

NEDA National Environmental Development Association
Balance

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Dole Wins Top NEDA Award for 1990



Senate Minority Leader Robert Dole

Senate Minority Leader Robert Dole of Kansas has been awarded NEDA's top honor, the Thomas A. Young Distinguished Service

Award, for 1990. Sen. Dole was selected for his long service in behalf of the sensible reconciliation of environmental and economic concerns in forging national policy. This work is exemplified by his role in crafting compromise clean air legislation and in the recent votes on the permitting and enforcement provisions of the Senate version of the Clean Air Act amendments (see related story, below).

Sen. Dole and the 1990 winners of NEDA's other awards -- Balance in Journalism, Outstanding Achievement in Environmental Protection, and Environmental Achievement in the Public Sector -- as well as the NEDA Earth Day Honor Roll members (see story, p. 8) will be honored at the NEDA annual dinner June 20. Contact the NEDA offices for more information.

Close Senate Vote Rejects Alternative Permitting Plan

After a close and hard-fought contest culminating in a 49-51 vote on April 3, the Senate rejected the permitting and enforcement amendment to President Bush's original clean air proposal championed by Senators Don Nickles (R-OK) and Howell Heflin (D-AL), and Minority Leader Robert Dole (R-KS).



Sen. Nickles



Sen. Heflin

The plan would have brought pollution sources under a comprehensive system providing each regulated source, the states, the Environmental Protection Agency and the public with a single document describing the emissions limitations and other relevant requirements applicable to the source.

The battle for the amendment was waged by closely coordinated industry, labor and administration forces, which won an early victory when a motion to table the amendment was defeated. However, the subsequent straight up or down vote on the amendment

continued on page 8



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Podium A Clean Air Bill Designed To Fail



(Podium is an occasional arena for comments by NEDA spokespersons on environmental issues. Here, NEDA President George Carpenter discusses some of the implications of the landmark clean air legislation just passed by House of Representatives. These remarks are adapted

from a speech given by Carpenter at the April 1990 Government Affairs Seminar of the Air & Waste Management Association.)

NEDA/CAAP was one of the first business organizations to voice our support of the president's effort last year to finally make clean air legislation possible. We supported the president's legislation. It was not a great bill for business; it remains the most expensive piece of environmental legislation the world has ever seen. But viewed as a whole, it was the best alternative business has seen in years.

However, we would be remiss if we did not continue to vocalize fundamental flaws which concern us. Briefly put, in some key areas, this legislation is designed to fail.

1) The legislation sets forth a process that allows areas to be designated Nonattainment, but will not allow most areas to be redesignated Attainment.

To become a Nonattainment area is simple, requiring only one year of bad weather, and perhaps as little as a week of abnormal temperatures or stagnant air. But to be redesignated from Nonattainment to Attainment requires an act of God, or at least EPA.

In fact, it takes at least five years of perfect air quality to be redesignated: three years of monitoring data showing no more than three one-hour exceedances at any of the monitors in the nonattainment area; plus six months to one year for a state to prepare the request for EPA to redesignate the area; plus 18 months (as in the House compromise language) for EPA to act on the request; for a total of five to five-and-one-half years of near perfect air quality.

2) We do not have any realistic idea how we are going to deliver the emissions reductions this legislation mandates.

There has been only one study (last year's Office of Technology Assessment report) that even made an attempt to quantify how much emission reduction we could expect to achieve from the controls we could think of. And then we did not even pay any concern to the most startling finding of that report: The application of all known VOC controls will still leave many Nonattainment areas short of the emission reductions needed to achieve attainment.

The OTA study shows that if we do everything we know how to do today, we will fall short of the required 15 percent reduction over five years.

Recently I worked through the 200-plus pages of the House compromise language on Title I, trying to figure out what was different from previous drafts, and what subtle deviousness had been woven into the often contorted language.

I got very discouraged. I realized that our best intentions have succeeded in designing a camel. It is next to impossible for any one person ever to understand the complexity and societal implications of this title. We do know the changes and impacts will be massive. We don't know what the results will be.

And just in case someone should ever make a mistake in deciphering this mess, we beefed up the enforcement provisions to make sure they could ponder the complexity from behind bars.

