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MEMORANDUM

TO: EID Deputy Directors
FROM: Susan Martin and Gedi Cibas *SM & G.C.*
DATE: July 1, 1988
SUBJECT: READING FILE

Hopefully we can start developing and maintaining a current reading file. The importance of this reading file should be reflected in part by the attached articles.

SM:GC/vo

Attachments



U.S. Seeks to Require Treatment Of All Hospital Emergency Cases

Patients Would Have to Be Given Care Despite Any Lack of Money

By MARTIN TOLCHIN
Special to The New York Times

WASHINGTON, June 17 — Federal officials have proposed regulations that would require hospitals with emergency rooms to examine all patients who seek treatment, and to treat all those suffering medical emergencies and all women in labor, regardless of their ability to pay.

The purpose is to end the practice of some hospitals' refusing to treat poor and uninsured patients, sending them to public medical centers instead.

"Clearly our objectives are to prevent patient dumping, and to stop it when it does occur," three officials of the Department of Health and Human Services said in a letter to hospital administrators accompanying the proposed new regulations, which were published Thursday in the Federal Register. After a 60-day period for comment, the agency can put the regulations into effect.

Penalty Up to \$50,000

Hospitals and physicians that willfully failed to comply with the regulation would be subject to suspension from the Medicare program and to civil penalties of up to \$50,000 for each incident.

The regulations, announced by Dr. Otis R. Bowen, Secretary of the Health and Human Services Department, would also require hospitals with emergency rooms to assure that a patient was in stable condition before being sent to another hospital. The patient examinations would have to be conducted by individuals determined to be qualified under hospital bylaws and supervised by a qualified member of the medical staff, according to the proposed regulations.

In addition, the receiving hospital would be required to be informed of the pending transfer and to agree to receive the patient.



Dr. Otis R. Bowen, the Secretary of Health and Human Services.

"The receiving facility must have space and qualified personnel available for treatment," according to the regulations. "The transferring hospital must provide medical records of the treatment its facility provided. Transport of the patient, if necessary, must be made by qualified personnel using appropriate equipment."

The regulations would set more specific standards in implementing a law enacted in 1986, the Consolidated Omnibus Budget Reconciliation Act, which prohibited hospitals with emergency rooms from refusing to treat medically unstable patients, regardless of their ability to pay.

Dr. Carol McCarthy, president of the American Hospital Association, responding to the regulations, said: "I don't think we're talking about any kind of a major problem. But even one instance of this is something to be avoided."

Michael Bromberg, executive director of the Federation of American Health Systems, which represents privately owned hospitals, said: "I don't have any problem with the principle. If somebody shows up in a hospital emer-

Continued on Page 8, Column 6.

2 House Members Are Mentioned In Pentagon Bribery Investigation

WASHINGTON, June 17 — Two Justice Department officials acknowledged today that the department is investigating two Democratic members of the House of Representatives who are involved in military procurement issues, as part of a major Federal inquiry into bribery and fraud at the Pentagon.

The name of Representative Bill Chappell Jr. of Florida was first reported in The Los Angeles Times today. The name of Representative Roy Dyson of Maryland was not mentioned in a United Press International report on the investigation, but the name of one of his staff members was. Representative Dyson, a member of

When questioned, the Justice Department officials said the names of the lawmakers were mentioned repeatedly in possibly incriminating telephone conversations that were secretly taped by the Federal Bureau of Investigation. They disclosed the information when questioned about the Congressmen's denials of involvement in the inquiry.

The officials would not discuss the exact nature of the allegations against the lawmakers.

The New York Times reported today that, according to a Justice Depart-

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CONGRESS REPORT FAULTS U.S. DRIVE ON WASTE CLEANUP

CRITICISM FOR THE E.P.A.

Inadequate Work Force and Lack of Leadership Erode Program, Study Says

By PHILIP SHABCOFF
Special to The New York Times

WASHINGTON, June 17 — A lack of leadership and a poorly trained work force are weakening the Environmental Protection Agency's effort to clean up the nation's hazardous waste sites, a study performed by a research arm of Congress said today.

The study, by the Office of Technology Assessment, concluded that the environmental agency's enforcement of the toxic waste law was inconsistent and ineffective.

It also contended that the agency was not complying with amendments to the law that were passed by Congress in 1986 and require that waste sites be cleaned up progressively through the use of advanced treatment technology like high-temperature incineration when feasible.

Agency Calls Study 'Superficial'

The E.P.A.'s assistant administrator in charge of toxic waste, Winston Porter, called the study a limited, superficial study that drew "global conclusions" from incomplete data.

He said the study had been performed by a few officials sitting in Washington, "while I have 300 people out there working hard to make the program a success."

"I really resent them undermining our credibility with the communities we work with," Mr. Porter said.

Second Report Due Monday

Another report on the environmental agency's administration of the toxic waste law, prepared by a group of environmental groups and the Hazardous Waste Treatment Council, is scheduled for release Monday. It is expected to present conclusions similar to those in the Congressional report.

The toxic waste law, the Comprehensive Environmental Response, Compensation and Liability Act, was adopted in 1980 to help the nation deal with a large and growing number of abandoned toxic waste sites and uncontrolled spills of dangerous substances. There are estimated to be more than 25,000 such sites around the country, laden with poisonous chemicals and metals and threatening public health and the environment.

