

Rachel's Environment & Health News

#395 - Risk Assessment -- Part 3: Which Problems Shall We Ignore

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Risk assessment became a hot topic in Congress in 1994. Earlier this year when the Senate passed a bill to elevate EPA [U.S. Environmental Protection Agency] to cabinet status, Bennett Johnston --a petrochemical senator from Louisiana --tacked on an amendment requiring EPA to conduct a risk assessment for every regulation the agency issues. The House of Representatives has not acted on the "EPA elevation bill" for fear that the Johnston amendment would snarl EPA in paper, making the agency even less effective.[1]

Representative Herb Klein has sponsored a new bill, H.R. 4306, called the "Risk Assessment Improvement Act of 1994," hoping to make EPA conduct all its risk assessments according to fixed guidelines.

The National Academy of Sciences in January issued a fat volume called *SCIENCE AND JUDGMENT IN RISK ASSESSMENT* that aims to improve EPA's risk assessments. Yes, risk assessment is enjoying great attention in Washington these days. Why?

The premier think tank on risk assessment --the Center for Risk Management in Washington, operated by Resources for the Future (RFF) -- explains it this way: "The subject of risk assessment has leaped to prominence during the past year, both in Washington, D.C. and at the grass roots.... There are several reasons for the sudden interest in risk assessment, but the major underlying reason is the general recognition that government and private sector resources are scarce and that it is therefore necessary to understand what society gains from environmental laws and regulations. The only analytical method for determining this is risk assessment. Once the premise of scarce resources is accepted, the need to set priorities is unavoidable."

Really? Is it really true that in 1994, for the first time, people recognized that resources are scarce? As H.L. Mencken liked to say, "Balderdash." Resources have always been limited and people have always known it. The point of developing a Constitutional democracy in the 18th century was to allocate resources more fairly than a monarchy had ever managed to do. The whole point of "politics" is to influence the allocation of scarce resources. Will our town have a new nursing home or a new golf course? Will we subsidize public housing or give a tax break to the new incinerator? These are typical political choices in a world where resources are scarce. There is nothing new about scarce resources.

But risk assessment as a substitute for the political process is new. And think tanks to promote risk assessment as "the only analytical method" for learning what we gain from environmental laws are CERTAINLY new. Is risk assessment the ONLY way to analyze the benefits we get from environmental laws? What a silly idea. Who would support a think tank to promote such a silly, undemocratic idea? A recent newsletter from the Center for Risk Management lists the following "major corporate supporters:" Browning-Ferris Industries; the Chemical Manufacturers Association; the Dow Chemical Company; E.I. DuPont de Nemours & Co.; Monsanto Company; WMX Technologies [formerly Waste Management, Inc.]; the General Electric Foundation; and Philip Morris Companies, Inc., among others. "Other corporate contributors" listed in the newsletter are the American Petroleum Institute and the Union Carbide Foundation. In sum, the Center for Risk Management is supported by many of the corporations that have fostered environmental destruction on a global scale for 50 years. Why might these corporations want to promote risk assessment as a way of establishing environmental priorities?

When risk assessment is used to establish environmental priorities, the effect is to decide which problems will be ignored, which destructive behaviors will be tolerated. As we saw last week (RHWN #394), Judge Stephen Breyer, President Clinton's choice for Supreme Court justice and a self-styled expert on risk, says the nation is wasting money worrying about old chemical dumps, pesticides, and nuclear power. It is evident that Mr. Breyer has

reached a personal political conclusion that people exposed to pesticides and industrial chemicals from old dumps don't matter much, and that nuclear power is safe. He believes the American people should ignore these problems and focus resources elsewhere. Naturally he's entitled to his views. Unfortunately, he wants to impose those views on the rest of us, and he proposes a vehicle for doing just that: an elite corps of risk assessment "experts" who will be "politically insulated" from Congress and from the American people. This elite corps would make risk decisions for the rest of us. The public would be less involved than presently. For example, Judge Breyer says, "For reasons I have mentioned, to achieve the public's broader health and safety goals may require forgoing direct public control of, say, individual toxic waste dumps." (African Americans and native people, beware.) And Judge Breyer explains how the elite corps group could defuse public concerns at the local level: the Judge says his system "offers the local [EPA] administrators insulation and protection from criticism. They can answer the locally posed question, 'Is our swamp clean now?' with, 'Yes, the swamp is clean; the risks are insignificant and national technical (system-based) standards say that is so.'" [2] Unfortunately, all the scientists in the world will never be able to determine by scientific methods that the risks of a contaminated swamp are "insignificant." Science cannot determine that. Chemicals that seem safe today are often recognized as dangerous tomorrow, and that will always be the case. Furthermore, science has no way to judge the consequences of exposure to many pollutants simultaneously. Therefore, decisions about how to treat contaminated swamps will always be largely political. Scientists are welcome to join the debate, just like any other citizens. The plain fact is, people are uneasy about strange, unnatural chemicals in their food and water, and even in their local swamp. (Most people are also aware that nuclear power plants can be used to make bombs, and that the threat of nuclear war, even as far from home as North Korea, is a big problem.) People are aware of evidence of increased birth defects, developmental disorders, cancer, and other illnesses associated with pesticides, and with strange chemicals leaking from Superfund dumps. Men today produce half the sperm their grandfathers did, most likely as a result of exposure to "acceptable" levels of unnatural industrial chemicals. (See RHWN #343.) **IT IS RATIONAL TO BE CONCERNED ABOUT SUCH THINGS.** In a democracy, people have a right to be concerned, and to advocate that resources be applied to their concerns. That is politics. That is the American democratic system. It is perhaps understandable that Dow and DuPont might want to substitute risk assessment for the political process because they can "talk turkey" with the risk experts, whereas the public cannot, and thus in a less democratic system these polluters might be spared the costs of cleaning up the massive quantities of environmental poisons they have released for 50 years.

