

# EVERYONE'S BACKYARD

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VOL. 29 NO.4 WINTER 2011



**OHIO COMMUNITIES  
ARE FIGHTING BACK**

**AFTER TWENTY  
YEARS, SUCCESS!  
A VICTORY IN NORTH  
CAROLINA**



The Journal of the Grassroots Environmental Movement

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Center for Health, Environment & Justice

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**On the Cover:**  
*Protestors outside ExxonMobil's  
offices in Houston, TX.*

Photo by: Renee Blanchard

# LEADER AND BIRTHPLACE OF THE EJ MOVEMENT

The protests in 1982 in Warren County, North Carolina to stop the dumping of PCB contaminated soil in a local landfill are seen by many as the spark that lit the environmental justice movement in the United States. To me, it was a series of events that changed my life and my family's life. It was clear early on why our community was targeted for this landfill – because it was a poor county, poor in health, poor in education and because it was mostly African American. Nobody thought that we would make a fuss.

Instead, we organized, held meetings and protests, and even went to jail to defend our community. We founded *Warren County Concerned Citizens* which included Blacks, Whites and Native Americans. We registered people to vote because we knew this was the only way we could make our voices heard. We held our meetings in church to emphasize the importance of the Faith Community in educating citizens on the issues. Some of us had been involved in the Civil Rights Movement and knew that civil disobedience rather than violence was going to bring attention to what was happening in our community. So we carefully developed our plans for how we would resist the toxic waste from coming into our community. We rehearsed what to do and practiced how we would respond. We also reached out to national leaders and civil rights organizations.

This is how I met Lois Gibbs. She came to Warren County as part of our planned “outside agitator” events where we invited people from outside the community to join in the protests. Lois strongly encouraged us to continue to stand up to the government and to continue to organize. This advice inspired us to keep up the fight not just by marching, but also putting our bodies in front of trucks bringing PCBs to the landfill. Soon buses from all over the east coast were arriving with hundreds of people protesting the landfill including several high profile people such as D.C. Delegate to Congress Walter Fauntroy who was arrested with us. After more than nearly a month of protests and more than 500 arrests, the governor agreed to meet with a group of us. We won a major concession – as soon as the technology existed to destroy the PCBs, the state would do that.

Fifteen years later when the landfill failed, as many of us predicted it would, we refused to allow the state to take the leaking waste to another community. Instead, we forced them to follow the original promise to find a way to detoxify the waste. So in 1994, the state set up the Joint Warren County/State PCB Landfill Working Group of which I was one of three co-chairs. This task force would stay in place until the landfill was finally detoxified in 2004.

Although we lost our fight to stop the waste from being buried in the landfill, we never felt defeated. Many people became empowered by their involvement and continued to hold the governor accountable. We learned much from Lois and CHEJ. Her words of wisdom motivated us to be more creative in our organizing. She really inspired us and gave us great hope that we could win, but we had to keep at it. We learned that the fight for environmental justice meant getting involved politically to make sure our voices were heard.

*By Dollie Burwell, Executive Director Warren County Concerned Citizens*

*As CHEJ celebrates our 30th year of empowering communities, we congratulate Dollie and WCCC, leader of the “greatest Civil Rights Movement since the 1960s.”*

## 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](http://www.chej.org).

By LOIS GIBBS AND TERESA MILLS

# OHIO COMMUNITIES ARE FIGHTING BACK

Someone visiting the U.S. might question whether the state of Ohio is part of America, a place where people can expect the freedoms and rights afforded the citizens of this great country. Or, maybe, they're living in a state that's actually a Fortune 500 corporation. In the past few years the state has become exceedingly secretive, increasingly exploiting the commons (forests, parks and recreational areas), and reducing the rights and benefits of its citizens.

Ohio's governor and many of its legislators are working hard to sell the turnpike to private interests, take away workers' rights to collective bargaining, sell the land in the state forests, parks and recreational areas to oil and gas developers, withhold public information from citizens about disease clusters and bidding on public projects, unfairly redistricting Congressional seats and so much more.

The citizens in Ohio have battled back. On Election Day 2011 citizens scored a resounding victory when the referendum to reaffirm workers' collective bargaining rights was approved by an overwhelming margin. Ohioans are standing up in force demanding protection of their forests, parks and recreational areas, their rights to public information and citizens' assets. Protests are occurring on a regular basis across the state and given, that the 2012 elections are just around the corner, we are likely to see more. Here's just a few of the issues that have surfaced this fall.

## 1) A law was passed stripping workers of their rights.

When workers went to the State Capital to speak against the law, they were shut out. The doors were blocked by security guards, but that didn't deter the workers as they climbed through windows. The Senate bill they wanted to speak on would replace a 28-year-old collective bargaining law, and prohibit all public employees from striking, and restrict what they can discuss at the bargaining table. It would also prohibit local governments from picking up any portion of an employee's share of his pension contributions, and more. The law never moved forward, because of a petitioning process that triggered a voters' referendum this past November.

A referendum is not easily come by. In order to place a referendum on the ballot you need 231,154 actual signatures of registered voters. Ohio workers, friends, families and allies hit the streets to educate people and collect more than enough signatures to place the issue on the ballot this November.

