

COUNTDOWN TO CLOSEDOWN: ORGANIZING TO STOP NUKES ALONG THE TENNESSEE RIVER



**HUGE VICTORY:
EPA RELEASES LONG
AWAITED DIOXIN
REPORT!**

ORGANIZING IN AN ELECTION YEAR: THE DOS AND DON'TS FOR ENVIRONMENTAL HEALTH AND JUSTICE NONPROFITS



The Journal of the Grassroots Environmental Movement

www.chej.org

Center for Health, Environment & Justice

CHEJ BOARD OF DIRECTORS

Alonzo Spencer, Chairman
Dave Beckwith, Ohio
Suzie Canales, Texas
Ken Grossinger, Washington, D.C.
Luella Kenny, New York
Janet Marsh, North Carolina
Esperanza Maya, California
Maria Pellerano, New Jersey
Peter Sessa, Massachusetts
Terri Shuck, Maryland

WINTER 2011 INTERNS

Jose L. Aguayo Amber Gayle Myers (NY)
Brigid Boettler Emily Seklecki
Ellen Mackall Shayna L. Weinshel
Lauren M. Mashburn

Everyone's Backyard is published quarterly by the Center for Health, Environment & Justice, Inc. The Managing Editor is Stephen Lester, with Action Line contributions from Emily Seklecki, and layout design by Gregory Kolen II. EBY is printed on 100% recycled and 100% post-consumer waste paper, not bleached with chlorine, using low VOC vegetable oil-based inks.



CHEJ grants permission to other publications, including websites, to reprint materials from *Everyone's Backyard*. All reprinted material should contain a statement acknowledging that the material was originally published in *Everyone's Backyard*, the quarterly newsletter of the Center for Health, Environment & Justice.

Library of Congress
#ISSN 0749-3940.
Copyright by CHEJ.

Unsolicited manuscripts, news items, artwork, photographs and other submissions are welcome. All submissions become the property of CHEJ and will not be returned unless special arrangements are made in advance.



Center for Health,
Environment & Justice, Inc.
P.O. Box 6806
Falls Church, VA 22040-6806
(703) 237-2249
chej@chej.org - www.chej.org

On the Cover:

*CHEJ's Lois Gibbs thanks EPA
Administrator Lisa Jackson for EPA's
release of dioxin report.*

GRASSROOTS GROUP EVOLVES AND MATURES

I first became involved in 1978 when I discovered the Stringfellow Acid Pits. I can still feel the anger when I recall the moment I found out that the State of California had released 1 million gallons of toxic chemicals from the Stringfellow Hazardous Waste Site to flow through the streets, yards and homes of my small community. I remember how betrayed I felt to find out that the state agency didn't even bother to tell us they were doing it, and the guilt of sending my boys to school where they played in the toxic puddles and made beards out of the toxic foam. I still feel the shame that because of my ignorance, my precious children were directly exposed to dangerous toxic chemicals.

But I also remember with pride how my friends and neighbors stepped forward to fight back and make the state clean up the mess they allowed to happen. I remember with great satisfaction forcing the polluters and EPA to allow us – the ones directly affected by the site – into the meetings where the solutions were being selected. I remember with pure joy making the Governor of our state set aside special funding for our families to be connected to a new, clean and safe, water system. And I remember that glorious feeling of achieving justice when we won the \$114 million settlement from the hundreds of corporations that willfully and knowingly harmed our families.

I remember the great relief we felt in meeting Lois Gibbs and hearing about a place called "Love Canal" and discovering we weren't alone in our fight. I remember sharing stories, ideas and strategies and beginning to build a nationwide network of communities facing similar issues. We were so excited when CHEJ (then CCHW) started – a special place where we could get information, think through strategies, learn new skills and coordinate actions. I remember with pride becoming part of CHEJ as the Western Field Organizer and getting to meet and work with people from around the country as they plotted their strategies to achieve justice.

Our little rag-tag neighborhood group called Concerned Neighbors in Action has matured into the Center for Community Action and Environmental Justice (CCA EJ). We have become a formidable organization in southern California that still remains grassroots at heart but with the resources and sophistication to withstand the pressures from industry. We now own our own office building and 13 acres that we have developed into a community park. We have more than 5,000 members and a strong base of community leaders in our Latino and immigrant communities.

CCA EJ has stopped hundreds of horrible proposals from incinerators, garbage dumps and more. Today we are working with neighborhoods smothering in air pollution from nearby railyards and massive warehouses that are served by thousands of diesel spewing trucks. We have challenged the railroads, and retail giants like Wal-Mart, and have been at the forefront of the Goods Movement (the distribution of imported goods and products from the ports throughout the country). Through the lessons learned from past heroes in our movement, CCA EJ has become a People's Institution to share our lived experiences, help build leadership and capacity of local families and build a movement for change in the communities of Inland southern California.

Penny Newman is the Executive Director of the Center for Community Action & Environmental Justice

As CHEJ celebrates our 30th year of empowering communities, we congratulate Penny Newman and CCA EJ for their success and commitment to protecting their community.

ABOUT CHEJ

CHEJ mentors a movement building healthier communities by empowering people to prevent harm caused by chemical and toxic threats. We accomplish our work through programs focusing on different types of environmental health threats. CHEJ also works with communities to empower groups by providing the tools, direction, and encouragement they need to advocate for human health, to prevent harm and to work towards environmental integrity. Following her successful effort to prevent further harm for families living in contaminated Love Canal, Lois Gibbs founded CHEJ to continue the journey. To date, CHEJ has assisted over 11,000 groups nationwide. Details on CHEJ's efforts to help families and communities prevent harm can be found at www.chej.org.

By MIKE SCHADE, CHEJ's PVC CAMPAIGN COORDINATOR

ORGANIZING IN AN ELECTION YEAR: THE DOS AND DON'TS FOR ENVIRONMENTAL HEALTH AND JUSTICE NONPROFITS

It's election season! Election years provide incredible opportunities for grassroots environmental health and justice organizers to raise the visibility of the issues you work on, from local toxic site battles to state and national legislation and regulations. They're a great way to involve people in your organizing, develop relationships with elected officials, share policy ideas with current and future decision-makers, and most importantly help you win your fight!

