

# EVERYONE'S BACKYARD

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## RHODE ISLAND PASSES STRONGEST LAW ON WHERE TO BUILD SCHOOLS



## EXTREME WEATHER STIRS UP BP OIL, TROUBLE FOR GULF COAST



The Journal of the Grassroots Environmental Movement

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

Center for Health, Environment & Justice

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### On the Cover:

*Activists in Buffalo protest  
fracking in New York state.*

Photo By: Lois Gibbs

# IT'S THE GROUND GAME THAT MATTERS

The election is over and now it's time for the analysis. What worked, what didn't and how can we learn from this experience? One strategy that everyone agrees worked was President Obama's ground game; it made the difference.

On election night Donna Brazile a democratic advisor/strategist said that when the Obama campaign staff said they were going to re-energize their base and expand it, she didn't think expanding was necessary. She went on to say that she was wrong. Expanding the base was the right move.

Not surprisingly, that's exactly what the environmental health and justice movement must do - energize and expand our base. The ongoing top down strategy is not working; we are not winning. For years the focus and majority of our resources have been placed in the Washington, D.C. environmental efforts rather than on building the base...and it's not working. The Climate Change legislation and energy issues, for example failed miserably.

Our movement needs a stronger ground game. We need to learn from lessons from this past election and begin to build at the base in communities - not for a short-term victory but to last over time with a continued effort toward growth. To accomplish this we need to shift resources to create a more balanced approach to change, investing in community groups as well as large D.C. environmental organizations.

Many believed that because of *Citizens United*, big money would dictate the outcome of issues and/or elections and community organizing would no longer be critical to winning. Many believed that purchasing a full page ad, getting our messages right, investing in lawyers, scientists and so on was the way to win. Again Obama's campaign demonstrated that all the ads, messages and so on are important, but only when directly coupled to an organized, connected and strategic base of community organizations.

The Obama campaign is not the only example of where the ground game mattered. If you look at New York State and the issue around hydro fracturing you'll see that the governor wanted to move fracking forward. However, due to massive organizing at the base across the state, fracking has been stopped at least temporarily. There were scientists, lawyers and lobbyists involved in that struggle as well, but it was the people at the streets that tipped the scale and forced the governor to rethink his position.

Today we have confirmation of what needs to happen for our issues to move forward—a strong ground game and shifting ample resources to sustain that effort. Large donors and foundations need to rethink their giving decisions and invest more dollars in the base. We need that base to work smarter not harder to energize and expand the reach, goals and breadth of people.

Hurricane Sandy was our most recent wake up call to the enormity of our problems. We can't afford to move slowly. Today is the day, now is the time for everyone to think about how you can help to build, strengthen and connect the grassroots efforts for change.

Lois Marie Gibbs,  
Executive Director

## ABOUT CHEJ

CHEJ is a national non-profit organization that helps people build democratic, community-based organizations to prevent harm from toxic chemical hazards. CHEJ works with the environmental health and justice movement to eliminate harmful toxic exposures in communities impacted by hazardous waste sites, chemical plants and other polluting industries, as well as, eliminate unsafe chemicals in products used in homes, schools and other facilities. CHEJ mentors and empowers community-based groups to become effective in achieving their goals and build a national environmental health and justice movement where every community is safe to live, work, pray and play without toxic hazards. CHEJ has assisted over 11,000 groups nationwide. To learn more, visit [www.chej.org](http://www.chej.org).

BY STEVEN FISCHBACH, RHODE ISLAND LEGAL SERVICES

## RHODE ISLAND PASSES STRONGEST LAW ON WHERE TO BUILD SCHOOLS

After thirteen years of litigation and advocacy to prevent the building of schools on toxic waste sites, Rhode Island became the first state in the nation to ban the siting of schools on so called “vapor intrusion” sites. These include sites where, according to the law, “there exists an ongoing potential for hazardous materials and/or petroleum to migrate as vapors or gases into the [school] building from the subsurface of the parcel of property, including any potential failure of engineered remedies to address said vapors or gases.” The ban extends to school projects involving new construction (including an addition to an existing building) or leasing of a building, but not renovation of an existing building where the building’s footprint remains the same.

Additionally, Rhode Island’s new school siting law requires a public review process for school projects proposed on “a parcel of property formerly used for industrial, manufacturing or landfill purposes that is contaminated by hazardous materials” not covered by the ban. That public review process includes the preparation of a report by the school project sponsor that discusses the costs of safely remediating the site for school purposes, the time it will take to remediate the site, a list of alternative sites considered and the rationale for selecting a contaminated site over a clean site. The report is subject to public comment and a public hearing, and the school project sponsor must respond to all comments and consider those comments in the final selection of a site for the project. A copy of the law is available on the Internet at <http://webserver.rilin.state.ri.us/PublicLaws/law12/law12179.htm>.

