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**Groups Petition New Admin. To Undo Midnight Change to Hazardous Waste Rules**

*Bush administration favor to industry deregulated 1.5 million tons of toxic waste*

Washington, DC – Environmental groups are petitioning the new administration to undo a last-minute rule change by the Bush administration that deregulated 1.5 million tons of hazardous waste.

The petition, filed by Earthjustice on behalf of Sierra Club, was sent today to Lisa Jackson, the newly minted head of the U.S. Environmental Protection Agency.

The rule at issue redefines certain hazardous wastes generated by chemical companies, pharmaceutical manufacturers, and other industries. More than 5,000 facilities involved in recycling are expected to take advantage of the loophole, which permits unlicensed and barely supervised companies to handle these industries' hazardous waste without taking the precautions outlined in federal laws that ensure safe storage, transport, treatment and disposal.

“Hazardous waste, called by any other name is still hazardous. This Bush administration's favor to industry comes at the expense of Americans who have enjoyed the benefits of safeguards meant to prevent hazardous waste spills and midnight dumping,” said Earthjustice attorney Lisa Evans. “Thankfully, this is an easy fix for the new administration. They can promptly restore essential protections to the people living near these hazardous waste sites.”

The rule specifically applies to hazardous waste recyclers – already acknowledged by EPA to be a notoriously irresponsible industry: recent EPA studies identify hundreds of contaminated sites from hazardous waste recycling operations in 38 states, including more than 100 Superfund sites, totaling more than \$436 million in cleanup costs.

The outgoing administration had branded the rule change as an effort to encourage recycling. In fact, EPA's own estimates found that the change would lead to only a miniscule 1.1 percent increase in hazardous waste recycling.

“Congress enacted hazardous waste management requirements to guard against creating toxic waste sites that endanger people's health and cost taxpayers' money to clean up,” said Ed Hopkins, Sierra Club's Environmental Quality Director. “Creating loopholes to avoid regulation, as the Bush administration has done, defeats the purpose of the law.”

EPA officials have acknowledged that the rule change was a hasty one. In the rush to finalize it, the officials failed to fully comply with the law. Among other problems identified in the petition, the rule change violates the Clinton-era executive order requiring federal agencies to address the adverse human health or environmental effects of its programs, policies, and activities on communities of color and low-income populations.

“Under this rule change, it’s anyone’s guess as to where this 1.5 million tons of hazardous waste will be dumped and how it will be handled,” said Earthjustice legislative counsel Ben Dunham. “But judging from the past, low-income communities and people of color will bear the burden. The Bush administration did not take this into account. We hope the new administration will.”

The rule at issue was finalized on Oct. 30 and would not fall under the automatic review being ordered by the new administration for all pending regulations proposed in final days of the Bush administration.