



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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December 19, 1979

Mr. Gus Speth, Chairman
Toxic Substances Strategy Committee
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N.W.
Washington, D. C. 20006

Dear Mr. Speth:

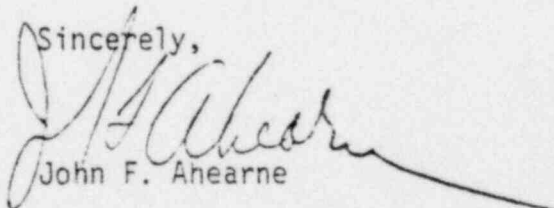
We have reviewed the draft Toxic Substances Strategy Committee Report to the President as you asked, and we agree with the principal recommendations of the report.

Specifically, we support the Committee positions concerning government-wide use of the Chemical Substances Information Network (CSIN), which would facilitate inter-agency evaluations of chemical toxicity; the Smithsonian Scientific Information Exchange (SSIE) which should both improve the sharing of research results and minimize duplicative research; and your recommendations for cosmetic legislation. We particularly support the statements in the report that coordination among agencies is preferable to centralization of the Federal risk assessment process.

While we have a few specific comments which are enclosed, the most important general comment that we have for your consideration in the preparation of the final report concerns the report recommendations dealing with risk assessment. We feel the tone is too negative when it cautions against the use of risk assessment methodologies due to the large uncertainties involved. We do recognize that the almost overwhelming number of toxic substances which have yet to be adequately tested results in large uncertainties in the data base. Nonetheless, in order to manage this problem, we suggest that the extent of those areas of uncertainty in the data be quantified as much as possible and be included as part of the risk assessment methodology. Regulatory decision-making can then continue without undue delay. We hope that coordinated research can then minimize these uncertainty bands within a reasonable time. This last recommendation could be even more strongly urged by the Committee report.

NRC participation in the work of the Committee has been instructive for our staff and, I hope, useful to you. We look forward to future constructive cooperation.

Sincerely,


John F. Ahearne

Enclosure:
Specific Comments

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SPECIFIC COMMENTS

1. In parts of the report, a cost/benefit analysis complementing the risk assessment is recommended. In other portions, detailed discussion is given why this would be very difficult because, after all, how can costs be assigned to "death, pain, suffering and grief of a family." It is true that cost/benefit analyses may be difficult. We also have faced this problem and recognize the difficulty. Our solution has been to apply the principles of Executive Order 12044 in applying regulatory analysis to such problems. Our methodology of value/impact analysis may apply monetary costs where applicable but is free to use more subjective decisional tools where appropriate. More information can be supplied on this if you wish.
2. We think it may be difficult for the Government*, at the present time, to be financially responsible, to the extent that it is implied in the report, for accidents, spills, etc. On page 17 of the Executive Summary and in Chapter IV, it is acknowledged that: (a) the Federal agencies conducting toxic-related research have shortages of "qualified scientific and technical personnel and of resources to undertake long-term research to evaluate existing and new chemicals," and (b) "the Government does not have adequate funds or mechanisms for providing relief or compensations to victims of a spill or for cleanup of abandoned waste sites." If such responsibility is to be recommended in the final report, specific steps needed to reach this end should be detailed.
3. Section 12, page V-24, explores alternatives to assist small companies to respond to hazardous substances emergencies. A "small company" does not necessarily generate a "small accident." In fact, many small companies have caused accidents of great magnitude in damage to the environment and human life. This is made much more difficult because the problem may not become visible for a long time. The company may be out of business by the time action is required.
4. The report's discussion of "cost effective ways to reduce risk" is not the same as achieving the "greatest protection . . . that is possible." The concept which recognizes the need to balance the values to be gained by society against any impacts, which appears in the EPA and the IRLG carcinogen policy documents, is definitely not the same as "as low as possible." It is not clear whether the TSSC is advocating elimination of carcinogenic releases at any cost or whether they subscribe to the above policy papers. This could be clarified in the final version of the report by more detailed reference to the policy documents.

* The word "Government" should be properly categorized as Federal, state and local. The state sovereignty must be recognized.