

Corporate environmentalism: Emerging responsibilities for public disclosure in the European Community*

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Abstract

In both the European Community (EC) and the United States, public disclosure of environmental information is emerging as one of the most significant developments shaping corporate environmentalism. The United States is widely recognized as having the most far-reaching policies regarding public access and communication of environmental information. The EC is currently moving towards developing strident policies to increase the public's rights of access to environmental information. This paper examines the development of public access to environmental information in the EC in relation to the United States, and addresses the implications of these developments for corporations operating in the EC.

1. Introduction

Growing public awareness of environmental issues is resulting in unprecedented responsibilities and challenges for multinational corporations. Significant among these new challenges is that of responding to increasing public pressures and legal requirements for the disclosure of information about industrial activities to persons who may be at risk — community residents and product consumers. The public disclosure of such information is commonly referred to as “risk communication” [1,2]. In both the European Community (which shall be referred to as the EC) and the United States, risk communication, be it legally mandated or in voluntary response to public pressure, is emerging as one of the most significant developments shaping corporate environmentalism. This is particularly true for the chemical industry. Over the last fifty years, the chemical industry has burgeoned, producing numerous new substances which have become basic to an industrial society, but which also pose substantial treats to human life and environmental quality. As risk

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communication laws and policies continue to evolve, responsibilities for disclosing and communicating risk information to the public will continue to present additional challenges to the chemical industry.

The United States is widely recognized as having the most far-reaching requirements for public disclosure and communication of information affecting public health and environmental quality¹. Public disclosure in the United States has evolved with a strong emphasis on empowering the public to participate in environmental decision-making. Thus, in the United States, environmental quality is often determined by public pressure or litigation. For example, environmental audits by U.S. companies are largely voluntary, conducted in reaction to, or out of fear of, public pressure, provoked by the disclosure of risk information, that could result in litigation and other costs. In the EC, however, there is less emphasis on achieving environmental protection through public empowerment. Rather, the EC maintains a formal, regulatory approach, imposing mandatory on-site accident risk and safety evaluations on industry which are then reviewed by government authorities.

Nevertheless, the EC is currently moving towards increasing public rights of access to environmental information. Recent developments in EC environmental law necessitate significant public disclosure of environmental information. The current state of EC environmental protection, therefore, poses dual challenges for industrial firms operating in the EC. EC firms not only must comply with existing requirements for accident risk and safety evaluations, but must now increasingly answer to public pressure resulting from wider public access to site specific environmental information.

This paper focuses on the new responsibilities and roles that risk communication confers on corporations operating in the EC². In order to place these developments in a familiar context, Section 2 first provides a brief overview of the evolution of risk communication in the United States. Sections 3 and 4, the focus of this paper, present the major EC risk communication policies. These sections review the legislative history and major legal requirements of risk communication in the EC. Section 4 also describes significant recent EC

¹ In a comparative ranking of the G-7 industrial nations' environmental policies, prepared by environmental groups and released at the 1991 London Economic Summit, the U.S. ranked first, by a wide margin, in the "public right to know" category.

² It is important to note two recent developments in the EC that establish environmental protection as a basic element of the legal order. First, the Single European Act of 1987, serving to complete the EC's single-market economic strategy, confers upon the EC a constitutional basis for developing environmental legislation. Second, building upon the Single European Act, the Maastricht Treaty of European Union, negotiated in December 1991, and which establishes the framework of the EC for the next decade, commits the EC to a high level of environmental protection and to promote "sustainable and non-inflationary growth respecting the environment" by integrating environmental policy into other EC policies. This is to be attained by implementing pollution prevention practices and the "polluter pays principle".

legislative initiatives for the public disclosure of environmental information and addresses the implications of these developments for corporations operating in the EC.

2. The United States

In order to understand the requirements and trends for the public disclosure and risk communication of information in the EC, it is worthwhile to review the more familiar approach of the United States.

