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The EPA's National Agenda to Protect Children's Health from Environmental Threats: The Trend to Better Protect our Nation's Children from Environmental Health Hazards

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The EPA's National Agenda to Protect Children's Health from Environmental Threats: The Trend to Better Protect our Nation's Children from Environmental Health Hazards

Introduction

"Healthy children and strong families are fundamental to the future of our nation."[1] The Environmental Protection Agency (EPA) and the Clinton Administration believe firmly in this notion.[2] There exists a wide array of environmental threats that face children today, and the adequacy of the current protections, derived primarily to protect adults, may prove insufficient to protect children.[3] The EPA acknowledges this inadequacy and has made children's health issues both a top priority and a central focus of its efforts to protect public health and the environment.[4] Thus, the new trend in environmental regulation is geared with an eye toward protecting children, who are most susceptible to environmental hazards. On September 11, 1996 the EPA released a report entitled *Environmental Health Threats to Children,* which details: how and why children are affected by environmental threats; the steps that have been taken by the EPA and the Clinton Administration to protect the nation's children; and the EPA's *National Agenda to*

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1. U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF THE ADMINISTRATOR, EPA 75-F-96-001, ENVIRONMENTAL HEALTH THREATS TO CHILDREN 1 (1996). [hereinafter *EPA Report*].

2. *See id.* Carol Browner, EPA Administrator, best illustrated the EPA and the Clinton Administration's dedication to ensuring the health of our nation's children: "[a]s the EPA Administrator, as well as the mother of a five-year old, I believe there is no higher priority than the health of our children and the safety of the food they eat . . . . [t]he Clinton Administration believes it is the responsibility of government to look at every opportunity for further improvement." *NAS Finds "Serious Deficiencies" in Pesticide Regulatory System,* PESTICIDE & TOXIC CHEMICAL NEWS, June 30, 1993, *available in* WESTLAW, 1993 WL 2758005.

3. *See EPA Report, supra* note 1, at 11.

4. *See id.*

Protect Children's Health from Environmental Threats.[5] The report challenges the private sector, government, Congress, academia, and interest groups to commit to and adopt this new Agenda in order to better protect children on a national level from the environmental risks to which they are exposed.[6]

This Comment will first discuss the events that led to the release of the EPA Report and the recent focus on a child's unique susceptibility to environmental hazards. Second, this Comment will review the steps that have already been taken by the EPA and the Clinton Administration regarding scientific research, setting stronger standards, and expanding right-to-know education. Finally, this Comment will detail the National Agenda the EPA proposes and analyze each action proposed in the Report, the likelihood of successfully reaching the proposed goals, and the effect of this Agenda on future environmental regulation.

I. Events that Sparked the Need for the Agenda

Pesticides have a dual nature of benefit versus toxicity.[7] In 1947, legislation was enacted to regulate pesticide use in order to allow societies to continue to benefit from the use of pesticides, while minimizing their exposure to hazards caused by such use.[8] The legislation pertaining to pesticide control includes the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), its amendments, as well as, the sections of the Federal Food, Drug and Cosmetic Act (FFDCA), and its amendments.[9] FIFRA attempts

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5. *See EPA Report, supra* note 1, at 1.

6. *See id.* at 11.

7. *See National Research Council, Pesticides in the Diets of Infants and Children* 17 (1993). The National Academy of Sciences' committee in charge of this project is a part of the National Research Council. Therefore, it will be referred to as the NAS report although it was released by the NRC.

8. *See id.* At a hearing before the Subcommittee on Department Operations and Nutrition of the House Agriculture Committee, where the potential risks of pesticides to children's health were weighed against their economic benefits, one witness emphasized that "chemical pest control has contributed to dramatic increases in yields for most major fruit and vegetable crops." Another witness stated that "restricting pesticide use could reduce crop yields, sending food prices higher and possibly prompting consumers to buy fewer of the fruits and vegetables needed for a healthy diet." *House Panel Hears Views on NAS Pesticide Report,* PESTICIDE & TOXIC CHEMICAL NEWS, July 21, 1993, *available in* WESTLAW 1993 WL 2757906.

9. *National Research Council, supra* note 7, at 17. *See also* 7 U.S.C. § 136 et. seq. (1996); 21 U.S.C. § 301 et. seq. (1996).

to balance the benefits of pesticide use with the risks involved.[10] FIFRA attempts to regulate pesticide use by giving the EPA the authority to administer a registration process which all pesticides must endure.[11] The EPA must grant a "tolerance" for pesticides that are to be registered for use on food crops.[12] This tolerance level is based on agricultural practices and not on health considerations.[13] "Tolerances constitute the single, most important mechanism by which EPA limits levels of pesticide residues in food."[14] Therefore, these tolerance levels should be based on health considerations since they are the primary means by which the EPA can limit the amount of pesticide residue ingested.

In 1988, the United States Congress requested that a study be done by the National Academy of Sciences (NAS) on the scientific and policy issues involving pesticides in the diets of infants and children.[15] In 1993, the NAS released a report entitled *Pesticides in the Diets of Infants and Children* that discussed their study of environmental threats to infants and children and whether the regulations implemented at that time were adequate to protect them.[16] The study concluded that the federal government's decision-making process for pesticides did not pay sufficient

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10. *See National Research Council, supra* note 7, at 17. "To the extent necessary to prevent unreasonable adverse effects on the environment, the Administrator may by regulation limit the distribution, sale, or use in any State of any pesticide that is not registered under this subchapter . . ." 7 U.S.C. § 136a (a) (1996).

> [U]nreasonable adverse effects on the environment means (1) any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 346a of Title 21.

Id. at § 136 (bb) (1996).

11. *See National Research Council, supra* note 7, at 17.

12. *See id.* at 18. A tolerance is defined as "the maximum quantity of a pesticide residue allowable on a raw agricultural commodity." *Id.*

13. *See id.* at 18. The tolerance levels are determined by pesticide manufacturers who perform trials to determine the highest amount of residue concentrations likely to be on raw agricultural commodities under normal agricultural practices. *Id.*

14. *National Research Council, supra* note 7, at 1.

15. *See id.* at ix. The National Academy of Sciences established a committee within the National Research Council for this project. The NAS is a private, non-profit group of scholars working in scientific and engineering research. Congress granted it a charter in 1863 and it acts as an advisor to the federal government on scientific and technical matters. *Id.* at viii-ix.