A lot of times, leaders in small 501(c)(3) nonprofits don't know what they can and cannot do during election season, which often leads to missed opportunities and in some cases can even jeopardize your organization's tax-exempt status with the IRS. **Important: if your organization engages in what the IRS considers prohibited political campaign activity, it could result in denial or revocation of your organization's tax-exempt status. If you're unsure whether or not some activity your organization is considering is permissible, please be cautious and be sure to research it further before proceeding (see resources at end of article).**

What can a 501(c)(3) organization do?

There is quite a lot that environmental nonprofit organizations can do in an election year, as long as it's non-partisan and follows certain guidelines. Here's a short list.

- **Conduct nonpartisan voter registration drives and nonpartisan get-out-the-vote activities.** These drives must be designed to educate the public about the process of and/or importance of voting, but cannot be biased for or against any candidate or political party. You can even target certain neighborhoods and constituents, such as a community near a polluter.
- **Ballot measures.** You can work to introduce, publicly support or even oppose an issue ballot measure. You can organize volunteers to gather signatures on petitions, send staff to gather signatures or conduct other ballot measure campaign work, and even contribute money to ballot measure campaigns. You can also register people to vote and encourage them to vote for or against a ballot measure. For example, that's how California's innovative Proposition 65 program was started.
- **Advocate for/lobby on issues your organization works on.** You can educate the public on your issues, but not in a way that would suggest they should vote for or against any particular candidate.
- **Educate candidates and political parties about issues you work on,** though you must be nonpartisan and educate all candidates and parties. You can make presentations on your organization's issue to platform committees, campaign staff, candidates, media, and the general public.



- **You can ask questions at candidate events about your issues.** Your approach must be nonpartisan (e.g., you must ask the same questions at the events of all candidates for the same office.). It's a great way to hold elected officials and candidates accountable.
- **Put together a candidate questionnaire,** which tells candidates about the issues of importance to you and your members. You can ask candidates to answer a set of questions and post the answers on your organization's website. Questionnaires must be nonpartisan.
- **Legislative scorecards, if your organization already regularly issues scorecards in non-election years.** This is a great way to educate your members about policy positions taken by legislators. In fact, legislative scorecards are the only permissible way 501(c)(3) organizations can let their members know how legislators have voted on legislative proposals and what the organization thinks about those votes. You can only distribute legislative scorecards to your organization's members. In addition, organizations should not tie the distribution of scorecards to an election (i.e. it should be issued at the end of a legislative session, not a month or two before Election Day). The purpose of issuing the scorecard is to evaluate sitting legislators, not to influence who your members should support in an election. If your organization does not already regularly issue scorecards on an annual basis, it's probably not a good idea to begin issuing them during an election year.
- **Organize or participate in a nonpartisan candidate forum.** The forum must be open to all candidates, be run in a balanced way (i.e. you should consider using an independent moderator, set time limits for replies), and include a broad range of nonpartisan questions for the candidates. This can be a great way for your organization to connect with candidates, raise the profile of your group with elected officials, and hold potential leaders accountable.

What can a 501(c)(3) organization Not do?

While there's a lot you can do, there are also many things you cannot do, and it's extremely important to follow the rules to the "T", as you don't want to raise any red flags with the IRS.

Continued on page 11



BE SAFE Campaign

BE SAFE is a nationwide initiative to build support for the precautionary approach to prevent pollution and environmental destruction before it happens.

HUGE VICTORY! EPA Health Report on Toxic Dioxin Released!



This February, CHEJ and partners across America celebrated an amazing victory when the US EPA finally released their major report on the non-cancer health effects of dioxin, which for the past twenty seven years has been delayed due to interference from the chemical industry. CHEJ's Executive Director, Lois Gibbs, said "We applaud EPA Administrator Lisa Jackson and the Obama Administration for finalizing this important health report on dioxin, one of the most toxic chemicals on the planet. After twenty seven years of delays, I quite honestly never thought this report would ever see the light of day. We strongly urge the EPA to now finish the job by finishing their review on dioxin and cancer, and to develop a comprehensive action plan to further reduce dioxin emissions and exposures".

CHEJ is calling on EPA and the Obama Administration to dust off the prestigious National Academy of

Sciences report on dioxin in food (published in 2003) that explores innovative policies to reduce the levels of dioxin in the food supply. According to EPA over 90% of human exposure to dioxin occurs through our diet. Dioxin is most prevalent in meat, fish, dairy, and other fatty foods. Dioxin is building up in our bodies as a result of the food we eat. Children are especially vulnerable because their diet is high in dairy products.

Since President Obama entered office and especially in the recent months CHEJ organized a broad coalition of organizations to call on EPA to release the dioxin report. Activists across the country became involved; many even sent EPA photos and posted hundreds of messages on Lisa Jackson's Facebook page.

To learn more about this victory, visit <http://bit.ly/dioxinvictory>. To get involved in our national dioxin campaign, contact Mike Schade at CHEJ: mike@chej.org / 212.964.3680.

Creating a Healthier PVC-free NYC

In recent months, CHEJ has been ramping up our campaign to press New York City to phase out the purchase of PVC plastic, the most toxic plastic for children's health and the environment. In 2005, we secured a major victory when Mayor Bloomberg signed legislation calling on city agencies to reduce the purchase of products (such as PVC) that release toxic dioxin. NYC agencies spend on average \$17 billion year in procurement so this law can have a significant impact on the marketplace. The city was supposed to develop regulations by 2008 to implement this law but has failed to do so. In response, CHEJ has now launched a campaign to press the city to implement this important law.

This January, we organized leading environmental health organizations from across NY to testify at a public hearing organized by the City Council. We used the hearing as an opportunity to shine a light on the city's failed implementation of the dioxin/PVC law and

to press the city to take action. Through CHEJ's outreach, our campaign partners delivered compelling, diverse testimony at the hearing; they included representatives from the firefighters and plumbers unions, Learning Disabilities Association of NYS, the Sierra Club, Center for Environmental Health, the New York Committee for Occupational Safety and Health (NYCOSH), Grassroots Environmental Education, Perkins and Will architectural firm, a pediatric neurologist, and the director of the new film *Toxic Baby*. In an exciting new development, the Bloomberg Administration announced for the first time that the city is working with Staples, Inc., to identify and buy PVC-free office supplies for city agencies. While this is an important step in the right direction, in coming months we will be pushing the city to go even further, and adopt strong rules to phase out PVC from its purchasing.