Rhode Island’s new school siting law came about as a result of a lawsuit filed in 1999 that challenged the siting of two public schools on top of the former City Dump in Providence, Rhode Island. The suit was filed on behalf of the tenant association at the nearby Hartford Park public housing development, two parents who sent their children to public school in Providence, and a homeowner who lived across the street from the dump site. The suit charged that the Rhode Island Department of Environmental Management (DEM) violated a state law that required the agency to consider “issues of environmental equity for low income and racial minority populations” when approving cleanup plans for contaminated sites, and for assuring that a community involvement process was implemented during the investigation and cleanup of those sites. In 2005, the Court ruled against DEM and ordered the agency to create a stakeholder group to make recommendations



*State Senator Juan Pichardo, co-sponsor of RI's new law that restricts schools from being built on contaminated sites, speaking at event celebrating the passage of the law.*

for legislation, regulations and policies on a range of environmental justice issues.

The stakeholder group’s work went on for several years. One of the group’s recommendations was to pass a law to restrict the siting of schools on contaminated sites. That recommendation was made because school districts continued to build schools on former industrial sites that were heavily contaminated. For example, in 2005 the City of Providence started to build a high school on top of the former Gorham Silver Manufacturing Company site, which at the turn of the last century was the world’s largest silver manufacturing facility in the world. The site was heavily contaminated by chlorinated solvents used in the manufacturing process, and unsafe levels of those substances were found in soil gas tests taken at the site. Another contaminated site was chosen for a middle school in Woonsocket in 2008, where solvents dumped in the ground created a potential for toxic vapors to get into the school building.

Any proposal developed by the stakeholder group had to be acted upon by DEM. In this instance DEM supported the proposal after it was modified somewhat to focus on vapor intrusion sites. DEM came to realize that it was expending a tremendous amount of staff time policing the remedial actions taken at the two school sites in Providence. At the former City Dump site, DEM had to respond to numerous complaints about the breakdown of a sub-slab soil gas removal system, which is used to divert toxic vapors in the ground away from the school building. These systems were

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BY RISHA BERA, MONITORING AND EVALUATION ASSOCIATE AT THE LOUISIANA BUCKET BRIGADE

## EXTREME WEATHER STIRS UP BP OIL, TROUBLE FOR GULF COAST

### Before Isaac: Status of the Spill

In November 2011, the U.S. Coast Guard approved BP's plans to officially end the oil spill cleanup in the Gulf waters and to commence restoration initiatives along the Gulf coast, including Louisiana, Alabama and Florida.

However, many people residing in states on the Gulf Coast of Mexico were not convinced that the oil spill cleanup was over. In March 2012, a spokesperson from the National Wildlife Federation noted that in Barataria Bay, Louisiana, "There were a few patches in the marsh that were completely devoid of vegetation... [The oil served] like a cap on the marsh surface - a hardened seal that blocks light and gas exchange, diminishes growth and creates a dead zone with little new life." Further investigation led university researchers and other scientists to believe that Corexit dispersant-oil complexes settled at the bottom of the water column and contributed to unknown long-term impacts on local wildlife and the viability of the seafood industry.

Tropical storms before Hurricane Isaac had unearthed tarballs and oil debris onto Gulf Coast shorelines. Yet prior to Isaac's landfall, a BP company spokesman reported that "consistent with the past two hurricane seasons, [the company does] not expect any significant impact of residual (Macondo) oil following Hurricane Isaac."

### Immediate impacts

Hurricane Isaac's slow movement prior to landfall in southeastern Louisiana provided plenty of opportunity for 80 mph winds to push material from the Gulf ocean floor upwards toward the surface, where currents then carried the material to shore. After the hurricane, one eyewitness in Florida reported, "[The BP spill] is NOT gone. It is definitely still washing up on shore. I saw a lot of brown muck with foam getting washed up on shore. The tidal pools along the beach at Fort Pickens were full of brown muck, black seashells and littered with tar balls up and down the beach."

Representatives from GreenPeace and Gulf Restoration Network (GRN) visited the East and West Ship Islands, Mississippi, following the hurricane and also found clear evidence of dredged oil materials. Jonathan Henderson from GRN blogged, "For the most part, on East Ship, the impacts were in the form of tar balls of which we collected samples that will be sent to a lab for analysis. We found tar balls on both islands. On West Ship, we also found a rainbow sheen in several locations. While it cannot be confirmed that the



Photo By: Gulf Restoration Network.

GRN's Jonathan Henderson collecting samples of fresh oil in Bay Batiste, LA.

oil is from the BP Macondo well at this time, all indications were that it was oil seeping up from the beach sand on the Gulf side of the island."

After finding liquid oil at Elmer's Island, Louisiana officials restricted shrimping, crabbing and fin fishing along a 13 mile stretch of the Louisiana coastline. On September 6, scientists at Louisiana State University and Auburn University confirmed physical and chemical consistency between the oil from BP's Macondo well and debris found on Louisiana and Alabama coastlines. Following these announcements, BP issued a statement that the company would request permission from the U.S. Coast Guard and state and local authorities to "deep-clean" Louisiana's affected beaches, including Elmer's Island, Grand Isle, Grand Terre Island and Fourchon Beach.

