

THE GREAT LAKES UNITED

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U.S. Names Erie, Penn., Newest Area of Concern

by Bruce Kershner, Great Lakes United Field Coordinator

The Great Lakes Areas of Concern now number 43. The U.S. government has declared that Erie, Pennsylvania, must develop a clean-up plan under the guidelines of the Great Lakes Water Quality Agreement with Canada. Erie is the first Area of Concern (AOC) to be established since the original listing was made in the early 1980s, and the first AOC ever in Pennsylvania.

Erie's designation as an Area of Concern was made in accordance with the Great Lakes Water Quality Agreement, under which communities whose waters violate the Agreement's pollution criteria must

be so designated. Designation as an Area of Concern sets in motion a formal, government-sponsored clean-up plan to restore the waters to uses such as unrestricted swimming and fishing.

"The historic designation will help accelerate intensive efforts by the Erie community and area government, who already launched a local clean-up effort," said Dick Kubiak, the Great Lakes coordinator of the Pennsylvania Federation of Sportsmen's Clubs.

Three years ago the city and county created the Erie Harbor Improvement Council in 1988 to address the contamination problem. A major survey and bay study are now underway. Erie is unique in

that it is apparently the only AOC to have had a successful grassroots clean-up campaign before the formal federal designation.

Great Lakes United and the Erie County (Pa.) Environmental Coalition have led the effort to seek the AOC designation since 1987. The AOC campaign was initiated by a resolution approved at GLU's 1987 annual meeting. "The designation is an important step towards restoring the environmental health of Erie Harbor," said Philip Weller, GLU's executive director. Dozens of groups endorsed the effort during the four-year campaign, including the IJC, the Pennsylvania State Legislature, the Councils of the City and County of Erie, the National Wildlife Federation, the Pennsylvania Federation of Sportsmen's Clubs, and the Sierra Club.

The AOC designation is a positive development for Erie's economy as well as its environment. Actions by Congress and federal agencies have made it clear that priority would be

given to designated Areas of Concern for receiving clean-up funding. Erie can now attract more federal and state support for the clean-up effort, lifting some of the financial burden from the area community.

Cleanup of the bay, formed by the jutting of Presque Isle State Park into Lake Erie, will also enhance the area's tourism and recreation industry. Presque Isle, a National Natural Landmark, is the third most heavily visited park in the United States.

Despite the area's national prestige, however, swimming in the five-mile-long bay is legally prohibited for health reasons. A major goal of the Erie AOC campaign is to restore swimming to the bay, which would clearly be economically beneficial.

Concerns by some that AOC designation could tarnish Erie's business reputation have not been borne out in other Areas of Concern. Preliminary results of a major survey by the Erie Harbor

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Erie Harbor, Erie, Pennsylvania, the newest Area of Concern

RAPs: Making Progress?

by Philip Weller, Great Lakes United Executive Director

The Remedial Action Plan process was introduced by the International Joint Commission in 1985, in response to years of frustration over failed efforts to clean up Great Lakes toxic hot spots. The commission's Water Quality Board heralded the RAP process as a "new" and "comprehensive" program to restore beneficial uses to Great Lakes problem areas. RAPs, it said, were a "challenging departure" from historical pollution control efforts.

Today, six years after the RAP process was begun, it is clear that the expectations of 1985 remain unfulfilled—but it is also apparent that some progress has been achieved and that momentum appears to be building for possible substantive progress.

If that progress is to be achieved, however, the existing momentum must be effectively channelled into ensuring that the RAPs are not limited to cleaning up old problems. They must stop ongoing pollution by incorporating zero discharge programs. Plans must also incorporate wildlife habitat restoration.

Pollution prevention programs have been embraced and adapted recently by both federal governments. Nowhere is there a better place to begin concretely applying the principles and ideas behind these programs than in the RAP

sites. A positive first step in that direction would be to mandate toxics use reduction plans by all facilities currently discharging pollution in RAP areas.

There are now good opportunities to convince federal authorities in both the United States and Canada to introduce these and other needed measures.

Changes to the U.S. Clean Water Act offer substantial opportunity to address the problems of Great Lakes Areas of Concern. Already a number of environmental groups have called for the Clean Water Act to be a zero discharge statute. Strong support for that proposal throughout the Great Lakes will help ensure that it becomes a reality.

In Ontario the new provincial government continues to evaluate options to redesign the province's pollution control laws. Even very basic information on discharges is not available in Ontario. Revisions to MISA need to require comprehensive reporting and ensure adoption of zero discharge.

Central among the achievements to date of the RAP process has been the development of an active and involved constituency participating in RAPs. The success of this RAP constituency was seen at the recent Michigan DNR RAP conference. DNR officials optimistically expected to attract 70 participants. In

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Michigan Agrees to RAP Changes

by Rick Moore, Michigan United Conservation Clubs

In a dramatic departure from the status quo, the director of the Michigan Department of Natural Resources, told an audience of citizen activists that he supports a broader role for the public in developing and implementing Remedial Action Plans for Michigan's 14 Great Lakes Areas of Concern (AOCs).

"I endorse the establishment of a statewide citizens advisory committee" for Michigan's RAPs, David Hales told nearly 200 environmentalists at an MDNR conference in Lansing last December.

The MDNR sponsored the conference largely in response to criticism from environmental and community groups, with Great Lakes United leading the charge. Citizens from nearly all of the AOCs said they were dissatisfied with MDNR's progress and its lack of communication with local stakeholders.

As spokesperson for the environmental community, GLU President John Jackson outlined a six-point agenda to strengthen Michigan's RAPs and involve stakeholders in the development and implementation of the plans:

- ▶ Revise inadequate RAPs and strengthen existing ones;
- ▶ Establish a formal review process for RAPs, including public involvement and review and approval by Michigan's Natural Resource and Water Resources Commissions;
- ▶ Formation of public advisory committees in all AOCs;
- ▶ Formation of a statewide citizen advisory committee to oversee the RAP process;
- ▶ Incorporate pollution prevention measures in RAPs;
- ▶ Assurances that the ecosystem approach will be incorporated into all RAPs.

Hales endorsed these concepts. He said RAPs could be used to further the move toward zero discharge of toxics into the Great Lakes and vowed to upgrade all substandard RAPs to meet the requirements of the Great Lakes Water Quality Agreement.

Michigan began its RAPs in 1986. Of the state's 14 AOCs, three are binational—St. Mary's, St. Clair, and Detroit Rivers. The Menominee River RAP is a cooperative venture with Wisconsin. Eight other RAPs are conducted by the MDNR, while Saginaw River/Bay and Rouge River are contracted out to regional agencies.

In the infancy of the state's RAP implementation there were few provisions for public participation, despite a belief that all stakeholders should play a role in RAP development. While public participation did occur in some initial RAP efforts, most were completed with limited input from local communities.

There was little serious effort on the part of the state to implement the RAPs once they were completed. MDNR attempted to redirect existing programs toward RAP-related activities in some cases, but in most instances only minimal resources were committed, and there was no new funding appropriated by the legislature. The plans languished for years and citizen activists grew restless. They began to call for a renewed effort to restore "impaired beneficial uses" in Michigan's AOCs.

Hales's conference remarks were a commitment by the state to back just such a renewed effort. With a new governor in place this year and Hales soon to depart as MDNR director, environmentalists now await actions by the new administration to honor this commitment.



Citizens Push for RAP Progress

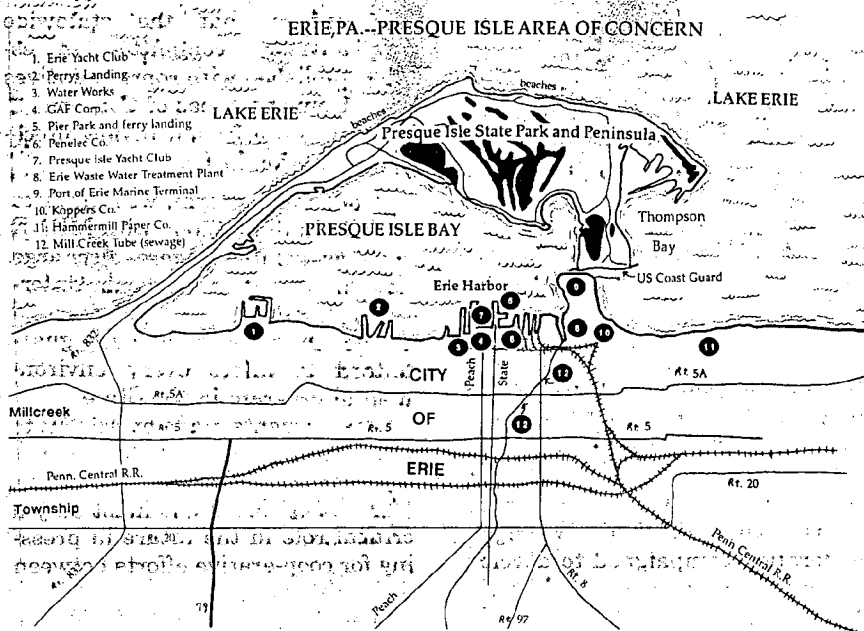
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stead 200 or so citizens showed up with very specific demands to improve the RAP program (see article on page 1). Further evidence of an active RAP constituency can be found in Ontario where the hundreds of citizens involved in Public Advisory Committees have joined together to form a PAC Council and demanded representation on the COA Steering Committee which oversees the government programs for RAPs (see page 3).

The development of an active and involved public is critical to the success of RAPs. It is central be-

cause it ensures the interest of the public is included in decisions, it improves the quality of decisions, and it improves the possibility of effective implementation.

Great Lakes United and other organizations have worked hard to develop and encourage public input into RAPs and we should be justifiably proud of that work. But the development of that constituency must lead to concrete improvement in Areas of Concern before victory can be claimed. At this point in the process, a claim of victory seems premature.



Erie, Newest Area of Concern

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Improvement Council show that recreation-based economies of other AOCs have been unaffected - or even helped - by the designation.

Erie's pollution problems include harbor sediments and fish contaminated with excessive levels of PCBs, PAHs, some pesticides, lead and other heavy metals, a ban on swimming in the bay, beach closings on some lakeside beaches, and restrictions on navigational dredging due to polluted sediments.

The next step in the AOC process will be the appointment of a Remedial Action Plan Council composed

of industry, public interest groups, area citizens, and local, state, and federal government. The existing Erie Harbor Council is likely to form the basis for the new body.

A new U.S. law, the Great Lakes Critical Programs Act, sets a deadline for completion of the stage I RAP at two years from now.

Pennsylvania, which is not widely known as a Great Lakes state, has 45 miles of Lake Erie coastline. The nearest Areas of Concern are Ashtabula River, Ohio (40 miles west), and Buffalo River, New York (90 miles northeast).

Canada's Not-So-Green Plan

by Julia Langer, Friends of the Earth, Canada

The Canada Green Plan was introduced with a flair as Canada's "bold environmental policy." Now that it is completed, it cost taxpayers \$8 million, took 18 months of bureaucratic maneuvering, and endless political posturing. The result?

"No details, no clout, no hurry" said an Ottawa Citizen editorial. "Vague eco-babble" said Carol Goar of the Toronto Star. "Not so green: Business to escape big environmental bill in \$3B patch-up" gloated the Financial Post.

The Canada Green Plan started out as a much-needed initiative to map out the Canadian federal government's role in environmental protection. But neither the long list of ills facing the planet nor the vigour with which thousands of people provided suggestions could override the "business-as-usual" approach of politicians, bureaucrats, and industry.

"The whole process has been a successful stall, a way for the government to avoid dealing with the environment for a year and a half," said a Friends of the Earth spokesperson.

Environmentalists agree that the Green Plan lacks the vision and commitment needed to meet its claim of making Canada "the most environmentally friendly country in the world." Instead the plan is just a disjointed series of possible programs and actions, many of them old ideas with new names.

The Green Plan backpedals on the commitment to stabilizing carbon dioxide emissions and could distance the government from the goal of "zero discharge" in the Great Lakes Water Quality Agreement with the U.S.

Many government agencies refused to be coordinated into an environmental action plan. Political and agency turf was so zealously guarded that the document is remarkably slim on specifics and silent on the role of agencies like Agriculture Canada and Health & Welfare, which are to

develop their own plans.

In response to criticism about the lack of clean-up targets and the "hands-off" industry self-regulation approach advocated by the plan, Environment Minister Robert de Cotret said the government's goal is "cooperation first and foremost."

While de Cotret points to \$3 billion to implement the Green Plan as proof of the government's environmental commitment, it is already clear that this is "potential" money.