16. *See id.* at 2. The subjects of the report were infants from the beginning of the third trimester up to 18 years of age. *Id.* at 42.

attention to the protection of human health, especially the health of infants and children.[17] The report discussed the flaws in pesticide regulation up to 1993 and recommended numerous changes in the regulatory process. One suggestion proposed a new statistical approach that would combine data on the types and amounts of foods eaten by children with data on pesticide residue on these foods.[18] Other NAS suggestions included: changing procedures used in toxicity testing, extending the use of uncertainty factors[19], using seven different age levels to compile food consumption data, considering all sources of dietary and non-dietary pesticide exposure in making risk assessment, and taking into account the changes in exposure and susceptibility as people mature in making an estimation of cancer risks.[20]

Following the release of the NAS report, on October 23, 1995, EPA Administrator Carol M. Browner announced a national policy to "consistently and explicitly take into account health risks to children and infants from environmental hazards when conducting assessments of environmental risks."[21] This announcement directly

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17. *See National Research Council, supra* note 7. At the hearings before the Subcommittee on Department Operations and Nutrition of the House Agriculture Committee, Dr. Don Mattison, vice chair of the committee that carried out the NAS study and dean of the Graduate School of Public Health at the University of Pittsburgh said," "[t]he government's current regulatory program does not recognize that children differ greatly from adults not only in size but also in metabolism and what they eat." *House Panel Hears Views on NAS Pesticide Report, supra* note 8.

18. *National Research Council, supra* note 7, at 360-361.

19. An uncertainty factor is used to take the results of animal testing and apply them to humans. The no-observed-effect level (NOEL), found in animal tests, is divided by a 100-fold uncertainty factor, which is actually two 10-fold factors, in order to set up guidelines for humans. The EPA and FDA currently implement an additional 10-fold uncertainty factor to extrapolate data from animal tests where there is evidence of fetal developmental effects. The NAS also recommends using this additional 10-fold factor to determine human exposure guidelines where there is evidence of postnatal developmental toxicity or the toxicity testing relative to children is incomplete. This is because certain periods of postnatal development make the fetus more vulnerable to toxins. *See id.* at 9.

20. *See NAS Finds "Serious Deficiencies" in Pesticide Regulatory System,* PESTICIDE & TOXIC CHEMICAL NEWS, supra note 2. The National Research Council, in order to ward off any type of scare that its report might engender, stressed that its report "should not be cause for alarm." *Id.*

21. *EPA Report, supra* note 1, at 1. The announcement also points out that it is common practice in medicine to account for a child's exposure to environmental health hazards. Browner had made children's health a priority in the EPA, but the new policy made that practice consistent agency-wide. *EPA Administrator Announces First-Ever Policy on Evaluating Health Risks to Children from Environmental Hazards,* EPA Press Release, October 23, 1995, <http://www.epa.gov/epahome/images/newmenu.map>.

responded to the NAS report and began a new trend in environmental regulation.[22] The EPA subsequently intensified its efforts to increase the research and testing needed to learn more about children's exposure to pesticides in food, reduce the use of high-risk pesticides, and set new standards to protect children.[23] Also responding to the NAS report, the Clinton Administration took unprecedented steps to protect children from the risk of ingesting pesticide-laden food. The Food Quality Protection Act signed by President Clinton in 1996, best illustrates these steps.[24] This Act will be discussed in more detail later in the Comment.

Finally, the increased research and testing regarding children's unique susceptibility to environmental hazards illuminated both the magnitude of such threats and the inadequacies of the protections then implemented which had been designed to protect adults.[25] Thus, in its 1993 report, the NAS brought to the forefront the problem of the unique susceptibility of children to environmental threats such as pesticides. The EPA and the Clinton Administration quickly took important steps in response to the report. The *National Agenda to Protect Children's Health from Environmental Threats* is an expansion of the new trend that began with Browner's October 23, 1995 announcement. Once implemented, this Agenda will govern the future of environmental regulation.

II. Status of Children's Environmental Health

In order to fully analyze the trend to gear environmental regulation toward protecting our nation's children, this Comment will discuss the current state of our children's environmental health. It is important to understand why children are more susceptible to environmental risks and to discover the specific environmental conditions that adversely affect them. Understanding this dilemma will provide a clearer picture of the need for the new trend and explain the impetus which prompted the EPA's National Agenda.

A. Why Children are More at Risk

Children are particularly susceptible to environmental health

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22. *See EPA Report, supra* note 1, at 1.
23. *See id.*
24. The Food Quality Protection Act of 1996, 110 Stat. 1489 (1996), amends various sections of FIFRA and FFDCA. *See National Research Council, supra,* note 7, at 17.
25. *See EPA Report, supra* note 1, at 1.

threats for three reasons. First, their systems are still developing.[26] Everyone goes through stages of rapid growth from infancy through adolescence. Exposure to toxic substances can affect growth at the fetal, infant, and childhood stages.[27] They impair nervous system development and cause abnormal development by affecting hormonal or immunological systems.[28] The immune system of an infant or child may be less able to combat the effects of environmental toxins than that of a healthy adult.[29] Thus, children's rapid growth and underdevelopment of their immune systems make them more susceptible to environmental hazards. Protections that are sufficient for an adult may be inadequate for protecting children.

The second circumstance that puts children at increased risk for problems associated with environmental hazards is that they eat, drink, breathe, and stay outdoors proportionately more than adults and are, therefore, exposed to environmental threats more often.[30] This increased exposure leads children to ingest more pollutants per pound of body weight than adults. Furthermore, their immature skin and body tissue are more susceptible to sun damage when they play outside.[31]

Finally, children are more at risk from environmental threats because they are less able to protect themselves and their natural curiosity causes them to explore areas that may pose a greater threat of exposure to pollution.[32] When children crawl on the ground, floor or play outside, they expose themselves to pollutants such as potentially contaminated dust and soil, lead paint, household chemicals, and other pollutants and toxins.[33] Adults have the intellect and the ability to better avoid these dangers than infants or young children. Thus, normal childhood behavior puts children more at risk to the effects of environmental hazards.

B. Specific Environmental Problems for Children

There are some specific health threats to our nation's children

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26. *See id.* at 3.
27. *See id.*
28. *See id.* If an organ or organ system, such as the central nervous system, is damaged prior to its full maturation by some toxin, the effects may be permanent and there may never be normal physical maturation. *National Research Council, supra* note 7, at 23
29. *See EPA Report, supra* note 1, at 3.
30. *See id.*
31. *See id.*
32. *See id.*
33. *See EPA Report, supra* note 1, at 3.

at the forefront of the current and proposed actions. The EPA "now recognize[s] the magnitude of these health threats to our children."[34] Some consequences of various environmental threats range from IQ deficiencies and hyperactivity to cancer, respiratory illness, and death.[35] Thus, it is important to address some specific environmental threats to children and their consequences in order to fully understand the reasons for certain measures taken by the EPA and the Clinton Administration.

i. Pesticides—Pesticides pose a great or substantial threat to children because children consume higher amounts of fresh produce than adults in proportion to their weight.[36] The effects of exposure to certain pesticides are very unsettling. Some of these effects include: central nervous system damage, respiratory illness, and cancer.[37]

