

University of Montana
ScholarWorks at University of Montana

Max S. Baucus Speeches

Archives and Special Collections

2-10-1994

"Future Directions in Environmental Risk Analysis",
EPA (Environmental Protection Agency)
Environmental Peril Seminar

Max S. Baucus

Let us know how access to this document benefits you.

Follow this and additional works at: https://scholarworks.umt.edu/baucus_speeches

Recommended Citation

Baucus, Max S., ""Future Directions in Environmental Risk Analysis", EPA (Environmental Protection Agency) Environmental Peril Seminar" (February 10, 1994). *Max S. Baucus Speeches*. 531.
https://scholarworks.umt.edu/baucus_speeches/531

This Speech is brought to you for free and open access by the Archives and Special Collections at ScholarWorks at University of Montana. It has been accepted for inclusion in Max S. Baucus Speeches by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

Printing, Graphics & Direct Mail
ONBASE SYSTEM
Indexing Form

Senator * or Department*: **BAUCUS**

Instructions:

Prepare one form for insertion at the beginning of each record series.

Prepare and insert additional forms at points that you want to index.

For example: at the beginning of a new folder, briefing book, topic, project, or date sequence.

Record Type*: **Speeches & Remarks**

MONTH/YEAR of Records*: **February-1994**

(Example: JANUARY-2003)

(1) Subject*: **Future Directions in Environmental Risk Analysis**

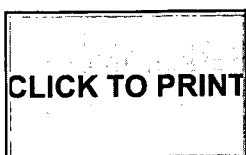
(select subject from controlled vocabulary, if your office has one)

(2) Subject* **EPA's Environment in Peril Seminar**

DOCUMENT DATE*: **02/10/1994**

(Example: 01/12/1966)

* "required information"



NEWS

MAX BAUCUS, MONTANA, CHAIRMAN

DANIEL PATRICK MOYNIHAN, NEW YORK
GEORGE F. MITCHELL, MAINE
FRANK R. LAUTENBERG, NEW JERSEY
HARRY REID, NEVADA
BOB GRAHAM, FLORIDA
JOSEPH I. LIEBERMAN, CONNECTICUT
HOWARD M. METZENBAUM, OHIO
HARRIS WOFFORD, PENNSYLVANIA
BARBARA BOXER, CALIFORNIA

JOHN H. CHAFEE, RHODE ISLAND
ALAN K. SIMPSON, WYOMING
DAVE DURENBERGER, MINNESOTA
JOHN W. WARNER, VIRGINIA
ROBERT SMITH, NEW HAMPSHIRE
LAUCH FAIRCLOTH, NORTH CAROLINA
DIRK KEMPTHORNE, IDAHO

PETER L. SCHER, STAFF DIRECTOR
STEVEN J. SHIMBERG, MINORITY STAFF DIRECTOR AND CHIEF COUNSEL

U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

(202) 224-6176

"Future Directions in Environmental Risk Analysis"

Remarks of

Senator Max Baucus

to the

EPA's Environment in Peril Seminar

February 10, 1994

Thank you all. It is an honor to accept your invitation to take part in this "Environment in Peril" series.

We have much to talk about: A new Clean Water Act and a new Safe Drinking Water Act; Superfund and the Endangered Species Act a little further ahead; the meaning of reinventing government for EPA, and a lot more. But instead of going into the details of any of these, I want to step back and talk about a more general issue: risk analysis and what it means for environmental policy.

New Era in Environmental Policy

Last spring, I began my tenure as Chairman of the Environment and Public Works Committee by holding a series of hearings on the state of environmental policy. We called them "taking stock" hearings, and they brought something important home to us: America has entered a new era of environmental policy.

- ▶ To begin with, of course, we have new people at the helm. An Administration, a President and an EPA Administrator who are still fairly new to their jobs. They bring some extra enthusiasm and commitment, along with some new ideas to environmental policy.
- ▶ Second, the technology has changed. Our basic environmental science is better developed. We have more practical experience in identifying, monitoring and addressing the problems. We have new technology. And we have solved, or much reduced, some of the worst pollution we faced twenty years ago when we passed the first generation of environmental laws.
- ▶ Third, and less happily, we have less money than we'd like. It was much easier for Senator Muskie to find money 20 years ago than it is for me today.

What does all this mean? With new faces and new technology, we have new ways to address pollution. With more experience, we can set priorities more effectively. And with less money than we'd like, we must set priorities more effectively.

