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EPA (Environmental Protection Agency) Conference on Energy and Environment

Max S. Baucus

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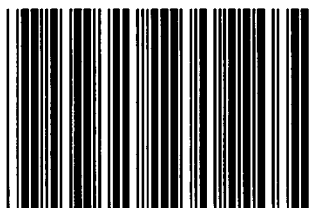
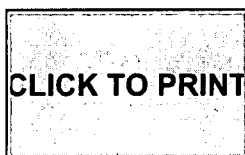
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BAUCUS

EPA Conference on Energy & Environment
June 7, 1979
Washington, D.C.

THANK YOU FOR YOUR WARM WELCOME.

WHEN YOU ASKED ME TO SPEAK BEFORE YOUR CONFERENCE, I REALIZED **THAT** THERE ARE NO TWO WORDS WHOSE MEANING HAS CHANGED MORE IN THE PAST DECADE THAN "ENERGY" AND "ENVIRONMENT." AND, AS I PREPARED FOR THIS SPEECH, I WAS FORCED TO REEXAMINE AND REDEFINE WHAT THESE WORDS MEAN ~~THESE~~.

GROWING UP IN MONTANA, I FELT ~~THE~~ THE PRIDE IN OUT-DOORS THAT MOST MONTANANS FEEL. I COULD WALK TO A STREAM, BEND DOWN, AND DRINK THE WATER AS IT FLOWED BY. I REMEMBER HERDS OF DEER AND ELK IN THE VALLEYS RIGHT NEAR MY PARENTS RANCH OUTSIDE OF HELENA. AND, OF COURSE, I WAS NEVER MORE THAN FIFTEEN MINUTES FROM A GOOD TROUT STREAM.

7
TODAY THERE'S A NEW CONSCIOUSNESS IN MONTANA. THE PRESIDENT'S DECISION TO DECONTROL THE PRICE OF OLD OIL MEANS THAT PREVIOUSLY MARGINAL OIL RESERVES NOW BECOME PRODUCTIVE -- AND RIGS ARE SPRINGING UP ALL OVER THE STATE.

EASTERN MONTANA'S PLAINS CONTAIN SOME OF THE WORLD'S RICHEST DEPOSITS OF STRIPPABLE COAL, AND MASSIVE EQUIPMENT IS PEELING AWAY MUCH LAND ~~HERE~~.
OF THE
A

HOW WILL DEVELOPMENT OF THESE RESOURCES -- SO VITAL IN OUR NATIONAL ENERGY PICTURE -- AFFECT THE COUNTRYSIDE OF MY STATE? THAT'S THE QUESTION MANY MONTANANS ARE ASKING ~~HERE~~.

NOT EVERYONE IS AS LUCKY AS I'VE BEEN. NOT EVERYONE ENJOYS TROMPING THROUGH A MOUNTAIN VALLEY WHERE THE ONLY OTHER LIVING CREATURES ARE THE BIRDS AND ANIMALS WHO LIVE THERE.

WHAT HAPPENS THOUGH, WHEN SOME GEOLOGIST DISCOVERS OIL IN THAT MOUNTAIN VALLEY, AND THE HILLS ARE DOTTED WITH DRILLING RIGS AND THE STREAMS BECOME FILLED WITH DRILLING WASTES? IS THAT OIL WORTH THE DESTRUCTION TO THE VALLEY? WHAT PRICE ARE WE WILLING TO PAY FOR ENERGY?

THESE -- IT SEEMS TO ME -- ARE THE CENTRAL QUESTIONS WE MUST ASK OURSELVES. AND, THESE ARE THE QUESTIONS THAT PERHAPS MORE THAN OUR SUPPLY OF GASOLINE, WILL DETERMINE HOW ENJOYABLE OUR LIVES REALLY ARE IN ^{5, 10, 25 and} 50 YEARS.
A

IF WE HAVE LEARNED ANYTHING IN RECENT YEARS ABOUT INCREASING ENERGY PRODUCTION, IT'S THAT WE MUST NOT DEVELOP ENERGY RESOURCES WITHOUT FULLY CONSIDERING THE RISKS THEY MAY CAUSE TO OUR ENVIRONMENT.