Environmentalists and our contacts in the bureaucracy worry that, as usual, environmental programs may not get the priority they deserve when it comes to budget time.

Money is not the only issue, observes FOE Policy Director Kai Millyard. "Just throwing money at the environmental crisis doesn't solve it. What you do with the money is critical, and the Green Plan is hard to tell apart from the old business-as-usual."

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From the President

Pollution control efforts in the Great Lakes have focused on industrial discharges. But these ignore one of the main sources of persistent toxic contaminants to the Great Lakes - municipal sewage treatment plants.

The U.S. and Canadian governments have identified the Detroit Wastewater Treatment Plant as the largest source of PCBs, mercury, lead and cadmium to the Detroit River. Detroit is not alone in its role as a major contributor of contaminants to the Great Lakes ecosystem. Ontario's municipal sewage treatment plants pour 17 tonnes of heavy metals into waterways every day.

The operators of many sewage treatment plants have gone to considerable lengths to try to reduce the contaminants discharged. These methods include avoiding overflows of untreated sewage to rivers and lakes and building more sophisticated plants to remove contaminants more effectively. These methods create a whole new set of problems because they result in the need to get rid of sludge either through incineration or by

putting it on the land.

A task force of the IJC's Water Quality Board estimated that over 1000 tonnes of heavy metals are released annually into the Great Lakes environment through sewage sludge disposal on land. Releases to the air from incineration and vaporization from treatment plants is also estimated to be significant. The IJC task force calculated that over 20 tonnes of toluene alone is discharged into the air annually from sewage plant operations.

We must stop the massive discharges of toxics through our sewage treatment systems. Too often, our focus has been on trying to install fancier, costly sewage treatment plants or incinerators. This approach is destined to fail. It is impossible to treat and catch the complex, unpredictable mix of contaminants in the gigantic volumes of water that flow through our sewers.

In recognition of this reality, most governments in the Great Lakes basin now emphasize industrial pretreatment of wastes to reduce their toxicity before they are dumped into sewers.

Even the best of these programmes are only partially effective. They still allow massive amounts of toxic contaminants from industries and businesses to enter the sewer system. They also do not address the problem of toxics used in households that go into the sewers. Nor do they solve the problem of toxic runoff into sewers from roads, lawns and parks.

There is really only one solution to the problem of toxics being emitted from sewers and the treatment processes used to try to limit these discharges. We must work with municipalities and federal, state and provincial governments to institute massive toxics use reduction programmes in industry, business, public institutions and households. In this way we can achieve the only effective control method - not letting toxics into the sewers in the first place. -- John Jackson

Editor's note: GLU has recently released a *Citizens' Guide to Combined Sewer Overflows in Detroit*. It provides valuable approaches, for citizens throughout the Great Lakes. Contact the GLU office for a copy.



New RAP Coalitions are Promising Force

WISCONSIN

by Kathy Bero, Lake Michigan Federation

How are you going to finance your RAP? That's a question being asked all across the Great Lakes. Cost estimates for the implementation of Remedial Action Plans are totalling in the billions of dollars. Many states and provinces are very closely investigating where these dollars will come from. The answer always seems to be the same. The money will have to come from a combination of sources, including state, federal, and private monies.

An ad hoc taskforce to explore ways to finance RAPs has been established in Wisconsin. Participating in the taskforce are environmental leaders and representatives from the agencies, legislature, and local government. The group has met several times and is working to accomplish four tasks:

- Develop estimated costs of cleanup through a cost/benefit analysis, and identify possible funding sources.
- Develop state coordination between municipalities, legislators, environmentalists, industry, business and the Governor's office.
- Identify changes in existing laws and new laws that need

to be passed.

- Develop an implementation strategy using the statewide coordinating taskforce.

This group hopes to become a driving force behind the state's legislative caucus, tying the environmental strings together. In addition, the group intends to develop a Great Lakes Mayors Council that will "move us from the analysis of the RAP to the reality of cleanup," according to Ed Huck, Executive Director of the Wisconsin Alliance of Cities and chair of the ad hoc group.

"We are going to explore incentives and disincentives to promote responsibilities beyond the normal non-point pollution efforts," adds Huck. "The bridge between RAPs and their implementation is to develop an inter-governmental structure that is voluntary in nature but still requires that the job will get done."

Though the taskforce is just beginning, progress can already be measured with relation to renewed interest on behalf of many Lake Michigan coastal cities, including Manitowoc and Green Bay. The Great Lakes cities have chosen a strategy of banding together to restore the Lakes instead of competing for funding sources. In Wisconsin, the basic principle of cooperation appears to be alive and well.

into a significant grassroots environmental voice for a concerned public of millions around the Great Lakes basin and beyond.

Every Ontario RAP is supposed to have a Public Advisory Committee as the vehicle for the public consultation called for in the annex. Each PAC's primary objective is to articulate the public's expectations and priorities to the committee that will develop the RAP's reports.

With time it has become obvious that many issues are common to all of Ontario's RAPs—and equally clear that no single RAP and PAC

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MICHIGAN

by Karen Murphy, GLU Field Coordinator

While RAP activists in other states discuss such advanced concepts as funding for RAPs, citizens in Michigan are struggling to obtain more basic commitments from the state. Such commitments as revising inadequate RAPs, setting up public advisory committees and recognizing that designated water uses are not equivalent to beneficial uses.

Michigan embarked on the RAP process early—almost immediately after the Water Quality Board of the International Joint Commission (IJC) released its recommendations on the RAP process in 1985. While this action is commendable, the early RAPs were inadequate. Seven of 14 RAPs developed by Michigan Department of Natural Resources (DNR) were deemed inadequate by the IJC. In other Michigan AOCs, citizens feel that MDNR has tried to limit the scope of the RAPs (thus limiting the potential for restoration) and that they have not allocated sufficient resources to RAPs.

To counteract this, Great Lakes United and the Lake Michigan Federation campaigned to develop a strong RAP citizens coalition in Michigan. This effort began in

February 1990 at a RAP workshop sponsored by Great Lakes United. During 1990, Michigan activists continued to communicate an agenda for Michigan's RAP program and presented it to MDNR at a RAP workshop which they sponsored in December. Michigan made major commitments to citizens at that workshop (see article, page 1).

The coalition's aims are to:

- ensure that the new administration implements the commitments made by the Commissioner of the MDNR.
- ensure that the statewide advisory committee is established with representatives from the Areas of Concern.
- set up a formal review procedure for RAPs.

Over the long-term, we'll have to revisit old discussions with MDNR such as achieving zero discharge and the ecosystem approach. Unfortunately, budgetary constraints and severe cutbacks are virtually guaranteed to affect every environmental program in the State.

Commitments made by MDNR to citizens at the workshop demonstrate the power that citizens have. RAP citizen coalitions must play a critical role in the future in pressing for cooperative efforts between different governments to fund and implement RAPs.

IJC Takes Weak Stand on Buffalo RAP

by Dave Gianturco, Buffalo River Citizens Committee

The International Joint Commission (IJC) has approved the Stage I Remedial Action Plan for the Buffalo River, despite finding that some use impairments listed in the Great Lakes Water Quality Agreement are "inapplicable" and others cannot be evaluated because of insufficient data.

In a letter to U.S. Secretary of State James Baker, the IJC concluded that six uses were definitely impaired in the Area of Concern, including fish tumors, contaminated sediments, and loss of fish and wildlife habitat. Another four uses—bird or animal deformities, tainted fish flavor, undesirable algae, and degraded fish and wildlife populations—were regarded as "likely" impaired. They emphasized that the "likely impairment" category "should be regarded as a temporary answer, pending further investigation."

The Board described as "inapplicable" two use impairments involving beach closings and restrictions on drinking water that had been hotly contested during development of the RAP. The Buffalo River Citizens' Committee asserts that the Area of Concern should be cleaned up to meet swimming and drinking water standards. The N.Y. Department of Environmental Conservation rejected this on the ground that the river was not currently used for drinking water or for contact recreation.

While the RAP was under review by the IJC, environmental and local groups at a public hearing urged that the river be reclassified as suitable for swimming. Citizens and public officials testified that the river is used for swimming, water skiing, kayaking, and other immersed activities. The state has not yet made a final decision on the proposed reclassification.

Barry Boyer, a law professor and

member of the Citizens' Committee and the Friends of the Buffalo River, said he was "surprised at the

spinelessness" of the IJC's handling of this issue. "In New York State, stream classification governs combined sewer remediation, affects funding and priorities, and can influence inactive waste site cleanups. The IJC's failure to support the upgrading of the river's classification is a victory for the status quo, and a setback for the ecosystem approach."

Ken Sherman, co-chair of the Citizens' Committee and president of the Friends of the Buffalo River, was more optimistic. Pointing to a section of the IJC's letter that praised the Buffalo River RAP for effective citizen participation, Sherman said, "I'm elated that the IJC was so favorably impressed...by the fact that we have created a nonprofit corporation, the Friends of the Buffalo River, to keep the community involved." Implementing the RAP will require major new sources of funding, Sherman noted. "The IJC's support gives us a big boost in building the coalitions that can make the restoration of the Buffalo River a reality."

In the meantime, however, people are using the river for body contact recreation, according to scientist Jill Singer. As a member of the U.S. EPA's contaminated sediments research team, she frequently visits the Buffalo River to collect data. "On every trip up the river in warm weather," she reports, "I see people in contact with the water. Young boys jump into the river from railroad bridges, kayakers and water skiers are active, and people are fishing—often right over combined sewer outfalls. The agencies are denying the kind of human contact that's going on right now, and I'm worried about what those people are being exposed to."

ONTARIO

by Manfred Koechlin, Ontario PAC Council

Hidden in Annex 2 of the revised Great Lakes Water Quality Agreement of 1978, there is a short but vital paragraph:

"The Parties, in cooperation with state and provincial governments, shall ensure that the public is consulted in all actions undertaken pursuant to this annex."

The annex is concerned with Remedial Action Plans and lake-wide management plans, and this obscure little paragraph has grown

Do You Live On a Second-Class Stream?

by Barry Boyer, Buffalo River Citizens Committee

Many important bays and rivers in the Great Lakes Basin are relegated to uses that can officially coexist with pollution. These so-called "classified best uses" permit state agencies to adopt management goals of the most limited scope, such as ensuring pollution levels low enough to permit boating, but not swimming, or certain fish to survive, but not necessarily reproduce.

Forty years ago, when states first adopted water quality controls based on stream classification, such modest goals made some sense. Most waterways in the populous, industrial areas were heavily polluted, and clean-up technologies were expensive and not always very effective. As a result, some of the worst streams, like the Buffalo River, were in effect allowed to function as industrial sewers. Since most of the visible effects of such policies were localized, nobody worried very much about what was happening downstream.

Since then, scientists discovered that sewage and traces of toxic pollutants could have devastating effects on the Great Lakes ecosystem. The old "classified best use" scheme, which had permitted these

threats to grow, was demoted to the role of a backup system, and environmental laws required that polluters install the best available treatment technology.

Today, Remedial Action Plans are demonstrating that technology-based limits on pollution alone are not adequate to restore degraded Great Lakes sites. In places like the Buffalo River, loopholes in the old "classified best use" backup system are being manipulated to legitimize pollution and postpone cleanups. For example, New York State refuses to classify a river as "swimmable" unless it is currently used for swimming, or there is a proposal to open a bathing beach there. Other body contact recreation like kayaking, water skiing, canoeing, windsurfing, or "occasional" swimming, can thus be ignored.

Since few local governments are willing to risk the cost, criticism, and liability of opening a bathing beach in a formerly polluted area, the state has a convenient excuse for doing nothing. And because the river is not classified for swimming, combined sewer overflows can be permitted rather than treated. The pollution problem has been "classified" out of existence—but pathogens and toxins continue to pour into the river.



Will New Governments Deliver on Environment?

MICHIGAN

by Rick Moore, Michigan United Conservation Clubs

Early two months after his inauguration as governor of Michigan, there are still as many questions as there are answers on John Engler's environmental views. As the state grapples with a \$1 billion budget deficit, the governor has taken few actions on environmental issues. Among the matters held in abeyance are the appointment of



the governor's environmental advisor and the filling of three vacancies on Michigan's Natural Resource Commission. The panel is the state's primary environmental

policy body and the group who will select a replacement for the outgoing director of the Michigan Department of Natural Resources, David Hales.