Deep cleaning involves removing soil layers and sifting its contents to remove oil contaminants. Though the resulting soil has significantly less oil, the soil is also less firmly packed and thus loses some erosion resistance. This is a concern for Louisiana coastlines that protect against storm surges and provide habitats for migratory birds and endemic creatures that live in sand. Coastal scientist Len Bahr, who has advised many Louisiana governors, blogged that state officials "are (justifiably) concerned about both physical and ecological damage caused by dislodging sediments that have become relatively stable... I continue to believe that more harm than good will come from a mechanical cleanup." As of October 26, local organizations, state authorities and BP have not reached a consensus on how BP will eliminate traces of the 2010 oil spill from the Gulf coastline.

*Continued on page 11*

# 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.*

## California

Congratulations to the residents of **Gonzalez** for organizing and opposing plans by the Ottawa-based Plasco Energy Group who decided not to move forward with its plans to build a gasification plant in Gonzales. The decision follows the reversal of decision made in 2010 by the California Department of Resources Recycling and Recovery to consider gasification a renewed energy source. Initially this decision helped Plasco earn pre-certification from the California Energy Commission as a green energy source and would have allowed Plasco to sell power for a premium, which the company claimed it needed to make the plant cost-effective. CAL Recycle reversed its decision because it wanted to make sure the technology would work before it granted certification. This alternative was not tenable for Plasco who decided to pull the plug on the project.

Kettleman City and Buttonwillow are two of three low-income, Latino communities where California's toxic waste dumps are located. Both have experienced unexplained birth defect clusters, high cancer rates and other health effects. Community leaders are currently pressing President Obama to support the idea that all people, regardless of race or income, should have the right to live in a safe and healthy community. A 17-year-old Civil Rights Complaint filed by the **Center of Race, Poverty and the Environment (CRPE)** on behalf of Kettleman City and Buttonwillow residents was dismissed by EPA on August 31. EPA claimed that toxic waste dumps have no negative impacts on the communities where they are located.

## Idaho



Bunker Hill Superfund Site in the Coeur d'Alene Basin.

After nearly 30 years, EPA released its plan to clean up the Coeur d'Alene basin, one of the nation's largest Superfund sites. The Bunker Hill lead smelter and hundreds of mine sites in the basin are contaminated

primarily with lead and heavy metals. The cleanup will cost \$635 million and take about 30 years. Two years earlier, EPA had proposed a \$1.3 billion cleanup that would have taken up to 90 years to complete. The revised plan dropped a \$300 million cleanup of the South Fork of the Coeur d'Alene River and 200 of 345 contaminated mine sites in the valley. The **Silver Valley Community Resource Center** in Kellogg continues to oppose EPA's plan to dump contaminated soil from these sites in a waste repository that has been built in a flood zone and in less than three years has been flooded twice.

## Illinois

The **Environmental Integrity Project** and the **Environmental Law & Policy Center** filed a legal complaint on behalf of **Prairie Rivers Network** and **Citizens Against Ruining the Environment** alleging that four of Midwest Generation's power plants coal ash dumps are leaking toxic pollutants including arsenic, boron and selenium, at levels that exceed state and federal drinking water standards. Ash generated by burning coal at the plants is dumped into large ponds to keep it from blowing away, but the groups are concerned that the pollutants are migrating into groundwater. The complaint asks the state Pollution Control Board to order the company to stop open dumping of coal ash at the four plants and to clean up the groundwater.

## Kentucky

**Appalachian Voices, Kentuckians for the Commonwealth, Kentucky Riverkeeper, Waterkeeper Alliance** and others celebrated a major win in October when the groups reached a settlement with the International Coal Group (ICG) and Kentucky's Energy and Environment Cabinet over years of false reporting and water pollution violations caused by failure of the state to enforce the Clean Water Act. The settlement included \$575,000 in fines which will be used to monitor and clean up polluted waterways in eastern Kentucky. The fine is the largest ever levied by the state against the coal companies and is the first time that the state allowed affected victims to intervene in a Clean Water Act enforcement case. **Appalachian Voices** and **Waterkeeper Alliance** had discovered ICG falsified water quality reports that were submitted to the state and said they found more than 2,700 violations. Congratulations to all involved.

## Louisiana

In response to pressure from CHEJ and a coalition of environmental health and justice groups, EPA announced they are revisiting their weak air toxics standards for polyvinyl chloride (PVC) plants! This is great news for environmental justice communities in Louisiana, Texas, and around the country. This past summer CHEJ coordinated a national letter to EPA that was signed by 60 local, state and national organizations concerned about EPA's inadequate air regulations. This followed a legal petition filed by **Earthjustice, Mossville Environmental Action Now (MEAN), Louisiana Environmental Action Network, Air Alliance Houston, and Sierra Club**. Dorothy Felix, President of MEAN had this to say about the victory: "This is a strong step forward in Administrator Lisa Jackson's commitment to environmental justice. Now, we are counting on the EPA to propose a new rule that limits air pollution for everyone affected by PVC plants, including our community."