2.1 Rational

The basis of risk communication and information disclosure practices in the United States is that a well-informed public is essential to a healthy democracy. Because a democratic system is grounded on the decision-making of an informed electorate, risk communication is a political imperative [3]. Public participation therefore, has become a hallmark of U.S. environmental policy.

Over the last two decades, government disclosure of information to the public has been firmly established with the enactment of the Freedom of Information Act [4], the National Environmental Policy Act (NEPA) [5] and the Emergency Planning and Community Right-to-Know Act (the Community Right-to-Know Act) [6]. The principle of "community-right-to-know," enshrined in U.S. environmental legislation, has become one of the most effective legal tools for protecting the environment and promoting democracy. The very principle of "community right-to-know" is itself a logical extension of the principles of democracy, empowering the public to be involved in decisions about chemical risks in local communities.

For these reasons, increasing public access to environmental information has recently been one of the United States' priorities in international environmental fora. At the United Nations Conference on Environment and Development in Rio de Janeiro in June 1992, the United States promoted the right of the public to access information on industrial risks in their communities. At Rio, the United States won agreement among other governments to require the collection and dissemination of environmental information to the public — for example, information on routine daily emissions from local plant operations [7]. More recently, at the Second Ministerial Environment for Europe Conference held in Lucerne, Switzerland, April 1993, where environment ministers developed an "Environmental Action Programme for Central and Eastern Europe," the United States successfully sought support for increased public participation in environmental decision-making in Central and Eastern Europe.

2.2 Evolution

The tragic chemical accident in Bhopal, India, in December 1984 is frequently cited as the stimulus for the development of new laws and regulations

on risk communication and public disclosure in the United States. This accident and others alarmed the public, focusing attention on chemical risks in local communities, and led to new regulatory initiatives at all levels of government. For example, in 1985 the EPA developed the *Chemical Emergency Preparedness Program: Interim Guidance*, providing guidance for industry officials to reduce accident risks at chemical plants and to share risk information with local officials [8]. At the same time, the chemical industry, through the Chemical Manufacturers Association, expressed its own desire to involve and assure communities where such facilities operated by developing its Community Awareness and Emergency Response Program [9].

In October 1986, increasing public concerns led to the enactment of the federal Emergency Planning and Community Right-to-Know Act [10]. This law mandated companies to work with local officials to develop emergency planning and notification procedures. The Community Right-to-Know Act also established the Toxic Releases Inventory, which requires companies to monitor, report, and disclose an unprecedented amount of information about the types and quantities of chemicals they produce, use, and discharge — both routinely and accidentally. The Community Right-to-Know Act guarantees public access to virtually all of this information [11].

The primary objective of the Community Right-to-Know Act is that of encouraging companies to reduce pollution and improve chemical safety in communities where they operate. The law strives to achieve this goal by empowering the public, that is, by legally guaranteeing communities access to information about the dangers to which they are exposed, thus giving them the necessary information to make rational decisions and participate in environmental decision-making [12].

The Community Right-to-Know Act seeks to establish a dialogue between the public, government, and industry, and to instill responsibilities with each party. Industry is legally required to submit chemical risk information to the government, which then has the legal obligation of making such information available to the public. The public is responsible for seeking and utilizing this information in environmental decision-making, with the ultimate objective of reducing chemical risks in local communities.

In this sense, the law confers on the public the traditional governmental responsibilities and regulatory remedies of requiring corporations to reduce pollution or environmental risks. The success of the law relies upon public pressure, provoked by disclosures of risk information, to improve plant safety and mitigate plant pollution. Frequently vulnerable to such public pressures, industrial facilities are voluntarily evaluating their operations in order to avoid government inspection and litigation that can lead to economic loss.