To get more involved and help NYC go PVC-free, contact us at mike@chej.org or at 212-964-3680.

By SANDRA KURTZ, CO-FOUNDER OF THE BELLEFONTE EFFICIENCY & SUSTAINABILITY TEAM AND
LOU ZELLER, SCIENCE DIRECTOR OF THE BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

COUNTDOWN TO CLOSEDOWN: ORGANIZING TO STOP NUKES ALONG THE TENNESSEE RIVER



Photo credit: Sandra Kurtz

Young zombies at Knoxville, TN press conference.

The distraught “zombies” were painting their faces, making signs, and practicing their moans and stiff walks in the park. Nearby, in front of the Tennessee Valley Authority’s (TVA) headquarters in Chattanooga, Tennessee, a podium had been set up. The press kits and the table with handouts were ready. Speakers and media were arriving. The message to the TVA Board of Directors would be: Nuclear power is dangerous and expensive. Vote “no” to funding the mothballed TVA Bellefonte nuclear reactor in Hollywood, Alabama.

As the eloquent speeches were concluding at the news conference in front of TVA’s office, people began to hear a steady drumbeat. Suddenly, dozens of “nuclear zombies” appeared. The zombies joined Lou Zeller, of the Blue Ridge Environmental Defense League (BREDL), members of the Bellefonte Efficiency & Sustainability Team (BEST), and media representatives, in marching to the TVA building entrance to deliver a letter demanding a halt to the proposed Bellefonte reactor. TVA stopped the colorfully painted zombies at the door, but that didn’t prevent the activists from delivering their letter. It was a sight to behold, and indeed the march of dozens of nuclear zombies generated major media coverage in both Tennessee and Alabama. Why nuclear zombies? As Lou Zeller explained in a *New York Times* article, “The Bellefonte plant is truly a nuclear zombie, neither dead nor alive. Years ago, vital parts were sold for scrap or transplanted to others. TVA should stop trying to revive this corpse of a power plant.”

After the action, the goliath-like TVA blinked. TVA, a quasi-federal agency, is the largest public power provider in the nation.

It generates electricity for 9 million customers in seven states. The U.S. President appoints nine directors to determine TVA policies and strategies. After the BEST press conference, TVA’s CEO issued a defensive Op-Ed in the *New York Times* defending the value of and need for nuclear power. Then, TVA issued a new policy stating that no one in a ‘costume’, including zombies, would be admitted to the August TVA Board hearing on the Bellefonte reactor. This misguided policy brought out freedom-of-speech activists and generated even more media coverage.

At the August hearing, a deluge of citizens appeared, causing TVA to extend the time for comments by over an hour. One speaker made his comments and then dramatically turned himself into a zombie while at the microphone. He was escorted out by TVA security. To protest the lack of free speech, many activists dressed up as Paul Revere, Santa Claus and zombies and protested outside the building.

The end result? BEST and BREDL won a delay and gained tremendous public awareness! Although the TVA Board of Directors voted to continue preliminary site funding for Bellefonte, they passed an amendment stating that no work on Bellefonte would start until after TVA’s Watts Bar nuclear reactor near Spring City, Tennessee was completed. That work is well behind schedule.

Delay is victory in these matters. It gives groups time for legal action and halts forward movement by those who would ignore the long-term well-being of citizens for the short term monetary benefit of a few. Years ago, BREDL and BEST succeeded in a decision to delay an operating license for two more reactors at Bellefonte. Now, TVA’s alternative approach—rebuilding two unfinished Bellefonte units—was also put on hold.

How did a community group achieve this success? Beginning in 2008, we worked up a compelling handout/e-mail to recruit concerned citizens and formed BEST as a chapter of BREDL. We established a media list held meetings, and issued a press release announcing our new organization. We hit the streets to ask people who lived within 50 miles of the Bellefonte site to sign a BREDL/BEST affidavit requesting legal intervention. Forty-five people signed up in one day. Our request for permission to intervene and have a public hearing was granted. Experts from anti-nuclear organizations, such as Nuclear Information & Resource Services, provided support for 24 legal arguments. The Nuclear Regulatory Commission (NRC), the federal body that approves nuclear operating licenses, accepted four of these for consideration. When oral arguments were held, we issued press releases. Today, action by the NRC remains suspended at the request of TVA as they have decided to first finish the Watts Bar plant.

Continued on page 10

ACTION LINE

Action Line is the heart of Everyone's Backyard. This is where we tell the stories of grassroots groups that reflect their creative energy and accomplishments. It is also a way to share strategies, actions, and industry trends. Although we do not always mention our role, CHEJ is providing organizing and technical assistance to many of these groups. For other stories, we draw on a large network of contacts and organizations that we have developed during more than 25 years of operation. We welcome and encourage contributions.

Alaska

Alaska Community Action on Toxics (ACAT), residents of Chickaloon, and other communities in the northwest part of the state are organizing to oppose a plan to strip mine coal reserves that undermine much of Northwest Alaska. The Usibelli Coal Mine Company wants to mine at Wishbone Hills in the Matanuska Valley where there are more than 100 homes, businesses, and schools within a mile of the site and thousands more downwind. Usibelli is actually applying to renew its permit for another 5 years after failing to begin mining during its initial 5 year lease. ACAT is worried that this may be the first of many efforts to turn this area of Alaska into the Appalachia of the North. One-eighth of the world's (and one-half of America's) coal reserve is located in Alaska, most of it in the Northwest part of the state.

Alabama

Forty-eight residents of **Uniontown** filed a discrimination complaint against the Alabama Department of Environmental Management (ADEM) for permitting the Arrowhead Landfill. The permit would allow the landfill to take coal ash from the Tennessee Valley Authority spill in Kingston, Tennessee in 2008. The complaint was filed due to the landfill having disproportionate negative impacts on African Americans in the community. The landfill emits odors and dust that are hazardous to the health of nearby residents, a majority of which are African American. In addition, the complaint includes reports of increased traffic, noise pollution, increases in bothersome birds and flies, and decreases property values as a result of the landfill. The ADEM, which receives millions of dollars from the EPA each year, is in violation of the Civil Rights Act which states that government agencies may not engage in any method of administering their programs that have the effect of discrimination against citizens based on race if they are the recipient of federal funds.