The program was widely criticized as ineffective in its early years, and in 1986 Congress acted to strengthen it. The lawmakers raised, from \$1.6 billion to \$8.5 billion, the amount of money available for five-year cleanup efforts and also added such requirements as

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Congress Report Faults E.P.A.'s Efforts to Deal With Wastes

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those that cleanups be permanent and that residents of communities near the sites be provided information so that they could participate in deciding what kind of cleanup was appropriate.

10 Sites Studied

The Congressional study was based on an examination of documents prepared by the environmental agency in deciding what kind of remedy to use at each site. The authors looked at records involving 100 such sites and then focused on the 10 that they felt best illustrated the "disturbing trends."

The study found that the agency, in an effort to keep costs low, frequently ignored the Congressional mandate to select methods that would assure a permanent cleanup, and that regional administrators' decisions about what to do varied greatly from region to region and, in fact, from site to site, even where the problems were similar. The

report said this was due in part to a lack of centralized direction from Washington.

"We found inconsistency to a degree that is mind-boggling," Joel S. Hirschhorn, director of the study project, said in an interview. "The biggest problem," he said, "is an incompetent work force."

One of the places studied by the Congressional office was the Chemical Control Corporation site in Elizabeth, N.J. According to the report, the environmental agency elected to use chemical treatment to clean up contamination of the soil there, even though the method was unproved. Having overestimated the cost of incinerating the wastes, the agency did not pursue this option, the study said.

At another site, at Crystal City (Tex.) Airport, the agency decided to put pesticide wastes in an unlined landfill and cover them over. The report said the agency could not support the conclusion that this remedy would be permanent and had not examined the

various ways that burying the poisonous chemicals could ultimately endanger the public.

The study found similar problems at the eight other sites on which it focused, those of Compass Industries and the Sand Springs Petrochemical Complex, both in Tulsa County, Okla.; the Conservation Chemical Company in Kansas City, Mo.; Industrial Excess Landfill in Uniontown, Ohio; Pristine Inc. in Reading, Ohio; Renora Inc. in Edison Township, N.J.; the Schmalz Dump Site in Harrison, Wis., and the Tacoma Tar Pits in Tacoma, Wash.

The study did note some sites where, it said, the E.P.A. prepared good plans for dealing with abandoned waste dumps, particularly in the agency's New England region. But it said these amounted to a "small fraction" of all such sites.

The study said that the agency often chose unproved remedies simply because they were cheap. In cases where the Government achieved an agreement from polluters to pay for the

cleanup, it found, the agency is permitting lower-cost, less-effective remedies instead of applying the best remedy and then forcing the polluter to return the cost to the Government.

And because the states are required by law to pay 10 percent of the cost of cleaning any site within their borders, the agency has also deferred to the states' desire for less expensive solutions, according to the study.

'Not a Happy Picture'

"This report does not present a happy picture," said Representative Dennis E. Eckart, Democrat of Ohio, an author of the 1986 toxic waste amendments. "We see repeated examples of inconsistent remedies, lack of sufficient information, inconsistent costs and lack of attention to the cleanup standards and preference for permanent solutions established by Congress.

"At this point, we think the law is sound, but the agency's performance is marginal," Mr. Eckart said.

But Mr. Porter of the E.P.A. said that

the authors of the report "ought to read the law."

"Cost effective remedies are right there with permanent treatment," he said. "It says that states have to pay 10 percent, which means they have to incur. There has to be community input in all decisions."

And while there may be inconsistencies in the remedies chosen, "that's not all bad," Mr. Porter said, adding that "no two sites are alike" and that different states and communities may want different remedies. He also said the agency "is under pressure from two sides in Congress," with its environmental committees pushing for the most comprehensive cleanups while the appropriations committees demand the most "cost effective remedies."

"We have professional people out there in the field making it happen," Mr. Porter said, "so I am really annoyed that a small group of people in the technology office do a superficial, very academic analysis."

Some Scientists See Key to Water Pollution In Thin Surface Layer

Toxic concentrations reach highest level in crucial region.

By ROCHELLE L. STANFIELD

An increasing number of biologists, physicists and chemists are studying the role of pollutants in the hair-thin surface layer that covers oceans, bays, lakes and other water bodies. Studies of the surface layer may, some experts believe, be crucial to understanding and curbing the impact of pollution on many forms of aquatic life.

Scientists have long known that microscopic plants and animals congregate in the microlayer, the top millionth of a meter in any water body. Some important species of fish and shellfish spend the early part of their lives floating in and around this surface layer, feeding on the microscopic organisms within it.

What scientists have discovered is that toxic pollutants also often accumulate in the microlayer, in concentrations many times those of the water below. Some scientists believe that these surface contaminants may be contributing to the declines in the numbers of fish and shellfish recorded in some important coastal waters, such as Chesapeake Bay and Puget Sound. Even in waters that appear to be relatively free of pollution, these experts say, the concentration at the surface may be dangerously high.

Tracing Pollution Trends

Because of the more concentrated pollution found there, water samples drawn from the microlayer might also prove useful as sensitive indicators of pollution trends.

