

bags are available there is something they can do to protect their children. Specifically, they should consider placing all children under 12 in the back seat of their vehicles whenever the vehicle is in motion. Studies have shown the back seat to be the safest place for children in passenger vehicles. In fact, Germany already requires this by law.

I want to applaud the NTSB's call for educational campaigns emphasizing the importance of transporting children in the back seat of passenger vehicles. I know of one car manufacturer that recently developed an advertising campaign urging this safety measure as part of its efforts to raise public awareness on the dangers of passenger side air bags to children. We must improve vehicle occupant protection and initiatives like these offer significant safety benefits.

#### TRIBUTE TO SENATOR MICHAEL ANTHONY FIGURES

Mr. HEFLIN. Mr. President, Alabama State Senator Michael Anthony Figures, of Mobile, passed away on Friday, September 13, 1996. He was President Pro Tem of the State Senate, making him the highest-ranking African-American in the State legislature.

This is the second highest-ranking position in the Alabama Senate and one of the most powerful and visible posts in State government. Senator Figures was the first black to ever hold the job and was exceptionally effective and politically astute. He could dissect an issue and get to its essence very quickly and directly. He was very close to Lieutenant Governor Don Siegelman, President of the Senate, and was instrumental in carrying out his legislative agenda.

Senator Figures, who was only 48 years of age, was almost universally admired by the people who knew and worked with him. Both friends and political adversaries admired and appreciated his honesty, integrity, and work ethic.

Senator Figures was born on October 13, 1947, the youngest of three sons of Reverend Coleman and Mrs. Augusta Mitchell Figures. He attended Stillman College and the University of Alabama Law School. He was first elected to the State Senate in 1978 as a Democrat, at that time only the third black person to serve in the Senate. He represented District 33, which includes part of Mobile and Prichard.

Over the years, he built a solid legislative record on local and statewide issues. He worked long and hard to ensure minority representation while helping to create a "strong" mayoral position in Mobile's city government. Many view his finest legislative accomplishment the 1994 Senate passage of former Governor Jim Folsom's "Alabama First" education reform plan. Although it did not pass the House, it received 32 out of 35 votes in the Senate, due largely to Senator Figures' tenacious leadership and persuasion.

Senator Figures was a founder of the Alabama New South Coalition, started in the 1980's to promote progressive causes and candidates. This influential political caucus has been instrumental in bringing blacks and whites in Alabama together. Senator Figures's wife, Vivian Davis Figures, is a member of the Mobile City Council. They had four sons together, Jelani Anthony, Shomari Coleman, Akil Michael, and Derrick.

Senator Figures was a visionary and progressive leader who will be sorely missed by the people of Alabama. He had considerable ability, intellect, and drive. As one of the most influential politicians in Alabama's government, he had an unyielding desire to correct what he perceived as wrongs in society. He was an outstanding orator and had a quick mind and will be impossible to replace. He had an uncommon ability to smooth over disagreements and build bridges. Other members of the Senate really listened to him and responded to his arguments.

Much of his success was rooted in his high degree of integrity. He was a stickler for following the Senate's procedural rules, even if bending those rules might have helped his side prevail. He never compromised his honesty or credibility as he quickly ascended to the heights of power and influence.

The sad and untimely death of State Senator Michael Figures is an immeasurable loss for my State. He was an uncommon force for justice and progress who accomplished a great deal in a relatively short time. I extend my sincerest condolences to Vivian and their entire family in the wake of this loss. I hope they find some solace in the fact that he truly made Alabama a better state and better place to live. His many lasting contributions will stand as his personal legacy and as a testament to his ideals and leadership.

#### WHY TAMPER WITH AN ENVIRONMENTAL SUCCESS STORY

Mr. LOTT. Mr. President, I am pleased to note that, once again, American business has succeeded in significantly reducing the amount of chemicals released into the environment. According to the most recent report from the Toxic Release Inventory (TRI) Data Release of 1994, releases of chemicals declined nearly nine percent between 1993 and 1994. Since the TRI began in 1988, overall chemical releases have dropped more than 44 percent. This decline is particularly impressive because it has occurred in tandem with economic growth. This is an environmental success story.

