

# Why Susan Dudley is Dangerous for The Public's Right to Know



*Susan Dudley, nominee for administrator of the Office of Information and Regulatory Affairs, has consistently opposed protections of the public health, safety, and environment. Here is a look at Dudley in her own words.*

## The Public's Right to Know about Toxic Releases

Why It Matters	What She Said
<p><i>In 1986, Congress developed a Community Right to Know Program, which requires industries to report on the presence and release of certain toxic chemicals on an annual basis. The program was developed in response to the Bhopal, India tragedy when thousands died following the release of a toxic gas from a Union Carbide pesticide plant.</i></p> <p><i>Public disclosure of the release of toxic chemicals gives citizens the power to hold corporations accountable for their actions. The program is also credited for encouraging corporations to limit their use of toxic chemicals.</i><sup>1</sup></p>	<p>“Even if we determine that information on the release of certain chemicals has a net social value, we cannot assume that more frequently reported information, or information on a broader range of chemicals would be more valuable. <b>Only when the social costs of information are weighed against the social benefits can a determination be made regarding what and how much information is optimal.</b>”<sup>2</sup></p> <p>“Information is a good, and like other goods, it is costly to produce. <b>More information is not necessarily more valuable nor more relevant to communities.</b>”<sup>3</sup></p> <p>“The presumption that the provision of more information to communities is always better also assumes rational behavior on the part of the recipients of the information. <b>Even if the information TRI provided conveyed important information on potential risk, the recipients of the information may not interpret it correctly or rationally.</b>”<sup>4</sup></p>

## The Public's Right to Know about Dangerous Chemical Plants

Why It Matters	What She Said
<p><i>The Risk Management Program Rule requires facilities that work with dangerous chemicals to create risk management plans for use in worst-case scenario disasters. The program also requires facilities to report on the potential affects these disasters could have on the public and the environment.</i></p> <p><i>Dudley commented on a proposed EPA rule to make this information available to the public through secured reading rooms and the limited release of some information over the Internet. Providing the public with this information will ensure that facilities work to decrease all risks and prevent any potential accidents.</i><sup>5</sup></p>	<p>“If there is a public demand for this information, as EPA’s benefit assessment argues, nongovernmental organizations would find value in deriving it. The fact that they don’t suggests that the value of the information to the public is less than the cost of the information. <b>Certainly the public would value receiving a company’s products and services as well, but the quantity and price of those goods and services is determined by the market;</b> the federal government doesn't simply require companies give products away. <b>Information is a good, and like other goods, has associated costs as well as benefits.</b>”<sup>6</sup></p>

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<sup>1</sup> Environmental Protection Agency Toxics Release Inventory (TRI) Program Fact Sheet *available at* [http://www.epa.gov/tri/tri\\_program\\_fact\\_sheet.htm](http://www.epa.gov/tri/tri_program_fact_sheet.htm)

<sup>2</sup> Dudley, Susan. *Comments on the Environmental Protection Agency's Lead and Lead Compounds; Lowering of Reporting Thresholds; Community Right-to Know Toxic Chemical Release Reporting; Proposed Rule*. Mercatus Center: Dec. 10 1999, p. 3

<sup>3</sup> *Id.* p. 10

<sup>4</sup> *Id.* p. 3

<sup>5</sup> 65, Fed. Reg. 24838 (2000).

<sup>6</sup> Dudley, Susan. *Public Interest Comment on EPA's and DOJ's Proposed Distribution of Off-Site Consequence Analysis Information*. Mercatus Center: June 8, 2000, p. 9