Florida

Communities Resisting Dirty Energy won a major victory when Rentech LLC pulled out of an agreement to build a wood burning biomass plant in Port St. Joe that would have generated approximately 200 megawatts of electricity. Rentech cited financial concerns as the reason. Rentech had hoped to

acquire a federal loan from the U.S. Department of Energy for the project, but the loan was put on hold and Rentech failed to find any private investors. Many organizations were against the project, concerned that the plant would pollute the area with an energy source many do not consider to be renewable. Rentech is still looking for private investors.

Georgia

Civil rights veteran Rev. Dr. Joseph E. Lowery attended a meeting in Waynesboro in January sponsored by the **Concerned Citizens of Shell Bluff (CCSB)** who are opposed to the proposed nuclear power plant expansion at Plant Vogtle. The civil rights icon spoke in a church within view of the nuclear power plant. In a statement for the organization he founded, **Georgia Coalition for the People's Agenda**, Dr. Lowery said, "The disproportionate impact and siting of environmental hazards in and near communities of color is well documented. This pattern persists and we work with local communities to help ensure enforcement of environmental regulations protective of human health and the environment." CCSB spokesman Charles Utley spoke about Dr Lowery's visit: "His wisdom and his experience are like a guiding star for the residents of Shell Bluff." The meeting drew many supporters from the Atlanta area. Many arrived in a bus chartered by **Georgia Women's Action for New Directions**, a woman-led organization established in 1982 by Helen Caldicott, long-time anti-nuclear activist.



Rev. Dr. Joseph E. Lowery speaking at community meeting in Waynesboro, GA.

Victory! LC Power Development LLC scrapped plans to build a \$2 billion coal-fired power plant in Early County as the result of a lawsuit filed by local environmental groups. The Sierra Club filed a lawsuit targeting the power company's plants in Texas and Arkansas. As part of the agreement to end the lawsuit,

LC Power agreed to tighten pollution limits at their plant in Texas, and refrain from building another unit at their Arkansas energy station for the next five years, as well as dropping their plans in Georgia. The decision marks a success for the Sierra Club and Georgia citizens after years of fighting the project.

Iowa

Incinerator Free North Iowa (IFNA) is fighting a proposed pyrolysis/gasification plant in Mason City. Creative Energy Systems (CES) wants to build a \$35 million plant that would operate 24 hours a day, 7 days a week and burn about 250 tons of trash a day. The Cerro Gordo County Department of Public Health is asking CES to provide more information about the proposed plan including air modeling before making a decision. The company also needs to get a conditional use permit from the Mason City Zoning Board of Adjustment because there is no zoning in the city that allows for the type of operation they are proposing to build. IFNA and other residents have raised serious health concerns about the emissions from the plant, especially since the proposed location is near a daycare center and several schools. Another concern expressed by the county health department - "this specific technology is untested."

Kentucky

Frustrated by a growing list of people with health problems and the apparent failure of the cleanup at what was once a federal Superfund site, residents in the Riverside Gardens community near **Louisville** are now demanding that EPA put Lee's Lane Landfill back on the Superfund list. The 212,000 tons of toxic waste that was illegally dumped at the 112-acre site was never fully removed or remediated. The site was removed from the Superfund list in 1996 after a cleanup plan was installed at the site that included a system to vent and treat toxic gases generated at the site. However, the contamination in the groundwater was not included in the cleanup because the area residents were all on municipal water, not well water. Now area residents are complaining of illnesses they say stem from contamination seeping into their homes from the leaking landfill. Apparently, toxic vapors seeping from the contaminated groundwater have been entering into basements of homes near the landfill (a process call vapor intrusion). The community hopes to address these problems by getting back on the Superfund list and is circulating a petition urging EPA to re-list the site on Superfund. To view and sign the petition, please visit: <http://www.change.org/petitions/stop-the-heartbreak-and-poison-gases-for-louisville-families>.

Massachusetts

Hands Across the River Coalition (HARC) in New Bedford is becoming reenergized by a new plan by EPA to build a confined aquatic disposal (CAD) cell in the Acushnet River as part of the cleanup of

ACTION LINE

the New Bedford Harbor. More than 300,000 cubic yards of contaminated sediment containing from 50 to 200 ppm of PCBs would be dredged from the harbor and placed in the cell. HARC is opposed to the plan because of concerns about the long-term security of the CAD - essentially an unlined landfill in a wetlands area - and the air emissions that will result during the dredging and disposal operation. "Our grandchildren are going to be cleaning this up all over again," said Edwin Rivera, president of HARC. The New Bedford City Council also voted to oppose the plan. EPA, however, seems bent on moving forward with their plan.

Michigan

Citizens for Alternatives to Chemical Contamination (CACC) in the town of Lake has been encouraging its members and other concerned citizens to submit comments to the Nuclear Regulatory Commission on the draft environmental impact statement for the proposed Fermi 3 nuclear reactor in Monroe. CACC feels that the reactor will be very costly (at least \$12 billion) and is an unneeded untried reactor for which Michigan residents will be guinea pigs. "The reactor will add to the thermal, chemical, and radioactive burden in Lake Erie, pollute our communities and add to our long-term nuclear legacy."

Missouri



Photo credit: Romona Williams/MSLICE.

NE St. Louis neighborhood devastated by economic recession.

Metro St. Louis Coalition for Inclusion & Equity (M-SLICE) is working to ensure that the cleanup of the Carter Carburetor Superfund site takes into consideration the long-term effects on the health and well-being of the surrounding community. The group convinced EPA to install fencing around the site and put up visible hazard signs to limit access to the site. Now the group is working to ensure that

state agencies adopt an environmental justice policy. A representative from the state Department of Natural Resources (DNR) recently spoke with the group and toured the community to get a sense of problems there that include the lack of commercial development, the burden of historical industrial practices such as Brownfields, dilapidated housing, high unemployment, and other urban related issues. The DNR plans to work with M-SLICE to develop an environmental justice policy that takes into consideration over-burdened communities when making decisions.

New Jersey

Citizens for a Clean Pompton Lakes (CCPL), Edison Wetlands Association and other local groups delivered a petition with 7,700 signatures to the federal EPA demanding that the Pompton Lakes Dupont Works site be placed on the federal Superfund list. Earlier that day, residents held a rally that featured CHEJ Executive Director Lois Gibbs and former NJ Congressman James Florio. Dupont had dumped waste into Pompton Lake for over 100 years and has been extremely slow to cleanup its mess. The discovery several years ago that over 400 homes built over contaminated groundwater were contaminated by vapor intrusion escalated the concerns of CCPL. The local residents are thinking that getting on the Superfund list may be the best way to deal with the problem and to get Dupont to move more quickly.

