

EPA Relaxes Hazardous Waste Rules

The agency gets bad marks from environmentalists, legislators, and the GAO

The Environmental Protection Agency (EPA) during the past year has suspended, postponed, or revised many regulations governing the handling of hazardous waste. Under the direction of Anne M. Gorsuch, the agency, in effect, has assigned industry the responsibility of policing itself, a policy shift that has incensed legislators and environmentalists.

"The Administration has set disgracefully low goals for itself, and it is meeting them" says Representative James J. Florio, the New Jersey Democrat who sponsored the "Superfund" legislation that provides money to clean up abandoned waste sites. Kristine Hall, an attorney for the Environmental Defense Fund, which has filed several suits against EPA concerning hazardous waste, says that "there is little in place right now that governs hazardous waste."

Gorsuch's new policy has also rankled officials within her own fold. Hugh Kaufman, assistant to the director of hazardous waste site programs, says, "It's crazy what's going on."

The task of tracking hazardous waste from "cradle to grave" to ensure its safe disposal is enormous. Every month 90 million kilograms of hazardous waste are produced, including substances that are cancer-causing, caustic, flammable, and explosive. There are at least 10,000 transporters of waste and as many as 20,000 facilities to store, treat, or dispose of this chemical refuse. In the past, the whereabouts of hazardous waste has gone unchecked, a situation that has created alarming problems such as the abandoned waste sites at Love Canal and elsewhere.

Nevertheless, under the Reagan Administration, EPA has taken the following actions that many regard as setbacks for controlling hazardous waste:

- It has repeatedly postponed issuing regulations for permits to store, treat, or dispose of hazardous waste. Until the permit regulations are promulgated, companies that perform these services are operating under few federal restrictions. EPA is to propose shortly that the landfills where hazardous waste is buried be allowed to expand by up to 50 percent of their present capacities.

- EPA has suspended a requirement that companies submit an annual report

describing in detail how much and what kind of hazardous waste they are handling. EPA contends that it can compile statistics about the industry by surveying 10 to 15 percent of the companies. Similarly, the agency has suspended a requirement that industry file a yearly report on groundwater conditions near a waste site. Environmentalists argue that dropping the reporting rules eliminates the only public source of information on these companies.

- After more than a year's delay, the agency recently proposed a national plan

id waste and emergency response. Lavelle, 34, was state director of consumer education while Ronald Reagan was governor of California. She was also director of communications for subsidiaries of Aerojet-General Corporation in California. Last year, Aerojet-General's liquid fuel plant was cited by EPA as one of the 40 most hazardous chemical waste sites in the nation. In 1979, state officials accused the company of dumping 20,000 gallons a day of hazardous waste into a swamp and pond. The matter is now before a California court.



that outlines how Superfund money will be allocated and what emergency help EPA will provide if public health or the environment is endangered by hazardous waste. Hall of the Environmental Defense Fund and others argue that the plan lacks sufficient detail.

- According to agency officials, Administrator Gorsuch has deferred and seriously considered dropping a rule that will require companies that treat, store, or dispose waste to carry liability insurance.

- EPA is not actively regulating alternatives to landfill burial, such as incinerators. Current regulations govern only new incinerators, not existing ones.

- EPA recently lifted a ban on the dumping of liquid waste in landfills, but the suspension caused such a furor that it was reimposed less than 2 weeks later.

The hazardous waste program and Superfund is headed by Rita Lavelle, who was confirmed by the Senate on 31 March as assistant administrator for sol-

Hall says that progress under the Carter Administration was slow after Congress in 1976 passed major legislation to monitor hazardous waste—the Resource Conservation and Recovery Act. But during Carter's tenure, "there was at least a good faith effort," she says. What progress was made "has all changed."

Perhaps the most disturbing aspect to many is that EPA has not yet issued the permit regulations for landfills, although they were due in 1978. EPA missed the latest deadline of 1 February imposed by federal district court. The court order resulted from a lawsuit filed by the Environmental Defense Fund against the agency. The Court of Appeals is scheduled to hear the case in May or June.

Even if the regulations are issued soon, EPA, by its own estimate, will need at least 8 years to issue most of the permits. Environmentalists say it will take even longer—perhaps 15 years or more, according to a recent report by the National Wildlife Federation and the

American Environmental Safety Council.

In the meantime, hazardous waste facilities can operate largely unfettered by EPA. The agency only requires facilities that handle more than 1000 kilograms per month to register with EPA.

A report published last September by the General Accounting Office (GAO) found the interim program highly deficient and concluded that hazardous waste facilities "may be endangering public health and the environment." The report said, for example, that the process of registration is inadequate because registration forms required no information on a company's plans for waste analysis, security systems, personnel training, site inspections, emergency plans, or record-keeping.

