

# Editorial/Opinion

## Wasting Away

The recent furor created by the proposed dumping of radioactive waste from the Three Mile Island nuclear power plant into the Susquehanna River has raised some frightening questions concerning the storage and safe disposal of toxic waste.

Through their genius, modern alchemists brew as many as 1,000 new concoctions each year in the United States alone. At last count, nearly 50,000 chemicals were on the market. Many have been an undeniable boon to mankind, mitigating pain and disease, prolonging life for millions and expanding the economy in myriad ways by stimulating the creation of new products. There is, however, a price to pay for an industrial society that has come to rely so heavily on chemicals: almost 35,000 of those used in the United States are classified by the federal Environmental Protection Agency as being either definitely or potentially hazardous to human health; their danger is clearly growing.

After we have dealt with the horrific realities of Love Canal, after we have removed the endangered residents and relocated them, compensated them for their property and suffering, we can begin to unravel some of the whys and wherefores, and set a pattern for the future. Love Canal seems to have become the prime example, and in many ways it is an excellent one.

Before the Love Canal scandal is over, it could prove to be the most costly—in terms of both money and human life—ever to dirty the Empire State's name. The very phrase has become synonymous with the deadly fruits of an irresponsible technocracy. Love Canal was the first of many dangerous toxic chemical dumping sites discovered around the United States. Some are legal, many are illegal. But they all point out our past failings in a way that we can no longer ignore.

A little history: The Hooker Chemical and Plastics Corp. had a large operation in Niagara Falls, New York. One plant, located by a dry, man-made gully named "Love Canal," used 15 acres of the canal area as a dumping site for the hazardous byproducts of its chemical production. This dumping occurred between 1947 and 1952; when the Love Canal dump was full, more than 21,800 tons of toxic chemicals had been left.

Hooker apparently complied with all of the federal and state regulations existing at the time concerning disposal of hazardous chemicals. The regulations were woefully inadequate, as we now see quite clearly.

The disposal site, abandoned and covered with earth, was sold to the Niagara School Board for \$1 in 1953. The deed contained a disclaimer of responsibility for any injuries that might occur because of the buried chemicals. The school board built an elementary school on a portion of the land and sold the rest as residential lots. Houses sprang up.

A key issue involves the exact point at which Hooker Chemical officials began to suspect the disposal site was dangerous to human beings because of the toxic chemicals, which began noticeably leaking from their storage drums and bubbling to the surface not 20 years after the land was sold. Residents of the Love Canal area began complaining about the peculiar smells percolating into their basements; their lawns died, their gardens withered. Their pets developed bald patches and chronic respiratory problems. Their water tasted odd, they had miscarriages, their health seemed poor. They complained: When did Hooker listen? When should have Hooker listened? Local and state (N.Y.) health departments didn't listen either, until 1978.

A House subcommittee produced documents that indicated Hooker knew about the toxic seepage as early as June 1958 and failed to notify residents because the company feared "a substantial legal liability." The Justice Department filed a \$124.5 million lawsuit in 1979 and state Attorney General Robert Abrams filed a \$635 million lawsuit against Hooker's parent company a few months later. Hooker also faces more than \$2 billion in private damage claims.

The Justice Department, in filing the civil suits, made clear that it will try to force companies to clean up dumps that pose a public danger, even if those dumps have been unused and out of a company's hands for years.

The suits—against Hooker Chemicals and Plastics Corp., Occidental Petroleum Corp. (its parent), Olin Corp., and the City and Board of Education of Niagara Falls—make up the "first major salvo" in the battle waged by Justice and the Environmental Protection Agency to clean up abandoned dumps, according to Anthony Z. Roisman, chief of Justice's new hazardous waste section.

The suits broke new legal ground by seeking to pin responsibility for a current hazard on a company that long ago ceased the practices that may have caused the hazard. The \$124 million is an estimate of the remedial work that must be done at the four sites used by Hooker, including one that was shared with Olin. Justice has made a list of the specific actions it wants each company to take. At Love Canal, for instance, Hooker would have to build a deep underground wall to enclose the site and pay for complete medical studies of all families in the area.