December 9th marked the 41st anniversary of the commencement of the US Environmental Protection Agency. **Edison Wetlands Association (EWA)** celebrated this event with a rally calling for elected officials to fight for a well-funded EPA. During this time of criticism and skepticism directed towards the EPA, EWA hopes to encourage the fight for the only government agency designed to protect our air, water, and land. The rally included the presentation of a birthday card and cake to representatives of EPA at the Edison office.

New York

Victory! Congratulations to **United Neighbors Concerned About GE Dewey Loeffel Landfill (UNCAGED)** who received an EPA Technical Assistance Grant (TAG) that the group will use to hire its own scientists to help get this site cleaned up. The grant followed the designation of the site 6 months ago as a federal Superfund site. Located near Albany, more than 46,000 tons of toxic waste - more than twice what was in Love Canal - was dumped in this landfill by General Electric and other companies during the 1960's. After the landfill was capped in the 1980's, the state discovered that the chemicals PCBs and TCE were leaking from the site and polluting Nassau Lake and homeowner's

wells, as far as 2 miles away. GE has refused to clean up the polluted lake sediment and is unwilling to provide homeowners with access to clean drinking water. UNCAGED is hopeful that the Superfund designation will change all that.

Community groups across the state including **Alliance for Clean Energy New York, Citizens' Environmental Coalition NYPIRG** and **CHEJ** rejoiced when Covanta Energy Corporation withdrew its request for renewable energy subsidies for trash-burning power plants the company operates in five New York counties, after strong public opposition. Although burn plants are considered renewable energy in other states, they do not receive subsidies from New York's Renewable Portfolio Standard. The state Public Service Commission had delayed making a decision on the request prior to the withdrawal.

Twenty-seven environmental and health groups, including **Greenwich Citizens Concerned About Solid Waste** and **NYPIRG**, are opposing plans by Lehigh Northeast Cement Co. in **Glen Falls** to burn non-recyclable products such as paper, Styrofoam, plastic, vegetation, farming by-products, and cardboard to fire their kilns. The Department of Environmental Conservation tentatively approved the request in November, but the groups are asking for more time to study the effects. The fuel would come from Enviro-Fuel Cubes manufactured by International Paper Co. in Massachusetts. The fuel's contents can vary, but they are said to emit dioxin, furans, and heavy metals. The groups are worried about the pollutants and say the plan will discourage waste reduction and in-house recycling.

Ohio

Ohioians for Health, Environment, and Justice and hundreds of Ohio groups and citizens participated in the Stop the Madness (fracking) Rally on the steps of the capital in **Columbus** to speak out against the massive destruction that comes with the natural gas drilling technique called hydrofracking or more commonly fracking. Speaker after speaker noted that community health and good jobs were more important than the industry demands to "drill baby, drill" at all costs.

Frustrated by not getting answers to their questions, citizens in Youngstown decided to hold their own informational meeting, and over 200 citizens showed up. The residents have since formed **Frack-Free Mahoning** and are moving forward to address their concerns about fracking and the impact of a new injection well that has been installed in the town. The residents had attended meeting after meeting sponsored by government officials and the oil and gas industry about the injection well, but they could

ACTION LINE

not get answers to their questions, especially about the 11 earthquakes that had plagued the town following the opening of the new injection well. But the citizens were not permitted to ask questions during the “dog and pony” shows that the government had sponsored leading the residents to form a group to address its questions.

The proposed **Cleveland Public Power** trash gasification plant caused so much of an uproar that citizens were able to put enough pressure on the mayor that he finally requested that the Ohio EPA extend the public comment period on the permit by 30 days. Under the same citizens’ pressure the city finally agreed to hold four community meetings to discuss the proposal.

Pennsylvania

Crawford Area Residents for the Environment (CARE) is fighting a proposed tire incinerator in Crawford County near Erie. Erie Renewable Energy, LLC wants to construct a circulating fluidized bed boiler that will burn over 100,000 tires per day. This would be the largest tire incinerator in the world and would use experimental technology imported from Japan. This is not the first time the company has tried to construct a facility in the state. They also tried in Erie but were denied permits due to strong local opposition. The company has received one permit (air quality) which CARE has appealed on the grounds that the projected emissions had been greatly underestimated. The company is moving forward and needs to acquire additional permits. CARE has been working to mobilize community efforts to put a halt to construction by educating the community, going door to door, enlisting support from the local community college, and attending county hearings. To learn more about their fight or to get involved, visit their website at <http://stopburningtires.com>.

Tennessee

Six zombie protestors from Knoxville filed a lawsuit against the Tennessee Valley Authority (TVA) claiming the agency had violated their right to free speech by refusing to allow them to enter TVA’s Board of Director’s meeting last August in Knoxville. The protestors are asking for \$300,000 in punitive damages. They also want a permanent injunction stopping the TVA from barring people dressed in costume from attending meetings and a court order setting aside all decisions made at this meeting which they feel violated the laws governing how federal agencies can conduct public meetings. The TVA directors had voted to approve completion of the Unit 1 reactor at the Bellefonte power plant in Hollywood, Alabama. Earlier in July at a TVA board meeting in Chattanooga, the **Bellefonte Efficiency & Sustainability Team** from northern Alabama, **Mothers Against Tennessee**



Zombie protestors at TVA board meeting in Chattanooga, TN.

River Radiation and the **Blue Ridge Environmental Defense League** had delivered a letter to the TVA board calling on them to abandon plans to resurrect the old reactor. Construction of the reactor was abandoned in 1988 and the partially built structure has sat idle since prompting the groups to describe the facility as a “zombie reactor.” The protestors at the July meeting had dressed as zombies prompting the TVA to ban “costumes” at future meetings. TVA enforced this decision at the Knoxville meeting where the six protestors were denied entry. All three activist groups vow to continue fighting the zombie reactor.