## Maryland

The **Sierra Club** released a report in October stating that C.P. Crane in Baltimore County and H.A. Wager in Anne Arundel County are releasing four times as much potentially harmful sulfur dioxide as the EPA deems safe. Sierra Club is calling on the Maryland Department of the Environment to step up and require tighter pollution regulations at the two facilities. Sulfur dioxide can cause respiratory problems, including asthma attacks. Baltimore leads the state in asthma deaths and asthma related hospital visits. The Maryland Department of the Environment stated that air monitoring to date has shown no problems at the two facilities and that it would be premature to impose new controls on the plants until more research was done.

## Massachusetts

The **Coal-Free Commonwealth Coalition** continues its fight to shut down the Brayton Point coal plant in Somerset (See photo, next page). Dominion Resources Inc., the energy company, announced that they plan to sell the Brayton Point plant. Once the plant is sold, Dominion will not own any power plants in Massachusetts. Brayton Point sells power on the wholesale market, not directly to consumers, which means prices can fluctuate dramatically. One factor in the sale is the low price of natural gas has made it difficult for coal power plants to compete. "Coal power's days are numbered, and we will continue to work to hasten the retirement of these aging, polluting plants in Somerset and beyond," said Shanna Cleveland, staff attorney with the Boston-based **Conservation Law Foundation**.

A group of parents have concerns and questions about the Future Stars Sports Training Center in **Dracut** that was closed by the EPA due to unacceptable levels of trichloroethylene (TCE) and tetrachloroethylene (PCE) in indoor air. The owner claimed he posted

# ACTION LINE



Photo from [www.cdfreemass.org](http://www.cdfreemass.org)

*Coalition for Clean Air gathered to call on Governor Patrick to transition Massachusetts away from coal and close Brayton Point by 2020.*

notices about ongoing hazardous-chemical mitigation efforts, but parents of children who regularly played at the property stated they never saw any. In 2005, the Board of Selectmen issued a special operating permit that allowed the owner to operate with the knowledge of TCE and PCE on the site. Parents are confused why the Board of Selectmen allowed their children to be exposed to elevated levels of toxic chemicals for five years and why nothing was done about it sooner. An informational session with EPA, Massachusetts Department officials and pediatricians will be held to answer questions and address fears parents have.

## Michigan

The **Lone Tree Council (LTC)** in Traverse City is not so sure about Dow Chemical Company's plan that was approved by the **Michigan Department of Environmental Quality** to clean up Midland residences contaminated for decades with dioxin from Dow's plant in Midland. The company is ahead of schedule in dioxin cleanup of 1,300 Midland properties. Of the 150 properties sampled, 22 have had dioxin levels higher than 250 parts per trillion (ppt), which triggers a company-funded cleanup if the owners want it. LTC has long been a vocal advocate for cleaning up the contamination and has questioned the legitimacy of the 250 ppt cleanup standard. "We haven't seen the science behind it," said Michelle Hurd Riddick, a member of LTC. "We're concerned about that number and whether it will adequately protect human health, especially vulnerable populations such as children, developing fetuses and women of child-bearing age."

## Missouri

Concerned residents of **Wildwood** are trying to make sense of EPA's latest testing for dioxin which was released in early November. For the past five years a developer has been waiting for the city to approve his plan to build houses in the area of Wildwood that was once part of the notorious Times Beach Superfund site. Dioxin contamination was so bad that EPA shut

down and relocated the entire town of Times Beach. The latest testing conducted by EPA found several tests that exceeded the state's 50 parts per trillion (ppt) cleanup standard for dioxin. Earlier the city had hired Environmental Stewardship Concepts (ESC) to evaluate the initial testing conducted by a contractor for the developer. ESC found volatile organic compounds, metals and dioxins still existed in soil in concentrations above EPA's risk-based levels. ESC recommended that the EPA "reopen this Superfund site to address additional contamination."

## New Jersey

After being ignored for more than 20 years, the residents of Pompton Lakes are finally getting some attention. The federal Environmental Protection Agency has agreed to create a newsletter every two months with updates on the cleanup of the DuPont site after a request from the **Pompton Lakes Community Advisory Group**. The group organized to address the contamination in Pompton Lakes resulting from a DuPont plant that manufactured explosives at the 570-acre site from 1902 to 1994. The company emptied its waste into Pompton Lake. "It's something that the residents felt was needed" said Lisa Riggiola, a member of the group. An email of the newsletter will be sent to residents who are on the agency's email list and printed copies will be available at the Pompton Lakes Library and at public information sessions. CHEJ is working with the Pompton Lakes residents.