The NAS report recommended the creation of both a standardized reporting format for use by all laboratories doing pesticide residue analysis and a national computerized database to collect pesticide residue data from various U.S. laboratories.[38] Having a standard format and a comprehensive database will give the EPA and the Food and Drug Administration a clearer understanding of the actual pesticide residue levels found on certain foods. This information could then be used to determine which foods infants and children are most exposed to and regulate them according to their increased susceptibility.

ii. Lead Poisoning—"Today . . . lead poisoning is still a leading environmental health hazard for young children, affecting as many as 1.7 million children age five and under."[39] Significant

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34. *Id.*
35. *See id.*
36. *See id.*
37. *See EPA Report, supra* note 1, at 3. Also, in recent years, there has been some focus on the potential effects of synthetic chemicals, labeled "endocrine disruptors," on the hormone system. A number of these chemicals, including the pesticide DDT, have caused endocrine disruption in wildlife and laboratory animals. This has caused concern about the potential for birth defects and growth or development problems because very low levels of chemicals that block or mimic reproductive and thyroid hormones can affect prenatal development. *Id.* at 4.
38. *See National Research Council, supra* note 7, at 261. "Despite the importance pesticides have attained in agricultural production, data on the amount and distribution of their use are remarkably scanty. There is no single, comprehensive data source, derived from actual sampling, on pesticide usage for all crops and all chemicals." *Id.* at 203-204.
39. *EPA Report, supra* note 1, at 7.

steps have been taken in the past to reduce the threat of lead poisoning. One step included taking lead-based house paint off the market.[40] However, older homes with chipping or peeling lead paint or excessive amounts of lead-contaminated dust still pose a threat to children.[41] Lead poisoning, even at low levels, can cause behavioral problems such as hyperactivity and reduced attention spans.[42] Lead poisoning can also lead to reading and learning disabilities, impaired hearing, and IQ deficiencies.[43]

iii. Other Specific Environmental Problems for Children— Many of the most common air pollutants can cause or contribute to asthma; and asthma deaths of children and young people have increased 118% between 1980 and 1993.[44] There are numerous areas which do not meet the national air quality standards. For example, over twenty-five percent of the nation's children live in such areas.[45]

Air quality standards are not the only standards being neglected by our nation. The EPA estimated that last year "a total of 30 million Americans drank water from systems that violated one or more public health standards-and roughly 13 million of them are served by systems that do not filter their water . . . ."[46] Because children and infants drink more fluids per pound of body weight, they are more susceptible to water contaminants.[47]

In its September 1996 report, the EPA addressed some additional environmental threats to children which include: water pollution, toxic waste dumps, polychlorinated biphenyls (PCB's) often found in contaminated fish,[48] second-hand smoke, and

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40. *See id.*
41. *See id.*
42. *See id.*
43. *See EPA Report, supra* note 1, at 7. A 1992 study provides strong evidence that lead poisoning does cause IQ deficiencies. More importantly, the study suggests that these lead-associated decrements in IQ are non-discriminatory and persistent across race, culture, ethnicity, and social and economic classes. Peter A. Baghurst et al., *Environmental Exposure to Lead and Children's Intelligence at the Age of Seven Years,* 327 NEW ENG. J. MED. 1279-84 (1992).
44. *See EPA Report, supra* note 1, at 3.
45. *See id.*
46. *Id.* In 1993, drinking water in Milwaukee, Wisconsin became contaminated with cryptosporidium. Hundreds of thousands of Milwaukee residents became severely ill and many of them including children died. *Id.*
47. *See EPA Report, supra* note 1, at 3.
48. In a recent study, it was found that mothers who had eaten fish from Lake Michigan contaminated with PCB's, had higher concentrations of PCB's in their umbilical-cord serum and their breast milk. The children exposed to these higher

overexposure to the sun's harmful ultraviolet rays.[49]

III. Steps Taken by the Clinton Administration and the EPA thus Far

Significant actions by the EPA and the Clinton Administration have resulted from the NAS report and the recent trend involving the focus on children's health when regulating the environment. These actions involve improved research, stronger standard-setting, and the expansion of right-to-know and other educational programs. The important progress made in each of these areas to date will be discussed.

A. Improved Scientific Research

The EPA has been developing new risk assessment and testing guidelines in order to implement a consistent set of standards which will require a focus on infants' and children's unique susceptibility to certain pollutants.[50]

Children in urban areas have a higher exposure to the air pollutants that may contribute to the development of asthma. The EPA is funding research to help determine whether certain groups, such as infants and children are more at risk due to their higher exposure to air pollutants, their inherent biological sensitivities, or a combination of both.[51] Also, the EPA is participating in efforts to discover how to better test for the presence of certain parasites found in drinking water, thereby enabling the EPA to determine how people are exposed to such parasites and to find appropriate treatments for those who are exposed.[52]

The NAS report regarding pesticide regulation has spawned a great effort to increase the research concerning the effects that

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levels of PCB's showed decreased IQ's and problems with memory and attention later in life. Although more PCB's were transferred to a nursing infant through the mother's breast milk than through the umbilical cord serum, the infants who were exposed to the PCB's in-utero were the only ones who showed these deficits. Thus, strong evidence indicates that the developing fetal brain is most susceptible to contaminants like PCB's. Joseph L. Jacobson & Sandra W. Jacobson, *Intellectual Impairment in Children Exposed to Polychlorinated Biphenyls in Utero,* 335 NEW ENG. J. MED. 783 (1996).

49. *See PA Report, supra* note 1, at 3-4.

50. *See id.* at 5. These new guidelines involve the assessment of cancer-causing substances and neurotoxicological effects, evaluating reproductive toxicity, and evaluation of chemicals that focus on developmental toxicity and reproductive testing. *Id.*

51. *See id.*

52. *See id.*

pesticides have on infants and children. This effort is particularly important because it allows the EPA to regulate the field appropriately. The EPA now considers dietary risks to infants and children when registering or re-registering pesticides under FIFRA.[53] The EPA is also attempting to be more comprehensive in its assessment of children's exposure to pesticides by examining the various components of foods separately (for example, by looking at pizza as wheat, milk, and tomatoes individually). The EPA also recognizes that there are multiple areas where children are exposed to pesticides, such as at home and in schools.[54]

In direct response to the NAS recommendation for a consistent and comprehensive database on pesticide residues that exist in foods that children consume most often, the EPA, FDA, and USDA, in cooperation with Florida and California, have been developing a "National Pesticide Residue Database" to compile such information gathered throughout the U.S.[55] It appears that the NAS report has been a tremendous impetus for the new trend in environmental regulation; particularly regarding pesticide regulation. As a corollary, the EPA and the Clinton Administration are recognizing children's unique susceptibility to other pollutants in the water, air, and other areas.

