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Atlanta Environmental Management, Inc.

Radon Second Only to Cigarette Smoking in Causing Lung Cancer

U.S. EPA, January 3, 2008

During January, National Radon Action Month, the U.S. Environmental Protection Agency and the U.S. Surgeon General urged Americans to test their homes for radon, a cancer-causing radioactive gas that claims tens of thousands of lives each year.

Radon is the leading cause of lung cancer among nonsmokers and the second leading cause of lung cancer after cigarette smoking. When radon is trapped in buildings and concentrations build up indoors, exposure becomes a concern. Breathing indoor air with radon can damage lung tissue and lead to cancer.

"Many people are not aware that breathing radon can cause lung cancer, but the science is strong," said EPA Regional Administrator Donald S. Welsh. "Radon-related deaths can be prevented. Our hope is that people will understand the potential health risk and test their homes for radon and fix any problems they find."

According to the American Cancer Society, lung cancer is the leading cancer killer of women in the United States, taking the lives of more women each year than breast, ovarian, and uterine cancers combined. One in five women diagnosed with lung cancer has never smoked. Of the approximately 17,500 to 20,000 never-smokers diagnosed with lung cancer in the U.S. each year,

more than 60 percent are women. The National Academy of Sciences and the EPA estimate that, in the U.S., radon in homes causes 21,100 lung cancer deaths each year and 2,900 of these deaths occur among people who have never smoked.

Perhaps homes are not tested because radon cannot be seen, smelled, or tasted. Nevertheless, it may be the most potent carcinogen in the home. Although testing for radon is encouraged when selling or buying a home, recent consumer research indicates that up to 80 percent of American homes still need to be tested for radon. The good news is that a simple home radon test, costing less than \$25, can detect it.

Radon is naturally occurring and comes from the breakdown of uranium in soil and rocks, entering homes through cracks in basements and foundations and floor drains. Radon can build to unhealthy levels, especially during colder months when windows and doors are kept closed.

For more information about radon, visit EPA's website at www.epa.gov/radon

Although radon is a serious concern for certain areas of the United States, there are many areas where radon is not a recognized problem. Please feel free to contact AEM and discuss any concerns that you may have regarding your home or business.

Technical Track: Five Common EDD Pitfalls

Contributed by Heather Corken, Partner, Fulbright & Jaworski L.L.P

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Many attorneys and industry professionals routinely perform environmental *due diligence* (EDD) investigations and, through consultants, expect to receive a quality product. However, as outlined by Ms. Corken, there are many potential pitfalls to be considered.

1. Reviewing Only Select Environmental Laws. Most environmental consultants consider the potential application of CERCLA, RCRA, and the Clean Water Act, the Clean Air Act, and the Toxic Substances Control Act (TSCA) in conducting *due diligence*. However, in corporate acquisitions, some consultants overlook the potential application of the Occupational Safety and Health Act and of relevant state health and safety laws and regulations.

2. Failing to Make Due Diligence Specific to the Transaction. Because the environ-

mental liabilities potentially transferred to a buyer vary based on the type of transaction (i.e., raw land purchase, asset acquisition, stock acquisition, merger), *due diligence* should be made specific to the transaction at hand. Environmental consultants need to examine the unique circumstances of each particular transaction to ensure that all potential significant environmental concerns are adequately addressed.

3. Hiring the Lowest Bidder. As most readers would agree, using a reputable environmental consulting firm is critical. Unfortunately, buyers can be tempted to choose the lowest bidder to perform environmental *due diligence*.

4. Not Reviewing Leases. Although well versed in real estate law, real estate attorneys may not have the environmental expertise to properly assess the potential environmental liabilities to a buyer arising out of the lease. Some leases contain provisions that require the lessee to restore the property to

"pre-lease" conditions at the end of the lease term or prohibitions on the types of activities that may take place on the property. During *due diligence*, it is important to confirm that the buyer's intended use of the leased property is allowable under the terms of the lease.

5. Not Allowing Sufficient Time for Due Diligence. Phase I environmental site assessments and compliance audits generally take three to four weeks to complete. Phase II environmental site assessments can take six weeks or more, depending on the scope of the investigation. Therefore, in an ideal world, there would be at least 90 days between signing and closing to conduct environmental *due diligence*.

Please contact AEM and talk with one of our experts if you have any questions related to *due diligence* investigations and the most recent ASTM guidance for conducting assessments.

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Cell Phone Recycling Is an Easy Call

U.S. EPA, January 8, 2008

The nation's leading cell phone makers, service providers, and retailers have teamed with U.S. EPA to answer the call for easy cell phone recycling. As part of EPA's Plug-In To eCycling program, partners supporting the cell phone recycling campaign include AT&T Wireless, Best Buy, LG Electronics, Motorola, Nokia, Office Depot, Samsung, Sony Ericsson, Sprint, Staples, and T-Mobile.

Now, recycling an old cell phone has become a quick and easy way for Americans to help protect the environment. By dropping it off at a store or sending it through the mail, Americans have more recycling options.

To kick off the campaign, EPA released today a series of print public service announcements, "Recycle Your Cell Phone. It's An Easy Call," which highlight the convenience and the environmental and social benefits of recycling a cell phone. EPA also introduced a podcast that addresses many common questions on cell phone recycling.

EPA started the campaign because many consumers still do not know where or how they can recycle their unwanted cell phones.

An estimated 100 to 130 million cell phones are no longer being used. If we recycled 100 million phones, we could save enough energy to power more than 194,000 households for a year. If 100 million cell phones were reused, the environmental savings would be enough energy to power more than 370,000 U.S. homes each year.

Plug-In To eCycling is a voluntary partnership between EPA and electronics manufacturers, retailers, and service providers to offer more opportunities to donate or recycle. In 2007, as part of their commitment to the program, retailers and electronics manufacturers voluntarily recycled more than 47 million pounds of electronics, mostly computers and televisions. The Plug-In program has recycled more than 142 million pounds of electronics since 2003.

Information about the cell phone recycling campaign can be found at www.epa.gov/cellphone

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