This successful reduction affirms that an approach to environmental protection which encourages the participation of states and businesses can and does work. It argues for a continuation of approaches to environmental protection that use voluntary solutions, technological innovations and

increased flexibility. As the report shows, we should have confidence in this successful public policy strategy.

Unfortunately, though, these promising statistics have been ignored. The TRI facts have not deterred the Clinton Administration from considering further burdens on America's society.

The Environmental Protection Agency (EPA) has announced that it plans to require businesses to file new extensive reports about how chemicals are used in the manufacturing process. This proposal is called "Materials Accounting," and it is flawed for several reasons.

First, the proposal to track materials would place a new and very costly hardship on the business community. Initial estimates indicate that the additional cost to our Nation's businesses in direct reporting paperwork costs alone could be as much as \$800 million. In addition to being extremely costly, this proposal is completely at odds with the President's pledge in March 1995 to simplify and ease paperwork burdens on American businesses.

I'm even reminded of the President's recent speech in Kalamazoo, MI, where he reaffirmed this goal to reduce administrative burdens. Well, for me, nearly \$1 billion is real money. It is a real cost for America's business community. It is a real paperwork burden that cannot be ignored.

Already TRI generates 80,000 reports per year. And, it takes EPA nearly 2 years to provide this existing information to the communities nearest to the facilities producing these reports. It seems very basic—before EPA unilaterally increases the size of its two-inches thick report and further delays its publication, specific statutory authority should be provided. The EPA's actions to expand it reporting requirements are not authorized in law. How can EPA be responsive and concerned about the risks faced by communities living near the reporting facilities, when it requires a 2-year detour of the data with its Washington bureaucrats?

Apart from the billion-dollar administrative cost, Materials Accounting will jeopardize America's global competitiveness by putting our most innovative technologies at risk. Our country's position in the world's economy is dependent upon the development of superior technology and the ability to protect that technology from competitors, both international and domestic. Information about the amounts of chemicals used in and created during a production process will provide competitors with access to trade secrets. This does not make good business sense. In fact this seriously endangers the confidentiality of proprietary business information which is essential in the marketplace.

Third, this approach would make sense only if substantial, tangible and quantified environmental benefits clearly exceeded the costs. However, I have seen no analysis which supports this premise. On the contrary, I believe

the implementation of a Materials Accounting program will dilute the focus of TRI by forcing businesses to commit finite resources to trivial or even nonexistent risks, rather than more pressing, real risks. It will also unnecessarily confuse citizens. This does not make good policy sense. Chemical use is not directly related to information a community must receive about the real risks faced from actual releases from neighborhood facilities.

In my view, TRI should focus on telling the American public about the risks directly associated with exposure to chemical releases. This was the view of Congress back in 1988 when TRI was enacted. If EPA is looking for a new mission, it should expand its public outreach efforts by the communication of risk information that is both meaningful and understandable.

EPA should undertake practical and timely risk communications which are locally based. Risk communication is the heart and soul of a community's right-to-know. Reporting to citizens the number of pounds per year release of a certain chemical is neither valuable nor worthwhile information. It says nothing about potential risks to human health or the environment. Real risk depends on three factors: First, inherent toxicity of the material; second, its concentration; and third, its location relative to humans. Unfortunately, this simple scientific formula has been ignored by EPA.

EPA also should stop trying to increase the number of chemicals on the list without first ensuring that sound science-based criteria are in place. More listings without scientific criteria will not automatically make a community safer. EPA must first have a clear understanding of the real exposure risk to avoid public confusion. EPA should use the accepted basic risk formula.

Last, EPA does not have the statutory authority to collect and then disseminate information about chemical use. The Emergency Planning and Community Right-to-Know Act explicitly states the types of information that may be collected by EPA. While all this information bears an indirect relationship to potential releases and emissions, the Act does not allow EPA to disperse sensitive chemical use information. This proposal, therefore, is well beyond the scope of the basic statute which established the TRI Program.

Let me remind my colleagues that Congress considered the use aspect when the original program was created. And, chemical use was explicitly and consciously rejected.

"Materials Accounting" raises more questions than it answers.

