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RACHEL'S HAZARDOUS WASTE NEWS #292

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News and resources for environmental justice.

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WHAT HAS GONE WRONG?--PART 1: CONGRESS CREATES A MONSTER: THE ATSDR

When chemical wastes hit the headlines in 1978 the name "Love Canal" entered the American vocabulary. Suddenly Rachel Carson's vision of a "silent spring" seemed real: the genie of modern chemical technology had turned upon its master. In truth, it was the chemical industry's worst nightmare: they had known since the late 1950s that burying chemicals in the ground did not get rid of them but merely created pockets of poison. But they were hooked on cheap disposal so they kept doing it anyway, hoping against hope that no one would find out. (See RHWN [#97](#) and [#98](#).) By that time industry had produced--and stashed SOMEWHERE--about 100 trillion pounds of hazardous wastes, enough waste to create a highway to the moon 100 feet wide, 10 feet deep.

When things hit the fan at Love Canal in 1978, many chemical executives thought it was all over. The 50-year chemical joy-ride was finished. The public knew. There was no way to pretend any longer. Perhaps the chemical industry itself was finished.

But these chemical-industry doomsayers were wrong. Congress could be counted on to help out, and help out it did.

In 1980 Congress passed the "Superfund law" to clean up all the Love Canals--all 32,000 of them, or all 439,000 of them, depending on which government estimate you accept.[\[1\]](#) In the 1980 law, Congress gave the bulk of the cleanup job to U.S. Environmental Protection Agency [EPA], but it also created a new unit of government inside the U.S. Public Health Service, called the Agency for Toxic Substances and Disease Registry (ATSDR, usually pronounced one letter at a time, A-T-S-D-R).

According to the 1980 law, ATSDR's "mission is to prevent or mitigate adverse human health effects and diminished quality of life resulting from environmental exposure to hazardous substances." ATSDR

was supposed to measure the HUMAN HEALTH aspects of hazardous waste sites so illness could be prevented or mitigated. At the time, this seemed a bold and worthy goal. In retrospect the 10-year history of the agency has proven to be anything but bold and worthy, as we shall see.

From 1980 to 1983, the Public Health Service simply refused to create ATSDR. A lifelong bureaucrat and physician named Vernon L. Houk was in charge, and he just put ATSDR on a shelf and thumbed his nose at Congress. Houk was honest about his feelings: he said ATSDR wasn't needed because chemicals don't harm people. ATSDR was finally created in 1983 by a lawsuit filed jointly by the Environmental Defense Fund (EDF), the Chemical Manufacturers Association, and the American Petroleum Institute, all seeking to force Houk and the Public Health Service to comply with the law.

It is not hard to imagine why EDF wanted ATSDR, but why would the Chemical Manufacturers Association and the American Petroleum Institute want ATSDR created? And particularly under Houk's leadership? (We'll explore this mystery as we go along.)

By 1985 ATSDR was two years old but under Houk's leadership it was a "crippled" agency that "still did not have a clear agenda and work plan and had not produced any substantial work on the health aspects of hazardous waste sites," according to the National Academy of Sciences.[\[2\]](#)

In 1986 Congress reacted to ATSDR's 5-year failure by giving the agency more responsibility, requiring the agency to:

- (a) conduct health assessments of every site listed on, or proposed for, the National Priorities List (or NPL, the official list of dangerous old dumps needing Superfund cleanup);
- (b) establish a priority list of chemicals found at Superfund sites;
- (c) produce toxicological profiles for each substance on the list;
- (d) and undertake studies of the health effects of hazardous substances and hazardous waste sites.

Congress gave ATSDR two years to produce health assessments at all 951 sites that had been put on the Superfund list as of October 17, 1986, and one year to produce health assessments for any site added to the list (or proposed for the list) thereafter. The first requirement meant that ATSDR had to crank out almost two health assessments EACH DAY for the next two years. The second requirement meant ATSDR had to produce studies of health effects at a site well before EPA itself completed initial site evaluation. It is EPA's initial site evaluation that produces the bulk of the data about what chemicals were dumped at a site and where they have gone, so ATSDR was required to study health effects four to five years before data was available about particular toxins and possible pathways of exposure.

Combined with Houk's conviction that the agency had no valid role because he "knew" chemicals never harmed people, the new Congressional requirements guaranteed ATSDR would produce shabby,

inconclusive work, and sure enough that has become the hallmark of ATSDR. In fact, a new report on ATSDR's performance, released this week is titled **INCONCLUSIVE BY DESIGN: WASTE FRAUD AND ABUSE IN FEDERAL ENVIRONMENTAL HEALTH RESEARCH**.^[3] The title refers to the fact that, in the vast majority of its health assessments to date, ATSDR has chosen to employ techniques that cannot discern the kinds of health effects Congress told it to study.