The Hooker Corporation's role in the Love Canal incident, however, is not the first instance of a company being made to pay for damages it has created. After being convicted of polluting Virginia's James River with Kepone, a toxic chemical, Allied Chemical Corp. was assessed an unprecedented fine of \$13.2 million—a fine later reduced to \$5.2 million after the company made an \$8 million contribution to an environmental foundation. But even if it were possible to rid the James of Kepone, it would probably cost several hundred million dollars. New York State extracted \$3 million from General Electric Co. after it was charged with polluting the Hudson River with polychlorinated biphenyls (PCBs). But one estimate of the cost for a total cleanup of PCBs is more than \$200 million. And in the fall of 1979, the Hooker Corp. itself made a \$20 million settlement with Michigan over a dump site at Montague which spelled out a plan for cleansing groundwater.

As far as Hooker is concerned, though, the Love Canal issue is quite another story. And the company has a legitimate defense: It no longer owns the property; it claims it warned the Board of Education of potential hazards; and it claims that migration of the chemicals was caused by subsequent disruption of a clay cap over the dump site. The defense, confronting the government's determination to force a cleanup, has kept the case in courts for years.

In light of the lawsuits filed against Hooker, the best that could come of them—besides monetary compensation for the 710 innocent Love Canal families who face cancer, birth defects, and life-long health troubles from their ordeal—is this precedent: When must a company act on reports of injury from its products or its practices? Even though it may be complying with existing regulations, when does the company become bound by a responsibility to society? What is the penalty for not having a social conscience? Under what circumstances can we reasonably expect a company to protect us from itself? When it fails to do so, what is a fitting punishment?

It will have cost the New York State and the federal governments millions in relocation expenses, cleanup costs and detoxification efforts before Love Canal becomes safe enough to fence off and ignore. Hooker Chemical will bear some portion of that burden; the courts will decide how much.

But we're probably creating the next generation's Love Canals now, manufacturing the time bombs that will lie in wait to explode in 20 or 30 or 40 years. We can only do the best we can, right now, with the technology we have. But we must make sure that it is the best and not merely the cheapest or easiest. In the case of the Three Mile Island proposed disposal of conceivably deadly waste materials into the Susquehanna River, we must be very cautious. Haphazard and careless disposal of radioactive or chemical wastes must cease. Companies that produce the waste must bear the responsibility for its continued safe disposal. No future Hookers can be allowed to ignore threats to health and safety because of the fear of a "substantial legal liability."

—William J. Neil

Volume 14, No. 4

**C.C. reader**

May 14, 1981

Pennsylvania State University  
Capitol Campus  
Middletown, PA 17057  
Office - W-129  
Phone - (717) 944-4970

Published biweekly by the students of The Capitol Campus of The Pennsylvania State University in Middletown, Pennsylvania.

The C.C. Reader has the following four-fold purpose: [1] to keep students informed about their campus community; [2] to provide editorial comment on issues facing the campus community; [3] to serve as a forum for student poetry, photographs, graphics, and other creative endeavors; [4] to serve as a learning mechanism for all students interested in the journalistic process. This includes reporting, editing, layout, typesetting, and paste-up.

Editor in Chief  
Harry H. Moyer

Assistant Editors  
David J. Caruso  
William J. Neil

Activities Editor - Keith N. Gantz      Sports Editors - Darrell Reider  
Photography Editor - Mark W. Clauser      Kevin Spiegel

Staff - Kathy Kern, Yvonne Harhigh, John G. Harvey

Faculty Advisors - Dr. Donald Alexander, Monica O'Reilly

The opinions expressed in this paper are those of the author and are not necessarily the opinions of the students, faculty, staff, or administration of The Pennsylvania State University.

Circulation 2500

The C.C. Reader welcomes letters from readers. Letters intended for publication should indicate the writer's college affiliation, if any. All letters must be signed by the writer. Unsigned letters cannot be printed. However, a writer's name may be withheld upon request. Letters should be legible (preferably typewritten, double spaced); and any material that is libelous or does not conform to the standards of good taste will be edited and/or rejected.

Editorial Editors

The Assistant Editors shall serve as Editorial Editors for the remainder of the academic year.