



Christophe Tulou, secretary of the Department of Natural Resources and Environmental Control, and Mary Gade, director of the Illinois Environmental Protection Agency.

nothing we could do anything about. So this was a terrific offer and we ran with it."

Delaware has developed a 50-page agreement, spelling out goals and objectives. Now the state is attempting to refine the plan and its measures of success or failure through public meetings and an ongoing internal examination. Tulou stressed that current environmental laws and regulations are the plan's floor, but the goal over the next few years is to move past limits in current statutes and more strongly address problems that are specific to Delaware—for instance, protection of tidal estuaries and wetlands.

The partnership, according to Gade, will force EPA to end "bean counting," micromanagement of state programs, double-checking of state permit decisions and inspections, and other duplicative efforts that, she said, waste state and federal time and money.

In particular, both Tulou and Gade want to change EPA's reporting requirements for federal categorical grants. They want the freedom to shift federal funds around, for instance, to use federal air control dollars for wetlands protection if air quality is adequate in their state. States in the program would get that flexibility, Tulou noted, through a rider to the long-stalled EPA 1996 appropriation bill. Remaining, however, is the question of gauging a state's success in protecting the environment if bean counting goes.

"Instead of measuring how many reports are written in a year," Tulou said, "we'd like to



measure whether there are more fish in a stream and whether we can eat them or whether the air quality is improving. We'd like to get out of the numbers realm and get to a place where people can actually understand what we are trying to tell them." He described an upcoming five-year process to find solid indicators that could be used to shape the state program and to measure its success.

A dozen other states are watching and considering the project, according to Charles Kent, who leads program implementation for EPA. "For some

states the program is too time consuming and draws too many resources," he said. Also the environmental self-assessment must be made public, warts and all, and this frankness has turned off some states. In other cases, he added, self-evaluations have been too rosy in the eyes of EPA, and that has caused trouble nailing down an agreement.

EPA, however, is a firm believer in the need to devolve its oversight for states with competent environmental programs, according to Kent, and in these cases, EPA should back off on oversight and devote its sparse resources to help weaker states improve. But both Kent and the state officials said there will always be a need for a viable and strong federal agency for regulatory development, science and research, and cross-state environmental problems. Gade also emphasized the federal role as an enforcement "backstop."

"Say you have a particularly bad polluter in your state, and either a lack of technical expertise or strong political pressure makes it difficult to go after them. You turn to your attorney general but

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Ruckelshaus panel to recommend new regulatory framework to reform EPA

Former EPA Administrator William Ruckelshaus has joined the debate over the future role of EPA. Ruckelshaus is heading an ad hoc advisory committee that hopes to devise a new approach to environmental regulation that could help break the current political stalemate over U.S. environmental laws. The "Enterprise for the Environment," which is being coordinated by the Center for Strategic and International Studies and the National Academy of Public Administration, will draw its membership from Congress, state and local governments, business, and labor and environmental groups.

Any large-scale reform of EPA's regulatory authority should have three goals, according to Ruckelshaus: producing a clean, safe and sustainable environment; creating more flexible and less

expensive tools for meeting environmental standards; and achieving consensus in meeting goals.

"We think this effort will succeed where other efforts in the past have failed," says Ruckelshaus, chair of Browning-Ferris Industries. "We have a waiting audience for our work. Those who have the power to act on our recommendations want our recommendations."

Whether Congress will heed the unsolicited advice is another question. In a Feb. 29 hearing before the Senate appropriations committee that funds EPA, Chair Christopher Bond (R-Mo.) was encouraging but still neutral. "It sounds promising," says one Senate staffer, "but it will be pretty amazing if they can pull off what they say they want to do." The group's report is due early next year. —TONY REICHARDT

he's in another party and says he won't prosecute. In those cases, it's good to have the gorilla in the closet. You turn to your federal counterpart and ask them to take it on."

Gade, however, bristled at recent EPA claims that the "environmental cop was off the beat" because of federal funding cuts (*ES&T*, March 1996, 108A). "This has been disingenuous," she said. "The bottom line is that it is not as if enforcement stopped during the federal furlough. The states are dominating this field."