## 2) Republicans passed an unfair redistricting plan hoping to control the voting districts.

Again Ohio citizens are not sitting back and allowing unfair and unrepresentative voting districts to be created, so they got organized and fought back. Lawyers were hired



Ohio citizens, both young and old protest fracking outside Governor Kasich's Energy Summit.

to fight the unfair redistricting of Congressional seats. They won a State Supreme court decision that prevented the redistricting plan from taking effect immediately. "Statehouse Republicans now have a choice: They can come back to the drawing board and produce fair maps with bipartisan support, or they can create widespread uncertainty in the next election. We are prepared to take whatever steps are necessary to make sure that the people's voice is heard," said State Representative Kathleen Clyde of Kent. Ohio law requires petitioners seeking to place a referendum on the ballot to first submit 1,000 valid signatures to the Secretary of State's office. Petitioners collected 2,451 signatures just to be safe (you never know in Ohio). The next step in this process is to collect 240,000 signatures from around the state. Signatures are currently being collected and if enough are collected, then the referendum will be placed on the 2012 ballot.

## 3) Selling Ohio's roads – Privatizing the turnpike built by and for taxpayers and business.

There is an extraordinary effort by both legislators and citizens to keep the governor from privatizing the state turnpike which was built with taxpayers' money. Citizens and many state legislators are turning up the heat on this idea. Turnpike Town Hall Meetings are being held across the state to engage Ohio citizens in the conversation.

"It is clear the Ohio Turnpike is an asset bought and paid for by Northern Ohioans and other users of this Northern Ohio highway," said Wood County Commissioner, Tim Brown. "The Turnpike is a tremendous asset – but it is not an asset of the state to be leased or sold so that the profits can be funneled to private business interests or other areas of the state."

Citizens are fighting back. They don't want to jeopardize the good condition of the 241-mile toll road that stretches across northern Ohio nor do they want truck traffic taking alternate routes if the tolls increase. And, toll workers

*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.*

## Go PVC-Free this Holiday Season

Lead in toys. Phthalates in rubber duckies. You may have read stories about these chemicals in the news this year. They have a common source – PVC, the poison plastic. This year while you're spreading the holiday cheer, be on the lookout for PVC (aka vinyl) in the holiday gifts you're buying for your friends, family, and loved ones. PVC is the most toxic plastic for our health and environment as it poses avoidable health and environmental risks throughout its lifecycle from production to use to disposal.

We've compiled these quick tips for avoiding PVC in common holiday products. They will help you embark down the road towards a safer PVC-free future.

### Children's Products and Toys

- Look for toys and infant products labeled PVC-, phthalate- or lead-free.
- Look for PVC-free products listed in CHEJ's guides: <http://chej.org/campaigns/pvc/resources/pvc-free-products/>
- Consult <http://www.healthytoys.org> to find out whether your children's toy is made out of PVC or not.

### Clothing Accessories

- When purchasing accessories like purses and jewelry, look for fabrics and other materials rather than plastics.

### Christmas Trees

- Most artificial Christmas trees are made with PVC and sometimes contain lead. Purchase vintage aluminum trees, or real, locally grown and sustainably harvested organic trees. You can also purchase a live tree in a pot, which can later be planted outside.

### Packaging

- Look at the packaging of potential gifts. Avoid the three-arrow "recycling" symbol with the number 3 and/or the letters V or PVC, indicating it's made with PVC. If no symbol is present, call the manufacturer's question/comment line (usually a toll-free 800 number) listed on the package to find out what it's made of.

### Electronics

- Avoid electronics containing PVC (consult Greenpeace's Greener Electronics Guide at [www.greenpeace.org/electronics](http://www.greenpeace.org/electronics)).



## APHA Calls for Phase Out of PVC

In a major victory for children's health, the **American Public Health Association (APHA)** passed an important policy resolution at their annual meeting this past November. The resolution, *Reducing PVC in Facilities with Vulnerable Populations*, "urges local, state and federal governments and decision-makers to consider phasing out the use and purchase of flexible PVC in building materials, consumer products, and office suppliers in schools, daycare centers, medical care facilities, nursing homes, public housing, facilities for special needs and the disabled, and other facilities with vulnerable populations when cost-effective alternatives are available."

CHEJ Science Director Stephen Lester, a member of APHA who contributed to this effort said "This resolution by one of the largest associations of health professionals in the United States is an important new voice calling for government agencies to take action to address the risks posed by flexible PVC products." PVC is commonly found in building materials like flooring, carpeting, and roofing, as well as in toys and office and medical supplies. Toxic chemicals such as phthalates, which are added to make PVC flexible, are released from these PVC products and pose avoidable hazards to children's health.

This policy was enacted by APHA at a time when a growing chorus of leading businesses and institutions are supporting efforts to reduce the use of PVC. For more information see CHEJ's press release at <http://bit.ly/uOzrWb> and coverage by CNN at <http://bit.ly/tJpvUe>.

BY CATHERINE MITCHELL, CITIZENS FOR A HEALTHY ENVIRONMENT

## AFTER TWENTY YEARS...SUCCESS!!



Photo By Denise Lee

*Residents are trained to do their own air testing.*

The Blue Ridge Environmental Defense League (BREDL) and members of BREDL chapter Citizens for a Healthy Environment (CHE) and former chapter Prisoners of Our Homes (POOH) in Matthews, NC, have accomplished what some NC residents thought would never happen: They shut down one of the dirtiest medical-waste incinerators in the country, Biomedical Waste of North Carolina (BMWNC) owned by Healthcare Waste Solutions of Cincinnati, Ohio. After 21 years of determined effort, residents of the region are finally breathing a collective sigh of relief and appreciating just how long and difficult the path to closure has been.