Choosing the Right Tools

My background is in trade policy as well as the environment. On trade issues we have what you might call a big toolbox. Some, like the GATT, involve dozens of countries and thousands of different products. They require consensus rather than confrontation and are best addressed through diplomacy. Others are narrow, bilateral issues that affect just a few products. They need a scalpel -- for example, when a country won't honor our patents and copyrights. And still others, like the closed Japanese market, are so tough and so resistant to solutions that we need a meat-cleaver like our Super 301 law.

Twenty years ago we had no comparable box of environmental policy tools. We had command-and-control regulation, and not much else. We didn't need much else for some of the problems of those days. Command-and-control worked well. It brought us a long way, especially in comparison to other countries.

Today this tool has become a bit blunted. The more we solve obvious problems -- factories pumping untreated waste into lakes and streams, rivers catching fire and burning to the waterline -- the more we must turn to more difficult, complex issues and find new tools.

The advance of science and experience gives us new tools. Risk is one. Not the only one, but an important one. As we face up to indoor pollution issues like radon and asbestos; national issues like non-point sources of water pollution; or global issues like ozone depletion, biodiversity and climate change -- we must use risk analysis and other new tools more frequently.

However, we need to begin with some caution. We are often tempted, when we develop a new tool, to assume it will work everywhere. I do not believe that will be the case with risk. I think that if we apply it indiscriminately, everywhere, to all problems, we will cause ourselves problems -- just as we would if we refuse to use any tool but command-and-control.

Today's issues are complicated. They require careful thought about which threats are biggest, which we should fix first, and which tools are appropriate for the job.

Risk Analysis

Our understanding of risk analysis, and our ability to use it on specific environmental issues, are in their infancy. We would make a mistake by ignoring it. But we will also serve ourselves well by resisting the temptation to apply risk as much as possible, as soon as possible.

We should begin by looking at our conceptual approach to environmental policy to see where risk analysis can help us. Second, we should examine our statutes and regulations to see where we can use risk more effectively.

In the big picture, risk analysis can help us in four different tasks:

- ▶ First, risk assessment: how big is a given problem?
- ▶ Second, risk management: what can we do about it?
- ▶ Third, comparative risk: how bad is this compared to other issues?
- ▶ Fourth, risk communication: how do we educate and involve the public in setting priorities and protecting the environment more effectively? This, I believe, is where we need to do the most soonest.

Risk Communication

Let's remember a fundamental point. The public supports environmental protection. We have spent a trillion dollars to clean up the environment since 1972. The public believes it's been money well spent.

In some cases, in fact, the public believes we haven't spent enough or worked hard enough. A recent poll found that 96% of the public wants us to do more, not less, to regulate water pollution. The public wants strong environmental laws. I see that all

the time at home in Montana, and around the country. However, the public wants to be sure the law is based on good science and good economics.

But the public has a relatively poor grasp of basic environmental and health science. People panic about non-issues like Alar on apples -- and just as often are indifferent to serious threats like indoor air pollution. To put it another way, few Americans get their scientific knowledge from Scientific American.

Ten days ago, an article in the New York Times laid out the consequences. It picked 30 issues and asked experts to rank them according to risk. It then asked members of the League of Women Voters, a well-informed public interest group, to rank the same issues. The two lists had little in common. League members ranked nuclear power the highest risk of all -- above smoking, alcohol and surgery. The experts ranked it twentieth in risk. League members ranked X-rays twenty-second riskiest; experts ranked it seventh. And so on.

This shows that experts must do a better job in communicating risks and choices to the public. Without better communication, much of our scientific analysis, statistical work and research will simply be time and effort wasted.

It is easy to talk about taking the politics out of science, but it may be impossible to do. We live in a democracy. As a matter of principle, the public must always make the final decision; and as a matter of reality, the public will always make the final decisions. The Administration has begun to recognize this; for example, its Superfund bill lets communities make their own choices on risk, by allowing them to decide whether to return industrial sites to industrial use.

The important thing, though, is to make sure the public has the facts. If they don't get the facts, they will make bad decisions. Our task -- mine as a legislator, yours as experts -- is to make sure that people understand the risks and the options before they make their choices.

Where are we Today?

Now let us move to the other factors in risk analysis: risk assessment, risk management, and comparative risk. Last year, Judge Stephen Breyer of the Circuit Court wrote a book which gave us a good starting point. He described three obstacles to better regulation of risk: tunnel vision, random agendas and inconsistency.

Tunnel vision is focusing so hard on one issue that you lose sight of the rest -- for example, cleaning up the last 10 percent of a Superfund site's waste at a huge cost when we could reduce pollution much more effectively by moving on to a new one.

