

COMMENTARY

Steinzor and Rushing: Hazardous conditions; Oil and chemical industries should pay to clean up their messes

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It's been more than a quarter century since the infamous toxic waste pit known as Love Canal jolted Congress into creating the Superfund program to clean up abandoned chemical dumps. Nonetheless, tens of thousands of Texans are still living with hazards that should have been removed decades ago.

Texas is home to several dozen toxic waste sites that still linger on Superfund's cleanup list. At many of these sites, nothing more than cosmetic changes have been made — rusting barrels have been removed from the surface, and vegetation has re-emerged on what looked like moonscapes 20 years ago. But beneath the surface, a toxic stew is percolating and spreading, leaching chemicals into aquifers, bubbling up to the surface of the soil, and releasing methane and other volatile gases into the air.

People exposed to these chemicals — in particular children whose bodies are still developing — are at heightened risk of medical conditions, from cancer to brain damage to reproductive problems. Unfortunately, this public health threat is being neglected.

The rate of Superfund cleanups has declined more than 50 percent since President Bush took office. In each of the past three years, only 40 Superfund sites, of 1,200 nationwide, have been declared "construction complete" — the point at which the physical mechanism for cleaning up a site is in place.

In each of the last four years of the Clinton administration, by contrast, at least 85 sites were declared "construction complete."

Much of the problem can be traced to funding shortages. In 1995, the new Republican majority in Congress declined to renew the taxes paid by oil and chemical companies that had supported the program from its inception. At the time, Superfund still had tax reserves of nearly \$4 billion, but by 2003, that money had run out, leaving taxpayers to pick up the tab instead of the industries responsible for creating the problem.

From 2000 to 2005, Superfund revenues not surprisingly fell an estimated \$1.75 billion short of what was needed, according to a study commissioned by Congress. Nonetheless, Congress, backed by the

Bush administration, has continued to put tax breaks for oil and chemical industries above protecting public health and safety. Funding for cleanups has steadily declined when adjusted for inflation, and President Bush's 2007 budget request for them is \$20 million less than the previous year's.

In a recent report, the Center for American Progress and the Center for Progressive Reform profiled five of Texas' most dangerous Superfund sites (along with sites in the nation's nine other largest states). The sites include ALCOA/Point Comfort/Lavaca Bay in Calhoun County, Gulfco Marine Maintenance in Brazoria County, Jasper Creosoting Co. Inc. in Jasper County, R&H Oil/Tropicana in Bexar County, and Star Lake Canal in Jefferson County.

Taken together, 21,009 Texans live in the census tracts containing these sites, including 3,420 children 9 years old and younger. Economically disadvantaged Americans and minorities disproportionately live around Superfund sites, though it's clear communities of all types are at risk. In the census tracts containing the five highlighted Texas sites, the median household income for 1999 was below the national median of \$41,994. One census tract was almost 45 percent racial minority; another was more than 90 percent Hispanic.

The Bush administration, aided by the Republican-controlled Congress, has sought to keep its inaction on sites such as these from public scrutiny. In June, the U.S. Senate held its first oversight hearing in four years on Superfund cleanups. At the hearing, Democrats drew attention to Bush administration documents they said identified nearly 140 sites around the nation where "human exposure is uncontrolled." Sen. Barbara Boxer, D-Calif., said the documents were related to the "timing of cleanups, funding shortfalls and related risks," but that EPA had stamped the documents "privileged" and refused to allow their release to the public.

Such secrecy signals a record that cannot be defended.

There's a simple solution to the problem of lagging cleanups: reinstating Superfund's polluter-pays tax on the oil and chemical industries.

Taking this action would recommit the nation to cleaning up the most dangerous toxic waste dumps. Unfortunately, it appears the Bush administration and Congress are more concerned about protecting the oil and chemical industries.

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