## New York

About 40 tenants of a building on the 2300 block of Fifth Ave in Harlem, New York City were shocked to discover that they were living in a building listed by the state as a "Class 2 Superfund site," one of the most contaminated sites in the state. The building was formerly the location of a dry cleaner and then briefly served as a school before it was shut down in 1997 because high levels of perchloroethylene (PCE) vapors were found in the building. Sometime afterwards, the landlord re-numbered the building making it difficult to identify as the state Superfund site. It now also serves as an artist loft and studio and is the home for several non-profit organizations. None of the tenants were ever told of the site's toxic history before they signed rental agreements. One tenant has lived there for six years and is suffering from PCE exposure. The state is conducting indoor testing to determine the severity of the contamination. State Senator Bill Perkins proposed legislation that will require landlords to disclose the history of a contaminated building to potential new occupants.

Congratulations to **Community Concerned About NL Industries** who have succeeded after 30 years in getting a health study and health tests for former workers and residents. The NYS Department of Health has received a federal grant to conduct precedent-setting

body burden tests for 500 residents and former workers. The testing will look for depleted uranium in people's urine, blood and removed teeth. This is a follow-up to a project four years ago, when a British scientist conducted tests of 23 residents and workers, which uncovered the striking information that the uranium particulates that people breathed in over 27 years ago was still being excreted in people's urine. Over five tons of uranium rained down on the Colonie community, outside of Albany, from the air emission stacks of NL Industries from 1958 to 1982. The munitions factory left town and the federal government spent over \$180 million to clean up residential properties and the factory site.

## North Carolina

Congratulations to the **Environmental Action Team** and to the citizens of Warren County who celebrated the 30th Anniversary of the protests against the dumping of PCB contaminated soil in their community that is often credited as being the spark that lit the Environmental Justice Movement. The event included prayers and moments of reflection to commemorate the struggles and accomplishments of the protests. Following the ceremony, people marched to the landfill where the waste was dumped. For six weeks in 1982, residents peacefully protested the dumping of 60,000 tons of PCB contaminated soil in the midst of their community attracting national attention. An agreement was made to remove the PCBs when technologies were found to safely treat the waste. In 2001, after the landfill began to leak and with increasing pressure from local residents, the governor persuaded the legislature to allocate \$18 million and began the process of removing the PCB waste from the landfill for treatment. Decontamination of the landfill was complete in 2004 and the site was rededicated as a memorial to environmental justice.

The **Blue Ridge Environmental Defense League (BREDL)** took on an unusual tactic in their efforts to stop the state from allowing the chicken manure incinerator industry more time to find a community that will accept their plan to build an incinerator to burn chicken manure. BREDL decided to play "chicken" with the North Carolina Utilities Commission which will decide whether to extend the allotted time. BREDL's message to the commission was, "Don't chicken out." Several BREDL members attended the commission meeting dressed as a chicken to help make their point. BREDL argued that now was not the time to delay and that it was time to put this issue to bed once and for all.

## Ohio

**Mothers Against Drilling in our Neighborhood (MADON)** formed in Broadview Heights outside of Cleveland to educate families about the consequences of residential drilling for gas and oil. Two members of the group filed a counter lawsuit for \$1 million against

# ACTION LINE

## Need organizing help?

Visit [www.chej.org/assistance](http://www.chej.org/assistance)  
or call 703-237-2249

Duck Creek Energy Inc., an oil and gas exploration company, which sued the two women for speaking out against their product AquaSalina which contains toxic chemicals including benzene, a known cancer causing chemical. There are currently 86 gas and oil wells operating in Broadview Heights, including one 150 feet from the home of one of the residents who is suing. AquaSalina is used on municipal streets for deicing and is a saline product obtained from salt water produced at oil and gas wells. Broadview Heights City concluded that AquaSalina would no longer be used on the roads because of the benzene. On election night Broadview Heights became the first city in Ohio to adopt a Community Bill of Rights amendment to their city charter. Residents voted with 66% of the vote to ban oil and gas related activities within the city. MADION helped draft the charter amendment.

Congratulations to the citizens of Yellow Springs that became the first community in Ohio to adopt a local law asserting the fundamental rights of residents to clean air and water, and to protect the rights of nature.

Citizens in **Mansfield** voted 62% to 37% in favor of a City Charter Amendment that prohibits brine injection wells within the city without written approval of the city. A last minute attempt by the industry to sway the vote only served to backfire. Local citizens did not take kindly to out-of-state front groups trying to tell citizens how to vote.

## Oregon

**Neighbors for Clean Air (NCA)** in Portland continue their efforts to reduce emissions from 15 industrial plants on the edge of the city. NCA and a group of neighbors from Swan Island have been meeting frequently to talk about the paint fumes from one of these plants, the Daimler truck painting plant. The plant manager invited the neighbors to their headquarters to share information about their efforts to reduce odors coming from the plant. Residents learned that the company has collected 180 air samples and that one test found 1-methoxy 2-propyl acetate at levels 229% above the detectable odor threshold. Since then, Daimler has been using a reformulated coating that does not use this chemical and plans to continue testing. According to a NCA blog post, "... Daimler is making a good faith effort to address community concerns. But this is also a great example of how residents' issues are marginalized and left on their own by a regulatory agency that favors the polluters it regulates and does not provide adequate recourse for addressing concerns from the public."