Beginning in 1990, the POOH chapter of BREDL was formed to bring attention to what was becoming an increasingly nightmarish problem: an incinerator had quietly moved into their residential area with no prior notice and had begun to dump high levels of toxic pollutants into neighborhoods spanning two counties. The incinerator burned waste from 12 states, contaminating air, soil and water in the area. The site was situated off the main road in a heavily wooded area and not immediately visible to passers-by, but nearby neighbors noticed problems immediately.

Judy Drake, a lifelong Matthews resident and close neighbor to the plant, began to notice strong, acrid smells coming from the site and a greasy black ash that covered cars, decks, drying laundry and grass. "It was almost impossible to remove. Smoke would come out of there (like) you'd think it was on fire," she said. Others in the area noticed it as well, along with burning eyes and noses, rashes and respiratory symptoms.

Geneva Johnston, a POOH founder and leader, recalls the level of truck activity that increased along the two-lane neighborhood road. "They would come day and night. Big tractor-trailers full of this waste to burn, and it would end

up in our air, in our yards and in our bodies. We would leave messages with the county about it and never get called back."

Despite continuous complaints over the years to Mecklenburg County Air Quality (MCAQ), the agency governing local Title V permit holders, neighbors were repeatedly dismissed and told that the facility was "in compliance." Residents eventually understood that the once-a-year tests revealed that the owners knew in advance when the testing would take place and planned accordingly with the amount and type of waste burned, so the tests showed readings that met current standards – for that one day. The rest of the year was a pattern of excessive spikes and toxic emissions, particularly during "bypass events" including startup and shutdown of the incinerators. In addition, the county did not acknowledge the physical evidence outside the plant – excessive ash and residue (even bits and pieces of used gauze), metal parts lying about on the ground, open storage bins for ash, and worse. Every time a complaint was issued, it was dismissed with the explanation: "They are in compliance."

For a decade, POOH worked tirelessly to gain oversight on the issue and bring justice to the affected neighborhoods. In 1999, the chapter brought CHEJ director Lois Gibbs to Matthews to help in the fight. They held demonstrations and gained solid media attention and got good attendance at an educational meeting at Matthews Elementary School. Gibbs was particularly concerned with BMWNC's high dioxin and mercury emissions and called for neighbors to stand together in order to shut down the plant.

But despite the concentrated effort over time, residents were unable to convince local government agencies that their health and quality of life was being heavily affected by the toxic emissions – it all came back to the compliance issue.

Disheartened, POOH eventually disbanded and the incinerator burned on with what looked like a free pass from the agencies assigned to monitor it.

Then, in October 2009, a break was presented in the form of new rule changes by the EPA governing medical waste incinerators, setting the stage for the last full-out battle from committed residents to finally shut BMWNC down.

When the new EPA rules were finalized and approved, BREDL realized that residents might finally have an opportunity to gain some traction in their decades-long fight, and a new BREDL chapter, Citizens for a Healthy Environment (CHE) formed to tackle the issue again.

The new regulations required a reduction in levels of toxic emissions from medical waste incinerators and companies to come in to compliance with the newer rules by the end of 2014, with far stricter guidelines for emissions such as mercury, lead, cadmium, hydrogen sulfide, dioxins, and many other toxins and particulate pollutants.

*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.*

## Arkansas

CHEJ congratulates **Pat Costner** who received the 2011 OMNI Center Arkansas Peace and Justice Heroes Award sponsored by the OMNI Center for Peace, Justice and Ecology in Fayetteville. The award honors five Arkansas residents who exemplify the organization's broad community vision and commitment to service and humanity. Pat has had a long and distinguished career as a scientist in the environmental health movement notably working on the relationship between chlorine and the formation of dioxin when burned. She served for some 20 years as a scientist for **Greenpeace**.

## California

**El Pueblo Para El Aire y Agua Limpio/People for Clean Air and Water and Kids Protecting Our Planet**, along with their ally **Greenaction for Health and Environmental Justice**, celebrated an important victory in their fight against Chemical Waste Management in Kettleman City when the EPA issued the company a one million dollar fine. This action came as a result of a joint state and EPA investigation that found the facility's laboratory had not been following proper testing procedures since 2005 and had disposed of waste that did not fully meet standards for treatment prior to disposal. The groups have now shifted their attention to convincing the EPA and other regulatory agencies to deny permits for the proposed expansion of the company's hazardous waste landfill.

The **Mateel Environmental Justice Foundation**, with the support of the **Ecological Rights Foundation** and the **Center for Environmental Health** filed a lawsuit against Walt Disney Parks and Resorts U.S. Inc. after results from testing showed high levels of lead in more than 65 brass fixtures throughout the theme park - in some instances as high as 19 times the California safe limit for lead. Representatives from the groups made their concerns public because of the lack of response from Disney, who has refuted the claims.