Another recent concern which has surfaced regards the potential effects of synthetic chemicals on the endocrine system.[56] This is a new area of pollution research, and the EPA is proposing a comprehensive approach to studying it and counteracting its adverse effects.[57]

Finally, in the area of research, efforts are being increased to study the effects of particulate matter air pollution on infants and children and the effect of mercury exposure on nervous system development during prenatal and postnatal periods.[58] Thus, the Environmental Protection Agency has taken great strides to increase the research in areas of air and water pollution, pesticide

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53. *See EPA Report, supra* note 1, at 6.
54. *See id.*
55. *See id.*
56. *See id.*
57. *See EPA Report, supra* note 1, at 7. The EPA announces its plan to focus its research efforts in fiscal year 1997 on determining what classes of chemicals may adversely affect the endocrine system, what amounts of exposure produce harmful results, how humans and animals are exposed to such chemicals, the actual effects on humans and wildlife, and the combined effects of exposure to multiple endocrine disruptor chemicals over a period of time. *Id.*
58. *See id.*

exposure, and chemical effects on the endocrine and nervous systems. The National Agenda will continue these efforts if they are enforced.

B. Setting Stronger Standards to Protect Children's Health

The EPA and the Clinton Administration have taken various steps to set higher standards for protecting our nation's children from the environmental health threats they face. In order to protect that segment of the population which is most susceptible to such environmental threats, the EPA and the Clinton Administration must set standards with a focus on infants and children.

The EPA's ban on lead in gasoline and the Consumer Product Safety Commission's ban on lead in paint were significant steps toward reducing the adverse effects of lead on children.[59] However, today "more than eighty percent of homes built before 1978 contain lead paint."[60] Therefore, children are still exposed to unsafe levels of this health threat. The Clinton Administration has expanded the EPA's initiative to make America's housing "lead safe" by training and certifying lead-removal workers, expanding research on lead poisoning, and setting standards to control the levels of hazardous lead paint in housing where children live.[61]

In an attempt to protect the food children consume, stronger standards have been set regarding pesticide use. One of the greatest steps taken to strengthen food-safety laws was the President's signing of the Food Quality Protection Act in August, 1996.[62] Specifically, all pesticides which were registered for use prior to 1984 must be re-registered according to current standards which are based on more recent scientific findings. In addition, section 103 of the Food Quality Protection Act directs the EPA to look at available information in order to make reasonable assumptions concerning consumers' exposure to pesticide residue on foods (with an eye specifically towards the exposures and sensitivities of infants and children).[63] The EPA also has accelerated its re-registration program in order to quickly update pesticides to meet the current scientific standards.[64] Title III of the Act would

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59. *See id.*
60. *EPA Report, supra* note 1, at 7.
61. *See id.*
62. *See id.*
63. *See H.R. Rep. No.* 669(I), 104th Cong., 2d Sess. (1996), *reprinted in* 1996 U.S.C.C.A.N. 1208-1215.
64. *See EPA Report, supra* note 1, at 8.

require the USDA Secretary, along with others, "to coordinate the development and implementation of procedures to ensure collection of adequate data on food consumption patterns and pesticide exposures of infants and children."[65]

Another method used to reduce pesticide exposure is to minimize its use altogether. The EPA has set a goal that by the year 2000, seventy-five percent of all U.S. agricultural acreage will use some form of integrated pest management. The EPA hopes that resultant cost-savings will serve as an incentive.[66] The EPA, FDA, and USDA are also encouraging the use of biological pesticides and other alternatives to pesticide use.[67]

Air pollution is another environmental threat to which children and infants are extremely susceptible. "A number of studies have associated childhood exposure to air pollution . . . with increases in school absences, decreased lung function, and increased incidences of bronchitis and asthma."[68] The Clean Air Act attempts to improve the air quality in communities, thereby protecting our children from the harmful effects of air pollution.[69] Also, the Clinton Administration has imposed stronger controls on air emissions from incinerators that burn hazardous waste, which particularly benefit infants since these types of pollutants "concentrate at higher levels in breast milk."[70] Finally, in an attempt to reduce substances that deplete the ozone and allow more harmful ultraviolet rays to affect children, the Clinton Administration is phasing out the use of certain substances.[71]

The Clinton Administration and the EPA have also taken steps to set stricter standards to protect our children from environmental threats in the areas of water contamination, toxic waste exposure, and fish contamination.[72] Thus, stronger standard-setting is one method being employed to protect the infants and children from environmental hazards.

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65. *H.R. Rep. No.* 669(I), 104th Cong., 2d Sess. (1996), *reprinted in* 1996 U.S.C.C.A.N. 1210.

66. *See EPA Report, supra* note 1, at 7-8.

67. *See id.* at 8.

68. *Id.*

69. *See id.* The most recent amendment to the Clean Air Act requires states to adopt programs for the issuance of operating permits for stationary sources of air pollutant emissions. *Clean Air Act* of 1990, § 502 (d).

70. *EPA Report, supra* note 1, at 9.

71. *See id.*

72. *See id.* at 8-10.

C. *Expanding Right-To-Know and Education*

"It is essential that families and communities have the tools with which to make informed decisions concerning their environment and any potential health risks they may face and that industry disclose its toxic pollution."[73] The EPA is expanding, through the use of the Internet, public access to information regarding environment and health threats which may exist.[74] President Clinton expanded the community right-to-know by signing new food safety legislation and new drinking water legislation into law in August 1996.[75]

The EPA has also implemented "Tools for Schools" and "Integrated Pest Management in the Schools" kits in an effort to better educate families, teachers, and parents about environmental risks that may affect children and how to avoid these risks.[76] Moreover, in an effort to alert the public to possible environmental health hazards, the EPA has introduced a Consumer Labeling Initiative to provide more information about such hazards on the labels of toxic products. These labels are similar to food nutrition labels.[77]

In order for people to protect their children and avoid environmental health threats, they need to be educated about the dangers and how to avoid them. The steps that the EPA and the Clinton Administration have taken to disseminate the information to the public are vital in protecting our communities. The more informed people are, the more likely they are to rally together for change. The first step in combating any problem is awareness of the threat. The Internet has increased the availability of information to people around the world. The EPA's efforts to provide as much information as possible to the public through the use of the

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73. *EPA Report, supra* note 1, at 10.

74. *See id.* For more information on the issues developed in this Comment, and any other environmental information or questions and concerns, the Internet address for the EPA's home page is <http://www.epa.gov/epahome/images/-newmenu.map>.