There is widespread speculation in Michigan's environmental community that Engler will be no friend on the Great Lakes or other critical issues. While it is logical to assume that Engler's administration will differ on environmental issues from former Governor James Blanchard, and Engler's record in the Michigan Senate is no cause for encouragement, the jury is still out on the question of whether he will be as bad as his early critics suggest. One thing that is a virtual

certainty is that Engler's push for a leaner state government will hurt a wide variety of environmental programs and lead to less enforcement and monitoring of environmental laws at state employment rolls are trimmed. His office has already announced a desire to relax cleanup standards for toxic sites under state law, and Engler also opposes environmental permit fees. Innovative programs like increased pollution prevention and zero discharge will also undoubtedly suffer.

One of the few insights into the Engler Administration is provided by a position paper released during his election campaign. This "action agenda for environmental programs" is primarily campaign rhetoric, and should be taken with grain of salt, but it is to date the only tangible measure of the Engler's environmental philosophy.

Among the goals of Engler's agenda are a revitalization of the Great Lakes fishery, improvements in Michigan's clean water infrastructure, the cleanup of toxic sites at the expense of the responsible parties, and coordinating with other Great Lakes states and provinces to "...restrict industrial pollution of our air and water (and) reduce the levels of toxins existing in the Great Lakes." Specifics to accomplish these goals are few and a clear and cohesive agenda is just not there.

The environmental community in Michigan is holding its breath to learn just what the Governor has in store. With many issues apparently much higher on the administration's agenda, the wait could be a long one.

Ruth Grier's policy advisor in opposition continues to work in that capacity. Joyce McLean, formerly of Greenpeace, advises on water and air quality, global warming, and pesticides.

The NDP has formed an Environment Committee to act as the organized voice for environmental issues within the party. The committee promises to act, in effect, as an agent of consensus among the components of the party on environmental issues and as liaison with the government.

Some observers are concerned that Premier Rae and his cabinet will move to separate lines of communication between the party itself and the government. Representing all the interests and concerns in the province is important in a democracy, but the government should not sever its traditional links to labour and environmental groups

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OHIO

by Richard Sahli, Executive Director, Ohio Environmental Council

George Voinovich became Ohio's 65th governor on January 14, after winning by one of the largest margins in recent state history.

The former Cleveland mayor won the governor's race on his first attempt after raising a state record \$10 million in campaign contribu-



tions. Lush before him, Voinovich ran as an environmental candidate. What exactly the "environmental governor" intends to do in Ohio is not

yet clear, however.

Voinovich's environmental image was conveyed to Ohioans in a 30-second spot where he paddled a canoe in a crisp flannel shirt pronouncing his lifelong concern for the environment. Voinovich's major issues have been endorsing a bottle bill and a plan to ban out-of-state wastes at the state's borders. Voinovich's proposal on out-of-state wastes, however, was quickly dropped by the Ohio legislature as impractical. Except for promising research funds on zebra mussels, of Great Lakes issues was missing throughout the campaign.

The remainder of the candidate's environmental platform included:

- legislation to reduce toxics use,
- a \$100 million bond issue to enhance state and local parks,
- legislation establishing a new wetlands permit requirement,
- doubling state funding for soil

- and water conservation,
- a campaign to plant five million trees a year by 1994, and
- support for solid waste recycling and reduction efforts.

How these commitments are to be met, and how they may affect environmental policy, has not been publicly addressed. The governor's new chief of staff, Paul Midrud, was formerly employed in a Cleveland development company and seems to have a strong prodevelopment philosophy.

Other uncertainties persist about the environmental commitment of the new administration. To his credit, Voinovich promptly appointed Frances Buchholzer to head Ohio's Department of Natural Resources (DNR). While she lacks a broad background on conservation she is energetic, openminded, and has a strong commitment to learn.

At Ohio EPA, Voinovich initially acted well in appointing the well-regarded head of the agency's water-quality laboratory, Gerry Iannelli as interim director, but has been slow in picking a permanent successor. As of March 1, Ohio EPA is one of only three state agencies not to have a permanent director and, accordingly, a focus for the future.

Since assuming office, Voinovich's focus has been the state's fiscal policy. A \$1.5 billion deficit has been projected for Ohio's 1991-93 budget. The administration's response so far has been an insistence on no new taxes and a desire to cut government programs with zeal. The administration's budget bill is rumored to contain substantial cuts for both Ohio EPA and the Ohio DNR. There is much concern that the lack of a permanent EPA director will handicap that agency in the tough budget battle to come.

MINNESOTA

by Alden Lind

Barely three months into their terms, newly elected Republican governor Arne Carlson and both houses of the Democratic-Farmer-Labor Party controlled legislature remain quiet on environmental issues.

Gov. Carlson attacked his primary opponent on environmental issues and vowed that he would be an environmental governor. His DFL incumbent gubernatorial opponent, Rudy Perpich, had the support of most Minnesota environmentalists, including the League of Conservation Voters, but he ran a lackluster campaign with scarcely a hint that there

were any serious issues confronting the state. Gov. Carlson started well enough, announcing that Minnesota must have good wetlands legislation within 90 days. The House, under the guidance of veteran Environment and Natural Resources Committee Chair Willard Munger (DFL, Duluth), has been working on a relatively strong wetlands bill, covering all wetlands to a tenth of an acre. Senate Agriculture Committee Chair Charles Davis (DFL, Princeton), has been offering a much weaker bill. It would apply a new, obscure "public use" test. The House bill would require mitigation

at a two-for-one ratio, the Senate's not. Carlson has announced his support of the House version and is apparently working actively for it.

Another significant bill up for enactment this year is the Toxic Emissions and Deposition Act. The bill uses "integrity of the ecosystem" and the hydrologic cycle model as frameworks for regulating toxic chemicals and mandates an extensive toxic emissions and effects program. It would list and regulate initially some 40 to 50 more toxic chemicals than are required under the amended Clean Air Act.

Unfortunately, Gov. Carlson has announced his opposition to this bill. What has apparently excited him is an effort in the bill to explicitly regulate the use of mercury in a wide variety of devices. Electronics giant Honeywell packs a wallop in the gubernatorial mansion.

Also influential with the governor is Marvin Winders, a far-northern Minnesota firm which for some 10 years has been disregarding its stipulation agreements with the Minnesota Pollution Control Agency to dispose of its hazardous wastes safely. When the PCA citizens board fined the company for violations recently, it seemed at first to accept the penalty as a routine business expense. It was Gov. Carlson who yelped for them, signing a letter accusing the Minnesota Attorney General "Shel" Humphrey of overzealousness in his defense of the environment.

The operative phrase, then, is "wait and see." Only time will tell just how much of an environmentalist Minnesota's new governor really is.

ONTARIO

by Rick Coronado, Windsor & District Labour Council - West

It is one thing to be a champion for environmental regulation while in opposition—and quite another to enunciate effective environment policy when in power. The new Ontario NDP finds itself in just this predicament.

Many of the NDP's staff are



familiar to environmentalists in Ontario. Steve Shrybman, formerly of Canadian Environmental Law Association, is in Premier Bob Rae's Cabinet

as the environment advisor. Linda Pim, Environment Minister

ILLINOIS

by Cameron Davis, Lake Michigan Federation

On January 14, former Secretary of State Jim Edgar was sworn in as the new governor of Illinois. He succeeds Jim Thompson, the longest-serving governor in Illinois history.



As secretary of state, Edgar's environmental policies were unclear until the 1990 campaign. At that time, one notable position Edgar took was opposing

legislation that would remove local review of siting for landfills and incinerators. The environmental community also opposed the bill.

Soon after taking office, Edgar scored another point by appointing Mary Gade as director of the Illinois Environmental Protection Agency. Gade brings with her strong experience from her tenure at U.S. Environmental Protection Agency headquarters and Region 5. Environmentalists are pleased with Gade's appointment.

Edgar has also appointed John Moore to head the IEPA's research arm, the Illinois Department of Energy and Natural Resources. Environmental reviews of a mixed. Edgar has yet to appoint a director to the Department of Conservation.



St. Lawrence Public Lands Put Up For Sale

by Bonnie Lucia and Robin McLellan, North Country Environmental Awareness

Thousands of acres of valuable public lands along the St. Lawrence River could be sold to developers! In the 1960s, the Moses-Saunders hydroelectric power dam was built for the St. Lawrence Seaway project, and the NY State Power Authority (NYSPA) bought 30,000

acres of land for the creation of Lake St. Lawrence.

Canadian, American and Mohawk lands were flooded and 10,000 people relocated to accommodate the lake. The Power Authority's lands, bought mainly through eminent domain, include almost 40 miles of shoreline as well as all the riverine islands between Ogdensburg and Massena.

NYSPA now has determined that the power project does not require

all these lands. NYSPA leases some key parcels to other state agencies and municipalities for parks, beaches, a wildlife area, a marina, yacht and country club. Much of the remaining lands are undeveloped. Of 15,000 acres, NYSPA has declared 5,100 acres as "surplus" for operation of the project.

Now, in part due to criticism from local officials who would prefer to see these lands earning money for tax rolls rather than sitting idle, NYSPA is forming a plan that should make these lands more attractive to developers. With its license soon coming up for renewal with the Federal Energy Regulatory Commission (FERC), the time is right.

In 1984, NYSPA stated it would "try to return lands with potential for development to private ownership." This decision regarding state lands was ironically made just as New York State was gearing up to spend millions of dollars for the acquisition of prime recreation lands under the 1986 Environmental Bond Act, including waterfront lands for public access and greenway planning.

Environmentalists began to ques-

tion the proposed sale of unspoiled publicly-owned waterfront to private developers when such land is hard to come by in New York State. For the local citizens who have enjoyed the Power Authority's unspoiled waterfront lands for so many years as hikers, boaters, hunters, bird-watchers, anglers, etc., there is naturally concern that these lands will be lost or spoiled.

In 1987, NYSPA sponsored "Directions for Change," a report by the St. Lawrence County Planning Department that called for strongly pre-development. DEC, as the state's fish and wildlife agency, began to voice its concerns. This was critical because DEC can influence FERC on matters pertaining to licensing decisions and project boundaries. DEC would have to consent to NYSPA's petition to change project boundaries, an essential step if NYSPA was to go ahead on a major land sale.

As events developed, DEC and other state agencies agreed that NYSPA could immediately put four large parcels up for sale without opposition. These parcels include 45 acres of the beautifully wooded Mutton Ridge Peninsula for residential development, a 96-acre site on Massena Point destined for a hotel and 63 acres near Massena intake for light industrial or commercial complex. In exchange NYSPA would initiate a detailed planning process on the remaining lands.

Thus in 1989, NYSPA appointed an inter-agency task force to move the planning process forward. The St. Lawrence Eastern Ontario Commission drew up an environmental constraints analysis that pointed out natural and cultural resource features. DEC and SUNY's College of Environmental Science and Forestry conducted special studies of muskellunge habitat and scenic resources. A National Estuarine Research Reserve and freshwater ecological and research center have been proposed. By January 1991 the preliminary work was done.

The next job for the task force is to help the Power Authority determine which lands are most suitable for private development. In addition it will help NYSPA decide how to best spend the \$1 million NYSPA has committed for "enhancement" of remaining public lands.

Decisions are pending for 5,100 acres on the St. Lawrence and this clearly raises many questions for local residents, tourists, environmentalists, sportsmen, developers, planners and New York State taxpayers.

Will the beautiful islands and shorelands of the St. Lawrence be available for the enjoyment of future generations? Or will most of the lands be sold off for private residential and commercial use? Is there opportunity for a greenway along this stretch of the river with protected portions for recreation, scenic views and wildlife? Or will shoreline development be a shelter similar to what has marred the Thousand Islands region? What lands will be developed, by whom and with what sensitivity for the public and environment?

Now is the public's turn to speak. Let NYSPA and Governor Cuomo know how you feel about these lands. Formal hearings under SEQRA will be held this summer. For information, call Citizens for Clean Land Air and Water at (315) 388-6960 or 388-4477, or Great Lakes United, (719) 886-0142.

Some of the St. Lawrence River islands that could be affected by the land sell-off

EPA Issues Decision on GM Cleanup

by Camilla Smith, *Save the River* since 1959, General Motors Corp., Massena, NY has run an aluminum die-casting plant on 250 acres of land immediately upstream and upwind of Mohawk lands on the St. Lawrence River. The site, which contains 823,000 cubic yards of PCB-contaminated sediments, sludge and soil, was put on the EPA's National Priority List in 1983 due to GM's past disposal practices. It has brought international attention to the Massena-Cornwall Area of Concern and this isolated corner of NYS where GM, Alcoa and Reynolds Aluminum have provided the community with thousands of jobs. The Mohawks, who have suffered environmental losses for

well over a decade, feel attention to the downside is long past due.