CHEJ congratulates **Robina Suwol**, founder and Executive Director of **California Safe Schools** for her nomination to the Third Annual Jewish Community Hero Award. The award recognizes the selflessness and courage of those who are helping their communities through volunteer service by awarding them with a \$25,000 grant for their community project.

## Colorado

**Global Community Monitor's (GCM) Bucket Brigade** strikes again! Air testing conducted by GCM at a school in Durango forced the school district to reevaluate previous testing conducted by EPA and the Southern Ute Indian Tribe. The original test found low levels of benzene, a toxic chemical that can cause anemia and leukemia that were within state acceptable threshold risk levels. The new GMC testing found 22 toxic chemicals in the air around natural-gas facilities, including four cancer-causing chemicals and others known to cause nerve and respiratory damage in humans. In light of this new evidence, the school district is preparing to conduct another round of testing.

## Connecticut

A group of concerned residents, business owners, and local organizations including the **Citizens Coalition for Environmental Justice** in Hartford converged on City Hall to protest the presence of the city's massive trash burning facility. They presented a petition, signed by 500 residents, to the mayor and the City Council asking them to significantly reduce incineration at the Hartford trash-to-energy plant. The 24-hour facility burns about 2,850 tons of trash per day, and is the largest trash incinerator in the state and the fifth largest in the nation. Although arguments have been made to keep the incinerator open, the fact remains that more than four out of every ten Hartford residents suffer asthma thought to be caused in part by emissions from the incinerator.

## Washington, DC



*Greenpeace is suing Dow Chemical over claims of stolen documents, tapped phones and hacked computer networks.*

Despite having one lawsuit dismissed, **Greenpeace** has filed a second lawsuit against Dow Chemical Company, Sasol North American Inc, and several public relation firms alleging they spied on the group's activities from 1998 to 2000. Greenpeace claims that public relations firms working for Dow and Sasol stole thousands of documents, trespassed and conducted unlawful surveillance on the group. Lois Gibbs, CHEJ's Executive Director was also a target of this espionage. Photos of her home and notes about her family were among the documents uncovered by Greenpeace. "It's unnerving to know that a stranger is sitting outside your home noting your behavior," said Gibbs. Greenpeace Executive Director Phil Radford said in a news release. "When it comes to seeking justice and exposing the unacceptable and underhanded tactics used to interfere with valuable campaign work, Dow, Sasol and the other companies will find Greenpeace to be as persistent as the toxic chemicals they have so carelessly dispersed all over the planet."

## Florida

**Gulf Citizens for Clean Renewable Energy** and several allied groups from as far away as Georgia and Mississippi joined forces to protest the proposed Port St. Joe Rentech, LLC incinerator with a street demonstration and a press conference. The groups voiced their concerns, calling the incinerator a source of "dirty energy" with "serious flaws." The incinerator would use a technology that is unproven at large scale, would use up to 13 million gallons a day of scarce drinking water, and spew out over 600 tons of toxic air pollution. Dr. Michael Noll, President of **Wiregrass Activists for Clean Energy** put it this way: "Make no mistake about it. Biomass plants are neither green, clean, nor safe."

## Georgia

Congratulations to the **Shell Bluff Concerned Citizens (SBCC)** and **Blue Ridge Environmental Defense League (BREDL)** who received a \$25,000 environmental justice grant from the USEPA for their work in Burke County to eliminate the disproportionate impacts of radioactive air and water pollution on residents living near the Vogtle commercial nuclear power plant and the U.S. Dept. of Energy's Savannah River site. The grant will allow SBCC and BREDL to collect new data on radioactive pollution in the county, and to empower residents to take an increasingly active role in the political, regulatory and permitting processes associated with pursuing environmental justice goals.

## Illinois

We applaud the **Environmental Law and Policy Center (ELPC)** for their arduous work in persuading Illinois Governor Pat Quinn to veto a bill that could have harmed public health, thwarted current air pollution standards, and set a dangerous precedent

# ACTION LINE

for the burning of garbage in Illinois. The proposed bill called for the burning of “solid fuel pellets” – a fancy term for ground-up garbage – as a replacement for coal at power plants. Supporters argued that these pellets burned cleaner than coal, but failed to provide evidence for this claim. Far from it, burning of municipal waste at these facilities can generate toxic substances such as dioxins. ELPC has inspired people in Richmond, Indiana to fight a similar proposal from Richmond Power & Light to switch to waste gasification for electricity. Keep up the good fight!

## Indiana

**Concerned Citizens of Scott County and Concerned Citizens of Crawford County** won an emphatic victory against Liberty Green Renewables LLC who asked the state Department of Environmental Management to revoke its two emissions permits to build wood-burning biomass power plants in Scottsburg and Milltown. Pat Berna, with the Scott County group, expressed her delight “that after 2 years and 5 months, we and Concerned Citizens of Crawford Co. were able to defeat a biomass electric generation facility proposal for our 2 counties.” Shane Avery MD, who also helped fight the proposed plant in Scottsburg, said he can finally remove his “no biomass” sticker from his car that is “pretty worn after 3 years of fighting.”

## Kansas



Activists celebrate Keystone XL Tar Sands Pipeline victory.