75. *See EPA Report, supra* note 1, at 10. Also, there is now a UV Index program to provide the information people need to protect themselves from overexposure to the sun. Additionally, the "National Listing of Fish Consumption Advisories" describes state-issued advisories regarding contaminated fish. "Included in the database is information on the geographic location of the advisory, species of fish of concern, chemicals, and segments of the population that are affected." *Id.* at 11.

76. *See id.*

77. *See id.*

Internet is an important approach. Once communities become informed, they can take appropriate actions to protect themselves and to initiate change. Additionally, because Internet communication costs are relatively low, the public's access to this information should not be affected by changes in the funds allocated to the EPA.

IV. The EPA's National Agenda to Protect Children's Health From Environmental Threats

The EPA's September, 1996 report, *Environmental Health Threats to Children*, challenges teachers, parents, government, academia, Congress, and interest groups to commit and to help implement the EPA's new National Agenda. The new Agenda will focus primarily on the protection of infants and children through environmental regulation.[78] This Agenda outlines the extension of the new trend in environmental law. To date, the federal regulatory scheme takes into account only the average exposure of the population as a whole.[79] Since research has proven that infants and children are more susceptible to environmental threats, the EPA and the Clinton Administration have been forced to change the focus of regulation to meet this new concern. The proposed changes in the National Agenda will meet the new challenge by focusing on the protection of our nation's children. However, the likelihood of successfully implementing this Agenda remains unclear since the Agenda may have crucial impacts on business, because the proposed tightened restrictions would force businesses to expend more money to comply.

A. Proposed Actions

The EPA has proposed seven actions in its National Agenda to better protect children's environmental health.[80] These actions include expanding scientific research, setting public health standards, and broadening the community right-to-know concept.[81] The specific actions outlined in the Agenda are discussed in the following paragraphs.

First, the EPA would set all of its standards high enough to

78. *See id.*
79. *See National Research Council, supra* note 7, at 2.
80. *See EPA Report, supra* note 1, at 11-13.
81. *See id.*

protect children, who are more susceptible to environmental threats.[82] It would also reevaluate the most significant current standards to bring them in line with new scientific research. Specifically, the EPA will reissue five of the most significant standards as soon as possible.[83]

Second, the EPA would expand and improve scientific research to obtain a better idea of how children are more susceptible to environmental threats.[84] The proposed research would focus increasingly on intellectual and physical growth and development, because these processes are so important during childhood.[85]

Most notably, the EPA "challenges Congress to help them fund two National Centers of Excellence on Children's Environmental Health at established medical institutions."[86] These centers would be used to focus on issues affecting children's health, making that the EPA's top research priority.[87]

Third, the EPA, in looking at a child's environment, would take into account the fact that children are exposed to numerous chemicals all at once.[88] It would no longer use a chemical-by-chemical approach, but instead will address the cumulative and simultaneous exposures children face.[89]

Fourth, the EPA would build on community right-to-know concepts by expanding the categories of industrial facilities that report information such as chemical inputs and uses, and by implementing the "Family Right to Know Initiative."[90] This initiative will help parents assess and avoid threats to children from products designed for child or home use. Additionally, the Initiative would provide information on the wide range of possible effects from toxins and improve the consumer information to enable people to make more informed choices.[91]

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82. *See id.* at 11.
83. *See id.*
84. *See EPA Report, supra* note 1, at 11-12.
85. *See id.* at 12.
86. *Id.*
87. *See id.*
88. *See EPA Report, supra* note 1, at 12.
89. *See id.*
90. *See id.*
91. *See id.* The Consumer Labeling Initiative is another means that the EPA discusses to increase the community right-to-know. It is a system analogous to the current food nutrition labeling. However, food nutrition labeling is mandatory, but the Consumer Labeling Initiative is a voluntary program. *See TSCA/EPCRA/-Mercury/Lead/Endocrine Disruptors Among Parts of Children's Health Crusade,* PESTICIDE & TOXIC CHEMICAL NEWS, Sept. 11, 1996, *available in* WESTLAW, 1996 WL 8852891.

Fifth, in an effort to push parents, teachers, and the community to take more responsibility for acquiring the information they need to protect themselves and our nation's children, the Clinton Administration would make information more readily available through toll-free numbers, Internet access, education programs, and various other ways.[92] The EPA would also expand its efforts to make people aware of the importance, and their right to know all that they can about the environmental health threats our children face every day.[93]

Sixth, it is important that pediatric health professionals have access to information about environmental health threats in their training and medical practices. Thus, the EPA would work with health and environmental professionals to identify, prevent, and reduce environmental health threats by providing a forum for the issues and integrating these issues into the training of pediatric health professionals.[94]

Finally, the Clinton Administration challenges Congress to provide the funding that will be needed to implement the goals of the Agenda.[95] Without the appropriate funding, the EPA's goals to make children's environmental health a top priority cannot be realized. For this reason, the EPA has asked that the President's 1997 fiscal year budget provide for the implementation of its *National Agenda to Protect Children's Health from Environmental Threats*.[96]

B. Analysis of the National Agenda

The EPA's National Agenda is comprehensive and far-reaching. It proposes to change the research, standard-setting, and availability of information, all with a focus on children's unique susceptibility to environmental hazards. The Agenda also proposes to involve individuals, government, and institutions nationwide to make children's vulnerability to environmental threats a top priority

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92. *See EPA Report, supra* note 1, at 13.
93. *See id.*
94. *See id.* Pediatricians have apparently already realized the vulnerability of children to certain environmental threats because a report from the Gannett News Service points out, "[p]ediatricians have long argued that environmental standards, particularly for exposure to lead and other toxins, need to be recalibrated for children because youngsters absorb more of the contaminants for their body size." *EPA to Review Pollution Standards with Eye to Children,* GANNETT NEW SERVICE, Sept. 11, 1996, *available in* 1996 WL 4386340.
95. *See EPA Report, supra* note 1, at 13.
96. *See id.*

in order to make the necessary changes.

The major impetus behind the new trend in environmental law was the NAS report regarding the effects of pesticides in the diets of infants and children. This study sparked the EPA's decision to focus environmental regulation on this group. It also triggered the Food Quality Protection Act, which amends both FIFRA and FFDCA to establish a better and more consistent regulatory scheme with regard to pesticide use on foods.[97] Each of the seven proposed actions in the Agenda will be analyzed. Within the discussion of the first action proposed by the Agenda, this Comment will discuss how the Food Quality Protection Act embodies the proposed goal. Finally, the likelihood of successful implementation of the Agenda and the effects of the new trend on future environmental regulation will be reviewed.

i. Increased Standards—The first action proposed in the EPA's National Agenda is to increase the standards used by the EPA in evaluating environmental health hazards to a level high enough to protect infants and children.[98] One illustration of this action is the Food Quality Protection Act of 1996.[99] This Act was signed by President Clinton on August 3, 1996, prior to the release of the EPA's Agenda.[100] However, the Act embodies the goals of the Agenda with regard to pesticide legislation and higher standard-setting.