I believe that we, the environmental professionals in industry, government and the environmental groups, have failed the public. Not only have we created a monster, we can't even explain with any accuracy or understanding what we have done or what we will get.

Balance is published quarterly by the National Environmental Development Association, Inc., a coalition of organized labor, agriculture and industry. NEDA provides a means whereby like-minded individuals and organizations can promote the balancing of environmental and economic concerns in the development of America's resources and the protection of the environment.

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to Attainment
requires an act of
God, or at least EPA.*

NATIONAL ENVIRONMENTAL DEVELOPMENT ASSOCIATION RCRA LEGISLATIVE PROJECT: ISSUES AND POSITIONS

(NEDA/RCRA is one of three NEDA projects focusing on areas of environmental legislation and regulation of concern to industry; the other two are the Clean Air Act Project and the Ground Water Project. NEDA, founded in 1973, is a coalition of industry, agriculture and labor organizations working to ensure a reasonable balance between environmental and economic concerns in the formulation of national environmental policy. This position paper summarizes the views of the RCRA Project on the issues being addressed during the current debate over the reauthorization of the Resource Conservation and Recovery Act. RCRA Project membership includes AT&T, Bethlehem Steel Company, BP America, Chevron Corporation, Dow Chemical Company, Exxon Corporation, IBM, Kaiser Aluminum & Chemical Corporation, Occidental Petroleum Company, Procter & Gamble Company, Sun Company, Inc. and Texaco, Inc.)

■ MANAGEMENT OF NON-HAZARDOUS, RCRA SUBTITLE D WASTES

ISSUE

The universe of Subtitle D encompasses a wide variety of industrial and municipal non-hazardous wastes and management units, each posing different risks and potential impacts to human health and the environment. Little information exists on the bulk of industrial Subtitle D wastes. The program, in most cases, is not being adequately implemented due to lack of resources at the federal, state and local levels.

PROBLEM

Increased public concern as well as perceived inadequacies of the Subtitle D program might lead to efforts to regulate these non-hazardous wastes under Subtitle C. Such regulations would inappropriately burden the present environmentally safe handling of many of these wastes.

SOLUTION

NEDA/RCRA believes that a strong Subtitle D program is necessary to ensure that reasonable, flexible alternatives to regulating industrial Subtitle D wastes under Subtitle C exist. Elements to achieving this goal include:

- Retaining the current state/federal relationship;
- Promoting an integrated waste management approach; and
- Establishing separate categories for certain unique industrial wastes under RCRA Subtitle D, including developing data and performance criteria that take into account potential and actual exposure, economics and waste characteristics. Separate categories should be developed for industrial wastewater, oil and gas exploration and production wastes, mining wastes, and other industrial non-hazardous wastes.

We believe that HR 3735 addresses many of these issues and we support the fundamental Subtitle D approach set forth. In particular, we believe that Section 324 establishes a frame-

work to ensure that these non-hazardous wastes are adequately managed under Subtitle D and not under Subtitle C. To further improve this section, we suggest that an additional waste category for industrial non-hazardous wastewater be included.

■ HR 3735, SECTION 303: SUBMISSION, APPROVAL AND IMPLEMENTATION OF STATE PLANS

ISSUE

There appears to be some public sentiment that would allow states to ban the import of waste. As an incentive to encourage states to develop solid waste management plans, HR 3735 allows states that have approved plans to ban import of non-hazardous waste and prohibits the export of wastes from states that do not have an approved plan.

PROBLEM

A prohibition on the interstate commerce of non-hazardous waste will have a much greater impact on the management of the industrial solid waste stream than authors of the bill expect. For example, some companies ship their non-hazardous waste to hazardous waste treatment facilities because of the nature of the waste. If the prohibition were enacted a company might be forced to use an in-state facility that they believe is not as protective of human health and the environment.

While we believe that the federal government must find a way to encourage the states to site and permit waste treatment and disposal facilities, we are not sure that limiting the interstate commerce of non-hazardous waste is the best way to proceed.

Should Congress decide to continue in this direction, the legislative language should be amended so that access to the much-needed capacity, both non-hazardous and hazardous, for the industrial waste stream is not limited.