Texas

A Pasadena Refining System Inc. plant in Houston experienced two explosions in its coker unit last December. People were told to shelter-in-place, “but we know the air inside and out is toxic,” said Juan Parras from **Texas Environmental Justice Advisory Services (TEJAS)**. “This is a terrifying situation for families living nearby.” TEJAS called on the state to immediately test the air so that people would know what they were being exposed to. Benzene and other carcinogenic chemicals are typically included in these releases. These chemicals can cause acute and long-term adverse health effects to anyone exposed. A similar incident occurred at the same plant last September.

Congratulations to **Parkview Intermediate Parent & Teacher Organization**, **Texas Organizing Project**, **Great Jobs Great Houston**, **Air Alliance Houston**, and **Texas Environmental Justice Advisory Services** who have successfully prevented Valero from gaining \$92 million in tax breaks. The Texas Commission on Environmental Quality denied Valero’s request for tax breaks that would have come from the budgets of school districts and municipalities. Valero refineries are one of the biggest polluters in the state. The company was seeking funds from the very communities they pollute. Valero does not plan on appealing the decision.

Virginia

Piedmont Resident in Defense of the Environment (PRIDE) is continuing to organize and educate the public about the industry’s proposal to mine uranium in

the southeast portion of the state. The group is actively talking to its neighbors, blogging, sharing information, conducting radio and TV interviews, writing editorials and letters to the editor, and researching critical information about uranium mining include the adverse health effects associated with uranium mining, and the economic benefits. PRIDE is coordinating efforts to maintain the 30-year moratorium on uranium mining in the state with **Virginia Against Uranium Mining**, **Nuclear Free Virginia**, **Keep the Ban Coalition (KBC)** and the **Blue Ridge Environmental Defense League (BREDL)**. This highly contentious issue is now before the Virginia General Assembly which must decide whether to lift the statewide moratorium on uranium mining it imposed in 1982. BREDL and KBC took their message to the General Assembly as part of Citizen Lobby Day in January asking the Assembly to conduct site-specific assessments prior to lifting the ban and – equally importantly – prior to writing any uranium mining regulations. Specific areas of the state are already being targeted by mining companies in anticipation of the ban being lifted.

West Virginia

The **Ohio Valley Environmental Coalition (OVEC)**, the **Coal River Mountain Watch (CRMW)** and other local organizations and activists welcomed a scientific paper published last year that found a significant link between birth defects and Appalachian counties with mountaintop removal mining. The study found the overall rate of birth defects in counties with mountaintop removal mining was 13% higher between 1996 and 1999 and 42% higher between 2000 and 2003, compared to counties that have no mining activities. The study also found that elevated birth defect rates are partly a function of socioeconomic disadvantage, but remain elevated after controlling for those risks, suggesting that environmental influences in mountaintop mining areas may be contributing factors to elevated birth defect rates. The study included counties in four central Appalachian states: West Virginia, Kentucky, Tennessee, and Virginia. OVEC and CRMW hope that the study will inspire action to address the pollution caused by this devastating style of mining.

Wisconsin

Incinerator Free Brown County (IFBC) is continuing to battle Oneida Seven Generations Corporation’s plan to build a pyrolysis gasification plant in Brown County. The plant would burn trash to produce electricity. IFBC along with the **Clean Water Action Council** raised funds to purchase advertising on three billboards opposing the project. After Oneida Seven Generations threatened to sue the advertising company, the groups were forced to change the wording on the billboards from “no incinerator!” to “no gasification!” although the groups feel they are virtually the same thing. Permits and funding are still being successfully pushed through, and the plant is projected to open in December of 2012. ♦



A CAMPAIGN TO REDUCE THREATS TO CHILDREN'S HEALTH

Child Proofing Our Communities

Exciting New Resource: Focus on Schools

If you have not been to CHEJ's website lately, you are missing out on new additions, such as our new **Focus on Schools** webpage. The **Focus on Schools** webpage is a one-stop shop that highlights CHEJ's campaigns, projects and resources that will inform and assist communities with a possible environmental threat to the school environment. For more information visit the **Focus on Schools** webpage: <http://chej.org/campaigns/focus-on-schools/>



CNN Special Highlights Poor Indoor Air Quality in Schools



The average age of school buildings in America is 46 years old. As school districts across the country deal with tight budgets, investments into the infrastructure of schools have been lacking. CNN recently released a report that

highlights schools in various states with infrastructure in dire need of repair that could be making its occupants sick especially children. Dr. Sanjay Gupta, a special project's reporter with CNN, continued his Toxic America series with a new installation that focuses on the school environment. The report discussed ceiling tiles that are moldy due to leaking water, peeling paint, exposed wires, poor heating and ventilation systems that all can contribute to poor indoor air quality in schools. Children can spend 8 hours or more in a school and being exposed to these environmental hazards can pose a health risk to children. The CNN special emphasized the need to invest in our schools to ensure that our children can learn in a healthy environment. You can view this special report on schools at: <http://www.cnn.com/2012/01/14/health/school-indoor-air-pollution/index.html>

Fix America's School Today Act

There's new proposed legislation—Fix America's School Today Act—that calls for \$25 billion for investment in renovating and constructing new schools, with half of the funds funneled to schools that need it most. **Contact your Senator to encourage them to vote YES on the FAST Act. View the proposed act at:** <http://www.govtrack.us/congress/bill.xpd?bill=s112-1597>

PCB-Free School Zones: Was Your School Built Before 1978?

If your child's school was built before 1978, you should be aware of a new environmental health hazard—PCBs



or polychlorinated biphenyls in pre-1978 light fixtures in schools. PCBs are a family of chemicals that were banned by Congress because they are very hazardous and a probable human carcinogen. In 2008, PCBs were found in light ballasts in some old New York City public schools. The chemical was leaking and evaporating into the air and the oily-like substance was coming into contact with objects children touch. Local groups took action and demanded an inventory of existing schools with possible PCB light fixtures and a plan to replace them with energy efficiency lights. The city did agree to do so, but over ten years, instead of the two years requested by the groups. Local efforts were recently successful in passing a Right-to-Know law to ensure that people are notified of schools that have PCB contamination and are able to provide input into how the situation is handled.