The success of the law in the United States has been overwhelming. The information elicited under the Community Right-to-Know Act startled the public and industry alike [13], and created a strong incentive for additional changes on the part of firms to reduce the risks of their facilities. These

changes include voluntary initiatives [14]³ on the part of companies to reduce emissions⁴ of toxic pollutants and working with communities in designing emergency preparedness plans [15]. In short, the reporting requirements of the law informed corporate executives how much their facilities were wasting through inefficient use of costly chemicals and energy. Thus, the law gave corporate executives a strong economic incentive to reduce emissions. In many cases companies have experienced significant economic gain while undertaking reductions of toxic emissions [16].

3. The European Community

The EC and its member-states embrace the principles of a well-informed citizenry and public participation in environmental decision-making [17]⁵. In practice, however, what information is made publicly available, and the reasons for its disclosure, are different than in the United States. For example, there is currently no counterpart to the comprehensive Community-Right-to-Know Act in the EC nor on the national level in any of its member-states [18]⁶.

³ An example of such voluntary initiatives is the EPA's 33/50 Program. As result of increasing public awareness of industrial emissions (from information required for public disclosure under the Community Right-to-Know Act), industrial sources began to voluntarily reduce toxic pollution. In 1989 EPA created the 33/50 Program. This voluntary program establishes national emissions reductions goals for seventeen high-priority, toxic chemical wastes: a 33 percent reduction by 1992, and a 50 percent reduction by 1995. Committed companies voluntarily set a numerical reduction goal and submit written comment to EPA that they will strive to achieve their goal by 1995. As of June 1993, 1143 U.S. corporations had pledged to reduce their emissions of the seventeen toxic chemicals by almost 350 million pounds per year by the end of 1995. Some companies have even committed to a complete elimination of the use of these and other high priority to chemicals by 1995. For further discussion, see [14].

⁴ Under the Community Right-to-Know Act and the 33/50 Program, emissions refers to chemicals released to all media (air, water, soil, and transfers of chemicals in waste to off-site locations.)

⁵ For example, the EC's Environmental Impact Assessment Directive (Council Directive of 27 June 1985 on the Assessment of the Effects of Certain Public and Private Projects on the Environment, Official Journal of the European Communities, L175/40, Directive 337/85/EEC Brussels 1985), entered into force in July 1988, requires that an environmental assessment statement be provided by project developers to the relevant national environment authorities, to the public, and to any other affected member-state prior to the construction of projects that are likely to have a significant effect on the environment. The directive explicitly provides for the public concerned to express an opinion before the project is initiated. However, according to a recent report prepared by the Commission, it receives the most complaints, alleging non-compliance, about this directive. According to the report, this is reflective of the growing significance that the general public places on their right to access environmental information and participate in the decision-making process.

⁶ In fact, several EC member states have laws that exert great control over the flow of environmental information. For example, a law in the United Kingdom prohibits the government to release air emissions data from regulated industrial plants. In Germany, data bases

The absence of a comparable law in the EC does not mean that industrial facilities operating in Europe are immune to the challenges that arise from the public disclosure of information related to the environment. Rather, this absence reflects the different approach taken by the EC to ensure that risks are effectively disclosed and communicated to the public. In fact, the EC is currently developing pivotal, and in some cases demanding, new policies for industry to provide for public disclosure of information on environmental quality.

3.1 The Seveso Directive

The earliest development in the EC that provided for some form of public disclosure of information on the environment is the Seveso Directive, adopted in 1982. Formally known as the Directive on Major Accident Hazards of Certain Industrial Activities [19], this legislation was developed largely as a result of the 1976 dioxin accident at a plant in Seveso, Italy. Predating the Bhopal accident and subsequent U.S. legislation, to some extent, the directive served as a model for the development of chemical accident prevention preparedness legislation in the United States [20].

The Seveso Directive has become the EC's primary legal tool for minimizing environmental risks resulting from industrial accidents. Its objective is to prevent future industrial accidents by requiring all EC manufacturers engaged in "industrial activity"⁷ to inform and consult the public and neighboring states in developing emergency plans [21] and by requiring communications should an accident occur.