SOLUTION

We recommend that the following three activities be excluded from this provision:

- Transport of non-hazardous solid waste between facilities owned by the original generator;
- Transport of non-hazardous solid waste to a hazardous waste facility; and
- Transport of non-hazardous solid waste for recycling purposes.

These limited exemptions are designed to be protective of the environment and not allow municipal solid waste to be shipped to out-of-state landfills.

Finally, the language in the bill limits the interstate bans to non-hazardous waste, and we encourage Congress to retain this language. Such bans should only apply to non-hazardous waste. Hazardous waste facilities are too complex, too specialized and too expensive for replication in every state.

■ **HR 3735, SECTION 201: CONCENTRATION-BASED HAZARDOUS WASTE DEFINITION**

ISSUE

The new definition is based on the specific concentration of any RCRA Appendix VIII constituent in a waste. Below the established concentration level, or cutoff, the waste is no longer considered a hazardous waste. The intent of the new definition is to bring into the Subtitle C regime those wastes that are perceived to currently escape regulation as hazardous wastes. The proposal also allows the EPA administrator the discretion to establish individual concentrations levels, or cutoffs, for specific constituents in Appendix VIII, as deemed necessary.

PROBLEM

The proposed new definition is too broad and will inappropriately bring into the already overburdened Subtitle C program a vast array of new wastes.

As currently written, the cutoff level is determined by an analysis of the waste itself and not of the portion of the waste that might adversely affect the environment, its leachate.

Finally, Section 201 does not adequately address the need for a generic or automatic cutoff for listed RCRA hazardous wastes.

SOLUTION

While NEDA/RCRA supports the use of a concentration-based characteristic to identify those additional wastes that should be regulated as hazardous, care must be taken to avoid bringing into the system wastes that are more appropriately regulated under Subtitle D. To this end we support a stronger and expanded Subtitle D program to ensure that these wastes are adequately managed.

We believe that the concentration-based characteristic must be applied to the waste leachate if it is to accurately de-

termine the risk of the waste, rather than making the determination solely on the concentration of the constituent in the waste, as the draft legislative language would do. A constituent must be mobile in the environment to present an environmental risk.

Finally, we believe that any legislation to reauthorize RCRA must provide for a generic or automatic cutoff for presently listed hazardous wastes at which these wastes will no longer be considered hazardous. This level should be established at the same level as the concentration-based characteristic. This will offer the generator more incentive to treat to less toxic levels before disposal.

■ **HR 3575, SECTION 203: NEW CHARACTERISTICS OF HAZARDOUS WASTE**

ISSUE

This section of the bill would require the EPA administrator to establish seven new hazardous waste characteristics within three years of enactment. These include acute toxicity, persistence and bioaccumulation potential, aquatic toxicity, radioactivity, carcinogenicity, mutagenicity and phytotoxicity.

PROBLEM

Section 3001 (a) of RCRA already requires the administrator to develop new characteristics as may be appropriate. The number of characteristics has not expanded beyond the original four, presumably because reliable tests for other important health and environmental effects do not exist. Adequate tests do not exist for any of the health and environmental effects listed in Section 203, with the possible exception of radioactivity. Even to establish radioactivity as a RCRA hazardous waste characteristic might be counterproductive since capacity for mixed waste does not exist.

SOLUTION

NEDA/RCRA generally supports the use of characteristics rather than listings. The health and environmental effects listed would be more appropriately regulated as criteria for setting regulatory levels for a concentration-based characteristic applied to leachate, i.e., EPA's currently proposed expansion of the TC characteristic. They also could be used as criteria for establishing whether a waste should be listed. We do not, however, support additional listings; instead, all expansions of the hazardous waste universe should be based on the TC characteristic.

■ **HR 3735, SECTION 209: CLASS PERMITS FOR CERTAIN HAZARDOUS WASTE FACILITIES**

ISSUE

Section 209 of the Luken Bill authorizes the EPA to issue class permits for Subtitle C recycling facilities. We strongly support streamlined permitting for RCRA, but there are major problems with Section 209 which would lessen its effectiveness.