The Food Quality Protection Act of 1996 reforms the Delaney Clause of the Federal Food, Drug and Cosmetic Act,[101] which was problematic because inconsistent standards were being used to govern pesticide residues in raw and processed foods under this

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97. *See EPA Reviews Highlights of Food Quality Protection Act of 1996,* PESTICIDE & TOXIC CHEM. NEWS, Aug. 21, 1996, *available in* WESTLAW, 1996 WL 8852763.

98. *See EPA Report, supra* note 1, at 11.

99. *See* The Food Quality Protection Act of 1996, 110 Stat. 1489 (1996), amends various sections of FIFRA and FFDCA. *See also supra* note 9.

100. *See id.*

101. "Repeal or modification of the Delaney Clause has been a top, but elusive, target of the food industry for many years." *Congress Sends Delaney Repeal to White House,* MILLING & BAKING NEWS, July 30, 1996, *available in* WESTLAW, 1996 WL 9190832. There was much support for the legislation to repeal the Delaney Clause from the milling, baking, and other grain-based sectors. *Id.* Also, the government fully supported the repeal, as illustrated by the passing of the legislation by a 417-0 vote from the House of Representatives and an 18-0 vote from the Senate Committee on Agriculture, Nutrition and Forestry. *Id.*

clause.[102] The Food Quality Protection Act will provide for a uniform, science-based "reasonable certainty of no harm" standard to govern pesticide residue regulation.[103] This standard essentially assures that "a pesticide residue would cause no more than one incidence of additional cancer per one million persons exposed," or the pesticide user will not be granted a permit by the EPA.[104]

The Act also provides special protections for infants and children. Title I, Subtitle A, Section 408 of the amended Act "directs EPA to consider available information and reasonable assumptions about consumers' exposure to pesticide residue on foods, and specifically the exposures and sensitivities of infants and children."[105] Also, Title III requires the "development and implementation of procedures to ensure collection of adequate data on food consumption patterns and pesticide exposures of infants and children."[106]

For pesticides that are expected to reduce "pesticide risks," Title II, Subtitle D of the Food Quality Protection Act establishes an expedited review process for approval of safer pesticides.[107] Additionally, the Act requires a review of all existing tolerances within ten years to ensure they are up to the new health-based safety standard, which is the "reasonable certainty of no harm" standard.[108] The Act also acknowledges a state's right to require warnings or labeling of foods that have been treated with pesticides.[109]

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102. *See* Pat Roberts, *Food Quality Protection Act Cruises Through Congress,* GOV'T. PRESS RELEASES, July 23, 1996, *available in* WESTLAW, 1996 WL 11123972; *EPA Reviews Highlights of Food Quality Protection Act of 1996, supra* note 97.

103. *See Congress Sends Delaney Repeal to White House, supra* note 101.

104. *Id.*

105. *H.R. Rep. No.* 669(I), 104th Cong., 2d Sess. (1996), *reprinted in* 1996 U.S.C.C.A.N. 1209.

106. *Id.* at 1210.

107. *See id.*

108. *EPA Reviews Highlights of Food Quality Protection Act of 1996, supra* note 97. *See also* 21 U.S.C. § 346a (a)(3)(B)(ii) (1996). The EPA also proposes to reissue five of its most significant standards under this new policy to better protect children from environmental dangers. It will use public input and scientific peer review to determine which five standards they will reissue. The five standards have not yet been chosen as of this Comment's publication date. *EPA Report, supra* note 1, at 11.

109. *See EPA Reviews Highlights of Food Quality Protection Act of 1996, supra* note 97. One example of state regulation is California's "Proposition 65," passed in 1986, which states that: "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable

The stronger standard-setting action proposed by the EPA's new Agenda is being implemented through the Food Quality Protection Act of 1996. The Clinton Administration has, therefore, provided the EPA with the authority to carry out its first proposal of the Agenda to raise certain standards. With the recent scientific research discussing the effects of environmental hazards on infants and children, the EPA and the Clinton Administration had no choice but to take action to protect these more susceptible individuals.

"In 1988, the U.S. Congress requested that the National Academy of Sciences establish a committee within the National Research Council to study scientific and policy issues concerning pesticides in the diets of infants and children."[110] The government has, therefore, been aware of the increased susceptibility of these young people to the environmental hazards associated with pesticide use on foods for years. The steps taken by the EPA and the government thus far indicate their dedication to improving research and setting stronger standards in order to protect our nation's children. If the most susceptible groups are well-protected by the standards used by the EPA, there will be protection for all who are exposed.

Thus, it is not only logical but necessary that standard-setting must be governed by this new trend and geared toward the unique susceptibility of infants and children. There is no indication that the EPA and the government will fall lax in their efforts to promote this new trend. The actions of the Clinton Administration and the EPA thus far indicate only that they will continue to regulate environmental hazards to protect infants and children, provided the necessary research is available to determine how children are affected (the likelihood of this availability is discussed below).

ii. Increase and Improve Scientific Research Regarding Child-Specific Susceptibility to Environmental Threats—The second action proposed in the EPA's National Agenda involves the expansion and improvement of scientific research to better understand how and why children are more susceptible to certain pollutants.[111] The EPA also challenges Congress to help establish and fund two national centers that will focus on issues of children's environmental

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warning to such individual." *Cal. Health & Safety Code* § 25249.6 (West 1997).

110. Philip J. Landrigan, M.D., M.Sc., *Preface to Pesticides in the Diets of Infants and Children* at ix (Nat'l Res. Council, Nat'l Acad. Press 1993).

111. *See EPA Report, supra* note 1, at 12.

health.[112]

The most notable effort to increase the reliability of research in this area is the establishment of the National Pesticide Residue Database. This database is to be used to compile data nationwide on pesticide residues by monitoring foods throughout the United States.[113] Also, as discussed above, Title III of the Food Quality Protection Act requires the USDA Secretary, along with the EPA and the Department of Health and Human Services, to provide the means to ensure that adequate data will be gathered on infants and children's food consumption patterns and pesticide exposures.[114]

Improved and increased research in the area of child-specific susceptibility to environmental health hazards is essential in creating and implementing standards that are strong enough to protect those who need the most protection. However, budget cuts are already interfering with the likelihood of successful implementation of such research efforts.[115] The information the EPA uses to analyze the risks of pesticide use, particularly with regard to residues in children's diets, is the USDA's Pesticide Residue Data Program.[116] This program has been phased out of the Fiscal Year 1997 budget in the Agriculture appropriations bill that President Clinton signed on August 6, 1996.[117] Instead, the money went toward the USDA's Integrated Pest Management Program.[118]

There is a new focus on endocrine disruptors which may affect children's growth and sexual development.[119] There is, therefore, a great demand for research in this area. However, scientists warn that "[d]evelopment of a short-term screening test that will quickly tell regulators which pesticides and other chemicals act as endocrine disruptors is likely to be complicated by too many unknowns."[120] The complicated nature of endocrine disruptor research would demand much time and money, and it is not clear whether this

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112. *See EPA Report, supra* note 1, at 12.