The EPA released its Proposed Remedial Action Plan (PRAP) for the GM site in March, 1990. At \$165 million, the GM cleanup could be the most expensive in the history of Superfund, and it was met with well-marshalled opposition. The EPA proposed permanent solutions, excavation, and destruction of contaminated materials. GM pointed to their own FRAP which called largely for covering and containment as cheaper (\$37 million) and safer. On the other hand the Mohawk Tribe, galvanized by concern for their fisheries and the future of their lands, people, and culture, developed their own PCB standards, released their own

PRAP, and called on the EPA for still more stringent guidelines.

The EPA issued their Record of Decision (ROD) last December after a nine-month long comment period. The ROD recognizes the Mohawks' PCB standards on the reservation, .01 ppm for contaminated sediments and 1 ppm for contaminated soils. It recognizes New York's standards (10 ppm) for soils, and the State's proposed standards (1 ppm) for St. Lawrence River sediments. The ROD calls for bio-remediation of PCB concentrations under 600 ppm and a technology as yet unnamed for higher concentrations. Incineration, which had been the EPA's preferred remediation for PCBs and other toxins, was met with considerable opposition, particularly by Canadians. It will be used only as a last resort should other technologies fail. The ROD assigns the Mohawks a significant oversight role in monitoring during and after remediation.

The EPA says it is because of the complexity of the site that 60 percent of GM's contaminated wastes have yet to be addressed. New EPA guidelines state, "when considering cleanup of areas which contain large amounts of PCB contaminated material... a cleanup alternative which combines treatment of highly contaminated material with containment of less contaminated material must be evaluated."

Former tribe environmental director Jim Ransom is pleased with EPA's commitment to permanent solutions at the GM site. He is left with two nagging doubts, however. First, the numerical standard of 1 ppm for St. Lawrence River sediments may not be sufficient to restore the river's living resources. Second, the remedy that may be chosen for the two landfills could containment. He wonders what recourse the Mohawks will have should residual and migrant PCBs wreak future damage. Ransom thinks that permanent destruction of PCB contaminated materials must be the goal of EPA's remedial actions.

Ontario RAP Coalition

...from page 3

that have long supported it. During the first six months, Grier has moved to assuage fears about export of Toronto's garbage to outside communities, but fears persist. Grier recently announced plans to encourage industries and municipalities to reduce their production of wastes and to recycle those that they do produce.

The government has not yet made any moves regarding the Ontario Clean Air Programme. With the new U.S. Clean Air Act recently signed into law, Ontario should move quickly. Even with all its loopholes and delays, the U.S. legislation is still superior to anything in Canada or Ontario.

The government has yet to announce changes in MISA. There is no doubt that Grier knows the government must move to incorporate zero discharge into the strategy.

Environmentalists do not expect miracles in five years, but the new government must begin to put its programmes into place and then enforce them. At the same time, there is no question that the NDP will need help fulfilling the promises it has made.

New NDP Gov't

...from page 4

can successfully address these issues. Thus the Ontario PAC Council is convened.

In October 1990 the Bay of Quinte PAC hosted a meeting attended by delegates from most of Ontario's PACs, including the binational PACs. At this meeting we formally created the Ontario PAC Council, an organization that represents a constituency of over 7.5 million people in Canada.

One of our first efforts has been to seek representation on the COA-RAP Steering Committee, the body that oversees implementation of government efforts on Great Lakes water quality. The committee has tentatively agreed to this request.

On April 20-21, the next Ontario PAC Council meeting, to be hosted by the Metro Toronto and Region PAC, will address implementation of RAPs, water quality standards, zero discharge, renewal of the COA Agreement, and the public advisory role in RAP implementation.

To better communicate among Ontario PACs, we have begun publishing "The RAP PAC News." For a copy, write M. Keen at 276 suffer, Belleville, Ont., P0M1N0.



Wetland No Net Loss Policy Not Working

The Lake Michigan Federation called on President Bush to make the Great Lakes a "test region" in the country for an increase in wetlands. The challenge was issued as a result of a major study they released concluding that the President's "No Net Loss" of wetlands policy is not working.

The study, conducted by the Federation, investigated the U.S. Army Corps of Engineers' effectiveness in requiring, monitoring, and enforcing wetlands "mitigation". Mitigation is the practice of creating or restoring wetlands to replace those wetlands permitted for filling. The Corps of Engineers is the federal agency responsible for permitting wetland fills. "The President needs to revisit the current federal 'No Net Loss' wetlands goal because it's not working," said Glenda Daniel, Executive Director of the Lake Michigan Federation.

"The report's most startling finding is that the Corps required mitigated wetlands in only 12% of its mitigation projects," said Cameron Davis, the study's principle author and Deputy Director of the Lake Michigan Federation.

The report is also the first in the country to compare the performance of Corps District offices to each other. In comparing the four offices, Buffalo, Chicago, Detroit, and St. Paul, only the Detroit District marked a net gain in wetland acreage. More wetland acres were lost than were created or restored in Buffalo, Chicago, and St. Paul. However, the average number of acres lost per permit in the Great Lakes has decreased from 3.4 acres in 1987 to 3 acres in 1989. The report did not examine losses under the Nationwide Permit system (an across-the-board permit for certain activities impacting 10 acres of wetlands or less) or

exempted activities such as farming.

The Corps took enforcement action on only two of the 73 projects requiring mitigation. Both actions were taken by the Detroit District. Although some permittees appeared to violate their wetland fill permits, the Corps took no enforcement action.

"This report documents that wetlands are being lost through the back door," said the Federation's Davis. "On one hand, the public is being told not to worry because wetland losses are being 'mitigated.' On the other hand, most Corps Districts are not regularly requiring the replacement of a filled wetland in quality and quantity, and not properly monitoring and enforcing mitigation permits. To achieve No Net Loss, we have to achieve Net Gain. The best defense is a good offense," Davis said.

Another significant finding was that the Corps has a variety of tools in hand to better protect wetlands at little or no added cost, but it often doesn't use them.

"It wasn't unusual to find one Corps District using an innovative permit condition while the others didn't use it all," notes LMF's Cameron Davis. For example, the Detroit District in one case required a permittee to post a performance bond for a project. No other District required this commitment from permittees to ensure mitigation success.

This report reveals that Corps Districts simply aren't talking to one another," said Davis.

The report concluded that the Districts should set uniform and consistent policy and that the Corps needs to better document wetland impacts and its efforts to require, and enforce mitigation.

For a copy of LMF's report, write Wetlands Mitigation, Lake Michigan Federation, 69 E. Van Buren, Suite 2215, Chicago, IL 60605.

Wetland Protection Report Released

by Wilfred Orkile, Tip of the Mitt Watershed Council

Because the integrity of the Great Lakes ecosystem relies on protecting and enhancing the region's wetlands, the Great Lakes Wetlands Policy Consortium has written an 80-page wetlands policy report, *Preserving Great Lakes Wetlands: An Environmental Agenda*.

The report contains 54 recommendations for government and 15 actions for environmental groups to implement those recommendations. (See box for a sampling.)

A highlight of the report is its model local wetlands ordinance, which details standards and procedures for permits, enforcement provisions and exempted activities. Often the protection offered by state and federal wetland protection laws do not adequately protect locally significant wetlands. Local ordinances such as the one developed by the Consortium provide the added protection that these important resources deserve.

The report's 54 recommendations cover eight areas: 1) improving regional coordination and planning,

- 2) increasing incentives for preservation,
- 3) strengthening wetland regulatory programs,
- 4) ending government funding of wetland destruction,
- 5) expanding restoration efforts,
- 6) improving management and research,
- 7) supporting acquisition programs, and
- 8) extending educational outreach.

The Great Lakes Wetlands Policy Consortium was initiated by Tip of the Mitt Watershed Council, an environmental advocacy group in northern Michigan, to provide administrative support for the development of Basin-wide wetland policy recommendations. Consortium activities were funded by the Charles Stewart Mott Foundation.

The 22 organizations (including Great Lakes United) that comprise the consortium met during the year and reached consensus on the recommendations. The report will be the focus of a task force meeting at the May 3-5 Great Lakes United annual meeting in Ottawa, Ontario. For a copy of the report, or to help protect wetlands, contact Great Lakes United.



Erratum: In Fall '90 issue, *Indiana*, not *Illinois*, should have been listed as one of two states which have not put in their share of Great Lakes Protection Fund money.

Deer Lake Stocking Halted

by Gayle Coyer, Upper Peninsula Environmental Coalition (UPEC)

After years of effort, the Upper Peninsula Environmental Coalition has finally put an end to the stocking of sport fish in mercury-contaminated Deer Lake, an LC Area of Concern on the south shore of Lake Superior.

UPEC has been fighting the stocking program because it was agreed at the public meetings held for the area's Remedial Action Plan that no stocking would occur (with the exception of adult perch for sampling purposes) until the mercury level in Deer Lake's fish fell below the public health advisory action level of 0.5 ppm.

The lake was drained for a year, but as soon as it was refilled the

Michigan Department of Natural Resources (MDNR) started stocking fish, under the rationale that it had to stock walleye before other predatory fish took over the lake. Mercury levels in the fish continued to exceed the action level of 0.5 ppm. Under pressure, MDNR finally decided to impose a catch-and-release order on Deer Lake, meaning that people found with fish from Deer Lake in their possession are now subject to a fine.

UPEC worked with Great Lakes United and the Michigan Environmental Council to strengthen the order by having a fish-stocking moratorium added to the language: "There will not be any fish stocking program for Deer Lake until levels of contamination have been successfully reduced to allow for healthy sport fishing without any endangerment of public health." Ironically, in this case fishing regulations have proved superior to health regulations for protecting human health.

The order should keep people from eating the fish, but it will not protect the wildlife who use the fish as a food source. There is a pair of bald eagles nesting along Deer Lake who have not reproduced for over a decade.

Successfully containing a contaminated lake as a catch-and-release-only lake is no solution for the problem of contaminated fish. Hopefully, fish managers throughout the country will not see the actions taken at Deer Lake as an example of how to restore contaminated fisheries.



Fish being stocked in contaminated Deer Lake

A Sampling of Wetland Report's Actions

Recommendation: Agencies responsible for implementing the Great Lakes Water Quality Agreement, and for controlling Great Lakes water levels, must integrate their activities and plans which affect protection of wetlands.

Action: Great Lakes United should contact the Great Lakes Fishery Commission, IJC, Migratory Bird Convention authority to inquire about their wetland plans and roles.

Action: Center for the Great Lakes (CGL) should report on the above agencies' wetland activities.

Recommendation: Devise new Annex in the Great Lakes Water Quality Agreement specific for wetlands.

Action: CGL and CGL by 1991 should draft a wetlands Annex to present to the Parties who devise annexes to the Great Lakes Water Quality Agreement.

Recommendation: Great Lakes provinces and states should adopt Basin-wide principles for wetland protection/restoration, as they have done for water supply (Great Lakes Charter) and toxics (Toxic Substances Control Agreement).

Action: CGL by 1991 should draft a set of "model principles" for presentation to the states or provinces.

Recommendation: Each province or state should prepare comprehensive wetland plans and enact legislation to implement the Basin-wide wetland principles.

Action: Freshwater Foundation (FWF) by 1992 should draft a model comprehensive wetlands plan and support legislation.

Action: CGL & FWF by 1992 should convene legislative symposium to address wetland laws and the advantages of a Basin-wide approach.

Recommendation: Non-governmental organizations should launch a Basin-wide wetland stewardship program.

Action: The Consortium and Nature Conservancy Canada by 1991 should prepare master list of most important sites for wetland conservation.

Action: The Consortium, National Audubon Society and Federation of Ontario Naturalists by 1991 should coordinate regional program to establish citizen wetland conservation.

Recommendation: Aggressively encourage restoration of Great Lakes wetlands.

Action: Wisconsin Wetlands Association (WWA), Association of Wetland Managers and Ducks Unlimited Canada by 1991 should issue pamphlet "Guidelines for Successful Wetland Restoration" and target it for appropriate groups.

Action: Lake Michigan Federation (LMF), CGL, and WWA by 1991 should develop a may/list of filled, drained or disturbed wetlands suitable as "Potential Wetland Restoration Sites" and present it to agencies, scientists, consultants and developers.

Recommendation: Strengthen regulatory programs.

Action: Sierra Club and LMF by 1991 should support passage of model state regulatory program in one state.

Action: Environmental Law Institute should by 1992 conduct a comprehensive study of enforcement patterns and litigation in the Great Lakes Basin.



Clean Water Act: What We Want

by Jane Elder, Sierra Club

The U.S. Clean Water Act is being reauthorized this year and environmental groups have outlined the changes needed to achieve the act's stated objective of restoring and maintaining the "chemical, physical and biological integrity of the nation's waters."