In late September groups including **Kansas Interfaith Power & Light** (KIPL) and the **National Wildlife Federation** protested the proposed construction of the Keystone XL oil pipeline in the city of Topeka. Rabbi Moti Rieber, speaking for KIPL said he “consider[ed] this project to be a direct threat to Kansas’ environmental future.” The pipeline would move tar sands oil from Alberta, Canada to Oklahoma and locations in the Gulf of Mexico including the city of Port Arthur, TX about 95 miles east of Houston. Their efforts along with opposition in numerous states through which the pipeline would run won a significant victory when President Barack Obama sent the project’s environmental assessment back to the State Department for a thorough re-review, which

most analysts believe will effectively kill the project. The president explicitly cited climate change along with the pipeline route as major issues that need to be re-assessed.

## Kentucky

Local residents were pleased with their meeting with EPA, the Kentucky Department for Environmental Protection, and other agencies in late October to discuss the reevaluation of the cleanup implemented at the Lees Lane Landfill in Louisville. Removed from the Superfund list in 1996, the site remains a concern to residents living nearby due to methane leaks and the presence of over 2 million cubic tons of domestic, commercial, and industrial waste. Concerned local residents, led by John House Sr., made their case for a full-scale health study. House passionately stated “It’s too late for us... I’ve accepted that. But here’s the deal – there are children there.” EPA officials have not yet decided the extent and content of the study, but “it’s going to be a thorough assessment of human health and environmental risk.”

**Advocates for Human Rights and Rubbertown Emergency Action** helped sponsor an environmental justice fair dubbed “People Not Poisons” that focused on calling attention to the concentration of chemical and power plants in the neighborhoods surrounding Chickasaw Park, which are mostly African-American or white working class. Campaign and policy manager Michelle Roberts was the main speaker at the event, touching on issues such as the role of segregation throughout the 20th century in allowing the influx of chemical plants into an area where communities were already well established.

## Massachusetts

**Action for a Healthy Holyoke Coalition** and the **Toxics Action Center** saw their hard work pay off when the Holyoke City Council adopted a resolution to study and engage the public in how to reuse the Mt. Tom coal plant in an environmentally friendly way upon its closure. The plant has been running only 25% of the time in recent months due to limited demand for electrical power and the advent of cheaper alternatives such as natural gas. The resolution makes a clear statement that Holyoke envisions its future free of coal.

## Michigan

The Oakwood Heights neighborhood of Detroit has been fighting pollution in their neighborhood for years. Local plants include Marathon Petroleum Corp, the Severstal Steel plant, a major Ford production center, the Detroit Salt Co, a massive coal-fired power plant, cement and asphalt manufacturers, and

one of the city’s main water and sewage stations. Not surprisingly, the area was identified as the most toxic zip code in the country, with a score 45 times greater than the national average. There now may be a light at the end of this toxic tunnel. Marathon recently proposed to buy out close to 500 homes for a minimum of \$40,000 each. The offer presents over 1,200 residents with a chance to relocate to a cleaner, healthier area. Residents are still reacting to Marathon’s offer.

Although Dow Chemical began cleaning up dioxin contamination soil on private homes along the Tittabawassee River, over 30% of local residents declined their offer. The **Lone Tree Council** (LTC), a local environmental group, has been pushing for remedial action from the EPA and Dow for years, but has mixed feelings about how the cleanup is being handled. EPA has placed Dow in charge and LTC and others are worried about how well the cleanup will be implemented. “People have refused the Dow cleanup for a number of reasons. They don’t want to devalue their property, they don’t believe there is a problem, and those who do simply don’t trust Dow” said Michelle Hurd Riddick of LTC.

## New Jersey

Hurricane Irene battered the East Coast last August causing massive flooding that included the toxic waste chemical lagoons at the pharmaceutical company Pfizer’s American Cyanamid Superfund Site in Bridgewater along the Raritan River. EPA was left with no choice but to release the standing water into the adjacent Raritan. Before the hurricane hit, a group of environmental organizations led by the **Edison Wetlands Association** (EWA) pressured EPA to force Pfizer to take emergency measures to secure the leaking toxic waste chemical lagoons to no avail. EWA and others were concerned that the lagoons were already leaking benzene and other toxic chemicals into the Raritan River at levels more than 20,000 times the cleanup standard raising concerns over what would happen when the hurricane hit the site.

## New York

Last August, New York mothers came together to support the Safe Chemicals Act of 2011 under the guidance of **Clean New York**, CHEJ, and other environmental groups. The “Stroller Brigade,” as it was named, marched from Green Acre Park to Senator Kirsten Gillibrand’s office to thank her for co-sponsoring the Safe Chemicals Act. Children dressed in superhero costumes asked Senator Gillibrand to continue being their superhero in the fight to eliminate toxic chemicals from their surroundings. Similar stroller brigades took place nationwide that same day in twelve other states. The

# ACTION LINE

Safe Chemicals Act of 2011, introduced by Sen. Frank Lautenberg from New Jersey, would increase chemical safety, inform consumers and the marketplace about chemical hazards, and protect vulnerable populations like pregnant women and children.