Furthermore, visits to 38 facilities revealed that most of them "did not meet the regulations and requirements" of compliance. The rules were largely administrative, not technical and therefore presumably more easy to follow. GAO inspectors found that companies even failed to keep logs of how much waste they handled.

The GAO report cited three examples of unnamed sites that violated state and federal regulations. One facility was annually dumping 4600 tons of chromium lead sludge directly into 40 acres of federally designated wetlands. The wetlands were bordered by a lake that fed into Lake Michigan. At another site, wastewater discharged directly onto the land contained phenol at concentrations 33 times higher than the federal safe drinking water standard. Other inspections revealed leaking drums, storage of incompatible wastes, and drums stored without a system to collect contaminated runoff. "EPA's enforcement actions have not been extensive," said the report.

It is against this backdrop that Gorsuch plans to cut the fiscal 1983 budget for enforcement by 45 percent from the 1981 level and place in limbo a comprehensive program to regulate hazardous waste. Part of her plan is to shift responsibility to the states, which now find themselves in a bind.

During the Carter Administration, many states enacted legislation that mandated their regulations would conform with or be no more stringent than federal standards. State legislators approved bills that were comparable to EPA policy because "they believed the federal system was adequate" and they wanted consistency with other states to remain competitive in order to attract industry, says Jon Steeler of the National Conference of State Legislators. Steeler says

that states are now being pressed by industry to relax their rules to conform with EPA.

The problems with disposal of hazardous waste are heightened further by difficulties concerning the quality of drinking water. A GAO report released in March says that enforcement by three EPA regional offices and the seven states it reviewed "ranged from none to minimal, followed no particular pattern, and were not as timely as they could or should have been." The agency's review did not examine whether the violations resulted in disease or death, but "the potential for such occurrences does exist," it says. The report recommended that EPA set specific guidelines that the states may use to establish better enforcement programs.

According to environmentalists, EPA needs to address the larger question of whether hazardous waste should be banned from landfills altogether and, instead, be treated or incinerated. Gary Dietrich, director of EPA's office of solid waste, points out that landfill disposal is only one-third to one-half the cost of other methods, so that industry has no incentive to opt for alternatives. Dietrich says the alternative methods will become more attractive only if there is a surcharge on landfill disposal or if EPA places a ban on certain materials from landfills. Of the two choices, the agency has the authority only to impose a ban. Dietrich says the agency will eventually move in that direction.

California is already developing a comprehensive plan to ban some substances from landfills and emphasize alternatives. A state government report released in February concluded that "land disposal of hazardous waste is a major source of air pollution, which is largely controllable." The report found high levels of hydrocarbons at major disposal sites and downwind as well. Tests at one dump site in West Covina indicated that it was the largest single emission source in the Los Angeles Basin, topping even a Chevron oil refinery in the area.

EPA, with all the changes in the past year, is a long way from developing a strong program governing hazardous waste. It has modified and delayed hazardous waste regulations, actions that primarily benefit industry. Gorsuch, at a recent press conference, said that the agency has an "unshakable environmental commitment." To interpret EPA's changes in hazardous waste regulations as an affirmation of this pledge takes considerable imagination.

—MARJORIE SUN

Jet Propulsion Lab Director to Resign

Surprising even his own staff, Bruce C. Murray announced on 2 April that he would soon step down as director of the Jet Propulsion Laboratory (JPL), the National Aeronautics and Space Administration's leading center for planetary research. Murray gave no specific date for his departure.

Murray, 50, who has headed JPL for 6 years, has been a vigorous proponent of solar system exploration by unmanned spacecraft. He has also been a frequent critic of recent cutbacks in the program's budget by NASA, the center's main contractor (*Science*, 29 January 1982, p. 459). As a result of the budget reductions, Murray recently committed JPL to a number of unclassified Department of Defense projects that will amount to about 30 percent of the center's work.

Murray announced his resignation almost casually at the end of his annual address at the center in Pasadena, California. He downplayed the problems in the planetary program, saying rather that JPL, with its new direction, needed another director. When Murray took the directorship in 1976, he had said he would stay for 5 years. He plans to take a 1-year sabbatical before returning to his professorship at the California Institute of Technology.—*M. Mitchell Waldrop*

Reagan Signs Order on Classification

On 2 April, President Reagan signed the third draft of a highly controversial classification order. The new executive order reverses a 30-year trend toward reducing classified information (*Science*, 26 February 1982, p. 1080). Among the key issues affecting scientists are:

- Basic research not clearly related to national security may not be classified. (No attempt is made to define "basic research.") In earlier drafts of the Reagan order, this stricture was absent. But, in limiting the classification of basic research, the Reagan Administration is merely restoring the provisions of the previous classifica-