"There is a whole food web involved here," said John T. Hardy, a biologist at Oregon State University, Corvallis, and a pioneer in water surface research. "I think the surface layer is going to take off as an area of research once the importance of the biological communities is realized and the levels of contaminants are recognized."

Dr. Hardy's studies in Puget Sound found some toxic pollutants in the surface layer at concentrations 1,000 times greater than those below.

The surface layer may serve as an "alarm button" for environmental

Gucinski, physics professor and director of the environmental center at Anne Arundel Community College in Maryland, who is studying the microlayer in the Chesapeake Bay. Microlayer studies may also improve understanding of how pollution gets into the water, especially when it comes from the air.

Scientists are only beginning to study pollutants in the microlayer, and the physical dynamics have not been established. They theorize that pollution from the air settles on the surface, and that some components of sewage or industrial wastes that flow into the water rise to the surface. In addition, some pollutants that had previously fallen to the seabed may rise to the surface when the seabed is disturbed by currents or the movements of animals.

The surface tension of the water and chemical properties of the pollutants themselves hold the contaminants in the surface layer. But a given pollutant remains in the microlayer only temporarily, for hours, days or weeks, unlike what happens in the seabed, where pollutants accumulate over long periods. Instead, contaminants in the surface layer evaporate into the air or are dispersed into the water below. Nevertheless, the biologists who have studied the impact of microlayer pollution believe that high concentrations of a mix of pollutants often remain long enough to kill many small organisms.

In laboratory studies and in field studies in Puget Sound, for example, a significant proportion of fish eggs exposed to contaminated surface water did not hatch or had abnormalities.

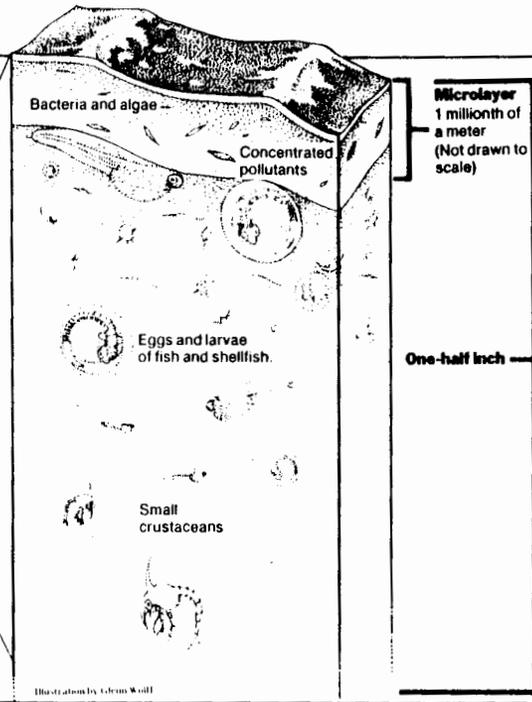
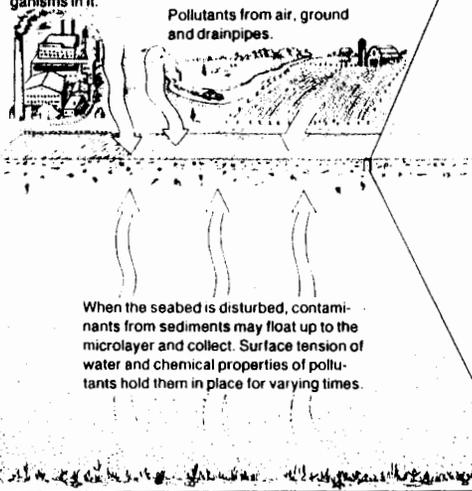
Some Skepticism

Although research on the microlayer is attracting a growing cadre of scientists, some experts question its importance as a focus of environmental studies. These skeptics are less concerned about surface layer pollution because they say wind and waves disperse the concentrations both of pollutants and of sea life.

"If I were given a limited amount of money and told that was all I was going to have to look at toxics issues and there wasn't enough to do all of it, I wouldn't choose the microlayer to focus my research," said Maurice P. Lynch, a professor of marine science at the College of William and Mary in Virginia and the outgoing director of the Chesapeake Research Consortium of scientists studying environ-

Where Pollution Concentrates

The microlayer, a layer no more than a millionth of a meter thick where air and water meet, collects pollutants at high concentrations. Microscopic plants and animals also congregate there. Fish and shellfish eggs float below, touching this surface layer, and larvae of fish and shellfish feed on microorganisms in it.



"It is a very ephemeral phenomenon. You get the slightest bit of chop or wind and the microlayer is gone."

But Dr. Gućinski sharply disagreed. "In our experiments we found when the wind stops, the surface layer re-establishes itself very strongly," he said.

The surface layer attracted attention as an environmental issue only in the 1970's, when a half dozen scientists began to look at the effects of pollution there. Over the last 15 years, the worldwide number of microlayer investigators has grown to about 130

scientists, Dr. Gućinski estimated.

All the scientists agree that microlayer research is still in its infancy. "We are trying to set the stage but we still haven't got a comprehensive research program off the ground," said H. Ronald Preston, an aquatic biologist with the Environmental Protection Agency who is overseeing agency supported research on this topic in the Chesapeake Bay. "There is skepticism which is justified because we still have to document that there is an impact."

