

Dredging up another PCB scare

by Elizabeth Whelan and Jay Lehr

The Environmental Protection Agency recently proposed that General Electric dredge the Hudson River to remove what are known as polychlorinated biphenyls, or PCBs. Under the plan, GE would have to spend an estimated \$490 million.

Until 1977, PCBs were used in the manufacture of transformers, adhesives, and capacitors, among other things. GE legally dumped them into the river north of Albany, New York for decades. The PCBs are now embedded in the mud beneath the Hudson, and are not generally dispersed in the water.

An EPA spokesman explained the agency was mainly concerned about human health problems, particularly an increased risk of cancer from Hudson River fish. But contrary to EPA's insistence, there is no credible evidence that PCB exposure in the general environment, in fish, or even at very high levels in the workplace, has ever led to an increase in cancer risk for humans.

No link between PCBs and cancer

Some people have suggested dredging would disturb buried PCBs, thus making matters worse. This is a legitimate concern, but it overlooks an even more basic objection: At this point no evidence exists that even high levels of human exposure to PCBs cause any problem other than eye and skin irritation.

EPA's assertion that PCBs in fish pose a human cancer risk is based solely on observations that high-dose, prolonged PCB exposure causes tumors in laboratory animals. But this is very different from the question at hand: Is there any evidence that the traces of PCBs in Hudson River fish increase the risk of cancer in humans?

An examination of the bible of cancer causation, *Cancer Epidemiology and Prevention*, by Drs. David Schottenfeld and Joseph F. Fraumeni Jr., reveals no reference at all to PCB-containing fish, or any other source of PCBs, causing malignancy.

But perhaps the ultimate authority on cancer risk is the National Cancer Institute, the federal agency charged with studying human cancer. Dr. Susan Sieber, director of communications at NCI, told E&CN the institute knew of "no evidence" that eating fish from the Hudson River posed a human cancer risk.

Dredging: More harm than good

EPA's proposal charts a course of environmental devastation for the Upper Hudson River for a generation or more. The agency has willfully ignored its own research,

which in 1984 concluded that a massive dredging program would be "devastating to the river eco-system."

EPA has also ignored the objections of more than 60 Hudson Valley communities that have opposed dredging and may be forced to endure a generation of EPA-sponsored disruption of the river.

Finally, EPA's dredging proposal ignores past failures. Dredging projects at other waterways have failed to achieve the reduced PCB levels EPA says are necessary to provide any benefit in the Hudson. A GE study of 26 dredging projects found higher levels of PCBs or other contaminants immediately after dredging at many sites.

The proposal makes no sense because, as people who live near the river know, the Hudson is dramatically cleaner today than it was when EPA rejected dredging 16 years ago. GE has already invested nearly \$200 million in controlling and reducing sources of PCBs into the Hudson. The program has produced dramatic benefits for the upper river, reducing PCB levels in water and fish by 90 percent in the last 20 years.

No due process

EPA's proposal cannot be justified in terms of advancing public health or improving the river ecosystem. It is seen by many as a misguided attempt to punish a corporation that lawfully discharged PCBs 30 year ago.

GE recently filed suit in Federal District Court in Washington, D.C. seeking to have provisions of the federal Superfund law declared invalid for failing to guarantee due process to targeted companies. The Superfund provisions give EPA uncontrolled authority to order intrusive remedial projects of unlimited scope and duration in non-emergency situations, while failing to provide for constitutionally adequate hearings or an opportunity for judicial review.

Professor Laurence Tribe of Harvard University Law School, who represents GE in the case, said: "This is an Alice-in-Wonderland regime of punishment first, trial afterwards--even in a non-emergency setting.

"The statute gives EPA the power to skew the evidence, ignore other points of view, and order action without any independent review," he continued. "Then the party has to do the work and wait years for a hearing. Even then, the long-delayed hearing is inadequate because it is not impartial. This offends the Constitution."

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