The Seveso Directive also requires that manufacturers conduct on-site safety and accident risk evaluations and that they submit these findings to government officials for review [22]. A plant's evaluation involves applying safety and risk analysis methods to the chemicals and industrial systems at the site. Company officials must demonstrate that they have identified possible major accident hazards, adopted safety measures, and provided employees with information, training, and equipment. New plants are subject to evaluation before operation can begin, while existing plants are subject to evaluation by a specified date, and re-evaluation after significant modifications [23]. An

containing ecological information are only accessible to persons involved in environmental decision-making. However, German Environment Minister Klaus Toepfer has announced plans to introduce a German Environment Information Law that would give the public unrestricted access, within the bounds of the FRG Data Protection Act, to environment data of public and private entities. This law would be in response to the 1990 EC Directive on the Freedom of Access to Environmental Information on the Environment. In addition, poorer member states with a less developed environmental infrastructure, such as Greece, simply do not collect much environmental information.

⁷ Article 1, Sec. 2(a) of the directive defines "industrial activity" as any operation or storage involving "one or more dangerous substances" that are "capable of presenting major accident hazards."

agency of the local member-state is designated as the authority to receive and review the on-site evaluations, and may use its authority (under national law) to order changes to plants.

3.2 Amendment to the Seveso Directive

While this directive provided for the disclosure of environmental risk information to national government authorities, the public dissemination of information communicated to local governments was limited to those who demonstrated a "need to know" [24], for example to develop local emergency response plans and to effectively respond to chemical emergencies. In November 1988, two years after the enactment of the Community Right-to-Know Act in the United States, the EC amended the Seveso Directive to expand its public information requirements and to require facilities to actively disseminate such information, whether or not the public has specifically requested it [25]. Under the amended directive, information required to be publicly disclosed is listed in an annex to the directive [26].

This annex requires the public disclosure of eleven types of information with respect to each site, including a simple explanation of the chemical activities undertaken at the site; the common names and harmful characteristics of the substances involved on the site; potential effects of major accidents; details of warning systems and how information would be provided in the case of accidents; confirmation that appropriate on-site arrangements for accident management have been made; and details of how further information can be obtained within the limits of commercial confidentiality provided in national legislation.

3.3 Analysis

The amended directive significantly increases the amount of risk information that is now publicly available, and seems to indicate that the EC is moving closer to a "right-to-know" approach. Nevertheless, the information accessible to the European public does not include certain types of information that U.S. industry must report under the Community Right-to-Know Act, such as the amount of hazardous substances used, produced, or stored⁸ at each site; nor does the amendment necessitate the reporting and disclosure of routine day-to-day emissions, as does the Toxic Releases Inventory under the Community Right-to-Know Act [6, 11].

Unlike U.S. law, however, the Seveso Directive directly imposes on firms operating in the EC a rigorous site-specific safety and accident risk analysis [27]. U.S. law does not require an audit to assess environmental risks of each site, but relies upon public pressure and potential litigation to create incentives for corporate managers to reduce facility risks. In contrast, the legal

⁸ Although, under Art. 5, the Seveso Directive requires that facilities notify the competent authorities if the amounts of hazardous substances exceed certain limits.

requirement for such an audit is mandated by the Seveso Directive, and information from each audit is available for public access, with the exception of national legislation that protects industrial trade secrets [28].

The Seveso directive, therefore, demonstrates more of a strict regulatory approach to public disclosure, requiring *industry* to formally assess and disclose risks associated with chemical activities [29]. This sense of formal regulation is reflective of a greater trend in the EC with respect to public disclosure of environmental risk information. While the EC is moving towards greater empowerment of the public by increasing public disclosure of environmental information, it retains a more regulatory and formal approach than the United States. An examination of some recent developments in the EC illustrate this trend and its implications.

