

# The Politics of Lead

In her zeal to make life a bit more tolerable for the refining industry, the administrator of the Environmental Protection Agency (EPA), Anne Gorsuch, took some ill-considered steps toward abolishing controls on lead in gasoline last winter. The results, which appeared in hearings in mid-April, were a public relations disaster for the EPA and the refiners.

The ill effects appeared in two sets of hearings. The first was chaired by Representative Toby Moffett (D-Conn.) on 14 April before the House subcommittee on environment, energy, and natural resources. It dealt with backstage machinations at the EPA, revealing how Gorsuch had responded to lobbying by Senator Harrison Schmitt (R-N.M.) by promising not to enforce gasoline lead standards against a company in his state. Gorsuch told the company on 11 December not to worry about the regulations because she had already been lobbied by the Vice President himself, who had asked her on behalf of the entire refining industry to do away with the standards. She said, according to four sworn witnesses, that she hoped to "drastically revise or abolish" the lead standards in 1982.

The second group of hearings, run by the EPA's staff, were held in Arlington, Virginia, on 15 and 16 April. They were the outcome of Gorsuch's pledge to the Vice President in that they were the official proceedings to elicit public comment on the EPA's attack on lead standards. That proposal was made public in the *Federal Register* in February (see *Science*, 12 March, p. 1375).

By juxtaposing his own hearing next to the EPA's, Moffett intended to show the latter was a sham and to demonstrate that the EPA administrator had decided the issue before the facts were in. Through her staff, Gorsuch has denied this allegation, saying no decision will be made until all the data on lead have been collected and analyzed.

The appearance of neutrality was shattered, however, by the evidence released at Moffett's hearing. It came out that Gorsuch and her staff had met in private with delegates from the refining and lead industries to discuss the lead regulations on 32 occasions between May 1981 and March 1982. No public observers went to these meetings. The fact that the EPA met with the refiners is not alarming in itself, says one senior health official who is irate about the way this issue has been handled but fearful of speaking for attribution. It is alarming, he says, that during all those months the EPA did not once seek information on new data becoming available on the toxic effects of lead. The accumulating evidence suggests that lead has a devastating effect on the central nervous system at concentrations that only 20 years ago were thought safe.

The best documented of the refiner meetings took place at 10:00 a.m. on 11 December and included Gorsuch, Larry Morgan of Senator Schmitt's staff, two other EPA officials, Gerald Preston, then vice president of the Thriftway gasoline company of New Mexico, and two consulting attorneys for Thriftway, William Cockrell and Edward Shipper. The meeting, arranged by Senator Schmitt, was intended to give Thriftway a chance to ask Gorsuch for a special waiver allowing the company to add more lead to its gasoline. Gorsuch did not grant the waiver in writing. But, according to four participants in the meeting, she gave her

word that she would not enforce the existing standards, and she encouraged Thriftway to ignore them.

Moffett asked the inspector general of the EPA to investigate. The inspector's report, dated 5 April, conveys the spirit of the occasion. Summarizing Preston's account of the meeting, the report says: "After the meeting he and Messrs. Cockrell and Shipper discussed the matter among themselves. They decided to keep their 'mouths shut' regarding Mrs. Gorsuch's intention not to enforce the regulations other than to Thriftway officials."

Among the subpoenaed documents was a memo to the file written by Shipper on 11 December. It said, in part:

Again, however, she [Gorsuch] noted that EPA's lead phase-down regulations would probably be revised and perhaps even abolished during the course of the upcoming rulemaking, in accordance with Vice President Bush's expressed intentions. . . . We all thanked her and then left to meet John Hernandez for a social visit. Larry Morgan, however, remained behind with Gorsuch momentarily. When he came out he told us that the administrator explained to him that she couldn't actually tell us to go out and break the law, but that she hoped that we had gotten the message.

Preston's account supports this record, as does a memo written independently by Cockrell. Cockrell has Gorsuch saying that "EPA would not be committing resources to enforce regulations it intended to abolish."

When representatives of the refining industry testified before the EPA on 15 April, the day after Moffett released this material, they were understandably subdued. In giving their comments, the industry divided essentially into two groups: those that had already made the investment necessary to comply with the standard due to go into effect next October (no more than 0.5 gram of lead per gallon of gasoline) and those that have not made the investment.

Naturally, the first group includes the bigger companies. But many independent companies testified that they had made the investment and were prepared to meet the standard, if all their competitors were forced to meet it too. Several large refiners said they were running their reformers, which produce the high-octane fuel used in place of lead additives, at only half capacity. They suggested that they could sell surplus high-octane stocks to smaller companies at a discount. The companies that have not installed reformers said simply that they would not be able to survive if the 0.5 gram standard is put into effect.

The refiners did not present data on the health hazards of leaded gasoline, saying instead that they would try to meet any reasonable standard the EPA deems safe. They asked most importantly that the EPA close loopholes that give an advantage to gasoline blenders and importers.

Several physicians and researchers described the hazards of lead pollution in horrific terms, suggesting that auto exhaust contributes significantly to the "silent epidemic" of lead toxicity, as one called it, that affected 22,000 children in the United States in 1981. The only witnesses who challenged the physicians head on were the lead manufacturers and their scientific consultants. They argued that lead in paint is a greater hazard than lead in gasoline, and that the effects of low-level lead toxicity are not well understood.—ELIOT MARSHALL