WHETHER IT'S NUCLEAR WASTE FROM THREE MILE ISLAND, OR ^(WASTE) FROM OIL DRILLING RIGS OR SLUDGE FROM COAL, WE'VE LEARNED THAT LESSON THE HARD WAY.

THERE IS WASTE MATERIAL PRODUCED FROM PRODUCING ENERGY, THAT'S FOR SURE. AS MORE AND MORE ENERGY IS CONSUMED TO PRODUCE MORE AND MORE PRODUCTS, MORE AND MORE WASTE IS PRODUCED -- MUCH OF IT TOXIC.

YOU ALL KNOW THE HORROR STORIES -- RADIATION LEAKAGE AT THREE MILE ISLAND...PCB'S STREWN ALONG NORTH CAROLINA ROADSIDES...LOVE CANAL...AND ON AND ON.

AMERICAN INDUSTRY GENERATES ABOUT 100-BILLION POUNDS OF HAZARDOUS WASTES EVERY YEAR -- THAT'S ABOUT THE TOTAL WEIGHT OF EVERY CAR NOW ON THE ROAD.

BUT ONLY 10 PERCENT OF THOSE WASTES ^(IS) ~~ARE~~ DISPOSED OF PROPERLY. THE REST: ^(ITS) ~~IS~~ BURIED SOMEWHERE THREATENING TO POISON THE WATER WE DRINK, THE AIR WE BREATHE, THE FOOD WE EAT.

IT'S A TIME BOMB JUST WAITING TO GO OFF -- AND NO ONE KNOWS WHERE OR WHEN THAT'S GOING TO HAPPEN.

PAUSE
I DON'T THINK I'M TELLING YOU ANYTHING YOU DON'T ALREADY KNOW. NOR DO I BELIEVE YOU ARE WILLFULLY IGNORING THE IMPORTANCE OF OUR PROBLEM.

BUT THAT DOESN'T ALTER MY CONCLUSION: THE FEDERAL GOVERNMENT DOES NOT HAVE A COMPREHENSIVE, AGGRESSIVE STRATEGY TO ^{DEFUSE} THAT BOMB.

PAUSE

WE DON'T NEED NEW LEGISLATION. THE SAFE DRINKING WATER ACT, THE TOXIC SUBSTANCES CONTROL ACT, THE CLEAN WATER ACT, THE CLEAN AIR ACT ALL WERE ENACTED IN RESPONSE TO GROWING EVIDENCE THAT WE WERE POLLUTING OUR ENVIRONMENT.

↑ THERE ARE 21 FEDERAL STATUTES THAN CAN BE USED TO COMBAT THE HAZARDS OF TOXIC WASTE -- FROM URANIUM MILL TAILINGS TO LEAD-BASED PAINT.

↑ THERE ARE CRIMINAL PENALTIES PRESCRIBED FOR VIOLATORS OF THESE ACTS WHEN THEY ENGAGE IN CONSPIRACY OR FRAUD.

↑ WE DON'T NEED NEW LAWS. WE MUST ^{SIMPLY} ENFORCE THE LAWS ALREADY ON THE BOOKS. ^A

LEGAL TOOLS ARE AVAILABLE. THEY'RE NOT BEING USED. THE FINANCIAL INCENTIVE TO DUMP TOXIC WASTES IS HIGH, BUT THE RISK OF PROSECUTION IS ~~NO DIFFERENT AT ALL~~ NOT.

WHY AREN'T THESE TOOLS BEING USED?

PAUSE - ↓

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I CHAIRED A HEARING IN APRIL TO LOOK INTO THAT QUESTION. WE FOUND THAT THE JUSTICE DEPARTMENT HAS ONLY ONE FULL-TIME ATTORNEY TO PROSECUTE HAZARDOUS WASTE CASES. THAT'S NOT JUST THE HOOKER CHEMICAL LOVE CANAL CASE -- THAT'S ALL HAZARDOUS WASTE CASES.

HOOKER CHEMICAL, ON THE OTHER HAND, HAS HIRED THREE LAW FIRMS FOR ITS DEFENSE AGAINST THE GOVERNMENT.

I DON'T THINK THE FEDERAL GOVERNMENT -- AND THE PEOPLE OF THE UNITED STATES -- HAVE MUCH CHANCE AGAINST THOSE ODDS. IT'S A LITTLE LIKE CALVIN MURPHY TRYING TO GUARD WES UNSELD, BOBBY DANDRIDGE AND ELVIN HAYES AT THE SAME TIME.