CHEJ has responded to this emerging issue by working with a newly formed coalition and by testifying at community hearings. We have also created a webpage dedicated to educating the public and providing actions that can be taken to address a possible PCB contamination problem in your child's school. **Visit the PCB-Free School Zone webpage for more information:** <http://chej.org/campaigns/childproofing/projects/pcbs-in-schools/>

Nuclear power plants also must have environmental impact statements. When an NRC Public Scoping Hearing was held in Alabama, BEST members set up a display table with handouts and alerted the press. At another hearing, BEST was not allowed to display inside the Goose Pond Center, prompting another press release and action. Outside the building, we held a Mother Goose Tea Party with hot chocolate and issued handouts emphasizing that nuclear power is unsafe for children. Then, BEST members organized Mothers Against Tennessee River Radiation (MATRR) and a website www.matrr.org was created.

About that time, Lou Zeller of BREDL called BEST members to say that Lois Gibbs and Anne Rabe of CHEJ could conduct a 2-day Nuclear Messaging workshop. Were we interested? YES!

On November 6th and 7th, 2009, a spirited group of BEST members assembled at a Recreation Center in Scottsboro, Alabama to hone messaging skills. Sure, we had been doing good work, but we had not zeroed in on the most convincing messages to bring about a change in public opinion from pro-nuclear to anti-nuclear. Lois and Anne shared national focus group findings and guided us through several exercises. Eventually we framed two key messages on the danger and high costs of nuclear power. We identified target audiences. We learned how to develop effective advertisements, how to speak in front of a television camera, and prepare a budget and fundraising plan. Finally, we brainstormed and created a set of educational actions and ads with our priority messages. Since the workshop, CHEJ staff have facilitated regular conference calls and continued to coach us on ads, organizing events and fundraising.

CHEJ has been invaluable in helping BEST/MATRR to acquire a \$10,000 grant used to create and run a prime time news video aimed at mothers, plus two internet ads with an aerial map showing how a tornado endangered one of TVA's nuclear plants. These ads generated a record number of hits for the ad company and for our website, where hundreds of people sent letters to TVA opposing the reactor. BEST/MATRR then developed a "Countdown to Closedown Campaign" with the nuclear zombie action, meetings with newspaper Editorial Boards and other educational activities. Recently, the groups held a successful Future River Festival with water and safe energy groups and businesses to highlight better solutions to the dangers of nuclear power. BEST and MATRR continue to speak at TVA hearings,



Photo credit: Sandra Kurtz

Activist from Murfreesboro, TN protests at TVA board meeting in Knoxville, TN.

submit comments, and conduct public outreach while BREDL and partnering organizations win the legal battles.

The "Countdown to Closedown Campaign" began thanks to guidance from CHEJ coordinated by BEST and MATRR, the all-volunteer grassroots chapter of BREDL. Together, we've planned strategies, sought funding, sent alerts, mobilized for hearings, planned legal tactics, conducted research, compiled facts, distributed petitions, devised actions, visited editorial boards, launched television and internet ads and talk radio appearances, and issued media alerts and press releases. These are the tools of successful organizing to achieve a goal. Today, the nuclear reactors at Bellefonte are still not a done deal. But post Fukushima, there are even more doubts. BEST, MATRR, BREDL and CHEJ – along with dozens of zombies – deserve the credit. (For a campaign update, see the Tennessee section of Action Line.)

Sandra Kurtz is a former classroom teacher and an environmental education consultant. She is a co-founder of Bellefonte Efficiency & Sustainability Team. Long active in environmental issues, Sandy has worked with others to take actions to protect air, water and land and address climate change and promote wise energy use. She is currently a Director for Urban Century Institute, a non-profit organization seeking to promote sustainable solutions. Lou Zeller has been with the Blue Ridge Environmental Defense League since 1986. Although not an attorney, he has brought many administrative legal challenges to nuclear plants by filing pro se with League chapters in six southeastern states. ♦



Photo credit: Sandra Kurtz

With Special Thanks

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work from November 1, 2011 to January 24, 2012. We wish we had the space to acknowledge each and every one of CHEJ's donors in these pages because all gifts, regardless of size, are very much appreciated. Thank you for your support!

GUARDIANS' CIRCLE

Public Guardian
(Gifts of \$5,000 and more)
Anonymous

Movement Builder
(Gifts of \$2,500-\$4,999)
Mr. Daniel French & Ms.
Rosann M. Tung

Community Protector
(Gifts of \$1,000-\$2,499)
Mr. & Mrs. Charles G. & Rita
M. Spencer
Ms. Lucy B. Stroock

FOUNDERS' CIRCLE

Neighborhood Advocate
(Gifts of \$500-\$999)
Anonymous
Ms. Barbara Bott & Mr. Robert
Jennings Jr.
Mr. Michael Drescher
Mr. David G. Milliken
Mr. Roderick Rackley
Ms. Ellen Relkin
Ms. Wendy R. Gordon
Rockefeller
Mr. Peter B. Sessa
Ms. Terri K. Shuck
Ms. Karen L. Simpson
Mr. & Mrs. Marcus & Sara
Weiss

PARTNERS' CIRCLE

Family Partner
(Gifts of \$250-\$499)
Anonymous
Ms. Electra Lester Alessio
Mr. & Mrs. David Beckwith &
Lindsay Potts
Ms. Joyce Blumenshine

Mr. Gerard F. Brown
Mr. & Mrs. Robert M. & Jane
Beth Ciesielski
Mr. Bill Ewall
Dr. Anne Fischel PhD
Ms. Genevieve K. Howe
Ms. Susan Multer
Ms. Meg Sheehan
Mr. M. Matthews Smith II

Health Defender
(Gifts of \$100-\$249)
Anonymous
Mr. Richard M. Beamish
Mr. & Mrs. Tom & Susan
Blandy
Mr. Leslie I. Boden
Mr. Steven Branch
Ms. Beth Burrows
Ms. Heather Cantino
Ms. Louise Caro
Mr. & Mrs. David O. & Molly
J. Carpenter
Ms. Jeanne Cebulla
Mrs. Donna Charpied
Mrs. Janet I. Clark
Margaret Comfort
Kathryn Corson PhD
Mr. & Mrs. Walter & Suzanne
L. Deuchler
Mr. & Mrs. Joe & Barbara
Dressel
Mr. Mark A. Dunlea
Mr. Rokea el-Azhary
Dr. Andy Ewens Ph.D., DABT
Mr. Mark Floegel
Ms. Kristen French
Dr. Steven Gilbert
Dr. Robert E. Ginsburg
Ms. Stacey Vaeth Gonzalez
Ms. Gail D. Griffith
Ms. Joanne Guerrero
Mr. & Mrs. Benjamin &
Francine Hiller

