

The Brave and the Damned: Casting the Regulatory Net

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ABSTRACT

The current list of contaminants that is regulated in groundwater is long and varied. While some are related to specific activities or industries, others are present due to multiple sources. This paper examines the newest and "hottest" groundwater contaminants of the year. It includes discussion of ADEQ's stated desire to adopt the federal MCL for arsenic and uranium, two naturally occurring chemicals in Arizona. It also discusses the push by regulators both in Arizona and nationwide to regulate some chemicals with significant distribution in the environment but without significant data to fully understand potential health effects such as MTBE and perchlorate. Finally, the paper looks at some "exotic" contaminants that are just now drawing the attention of regulators such as POFA, and discusses the consequences of industry deciding to phase out use of these chemicals or process that produce them in order to avoid regulation, and liability, much as has been done in the case of CFCs, DDT, PCBs and asbestos. The question in these cases is at what cost does EPA make regulation of chemicals so stigmatized that manufacturers and others are forced to use potentially inferior substitutes that may have more risk and a greater potential downside than the chemical that were supposed to replace?