THE GOVERNMENT'S LITIGATION STAFF IS PITIFULLY INADEQUATE.

~~THE~~ ^{THE} PROBLEM IS COMPOUNDED BY EPA'S DELAY IN PROMULGATING REGULATIONS UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976. THE REGULATIONS UNDER THIS ACT -- POTENTIALLY THE MOST POWERFUL WEAPON IN THE BATTLE -- WILL NOT BE COMPLETED UNTIL DECEMBER OF THIS YEAR, MORE THAN A YEAR AND A HALF LATE.

THESE REGULATIONS WILL, OF COURSE, BE SUBJECT TO COURT CHALLENGES. TO SURVIVE ANY CHALLENGE THEY MUST BE IN ACCORD WITH CONGRESSIONAL INTENT. WE CAN'T AFFORD TO HAVE THE REGULATIONS THROWN OUT COMPLETELY -- AS IN THE CASE OF THE CLEAN WATER ACT.

NEVERTHELESS

THERE ARE A FEW THINGS WE CAN DO.

↑

FIRST, THE KEY TO ANY SUCCESSFUL PROSECUTION IS THOROUGH, COMPETENT INVESTIGATION. POLLUTERS AND DUMPERS WON'T BE DETERRED UNLESS THE GOVERNMENT WINS THE CASES IN COURT.

BUT, INCREDIBLY, EPA HAS YET TO HIRE A SINGLE INVESTIGATOR WITH LAW ENFORCEMENT TRAINING. THAT'S AN INSTITUTIONAL FAILURE OF MASSIVE PROPORTIONS.

EPA ESTIMATES THERE ARE OVER 2,000 HAZARDOUS WASTE DUMPS ACROSS THE UNITED STATES THAT POSE ~~AN~~ AN IMMINENT AND SUBSTANTIAL DANGER TO PUBLIC HEALTH.

WITH A THREAT THAT LARGE, EPA DESPERATELY NEEDS AN INVESTIGATIVE STRIKE FORCE; AND THEIR TRAINING SHOULD BE COMPARABLE TO THAT GIVEN FBI OR IRS AGENTS.

INVESTIGATORS SHOULD BE CAPABLE OF IDENTIFYING HAZARDOUS WASTE DUMPS, TRACKING DOWN THE OWNERS -- OR FORMER OWNERS -- AND ESTABLISHING WHETHER ORGANIZED CRIME IS INVOLVED.

SECOND. THE STRIKE FORCE SHOULD BE GUIDED BY A PROFESSIONAL LAW ENFORCEMENT ETHIC. TO ME THAT MEANS A COMMITMENT TO TOUGH, UNCOMPROMISING INVESTIGATIONS...A WILLINGNESS TO FOLLOW THROUGH UNTIL THE JOB IS DONE. IT'S AN ATTITUDE THAT MUST BE ESTABLISHED AT THE BEGINNING.

ALL TOO OFTEN THE FEDERAL GOVERNMENT IS WILLING TO SETTLE CASES OUT OF COURT; TO NEGOTIATE A CIVIL REMEDY WHEN CRIMINAL SANCTIONS ARE CLEARLY CALLED FOR.

EPA AND JUSTICE MUST DEMONSTRATE THAT THEY ARE WILLING TO GO TO THE MAT ON THESE CASES. IT'S TIME TO SERVE NOTICE THAT THE LAW ENFORCEMENT AGENCIES OF THIS GOVERNMENT ARE DETERMINED TO PROSECUTE TO THE FULLEST EXTENT OF THE LAW -- THOSE WHO WILLFULLY VIOLATE OUR COUNTRY'S ANTI-POLLUTION STATUTES.

THE ONLY WAY TO DEFUSE A TIME BOMB IS TO HAVE THE COURAGE AND RESOURCES TO TAKE THE BOLD STEPS NECESSARY.

THE BATTLE AGAINST ENVIRONMENTAL TERRORISM CANNOT BE FOUGHT WITH TIMIDITY OR A STRATEGY OF COMPROMISE.

