

Neighborhood pollution data at risk

By Rachel Morello-Frosch,
Bill Gallegos and Manuel Pastor

Ignorance is bliss, but knowledge is power. That's the crux of a battle brewing in Washington regulatory and policy circles about the future of the national Toxics Release Inventory (TRI). Created by Congress in 1986 in the wake of a catastrophic release of toxic chemicals at a Union Carbide plant in Bhopal, India, the TRI is the bedrock of federal right-to-know laws that provide communities nationwide with information about chemicals that are processed and released by large industrial facilities in their neighborhoods.

On its face, the TRI appears to be little more than a bureaucratic accounting system. The concept behind this regulatory tool is simple: Large firms that emit a threshold volume of chemicals must report to the U.S. Environmental Protection Agency their own estimates of pollutant releases into the air, ground and waterways. The breadth of this reportable information is narrow: While there are an estimated 80,000 chemicals currently approved for commercial use, the TRI program tracks only about 650 of these.

Proposed changes would severely undermine public access to information and set back regulatory efforts to reduce toxic emissions.

Despite this limitation, the TRI is perhaps one of the most successful regulatory tools promulgated by EPA in over a decade. OMB Watch recently reported that since 1988, disposals or releases of the original 299 reportable chemicals have dropped by close to 60 percent. This is in part due to voluntary reductions by firms that wanted to avoid the bad PR associated with being at the top of the list of pollutant emitters.

Indeed, the database and its accessibility to the public are the keys to its success. TRI is now used by environmental groups, community-based organizations, industry managers, state and federal regulatory agencies, attorneys, investment managers and the media. With annual reporting, TRI data has been leveraged to educate and mobilize the public about so-called bad actors — those facilities with persistently high emissions of some of the most toxic pollutants. Industry, on the other hand, has used the database to assess and improve its own performance as evidenced by some impressive emissions reductions over the years.



EMMANUEL DUNAND — AGENCE FRANCE-PRESSE

The Toxics Release Inventory program was launched in response to a 1984 chemical disaster in Bhopal, India, where a skull painted on a wall serves as a grim reminder.

In short, TRI is information-based regulation at its best. The program spurs market forces to promote better environmental performance without cumbersome, complex command and control regulations or emissions reduction requirements.

Unfortunately, the EPA is working to overhaul the program in a way that would severely undermine public access to information and set back regulatory efforts to promote toxics-use reduction.

Proposed changes would switch emissions reporting to every two years rather than every year and would exempt some facilities from having to quantify the amount of pollutants they release by in-

creasing tenfold the required reporting threshold from 500 to 5,000 pounds of emitted pollutants.

While the rationale involves cost reduction, the new standard hardly meets a market test: This approach is the equivalent of reporting corporate earnings performance every other year, which is why many sectors of the business community have strongly opposed changes in the TRI program.

There is even more concern by environmentalists who worry that the off-years for reporting will create an incentive for a sort of biennial emission fiesta. Why clean up in 2006 when you can wait until 2007, then step back up pollution one short year later?

The TRI also has been an essential tool for tracking environmental justice concerns. This past week, the Associated Press released results from its analysis estimating the community health risks posed by TRI emissions. The results showed that African-Americans are 79 percent more likely than whites to live in neighborhoods where industrial pollution is suspected of posing the greatest health danger.

In California, EPA's proposed changes to the TRI could have critical implications for environmental justice. Nearly 60 ZIP codes would lose a significant amount of pollution emission information due to changing reporting requirements, with over half of these tracts having at least 45 percent minority residents and a large proportion of people living below the poverty line. Many of these communities, including some near high-tech but often toxic production facilities in Silicon Valley, have been the epicenter of environmental justice campaigns to hold firms accountable for the impact of their facility operations on surrounding communities.

In one sense, this is part of the Bush administration's broader war on science. But it also works against the community-level and market-driven empowerment that the Bush administration purports to support. By weakening reporting requirements for the TRI, EPA undermines the foundation of right-to-know legislation that has allowed communities to protect public health while allowing industry to improve its performance. Ignorance, we would argue, is not bliss; it's just ignorance.

RACHEL MORELLO-FROSCH is an assistant professor of community health at Brown University. **BILL GALLEGOS** is executive director of Communities for a Better Environment. **MANUEL PASTOR** is co-director of the Center for Justice, Tolerance and Community at UC-Santa Cruz. They wrote this article for the Mercury News.