

from Vol. 31, No. 11, March 19, 2010

EPA Waste Chief Advocates Precautionary Approach To Aid Equity Focus

EPA's top waste official says that the key to furthering environmental justice is to craft a solid workable policy for implementing the precautionary principle — the concept that favors regulation to protect human health in the absence of certainty on environmental risks.

But the idea is likely to stir a strong adverse reaction from industry and other critics who have long opposed the precautionary approach, saying that EPA should focus on regulating in areas where there is demonstrated risk. And Sen. James Inhofe (R-OK), ranking member on the environment committee, used a March 17 hearing on childrens' health to reiterate his long-standing opposition to the precautionary approach.

Mathy Stanislaus, head of EPA's Office of Solid Waste & Emergency Response, said at a March 17 symposium on "Strengthening Environmental Justice Research and Decision Making" that the agency needs to find a way to use the precautionary principle in such a way that it can be applied uniformly and fairly to prevent disproportionate impacts from occurring in the first place.

"We can't wait until we have all the conclusive interpretive science to make a decision," Stanislaus said. "The real problem that that emerged from the environmental justice movement [is], how do you make the decision to prevent harm, even in the absence of conclusive evidence? I challenge you all, in your deliberations, to [consider] how to operationalize the precautionary principle."

Stanislaus told *Inside EPA* in a brief interview after his remarks that the agency has not determined how it might take the precautionary principle and craft it into an official policy, but rather he was imploring the gathered stakeholders to come up with ideas for how to operationalize the concept of preventative regulation. "Obviously, it's an open question," Stanislaus said. "It's something that has come up to us, so I just want the people to deliberate around it and when I come back [to the symposium] on Friday, deliver their response."

The symposium, held in Washington, DC, was cosponsored by EPA, the Center for Disease Control and Prevention, the National Institute on Occupational Safety & Health, and several other federal agencies and non-governmental organizations.

Stanislaus' remarks come as Inhofe reiterated his opposition to the precautionary principle at a March 17 Senate environment panel hearing on a recent report by the Government Accountability Office (GAO) on EPA's consideration of the effects of chemicals on children, who have higher sensitivity to contaminants than adults.

GAO's report said that the agency should balance its conclusions with the conclusions of advisory groups when considering chemical risks to children — a suggestion that Inhofe said was outside the agency's authority. *The report is available on InsideEPA.com.*

"What the report does not fully address is the fact that EPA must always balance recommendations on children's health with objective scientific standards, legal requirements, and practical realities," Inhofe said. "Advisory groups do not have to base their recommendations on risk: they can base their opinion on the use of precaution. They do not have to balance economic impacts and resource limitations: federal agencies do."