Regulations are powerful, but they shift America's resources poorly. Because regulations cause consumers and businesses to spend a good deal of their money in ways they do not freely choose, Congress must first consider the consequences of this coerced spend-

ing before it becomes our public policy. A rule that has a \$1 billion consequence is a rule that deserves the attention of Congress.

With claims, counterclaims and even the withdrawal-of-claims that there are growing risks from everything around us, it is even more imperative for every citizen to know where the true risks are coming from. I believe the American people want their elected officials to look carefully into all aspects of environmental protection. The following questions need to have a response in the public record:

(a) What benefit does the public derive from the publication of incomprehensible data on chemical use which has no correlation to risk from exposure?

(b) Would the public benefit more from a prioritization of "worst case" emission risks to human health then use reporting?

(c) How will EPA protect the proprietary formulations that are a valuable intellectual property?

Mr. President, it is clear that the administration's materials accounting approach has no statutory basis. It is also clear that it will place an enormous burden on America's industrial communities. As a result, American jobs will be sacrificed for questionable, even limited, community environmental benefit.

It is clear to me that congressional action must precede any administrative action.

Mr. President, I stand here today, along with many of my Senate colleagues who are committed to protecting and informing communities in our home States. We want to work on refining the policies which will update the TRI program. We want to make it truly responsive to the communities living nearest the facilities while preserving the right of businesses to remain competitive in the global marketplace.

I would like to pause and take a philosophical view for just a moment. Let's step back from TRI and consider all regulations in general. In the aggregate, regulatory compliance costs Americans around \$670 billion every year—nearly 10 percent of our economy's GDP. This is substantial both in terms of dollars and percentage. This is why our public policy must meet this challenge in a systematic, responsive and balanced manner.

Basic fairness must be an integral part of the solution as Congress reviews and updates any regulation. Basic fairness should also be part of the equation used by the administration as it approaches new initiatives. Basic fairness is the American way.

The focus of the issue must not be whether we need environmental protection enforcement—of course we do. Rather we must look at how to achieve effective and appropriate environmental protection. Congress must ensure that both the enforcement agencies and the regulated community have

incentives to encourage compliance. There must also be a mechanism for the agencies to prioritize environmental initiatives. And, of course, this process must respect our Bill of Rights.

I started today by reporting on TRI's success story, and the agency's response of adding more reports and more costs. This could undermine the existing voluntary efforts of industry. I think everyone would agree that cooperative problem solving approaches work better than adversarial methods. The latter could even produce disdain and lawlessness.

I also started by saying that states deserve part of the credit for the TRI success story. State governments have come a long way in terms of developing their own core levels of expertise. As regulations are updated, Congress must recognize states as a genuine partner in protecting our environment.

The wisdom of this is demonstrated in a separate but vital illustration of state ingenuity. Seventeen states, including my own state of Mississippi, have developed a voluntary environmental audit process, and early indications are that the process is working. It is an alternative to the one-size-fits-all, Washington-expert, command-and-control methods mandated in the past. It is common sense, and it actually produces positive results for our environment at less cost. It represents basic fairness. This is what Congress ought to be advocating.

Mr. President, I want to conclude by saying that Congress needs to turn the spotlight back to TRI's original intent. This can be achieved by having both Congress and the EPA answer one fundamental question: What chemical release information will be useful to people living near an industrial facility?

#### TRIBUTE TO RALPH GABBARD

Mr. FORD. Mr. President, Kentucky and the Nation suffered a great loss last week with the passing of Mr. Ralph Gabbard. Ralph was a nationally known broadcast executive, serving as president of Gray Communications. He was a leader in the television broadcast industry in my State, and ultimately was a national leader as well. Ralph was at the forefront of the industry's development in Kentucky for the better part of the last 30 years, including successful efforts to bring a television station to the mountains of eastern Kentucky.

Among other things, he served as chairman of the CBS Affiliates Advisory Board and the National Association of Broadcasters television board. Most recently, Ralph played a significant role in industry discussions with the Clinton administration which led to the announcement of steps to improve the quality of children's programming.

But beyond the long list of personal accomplishments, Ralph was probably best known for his integrity, his honesty, and his common courtesy in dealing with others. I was privileged to