

EVERYONE'S BACKYARD

Vol. 23 No. 2 Summer 2005



Building Schools on Contaminated Land - A Pervasive Problem

THE JOB ISN'T FINISHED AT GROUND ZERO

The Journal of the Grassroots Environmental Movement
Center for Health, Environment and Justice

CHEJ BOARD MEMBERS

ALONZO SPENCER, OHIO
LUELLA KENNY, NEW YORK
DAVE BECKWITH, OHIO
CLYDE FOSTER, ALABAMA
MURRAY LEVINE, NEW YORK
ESPERANZA MAYA, CALIFORNIA
MARIA PELLERANO, NEW JERSEY
SUZI RUHL, FLORIDA
JANET ZELLER, NORTH CAROLINA

2005 SPRING INTERNS

Susan Gardinier
Katie Johnson
Kevin Stech

Everyone's Backyard is published quarterly by the Center for Health, Environment and Justice, Inc. The editor is Stephen Lester, Sherman Ludwig contributed to Action Line, and the design layout was done by Barbara Sullivan. EBY is printed on 100% recycled and 100% post-consumer waste paper, not bleached with chlorine, using low VOC vegetable oil-based inks.

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

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

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



Center for Health, Environment
and Justice, Inc.
150 S. Washington Street
Suite 300 (P.O. Box 6806)
Falls Church, VA 22040
(703) 237-2249
chej@chej.org - www.chej.org

Market Campaigns As a Means for Change

People in communities across the country are creating change that Washington, D.C. legislators refuse to make. Frustrated by federal decision-makers who've turned their backs on them, environmental health advocates are focusing their efforts on local and state governments and on targeted corporations.

Many long time CHEJ members may recall the impact that getting McDonald's to stop using styrofoam had on the fast-food industry back in the 1980s. This caused the entire industry to shift away from styrofoam and to become more environmentally conscious. Burger King and Wendy's even purchased full-page ads challenging McDonald's to join them in protecting human health and the environment.

Removing CFC's in air conditioning systems was another victory. Paper and pulp facilities changed their bleaching processes. PVC is being removed from health care institutions. Mercury has been removed from many products and is being eliminated in many states, as are flame retardant chemicals in many consumer products. Our "Victoria's Dirty Little Secrets" campaign convinced Victoria's Secrets and Bath and Body Works to change their packaging. The Computer Take-Back campaign convinced Dell to take back not just their computers, but any computer. Other campaigns have successfully targeted children's toys, athletic shoes, automobiles, and much more.

These successes were the result of "market campaigns" that targeted corporations directly asking them to voluntarily make changes that will protect public health or the environment. These campaigns are now moving so quickly that corporations are feeling the pressure. In a recent article by Joan Lowy in *Scripps Howard News Service*, a corporate public relations representative in Washington said, "The desire of corporations to be accepted by the marketplace and to be personally liked has spawned an entire industry of activism and corporate capitulation ...it's unprecedented."

A market-based campaign is an effective tactic that has proven to achieve change. So when someone says, my single purchase, or call to a company about their product won't make a difference, show them this article, which demonstrates it does.

ABOUT CHEJ

The Center for Health, Environment and Justice is a nonprofit, tax-exempt organization that provides organizing and technical assistance to grassroots community organizations nationwide. The center was founded in 1981 by Lois Gibbs, who together with her neighbors won the relocation of more than 900 families from their neighborhood after it was contaminated by chemicals leaking from the Love Canal landfill in Niagara Falls, NY. Hundreds of people living near contaminated sites around the country contacted Lois as her efforts and those of her neighbors captured national attention and proved, for the first time, that toxic waste is not an abstract issue but one that's in everyone's backyard.

The center's mission is to help people build democratic, community-based organizations to address public health and environmental threats. We believe strongly that the best way to solve local problems is from the bottom up, when the people directly affected speak for themselves and have a meaningful role, as equals, in any and all decisions that affect their lives, homes and family. Our focus and resources are devoted to helping local community based organizations form, grow, and become effective in achieving their goals. We do this by providing information, advice, training, and support. CHEJ has staff scientists who can answer many of your questions and who can review technical documents and test results you need help with. We also refer callers to other grassroots groups who are working on the same issues or fighting the same polluter.

Building Schools on Contaminated Land - A Pervasive Problem

By Stacey Gonzalez
with contributions from
Steve Fischbach

Every day, parents take steps to reduce risks that their children face. But perhaps the most severe threat to children's health could be in the very soil, air, or water where they attend school. Communities nationwide continue to struggle with an exposure route they cannot cut off...a school built on or near contaminated land.

Poor school siting decisions affect everyone. Financially, failure to prevent problems severely compromises property values and creates legal problems for school districts and state governments. More fundamentally, poor siting decisions can put students, teachers, administrators, and others at risk of exposure to toxic chemicals that have immediate and long-term consequences. These exposures can compromise the learning potential, health and well-being of the children. Public engagement and careful planning can help communities avoid these financial and health risks. This is a good example of the classic idiom "an ounce of prevention is worth a pound of cure."

THE TREND

When Love Canal made national news in the late 1970's, people across the country were astounded that a school and neighborhood were knowingly constructed on top of a hazardous waste dump. They logically assumed that a blatant health risk of that magnitude would be illegal.

When the Belmont Learning Complex was proposed by the Los Angeles Unified School District in 1985 with a 200 million dollar price tag, parents were outraged to learn ten years too late that the site was a former oil field and industrial site. Incredibly, there were no checks or balances that prevented the site from being chosen for a school.

