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Technology & Environment

Sep 12 2001

Chlorine Industry Braces for TRI Listing of Dioxin : Regulation

By Neil Franz in Washington

Chlorine producers say the public may misinterpret the industry's environmental impact when EPA begins listing dioxin emissions next year as part of EPA's Toxics Release Inventory (TRI). The industry has launched a public awareness campaign to clarify toxicity levels in dioxin, a move designed to avoid heightened media attention to the 2000 TRI data, due next April.

EPA Administrator Christine Todd Whitman has recently rejected a request by industry lobbyists to express TRI dioxin emissions in terms of their toxicity. Facilities will instead report their releases in terms of total mass in grams. Also, EPA does not require TRI reporting by municipal and medical waste incinerators, which have historically been the largest sources of dioxin in the environment, says ACC's Chlorine Chemistry Council (CCC; Arlington, VA).

The industry's concerns come as environmental groups, as well as a growing number of congressional lawmakers, are pressuring the Bush Administration to finalize EPA's controversial health risk reassessment of dioxin, which has been in the works since 1995. A draft of the reassessment, which CCC opposes, lists dioxin as a human carcinogen. The draft also estimates that the chance of dioxin causing cancer-- one in 1,000--is 10 times higher than EPA's last assessment in 1994.

EPA ordered facilities to begin tracking dioxin for TRI in October 1999, following a petition by environmental groups. The industry did not object to the listing, but has been urging regulators ever since not to use a mass measurement. The TRI dioxin data, portrayed as total grams emitted, will show that chlorine manufacturing is one of the largest dioxin sources, says William Carroll, v.p./chlorovinyl issues at OxyChem. "Anytime you express dioxin using mass, the number will always be larger," says Carroll. TRI will report to the public an aggregate weight that is usually a mixture of several different dioxin compounds, he says. TRI also requires reporting of dioxin that is created in processing but not released into the environment, he adds.

Chlorine production accounts for less than 1% of dioxin in the environment, says CCC executive director Kip Howlett. This includes chlor-alkali plants and manufacturers of vinyl chloride and ethylene dichloride, says Howlett. The World Health Organization (Geneva) and other agencies including EPA typically express dioxin in terms of "toxic equivalency" (TEQ), he says. This means the most toxic dioxin compound--2,3,7,8-TCDD--is given a TEQ factor of one. Using this method, chloride manufacturers contributed 12.3 g-TEQ of dioxin in 1995, or 0.088% of the total amount of dioxin emissions that year, says CCC.

EPA does not have the authority to interpret TRI using TEQ, Whitman said in a July letter to Representative Saxby Chambliss (R., GA), who represents a district with a large segment of the pulp and paper industry. "EPA recognizes that TEQ reporting is a common way of expressing quantities of dioxin and dioxin-like compounds," said Whitman. But, she added, EPA must stick to what is mandated by the Emergency Planning and Community Right-to-Know Act of 1986, which set up TRI. "Reporting of TEQs to TRI [also] has the potential for placing additional requirements on both EPA and reporting entities, lengthening and complicating the

reporting process," she said.

CCC and other industry groups disagree with EPA's statutory argument. A lawsuit filed in May 2000 in the U.S. District Court in Washington challenges the addition of dioxin to TRI on these terms. Plaintiffs include the American Wood Preservers Institute (Fairfax, VA) and Jim Tozzi, an executive at the Center for Regulatory Effectiveness (Washington). CCC is not a co-plaintiff, but is waiting for a decision, says Howlett.

CCC has set up a Web site at www.trifacts.org to serve as a sounding board for industry's objections. The site later this month will publish the industry's calculations of what CCC members have reported to TRI on dioxin.

Meanwhile, a coalition of 41 House members, led by Representative Nancy Pelosi (D., CA), wrote Whitman in August, urging that the administration finalize the dioxin reassessment by the end of summer. A panel of scientists that advises EPA recommended in June that the agency "proceed expeditiously" to finalize the draft (*CW*, June 13, p. 36).

"The report is done. Now, it's a political call," says Monica Rohde, coordinator/dioxin campaign at the Center for Health, Environment, and Justice (Falls Church, VA), who accuses the administration of stonewalling. "It's been disconcerting, because there's a stall tactic going on."

CCC, however, has been urging EPA to send the reassessment back to the scientific advisory panel for further debate. "Despite using the same scientific studies, EPA's risk characterization appears to be at least 100 to 1,000 times more conservative than other public health agencies," Howlett said in an August 29 letter to Pelosi.