The **Clean Air Coalition of Western NY (CAC)** and **CHEJ** have made great progress in addressing serious toxic air pollution in the city of Tonawanda, near Buffalo. CAC has developed a model initiative that brings together the impacted community, town government, local industry, labor groups and environmental agencies to address pollution in their overburdened community. There are 53 facilities, including a coke plant, petroleum distribution terminals, chemical bulk storage terminals, a coal-burning power plant, a tire manufacturing plant and two interstate highways within a two-mile area. The cumulative impact of the emissions from these facilities has resulted in a 1 in 10,000 cancer risk—a violation of the state's permitted release guidance of 1 in a million cancer risk. For over a year, CAC and CHEJ have worked with the coalition of government agencies and groups to develop a community-wide effort to reduce toxic air pollution.

The City of Niagara Falls is considering taking in contaminated wastewater from hydraulic fracturing, or fracking, in order to boost its economy. City officials feel that with the addition of a few “treatment processes” the plant could take in wastewater from other states. However, with past environmental disasters such as the Love Canal incident a part of its history, the city's ability to safely implement this plan is questionable at best. “We should be learning from past mistakes instead of risking our water so we can accept New York State's hydrofracking waste,” said Rita Yelda, an organizer for **Food & Water Watch**, who - along with other groups - openly opposed the city plans.

## North Carolina

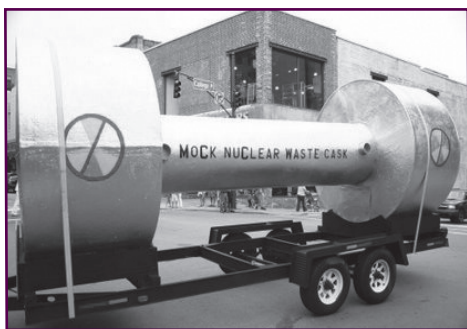


Photo By Jerry Nelson

Mock nuclear waste cask that was used to circle the state capitol.

The **Neighborhood Environment Watch (NEW)**, a chapter of the **Blue Ridge Environmental Defense League (BREDL)** paraded a mock nuclear waste cask around the State Capitol Building in Raleigh for over an hour last October. The nine foot cask created quite the

stir as it rolled by the Legislature Building on a 24 foot trailer. The cask was highlighted in many newspaper, internet and television spots and is part of BREDL's “NO Nukes Tour.” The cask also visited Asheville as part of the “No Nukes Summer Days of Action” to protest large nuclear waste shipments passing through Asheville.

## Ohio

Organizers of the “**Right to Wayne**” celebrated when the National Forest Service (NFS) decided to halt plans to auction off drilling rights in Wayne National Forest near Athens. NFS wants time to study the environmental impact of natural gas hydrofracking that will go as deep as 20,000 feet. The decision came a day before the group hand delivered over 1,000 letters and petition signatures to NFS Supervisor Anne Carey objecting to the drilling.

Federal EPA Director, Lisa Jackson sent a letter to one of the local cancer families in Clyde informing them that the EPA is in the community taking samples and reviewing the health study conducted by the Ohio EPA and the Ohio Department of Health. Ms. Jackson informed the family that she will come to Clyde to discuss her agency's findings.

## Oklahoma

It comes as no surprise that the work to repair the Tar Creek Superfund site is far from complete. When a Superfund site is decades in the making, it stands to reason that it will take a long time to finally clean it up. Several issues remain unresolved, such as the removal of the enormous piles of chat (waste tailings from the mining operations), the labyrinth of underground mines that pose cave-in risks, and the water leaks laden with lead, zinc, cadmium and other metals into nearby creeks and downstream lakes. More than \$150 million has already been spent to clean up the site and relocate families. A state-federal buyout program is nearing completion, and all property owners who wanted out have been relocated. After pushing the EPA for years to conduct soil testing for lead in residential areas, **Local Environmental Action Demanded (LEAD)** won a major victory when EPA finally agreed to do the testing. Rebecca Jim, head of LEAD, has labeled this testing “a dream” that “everyone should take advantage of.”

## Pennsylvania

**Organizations United for the Environment (OUE)** has been there before. Back in the early 1990s, OUE was formed in response to plans to build a hazardous waste incinerator near Allenwood in Union County. Now it's a proposed tire burner, which may not pose the same risks, but the more they learn, the more things seem the same. The project, proposed by a team of four companies called the White Deer Energy Project plant,

would cost \$30 million to build and would burn shredded tires to generate electricity. An air permit application was filed in October. OUE is struggling to get details about the proposed project and is seeking the advice of experts on incinerators. The group is concerned about air emissions, the disposal of tons of fly ash that will be generated, and the impact the plant would have on tourism and property values.

Harrisburg, the state capital, filed for bankruptcy mainly due to the \$300 million in debt associated with the city's garbage incinerator. Charles Chivis, a dedicated local activist who opposed the incinerator and who passed away in 2004, spoke about the financial situation that the facility created years before it reached critical level saying, “It was never a financial success and never will be.” He wore signs saying “I'm dying of cancer and I know it” and, “We're killing our children with dioxin.” Nobody listened to him, and now the city and it's almost 50,000 innocent residents will pay the consequences.