According to Dr. Hardy, scientists

have found metals, such as copper, lead, zinc and cadmium, in concentrations in the microlayer of 10 to 100 times those in the rest of the water. They have found organic chemicals, including pesticide ingredients, in concentrations up to millions of times those of the water below, and products from the burning of fossil fuels at heightened concentrations as well.

Many commercially important fish, including anchovy, sole, cod and flounder, and shellfish such as crabs and lobsters spend the early part of their lives in the surface layer. In

addition, the surface layer could play a role in what Dr. Hardy calls the bathtub ring effect. Tides deposit contaminants from the surface layer onto beaches. These contaminants could work their way through the sand and into shellfish living in it.

Bacterial infections have caused an alarming decline in both Puget Sound and Chesapeake Bay shellfish. No one has yet looked into a connection with microlayer pollution, but the scientists studying the phenomenon want to investigate possible links.

Private Groups Fault Management of Toxic-Waste Effort

By PHILIP SHABECOFF

Special to The New York Times

WASHINGTON, June 20 — Poor management of toxic-waste cleanup by the Environmental Protection Agency is creating new dump site problems, according to a study issued today by six environmental groups and an association of waste-handling companies.

The study found that the toxic-waste law itself is "fundamentally

is not working as Congress intended because of a lack of leadership and "poor decision-making" at the E.P.A.

Instead of requiring permanent cleanup of the sites using advanced technology, as called for by the law, the E.P.A. frequently advocates solutions that leave the waste in the ground and simply cap it over, the study said.

The findings were similar to those of a study by the Congressional Office of Technology Assessment, made public last week. The new study was

treatment Council, an association of waste-management companies and environmental groups, including the Sierra Club, the National Audubon Society, the Natural Resources Defense Council, the Environmental Defense Fund, the National Wildlife Federation and the United States Public Interest Research Group.

J. Winston Porter, Assistant Administrator of the E.P.A. in charge of toxic-waste programs, called today's study "very simplistic."

Thomas P. Grumbly, president of Clean Sites, Inc., a waste-management

groups to promote speedier cleanup of hazardous wastes, told a Congressional subcommittee today that one reason the cleanup is going so slowly is that the E.P.A. is failing to take legal action and force recalcitrant polluters to pay for the cost of dealing with the sites for which they were responsible.

Mr. Porter of the E.P.A. said that he agreed the agency had not been aggressive enough in dealing with those who defied the law and said that the agency has picked out 25 such

THE ENVIRONMENT

Military Is Accused Of Ignoring Rules On Hazardous Waste

House panel finds violations in disposal of toxic material.

By PHILIP SHAFER COFF

Special to The New York Times

WASHINGTON, June 13 — The armed forces frequently do a slipshod job of defending the environment from toxic substances in and around their own installations, according to critics in Congress and the Environmental Protection Agency.

Evidence indicates that many military bases and other Federal installations around the country are violating environmental laws, the critics charge. They also contend that military officials are dragging their heels in the cleanup of old toxic waste dumps and that they are often lax in the handling of dangerous materials.

Earlier this year, the commanding general of the Army's Picatinny Arsenal near Dover, N.J., received a letter expressing "deep concerns over the environmental problems at your facility."

More Careless Past

The letter was not from an irate local resident but rather from Christopher J. Daggett, the Environmental Protection Agency's regional administrator for the mid-Atlantic states, who complained about what he called "chronic non-compliance" by the Army with Federal laws governing the handling and disposal of toxic waste. The letter said the violations had gone on for years.

Military spokesmen acknowledge serious pollution problems, but say they are doing all they can to fight

them. They note that cleaning up toxic waste dumps, the legacy of a more careless past, will necessarily be a slow process.

A report released last week by the House Energy and Commerce Committee's Oversight and Investigations Subcommittee included the Picatinny Arsenal on a list of 16 Federal facilities, with wide proof of violation of the law governing the handling of hazardous materials.

Officials at the Environmental Protection Agency and at Congress's General Accounting Office said there were thousands of military installations and other Federal facilities, such as nuclear fuel plants and national research and testing sites, that were also polluting the land and water with toxic chemicals, radioactive materials and other dangerous substances. The pollutants are created by the production and use of weapons and other activities of a large military establishment.

Military bases show up prominently on the E.P.A.'s "national priority list" of about 900 abandoned waste dumps or spill sites that require immediate attention because of the threat they present to public health or the environment. Currently, 41 military bases are on or proposed for inclusion on the list. Gordon Davidson, deputy director of the agency's Federal facilities compliance task force, said that eventually as many as a thousand military bases could be on the list, which is prepared under the Federal law governing the cleanup of abandoned waste sites.

In addition, Government officials said that hundreds of military sites, including the Picatinny Arsenal, were violating another Federal law that

governs the handling and disposal of hazardous substances.

"The nation faces a formidable task to clean up thousands of sites owned by the Federal Government at which uncontained hazardous and radioactive wastes are contaminating the soil and groundwater," J. Dexter Peach, Assistant Comptroller General of the General Accounting Office, told another Congressional committee earlier this year. He said that the ultimate cost of cleaning up these sites was uncertain but that it would

"be in the tens of billions of dollars."