113. *See id.* at 6.

114. *See H.R. Rep. No.* 669(I), 104th Cong., 2d Sess. (1996), *reprinted in* 1996 U.S.C.C.A.N. 1210.

115. *See EPA Agenda to Protect Kids' Health Undermined by Budget Cuts,* FOOD CHEMICAL NEWS, Sept. 19, 1996, *available in* WESTLAW, 1996 WL 8855927.

116. *See id.* Note that this took place just three days after President Clinton signed the Food Quality Protection Act of 1996.

117. *See id.*

118. *See id.*

119. *See id.*

120. *EPA Agenda to Protect Kids' Health Undermined by Budget Cuts, supra* note 115.

funding will be available to the EPA or to the Clinton Administration in the near future.[121]

Without appropriate funding, the research necessary to begin addressing children's unique susceptibility to environmental hazards is unlikely to be implemented. If the EPA has funds to make changes in its current research efforts to focus on infants and children instead of adults, the EPA has indicated by their release of the *National Agenda to Protect Children's Health from Environmental Threats* that it will do so. The research, particularly the NAS report, has led to stronger standards with regard to pesticide control. Stronger standards will most likely continue to be implemented in environmental regulation. However, it is going to take some time before the research is funded enough to adequately address new, more complicated issues of children's environmental health, such as the area of endocrine disruptors. Research will begin to focus on infants and children's vulnerability to the environment, but the amount of improvement and expansion of the research is likely to be less than what has been proposed by the EPA's National Agenda, which calls for the research to be "of the absolute highest integrity and caliber . . . on the cutting-edge in sophistication . . . [and] focus on the issues of greatest risk and concern."[122]

Additionally, if the funding is already being cut with regard to the collection of information regarding pesticide residues, the likelihood of establishing and funding the two EPA-proposed national centers to perform the appropriate research is very uncertain. These centers would be a major step toward gaining the insight needed to change environmental regulation drastically enough to protect our nation's children from environmental health hazards. Unfortunately, it may take a long time before the funding is available to establish these centers.

iii. Address the Cumulative and Simultaneous Exposures to Children—The third proposed action is that the EPA will no longer look at exposure on a chemical-by-chemical basis, but instead will look at the exposures to environmental threats that children face simultaneously and cumulatively.[123] This is a more realistic approach because human beings do not encounter chemicals one at a time. Instead, we are all exposed to various chemicals simulta-

121. *See id.*
122. *EPA Report, supra* note 1, at 12.
123. *See id.*

neously, and to varying amounts of pollutants over time.

The EPA plans to model this new approach after its Common Sense Initiative, which integrates its authorities and approaches to particular industrial sectors.[124] Because the EPA has already taken this approach in the industrial sectors, and it will model that approach with respect to this new trend in environmental regulation, there is confidence that the EPA will carry out this goal and address the cumulative and simultaneous exposures to children.

iv. Expand Community Right-To-Know—The EPA also proposes to work with the Clinton Administration and expand the Community Right-To-Know law and to implement the Family Right-to-Know Initiative.[125] There have already been 286 chemicals added to the EPCRA Toxics Release Inventory List, and the EPA has proposed to add seven new industries to those covered by the Toxics Release Inventory reporting requirements.[126] The Agenda proposes to implement the family right-to-know initiative by providing parents with more information regarding the wide range of environmental threats, how they affect children, and how to avoid them.[127]

The more informed people are, the more they can do to protect themselves and their children. People should be aware of the fact that children and adults are not the same physiologically, and therefore, react differently to pollutants. The EPA proposes to continue to expand the information that is available to the public so people can make more informed choices. This is a vital step in alerting people to the problems children face and providing the initiative to take precautions.

v. Increased Availability of Information for Parents and Teachers—It is not only important to increase the amount of information available to parents and teachers regarding environmental health threats to children, it is also vital that this information is made accessible. If the information is available but people do not know about it or have access to it, the information is virtually useless. Thus, the efforts proposed in the new Agenda to disseminate this information to parents and teachers through Internet access, toll-

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124. *See id.*
125. *See id.*
126. *See TSCA/EPCRA/Mercury/Lead/Endocrine Disruptors Among Parts of Children's Health Crusade, supra* note 91.
127. *See EPA Report, supra* note 1, at 12.

free numbers, education programs, etc., is essential to combating the problem.[128]

This important step is fairly simple and cost-effective. The Internet provides an amazing source of information available to people around the world. The EPA's home page on the Internet alone provides much of the information parents and teachers need to educate themselves of the problems children face and how to work to control harmful exposure.[129] The actions taken and proposed with regard to giving people access to the information they need may be the most important step to protect our children. Although the funding may not be available to conduct the degree of research needed to fully understand children's susceptibility, if parents and teachers are informed of the problems and the ways to address them, they can take steps on their own, at little or no cost, to protect themselves and their children.

vi. Presenting the Issues of Environmental Health Threats to Children to Pediatric Health Professionals—The sixth proposed action in the National Agenda is the education of pediatric health professionals in the area of environmental threats to infants and children.[130] The EPA discusses its plan to work with other groups such as the Center for Disease Control, the Children's Environmental Health Network, and the National Environmental Education and Training Foundation to identify, prevent, and reduce environmental health threats.[131]

Pediatric health professionals are in the best position to help identify the responses of infants and children's bodies to certain environmental hazards. If they can determine from their patients, or their patients' parents/guardians, what the children were exposed to, the health professionals may be able to collect enough information to see a pattern of responses to certain environmental threats. The groups the EPA proposes to work with, including pediatric health professionals, have the most contact with infants and children who may become ill as a result of exposure to certain pollutants. Thus, it is very important to work with these individuals to determine where the problems are so the EPA can try to determine where changes need to be made in environmental regulation.

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128. *See EPA Report, supra* note 1, at 13.

129. The EPA home page is located at <http://www.epa.gov/epahome/images-/newmenu.map>.

130. *See EPA Report, supra* note 1, at 13.

131. *See id.*

Furthermore, the EPA proposes to help develop an appropriate curriculum and training program that pediatric health care professionals need in order to effectively treat or prevent the environmental health threats facing children.[132] Now that more is being discovered about children's unique susceptibility and the effects of environmental threats, it is essential that those who treat children's health needs know of the risks, the effects, and the prevention of such threats. If the doctors do not know of the possible effects of pollutants, they may overlook the cause of many childhood illnesses. Thus, they may prescribe inappropriate treatments, yielding only short-term results. If pediatricians are aware of the threats, they can inform the patient's family and have the threat removed entirely from the child's environment.