4. Recent initiatives and developments

4.1 Directive on public access to information on the environment

Consistent with the principle of public access to environmental information on a "right-to-know" basis, in 1990 the EC adopted the Directive on the Freedom of Access to Information on the Environment [30]. This directive seeks to remedy restrictive information policies by giving the public virtually unconditional access to information held by public authorities, without first having to demonstrate a direct interest or need to know. By the end of 1992, member-states were required to enact national legislation to ensure that every Community citizen, regardless of nationality, has access to environmental information in the possession on any national, regional, and local administrative agencies involved with environmental protection.

4.2 Fifth action plan

In December 1992, the Environment Council adopted a resolution endorsing the EC's Fifth Environmental Action Program that sets out a wide range of policy objectives to be achieved between 1993 and 2000 [31]. The plan acknowledges the public's increasingly strong level of environmental awareness and also recognizes that the public lacks essential information on the environment. Thus, the plan calls for a comprehensive strategy to improve public access to information on the environment and in particular supports citizens' rights to participate in the assessment of environmental affects of major projects⁵; judge the performance of public and private enterprises through access to inventories of emissions, discharges, wastes and environmental audits; and participate in the process of setting conditions for operating licenses and integrated pollution control [30, pp. 68, 69]. The latter two of these points, current initiatives in the EC, will be discussed below.

4.3 *Environmental audits in the EC*

Current debate in Brussels concerning public disclosure of information on the environment focuses on the EC's Regulation Allowing Voluntary Participation by Companies in the Industrial Sector in a Community Eco-Audit Scheme [32]. The Eco-Audit program is designed to encourage industrial companies to promote continual improvements in their environmental performance by requiring the establishment of environmental management systems; periodic evaluations of the effectiveness of such systems; and the provision of information on companies' environmental performance to the public. The Eco-Audit differs from the Seveso directive which specifically requires plants to conduct an evaluation of its potential accident hazards and ability to effectively respond to accidents. The European Commission's⁹ first draft of the regulation, issued in December 1990, proposed mandatory annual environmental audits in almost 60 industrial sectors. Following industrial protest, the Commission's voluntary proposal was issued in March 1992 and agreed to by the Council¹⁰ in March 1993.

Briefly, the Eco-Audit system will work as follows: Based on results from an initial environmental review, participating companies will commit themselves to implement an environmental strategy for each of their sites. Such strategies must seek to generate the necessary information in order to evaluate a site's environmental performance against its objectives. Corporate staff or outside auditors then will conduct regular audits of a company's environmental performance in accordance with certain criteria¹¹. In light of the results of the audit, corporate managers will revise the environmental strategy and set objectives and measures for the continual improvement of environmental performance. The system requires all participating companies to inform national authorities, as well as the public, of results of the audit by submitting a specific environmental statement for each audited site. The environmental strategy, audit procedure, and environmental statement must be certified by a

⁹The Commission of the EC is comprised of seventeen representatives appointed by unanimous agreement among the member-states. The Commissioners, acting independently of their national governments, propose legislation, coordinate EC policy, and oversee enforcement of EC treaties.

¹⁰The Council of Ministers, a formal EC Institution, enacts legislation proposed by the Commission. The Council is composed of the foreign ministers from each member state who may delegate for other ministers to attend council meetings, depending on the subject. Environment Council meetings are usually attended by the twelve environment ministers.

¹¹Environmental performance will be evaluated in terms of applicable EC and national environmental standards as well as thirteen "good management practices" (as listed in the regulation) that firms should consult for guidelines. Auditors would also be provided a list of factors to consider, including energy efficiency, water reduction, product packaging, and how well the company communicates with the public, including its method for dealing with public grievances regarding its environmental performance. As this article goes to press, EC environmental management standards are being developed by the Comité Européen de Normalisation (CEN).

designated verifier¹². Once a statement is validated, it must be kept at the “disposal of the public”. Firms completing a successful audit will be able to display a logo on their corporate letterhead and in their annual reports.