PROBLEM

- Section 209 authorizes the use of class permits for Subtitle C recycling facilities only. The authorization should be written more broadly so that class permits can be used for other Subtitle C facilities.
- Ninety-day storage tanks are stringently regulated under existing RCRA rules. Class permits should not be required for them.
- Provisions for annual inspections and the requirement that permit holders suffer the consequences of no inspection are unreasonable and would render the process virtually useless.
- Corrective Action requirements must be handled separately so that they don't interfere with and slow down the class permit process.

SOLUTION

- Amend Sec. 3022(a) to read as follows: "(a) In general — Not later than 18 months after the date of the enactment of the Waste Materials Management Act of 1989, the Administrator shall promulgate regulations requiring each person owning or operating an existing facility or planning to construct a new facility for the recycling of hazardous waste to have a class permit issued pursuant to this section. The Administrator is also authorized to use class permits issued pursuant to this section for such other classes of hazardous waste facilities as he deems appropriate."
- Delete the hazardous waste storage facility provisions in Sec. 3022(c)(2).
- Delete the inspection provisions of Sec. 3022(b)(F).
- Delete the corrective action provisions of Sec. 3022(3)(B).

■ RCRA CORRECTIVE ACTION

ISSUE

The Resource Conservation and Recovery Act, as amended in 1984 by the Hazardous and Solid Waste Amendments (HSWA), provides EPA with a variety of authorities to compel industrial site owners to undertake corrective actions (e.g., ground water cleanup) as necessary to protect human health and the environment. HSWA's provisions are written in general terms and allow EPA considerable latitude to develop a comprehensive regulatory program.

PROBLEM

Neither the statutory language nor its accompanying legislative history explicitly addresses how EPA should determine the cleanup standards and the point of compliance for RCRA corrective actions. EPA's interpretation of these provisions, as indicated in promulgated codification rules and

the draft corrective action regulations, is too broad and will in effect treat almost every industrial facility in United States as though it were a Superfund site.

Specifically, EPA plans to require that the RCRA Facility Investigation (RFI) be conducted on each individual SWMU, instead of allowing the RFI be conducted on a plant-wide basis in areas containing multiple SWMUs, as appropriate.

EPA has also proposed that the point of compliance be at the SWMU boundary as opposed to the property boundary. The application of standards at the SWMU boundary is impractical because in many cases contaminants from these units overlap with each other as well as with contamination from production or product handling areas that are not subject to RCRA regulation.

SOLUTION

RCRA should be amended to allow for the RCRA Facility Investigation to be conducted on groups of SWMUs, as appropriate, rather than on each SWMU individually.

In addition, RCRA should be amended to include specific language stating that plant-wide containment is an acceptable corrective action measure. RCRA Section 3004(u) should specifically authorize applicable ground-water standards to be met at the property boundary, even though the selected corrective action may be designed to minimize the area of contamination and thus may contain the contamination well within the property boundary.

■ NEW REGULATORY PROGRAM TO ENCOURAGE REUSE AND RECYCLING OF HAZARDOUS MATERIALS

ISSUE

The federal government's current hazardous waste regulatory program is being applied to a significant quantity of material that is not actually "waste," but is instead being recycled for material recovery or being stored in anticipation of such recycling.

PROBLEM

The application of EPA's hazardous waste regulations to such materials creates significant disincentives to recycling and undermines the principal objective of the waste management hierarchy: to source-reduce and recycle as a first priority.

SOLUTION

To remove the current disincentives to legitimate reuse and recycling of hazardous materials, Congress should amend RCRA to authorize EPA to establish a new regulatory program to address these materials. Any material covered by this program would not be subject to Subtitle C regulation. These provisions should be carefully drawn to guard against "sham" recycling.

The program should embody the following key concepts:

- Maximize recovery, minimize waste
- Encourage maximum efficient use of basic resources; recycled materials should not be treated as waste material
- Foster recycling, remove current disincentives
- Closed-loop systems should not be subject to RCRA
- General simplified administration
- State administration of programs
- A notification-and-standards approach should apply rather than permitting

When developing standards, EPA should be required to compare the environmental impacts of recycling a material to those associated with using the primary or virgin material. Regulation of recycled material in a manner different from that of primary or virgin material would be based on those greater impacts, so that use of recycled material would not be put at a regulatory disadvantage to that of competing, virgin material.