This proposed action is therefore an effective step towards learning more about the problem and controlling or eliminating potential hazards. It is a cooperative effort that should be relatively low-cost. Now that more is being learned about some of the problems, implementing the research findings into the curriculum of those who will treat the health needs of infants and children is essential.

vii. Funding—In the Clinton Administration's challenge to Congress to provide the funding necessary to implement the actions discussed in the National Agenda is the recognition that without the appropriate funding "[t]he purest of intentions-or the most cynical of commitments based solely on appearances-are equally meaningless without the commitment of the resources that will be necessary to accomplish this ambitious Agenda."[133] Thus, the funding is essential to prevent the actions proposed in the Agenda from being illusory.

As discussed earlier, budget cuts have already phased out the USDA program to collect pesticide residue data.[134] Funding is the biggest problem the EPA faces in carrying out its Agenda. Without the necessary funding, the level of research will fall short of the EPA's research-proposal. Thus, the adequate information needed to set appropriately stronger standards, to fully understand the degree of hazardous effects of cumulative and simultaneous exposure, and to get the correct information out to families and

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132. *See id.*
133. *Id.*
134. *See EPA Agenda to Protect Kids' Health Undermined by Budget Cuts, supra* note 115.

teachers, will be less reliable than if the best possible research was being conducted. Therefore, the effect of the entire Agenda rests on the availability of sufficient funding to carry it out appropriately. This does not mean that the entire Agenda will fail completely without additional funding. However, the amount of funding will determine the degree and the reliability to which the Agenda is implemented.

C. *The Overall Effect of the National Agenda to Protect Children's Health from Environmental Threats and the Likelihood of Its Success*

If the Agenda is fully implemented, the effect will be to tighten restrictions in order to better protect the most vulnerable groups of people—infants and children. EPA Administrator, Carol Browner, says the EPA will now review the limits for air pollutants such as microscopic particulates[135] and ozone, which is an ingredient in urban smog.[136] She also points out that the EPA will most likely be sued, perhaps frequently, when industry starts to bridle under stricter exposure limits for things such as pesticides.[137]

The Agenda will probably be carried out to some degree. Since businesses will be under tighter control if the Agenda is successful, there will be much opposition from industry in certain areas of environmental regulation. It will cost businesses more money to keep up with new, tougher restrictions. However, the EPA and the Clinton Administration have already taken major steps towards implementing the policies brought about by the new trend in environmental regulation to better protect children.

Without the appropriate funding, the Agenda may have overstated its reach and effect; but there is no doubt that the EPA and President Clinton recognize the importance of understanding children's susceptibility to environmental hazards and intend to begin the steps to combat some of the problems. Although the business industry may be dissatisfied, the release of the *National Agenda to Protect Children's Health from Environmental Threats* illustrates the EPA's commitment to following the new trend in

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135. The American Lung Association calls these microscopic particulates in the air one of the nations' leading respiratory threats. *See EPA to Review Pollution Standards with Eye to Children,* GANNET NEW SERVICE, Sept. 11, 1996, *available in* WESTLAW, 1996 WL 4386340.

136. *See id.*

137. *See id.*

order to better serve our nation's children.[138]

V. Conclusion

The EPA's *National Agenda to Protect Children's Health from Environmental Threats* is an important step towards reforming environmental regulation. If the proposed actions are carried out, not only will the nation's children be better protected from environmental health hazards, but the rest of us will all benefit physically from the tighter restrictions.

The research done in the field so far has proven that children are more susceptible to a variety of environmental problems we face today. The Agenda proposes to continue, and improve the scientific research necessary to set stronger standards where needed. The EPA and the Clinton Administration also propose to look at chemical exposure more realistically by taking into account cumulative and simultaneous exposures. These steps are all beneficial to children.

The biggest problem the EPA faces in implementing the Agenda is a lack of funding. If there is not enough money to carry out the necessary research to investigate how and where children are most susceptible to environmental threats, the stronger

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138. Following the completion of this Comment, the EPA did in fact put out a notice soliciting grant proposals from "education institutions, environmental and educational public agencies, and not-for-profit organizations to support environmental education projects." 62 Fed. Reg. 44,860 (1997). The projects are intended to address the actions recommended in the EPA's National Agenda. *Id.* at 4,862. The EPA is using this funding to encourage projects "to educate the public about environmental hazards and how to minimize human exposure to preserve good health." *Id.* Furthermore, the Agency will not fund projects that are designed solely to disseminate information. The projects are to enhance critical thinking, problem-solving, or decision-making skills. *Id.*

Also, since the completion of this Comment, Carol Browner has announced the restructuring of the Agency to create new offices, including the Office of Children's Health Protection and the Center for Environmental Information and Statistics. *Browner Announces New EPA Offices to Support Children's Health, Regulatory Reinvention and Right to Know,* ENVIRONMENTAL NEWS, Feb. 27, 1997, *available in* WESTLAW 1997 WL 83193 (E.P.A.).

The Office of Children's Health Protection is designed to carry out the agenda from the "Environmental Health Threats to Children" report. Dr. Philip Landrigan helped produce the 1993 NAS study discussed throughout this Comment and he is going to serve as the Senior Advisor to the Administrator for Children's Health in this new office. *Id.*

The Center for Environmental Information and Statistics is set to open January 1, 1998 and will expand the right to know about pollution in local communities. *Id.* The Center will coordinate a database across the EPA regarding pollution in local communities and will provide easy access to the public to the immense amount of information compiled. *Id.*

standard-setting may be less reliable. There will also be opposition from the business community if restrictions are tightened.

The action proposed in the Agenda to raise the communities' awareness of problems and solutions is one of the most important steps to be taken. This involves a relatively low-cost effort to obtain more information available to people and to provide a simple mechanism for people to obtain the information. The first step in combating a problem is becoming aware of it. Thus, this may be the most beneficial action of all.

Finally, the EPA proposes to work more closely with those in the area of child health care to learn more about the problems children are facing. This, too, is an important step. Those who treat children for problems associated with environmental hazard exposure need to be well-informed of the problem. Including some of the research findings in this area in pediatricians' educational curriculum is the best way to ensure that children are getting the attention they need.

The National Agenda shows the EPA's ability to evolve and adapt with the new research findings. It is vital that the EPA continue the research and that the President change environmental regulations if the research demands it. Both have demonstrated a desire to do just that. If adequate funding is available, the *National Agenda to Protect Children's Health from Environmental Threats* should be carried out to the fullest extent to help ensure that our nation's children are being protected.

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