Comparative risk assessment --or CRA, as it is known in the risk biz -- is chiefly a means for increasing the political power of "experts" and reducing the political power of the general public. The experts will decide what is important and what is safe, and-- if people like Judge Breyer have their way--the experts will be allowed to impose their views on the public. But CRA is not an objective, scientific enterprise; for reasons given in RHWN #393 and #394, it is distinctly a political process. CRA "experts" have no more legitimate claim to authority or power than anyone else in society.

Furthermore, CRA simply will not work: who expects people living near a Superfund dump to sit by while the risk experts tell them their problem is insignificant compared to global warming, or that society is better served by spending its money, say, subsidizing nuclear power? Using CRA to set environmental priorities is an invitation to continuous warfare at the local level. It will inevitably lead to new environmental injustices, as the voices of the public are excluded from the debate, and the "experts" --many of them the same people who created major environmental problems we now face --make more bad decisions in a political vacuum. CRA simply will not fly, unless we are willing to abandon democracy. It is apparent that Judge Breyer understands this and is willing to shrink

our democratic freedoms so the experts can have their way with us. Is CRA really the "only" way to analyze problems of risk in a complex society? Of course not.

Instead of prioritizing environmental problems, thus admitting that certain problems will be ignored (and certain destructive behaviors will be tolerated), we could instead make a national commitment to solve all environmental problems. Every county (or even municipal) government could produce a "state of the environment" report that assessed what problems existed and what progress was being made toward (or away from) solutions. Environmental goals could be thrashed out as part of this report, which might be updated every 2 or 3 years. New information would be factored into each update.

As part of this process, every business might be required to complete an environmental audit that would discuss THEIR alternatives to reduce THEIR impact on the environment and public health. No one would be required to implement the alternatives, but merely to "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated," as is required now of federal agencies preparing environmental impact statements under the National Environmental Policy Act.

The publication of environmental audits discussing all available alternatives might lead to public pressure on businesses to adopt environmentally sustainable practices. The pressure might consist of green labeling, taxes on toxics, consumer boycotts, laws, initiatives, or regulations. But these are simply the processes of an informed citizenry in a democracy and THAT is where debate about economic feasibility should come in.

There are many other possible ways to promote rational behavior toward the environment. The point here is not to insist on one particular approach, but to examine the most sensible means of addressing all environmental problems rather than claiming rationality for comparative risk assessment, an inherently irrational system of deciding which problems to ignore.[3]

--Peter Montague

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[1] Terry Davies, "Message From the Director," CENTER FOR RISK MANAGEMENT NEWSLETTER (Spring, 1994), pg. 1. Available free from: Resources for the Future, 1616 P St., N.W., Washington, DC 20036; phone: (202) 328-5060.

[2] Stephen Breyer, BREAKING THE VICIOUS CIRCLE (Cambridge, Ma.: Harvard University Press, 1993), pgs. 73, 76.

[3] Thanks to Mary O'Brien for many ideas on risk assessment, though she bears no responsibility for their presentation here.

Descriptor terms: risk assessment; stephen breyer; epa; comparative risk assessment; bennett johnston; petroleum industry; senate; house of representatives; congress; legislation; herb klein; national academy of sciences; center for risk management; resources for the future; bfi; chemical manufacturers association; dow chemical; dupont; monsanto; wmx; ge; philip morris; american petroleum institute; union carbide; superfund; radiation; nuclear power; pesticides; science; nepa; alternatives assessment; environmental audits; mary o'brien; terry davies;