## Pennsylvania

**Peters Township Residents Against Crematory Ordinance** formed to fight efforts by the township council to amend a zoning ordinance that would allow a crematorium to be built in their community. A packed public hearing in October made it clear that many residents oppose the proposed amendment. The concerns of most residents had to do with odors and emissions from the crematorium that would include mercury and dioxins. The ordinance would allow a crematorium to be built within 500 feet of existing homes. Others were concerned about a decline in property values of homes near the proposed location. One speaker at the hearing was quoted as saying, "I feel obligated to help protect the health, safety and welfare of my family and community." The township council is reviewing the comments of the residents and plans to make a decision soon.

## Texas

"Make sure dioxin's NOT for dinner," warned attorney Vince Ryan. **Texans Together** and the **San Jacinto River Coalition** have teamed together to remind fishermen not to catch, eat or distribute seafood from the San Jacinto River Waste Pits Area in Harris County. Fish and Shellfish Consumption Advisories have been posted but there were worries that people will still fish. Ryan had learned that defendants International Paper Company, Waste Management, Inc., Waste Management of Texas, Inc. and McGinnes Industrial Maintenance Corporation had intentionally poured dioxin waste pits into the San Jacinto River. Ryan filed a lawsuit and seeks monetary fines against the companies for the leaking of toxic wastes including the most deadly form of dioxin - 2,3,7,8-TCDD - one of the most toxic chemicals ever tested.

## Washington

A new group has formed, **Sea-Tac Airport ... "Flight Pattern Kids,"** to address health concerns about children growing up near the Sea-Tac Airport in Seattle. The group formed when they recognized that many kids that grow up around the airport are afflicted with cancer or auto-immune diseases. Their first effort was to address the question, "Why were so many kids in this area sick with these diseases?" They developed a "Household Medical Questionnaire" which has been distributed to about 175 families and 875 individuals, and they are still collecting data. One of the group's goals is to educate the public and to identify what's causing these illnesses in the children who live around the airport. CHEJ has just begun working with the group.

## West Virginia

Thousands of people from across the nation came together in Washington, D.C. for Appalachia Rising,

organized by **Coal River Mountain Watch, Mountain Justice** and dozens of others. The event began with a massive conference in Washington that included workshops and training sessions that addressed the challenges facing Appalachia. A Day of Action took place the next day in DC. Forty citizens demanded they end the war on Appalachia and cease the destruction of Appalachian head water streams at the Army Corps of Engineers. Thirty citizens demanded that the Office of Surface Mining provide a healthy environment for all Americans at the Department of the Interior. Thousands of citizens demanded that the EPA do their job at the Environmental Protection Agency. At the White House, 114 citizens protested against mountain-top mining. All 114 were arrested for failing to obey an order to disperse. Mickey McCoy, former mayor of Inez, Kentucky, who was arrested said, "Being arrested? That's such a small price to pay for being heard. My home and people are paying the real price for mountaintop removal. They are dying." ♦

## Thank You Dave



CHEJ extends a hearty and very sincere THANK YOU to Dave Beckwith, a top notch trainer and organizer who is retiring from his job as the Executive Director of the Needmore Fund. Dave has been an integral part of CHEJ's growth and development for nearly 30 years. He was one of the trainers we used at our first Leadership Development Conference (LDC) in 1983 and was a regular at LDCs over the next 10 years or so. Dave was a key strategist in planning our Conventions and played a critical role in helping CHEJ through several periods of growing pains as we matured from a small shop to a national organization. Dave remains a CHEJ Board member and we hope his new found time will be directed at least in part to CHEJ. Thank you for all that you have done for CHEJ and for grassroots community leaders and organizations nationwide.



# PROGRAM HIGHLIGHTS

## Wishing for a PVC-free Disney



Photo By: Gary Du of the Epoch Times

When we first got the lab results back for our report on phthalates in children's vinyl school supplies, we were utterly shocked by all of the Disney school supplies that contained such high levels of these toxic chemicals. Disney Princess and Spider Man lunchboxes were chock full of these harmful chemicals, at levels so high they would be banned if they were toys.

Moms and dads across America are furious that Disney continues to sell vinyl school supplies, even though other companies have shown us that it's possible to sell children's school supplies without these harmful chemicals.

Lori Alper, an amazing mom from Massachusetts, decided to take action into her own hands after reading our report. She started a petition on Change.org calling on Disney to get these toxic chemicals out of school supplies. Almost overnight, the petition has galvanized signatures from thousands of parents across the country.

Today the petition has nearly 60,000 signatures! MomsRising.org also started a petition to Disney, which has also been signed by thousands of parents, particularly outraged moms.

Will Disney listen to the wishes and dreams of moms and dads across America, who want safe products for their children?

Forward thinking businesses like Google, Apple and Nike have already committed to eliminating phthalates and vinyl. The only question is, will Disney?

We're wishing for a PVC-free Disney.