■ HR 3735, SECTION 303: IMPACTS OF EXPANDING SECTION 303 PROVISIONS TO HAZARDOUS WASTE

ISSUE

Some discussion has occurred about expanding the proposed requirements of Section 303 to the hazardous waste universe. As currently proposed, Section 303 allows states with approved solid waste management plans to ban import of non-hazardous waste. States that do not have approved plans are prohibited from exporting non-hazardous waste.

PROBLEM

NEDA/RCRA believes that the hazardous waste stream in this country is being adequately managed and should not be used as a tool to force states to self-manage their municipal solid waste stream. Also, the expansion of the requirements in Section 303 to include hazardous waste will provide little additional protection to the environment, and will unnecessarily disrupt the management of hazardous waste in this country.

Hazardous waste management facilities are expensive to construct and operate and time-intensive to permit. Consequently they are constructed in locations where they are most needed and most readily sited. Based on the volume of hazardous waste generated, it might not be economically feasible for each state, or company in each state, to construct and operate these facilities. Even the waste management industry constructs its facilities taking into account regional considerations, location of the waste stream, and permitting.

A SAMPLING OF IMPACTS

- 1) One plant in California has not had any success in permitting a hazardous waste incinerator. If such a ban were to go into effect, the incinerator capacity in California is not sufficient to handle all of the wastes, which are now incinerated at facilities in Texas, Louisiana and Michigan. The result would be that wastes would be landfilled in California rather than being incinerated.
- 2) One company landfills all its asbestos waste from plants nationwide at one common, uniquely designed landfill. If such a ban were in effect, proliferation of such facilities would be required, some of which would be undoubtedly be sited in less protective environments.
- 3) Interstate bans would lead to increased commingling of wastes that are now landfilled in monofills, or all with like wastes. Such a practice is much more practical when wastes from large areas are accumulated at a common point.
- 4) Another company has about 60 manufacturing sites located in 27 states within the U.S. In order to ensure environmentally sound handling of the typically small amount of hazardous waste generated at each site, they ship these wastes only to commercial facilities that have been approved by the corporate environmental control department. As a result, only the company's sites in California solely rely on the company's approved in-state hazardous waste facilities. Further, only seven of the 27 states where the company operates currently have appropriately permitted hazardous waste facilities at all.

Any interstate shipment ban on hazardous wastes would significantly increase the number of such commercial facilities the company would have to use and approve, thus increasing risk of future Superfund involvement. Such a ban would also require the unnecessary permitting of many new commercial facilities in states that generate relatively small amounts of hazardous wastes.

Environmental Profile:

Division of Environment, Health and Natural Resources

U.S. Department of State,
Bureau of Oceans and International
Environmental and Scientific Affairs

Established : 1973
Budget: \$17.5M
Executive: Richard J. Smith
Acting Deputy Assistant
Secretary
Staff: 154 civil service and foreign
service officers in Washington;
33 FSOs in embassies abroad
Headquarters: U.S. Department of State
Washington, DC

The Division of Environment, Health and Natural Resources (EHNR) is part of the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs (OES). One of the State Department's 18 bureaus, OES has a broad mandate through EHNR and four other divisions to conduct international affairs concerning the environment, science and space, nuclear proliferation, oceans and fisheries, and population affairs.

EHNR itself has three Offices: 1) Ecology, Health and Conservation, which handles wildlife issues, such as those concerning CITES, the Convention on International Trade in Endangered Species; 2) Environment, which has been active in discussions on acid rain between the U.S. and Canada, and represented the U.S. in the Montreal Protocol negotiations to phase out chlorofluorocarbons; and 3) Global Change.

EHNR's work is important to the business community in a number of ways. For example, the growing consciousness of the transboundary nature of many pollution problems is creating momentum toward international agreements on controlling industrial emissions. Late last

year EHNR took part in a meeting of the Conference on Security and Cooperation in Europe in Sofia, Bulgaria, that saw progress toward future agreements on transboundary waterway pollution and the transboundary effects of accidents.