Some officials and environmental groups contend that, in many cases, military installations are defying the efforts of the E.P.A. and state governments to bring them into compliance with the toxic waste laws. Representative John D. Dingell, Democrat of Michigan who is chairman of the House Energy Committee and its oversight subcommittee, said: "Our investigation suggests that military facilities are among the worst violators of our hazardous waste laws. They have caused extensive soil and groundwater contamination both on their installations and off. The Defense Department's attitude varies between reluctant compliance and active disregard for the law."

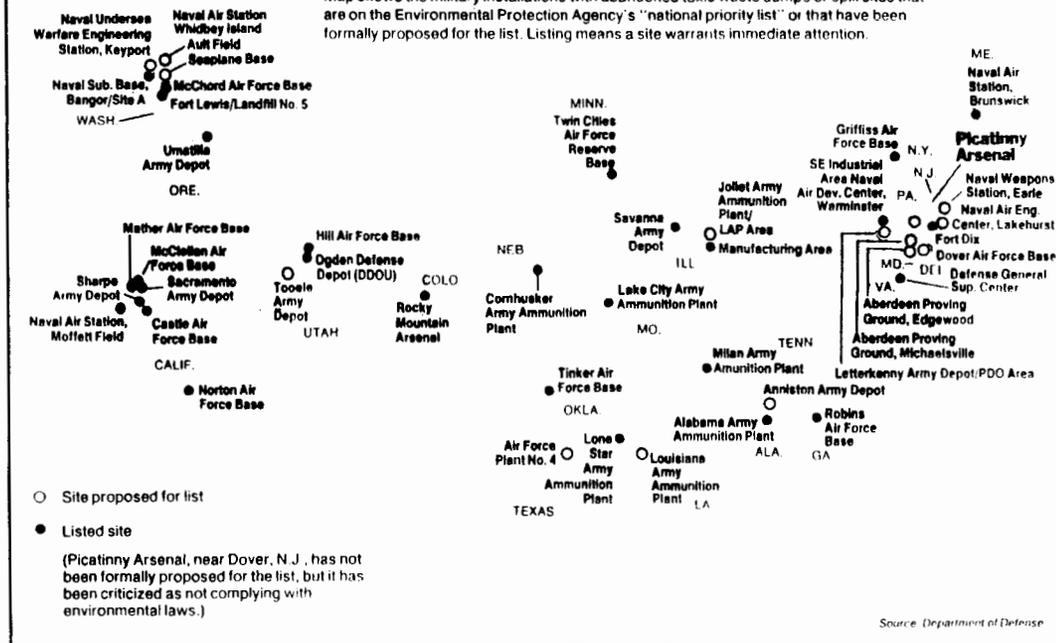
Capt. Michael J. Carricato, director of environmental restoration in the Defense Department, said in a telephone interview that "it is factually correct that there are military installations that do have contamination problems."

"The fact is," he added, "the military in all cases is cleaning up and remediating past hazardous waste and is certainly acting to correct any current violations."

Capt. Carricato said that the

Some of the Most Dangerous Waste Sites

Map shows the military installations with abandoned toxic waste dumps or spill sites that are on the Environmental Protection Agency's "national priority list" or that have been formally proposed for the list. Listing means a site warrants immediate attention.



Animal Tissue Stored for Pollution Study

Tissue being collected now from seals, walrus, and bears may help scientists determine in future decades whether Alaskan oil drilling and mineral exploration is harming the environment.

Scientists at the National Bureau of Standards in Gaithersburg, Md., are beginning to collect and store tissues from these mammals so that "in 10, 20 years we can go back and look at them," said Dr. Stephen Wise of the bureau. Although researchers will analyze the tissues for pollutants,

now, they believe the real value of the samples will be as a gauge from which to judge in the future how industry has affected the environment.

In addition, the researchers said scientists may eventually have different measuring techniques or may be concerned with different pollutants. With the samples, "we can go back and look at things that we don't know are problems now," Dr. Wise said.

The study, financed by the National Oceanic and Atmospheric Administration, involves tissues from ani-

mals killed for food. Scientists from the Fish and Wildlife Service recently collected liver, kidney, muscle, and fat tissue from northern fur seals, which live on two islands in the straits of the Bering Sea and which are hunted by the Aleutian natives.

The northern fur seals spend winters on the Alaskan North Slope, where oil is drilled. The investigators will be going to the North Slope this year to get samples from the ringed seal. They also expect to get samples from walrus and bears soon.

military was dealing with toxic contamination on "a worst first basis." "We have limited resources so we do the right thing now to take care of immediate problems," he said. "But long-term solutions are technically complex and can be very costly."

Threat to Drinking Water

According to the House investigation subcommittee's report, the Picatinny Arsenal, which has been in operation since World War I, now has 54 sites containing hazardous waste. The report said water beneath the arsenal was contaminated with a variety of dangerous chemicals and metals, including trichloroethylene, cadmium, chromium, cyanide, lead, selenium, sodium, toluene and phenol. It also noted that the arsenal is situated above an aquifer that serves as the only source of drinking water for surrounding communities.

The arsenal is not now on the national priority list of particularly troublesome sites but is being actively considered for inclusion.

