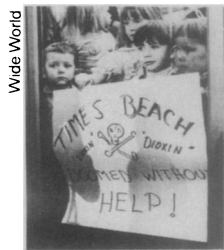


# Times Beach: The Long Road to Recovery

By LINDA GARMON



Residents of dioxin-contaminated Times Beach, Mo., breathed a sigh of relief in February when the federal government announced it would dip into its Superfund pool to buy their property and to relocate them. Now, however, the Times Beach group is back to holding its breath.

It has been months since the buyout was announced, but the problems of Times Beach "are not much—if at all—closer to being solved," says Patrick J. Breheny of the Federal Emergency Management Agency. "It seems every time we solve one problem, there are two new ones to tackle," says Breheny, who is coordinating government operations at Times Beach. "When one agency gains a yard," he says, "another one loses ten."

The major issue now blocking the road to recovery for Times Beach is who should take title to the land purchased under Superfund, the \$1.6 billion pool created by Congress to expedite cleanup of hazardous waste areas and to provide quick relief to victims of waste mismanagement. Until this issue is resolved, not a single piece of Times Beach property can be purchased. And because this property is the first slated for buyout action under Superfund, how the title issue and other obstacles are cleared will involve precedent-setting actions with nationwide implications.

The continuing tale of tainted Times Beach began more than a decade ago when waste hauler Russell Bliss mixed waste oil with dioxin-contaminated sludge from a now-closed Missouri chemical plant (SN: 2/22/83, p. 61). The sludge was contaminated with 2,3,7,8-TCDD—a member of the dioxin chemical class linked in animal studies to various maladies, such as cancer and birth defects, but whose precise effects on human health remain unclear. Bliss proceeded to spray his dangerous concoction on unpaved roads—including those of Times Beach—and horse arenas in Missouri for dust control.

In the decade that followed, the resulting hazardous waste problem was largely ignored due to a lack of the environmental legislation, interagency communication and personnel needed to deal with the problem. Finally, last year, investigation of the problem intensified; and in December, analyses of soil samples confirmed potentially dangerous levels of dioxin in Times Beach. At about the same time, Meramec River floodwaters engulfed the small town.

It was the discovery of dioxin plus the flood that placed Times Beach in the national spotlight and ultimately led to the announcement by the Environmental Protection Agency, guardian of Superfund, that the town will be purchased and the residents relocated (SN: 2/26/83, p. 132).

Before this plan can be executed, though, a key question must be answered. Who will take title to Times Beach land? The Missouri General Assembly recently passed an appropriations bill to provide its required share for the Times Beach buyout—a 10 percent match of the \$33 million from Superfund. Attached to that bill was one stipulation that has deadlocked the entire buyout plan: The state of Missouri will not take title to Times Beach until all residents agree to sell their homes and to relocate. Several families have expressed interest in remaining, and the General Assembly does not want the state to be responsible for providing services to just a handful of residents—nor does it want the state to be held liable, for example, if an individual strolls onto the dioxin-contaminated land because the area could not be totally secured. The city of Times Beach has offered to take title, but there are problems associated with a "dying city" taking such action.

So Missouri Gov. Christopher S. Bond last week called on the federal government to at least take temporary title to the community until a 100 percent relocation of residents can be ensured—possibly, for example, by having St. Louis County condemn the property. But FEMA and EPA insist that it is against administration policy and the Superfund law for the federal government to take title. This could become a hotly debated point. Aides to U.S. legislators who helped draft the Superfund bill say FEMA and EPA are misinterpreting what Congress had intended the law to state—that the Superfund pool shall not be used on already-owned federal land such as defense property.

But what is really at issue now, says Chris Harris, counsel to the House Commerce, Transportation and Tourism subcommittee, is why federal and state agencies cannot reach *some* sort of agreement. Because there are so many legal alternatives to pursue, "this title matter should be a non-problem," he explains. For example, Harris suggests, Missouri could avoid the liability problem by acquiring an "easement" on Times Beach, under which residents legally retain individual titles, but the state uses the land. A Missouri official told SCIENCE NEWS that this tack and other routes to breaking the buyout stalemate now are being investigated.

Perhaps the first sign after the buyout announcement that it would not necessarily be smooth sailing for Times Beach residents came in March, when it was discovered that the first of many families to be temporarily relocated by FEMA had been inadvertently moved to another dioxin-contaminated site in Missouri. (The family had been moved in January using federal flood insurance aid.) The incident illustrated the scope of the Missouri dioxin difficulties: the latest results of soil sample analyses indicate there are 27 confirmed contaminated sites; another 80 or so are suspected. The incident also exposed continued interagency bickering and lack of communication: FEMA officials claim they had requested from EPA but were denied a list of sites under investigation before they moved families; EPA maintains it has kept FEMA abreast of all necessary site-investigation information.

Another snag in the resolution of the Times Beach situation developed as residents grew increasingly leery of the Centers for Disease Control efforts to gather area health data, which eventually could help to determine whether dioxin exposure can be linked to specific human maladies. Concern focused on St. Louis University's Stephen Ayres, hired by CDC to help examine and administer health-survey questionnaires to some residents of Times Beach and other dioxin-contaminated sites in Missouri. In a court case (unrelated to the Times Beach situation) last summer, Ayres testified on behalf of Norfolk & Western Railway Co. against awarding claims to workers who had been exposed to dioxin-contaminated chemicals during an emergency cleanup of a spill. The court eventually ruled in favor of 32 workers, awarding them \$58 million.

Times Beach residents feared Ayres would be biased in gathering their health data. But CDC's Paul Wiesner told SCIENCE NEWS there is no reason "for the people of Times Beach... to doubt that [health] data are being collected carefully and objectively." As is usual in good epidemiologic practice, the exams were set up in a manner that "blinded" the researchers to whether they were dealing with presumed dioxin-exposed or control individuals, Wiesner said. Ayres added in an interview that the conclusions he reached after assessing the railroad spill case have no bearing on the current project. Nonetheless, critics are concerned that Ayres's association with the project may have thwarted data-gathering efforts by affecting resident turnout. Out of a hoped-for 2,400 individuals, 1,300 chose to fill out the CDC health questionnaire. □