The division is also involved in the work of the Intergovernmental Panel on Climate Change (IPCC), which coordinates the international research and policy effort concerning the potential greenhouse warming of the earth. The IPCC, which is organized under the auspices of the United Nations Environment Programme and the World Meteorological Organization, sponsors three committees: on the science of global climate change, chaired by the United Kingdom; on the impacts of change, chaired by the USSR; and the committee on response strategies, headed up by the U.S.

IPCC's interim report is due in August and is expected to lead to a framework agreement (similar to the Vienna Convention that preceded the Montreal CFC treaty) and then to negotiations and possible international action on greenhouse gases.

EHNR personnel will be in London in June to take part in the scheduled renegotiation of the Montreal treaty. The original protocol, signed in 1987, called for a 50-percent phase-out of CFCs by 2000. However, recent scientific evidence has created a stronger sense of urgency and the treaty will probably be amended to accelerate the phase-out. Other major issues on the agenda include the incentives required to get developing nations (especially India and China) to sign on, and what sort of education, technology-transfer and funding programs might be necessary.

Both the Division and its parent Bureau are sensitive to the effects of their work on the business climate, and strive to listen to the business community's concerns. There is a standing advisory committee with business members, as well as a similar committee at the Environmental Protection Agency that the Deputy Assistant Secretary sits on. Ad hoc meetings with business leaders are also common.

*Growing
consciousness of
transboundary
pollution problems is
creating momentum
toward international
agreements.*




Ten Corporations Named to NEDA Earth Day Honor Roll

Ten U.S. corporations noted for their efforts to improve the environment have been selected for the NEDA Earth Day Honor Roll. The 1990 winners include:

- Adolph Coors Company, Golden, Colorado; for aluminum can recycling;
- Air Products & Chemicals, Inc., Allentown, Pennsylvania; for flue-gas desulfurization (smokestack scrubber) systems, cogeneration and waste-energy technology;
- Corning, Inc., Corning, New York; for the creation of a ceramics substrate used for catalytic converters;
- Dow Chemical USA, Midland, Michigan; for its Waste Reduction Always Pays (WRAP) program;
- Phillips Petroleum, Bartlesville, Oklahoma; for protecting and enhancing the natural environment at Phillips plant locations;
- Solmar, Inc., Orange, California; for waste treatment management;
- Texaco Syngas, Inc., White Plains, New York; for clean coal technology;
- Union Carbide, Danbury, Connecticut; for reductions in air emissions; chemical spills and accidental releases, in addition to a community advisory panel and an environmental compliance audit program;
- U.S. Windpower, Livermore, California; for clean electricity produced by wind; and
- Zoecon Corporation, Dallas, Texas; for non-toxic insect control.


The awards are designed to increase the awareness of the general public and policy makers about the positive environmental activities of many U.S. corporations. The honorees were chosen by a panel of distinguished judges, including Dr. Michael Col-

lins, former professor of engineering, School of Engineering and Applied Science, Southern Methodist University; Martha Madden, environmental analyst and former Secretary of the Louisiana Department of Environmental Quality; Harold Elkin, senior environmental consultant, Sun Company Inc; Vincent Tocci, former head of the department of communications for the American Chemical Society; and James R. Sheets, consultant to the Building and Construction Trades Dept., AFL-CIO.

Formal recognition and award presentations will take place on June 20, 1990 at the NEDA Awards Dinner in the historic Caucus Room at the House of Representatives (Rayburn Building) in Washington, DC. 

Close Vote continued from page 1

itself was lost, as was a motion to reconsider a few days later. With the administration/Senate compromise clean air plan passed in the Senate (89-11), the action now shifts to the House of Representatives.

Besides Dole, Heflin and Nickles, those voting in support of NEDA's position included Senators Armstrong, Bond, Boren, Boschwitz, Burns, Byrd, Coats, Cochran, Conrad, D'Amato, Danforth, DeConcini, Dixon, Domenici, Ford, Garn, Glenn, Gorton, Gramm, Grassley, Hatch, Heinz, Helms, Humphrey, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nunn, Robb, Rockefeller, Roth, Rudman, Shelby, Simpson, Specter, Stevens, Symms, Thurmond, Wallop and Warner. 