While the Army conceded that there were toxic pollution problems at the arsenal, it rejected an agreement with the E.P.A. for cleaning up the pollution, the subcommittee report said.

Peter Rowland, a spokesman for the arsenal, said that "Picatinny is doing all it can, given the funding and technologies available, to bring the facility into full compliance with the environmental laws."

He said that "while many violations did occur, all violations classified as a danger to the environment have been corrected." He also said that while the aquifer beneath the installation was contaminated, the extent of contamination was still limited and did not threaten public health.

E.P.A. officials said that while Picatinny might not be typical of the way most military bases deal with the toxic waste laws, it was by no means an isolated example.

"The Defense Department looks to the individual base commanders for achieving compliance with the laws, and you can find both good and bad in the organization," said Gene A. Lucero, who recently stepped down as the environmental agency's head of enforcement for the toxic cleanup law.

"Yes, some of the worst sites are military sites, but they have huge problems and I give them high marks for effort in a couple of places."

The New York Times, June 14, 1988

Coping in the Age of 'Nimby'

Continued from Page 1

paralysis. In the abstract, most studies show Americans want growth. They just do not want it near them.

The question that business experts are just beginning to wrestle with is whether thousands of separate Nimby victories will leave any backyards anywhere for the power plants, pipelines, factories, waste disposal sites, incinerators, high-rise buildings, highways, halfway houses and scores of other projects that the economy and society as a whole need to keep going — but that often bring more annoyances than rewards to their neighbors.

"We are totally deadlocked on most of these issues," said Kent Portney, a Tufts University political scientist who has studied the impact of Nimbyism on business decisions. "We're losing facilities faster than they're being replaced, whether it's prisons, power plants or hazardous-waste treatment facilities. We're rapidly getting to the point where we're going to be at a crisis in many of these areas."

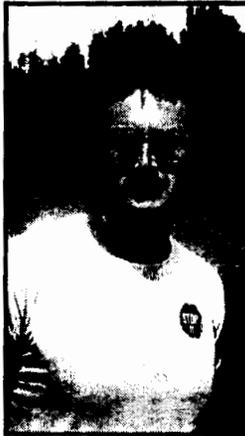
There have always been people who fought development. But until recently, executives say, they were mostly bulldozer-blocking zealots, not the clear-eyed school teachers, suburban professionals and well-informed storekeepers who are appearing at zoning boards and community meetings all over the country. And academics and executives say the number of Nimbyism is growing dramatically as one citizens' group after another uses the political system to cripple corporate projects.

"What we see in many, many cases is that controversy need only reach a certain decibel level and progress on that project will often grind to a halt," said Harold Gershowitz, a senior vice president of Waste Management Inc., the country's largest waste-disposal company. Waste Management often finds its projects stymied by community opposition.

Formidable Opponents

Some Nimby issues are grand in scale, as they were in the long fight over Shoreham. Sometimes, the concerns are more modest, as they are now among small businesses and residential neighbors of a proposed police headquarters in Elmhurst, Ill., who worry about decreased parking spaces and increased traffic.

But always, whether the concerns are about property values or the quality of life, they are important enough to the people involved to turn them into formidable adversaries. "There is no society on earth that has empowered the citizen the way we have," said William D. Ruckelshaus, the former chief of the Federal Environmental Protection Agency who is



The New York Times/Bruce Taylor

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Gasp ("It's not an acronym," Ms. Mueser said. "It either stands for Gas Pipeline or it's what we did when we heard about Iroquois.") And she has kept at it even though the utilities quickly changed their minds about crossing her land.

One wall of her 18th-century farmhouse is filled with the thousands of documents dealing with the project. The Federal Express messenger stops at her house on Horseshoe Trail every day to collect the latest volley in the battle of the pipeline.

The utilities acknowledge that Ms. Mueser has become an effective voice in pushing for alternative routes. Ms. Mueser says the experience has changed her life. It has given her a sense of social involvement, she said. And she has a new understanding of how important it is for ordinary people to participate in decisions about how society is going to meet its needs not only for gas but for all the things that make modern life possible. "We have to make choices," she said. "I am not willing to let my friendly local utility make the choices for me. I want a voice in the process."

Along the way, Ms. Mueser says, she has learned something else too. She has encountered strong resistance from utilities whose swaths of land for existing powerlines and pipelines she thinks would make good candidates for an alternate Iroquois route. The other utilities are not interested, she says, because sharing their land might complicate their own later plans. "Utilities," she said, "are the ultimate Nimbyes."

taxes that had always attracted host communities, were suddenly provoking questions that had no easy answers: Why should that plant be here? Will it affect the water? How will you get rid of the waste? Can you be certain those prisoners will stay behind the walls? What about the traffic, the noise...?

Economists and business executives say they cannot measure how much the Nimby syndrome is costing American business. But its costs are extensive and growing. Mr. Ruckelshaus says long delays for projects of every description add unnecessary burdens to American companies trying to compete internationally.

Mr. Montrone, the chairman of Wheelabrator Technologies, estimates that the pace of his company's construction of waste-to-energy facilities has been cut in half since Love Canal. At the same time, communities everywhere have been running out of places to put their garbage.

