

Rachel's Environment & Health News

#241 -Citizens Seek Reform Of The Nation's Hazardous Waste Law

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The key federal law controlling hazardous waste is RCRA, the Resource Conservation and Recovery Act. As the name implies, Congress hoped that the 1976 law would stimulate the conservation (saving) of resources and their recovery (re-use or recycling) after use. Unfortunately, from its initial interpretation by EPA (U.S. Environmental Protection Agency), RCRA was viewed as a mandate for "cradle to grave" management of wastes rather than for conservation of resources (which would require an emphasis on not making waste in the first place). This "cradle to grave" view of RCRA has allowed the creation of a lot of "graves" containing toxic wastes, and a lot of hurt, frightened, outraged citizens. The resulting waste was pitted the regulatory-industrial complex against the victims of pollution, which has led to a massive loss of confidence in government and in industry. Citizens have come to realize that industry will get away with whatever it can, and that government is either an active participant in industrial shenanigans or, at best, is hopelessly mired in its own stew.[1]

RCRA, the law, is coming around for re-authorization this year or next. The timetable for such things is a little fuzzy. Congress will take a look, hold some hearings, decide to make some changes, and then will turn back to other matters like looming bank failures, cities (such as Bridgeport, CT) that have entered bankruptcy court and many others that are bankrupt de facto, S&L crises created by crooks inside and outside Congress followed by an S&L bailout now being managed by crooks; George Bush's murky involvement in the "October Surprise"-an alleged Reagan- Bush scheme to ruin Jimmy Carter's re-election bid by making sure the Ayatollah didn't release U.S. hostages until Jan. 20, 1981, just moments after Mr. Reagan was sworn in as President--a scheme which, if it were true, would be treason.

The point is that RCRA is only one thin slice of a decaying pie and Congress really doesn't care about toxic waste anymore. Waste was hot in the early '80s but now Congress sees that this problem, like so many others, can be safely ignored because we have emerged from the Reagan years with a one-party political system. The "loyal opposition" is now so big on loyalty and so small on opposition that the Bush administration has developed hardly any domestic policies whatsoever and needs none. There are simply no effective critics left. For its part, the media is snoozing, mainly because it is now almost entirely owned by the polluters.[2]

Under such circumstances, if toxics activists want anything done, they'll certainly have to do it themselves. The traditional capitol hill approach to environmental reform--schmoozing with the polluters and talking turkey with the turkeys--simply won't cut it anymore.

Reforming RCRA does seem worth a serious effort. RCRA dominates everything about hazardous and solid waste. RCRA frames the government's view of waste. This in turn frames industry's view. The very concept of "waste" is defined in RCRA. "Hazardous" is defined. The government's fundamental approach to the problem is spelled out. These things can make life much easier or much more difficult for people in communities.

That is why some 400 grass-roots groups (perhaps more by now) have joined a coalition called the "War on Waste" to pressure Congress to reform RCRA. These groups seek major changes in the law, including:

A 10-year moratorium on hazardous waste incinerators, municipal waste incinerators, hazardous waste landfills and deep injection wells for waste. In other words, they want to plug the toilet entirely, and what better place to seek such remedies than Congress?

They also want to stop "sham recycling," which is their term for wastes that are being "recycled" by burning them in industrial boilers and cement kilns. (More on this below.)

These groups also want Congress to set 75% as the national recycling goal for solid waste.

They seek other far-reaching reforms in RCRA as well. Worthy goals, all. The "War on Waste" coalition was put together by three Washington-based groups each of which has a network of contacts out in the parts of America where real people live--Clean Water Action, Greenpeace Action, and the National Toxics Campaign. To get active with the "War on Waste" network (or just to get on their mailing list), contact Ken Brown at Clean Water Action: 1320 18th St., NW -Suite 300, Washington, DC 20036; phone (202) 457-1286. Or Lynn Thorpe at Greenpeace Action, 1436 U St., NW, Washington, DC 20009; (202) 462-1177.

But now let's think about an entirely different way of attacking this problem. EPA loves hazardous waste incinerators. But the American public doesn't. This has been EPA's dilemma for almost a decade--ever since EPA officials (living in Washington, we note) decided incineration was their "solution" to the hazardous waste problem. Never mind that incineration didn't "conserve" or "recover" any resources. Forget RCRA, the Resource Conservation and Recovery Act. EPA has promoted incinerators for 10 years despite what RCRA says EPA is supposed to do. EPA simply subverted RCRA. (But a ban on incinerators would be hard for EPA to subvert, so the "War on Waste" coalition is on the right track.)

EPA's real solution to the dilemma has been to exempt industrial boilers and cement kilns from RCRA. That way billions of pounds of hazardous wastes flow not to controversial hazardous waste incinerators but to ordinary combustion units making heat for America's factories and cement kilns. The public doesn't realize it but the vast majority of hazardous waste that is burned is not burned in RCRA-controlled incinerators but in ordinary unregulated or minimally-regulated industrial furnaces and cement kilns. Fifty billion pounds is burned in cement kilns, five billion pounds in officially-regulated hazardous waste incinerators. (See RHWN #174, #206.) The chances are excellent (and getting better all the time) that the factory down the street from you is burning hazardous waste blended with its fuel oil. Where do the toxic emissions go? Into the air of course. This has been going on since 1980 when EPA made it perfectly legally by exempting industrial boilers and cement kilns from all "hazardous waste incinerator" rules. (A creative new citizens' attack on this problem will be described next week.)

--Peter Montague

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[1] A recent article in the NEW YORK TIMES put it well:

"Because of bureaucratic foot-dragging, complex directives from Congress and in some cases ideological hostility, the federal Government has failed to carry out major parts of health, environmental, and housing laws passed with much fanfare in recent years....

"No one can say exactly how many laws are affected by such delays, but Federal officials say the problem has become more widespread in recent years. They cite these examples:

"Two decades after Congress ordered the Environmental Protection Agency to identify and regulate "hazardous air pollutants," the agency has issued emission standards for only seven chemicals....

"The Government has yet to issue final regulations for cleaning up waste sites under a 1984 law. As a result, thousands of companies are operating "under a cloud of doubt and uncertainty," said Theresa Pugh, director of environmental quality at the National Association of Manufacturers....

"There are a million ways for recalcitrant federal agencies to vitiate [gut] a law," said Representative Ron Wyden, Democrat of Oregon." -- Robert Pear, "U.S. Laws Delayed By Complex Rules and Partisanship," NEW YORK TIMES March 31, 1991, pg. A1.

[2] Ben H. Bagdikian, MEDIA MONOPOLY. Third Edition. Boston: Beacon Press, 1990.

Descriptor terms: rcra; hazardous materials; legislation; regulation; cement kilns; pollution prevention; recycling; war on waste; greenpeace; clean water action; ntc; epa; incineration; bifs; new york times; air pollution; national association of manufacturers; or;