NEDA

National Environmental Development Association

A Coalition of Organized Labor, Agriculture and Industry
1440 New York Avenue NW, Washington DC 20005

Chairman: ROBERT E. COLE, Kaiser Aluminum and Chemical Corporation; President: GEORGE D. CARPENTER, Procter and Gamble Company; Vice President: ANGELO FOSCO, Laborers' International Union of North America; Executive Vice President: STEVEN B. HELLEM; Treasurer and Corporate Secretary: BRUCE HARRISON; General Counsel: LELAND J. BADGER; Board of Directors: J.J. BARRY, International Brotherhood of Electrical Workers; FRANK B. FRIEDMAN, Occidental Petroleum Corporation; JOHN QUARLES, Morgan, Lewis and Bockius; HAROLD ELKIN, Sun Company, GEORGE F. SORN, Florida Fruit and Vegetable Association; JOHN L. STEIN, Anheuser-Busch Companies.

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NEDA AWARD DINNER

JUNE 20, 1990

**I WOULD LIKE TO THANK
THE NATIONAL ENVIRONMENTAL
DEVELOPMENT ASSOCIATION
FOR AWARDDING ME THE**

THOMAS A. YOUNG
DISTINGUISHED SERVICE AWARD
FOR 1990. I KNOW THAT I AM
JOINING AN ESTEEMED LIST OF
PREVIOUS RECIPIENTS WHO HAVE
LED EFFORTS TO PROTECT THE
ENVIRONMENT AND THE PUBLIC
HEALTH, WHILE TRYING TO
PROTECT THE HEALTH OF OUR
ECONOMY AND THE JOBS OF
THE WORKING MEN AND WOMEN

OF AMERICA.

IN RECEIVING THIS AWARD,
I WANT TO THANK THOSE OF
YOU IN THIS ROOM WHO MADE
IT POSSIBLE. THOSE OF YOU
WHO STAYED AWAKE DURING
ALL THOSE LATE NIGHTS DURING
THE MONTH THE CLEAN AIR BILL
WAS NEGOTIATED OFF THE
SENATE FLOOR AND THE WEEKS
WE HAD IT ON THE FLOOR.

AND NOW, AS THE CONFEREES
PREPARE TO RESOLVE THE
DIFFERENCES IN THE HOUSE AND
SENATE BILLS, I KNOW YOU ALL
LOOK FORWARD TO MANY
MORE NIGHTS WITHOUT SLEEP.

IT IS THE DEDICATION TO
PRESERVING A BALANCE
BETWEEN WHAT WE CAN
ACTUALLY ACHIEVE AND WHAT
WE WANT TO ACHIEVE THAT

THIS AWARD WAS CREATED.
AND IT IS THAT DEDICATION
THAT BROUGHT US TOGETHER TO
OBTAIN WHAT IS A TRULY
HISTORIC ACHIEVEMENT IN THE
CLEAN AIR ACT. NO ONE GOT
EVERYTHING THEY WANTED, BUT
THE ENVIRONMENT WILL BE
PROTECTED AND OUR ECONOMY
WILL CONTINUE TO GROW.

I KNOW A TOP ITEM FOR

NEDA IS THE PERMITTING AND
ENFORCEMENT TITLES OF THE
BILL. AND, ALTHOUGH THE
NICKLES/HEFLIN/DOLE
AMENDMENT WAS NOT
SUCCESSFUL IN THE SENATE, WE
CAME CLOSE TO PROVIDING A
MECHANISM WHICH WOULD
ALLOW AMERICAN COMPANIES
AND THEIR EMPLOYEES TO
COMPLY WITH THE VOLUMINOUS

AND COMPLICATED PROVISIONS
OF THE NEW CLEAN AIR ACT.