Put simply, the Clean Water Act must move beyond pollution control and adopt pollution prevention as the key strategy to eliminate toxic pollutants from U.S. waters. The Clean Water Act does not distinguish between traditional pollution control strategies, and the prevention strategies needed to stop persistent toxic contamination. The act must be amended to include provisions to achieve the zero discharge goal.

First, the act must include a pollution prevention title. This title should require EPA and the states to:

- ▶ ban or phase-out substances and processes that contribute to persistent toxic contamination;
- ▶ mandate toxics use reduction by industry; and
- ▶ prohibit mere transfers of persistent toxic substances, e.g., the replacement of open water discharge by deepwell injection.

Because the Clean Water Act now applies conventional pollution control programs to persistent toxic discharges, pollution prevention must be thoroughly integrated into existing programs. It should:

- ▶ mandate sunset dates for total elimination of persistent toxic substances in permits;
- ▶ enforce pollution prevention audits and toxics use reduction; and
- ▶ prohibit mixing zones and other dilution techniques for persistent toxics.

The Clean Water Act currently allows states to set more stringent standards than the EPA. This important option for the states, currently under attack by industry, must be retained as a way to strengthen federal standards where they are inadequate.

The Clean Water Act now gives citizens and groups standing to sue facilities or state or federal government to enforce the act. But court

cases have narrowed the scope of citizen suits to current, ongoing violations. Congress should change the act to allow citizens the same scope of enforcement as the states or the EPA.

The Clean Water Act has mandatory, enforceable requirements to control pollution from "point" sources such as factories and sewage treatment plants.

Unfortunately, half the pollution of U.S. surface waters comes from poison runoff, also known as "non-point source pollution"—the pollution from toxic substances and other pollutants washing into surface waters from farms, streets, parking lots, and logging and mining operations. Planning programs and voluntary controls have failed to control poison runoff. It is essential that Congress control poison runoff through strict, mandatory control programs.

Congress must amend the Clean Water Act to protect the biological and physical integrity of the nation's waters by protecting the wetlands and the critical fish habitats they provide. Wetland regulations should cover activities such as channelization, drainage, vegetation removal, excavation, and the discharge of pollutants that may degrade or destroy wetland values and functions.

Wetland regulations should require Basin-wide standards that first avoid and then minimize wetland impacts, and compensate for unavoidable impacts. Wetland regulations must contain enforcement provisions that deter violations, and enforcement must be adequately funded and exercised.

The act contains a section on compliance with the Great Lakes Water Quality Agreement, but Congress should strengthen it by adding language requiring U.S. compliance.

The Clean Water Act needs to take two steps in order to rehabilitate the Great Lakes. First, Lake Superior should be designated as a zero discharge zone. Second, the mixing zones of initial dilution for persistent bioaccumulative substances should be eliminated. This merely reiterates goals established in the Great Lakes Critical Programs Act.

In The Public Interest

by Paul Muldoon

Q. What is meant by the term "zero discharge"?

A. Few concepts have raised as much attention as the goal of zero discharge. The basis of the zero discharge goal for the Great Lakes can be found in the Great Lakes Water Quality Agreement. It is a promise made by the governments of Canada and the United States to the people of the basin.

Under Article II of the Agreement, the governments commit to "virtually eliminating" the discharge of persistent toxic chemicals. While the overall goal is virtual elimination, Annex 12 of the Agreement attempts to address persistent toxic chemicals in a more specific way. New regulatory strategies to deal with the "inputs" of persistent toxic chemicals are proposed to be undertaken in the "philosophy of zero discharge."

Zero discharge is a means to virtual elimination. Zero discharge is a plan to reduce all ongoing releases of persistent

toxic chemicals to zero. Even if this is achieved, residues of previous discharges remain. Only if those persistent toxic chemicals are eliminated will the goal of "virtual elimination" will be achieved.

Zero discharge is not impossibly ambitious. It can be achieved by combining several strategies—process change, product or material substitution, product reformation, waste recycling, or even good management practices.

A number of important points should be emphasized. First, zero discharge applies to all releases from all air, water and land sources (such as industry, agriculture and diffuse sources).

Second, zero discharge means no discharge. It does not mean discharge below the level of detection, or reduction to the level of best available technology.

Third, zero discharge may require the banning of chemicals or processes that lead to the generation of toxic chemicals.

Canada Backs Off On Delisting Criteria

by Karen Murphy, GLU Field Coordinator

Canada's Ontario and federal governments appear to have backed away from their development of principles for delisting of Areas of Concern. Instead they plan to use the proposed principles to guide creation of delisting criteria during Stage II RAP development for specific Areas of Concern. In effect, the principles will now form the basis for determining local delisting criteria.

The Canada-Ontario Agreement Steering Committee, the body which oversees Canada's RAP process in Canada, will release draft principles for public review by early April. There will be a 60-day comment period. RAP Public Advisory Committees and the PAC Council are expected to provide much input.

The governments' change in focus could provide useful guidance for developing local delisting criteria. But whether the government's efforts will help or hinder the implementation of good RAPs depends not on the formalities of process but on substance—what will the proposed principles be?

Citizens involved in RAPs should take a hard look at these draft guidance documents. Local delisting criteria, or restoration goals, may drive not only programs outlined in the RAP but ongoing regulatory programs as well. We need to make sure that the draft principles reflect our objective—to restore the Areas of Concern.

To review the criteria, contact Tom Coape-Arnold, Ont. Ministry of the Environment, (416) 323-4943, or Louise Knox, Environment Canada, (416) 973-9736.

New Staff Join Great Lakes United

Great Lakes United is growing! In the last three months, Tony Luppino has come on board to co-coordinate the Pollution Prevention Project, which is funded by the Great Lakes Protection Fund. He will work closely with GLU Field Coordinator Karen Murphy. Tony was formerly Buffalo regional director for Citizen Action, a nationwide public interest group. Tony has long been involved in environmental and social justice issues. He chaired Buffalo's 62-organization umbrella group, Earth Day 1990 Coalition, which arranged Earth Day events last April. He was also a candidate for Buffalo City Council in 1989.

Tony's duties are to locate and publicize pollution prevention success stories, coordinate the *Bulletin of Pollution Prevention*, a new four-page addition to GLU's quarterly

newsletter, and arrange citizen workshops on pollution prevention topics.

Valerie Galante is GLU's new administrative coordinator/information manager and will coordinate office functions and arrange meetings and pollution prevention workshops. Valerie previously worked for the Buffalo Philharmonic Orchestra in marketing and public relations.

Reg Gilbert is our newest employee. He is responsible for preparing and editing the *Bulletin of Pollution Prevention*, producing GLU booklets, and assisting in the preparation of GLU's quarterly newsletter. Reg worked previously in Washington, D.C., as a freelance writer and editor, and he edits books for Buffalo's Prometheus Books, Inc.

How to Curb Air Toxics in the Great Lakes, a Sierra Club conference, May 17-19, 1991, OHare Plaza Hotel, Chicago. For travel scholarships, call George Coling, 202-547-1141, Sierra Club, 408 "C" St., Washington, DC 20002.

Threats to Weaken Wetland Regulation: What We Can Do, a workshop by Audubon Society, Buffalo Chapter and Northeast Office, April 27-9, 4pm, Buffalo State College. Free. Call Doug Ashby, 716-876-9237.

Join Great Lakes United!

*"Unless someone like you
Cares a whole awful lot,
Nothing is going to get better,
It's not."*

The Lorax, by Dr. Seuss

Yes! I would like to join GLU as an...

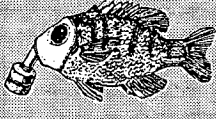
- ☐ individual member (\$20.00) ☐ family member (\$30.00)
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Phone: () _____ Zip/Postal Code: _____

- ☐ I would also like to volunteer my time for GLU
☐ I would like to know more about what GLU does



Great Lakes United
Cassidy Hall, 1300 Elmwood Avenue
Buffalo, NY 14222 (716) 886-0142



Tough Prescription Needed For Great Lakes

by Tim Eder, National Wildlife Federation, Great Lakes Natural Resource Center, and Paul Muldoon, Canadian Institute for Environmental Law and Policy

The Great Lakes are ill and a tough new prescription is needed to restore them. This is the conclusion of a far-reaching two-year study by the National Wildlife Federation (NWF) and Canadian Institute for Environmental Law and Policy.

To restore Great Lakes health within 30 years, an immediate ban on the most dangerous toxic chemicals and extreme reductions in the use of all other toxics is prescribed in the new report.

The prescription also recommends more stringent water quality standards to protect people and wildlife from other health risks in addition to cancer, and rigorous clean-up plans for the lakes.

The proposal calls for a ban on about 70 of the most dangerous

toxic chemicals, those that build up in the food chain. This is a small fraction of the 60,000 to 70,000 chemicals in commercial use in the Great Lakes region. For the first time, production and use of other harmful chemicals would be phased out through a process called "sunsetting." The ban, reductions, and sunsetting would not only affect industrial sources but also household products containing toxic materials.

This prescription requires all toxics users—industry, farmers, and citizens—to go on a "low-toxic diet." Toxic-dependent products include white office paper, toilet paper, and facial tissue that are bleached with chlorine during manufacturing. The chlorine forms dioxin and other pollutants which are then discharged into water.

has been nearly wiped out on the shores of Lake Ontario.

Cancer risk can't continue to be the only litmus test for healthy lakes. Programs based on only those risks don't do the job—we need dramatic reforms.

Even strict adherence to prescribed bans, sunsetting procedures, and reductions in toxics cannot fully restore the lakes to good health. In addition, clean-up plans

Here Are Some of the Prescriptions...

- ESTABLISH A ZERO DISCHARGE STRATEGY**
- 1. Immediately Freeze Toxic Dumping** - No government in the Great Lakes Basin should issue a discharge permit that would allow any increase in releases of the 362 toxic chemicals identified by the Water Quality Board.
 - 2. Protect Lake Superior** - Immediately adopt the zero discharge strategy, including a freeze on new pulp mills that use chlorine, phase-out of chlorine at existing mills, and independent review of logging impacts on Lake Superior.
 - 3. Sunset the Most Dangerous Toxic Chemicals** - Ban those with very high bioconcentration factors, and those for which substitutes are available. Every permit should incorporate sunset timetables for phaseout of chemicals.
 - 4. Reduce Use of Toxic Substances That Are Not Sunset**
 - Each government should set a goal of 50 percent reduction in total use of toxic chemicals by 1996 and 75 percent by 2000.
 - Each government in Great Lakes Basin should pass legis-

- lation on good neighbor agreements, giving citizens the rights to information and inspection; worker right to refuse unsafe work; right to report pollution and right to sue.
- 5. Adopt Zero Discharge Technologies**, such as substituting less toxic chemicals, reducing use of toxics through conservation and recycling, and employing more advanced pollution control techniques.

- REFORM WATER QUALITY STANDARDS**
- Revise Water Quality Standards for PCBs to no higher than one part per quadrillion by June 30, 1994.
 - Adopt Basin wide uniform Water Quality Standards based on fish being safe to eat by all wildlife and humans by June 30, 1994.
 - Adopt by June 30, 1994 a standard for dioxin no higher than 0.0067 parts per quadrillion to protect wildlife.

A Prescription for Healthy Great Lakes presents an innovative scientific formula for determining how to set lakewide standards for target levels for PCB's and other toxic chemicals to protect people and wildlife from all health risks - not just cancer. Existing water quality standards (called "objectives" in Ontario) for the lakes are flawed because they simply aren't stringent enough to prevent all health problems, such as birth defects among wildlife and learning deficits in children of women who consume toxic-polluted fish.

There is independent evidence of developmental problems in children whose mothers ate toxic-contaminated fish from Lake Michigan. The children exhibit reductions in short-term memory and verbal skills—performing five percent lower than children who have not been exposed to the chemicals. Further, eagles reproduce less successfully as a result of eating Great Lakes fish and the mink population



for each lake using new water quality standards as goals, are required. They would involve cleaning up the most contaminated sediments trapped at the bottom of the lakes and tributaries, and slashing atmospheric PCB pollution by one-half. These measures must be undertaken within ten years in order to achieve healthy Lakes in about 30 years, our study says.

For example, in a PCB clean-up scenario for Lakes Michigan and Ontario, if all sources of PCBs were stopped within 10 years, target water quality levels would be achieved by 2021 in Lake Michigan and 2025 in Lake Ontario.

"It's tough medicine to swallow, but we know 30 years from now our children will benefit from the many environmental and economic values of a healthy Great Lakes ecosystem," said Mark Van Putten, director of NWF's Great Lakes Natural Resource Center.