How this power shift will evolve as Congress proposes further environmental cuts and states such as New Jersey, Pennsylvania, and others consider new budget cuts or adjust to past ones is a wild card. "The big risk we worry about is a huge unfunded mandate," Tulou said. "The federal statutory floor remains, but if all the responsibilities are given to the states and at the same time the resources are cut, this is not a comfortable prospect for the states. It is something we must watch closely." —JEFF JOHNSON

One in three facilities violate Water Act

One in three of 7053 major U.S. facilities regulated under the Clean Water Act committed "significant violations" of their discharge permit limits in 1994, according to a General Accounting Office study released in March. However, GAO found that EPA may have missed more than half of these violations in its internal compliance reports because of the way the agency screens data.

The report notes that EPA's internal measuring mechanisms for tabulating Water Act violations may have also resulted in unequal enforcement fines in some cases. Consequently, GAO urges EPA to correct both problems, and the agency says it has begun a reexamination of criteria to determine significant noncompliance. The report, *Water Pollution: Many Violations Have Not Received Appropriate Enforcement Attention* (GAO/RCED-96-23), is available from GAO at (202) 512-6000.

EPA drinking water research plan released; nine area-specific plans due by October

As part of a comprehensive review of EPA science programs, the agency's Office of Research and Development (ORD) is preparing research plans for nine subject areas, which it hopes to use as a road map for setting funding priorities beginning in 1998. The first plan, covering microbial pathogens and disinfection byproducts in drinking water, was unveiled to a subcommittee of the agency's Science Advisory Board (SAB) in March. The rest will be submitted for outside review by October 1, said Joseph Alexander, deputy chief of ORD.

Six of the research areas were identified as high priorities in ORD's draft strategic plan published last November: drinking water disinfection, particulate matter, endocrine disruptors, ecosystem protection, pollution prevention and technology, and human health protection. Three additional topics will be the subject of detailed plans: the Environmental Monitoring and Assessment Program, global change, and waste characterization and management. According to Alexander, ORD is preparing the plans in close consultation with its field laboratories and EPA program offices, making them the closest thing EPA has to an agency-wide research strategy.

Outside advisory groups, including the SAB and a National Research Council (NRC) committee, applaud ORD's strategic plan. The NRC committee, chaired by Raymond Loehr of the University of Texas, complements another panel chaired by Paul Risser of Oregon State University, which is also looking at ORD issues. Both groups are expected to complete reports by next March.

The drinking water research plan is the first to be submitted for outside review. One key research goal identified in the plan is to understand the doses and conditions under which microbial pathogens such as *Cryptosporidium* and the Norwalk virus pose

health problems. Developing methods of measuring low levels of these pathogens in water is a key research need identified by the plan. Researching the health effects of water disinfectants and their byproducts is expected to be more difficult. Feasibility studies to be completed next year will help to determine if full-scale epidemiological studies of cancer and reproductive effects are possible.

EPA estimates that the drinking water research plan will cost \$72 million between 1996 and 2000. The research is to be conducted through "multiple, coordinated efforts," including work at EPA laboratories, cooperative agreements, EPA-funded grants, and industry-sponsored studies.

EPA's research plans attempt to juggle the long-term research agenda of science managers with short-term demands for information driven by the program office's regulatory needs. The drinking water research plan presented to the SAB committee attempts to merge these two different organizational approaches: one following the risk model favored by ORD (health effects/exposure/risk assessment/risk management) and another prioritized according to regulatory demands of the Safe Drinking Water Act.

Gail Robarge of ORD, who is coordinating the drinking water research plan, admitted that it was "very difficult to make those linkages" between research and regulatory agendas, and that it would require constant communication and cross-checking between EPA offices. "You can't have a sustained research program if you're zigging and zagging every year," she told the SAB.

Alexander says the NRC panel should provide needed advice on EPA's environmental research priorities. In recent months the "re-invented" ORD has been criticized for the lack of specifics in how the office arrived at its own research priorities. Looking at the