Public accessibility to the environmental declarations is a key component of the proposed system. The statement would be less extensive than the actual audit report but must include the following elements: A description of activities of the enterprise on the site; an in-depth presentation of all the significant environmental problems of the site and its activities; a summary of quantitative data on emissions, production of waste, and consumption of primary materials, including energy and water; a presentation of the environmental protection strategy for the site; and an evaluation of the effectiveness of this strategy [32].

The Eco-Audit regulation, while voluntary, establishes a formal legal instrument for environmental audits, a traditionally non-regulatory activity in the United States. It also furthers the public’s “right-to-know” about environmental risks at given sites. The Eco-Audit will likely create public pressure for companies to participate in the program and will have significant impact on industry, requiring firms to commit resources to undertake audits and to prepare, verify, and release public statements. Moreover, as in the United States, public disclosure of site-specific environmental performance may result in facilitating legal actions against alleged violators of environmental laws [32].

4.4 Integrated pollution prevention and control

The Commission is also actively working on a draft Integrated Pollution Prevention and Control Directive, which would change the current pollution permitting and control procedures in key industries, including the chemical industry. All new industrial plants would have to apply for such permits, while existing plants would have four years to apply and six additional years to develop necessary changes. Under the draft legislation, national authorities would grant permits using an integrated approach. Rather than issuing a separate permit for each type of pollution — for example, one permit for water pollution, another for air pollution — the national authority would issue a single permit that would take all types of emissions into account, thereby avoiding the problem of protecting one environmental media at the expense of others. This legislation would provide extensive public participation in the permitting process and would require emission inventories that would be accessible to the public for each site.

The permit application requirements in the draft directive are largely unprecedented in EC law. The information required for permit application would

¹² Member-states are required to establish procedures for accrediting eco-auditing verifiers within twelve months of the legislation’s approval. The accreditation process for environmental verifiers will remain at the member-state level, but with mutual recognition among member-states.

be extensive and would resemble that produced in the EC's environmental impact assessments. This information would include details on the materials used or generated at the plant; proposed measures to recover and recycle materials used at the plant; all proposed quantified releases of substances from the process to each environmental medium, and an indication of the behavior of each substance once released into the environment; the actual and potential risks to human health and the environment that may be caused by the operation of the process at the facility, including cumulative effects; the measures to avoid, reduce, and remedy potentially adverse environmental effects resulting from the operation of the process at the plant; and the pollution control and prevention measures that have been considered and rejected for the plant, and an indication of why such options were rejected.

A permit application would be made publicly available and the public would be able to comment on the application. The permitting authority would then be required to take public comments into account in reaching a decision to issue a permit. Finally, the authority's decision on the permit would be made publicly available. These provisions on public access, however, would be subject to "the observance of commercial confidentiality."

Compliance monitoring and annual emissions inventories would also be required for each plant for certain specified substances. Such emissions inventories would, to some extent, be similar to the Toxic Releases Inventory in the United States. The inventories would have to show quantitatively point and non-point air emissions; wastewater discharges to rivers, streams, and other bodies of water; disposal of wastes in on-site landfills; transfers of wastewater to sewage treatment plants; transfers of wastes to off-site facilities for treatment, storage, or disposal; underground injections of waste; and any other disposal; release, or use of liquid or solid waste from the plant.

The emission inventory results would be available to the public. It is still to be determined whether commercial confidentiality protection would extend to these emissions inventories. Enforcement would remain at the national level while the "deliberate false reporting of emissions by an operator" would be a criminal offense. At the time this article goes to press, the Commission is expected to agree to such a proposal for the Council's consideration before the end of 1993.

4.5 Transparency, subsidiarity, and public support

In addition to the above regulatory initiatives, several significant developments are currently shaping EC policy that will likely impact the EC's provisions for public access to environmental information.