THIRD, COORDINATION IS A CRUCIAL FACTOR IN ANY EFFECTIVE LAW ENFORCEMENT PROGRAM. SEVERAL AGENCIES OF THE FEDERAL GOVERNMENT ALREADY ARE INVOLVED IN DIFFERENT ASPECTS OF WASTE MANAGEMENT.

FOR EXAMPLE, THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS HAS JURISDICTION TO INVESTIGATE HAZARDOUS WASTES WHENEVER THERE IS A THREAT OF EXPLOSION. THAT'S THE CASE IN ELIZABETH, NEW JERSEY, WHERE A WAREHOUSE IS FILLED WITH CORRODED DRUMS THAT ARE LEAKING TOXIC CHEMICALS. WHO KNOWS HOW MANY PEOPLE MIGHT BE INJURED OR KILLED?

SITES POSING THIS KIND OF THREAT SHOULD BE IDENTIFIED IMMEDIATELY AND THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS SHOULD BE CALLED IN TO INVESTIGATE ~~WHENEVER ITS JURISDICTION WARRANTS.~~ ^{MOREOVER,} ~~WHENEVER ITS JURISDICTION WARRANTS.~~ ^{THE} DEPARTMENT OF TRANSPORTATION'S BUREAU OF HAZARDOUS MATERIALS TRANSPORTATION SHOULD BE CALLED IN WHENEVER ITS JURISDICTION WARRANTS.

IN ADDITION, GREATER COOPERATION WITH ALL THE STATES SHOULD BE ENCOURAGED. STATE HIGHWAY PATROLS COULD MONITOR ROADSIDE DUMPING OF HAZARDOUS WASTES. LOCAL HEALTH OFFICIALS COULD MONITOR TOXICITY LEVELS IN THE LOCAL WATER SUPPLY AND REPORT THEIR FINDINGS TO EPA.

I WOULD ALSO LIKE TO POINT OUT THAT EACH INDIVIDUAL CITIZEN HAS A ROLE TO PLAY IN THE ENFORCEMENT OF POLLUTION CONTROL. IT SHOULD BE REMEMBERED THAT THE SUCCESSFUL PROSECUTION OF THOSE RESPONSIBLE FOR DUMPING THOUSANDS OF GALLONS OF PCB'S ALONG NORTH CAROLINA HIGHWAYS WAS INITIATED BY ONE ALERT, CONCERNED CITIZEN.

PERHAPS THE EPA AND THE JUSTICE DEPARTMENT SHOULD ESTABLISH A HAZARDOUS WASTE "HOTLINE" -- SO THAT CITIZENS CAN ALERT THE GOVERNMENT TO SURREPTITIOUS DUMPING AND PROVIDE EVIDENCE OF ILLEGAL WASTE MANAGEMENT PRACTICES.

THE AMERICAN PEOPLE HAVE EVERY RIGHT TO EXPECT THAT OUR NATION'S LAWS CONTROLLING POLLUTION AND WASTE WILL BE VIGOROUSLY ENFORCED...AND I AM CONVINCED THEY ^{TOO,} WILL PLAY THEIR PART IN THIS CRUCIAL EFFORT.

AND WE MUST REMEMBER,
REGULATIONS ARE ONLY PART OF THE ANSWER. WE MUST CLEAN UP THE PRESENT REGULATORY PROCESS. TOO OFTEN DELAYS CAUSED BY A CUMBERSOME BUREAUCRACY THWART EFFORTS TO ^{ENFORCE} ~~ENFORCE~~ THE LAW.

THE STAKES ARE HIGH. EACH GENERATION OF AMERICANS BECOMES THE CUSTODIAN OF OUR NATURAL RESOURCES.

EACH GENERATION, IN TURN, HAS THE OBLIGATION TO PASS THIS INHERITANCE ON TO FUTURE GENERATIONS.

IS MONTANA GOING TO LOSE ITS PRISTINE VALLEYS, TROUT STREAMS AND SCENIC VALLEYS BEFORE MY SON IS OLD ENOUGH TO ENJOY THEM?

OR, WILL WE STRIKE A BALANCE ^{WHERE} ~~THESE~~ THESE INVALUABLE AND IRREPLACEABLE RESOURCES ARE PROTECTED. FINDING THAT BALANCE, AND BEING WILLING TO ACT WITH COURAGE AND FAIRNESS IS OUR CHALLENGE.