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## Senate clears way for EPA ruling on PCBs

GE had lobbied for another delay of the decision on Hudson River cleanup

General Electric Co. suffered a setback Thursday in its fight to delay a decision on removing Hudson River PCBs when the U.S. Senate approved a scaled-back provision that will no longer jeopardize the timing of a possible river cleanup.

The measure -- attached to a \$101 billion spending bill that passed by a 87-8 vote -- initially sought to prevent the federal Environmental Protection Agency from ordering the dredging of the Hudson River until the National Academy of Sciences issues its report on dredging methods. The measure also would have applied to 28 other contaminated sites in 15 states.

But the rider was substantially weakened by negotiations in conference committee. The Senate-approved version allows the EPA -- as previously scheduled -- to propose a decision for the Hudson in December, then proceed with cleanup action by June 30, 2001, even if the NAS report is not released.

The bill is expected to pass in the House of Representatives and on a second vote in the Senate sometime next week. It is endorsed by the EPA, which lifted the objections it had with the House's earlier version on Thursday.

The rider could still delay as many as 10 other river cleanups.

GE -- which is currently running a multimillion-dollar public relations campaign against dredging the river -- had hired a roster of high-powered lobbyists in Washington, including former Senate Majority Leader George J. Mitchell and former House Appropriations Committee Chairman Bob Livingston.

"There has been undue influence by General Electric. Certainly, the final deal we negotiated was

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much better," said Wendy Darwell, spokeswoman for Democratic Rep. Maurice Hinchey of Saugerties, an opponent of the rider in the House and the person who led the negotiations that resulted in the conference committee agreement.

General Electric spokesman Mark Behan said the company does not comment on its lobbyists or their salaries. He viewed the final version of the rider as far from a defeat.

"Our goal all along has been to urge the EPA to consider the findings of the NAS study, not to delay. It's certainly amazing that it takes an act of Congress for the EPA to evaluate a report that fundamentally bears on a decision the agency is expected to make," Behan said.

Under Superfund law, the EPA is reviewing how the General Electric Co. will clean up the river, which was contaminated with polychlorinated biphenyls, or PCBs, from the company's Fort Edward and Hudson Falls plants.

When the EPA initially evaluated the river in 1984, under the administration of former President Ronald Reagan, the agency said no cleanup was needed. The re-evaluation, which got under way in 1989, has been consistently delayed by requests for more balanced science. The NAS review of dredging was requested in 1997 by former Republican Rep. Gerald Solomon of Queensbury, who is now a lobbyist for GE.

Every year since that request, riders have been attached to larger pieces of federal legislation to postpone dredging until the NAS study is complete. The latest rider was pushed forward in June by Solomon's successor, Rep. John Sweeney, R-Clifton Park, and was passed by the House.

"General Electric has spared no expense in making sure that the 'Sweeney delay' was enacted. They have hired the best stable of lobbyists money can buy," said Chris Ballantyne of the Sierra Club's Albany-based Northeast field office. The Sierra Club considered the vote on Thursday a defeat, Ballantyne said, because the Senate failed to remove the rider altogether.

But aides to Attorney General Eliot Spitzer, who worked with Hinchey and others to block the rider's passage, considered the Senate vote a victory.

"This was arm-to-arm combat and General Electric lost bigtime," said Judith Enck, a policy adviser for Spitzer's Environmental Protection Bureau.