I BELIEVE MOST AMERICAN
COMPANIES WANT TO HELP
CLEAN AND PROTECT THE
ENVIRONMENT AND WE SHOULD
ENCOURAGE THEIR OFFER TO
HELP, NOT TREAT THEM AS IF
THEY HAD ALREADY BEEN TRIED,
CONVICTED AND SENTENCED.
ALLOWING INNOVATIVE AND

ALTERNATIVE COMPLIANCE
SCHEMES, WHICH IS PROVIDED
FOR IN THE REST OF THE BILL, IS
THE ONLY WAY TO REACH THE
AGGRESSIVE SCHEDULES WE
HAVE SET FORTH. EXPEDITING
THE PERMITS FOR THESE NEW
TECHNOLOGIES AND
RECOGNIZING THAT SOME
FAILURES ALWAYS COME WITH
THE SUCCESSES IS AN ESSENTIAL

PRINCIPLE MISSING FROM THE
SENATE BILL, AND I WILL BE
URGING MY COLLEAGUES TO
REVISIT THIS MATTER IN
CONFERENCE.

BUT OVERALL, WITH YOUR
HELP, I THINK A COMMENDABLE
AND RESPONSIBLE BILL WAS
PASSED —— ONE WHICH MOVED
A LONG WAY FROM WHERE WE
BEGAN WHEN WE STARTED

NEGOTIATIONS WITH THE
ADMINISTRATION AND THE
ENVIRONMENT COMMITTEE. LET
ME SAY A FEW WORDS ABOUT
TWO OF THE PROVISIONS.

I NOTICED IN A FEW
ADVERTISEMENTS THAT
EVERYONE DOESN'T APPEAR TO
SHARE MY SUPPORT FOR CLEAN
BURNING, DOMESTICALLY
PRODUCED ETHANOL. THEN

AGAIN, I'M NOT SURE EVERYONE
CONTINUES TO BE
CONCERNED -- AS I DO --
WITH THE ALARMING
PERCENTAGE OF ENERGY WE
MUST IMPORT TO FEED OUR
ECONOMY. I HAVE, AND WILL
CONTINUE, TO LOOK FOR A
BETTER ALTERNATIVE TO THE
DASCHLE/DOLE PROVISION, BUT
ANY ALTERNATIVE MUST

RECOGNIZE THAT, WHILE
ENVIRONMENTAL POLICY SHOULD
NOT BE CRAFTED IN A VACUUM,
NEITHER SHOULD ENERGY POLICY
IGNORE ENERGY SECURITY.

SECOND, I WAS PLEASED
WE WERE SUCCESSFUL IN
REPLACING THE PROVISIONS
REGARDING INCINERATORS WITH
A SOUND PROGRAM TO CLAMP
DOWN ON AIR EMISSIONS FROM

ALL INCINERATORS, NOT JUST
THE NEW MUNICIPAL
INCINERATORS THAT WE NOW
REGULATE. AS WELL, A NEW
REGIME FOR ASH DISPOSAL WILL
BE ESTABLISHED TO INSURE THIS
POTENTIAL SOURCE OF
DANGEROUS WASTE WILL BE
DISPOSED OF PROPERLY. I WAS
ALARMED TO DISCOVER THAT
WE WERE ON THE VERGE OF

ELIMINATING INCINERATION AS
A METHOD TO SAFELY DISPOSE
OF INFECTIOUS WASTES FROM
HOSPITALS. THE HADLEY
MEDICAL CENTER OF HAYS,
KANSAS CALLED ME AND SAID
THEY HAD JUST SIGNED A
CONTRACT TO INSTALL A STATE
OF THE ART HOSPITAL
INCINERATOR, BUT THE SENATE
WAS ON THE VERGE OF

OUTLAWING IT —— AFTER IT
WAS BOUGHT AND PAID FOR,
BUT BEFORE IT WAS DELIVERED.
FORTUNATELY, WE DID BRING
REASON TO BEAR, AND SENSIBLE
CONTROLS WILL BE IMPOSED.

THERE WERE MANY OTHER
VICTORIES, AGAIN, I HAVE YOU
TO THANK FOR YOUR HELP IN
ROUNDING UP SUPPORT IN THE
SENATE. WE WILL NEED TO

STICK TOGETHER AS THE ISSUES
ARE ADDRESSED IN
CONFERENCE. BUT, PROBABLY
MORE IMPORTANT, WE MUST
REMAIN TOGETHER IN THE FUTURE
TO KEEP THE PRINCIPLES OF THE
THOMAS A. YOUNG
DISTINGUISHED SERVICE AWARD
ALIVE AND WELL.