The report establishes an agenda for reform of the regional framework of the Great Lakes. The U.S. and Canada's next task is to implement these reforms in as many jurisdictions and forums as possible, such as RAPs and Lakewide Management Plans.

No one says this prescription to restore the Great Lakes' health will be an easy "pill" to take. But without such tough medicine, the Great Lakes' toxic problem will fester for generations more.

New Book on the Great Lakes!

Freshwater Seas: Saving the Great Lakes, is the newest book released by Great Lakes United's executive director, Phil Weller.

Weller takes the reader on a historical tour of the Great Lakes and how they got to where they are today. He takes a critical look at government and citizen anti-pollution programs, and spells out a detailed map of remedies needed for a Great Lakes cleanup.

The 224-page book can be ordered from Between the Lines Publ., 394 Euclid Av., Toronto, Ont. M6G 2S9 or contact GLU office for information.

Come to 9th GLU Annual Meeting!*

Great Lakes United's Ninth Annual Meeting will be held in the scenic capital of Canada, Ottawa, on May 3 - 5, 1991. The luncheon speaker will be Honourable David Crombie, Commissioner of the Royal Commission on the Future of the Toronto Waterfront. Invited to discuss Canada's program for Great Lakes cleanup are Canada Minister of the Environment, Hon. Robert de Cotret, NDP Environment Critic James Fulton and Liberal Critic Paul Martin.

Exciting topics include issues facing the St. Lawrence River and the Beluga whale; "Emerging Evidence on Human Health - Should We Be Worried?"; "New Ideas and Actions for Great Lakes Cleanup"; and "Achieving Zero Discharge in Lake Superior."

Banquet and entertainment will be enjoyed at the Palais des Congres on Saturday night. There will be opportunities to see the picturesque Parliament Building and other impressive architecture. And of course after-hours socializing will round out the weekend. Contact the GLU office to register.

*not the 10th annual meeting, as erroneously listed in the last issue

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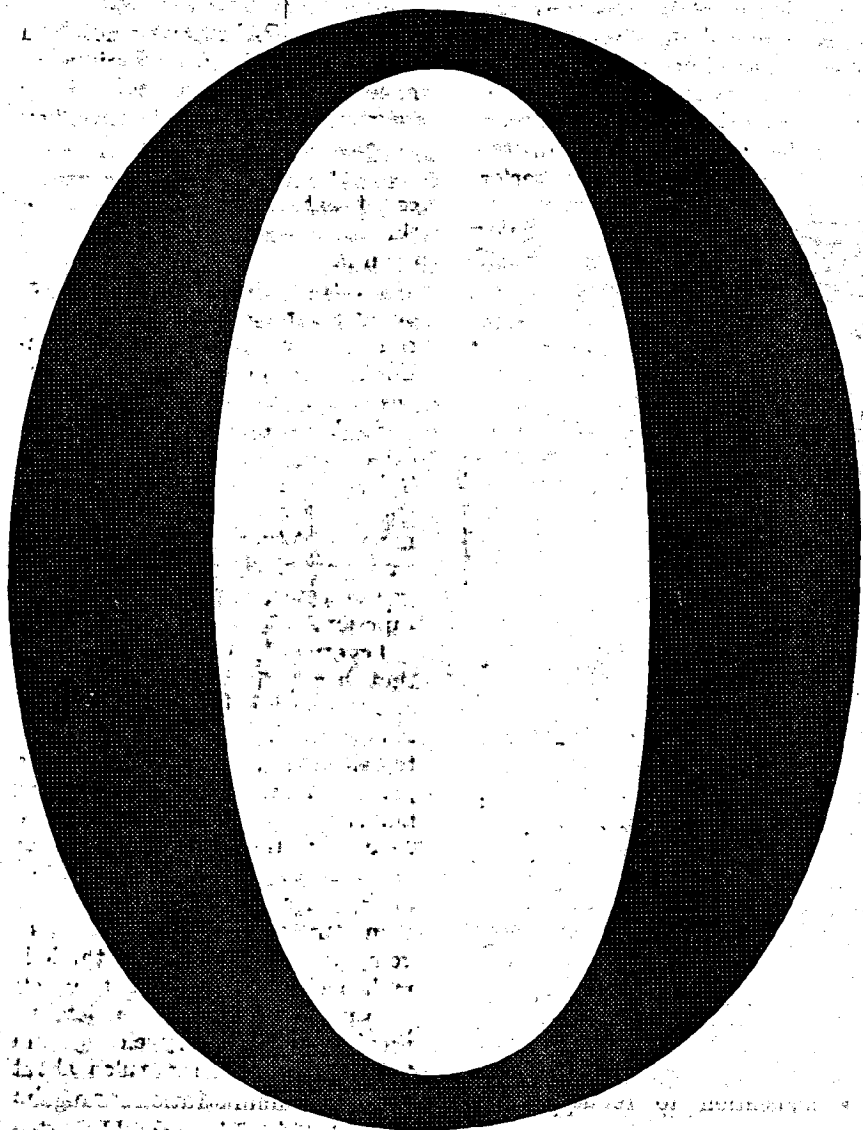
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BULLETIN OF POLLUTION PREVENTION

no. 1

Great Lakes United—a binational coalition for the Great Lakes/St. Lawrence ecosystem

spring 1991



The meaning of zero

by John Jackson

Zero discharge of a substance means no human release of that substance into the environment.

Persistent toxic substances are having sometimes insidious, sometimes dramatic, but always serious impacts on the wildlife and the people who live in the Great Lakes Basin. We cannot afford to continue building up the toxic legacy we are passing on to our children and grandchildren. The only sane, rational approach for dealing with persistent toxic substances is not to release them into the environment at all—zero discharge.

Surprisingly, considerable debate swirls around the meaning of the very straightforward word "zero." It means "none."

"Zero" does not mean "virtual." We cannot completely remove all persistent toxic substances from the Great Lakes ecosystem. Some of them occur naturally. In addition, we will not be able to remove all of the huge amounts that we have already released into the environment. Our goal is to "virtually" eliminate these substances from the Great Lakes environment. But to achieve this goal, we must stop all ongoing discharges of these chemicals. To do this we must have zero discharge, not "almost zero."

Zero discharge does not mean reducing discharges to the point where they have no impact on life. We cannot risk waiting to eliminate discharges until we can measure the impacts. It is too late at that point; damage has already been done and the hazardous chemicals have been irretrievably dispersed

throughout the environment.

Zero discharge does not mean reducing discharges to the point where we cannot detect them. This approach does not guarantee safety. Even very tiny, unmeasurable quantities of persistent toxic substances build up over time to dangerously high levels in living organisms.

Zero discharge does not mean ensuring that contaminant levels in the discharge are at concentrations no higher than in the water or air the user took from the environment. Our concern is with total quantities of a chemical discharged, not with the concentrations. Again, small quantities of persistent toxic substances build up to very high levels in living organisms.

Zero discharge does not necessarily mean using the best currently available technology to control pollutants. The urgency of achieving zero discharge is so great that we must develop new technologies, and change or stop our use of persistent toxic substances to eliminate their release into the environment.

Some charge that if we define "zero" to mean "none," we are proposing something that cannot be achieved. This is not true. We can achieve zero discharge if we stop using hazardous persistent toxic substances.

Defining zero discharge literally forces a shift from futile and misleading measurement of releases to looking for ways to avoid using toxic chemicals in the first place. This is why a literal definition of "zero" as "none" is critical.

Look Out, Here Comes Pollution Prevention!

by Tony Luppino

With the start of a new year, Great Lakes United has launched an exciting new effort: the Pollution Prevention/Zero Discharge Project. The disappointing track record of massive government and industry pollution control programs undertaken since the first Earth Day in 1970 has prompted the environmental community in recent years to rethink its fundamental strategies. The result has been a shift in emphasis away from simply controlling pollution toward trying to prevent it—to reduce or eliminate pollutants so that they do not need to be controlled.

In a review last year of two decades of costly American pollution control efforts, longtime environmental activist Barry Commoner concluded that, although the nation's progress was generally mediocre, it was nonetheless studded with occasional dramatic success stories. In a few cases, levels of specific pollutants in the environment had declined dramatically since 1970. These success stories had one thing in common: the production and use of the pollutant in question was phased out due to government policy. The technology of production was changed so that the pollutant was no longer needed or its discharge no longer required.

Commoner's assessment shows us that, if we really want to have something to celebrate on the thirtieth anniversary of the first Earth Day in the year 2000, all efforts must be made to prevent pollution before it needs to be controlled. Great Lakes United's Pollution Prevention/Zero Discharge Project is designed to make such pollution prevention efforts a reality in the Great Lakes region.

GLU's pollution prevention plan of action for 1991 includes a number of important elements. One of these will be an effort to publicize pollution prevention "success stories," examples of relatively successful pollution prevention efforts carried out by private corporations, communities, and county, state, provincial, regional and federal governments.

We have already begun extensive research to compile information on specific corporations and communities that have successfully prevented pollution, as well as specific processes, methods, and government policies being used to prevent pollution and move towards zero discharge. This information will be organized in the form of a Pollution Prevention Clearinghouse based at the Buffalo office of Great Lakes United.

During the second half of 1991 Great Lakes United will launch a media campaign to highlight pollution prevention success stories and to criticize companies in the Great Lakes Basin that are failing to implement pollution prevention programs.

Another important part of GLU's 1991 pollution prevention program will be activities designed to help

citizens of the Great Lakes region understand pollution prevention/zero discharge, and to provide them with training for their efforts to push for pollution prevention/zero discharge programs in their communities.

We plan to teach activists how to organize community campaigns to negotiate "Good Neighbor Pollution Prevention Agreements" with local industries. These are negotiated, semi-official contracts in which polluting facilities agree to prevent pollution by changing their operating procedures or production processes.

In order to bring pollution prevention information and training directly to activists, we will conduct six community training workshops for environmental and labor leaders in locations around the Great Lakes Basin during 1991. Each will be designed to meet the information and training needs of its participants, concentrating on pollution prevention issues or policy goals important to the area in which the workshop is being held.

Details of our first training workshop have already been set. It will be held on April 13 and 14, at the Lewiston #2 Fire Company in Niagara Falls, New York.

The GLU Pollution Prevention/Zero Discharge Project will publish two citizen guides during the summer and fall of 1991.

The first guide, *Achieving Zero Discharge in the Great Lakes Areas of Concern*, will show citizens how to work for the incorporation of pollution prevention/zero discharge goals and programs into Remedial Action Plans.

The second guide, *Achieving a Zero Discharge Community*, will offer detailed information on pollution, prevention success stories and on organizing good neighbor pollution prevention campaigns.

In November we will hold a conference to be called "Great Lakes Basin Citizens' Conference on Pollution Prevention and Zero Discharge." This conference will bring together environmental and labor leaders from throughout the Great Lakes Basin to share information on pollution prevention efforts in their own communities and to plan strategies for winning government and industry pollution prevention policies and programs that will quickly move the Great Lakes Basin towards zero discharge.

Three community training workshops to be held by GLU in Ontario will be part of a larger campaign to push for the inclusion of programs and requirements for pollution prevention into the Ontario MISA. This campaign, which will be carried out by Great Lakes United, Pollution Probe, the Canadian Environmental Law Association, and other Ontario organizations, will press for a new policy requiring that Pollution Prevention/Toxics Use Reduction Plans be part of all new permits and permit renewals approved for industries under the MISA program.

Tryens on Good, Bad, Ugly Toxic Use Laws

Jeffrey Tryens is associate director of the Center for Policy Alternatives, based in Washington, D.C. The center works with state officials and advocacy groups to develop innovative policies in a broad range of areas, including women's, voters', and environmental issues and ways to use private capital for the public good.

In cooperation with the National Environmental Law Center and the Center for Public Interest Research, the center recently released *An Ounce of Toxic Pollution Prevention: Rating State's Toxics Use Reduction Laws*.

BPP: What types of toxic use reduction/pollution prevention policies and programs do you think states should be developing and implementing?

Tryens: In *An Ounce of Toxic Pollution Prevention* we looked at ten state laws, evaluating them against what we think is a model law. And the law which came out ahead, was the Massachusetts law. That law includes many of the most important components of a good state toxics use reduction law. The first and most important is that it has to clearly say in law what it means to achieve toxics use reduction. The second most important thing is that it must require each company in industries that are covered, and those industries must be both broad and targeted, to develop a toxics use reduction plan, by law, which the state then has the authority to review and approve. In order to figure out which industries should be covered by toxics use reduction requirements, the state needs to look at what its problem chemicals are and start there by going to every industry that uses these chemicals. And there must be a strategy to continue to expand the list of chemicals.