Ms. Katherine K. Hudson
Mr. Diab Jerius
Mr. & Mrs. Steven I. &
Adienne Kaltman
Ms. Temma Kaplan
Mr. Warren K. Kaplan
Ms. Beverly Kerr
Mr. John Klupsak
Mr. & Mrs. Douglass W. &
Kathleen Kopp
Ms. Betty Latner
Ms. April LeCato
Mr. Tom Lent
Ms. Corinne M. Lester
Mr. & Mrs. Murray & Addie
Levine
Ms. Michelle Lieber
Ms. Ellen Luhman
Mr. & Mrs. Jim & Betsy Lyons
Professor Anna Marshall
Mr. & Mrs. Gary R. & Sharon
J. Mathe
Mr. Albert Matheny
Mr. Robin McClellan
Mr. Joseph Miller
Dr. Rafael Moure-Eraso
Ms. Stacy R. Nagelberg
Mr. David Nanus
Mr. & Mrs. Eric Alan &
Kathryn Grover Nelson
Mr. Owen D. Owens
Dr. Gary L. Pearson DVM
Lynn Pentecost
Mr. & Mrs. Vincent A. &
Carmen C. Pezzullo
Ms. Amelia Mimi Pickering
Ms. Nancy Pierce
Ms. Paula B. Riegert
Ms. Linda Rinaldo
Ms. Robin Rowan
Lee Harper & William Sanjour
Mr. & Mrs. Sat Jiwan & Mimi
Iklé-Khalsa
Mrs. Nancy C. Sampson
Ms. Claire Schlaf

Mr. Ricky Schlesinger & Ms.
Judy Nakatomi
Mr. David A. Schlissel
Mr. Walter L. Scott
Ms. Joni Seager
Ms. Sherri Seidmon
Ms. Joyce Solochek
Ms. Gina Fried & Toba E.
Spitzer
Dr. Fern Springs
Mr. & Mrs. Paul C. & Susan
P. Stern
Mr. & Mrs. Robert Rosofsky &
Laurie Stillman
Mr. & Mrs. Robert H. & Pat M.
Tammen
Mr. & Mrs. Nicholas M. &
Regina M. Tsanotelis
Ms. Alis Valencia
Mr. Stewart Vining
Mr. & Mrs. Brad & Ann
Wallace
Mr. Tom F. Webster D.Sc.
Mr. & Mrs. Richard & Nancy
Weiss
Ms. Betty L. Wrigley
Mr. & Mrs. Louis A. & Janet
M. Zeller

ORGANIZATIONAL & COMMUNITY SUPPORTERS

GUARDIANS' CIRCLE
Movement Builder
(Gifts of \$2,500-\$4,999)
Coalition for the Environment
Public Safety Research Institute

Community Protector
(Gifts of \$1,000-\$2,499)
Winky Foundation

FOUNDERS' CIRCLE

Neighborhood Advocate
(Gifts of \$500-\$999)
Urban Ore

PARTNERS' CIRCLE

Family Partner
(Gifts of \$250-\$499)
Pro-Media Communications

Health Defender
(Gifts of \$100-\$249)
Blue Ridge Environmental
Defense League
Citizens for Clean Compost
Coal River Mountain Watch
EcoLogical Solutions
EcoTech Environmental
Services
Foundation for Worker
Veteran & Env. Health
Hopewell Junct. Citizens for
Clean Water
InJoy Productions Inc.
NJ/NY Environmental Watch
North Carolina Coastal
Federation
Organizations United for the
Environment
Parents for Nontoxic
Alternatives
Pennsylvania Environmental
Network
Tabard Corporation
Wisconsin Resources Protection
Council
Wood 'N' You

ORGANIZING IN AN ELECTION YEAR, continued from page 3

- **You cannot support or oppose a candidate explicitly or implicitly.** For example, you cannot tell people which candidate your organization prefers or whom they should vote for or against.
- **You cannot contribute funding, time or facilities to any candidate. Nor can you let candidates use office space, equipment, mailing lists, your telephone, or other organizational resources** (unless equally available to all candidates at fair market value).
- **You should not structure your activities in a way that is designed to make a candidate look good or bad.** An organization cannot help or hurt the chances for election of any particular candidate or group of candidates, regardless of political party affiliation.
- **You should avoid activities that may appear to support or oppose a candidate or party.**
- **You should be careful about inviting political candidates to speak at your events.** According to the Alliance for Justice, "If a candidate is invited to speak at an organization event in his or her capacity as a political candidate, the organization must take steps to ensure that: A. It provides an equal opportunity

to participate to all political candidates seeking the same office; B. It does not indicate any support for or opposition to any candidate (including candidate introductions and in communications concerning any candidate's attendance); and C. No political fundraising occurs."

- **You cannot allow staff to contribute staff time to a campaign at the expense of the organization.** If a member of your staff wants to work on a candidate's campaign, even as a volunteer, they must do so on their own personal time, and make it clear they're doing this an individual, and is not representing your organization.

There you have it. We'd love to hear about your organization's work around the elections, and especially lessons you have learned for the future. Happy organizing this election season!

For More Information

Alliance for Justice: www.afj.org
Center for Lobbying in the Public Interest: www.clpi.org
Nonprofit VOTE: www.NonprofitVOTE.org

Disclaimer: This article provides general guidelines only and should not be relied upon as legal advice. ♦

CHEJ
P.O. Box 6806
Falls Church, VA 22040
(703) 237-2249
www.chej.org

Non-Profit Org.
U.S. Postage Paid
Falls Church, VA
Permit No. 7346

ADDRESS SERVICE REQUESTED

Honor Your Heroes Memorialize Your Loved Ones



@CHEJ



facebook.com/chejfans



chejtv.org

Your legacy. Our future.



Through a charitable bequest in your will or living trust, you can leave a legacy of compassion and commitment to environmental health and justice. Your bequest will ensure that CHEJ will always be able to mentor communities faced with environmental threats and empower them to prevent harm to their families.



For more information on how your legacy could ensure CHEJ's critical, life-changing assistance for years to come, visit <http://www.chej.org/estate> or contact Maggie Dressel in CHEJ's development department at 703-237-2249 ext. 24 or mdressel@chej.org.