p. 266, line 9: insert a period after "limitation" and delete all that follows through line 12.

p. 266, line 16-17: delete "or alternative emissions limitation established pursuant to paragraph (3) or (4)".

Strike everything from p. 267, line 1 through p. 277, line 16.

p. 277, line 17: Change "(10)" to "(3)" and renumber the following paragraphs accordingly.

Strike p. 282, lines 13-21.

Conforming Amendments

p. 251, line 2: change "(s)" to "(r)".

p. 251, lines 13-14: strike "subsections (f) and (i) (4)-(8)" and insert in lieu thereof "subsection (f)".

p. 262, line 19-20, and p. 264 line 4: strike "(d), (f), or (g)" and insert in lieu thereof "(d) or (f)."

p. 266, line 3: strike "(f), (g), or (h)" and insert in lieu thereof "(f), or (g)".

p. 266, line 24: change "(15)" to "(7)".

p. 278, line 4: change "(l)" to "(k)".

p. 279, line 1: change "(j)" to "(i)".

p. 279, line 7: delete "or (g)".

p. 281, line 14: change "(l)" to "(k)".

p. 283, line 2: change "(d), (f), or (g)" to "(d) or (g)."

p. 283, line 17: change "(d), (f) and (g)" to "(d) and (f)".

p. 284, line 15: change "(f) or (g)" to "(f)".

p. 284, line 21: change "(d), (f) and (g)" to "(d) and (f)".

p. 285, line 5: change "(l)" to "(k)".

p. 286, line 8: change "(l)" to "(k)".

p. 287, line 13: change "(l)" to "(k)".

p. 288, line 9: change "(i)" to "(g)".

p. 289, line 23: change "(l)" to "(k)".

p. 291, line 4: change "(l)" to "(k)".

p. 300, line 5: change "(k)" to "(j)".

p. 311, line 3: change "(w)" to "(v)".

p. 312, line 6: change "(d), (f), and (g);" to "(d) and (f);".

PHOTOCOPY PRESERVATION

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REF # 00000000 MMC: BY: ENDR: PS- OUT: 00000000 BY:

REF: CORE COND: KATIE RM: 00000 PXT: 44024
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AUTHORIZED BY: S. H. RECEIVED BY: _____ DATE: _____ TIME: _____

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FF: GORE CONT: KATIE RM: SR393 EXT: 44944

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	Senator	Staffer	Rm
3553	Senator Cranston ^{web}	Clare Thorne	H 112
6244	Bryan ^{web} (YES)	Jim Hays	R 358
hold off → call later 3 min. will call	Leahy * ^{web} R 433 (YES) ^{up}	Andy Fish ^{224 2035}	R 433
5852 web	Wirth * (YES)	Russ Shay	R 3 -
	Bob Kerrey	Graham Christen	H 302
2742 web	John Kerry (YES)	Sally Yozell	R 421
3254 web	Tom Harkin ^{web}	Sandy Thomas ^{will try to get answer by noon.}	H 316
6472 web	Rockefeller ^{web}	Paul Toffe	H 724
3841 web	Pete Wilson * ^{web}	Ed Heidig ^{wants to show to senator first.}	H 720
yes	Lautenberg (YES)	Ric Erdheim ^{will look for it.}	H 717
2621 web	Adams ^{web}	Ann Badgely	H 573
it is back out of country	Kennedy ^{web}	Mimi Brody	R 315
4041 web	Lieberman * ^{web spoke to Henry}	Bill Bonukian	H 502
4642	Bradley	Curtis Bohlen	H 731
↓ web	Pelt (YES)	Bill Bryant	R 335

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 for. to pres → core. expectations
 improvements by Sep.
 2007.

		CAPITOL JAN S-148	
	Senator	Staffer	Rm
3553	Senator Cranston ^{web} YES	Clare Tierne	H 112
6244	Bryan ^{web} YES	Jim Hays	R 358
hold off call 7:30 am	Leahy ^{* web}	Andy Fish ^{234 2035}	R 433
5852 web	Wirth ^{* YES}	Russ Shay	R 3 -
	Bob Kerrey	Graham Christen	H 302
2742 web	John Kerry ^{YES}	Sally Yozell	R 421
3254 web	Tom Harkin ^{web}	Sandy Thomas ^{will try to get answer by noon.}	H 316
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4041 web	Lieberman ^{web spoke to Henry}	Bill Bonillian	H 502
4642	Brady	Turns Bohlen	H 731
↓ web	Pell ^{YES}	Bill Bryant	R 335

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improvements by Sep.
2000.

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Durksen