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CENTRAL DOCKET
SECTION

GEORGE HARRY HESS, M.D.
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TACOMA, WASHINGTON 98466

4437 West Grandview Place
August 17, 1983

A 80-40
IV-D 25
OAQPS 79-8
IV-D-3
A-83-08
IV-D-2
A 83 09/11, 23
IV-D 1

Central Docket Section (LE-131)
U. S. Environmental Protection Agency
401 M Street, S. W.
Washington, D. C. 20460

Attention: William D. Ruckelshaus,
Administrator

Re: Dockets OAQPS-79-8, A-80-40,
A-83-8, A-83-9, A-83-10,
A-83-11, & A-83-23

Gentlemen:

We live in a part of Tacoma suburbs near Puget Sound and between the Town of Steilacoom and West Tacoma. Our area, called University Place, lies somewhat remote from ASARCO, Inc., with prevailing southwesterly winds usually blowing its emissions away from us. We thus present an objective point of view.

We have attended meetings and conferences in both Tacoma and Seattle concerning the arsenic problem. Mrs. Hess served from its inception as a member of the tri-county Citizens Advisory Committee on Air Quality and Transportation Control Planning of the Puget Sound Council of Governments. For over five years Dr. Hess has researched and written a monthly column on geriatric health for Senior Scene, published and distributed to 15,000 persons by Tacoma/Pierce County Council on Aging. He serves for a third year on its Advisory Council.

We have read the decision in New York v. Gorsuch, 554 Fed. Supp. 1060 (S. D. N. Y., 1983). Ordering your agency to follow the Clean Air Act, the Court points out at pp. 1062-3:

- (1) If Congress "formulates policies and programs to meet specific problems," the court's role is to enforce the legislative will when called upon to do so; and
- (2) "The principle of deference to a clearly expressed congressional preference" applies in this airborne arsenic case.

The proposed standards regarding arsenic emissions are inadequate. Congress has legislated the requirement for an "ample margin of safety." The word "ample", as defined by Webster's dictionary, means "of large size, extent, capacity, volume, or scope" and "more than adequate."

The standard to be established by Environmental Protection Agency must be for a completely safe operation, free from any possibility of causing illness and/or impaired health through arsenic emissions. This is not a matter of economics; it is wholly a matter of safety--of a health standard.

Respectfully submitted,
Adriana Hess, J.D. George H. Hess, M.D.
Adriana Hess, J. D. George H. Hess, M. D.