Little room for public participation in the legislative process for most areas of EC policy, combined with a sharp increase in areas of community policy required by the creation of the single market, has left many member-states dissatisfied with the EC. The closed-door style of decision-making that has come to characterize EC policy-making is often referred to as the Community's "democracy deficit." In response to member-states' call for greater transparency,

the December 1992 EC Summit in Edinburgh called for improved citizen access to work of the Council of Ministers; information on the role of the Council and its decisions; and simplification of and easier access to Community legislation [33]. This recognition of the need to attain greater transparency in EC decision-making runs parallel to the EC's recognition of the need to better equip the public with information on the environment and is likely to support the EC's current initiatives in this area.

Another result of European capitals' harsh criticism of the Brussels bureaucracy is the development of principle of "subsidiarity," also endorsed at the Edinburgh Summit [34]. Loosely defined, the principle empowers the Community to act only in those cases where the objectives of the proposed action cannot be sufficiently achieved by the member-states and can be better achieved by the Community. In new areas of EC competency, such as environmental protection, many policy initiatives are being rigorously examined for consistency with the principle. Implementation of the principle, in part, serves to remedy member-states' criticism by giving them a broader scope to implement overall EC policy objectives. While proposed EC initiatives will likely include more flexibility for differing application among member-states, widespread popular support for Community environmental policies will ensure an increased environmental role for the EC.

In addition to public support and pressure, completion of the internal market itself will maintain pressure on the EC to increase its environmental role and, in particular, to implement a harmonized system of public access to environmental information. Given the achievements of the single market program so far, excessive concern with subsidiarity has the potential to undermine economic integration already attained. As the EC seeks to successfully complete its internal market, it must seek to continue to equalize environmental requirements throughout the Community, including requiring harmonized provisions on public access to environmental information.

5. Conclusions

The EC is increasingly moving towards adopting public disclosure policies with respect to environmental information on industrial facilities. The Seveso directive establishes corporate duties to evaluate plant safety and to actively disclose some of this information to national authorities and the public. The Eco-Audit and the drafting of a proposal for an Integrated Pollution Prevention and Control Directives, endorsed in the Fifth Environmental Action Plan, emphasize significant industrial disclosure duties, and promise comprehensive rights for public accessibility to industrial information with the potential of affecting environmental quality.

In addition, increasing strong public support for Community environmental policy and participation in the Community decision-making process, as well as pressure to successfully complete the internal market, further support Community-wide policies to disclose information on the environment. Given these

initiatives and developments, it appears that the EC is moving towards a policy of public empowerment, albeit in the context of a formal, regulatory approach to public disclosure of environmental information. This approach is certain to pose significant challenges and opportunities for industrial facilities operating in the EC.

Disclaimer

The views expressed in this paper are those of the author and do not necessarily represent those of the EPA.

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- 5 42 U.S.C., sec. 4321-4347 (1972). This law requires federal agencies to disclose to the public risk attributes of certain proposed federal projects. Federal agencies are required to prepare detailed statements, analyzing impacts and identifying alternatives for certain actions that may significantly affect environmental quality. Public comment is sought, particularly from persons potentially affected by the project.
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- 31 As this article goes to press, the Council's Regulation Allowing Voluntary Participation by Companies in the Industrial Sector in a Community Eco-Audit Scheme is pending publication in the *Official Journal of the European Communities*. See Council of the European Communities Press Release on the Environment Council, meetings of 22-23 March 1993 and 28-29 June 1993. For the Commission's proposal see *Official Journal of the European Communities*, C76, 27 March 1992.
- 32 See, European Commission Green Paper on Remedying Environmental Damage. Communication from the Commission to the Council and Parliament and the Economic and Social Committee. 14 May 1993, COM (93) 47 final, Brussels.
- 33 European Commission Press Release, Conclusions of 11-12 Dec. 1992 Edinburgh Summit - Annex 3 to part A on the Implementation of the Birmingham Declaration (14 Dec. 1992).