Now the state of New York has just enacted a waste minimization law last year which includes that specific requirement. Now that's a waste minimization law and it is not specifically oriented towards toxics use reduction but I really think it's an excellent step because what the State can do if they do not approve those reduction plans is they can revoke the licenses or the permits of those industries which enable them to emit hazardous materials into the environment. And that is, in my opinion, an excellent handle that every state

should have and be employing.

The third piece of an ideal toxics use reduction law is, to go along with that plan, the industries must be required to report each year on their progress towards the plan's reduction goals. They report both to the community and to the State. Number four is that there should be worker and community involvement, although we would say that the worker involvement was probably a little more important. And number five is the state ought to be there in some technical capacity, like Massachusetts which has established the Toxics Use Reduction Institute, to work with companies, once again establishing what the state's priorities are, and then aggressively going out to those companies and saying look, here's the hammer, you have to do it, but here's the carrot, we'll help you. And then the state also needs to empower state agencies in some way to carry out these other requirements. That is to say, if the companies are not achieving their goals, like the NY law, the state can give notice that in another year if you haven't achieved whatever the goals were that we approved, you will no longer be able to use this state's waterways and this state's air to get rid of your hazardous byproducts. And then there's the last thing which I think is very important, and when we did our study we found it was the hardest information to come by, is that the states really have to figure out ways to fund these programs at levels that are meaningful. A number of states have started toxics use reduction programs using two- or three-year EPA grants. That's fine as a start, but they really have to come in and raise more funds perhaps like Massachusetts once again, which established user fees where those monies come from industry and are specifically targeted towards toxics use reduction activities. We believe that in fact this is another one of those examples where the state can come in and establish programs that will in the long run save these companies money. We think that toxics use reduction makes sense economically over a ten-year span. There is some investment that has to happen, but the way all the numbers are going in terms of the cost of hazardous waste management we think that if the state can help, and this is so true in so many instances with environmentally positive pro-

grams, the state can help make it less of a short-term expense to companies so that they all make out in the long run.

BPP: Would you see economic incentives such as tax incentives being helpful, or other forms of assistance such as grants and low-interest loans?

Tryens: Once again, we've got the stick and the carrot here. Louisiana has a law now which ties tax breaks to environmental perfor-



mance. Well, with some significant screaming from industry, the State of Louisiana has enacted this new law which has reduced the amount of tax breaks any company can claim on the basis of a scoring scheme from 0 to 100, and anything less than 100 you get a certain amount knocked off the tax abatement you receive.

BPP: That's a great idea.

Tryens: I really is and it just makes no sense at all for a state to subsidize a company that's causing environmental pollution problems within the state. So I think that is an excellent model, and Louisiana is the only state in the union that has it right now. From what I know about states that have done significant amounts of assistance (and two of those states are Illinois and Massachusetts), the people who run those programs view them as being quite successful. Unfortunately, they can't reach a lot of companies usually because you're talking about a staff of two or three people. So what you do a lot of is you do training sessions and seminars. You don't really do the in-plant analyses that are needed.

BPP: Now, you would see the need, if we could meet the need, of really expanding toxics use reduction offices or departments within the state governments?

Tryens: I think that there is a prime market for some really smart universities and colleges around the country to start really training a new type of engineer, because I think that Toxics Use Reduction specialists are going to be in great demand in the next 10 to 20 years. And there are only a few schools that I know of, like the University of Lowell, that are really taking it seriously. This is the only way this is going to work in the long run; it will not be achieved strictly through carrots and sticks at the state level. It will have to be achieved through training a whole new generation of engineers and scientists and managers of industry to think in a new way. Certainly there is a lot of educating the state can do, but it's really a huge task.

BPP: So, you would not only support expanded staffing for toxics use reduction offices in state governments, but you see a real need

to expand the educational and training resources that are out there in the university systems to really start training larger numbers of individuals who have the skills needed to be toxics use reduction specialists.

Tryens: Right, and there's a market for it. One of the things we have to figure out how to do is make this easy for industry. You know, we have the Arthur Andersen's of the world who are accounting firms who are leaping into this sort of thing by doing in-plant environmental assessments. And I think that it's good and they're being smart about it, but I also think that we need to do this scientifically and in as sound a way as possible engineering-wise.

BPP: An organizational question for state governments. Kenneth Geiser of the Massachusetts Institute for Toxics Use Reduction believes that there is a need to separate the assistance function of state government from the regulatory function.

Tryens: I have a couple of thoughts on that. I think it makes a lot of sense for the industry to be able to see the person that's coming to help them as not being the same person who will nail them if they're not right up to standard because regulators, the people who come in and inspect your processes, and so forth, are just not viewed by plant managers as the people who are going to help you. So, I think it makes a lot of sense to split that off as a function, obviously, as long as they're working very closely and there are very strict rules about what information can be transmitted and what information cannot be transmitted. On the other hand, I strongly support the recommendation of the United Nations Special Commission on the Environment, and the Economy made two or three years ago in their report "Our Common Future," that environmental quality and economic development ought to be closely linked as possible in any nation or in this case, state development strategy. It's very important to keep in mind. That is to say, what we're doing here is we're saying that environmental concerns must be introduced into how industries work from the "get-go." How industries work from the get-go is often influenced by what the state economic development strategy is, which businesses the state is trying to attract, and what we want them to do. If those toxics use reduction concerns are intimately intertwined, those state development choices are always going to be behind the eight ball. So I would also say that states need to make a much stronger effort in making sure on-board with this idea of toxics use reduction. They aren't on-board now.

Get Your Hot Info Right Here!

Using Right-To-Know in the Fight Against Toxics by Jeffrey Tryens & Richard Schrader, Center for Policy Alternatives. Excellent case studies of U.S. citizens' efforts to fight toxic hazards. Available from Center for Policy Alternatives, 1875 Connecticut Ave. NW, Washington, DC 20009, (202) 387-6300.

Cutting Chemical Wastes by INFORM, Inc. A study of 20 chemical plants in Ohio, New Jersey and California. Detailed description of the pollutants generated by the facilities and the source or toxics use reduction activities at each. Available for \$50 (\$37.50 for non-profits) from INFORM Inc., 381 Park Ave. S., New York, NY 10016, (212) 689-4040.

Citizen's Toxic Waste Audit Manual. By Ben Gordon & Peter Martague. Explains how to use the Toxic Release Inventory data in

public campaigns for pollution prevention or toxics use reduction. Available from Greenpeace USA, 1436 U St. NW, Washington, DC 20009, (202) 462-1177.

An Ounce of Toxic Pollution Prevention: Rating States' Toxics Use Reduction Laws by William Ege, National Environmental Law Center and the Center for Public Interest Research, and Richard Schrader, Center for Policy Alternatives. Available for \$16 from Center for Policy Alternatives, 1875 Connecticut Ave. NW, Washington, DC 20009, (202) 387-6030.

Pollution Prevention in the Great Lakes: A Survey of Current Efforts and an Agenda for Reform, by Marcia Valiente and Paul Muldon, Canadian Institute for Environmental Law and Policy, 517 College St., Ste. 400, Toronto, Ontario M6G 4A2.

Bulletin of Pollution Prevention

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Basin Toxic Use Reduction Is in Its Infancy

by Karen Murphy

With the passage of the Emergency Planning and Community Right to Know Act (EPCRA) in the United States, politicians, citizens, regulators and industry for the first time have been given a comprehensive look at releases of toxic chemicals into the environment.

This new awareness has helped to instill a realization that conventional pollution control is not working and has helped initiate the development of toxics use reduction laws around the country. So far, 17 states have passed some sort of toxics use reduction legislation.

The first EPCRA reports were shocking. An ALCOA facility in Point Comfort, Texas released 465 million pounds of toxics in 1987; closer to home, Eastman Kodak's Rochester, New York, facility released 23 million pounds of toxics.

This information compelled U.S. decisionmakers to start looking at waste or emissions as a multimedia problem. Experience with banning chemicals also demonstrated that the most effective way to eliminate pollution was to discontinue the use of toxic chemicals.

Over the past five years decisionmakers, community residents and regulators have realized that the prevailing regulatory philosophy—controlling pollution at the end of

the pipe (or stack)—does not protect the environment. It has become clear that we need to move toward eliminating and reducing the use of toxic substances—in other words, toxics use reduction. As a result, many states have recently passed toxics use reduction laws.

A good toxics use reduction law needs several components to be effective:

- ▶ a definition of toxics use reduction and the methods for achieving it;
- ▶ planning and reporting requirements;
- ▶ technical assistance programs;
- ▶ regulatory authority to enforce the plans;
- ▶ general and specific reduction goals and targets;
- ▶ provisions for worker and community involvement; and
- ▶ a dedicated source of funding.

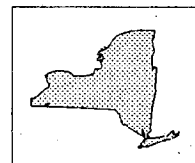
In the Great Lakes region, Illinois, Indiana, Minnesota and Wisconsin have passed toxics use reduction legislation. New York and Michigan have passed legislation dealing with hazardous waste reduction and are moving towards the development of programs and/or legislation aimed at toxics use reduction.

Pennsylvania and Ohio, have neither waste reduction nor toxics

use reduction legislation. Canada does not have a comparable federal program for toxics release reporting. In the Basin, neither Quebec nor Ontario have passed comprehensive toxics use reduction legislation. Ontario does have some technical assistance and research and demonstration programs for waste reduction. Quebec is currently developing a new plan which will address waste reduction.

New York

New York passed a hazardous waste reduction law this year which tied reduction planning to



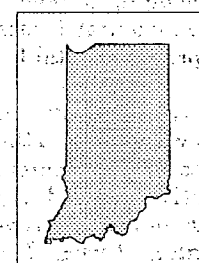
existing permits. Generators are required to certify that a) a waste reduction program is in place and b) an adequate hazardous waste reduction impact statement (WRIS) has been developed. If the state determines that the WRIS is not adequate, it may decide not to issue or reissue a treatment, storage, or disposal permit. Although this is a waste reduction law, it is important in that reduction is tied to the issuance of permits.

Agency contact person: John Iannotti, Director, Bureau of Pollution Prevention, NYDEC, 50 Wolf Road, Albany, NY 12233, (518) 457-

7267.

Indiana

Last year the state passed the Indiana Industrial Pollution Prevention Act. The law defines pollution prevention as "a practice that reduces the industrial use of toxic materials...



...without diluting or concentrating the waste before the release, handling, storage, transport, treatment, or disposal of the waste. The term includes changes in production technology, materials, processes, operations, or procedures or the use of in process, in line, or closed loop recycling."

The law establishes an Office of Pollution Prevention and Technical Assistance within the Department of Environmental Management and empowers it to set up an information clearinghouse, award grants to support pollution prevention activities, sponsor pollution prevention pilot projects, and evaluate and develop regulatory opportunities for pollution prevention.

The law also establishes a Pollution Prevention and Safe Materials Institute to "encourage" and assist companies to develop multimedia pollution prevention plans and to establish a program for training pollution prevention planners. Funding to support this legislation is through general fund appropriations.

Agency contact person: Joanne Joyce, Indiana Department of Environmental Management, 105 S. Meridian, Box 6015, Indianapolis, IN 46206-6015, (317) 232-8603.

Agency contact person: Joanne Joyce, Indiana Department of Environmental Management, 105 S. Meridian, Box 6015, Indianapolis, IN 46206-6015, (317) 232-8603.

Michigan

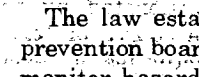
In 1990 DNR released a draft waste prevention strategy that laid out reduction goals and a broad-based plan for multi-media waste reduction and toxics use reduction.



Agency contact person: Val Owsowski, Michigan Department of Natural Resources, Office of Waste Services, P.O. Box 30004, Lansing, MI 48909, (517) 373-0606.

Wisconsin

Wisconsin Act 325 was passed in 1989 to reduce the "use and release of hazardous substances, toxic pollutants, and hazardous waste" and to promote "hazardous pollution prevention," defined as "changes in processes or raw materials that reduce or eliminate the use or production of hazardous substances, toxic pollutants and hazardous waste."



The law established a pollution prevention board to coordinate and monitor hazardous pollution prevention activities in the state, advise the Wisconsin Department of Natural Resources (DNR) and other government agencies, review pollution prevention audit grant ap-

continued page 4

Whaddya Mean By That, Mister?

Here are definitions for some commonly used pollution prevention terms. Given the prevalence of government and industry environmental rhetoric, it is important for the environmental community to be precise in its use of terms—and to be aware when others are using them in restricted, euphemistic or misleading ways.

Zero discharge. (See separate article by GLU President, John Jackson.)