To learn more, visit <http://www.chej.org/campaigns/pvc/>.

## Children's Environmental Health Workshops

CHEJ is holding workshops on children's environmental health issues to educate people about school hazards that can pose a risk to children. One hazard is PCBs in schools built before 1979.

PCB oil in old lighting fixtures (fluorescent lights) often leak and/or off-gas into classrooms. Schools can replace these old toxic lights with

energy efficient lighting. Another issue is to prevent schools from being built on or near pollution sources or contaminated sites. New state and national policies now exist to guide new school construction that take into account potential contamination due to past dumping, nearby toxic sites or major sources of air pollution. If the targeted property is found to be contaminated, then child-protective cleanups can be done before the school is built. Workshops are being planned on one or both of these topics in Alabama, Georgia, Texas and New York. Contact CHEJ at 703-237-2249 or [anne@chej.org](mailto:anne@chej.org) if you are interesting in learning more about these workshops.





# PROGRAM HIGHLIGHTS

## Successful Workshops in PA



CHEJ held two fracking workshops in Pennsylvania on October 27th and 28th. Partnering with local groups including the Pennsylvania Alliance for Clean Air & Water and Marcellus Outreach Butler, CHEJ reached out and successfully educated residents in the communities of Dubois and Butler. What separated these efforts from similar endeavors in the state was how customized CHEJ's workshops were. Our goal was to focus on the specific needs of these communities which include fighting against a proposed injection well, gaining support other than from local residents, and organizing in general. CHEJ will follow up with these communities and aid them in their struggles. For more information, contact [chej@chej.org](mailto:chej@chej.org).

## Fracking in Ohio

CHEJ presented our "Injection Well 101" powerpoint to the Ohio faith base group, Faith Communities Together (FACT) for frack awareness including 30 citizens in Chardon, Ohio. FACT consists of fifteen Ohio faith organizations coming from six different faith traditions - Unitarian Universalists, United Church of Christ, Catholic, Methodist, Presbyterian and atheist. This same presentation was given to 19 citizens at the West Shore Unitarian Universalist Church in Rocky River, Ohio and was sponsored by the Cuyahoga County Concerned Citizens. Many of these faith organizations are located in counties where injection wells are already located and where new wells are being drilled. All in attendance were surprised and concerned by the lack of regulations on injection wells. For more information, contact [chej@chej.org](mailto:chej@chej.org).

## Go PVC-Free this Holiday Season

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. Vinyl is the most toxic plastic for children's health and environment. We've compiled these quick tips for avoiding PVC in common holiday products for this holiday season.

### Children's/Infant 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.healthystuff.org> to find out whether your children's toy is made out of PVC or not.

### 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.

### Electronics

- Avoid electronics such as smart phones and computers containing PVC. Consult Greenpeace's Greener Electronics Guide at [www.greenpeace.org/electronics](http://www.greenpeace.org/electronics).

### 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.

installed at the three school sites mentioned above. DEM also realized that information about the cost of cleaning up a contaminated site was never disclosed to the public, and that such disclosure could affect future decisions about the use of contaminated sites for schools.

DEM's support of the legislation was critical to obtaining passage. The bill was introduced two times before this session and ran into various roadblocks. Last year, the bill passed our state's Senate, but was held up in a House Committee. This year, DEM staff helped navigate the bill into a different House committee that was more sympathetic to environmental health concerns and the bill was passed by both the House and Senate by large margins.

In addition to DEM's support, the legislation was supported by a coalition of environmental and public health groups led by the Environmental Justice League of Rhode Island and Clean Water Action. These grassroots organizations brought its members to testify in favor of the legislation, and some members wrote letters in support of the legislation.

Rhode Island's new school siting law is one of the first laws passed in the wake of the U.S. Environmental Protection Agency's issuing voluntary school siting guidelines. Those guidelines were released in 2011, nearly four years after Congress directed EPA to develop the guidelines. The Rhode Island law goes further than the guidelines by banning the siting of schools on certain kinds of sites, whereas the guidelines do not make any recommendations about where schools should NOT be built. The RI law generally adopts that part of the school siting guidelines relating to community involvement, but goes a step further by requiring school project sponsors to actively "consider the results and findings contained in the reports" required



Photo from EJ League of RI website.

Stakeholders who helped make the RI School Siting Law a reality: including the Environmental Justice League, Urban Pond Procession, and Clean Water Action.

by the law before selecting a site for a school project. CHEJ also played a role by reviewing proposed amendments to the legislation and suggesting strategies to address those amendments.