Multi-media approaches can help us get out of the tunnel and reduce risk more effectively.

Here we have a good current example of risk reduction. We are using a multi-media approach in our new Safe Drinking Water legislation, which directs EPA to target the contaminants that pose the greatest risk to human health rather than all contaminants at once. If all contaminants are a priority, none is a priority. The Safe Drinking Water bill's use of comparative risk can help us set priorities, become more efficient, and do a better job of protecting the public health.

The random agenda question refers to our failure to set priorities and rank risks. A few years ago, for example, we passed a law ordering you at EPA to find 25 new drinking water contaminants a year -- regardless of how well we're doing on those that we already know about, and regardless of the risk the new contaminants posed to public health.

Inconsistency refers to agencies and offices which use different methods to estimate risk, add up the costs and count the benefits of regulation.

Risk analysis can help with all of these. It can keep us focused on the big issues rather than on the last 10 percent. It can help us set rational priorities. And it can standardize our estimates of hazards, costs and benefits.

Uses and Limits of Risk

In sum, risk analysis can help us, together with local government, industry, environmental groups and the public, set priorities. To use an environmental metaphor, we as a nation logged the federal money trees out of existence in the 1980s. Now we have to make difficult choices and become more efficient. Last year, President Clinton made us face that on the budget. In the coming years, we who specialize in environmental issues must face it as well.

I spoke earlier about the law that requires you to find 25 new contaminants a year. That is not only bad environmental policy, it's unaffordable environmental policy. We are drafting a new Clean Water Act with that example in mind. Instead of directing you to list as many chemicals as you can find, it asks you to list the highly toxic ones and the ones that accumulate in the food chain. It uses risk in just the right way -- it frees you from unnecessary tasks and asks you to get the most important job done first.

That is one good example, but we cannot assume the same approach will work on all environmental laws and regulations. We are in the early stages of developing use of risk. A carpenter who picks up a new hammer gives it a few experimental taps before banging away as hard as he can. He is careful to use it on nails rather than on screws,

on wooden furniture rather than on windows. We need to be just as careful and proceed with the understanding that risk analysis has its limits.

Many of you, under pressure from some of us in Congress, worked for years to develop a health-based approach to air pollution. It proved very difficult. Regulating by risk assessment alone, in this and I believe in most cases, is too inflexible and open to scientific question for efficient enactment and enforcement. In the end we turned to a technology-based standard. We are still searching for the best way to use risk assessment to address other complex problems.

We must also remember not to become infatuated with new tools for their own sake. Remember that in 1972 the Clean Water Act met a national water pollution crisis with a massive response. It was the right way to deal with point sources of pollution -- and it still works just fine. It also works for some newer problems -- for example, chlorofluorocarbons. They are dangerous. We don't need them and we can simply tell companies to get rid of them. We don't really need a new tool for that purpose. Most problems are not so simple; but some are.

Finally, risk analysis has a simple purpose. That is to protect our environment. It must never become -- as I suspect some hope it will become -- a way to gut environmental laws and regulations. Just the opposite -- it is a way to set priorities and protect the environment more effectively.

Conclusion

So how do we make better use of risk analysis?

Too many people, I believe, start with the assumption that we can apply risk assessment to every issue. I think that is certainly premature, and probably wrong. Rather than begin by requiring it on all environmental problems, we should look at each problem on its own merits, and decide how risk assessment could help us.

We found that it helps on Safe Drinking Water legislation. We found a few years ago that it did not help on the Clean Air Act. Each issue and each statute will be different, and we should recognize that from the beginning. In the coming year, as we renew the Clean Water Act, the Safe Drinking Water Act, Superfund, the Endangered Species Act and work on other issues like global warming, we will have ample opportunity to find where risk works and where it does not.

We have some good initial examples. In 1983, the "Red Book" established a framework for risk assessment. We need to develop a parallel framework for risk management that considers scientific, economic, technological and social factors.

The EPA Office of Policy, Planning and Evaluation has conducted comparative risk assessment projects for individual states and EPA regions. We need to build on its work in prioritizing environmental issues through partnership with scientists, managers and the public.

We in Congress and you in EPA must work closely with OMB, state and local governments, and the public at large to protect human health and the environment more effectively. We will be developing this approach together, with industry, environmental groups, and interested members of Congress for years to come. As we do, we should remember that while we need some new directions, we don't need to get there tomorrow.

On March 4th, I will hold a forum at the Environment and Public Works Committee to talk some of these issues through. And today I am sitting down with you. I want your help, your expertise and your ideas; and we can start right now.