Others say the cost is immeasurable in projects not begun and concessions won by communities that no one would have asked for in the bygone days when local officials did everything they could to encourage corporate projects. When the Digital Equipment Corporation announced plans earlier this year to build a big corporate education center in Boylston, Mass., town officials greeted the announcement not with a celebration but with a list of demands.

After lengthy negotiations, Digital agreed to pay the town more than \$500,000 for a new fire truck and a garage. In addition, the company will make its own arrangements for water and sewage and it will pay for roadway changes that might be needed because of increased traffic near the center. "We weren't out to get something for nothing," said Carla P. Peterson, a town selectman. "We only wanted to protect the little environment that we all have here."

A Tortured Affair

But as Nimbyism everywhere try to protect their own environments, corporate planning has become a tortured affair. Projects are sometimes designed as much to pass political muster as to meet business goals.

"The Nimby syndrome has introduced a paralysis in effective corporate response to marketplace incentives," said David L. Morell, a former academic who had written about Nimby issues and who is now vice president for regulatory policy at the Environmental Systems Company, one of the leading toxic-waste disposal companies in the country. Some companies, Mr. Morell believes, overbuild when they do win approval be-

cause they do not know when they will be able to next negotiate the Nimby maze. Others, he says, scale projects down too much, to try to escape neighbors' attention.

But if Nimbyism has become a familiar companion of corporate executives, no one has yet found a sure-fire antidote. And those who know the activists best say that even after years of increasingly frustrating experience, American business is still vastly underestimating the force arrayed against it.

Images of Poison

Once the Nimby mood settles in, compromise is a scarce commodity. When Phyllis Sterling, 38 years old, heard about a waste hauling company's purchase of the 72 acres across the road from her farm-and-ranch supply store in Fannett a few months ago, she recalled images of the poison leaching out of the ground at Love Canal. "What went through my mind? Death," she said.

A lawyer at the company, Custom Environmental Transport, a division of Rollins Environmental Services Inc., said all that C.E.T. plans right now for Fannett is a garage. "What we are attempting to do is just establish a trucking operation," said the lawyer, Louis A. Minella. "It's no more complicated than that." He added, however, that the company could not rule out expansion in Fannett in the future.

Ms. Sterling is sure there will be a dump there in time, and she is active in a group of several hundred neighbors working for what she is sure is their survival. The name of the group? NIMBY.

"People are going to have to make a sacrifice," she said. "They are going to have to miss their child's baseball game and march to oppose this site because if they don't, they won't have a baseball park to go to. This town will become a ghost town." C.E.T. and the Fannett Nimbyes face each other in court next week.

Those who have glimpsed the Nimby gridlock are beginning to consider ways to avert it. Regional and state planning agencies all over the country are experimenting with ways of drawing competing groups together to consider development proposals. Some say they see signs that corporate executives are starting to retreat from combative strategies on controversial projects.

Now some companies are bringing community groups in early and trying to make their proposals seem palatable. At a meeting of local government officials in Orange County, Calif., last month, executives from Environmental Systems proposed

Trying to Predict the Nimby Syndrome

A breakdown of which groups are likely to oppose projects in their neighborhoods. From a report prepared for the California Waste Management Board in 1984 by Cerrill Associates, based on its own analysis and a variety of polls and academic research.

Demographic Characteristic	Least Resistant	Most Resistant
Region	South; Midwest	Northeast; West; Calif
Size	Small, usually under 25,000 population	Large, especially over 249,999 population
Community	Rural	Urban
Politics	Conservative Free market orientation	Liberal Welfare state orientation
Age	Above middle age	Young and middle age
Education	High school or less	College
Party	Republican	Democratic
Occupation	Rancher or farmer; business related; technology related; nature exploitive	Housewife; professional
Income	Low	Middle and high
Religion	Catholic	Other

The New York Times/June 19, 1988

building a toxic-dump facility that could be moved on flatbed trucks. The company suggested that the entire operation could be taken to a new area in five years.

The company's Mr. Morell has his own acronym answer to Nimbyism. Yimby, or "Yes, in many backyards." And in one form or another many analysts are talking about similar ways of making people understand that they must share the risks that go along with the benefits of modern life. People, they say, will only take risks that seem to be justified by local problems or that are in proportion to financial or other benefits that can be gained.

Millions in Grants

To smooth the way for a recently completed \$600 million powerline in upstate New York, the Power Authority of New York issued \$12 million in grants for community projects to the towns through which the line stretched. Mr. Portney of Tufts has worked out a proposal for "risk substitution" in which communities might accept one undesirable facility like an industrial plant in exchange for the corporate sponsor's pledge to clean up another riskier site, like an existing toxic-waste dump.

But much of the new talk about solutions to the Nimby syndrome sounds theoretical to the people who know their futures may be on the line. Tod Crumrine has heard all the critics' charges that huge garbage incin-

erators add pollution to the ground water and the air. And the 41-year-old part-time farmer and science teacher at Mapleton Junior High School in Nova, Ohio, has not, so far, managed to get any satisfying response from the Ohio Technology Corporation, the company that is planning to build on the parcel near his farm. (Ohio Technology did not return telephone calls seeking comment.)

Mr. Crumrine simply does not accept the incinerator industry's arguments that its plants are clean and a much better way than other approaches to dispose of the complicated chemical- and plastic-laden trash of modern civilization.

