

[S.F. Chronicle commentary, Thursday, May 4, 2006:](#)

A right to know what's going into our air

By Bill Walker

In 1994, west Contra Costa County residents tapped a federal toxics database to identify the area's top air polluters, with Chevron's Richmond refinery earning the dubious distinction of the worst. The evidence brought Chevron to the table for discussions that led to an agreement to close down parts of the plant and install pollution control equipment.

In West Oakland, residents used the database, called the Toxics Release Inventory or TRI, in a campaign to clean up Red Star Yeast, whose plant was emitting tens of thousands of pounds of cancer-causing acetaldehyde into the neighborhood's air. The data they uncovered triggered fines and a groundswell of opposition to renewing Red Star's permit, and in 2003 the company closed the facility down.

These campaigns, and hundreds like them across the nation, have dramatically reduced U.S. chemical pollution -- by 65 percent since 1989, according to the American Chemistry Council, the lobby group for the U.S. chemical industry. Despite this success, the Bush administration has proposed a rewrite of the TRI's rules that would thwart citizens' action against chemical pollution in their neighborhoods.

The TRI is the nation's premier right-to-know law. It imposes no pollution controls, but instead requires facilities each year to report their use and disposal of 650 compounds -- less than one percent of chemicals registered for use in the United States. Detailed reporting is required for facilities that handle at least 10,000 pounds or manufacture 25,000 pounds a year and discharge or dispose of at least 500 pounds per year of a listed chemical.

Last fall the Environmental Protection Agency proposed sharply raising the detailed reporting threshold so that only waste levels exceeding 5,000 pounds would trigger reporting. Facilities that don't meet the threshold would simply report that they used a particular chemical. In addition, the reports would be required only every other year.

The rollback would deal a crippling blow to Californians' access to information about toxic chemicals in their communities. According to 2003 data, the change would allow 384 industrial facilities in 37 California counties to stop detailed waste reporting on 1,449,479 pounds of hazardous chemicals a year. In Contra Costa County, detailed reporting would be eliminated for 116,493 pounds of toxic chemicals. Detailed reporting would end for more than 79,000 pounds of chemicals in Alameda County and for more than 32,000 pounds in Santa Clara County.

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As a dozen state attorneys general, including California's Bill Lockyer, protested to EPA: "The changes would significantly reduce the amount of information about releases of toxic chemicals available to the public and as a result would impair efforts by federal, state and local governments, workers, firefighters and citizens to protect Americans and their environment."

Privately, rank-and-file EPA employees say the vast majority of public comments received on the proposal opposed any weakening of the TRI, and the agency will announce later this year whether the scheme will go forward. But California does not have to sit back and let the federal government decide whether to curb public access to pollution data.

State Sen. Jackie Speier, D-Hillsborough, and Assemblyman Ira Ruskin, D-Redwood City, have introduced bills to establish a California TRI, to ensure that detailed reporting continues. Speier's SB1478 and Ruskin's AB2490 each cleared the first committee level and await action in the appropriations committees of the respective houses. Oil and chemical companies are lobbying fiercely against the legislation, but the bills only ask industry to keep doing what it's done for 20 years.

Even the American Chemistry Council acknowledges that companies use the TRI to track their chemical use and set reduction goals that save money.

The right to know what toxic chemicals are coming out of the smokestack near your child's school or your neighborhood park is essential. Once again, California has the opportunity to show national leadership in the face of another Bush administration retreat on public health and the environment.

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