



News Release

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PROPOSED EPA RULES IN DIRECT CONFLICT WITH PRESIDENT'S EXECUTIVE ORDER

EPA's Proposed Dioxin Rules Skip Sound Science and Ignore Economic Impacts

WASHINGTON, D.C. (Feb. 7, 2010) – The American Chemistry Council (ACC) today called for EPA to withdraw its proposed temporary regulations concerning dioxin levels in soil, which it believes violate the spirit and letter of the President's recent Executive Order.

The [Executive Order](#) stated that “Our regulatory system...must be based on the best available science...It must promote predictability and reduce uncertainty...It must take into account benefits and costs, both quantitative and qualitative. “

Despite the President's Executive Order, the EPA is poised to impose an “Interim” level of acceptable dioxin levels in soil – or Interim Preliminary Remediation Goals (PRGs) – that is hundreds of times stricter than levels previously used to clean up Superfund and other contaminated sites in the past. The EPA has not yet completed its scientific review of dioxin, nor has it issued an economic impact analysis on the proposed rule. The EPA is basing the new rules on assumptions that have been criticized by the National Academy of Sciences (NAS), the EPA's Science Advisory Board (SAB), and other independent scientists.

David Fischer, Assistant General Counsel of ACC, said, “Issuing temporary rules before completing the scientific review and without considering economic impacts is not only bad policy, but it directly contradicts the President's recent Executive Order. The Agency has failed to make the case for any benefits and also failed to estimate the costs, which will be significant for chemical manufacturers, cities, and others.”

Numerous organizations have submitted comments to EPA arguing that issuing temporary rules before the dioxin reassessment is complete would not only set limits that are inaccurate and inappropriate but will have a number of serious negative economic consequences.

For example, the bipartisan [U.S. Conference of Mayors \(USCM\) has warned](#) that the new EPA rule on dioxin in soil “may have a ‘chilling’ effect on redeveloping brownfields properties, “stifling local economic growth and job creation.” A recent study by USCM on the impact of brownfield redevelopment in 58 cities estimated potential local tax revenues ranging from \$872 million to \$1.3 billion annually, and tens of thousands of jobs. There are hundreds of thousands of

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sites throughout the country waiting to be revitalized, and the proposed temporary EPA rule is likely to stall that process by frightening potential investors away from brownfield development. In their [2011 Metro Agenda for America](#) unveiled recently, USCM said the proposed EPA rule for dioxin in soils is an unfunded federal mandate that “could drastically increase the cost of redeveloping brownfield sites, and stop job-creating development in metro areas.”

In addition to slowing the development of blighted urban areas and the economic recovery it would promote, the EPA’s new dioxin limits would require that Superfund and other contaminated sites that have already been cleaned up will have to be retested and re-excavated to meet the new requirements. Cash-strapped states will be forced to bear the burden of these unnecessary additional cleanups, likely to cost millions.

[The U.S. Chamber of Commerce](#), National Association of Manufacturers, state and municipal officials, and federal government agencies - including the Department of Defense, the U.S. Department of Agriculture, and the National Aeronautic and Space Administration – are among those who have raised red flags about the potential impacts and unintended consequences of EPA’s dioxin proposals. According to state regulatory officials in [Oklahoma](#), [Missouri](#), and [Texas](#), the new levels could have serious impacts on the economy and state and municipal budgets.

Existing regulations have drastically reduced emissions of dioxin from man-made sources over the past several decades – about 90 percent since 1987 -- and dioxin levels will continue to decline. The EPA estimates that less than two percent of the dioxin to which Americans are exposed comes from contact with soil.

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The American Chemistry Council (ACC) represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care[®], common sense advocacy designed to address major public policy issues, and health and environmental research and product testing. The business of chemistry is a \$674 billion enterprise and a key element of the nation's economy. It is one of the nation's largest exporters, accounting for ten cents out of every dollar in U.S. exports. Chemistry companies are among the largest investors in research and development. Safety and security have always been primary concerns of ACC members, and they have intensified their efforts, working closely with government agencies to improve security and to defend against any threat to the nation's critical infrastructure.