Much better for whom, he wonders. If it solves anybody's problems, Mr. Crumrine feels, the incinerator would solve the problems of people who live far away from the land where he hopes his two boys will be the sixth generation of Crumrine farmers. "Nobody's going to come in here and tell me this is good for me," he said. "I know better."

He says that means he does not have much of a choice about what he must do. He feels he must, like a lot of other people all over the country, keep fighting the company he sees as the enemy from building in his backyard. Because, the way Tod Crumrine sees things, if the industry's experts are proven wrong long after both he and they are gone, and the land is ruined, he knows that his boys will be all alone with their neighbors and their heartbreak.

Coping in the Age of 'Nimby'



Phyllis Sterling of Fannett, Tex., is trying to stop a waste-hauling company from building a truck terminal across from her store.

The 'not in my backyard' movement is now a potent anti-development force.

By WILLIAM GLABERSON

TOD CRUMRINE's battle started when he heard about the huge garbage incinerator a company wants to build 1,000 feet from his grain field in rural Nova, Ohio.

For Phyllis Sterling, it began when a neighbor told her about a chemical waste incinerator plan to put a truck terminal across the road from the store she runs in Fannett, Tex.

Anne Marie Mueser grew angry when she saw a thin black line on a map that meant utility executives

were planning to run a gas pipeline through the middle of her orchard in Clinton Corners, N.Y.

These people, in their own ways, recently said the same thing: "Not in my backyard," and they meant it in the way people mean things only rarely, when they are angry enough or scared enough to fight.

"I fathered two children and I'll protect them," Mr. Crumrine said. "I'll do everything in my power to keep that incinerator from coming in here. And if it does get in here, we're leaving. But it will not get in here."

For Mr. Crumrine, Ms. Sterling and Ms. Mueser, activism is a new experience. But business executives know the protest pattern so well that they have a mocking nickname for it: N-I-m-b-y, for "not in my backyard." What they mean by Nimby is usually trouble.

This is the age of the Nimby. Developers of everything from hotel and airport extensions to soup kitchens and McDonald's restaurants have met the

Nimby squads. Nimbys were behind the last-minute month to close the completed Shoreham nuclear plant on Long Island. And last summer, Nimbys in six states and three countries kept the celebration from Islip, L.I., searching for a few days.

Nimbys are noisy. Nimbys are everywhere. Nimbys are potent enough to corporate or government officials who are upset enough about them — to put them on or shrink them. Nimbys often file petitions to block the development of new projects. They twist the arms of officials who they want to influence. They are fierce and often successful.

Nimbys, many industry analysts say, have become a new force in American business life that push the country toward an unprecedented pace.

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A Law That Can Help Scrub the Air

By James J. Florio

Get ready, America. It's almost time to celebrate our independence — independence, that is, from environmental ignorance.

Next Friday, the Federal Community Right to Know Act goes into effect. For the first time, manufacturers and other businesses that use chemicals will be required to file reports detailing exactly which ones, and in what quantities, are emitted into the air, dumped into the ground and splashed into water.

The reports will be more than just sterile numbers and polysyllabic chemical names. Whether you live near the tangle of pipes and smokestacks around Exit 13 of the New Jersey Turnpike, along the Mississippi

James J. Florio, Democrat of New Jersey, is chairman of the House Subcommittee on Commerce, Consumer Protection and Competitiveness.

River in Baton Rouge, La., or near the major refineries south of Houston, you may find out that the health threats you've long worried about are indeed real.

That might be scary but it also will be enlightening. People won't stop when they realize that they can apply pressure and make changes as a result of what they have learned from the right-to-know disclosures.

Right to know possesses vast potential to get prompt action not only on the emissions it is specifically designed to catalogue but also on the full range of serious pollution problems plaguing us.

We must deal with acid rain, ozone depletion, risks from garbage incineration plants and other dangers. From the right to know will flow the right to demand, and get, tougher laws and safer practices.

Under the act, passed in 1986, data about chemicals will be made available to local planning committees, state agencies and the Federal Environmental Protection Agency.

The intent of the law is to put the responsibility for decisions and re-

sponses in local hands. The E.P.A. plays less of a role than it has in other programs.

The E.P.A. will collect data nationwide and monitor the compliance required for businesses to avoid fines of \$25,000 per day. But much of the obligation to make this idea work rests with citizens, whose committees, to make the law work, must compel disclosure by reluctant companies — using, among other tools, the right given them by the act to sue if necessary.

With information in hand, local groups must hold companies accountable by pressing them to change their practices if the reports show undue health and safety risks, or to comply

Companies must disclose pollution.

more fully with the reporting requirements if the companies do not appear to be doing so in good faith.

Of course, if the act is to live up to its potential, industry must take compliance seriously. So far, there are encouraging signs that this will be the case. Some companies have even found ways to make the act profitable. One large chemical company, for instance, is marketing computer software that helps other companies fill out the forms.

The Chemical Manufacturers Association reported in May that a large share of its members are explaining the provisions to their employees and to local committees established by the law. Yet the association expressed a fear that many share: Because of all the attention focused on chemical companies, many companies in other businesses do not yet realize they are among the thousands that also must comply.

Those three little words — right to know — just might pack the punch we need to win the long fight against pollution. □