For more information about Rhode Island's school siting law contact Steven Fischbach at [steve.fischbach@gmail.com](mailto:steve.fischbach@gmail.com)

*Steve Fischbach works at Rhode Island Legal Services as the program's Community Lawyer, and serves as the Vice-Chair of the Environmental Justice League of Rhode Island. His legal experience spans a variety of racial justice issues including environmental justice, community reinvestment and disinvestment, siting of low income housing and facilities for the homeless and preservation of public and subsidized housing units. His environmental justice work includes litigation and research and development of policies related to the siting of schools relative to environmental hazards such as toxic waste sites. ♦*

## Remembering Barry Commoner



*CHEJ's Lois Gibbs presents achievement award to Barry Commoner in 2010.*

The environmental movement lost one of its most innovative and creative leaders in October. Barry Commoner, considered by many to be the founder of the modern ecology movement passed away at the age of 95. Along with Rachel Carson, Barry Commoner was one of the most influential and prominent environmentalists in American history.

Barry Commoner played a pivotal role in the environmental movement. He spoke out against nuclear weapons testing, fought to make scientific information available to the public, and advocated for sensible energy and sustainable public policies. More recently, he spoke to the dangers of dioxin and incinerators and pioneered research on recycling, organic farming and pollution prevention. He was also among the first to link environmental issues to broader issues of social and economic justice and felt that environmental problems could not be solved without also addressing the problems of poverty, injustice, racism and public health. Few people made greater contributions to protecting and improving the environment than Barry Commoner as a scientist, teacher and advocate. He will greatly be missed.

# With Special Thanks

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work from August 1, 2012 to October 31, 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!

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Save Our County, Inc.  
Alliance for a Better Emerson

## IN MEMORY OF...

Dr. George Morren  
Mr. Harry Gibbs

EXTREME WEATHER STIRS UP BP OIL, continued from page 4

## Going forward: two years and counting

In March 2012, BP settled for \$7.8 billion with a diverse group of plaintiffs including apartment owners, fishermen, restaurant owners and others whose business or livelihood was negatively impacted by the spill. On October 10, the Wall Street Journal reported that BP may pay civil penalties up to \$21 billion under the Clean Air Act for the 2010 oil spill. Damages paid under the Clean Air Act, as opposed to the Oil Pollution Act (1990), allow state and local authorities to have greater control over how funds are spent.

Though BP is eager to wipe its hands clean of its mess, there is a clear and urgent need for the company to address environmental impacts occurring long after the 2010 oil spill. BP should continue to explore safe methods to restore environmentally sensitive areas and be cautious about success of prior remediation efforts. It is imperative that BP continues to survey Gulf waters and shorelines that are proximate to the Macondo well. On October 11, 2012, BP confirmed the Coast Guard's findings that a oil sheen near the site of the Deepwater Horizon rig matched the composition of the 206 million gallons of oil released in 2010.

State and local enforcement authorities need to ensure that BP meets its corporate responsibilities through proper legal actions. This may include directing BP to provide monetary compensation for individuals affected by remaining oil spill residue or impacted by future remediation processes. Anne Rolfes, founding director of the Louisiana Bucket Brigade and champion of environmental health and justice in New Orleans, projected that the Gulf will be affected for many years after the 2010 oil spill: "The fisheries crashed in Alaska years after the Valdez, and we are expecting the same devastation, the same tragedy here. We have already



GRN's Jonathan Henderson holding goeey oil found on Elmer's Island, LA.

Photo By: Gulf Restoration Network

seen it begin - shrimp without eyes, visible tumors in our seafood. Let's stop BP's investment in commercials that tell us how great the Gulf is, and put that money into repairing the great harm they have done."

To learn more about the continuing effects of the BP spill and for more information see:

<http://labucketbrigade.wordpress.com/2012/11/14/extreme-weather-stirs-up-bp-oil-trouble-for-gulf-coast-references/>.

Risha Bera is the Monitoring and Evaluation Associate at the Louisiana Bucket Brigade in New Orleans, LA. A Southern California native, Risha graduated from Stanford University in 2010 with a B.S. in Environmental Engineering and worked for Accenture consulting in San Francisco, before starting an AmeriCorps fellowship at the Louisiana Bucket Brigade in August 2012. ♦

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## IT ALL ADDS UP!



For the equivalent of just a few cents a day, you can help your neighbors, near and far, protect their homes and communities from environmental threats harming their air, water and soil. Here's how a few cents a day can make a difference:



**Alabama, California and New Jersey** – Three pennies a day (\$10.95 per year) allows CHEJ to help residents residing in communities in these states get local, state and federal officials to conduct the proper environmental investigations to determine the cause of their health problems.



**Ohio, New York and Pennsylvania** – One nickel a day (\$18.25 per year) allows CHEJ to work with communities throughout these states fighting the spread of fracking and injection well operations contaminating their water.



**Nationwide** – One dime a day (\$36.50 per year) allows CHEJ to work with parents who are fighting to rid our schools of PCBs so our children can learn without fear of being harmed.



**Nationwide** – One quarter a day (\$91.25 per year) allows CHEJ to pressure corporations to rid children's school supplies of toxic phthalates, chemicals banned in toys that have been linked to birth defects and asthma.

Support your neighbors by donating the equivalent of a few cents a day at [www.chej.org/donate](http://www.chej.org/donate). Remember, every cent counts. Whether they are pennies, nickels, dimes or quarters, they all add up!