

U.S. Sanctions Required to Enforce Whaling Ban

In a decision likely to put further strains on trade relations between the United States and Japan, a federal judge has ruled that the Administration is legally obliged to enforce economic sanctions against Japan in retaliation for Japan's failure to accept international controls on whaling.

The decision, which has been hailed by conservation groups, will require the Administration to slash by half the amount of fish Japanese vessels can catch in U.S. waters until Japan abides by an international moratorium on hunting sperm whales. The moratorium was voted by the International Whaling Commission (IWC) in 1981 and was due to take effect in 1984. Japan objected to the agreement and is currently the only country known to be hunting sperm whales. In addition, the IWC has approved a 5-year moratorium on all commercial whaling to take effect in 1986. Again, Japan has objected, along with Norway and the USSR.

The IWC has no enforcement powers, but a provision of U.S. fishing legislation, sponsored in 1979 by Senator Bob Packwood (R-Ore.) and the late Senator Warren Magnuson, specifies that any country that undermines IWC resolutions will have its quota for catches in U.S. waters cut by at least half. So far, however, the Administration has declined to invoke the Packwood-Magnuson amendment. Instead, it worked out a deal with Japan last November under which Japanese whalers would be permitted to catch up to 400 sperm whales in 1984 and 1985 without triggering U.S. sanctions, on condition that they promised to cease all sperm whale hunting at the end of the 1987 season. In addition, the agreement would permit Japanese whalers to catch up to 200 sperm whales in 1986 and 1987 if they agreed to cease all commercial whaling by 1 April 1988.

The Administration argued that although the agreement did not conform to the IWC resolutions, it would eventually achieve the goal of getting Japan out of the whaling business. Therefore, the Administration reasoned, there was no need to invoke the fishing sanctions.

Conservation groups did not see it that way, however. Several organizations filed suit in federal court to force use of the Packwood-Magnuson amendment and on 5 March Judge Charles R. Richey agreed with them. He noted that Congress, in passing the amendment, "wanted to send out a clear message to the world that the United States was committed to being in the vanguard of the fight to preserve the whale." The amendment, Richey ruled, does not permit the Administration to proceed with its "own particular vision of whale preservation." The Administration immediately appealed.—COLIN NORMAN

Superfund Needs Superfunding (and More)

The problem of hazardous waste cleanup is far larger and much more costly than the Environmental Protection Agency (EPA) has estimated, a new report released by the Office of Technology Assessment (OTA) says. EPA and Congress should rethink the basic goals and structure of the current Superfund program if hazardous waste sites are to be adequately cleaned up to minimize risks to public health and the environment.

The report outlines a whole new plan to address the weaknesses of the current program. The recommendations will provide ammunition to federal legislators who are pushing for substantial increases in the Superfund budget and want to change the 5-year old program. Superfund reauthorization legislation and its budget bill for fiscal year 1986 are currently winding their way through Congress.

The report, "Superfund Strategy," estimates that there are 10,000 sites that qualify for priority cleanup instead of the 2,000 calculated by EPA, which administers the Superfund program. Cleanup could cost \$100 billion and take decades. Last year EPA estimated the total expenditures for cleanup would reach \$33 billion.

The report details the vast number of problems associated with hazardous waste cleanup, which taken together, seem intractable. There are 93,000 waste landfills in the United States, of which 75,000 are located on

industrial sites. "We know little about them," the report says.

While acknowledging that Superfund "has made some progress," OTA says that the program as a whole has made little headway. There is still much uncertainty about health and environmental effects of many chemicals. Current technology is inadequate to detoxify many sites. Local, state, and federal authorities have not agreed on "How clean is clean?" Funding of the program is complex and uncertain. Even hazardous waste landfills that are intended to be temporary storage sites for wastes from other sites are leaking.

The report suggests that the root of many of the Superfund's problems is that the program was originally conceived as a temporary measure. But since the program was established 5 years ago, the scope of the problem has dramatically changed. In addition to EPA's estimates, OTA projects that cleanup will be needed at 5000 more solid waste landfills, 1000 operating hazardous waste facilities, and an additional 2000 unregulated sites.

In the near term, "it is technically and economically impossible" to permanently cleanup EPA's estimate of 2000 sites alone. The report outlines a plan that sets short- and long-term goals. It recommends that during the next 15 years hazardous waste sites be quickly isolated and stabilized to reduce human exposure by various simple methods and that permanent cleanup be achieved over the long term. Low cost and rapid remedies include pumping to limit contamination of aquifers, placing covers over the sites to prevent water from carrying away wastes, or excavating wastes and storing them above ground at the site.

In the long term, more money will have to be spent on new technologies and training. So far, "relatively little emphasis has been placed on... research, development, and demonstration of innovative, permanent cleanup technologies, and building up an adequate supply of technical personnel," the report notes. It remarks that Congress "may wish to consider" formulating a clear policy statement about the long-term goals of Superfund and the strategy EPA should pursue, but the report's findings indicate that reshaping Superfund is imperative.

—MARJORIE SUN