## Texas

In November, CHEJ joined environmental health leaders, environmental justice organizers, and advocates from Alaska to Texas in marching on and rallying outside of ExxonMobil's corporate offices in Houston. The groups blasted ExxonMobil for blocking new restrictions on toxic chemicals that damage children's health and pollute local communities. Betty the Be Safe Duck, CHEJ's 25-foot inflatable duck, a symbol of phthalate-laden PVC toxic toys, was part of the event. “ExxonMobil should stop its toxic toying around with our children's health,” said CHEJ's Mike Schade. “Rather than lobbying government officials to protect their corporate profits at the expense of children's health, ExxonMobil should invest in safer chemicals that are healthier for children, workers and communities.” The event gained local and national media coverage, including a great story at Forbes.com (see cover photo).

## Virginia

The shockwaves from a 5.8 earthquake that hit Mineral last August rocked the North Anna nuclear power plant, located just 10 miles from the epicenter, with a force greater than anything its designers thought it would ever experience. The 115-ton steel casks storing highly radioactive nuclear waste shifted 4½ inches on concrete storage pads. Both Units 1 and 2 at the plant were shut down automatically. The U.S. Nuclear Regulatory Commission, already facing questions about American earthquake safety after the nuclear disaster in Japan, has no protocol in place for determining whether North Anna's 1970s design was damaged or not and is unsure if it can restart the power plant. The reactors remain shut down. The idea of adding a third reactor at this site seems ridiculous right now. It's time to stop gambling with the future of this region. ♦



A CAMPAIGN TO REDUCE THREATS TO CHILDREN'S HEALTH

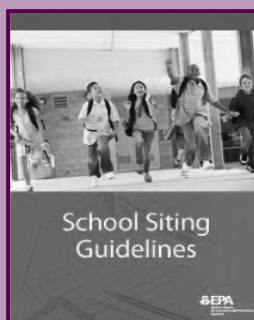
# Child Proofing Our Communities

## Building a New School? Concerned about Environmental Factors?

### Now the EPA has a Guide for That

#### It's finally here!

On October 3, 2011 the Environmental Protection Agency (EPA) released its voluntary School Siting Guidelines. Now school districts have a federal policy model to guide them when constructing a new school facility. We applaud the EPA for gathering community input while developing these guidelines. Communities across the country can use this tool to help guide the siting a new school that ensures the safety of children and staff.



The final release of the EPA School Siting Guidelines was an extraordinary victory demonstrating the power of the grassroots!

#### To receive a copy

You can view or download the report from EPA's website:  
<http://www.epa.gov/schools/siting/>

To request a copy:

**Phone:** 1-800-490-9198

**Email:** [nscep@bps-lmit.com](mailto:nscep@bps-lmit.com)

**Fax:** (301) 604-3408

**US Mail:** U.S. EPA/NSCEP, P.O. Box 42419, Cincinnati, Ohio 45242-0419

#### CHEJ Leading the Way

For a decade, CHEJ has been working with concerned parents groups, teachers' unions and community groups to address a range of toxic hazards facing schools in America. The problem of building schools in contaminated areas was first recognized in 1978 when the Love Canal Landfill with 20,000 tons of toxic waste was discovered next to the 99th St. School in Niagara Falls, NY. This should have served as a warning. Sadly, it did not. Thousands of schools are located near toxic waste sites or major sources of air pollution, such as chemical plants or incinerators.

In 2007, President George W. Bush signed Subtitle E of the Energy Independence and Security Act of 2007, instructing the EPA to develop the nation's first ever school siting guidelines to give state legislatures direction on where schools may physically be located in relationship to contaminated sites.

Since 2008, CHEJ has been leading the charge to urge the EPA to fulfill its mandate. We built an alliance of parents, teachers, unions, professionals and other stakeholders to force the EPA to address the problem of schools being built near sources of pollution.

#### Expanding the School Siting Conversation

The U.S. Environmental Protection Agency, the Council for Educational Facility Planners International (CEFPI), the National Center for Safe Routes to School, the National Trust for Historic Preservation, and the Robert Wood Johnson Foundation Center to Prevent Childhood Obesity offered a series of educational webinars and "live chats" that provided the opportunity to pose questions of experts regarding the EPA school siting guidelines. **You can listen and view archived presentations at <http://www.preservationnation.org/issues/historic-schools/webinar-series.html>.**

#### Coming Soon ...

CPOC will be releasing resources that will further assist communities that are dealing with environmental threats to a school environment.

**For additional information or assistance, contact Makia Burns, CHEJ's Childproofing Our Communities Campaign Coordinator at (703) 237-2249 x21 or [mburns@chej.org](mailto:mburns@chej.org).**

AFTER TWENTY YEARS... SUCCESS! *Continued from page 5*

Based on BMWNC's more recent stack test results, analysis showed that the facility was emitting four toxic chemicals in particular at substantially higher levels than the new rules allowed:

- Dioxins and furans at 600% higher than the new standards
- Mercury – 350% higher
- Hydrogen chloride – 1,150% higher
- Nitrogen oxide – 110% higher
- Other toxic air pollutants subject to EPA standards were lead, cadmium, carbon monoxide and particulate matter.

Adverse health effects associated with these pollutants read like a list of neighborhood symptoms. Cancer cases in surrounding neighborhoods had been accelerating for years, including rare childhood cancers. Residents reasoned that if the EPA had finally considered the existing levels too dangerous to continue, and the area had already been exposed to these dangerous levels for over two decades, four years was too long to wait for compliance. The EPA rule changes became a turning point in the fight.