Virtual elimination means near-complete elimination of the presence of toxic pollutants in the ecosystem. The concept of virtual elimination arises from recognition that it is impossible to totally eliminate toxic substances from the Great Lakes ecosystem because we cannot completely clean up or recapture those contaminants already released. In addition, some toxics occur naturally. Of course, only by achieving zero discharge is it possible to achieve virtual elimination.

Toxics use reduction means in-plant changes in production processes or raw materials that reduce, avoid, or eliminate the use of toxic or hazardous substances per unit of product. Toxics use reduction does not include things like incineration, transfer of waste from one medium to another, and offsite or out-of-process recycling. Toxics use reduction fundamentally changes the way industry thinks about toxic chemicals, questioning their use in the first place. Toxics use reduction encourages industry to go beyond a focus on waste to think about eliminating hazards associated with toxics use, such as worker and consumer product exposures. Toxics use reduction explicitly prohibits the shifting of toxic hazards from the environment to the workplace or consumers.

Sunsetting is a systematic process for phasing out (that is, ban-

ning after a period of time) the production and use of toxic chemicals, processes that create toxic byproducts, and products that are toxic or contain toxic material.

Source reduction includes actions or measures taken by hazardous waste generators that reduce the production or generation of hazardous and toxic wastes in the first place. Toxics use reduction, process and design changes that lead to reduced waste, and in-process recycling are all forms of source reduction. Out-of-process recycling is not. While source reduction includes toxics use reduction, it also includes actions or measures that may reduce or eliminate the creation of toxic wastes without reducing or eliminating the use of toxic or hazardous substances as raw materials.

Waste minimization is another term we must be view with a great deal of caution and skepticism. It is very similar to the term waste reduction. Terms like waste minimization and waste reduction often signal that a company or government program is primarily designed to limit land disposal of hazardous wastes, as opposed to a multimedia toxics use reduction program, for example.

Waste reduction means measures or actions taken to reduce the volume and toxicity of wastes. While waste reduction includes toxics use reduction and source reduction, it is a much broader and less stringent term. Waste reduction includes out-of-process recycling, and it may also include measures such as dewatering, which reduces the volume of hazardous wastes. The point to remember is that waste reduction is a much more ambiguous term than either source reduction or toxics use reduction.

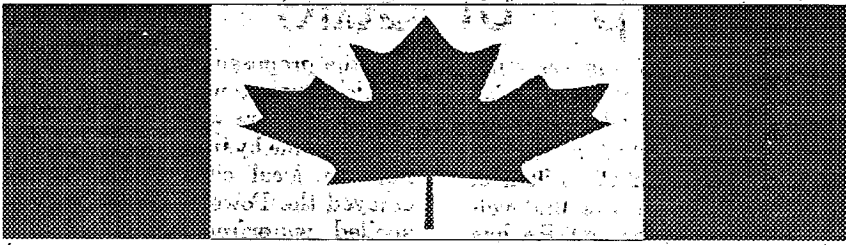
In-process recycling is the

reuse of toxic chemicals or their toxic byproducts within the process they are generated in. In-process recycling qualifies as toxics use or source reduction because chemicals move only inside a production process and never emerge as waste.

Out-of-process recycling is the reuse of toxic materials or their toxic byproducts by another manufacturing process or facility or product recycling facility. This kind of recycling is not a form of toxics use or source reduction because the toxic substances must be transported, creating risks for workers, the public, and the environment.

Pollution prevention means very different things to different people, just as the terms "natural" and "recyclable" mean one thing when uttered by cereal and plastic bottle manufacturers and quite another to the consumer who reads their claims. Pollution prevention in its strictest sense is almost the same as toxics use reduction, that is, programs or measures that avoid the generation of toxic pollutants by reducing their use, rather than capturing pollutants at the end-of-the-pipe. Some environmental policy advocates, such as Jeffrey Tryens of the Center for Policy Alternatives, consider pollution prevention as broader and less clear than toxics use reduction, including, for example, source reduction. Kenneth Geiser of the Toxics Use Reduction Institute sees Toxics Use Reduction as applying mainly to the industry, while Pollution Prevention applies to agriculture, transportation, local governments, and other sectors. Industry, of course, interprets pollution prevention the most broadly of all, including in it such practices as reducing toxic waste by making it part of a product.

National Pollution Prevention: Talk, Talk



by Karen Murphy

The federal government has released its long-awaited "Pollution Prevention Initiative" for the Great Lakes and the St. Lawrence River, a document detailing pollution prevention programs announced in Canada's Green Plan. The initiative is disappointing to say the least.

In general, the initiative prescribes a multistakeholder process for developing federal pollution prevention strategies, provides for the development of demonstration projects, and plans education and outreach programs.

The multistakeholder process will assess current industrial plans for pollution prevention, identify barriers to achieving the virtual elimination of persistent toxic substances, and develop common pollution prevention solutions and actions for all sectors of society.

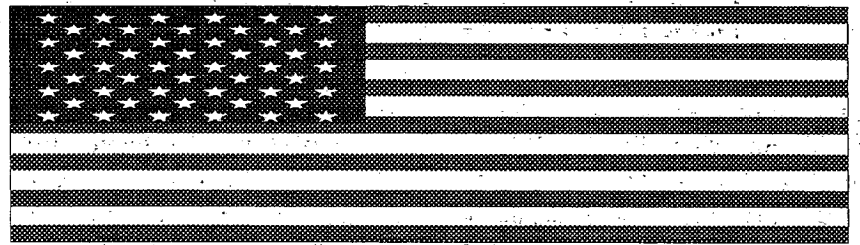
No specific substances are targeted under the initiative and strategies developed will be voluntary. "Sectors will be challenged to set targets and schedules for major reductions in the use, manufacture,

generation and discharge of persistent toxic substances."

Demonstration projects under the initiative will "showcase" specific pollution prevention technologies. The initiative also envisions development of a community outreach program to educate Canadians about lifestyle changes they can make to protect the environment.

A Pollution Prevention Centre will be established to facilitate and undertake these activities. The mandate of the St. Lawrence Centre in Montreal will be broadened so that it can play a corresponding role for the St. Lawrence Basin.

There are several problems with Canada's Pollution Prevention Initiative, but perhaps the most disturbing is that it fails to lay out any concrete actions to achieve reductions in pollution. There is no plan to determine specific reduction goals or to achieve them under strict timetables. Instead, strategy development has been abdicated to a multistakeholder process. In essence, the Canadian federal government is refusing to govern.



by Pete Kremer

In October the U.S. Congress passed the Pollution Prevention Act of 1990. The act mandated the establishment of a separate source reduction office within the U.S. Environmental Protection Agency (EPA), established a national policy (really a hierarchy) for the management of toxic materials, laid out a definition for source reduction, and amended the Emergency Planning and Community Right to Know Act to require reporting on industry source reduction and recycling activities. The act also provided for the establishment of a Source Reduction Clearinghouse.

The act authorized the appropriation of \$8 million a year through 1993 to undertake pollution prevention activities described in the law, and another \$8 million for grants to the states for pollution prevention activities.

The EPA first set up a Pollution Prevention Office in the summer of 1988. Last year's legislation specified additional duties for the new office:

- ▷ identification of measurable source reduction goals, strategies and timelines
- ▷ review of agency regulations for impact on source reduction opportunities
- ▷ coordination of source reduction activities within EPA
- ▷ assistance for adoption of source reduction technologies by industry
- ▷ development of source reduction training programs for agency and industry personnel
- ▷ identification of federal government opportunities, such as its procurement policies, to encourage source reduction; and

- ▷ identification of incentives and disincentives for source reduction.

This January EPA released its National Pollution Prevention Strategy, the framework under which it plans to undertake pollution prevention actions.

The strategy identifies two key avenues for action: existing regulatory programs and the Industrial Toxics Project. Within existing regulatory programs EPA will focus on multimedia coordination and investigation of "flexible, cost-effective regulatory approaches that avoid prescriptive approaches and rely on market-based incentives where practical and authorized by the law."

Under the Industrial Toxics Project EPA will identify 15 to 20 chemicals from the Toxic Release Inventory that present "significant risks to human health and the environment, and potential opportunities to reduce such risks through prevention."

EPA will ask major industrial users of these chemicals to participate in voluntary, measurable source reduction programs. The strategy sets a voluntary goal of reducing total environmental releases of these chemicals—rather than mandatory goals for releases from specific facilities—by 33 percent by the end of 1992 and 50 percent by the end of 1995.

The EPA's new Pollution Prevention Strategy, represents more of a policy statement than a plan for action. It calls for voluntary reduction rather than mandatory elimination of toxic releases, and even this limited action is restricted to a small subset of both toxic chemicals and their sources.

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applications, and generally assess and report progress in achieving reductions in pollution.

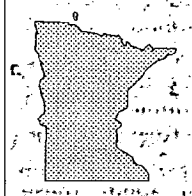
The board is also directed to establish a program in the extension service to promote pollution prevention. Program activities include providing educational and technical assistance to industry, working with DNR to develop audit information, and assisting the board in the development of an annual report. The law also established a grant program to assist industries in the development of hazardous pollution prevention audits.

DNR is directed to designate a hazardous pollution prevention coordinator responsible for coordinating pollution prevention efforts within the agency and with other governmental and private groups. The legislation was funded with an appropriation of \$271,700.

Contact person: Lynn Persson, Wisconsin Department of Natural Resources, P.O. Box 7921, 101 S. Webster Street, Madison, WI 53707, (608) 267-3763.

Minnesota

Last year the state passed the "Minnesota Toxic Pollution Prevention Act." The law defines pollution prevention as "eliminating or



reducing at the source (the use, generation, or release of toxic pollutants, hazardous substances

or hazardous wastes." The law establishes a pollution prevention assistance program to disseminate information, provide

technical research and assistance (including on-site consultations), and conduct outreach programs on pollution prevention. A grant program is set up to demonstrate or study specific pollution prevention technologies. The legislation also establishes a pollution prevention award program.

The law mandates the development of pollution prevention plans, annual reports on their progress, and plan updates every two years. If the Minnesota Pollution Control Agency finds the annual progress report inadequate it can take enforcement action. Failure to develop plans can result in a penalty of \$10,000 to \$25,000 per day depending upon the types of chemicals involved.

Citizens may petition the agency to review a pollution prevention plan if they feel that the progress report is inadequate.

The legislation is supported by fees paid by companies that file release forms under the Emergency Planning and Community Right to Know Act. The amount of the fee is based on the amount of pollutants released.

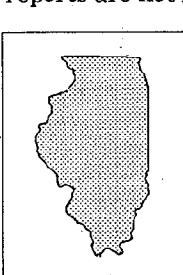
Agency contact person: Eric Kilberg, Minnesota Pollution Control Agency, Office of Environmental Analysis, 520 Lafayette Rd., St. Paul, MN 55155, (612) 296-8643.

Illinois

Illinois passed the Toxic Pollution Prevention Act. The law defines "toxic pollution prevention" as "in-plant practices that reduce, avoid or eliminate: (i) the use of toxic substances, (ii) the generation of toxic constituents in wastes, (iii) the disposal or release of toxic constituents into the environment,

or (iv) the development of products with toxic constituents."

The law establishes a Toxic Pollution Prevention Assistance Program to provide general information on pollution prevention and on-site technical consulting, and to sponsor or develop research and demonstration projects. Pollution prevention plans and progress reports are not required. However,



in order to receive technical assistance or regulatory relief companies should submit plans. The law also directs the agency to coordinate and manage regulatory programs to promote pollution prevention, for example, the development of a manual to assist companies trying to incorporate pollution prevention into their permits.

Agency contact people: Bruce Rodman or Monica Martin, Illinois

Environmental Protection Agency, 2200 Churchill Rd., Springfield, IL 62706, (217) 782-3397.

Other Agency Contact People

Ontario: Ken Bradley, Ontario Waste Management Corporation, 2 Bloor St. W., 11th Fl., Toronto, Ontario M4W 3E2, (416) 923-2918. Neil Ahlberg, Ontario Ministry of the Environment, Waste Management Branch, #2 St. Clair Ave. W., 14th Fl., Toronto, Ontario M4V 1L5, (416) 323-5189.

Quebec: Guy Dners, Ministry of the Environment, 3900 Rue De Marly, Ste-Foy, Quebec G1X 4E4, (481) 644-3422.

Ohio: Tony Sassom, Division of Solid and Hazardous Waste Management, OEPA, 1800 WaterMark Drive, P.O. Box 1049, Columbus, OH 43266-0149, (614) 644-3494.

Pennsylvania: Cathy Myers, Department of Environmental Resources, Bureau of Regulatory Council, City Towers, 3rd Fl., 301 Chestnut, Harrisburg, PA 17101, (717) 878-7060.