

Book Reviews

Natural Resource Damages, edited by C.L. McFarland and B.J. Freedman, with contributions from the Law Firm of Preston, Thorgrimson, Shidler, Gates & Ellis, Government Institutes, Rockville, MD, 1993, 234 pages, price US\$ 75, ISBN 0-86587-340-2

The Exxon Valdez oil tanker accident in Alaska that resulted in significant environmental (natural resource) damage brought significant attention to this topic — and led to a prediction that there would be forthcoming a “legal tidal wave” of natural resource damage (NRD) claims — or, as one NOAA official stated, “the number of specific natural resource damage cases before the courts is to increase exponentially”.

The book, however, notes that this dire prediction may be premature. But there have been several notable damage cases (nicely tabulated in the book) since 1989. They range from a US\$ 3 million settlement in the New Bedford Harbor Case, to US\$ 42.3 million for the contamination of Los Angeles – Long Beach Harbor and finally the US\$ 1 billion paid in the Exxon Valdez settlement.

The NRD area is complex. According to the authors, “Litigating a CERCLA natural resource damage claim means picking one’s way carefully through largely uncharted legal water”. The legal, scientific, and economic analyses required are complex, and there are few court decisions on even preliminary matters. Thus, it was the goal of the book (written by nine members of a law firm) to provide lawyers with needed guidance.

The handbook outlines the legal and regulatory framework surrounding NRD claims. The book has six chapters and two appendices. These are, by title, explanatory of the material covered in the chapter:

1. The Common Law Origins of Natural Resource Damage Claims
2. Statutory Natural Resources; Damage Claims Under Federal Law (i.e., Clean Water Act, CERCLA, Oil Pollution Act, etc.)
3. Natural Resource Damage Claims Under CERCLA (natural resource trustees; who can be sued, defenses, liability limits, etc.)
4. Natural Resource Damage Claims Under OPA (who can sue, elements of a cause of action, defense, limitations on liability, recoverable damage, assessment process, state oil spill laws)
5. The CERCLA Damage Assessment Regulations (the regulatory assessment process and funding under CERCLA)

6. Economic Methodology for Valuing Natural Resource Damage (basic components of valuation, assessing natural resource damage, measuring use and non-use value, economic methodology of valuing natural resource damage)

App. A — Code of Federal Regulations 43, Part II

App. B — Federal Regulations 56 (an extensive compilation of regulations taking up the last 60 pages of the book)

While the book will be most used by lawyers, environmental engineers, whose facilities have the potential for damage to the environment (and which ones do not?) will want to be aware of the potential liability of doing so. To this end, the book will be very useful.

GARY F. BENNETT

Pentachlorophenol Toxicity, Case Studies in Environmental Medicine, No. 23, Agency for Toxic Substances and Disease Registry, Public Health Service, US Department of Health and Human Services, Atlanta, GA, 1993, 20 pages

Pentachlorophenol was one of the most widely used biocides in the US. Although it is no longer available to the general public, it continues to be an exposure risk. Exposures can occur from volatilization of the chemical from treated surfaces and from skin contact with treated wood. Pentachlorophenol has been found at 235 of the more than 1300 hazardous waste sites on the National Priorities List.

Following the above summary and alert, the document follows the format as in the previous 22 published studies. The case study begins with a 63-year-old male with weight loss, fever, dyspnea, and rash. He was sweating profusely and mildly tachypnoeic, and exhibiting confusion when talking. Recovery from a broken hip suffered 12 months ago has been slow. He lives alone in a log cabin that has only natural ventilation and is heated by a wood stove.

In 1987, EPA banned pentachlorophenol for all nonwood products, as a suspected carcinogen. It has been used as a preservative in the manufacture, and treatment, of a variety of commercial products to prevent decay from microorganisms, mold, and mosses.

The common acronym for pentachlorophenol is PCP. The street drug phencyclidine (angel dust) is also referred to as PCP but has a different pathophysiology and has no chemical relationship to pentachlorophenol. Most lumber produced commercially in the US is still treated routinely with sodium pentachlorophenate solution. Due to the extensive use, it is present in air, water and soil. Contaminated food and water supplies are common sources of human intake. Infants and children are predisposed to increased PCP exposure by their greater surface area-to-weight ratios, as well as hand-to-mouth and play behaviors. PCP toxicity manifests primarily as a clinical syndrome of hyperthermia with associated rhabdomyolysis. The question of human carcinogenic effects is currently under review.

A section on clinical evaluation, including signs and symptoms and laboratory tests summarizes the recommended procedures for patient workup. Treatment and