In February 2010, BREDL called for and was granted a hearing on BMWNC's upcoming license renewal. At that hearing, residents overwhelmingly asked for earlier implementation of the new rules or shutdown of the incinerator. They followed up by asking municipalities across the state to pass resolutions asking the state to implement the new EPA rules by 2012, rather than the 2014 compliance date. Mecklenburg County was the first to agree, and with the help of Clean Air Now (CAN), another BREDL chapter in the state, a total of 16 counties and towns in NC asked the state for earlier implementation.

Over the summer/fall of 2010, two neighborhoods completed door-to-door health surveys (currently under evaluation by BREDL staff). CHE also conducted EPA-approved soil tests for dioxin, which showed higher than normal levels in all tests. The tests were evaluated by BREDL and CHEJ. All the test samples were taken outside the incinerator property boundaries and in residential areas. Meanwhile, CHE continued to inform the media of all their activities and long-term goals.

With a powerful show of support from local NC governments joining the effort, BREDL asked for and received a public hearing by the NC Environmental Management Commission (EMC) on Sept. 7, 2010. In a packed conference room, attendees from across the state overwhelmingly supported earlier implementation.

In November 2010, based upon the EMC hearing officer's recommendations, the EMC voted to allow Mecklenburg County to require a compliance date of Oct. 6, 2012 for the BMWNC incinerator, shaving substantial time off the original EPA compliance date.

Over last winter and spring, CHE continued to focus attention on the potential extent of damages caused



Photo By Beverly Kerr.

*Prisoners of Our Homes (POOH) outside Mathews medical waste incinerator.*

to neighborhoods over decades by the incinerator's operation.

Last March, Healthcare Waste Solutions announced the sale of all assets, with the sole exclusion of BMWNC, to Stericycle, Inc., the largest medical waste incinerator in the state. And finally, in May, BMWNC notified MCAQ that the company had ceased operations at the incineration facility in Matthews and had begun the process of decommissioning the site.

The effort to end the pollution coming from this medical waste incinerator was a hard-fought battle that took a dogged persistence. What started as the fight of one community grew into a wider community effort that included CHE, POOH, BREDL, CAN and CHEJ – culminating in a victory not only for the residents of Matthews, but also for environmental justice!

*Catherine Mitchell is chair of Citizens for a Healthy Environment and a former staff member of Blue Ridge Environmental Defense League. Catherine has been an environmental activist since the early 1980's, when she lived near the Rocky Flats nuclear plant in Colorado. She became involved in the battle against the Matthews incinerator while covering the story for a health and environmental publication during the demonstrations and public meetings with Lois Gibbs and POOH in 1999. She currently works in stained glass and fiber arts and lives in Mint Hill, NC, where she and her husband also run a sound production company. ♦*

# With Special Thanks

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work between August 1 and October 31, 2011. 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!

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EcoTech Environmental Services  
HabitatMap  
Heimbinder Family Foundation  
Neighbors for Clean Air

## OHIO COMMUNITIES ARE FIGHTING BACK, continued from page 3

don't want the 1,000 turnpike jobs lost or to be turned into minimum wage work. "We're trying to make a living," said Ms. Crews, of Walbridge, who has worked on the turnpike since 1977. "A thousand people will not have jobs."

Even the governor's fellow republican State Senator Gary Suhadolnik, who once served as turnpike director is opposed, saying "The private sector will operate under the model of maximizing profits. Thus, should the company boost tolls 25% and in the process lose 10% of traffic, the corporation could still make a profit, he noted. "That won't help the local communities who get the traffic. It's just a bad idea for Ohio."

### 4) Withholding community public health data.

Homeland Security is the reason that is given by state authorities as the reason why citizens in Clyde and other communities cannot have access to current cancer incidence data for their community. According to the state, somehow this data in the wrong hands could create...well, no one is exactly sure what terrorist activities might result from this information.

Communities across the state, like Clyde, that have a cluster of childhood cancers are outraged. "How does knowing what the cancer rate is in a community threaten America? This is a coverup of information to protect polluters. It's unfair," said a mother in Clyde.

Ohioans aren't taking this act of secrecy sitting down either. Working with their legislator, Rex Damschroder, the Clyde community leaders helped to draft a bill that

is ready to be introduced to state legislators to make this information available to the public.

### 5) Fracking the parks, forests, recreational areas.

Ohio is looking more like Pennsylvania every day, where fracking wells are everywhere. The "frackers" (advocates of hydraulic drilling for natural gas) are knocking on doors and pushing their way into the State House. But Ohio citizens are pushing back strong. They are building the base in places like Athens and taking a stand at the state house.

NO FRACK OHIO, a collaboration of over 50 grassroots and conservation groups is calling for a hold on horizontal hydraulic fracturing until further safeguards are put in place to protect human health and the environment. Communities are organizing protests and passing ordinances or resolutions within their local government bodies.

The citizens in Athens are really moving. They held a protest in front of the University Inn where Cunningham Energy was holding a leasing meeting. The protest lasted all day, for two days. The citizens were able to get some very important letters protesting the leasing of land in the Wayne National Forest from the City of Athens (see Ohio Action Line.), Ohio University, the Athens County and Hocking River Commissioners, the Buckeye Forest Council, and others.

Ohio citizens have had all they can take and are now actively taking back their rights, their assets, and their state. ♦

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