This early history of ATSDR produced two results, both of which directly benefited the member corporations of the Chemical Manufacturers Association and the American Petroleum Institute. First, as the National Academy of Sciences has noted,^[4] by creating ATSDR as it did, Congress appeared to "absolve EPA of the need to directly incorporate public health considerations into site assessments." This left EPA free to spend its time conducting "risk assessments"--mathematical exercises nearly devoid of data--instead of assessing the health consequences of chemicals.

Secondly, ATSDR pumped out a tremendous number of bad studies, the vast majority of which found no human health problems, just as Houk predicted. ATSDR itself concluded that, of the 951 sites it initially studied, the data were adequate for evaluating environmental contamination and public health risks at only 31 percent (295) of the sites.^[5] This means the agency knew that 656 of the 951 studies it produced were based on data that were inadequate to support ANY conclusions. In truth, it adds up to a massive scientific fraud. Yet ATSDR pushed those studies out the door bearing the stamp of the U.S. Public Health Service--averaging more than one flawed study EACH DAY for two years.

There were two important results from all this:

First, major polluters and their apologists could--and still do--use these low-quality studies as weapons to silence citizens concerned about chemical exposures. For example, **FORBES** magazine says in its July 6, 1992, issue, "Mainstream scientific opinion is now agreed that the danger from toxic waste was vastly exaggerated."^[6] ATSDR has produced more than a thousand bogus studies that support such a conclusion.

Second, as the National Academy of Sciences has said, "The health of the public has remained in jeopardy at many sites long after the risks could have --and should have--been identified."^[7] As the National Academy concluded in a book-length study published late in 1991, "hazardous wastes have constituted a significant health hazard to specific populations at specific sites." **HOW MANY** specific sites affecting **HOW MANY PEOPLE** is the key question, but neither EPA nor ATSDR has an answer, despite a direct mandate from Congress to develop an answer. It is a sorry record indeed.

In its clinical language, the National Academy study indicts both EPA and ATSDR for their failures. But to learn the human side of these failures, you must read the new report on ATSDR released this week by the Environmental Health Network (Harvey, Louisiana) and the National Toxics Campaign (Boston, Mass.). It offers a litany of the agency's wrongdoings and wrong-headedness, from the perspective of citizens. From a series of case studies--Jacksonville, Arkansas; Texarkana, Texas; St. Gabriel, Louisiana; North Hampton, New Hampshire; and Hope, Maine--you can begin to get a sense of what it

is like for victims living near a dump when ATSDR comes to town. Often the agency arrives unannounced, conducts a health assessment without ever speaking to a single individual who has complained of symptoms that may be related to chemical exposures, and leaves. Results of the study will be released a year or so later, with no explanation of what the results mean.

The report ends with a series of specific recommendations for reforming ATSDR. The time is ripe for change. Vernon Houk has now developed cancer of the larynx and is undergoing radiation therapy, so he is no longer the gray eminence he once was. Perhaps the release of this new report, with attendant publicity, can jolt the ATSDR into a new view of the importance of its own mission. The problem of hazardous waste continues to increase at a steady 6.5 percent each year, doubling every 11 years. FORBES magazine and the polluters like to pretend the problem isn't serious, but the National Academy of Sciences says different. Valid studies of health effects are needed now more than ever, and significant efforts to fix ATSDR are fully warranted.

--Peter Montague, Ph.D.

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[1] Anthony B. Miller, and others, ENVIRONMENTAL EPIDEMIOLOGY, VOLUME 1: PUBLIC HEALTH AND HAZARDOUS WASTES (Washington, DC: National Academy Press, 1991), pg. 76, says EPA estimates there are 32,000 Superfund sites but Congress's Office of Technology Assessment estimates there are 439,000.

[2] Miller, cited above, pg. 65.

[3] Dick Russell, Sanford Lewis and Brian Keating, INCONCLUSIVE BY DESIGN: WASTE, FRAUD AND ABUSE IN FEDERAL ENVIRONMENTAL HEALTH RESEARCH (Harvey, Louisiana and Boston, Mass.: Environmental Health Network, and National Toxics Campaign Fund, May, 1992). Available for \$15 from Environmental Health Network, P.O. Box 1628, Harvey, LA [70058;] telephone (504) 362-6574; or from the National Toxics Campaign Fund, 1168 Commonwealth Ave., Boston, MA 02108; telephone (617) 232-0327.

[4] Miller, cited above, pg. 65.

[5] Miller, cited above, pg. 67.

[6] Peter Brimelow and Leslie Spencer, "You Can't Get There From Here," FORBES July 6, 1992, pg. 61.

[7] Miller, cited above, pg. 94.

Descriptor terms: love canal; congress; atsd; edf: cma; api; american petroleum institute; npl; superfund; environmental health network;

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