In 1999, parent and community outrage over the siting of an elementary and middle school on top of the former City Dump in Providence, Rhode Island resulted in an environmental racism lawsuit. This suit was filed against the school district, city officials, and the state environmental agency that had approved the cleanup plan for the site. In 2001, the trial was heard in Providence County Superior Court, but the judge still has not ruled on the case. Providence officials learned little from this experience, and are now planning construction of a high school on the site of what was once the largest manufacturing facility of silverware in the country, a site contaminated with trichloroethene (TCE), polycyclic aromatic hydrocarbons (PAHs) and petroleum products.

These cases from across the United States indicate a dire need for state guidelines that prevent schools from being built on or near hazardous waste sites. In 2002, the School Siting Committee of CHEJ's Child Proofing Our Communities Campaign released *Creating Safe Learning Zones*. This one of a kind report detailed the problems of siting schools on contaminated sites and provided guidance for school districts to adequately evaluate potential sites for hazardous substances prior to site commitment. The report also included model school siting legislation that provides a powerful tool for communities to pass proactive and protective local siting policies.

Since that time, some schools have had success overcoming misguided siting plans and remediating sites where schools were constructed on hazardous sites. However, the trend for cash-strapped districts to purchase and build on cheap and often contaminated land continues.

TOO LITTLE KNOWLEDGE, TOO LATE

In New Bedford, MA, the new Keith Middle School is being constructed on a former dump, where the soil and water is highly contaminated with polychlorinated biphenyls (PCBs), lead and barium. One of the major issues in this fight stems from the lack of community inclusion since the beginning of the decision making process. Although 10 million dollars has been spent to remove 40,000 tons of contaminated soil, the community is not convinced that the site will be safe for the students. The community has organized to ensure that safeguards are in place, or that the site is abandoned.

In Pensacola, Florida, the community group Panther Parents Against Pollution, continues to tirelessly wage a public campaign to get the students attending the Brown Barge Middle School relocated to a safe site. This school is located across the street from the Escambia/Agrico federal Superfund sites. The community immediately adjacent to this site won a 12-year struggle in 1994 to relocate all 350 families in the neighborhood. The school sits directly in harm's way. To add insult to injury, a five-year highway construction project neighboring the school is just beginning. The construction is certain to stir up contaminated soil and dust, which will blow into the school, and settle on playing fields, swing sets and outdoor benches. Students at Brown Barge suffer from skin rashes after playing sports on the athletic fields and alumni have testified to suffering from reproductive problems and skin disorders.

Continued on page 10



Groups Promote Precautionary Action Across The Country

An exciting array of precautionary actions are happening across the country as more organizations and governments establish programs to *prevent* environmental hazards. Here is a sampling of how some groups are applying the precautionary approach.

Beyond Pesticides is working with groups in over a dozen states to promote safer alternatives to school pesticide use and advocate the use of organic and least toxic practices that nurture healthy lawns. Pesticide Action Network North America is organizing a multi-state effort to ban lindane, a neurotoxin used to kill lice.

The Grassroots Recycling Network champions a precautionary Zero Waste vision to create a closed system with recoverable waste. It also organizes campaigns for extended producer responsibility with Coca-Cola, Dell and others, emphasizing that when producers are responsible for their products' disposal, it creates economic incentives to eliminate toxics. The Healthy Building Network advocates green building standards through campaigns to end the use of toxic building materials, such as polyvinyl chloride (PVC), the poison plastic. The Nuclear Information and Resource Service prevents exposures to radioactive chemicals by opposing the opening of new nuclear reactors; over 90% of the radioactivity in manmade nuclear waste in the world comes from nuclear power.

In the current political climate, the best strategy for implementing precaution is to win victories at the state level and build support for national policy reform. In Massachusetts (MA), the Clean Water Fund, the Lowell Center for Sustainable Production and others have launched the Alliance for a Healthy Tomorrow to promote precautionary policies, including legislation to replace toxic chemicals with safer alternatives in consumer products. The MA Coalition for Occupational Safety and Health is empowering janitors to advocate for safer products as research continues to show toxic cleaning products triggering respiratory illnesses.

Alaska Community Action on Toxics is promoting community purchasing programs free from mercury and other chemicals and is collaborating with Native American tribes to prevent development of a large open pit copper/gold mine. The Blue Ridge Environmental Defense League's BE SAFE North Carolina coalition is strengthening the state's health-based toxic air pollutant rules, and recently blocked a proposed rule exemption for pulp and paper smokestacks.

The Environmental Health Coalition and other California environmental justice (EJ) groups won ground-breaking state agency EJ recommendations based on precaution, and are now focusing on implementation, such as the need to ban lead in candy, a major source of lead poisoning in Latino communities.

The Environmental Health Strategy Center organized the Alliance for a Clean and Healthy Maine coalition, which passed laws phasing out mercury-containing products, arsenic-treated wood and brominated flame retardants in furniture foam and computers. The Vermont Public Interest Research Group helped establish a model state policy requiring labeling of genetically engineered (GE) seeds and is working to hold GE seed producers strictly liable for damages resulting from their crops.

Michigan's Ecology Center is advocating for a state-wide precautionary environmental justice Executive Order, and an Ann Arbor city resolution. The Preventing Harm MN coalition, including Clean Water Action and the Institute for Agriculture and Trade Policy, is promoting a brominated flame retardants phase out and Minneapolis City Council precautionary policy.

The New Jersey Work Environment Council alliance of labor and environmental groups helped win the precautionary New Jersey Pollution Prevention Act and the Toxic Catastrophe Prevention Act, and are now advocating that facilities using hazardous chemicals adopt safer approaches. Ohio Citizen Action is running successful "good neighbor campaigns" with polluters that have resulted in far more pollution prevention than what any law would require. These campaigns often convince corporate decision-makers of the benefits of voluntarily instituting safety techniques.

The Bay Area Working Group on the Precautionary Principle (in California) has recognized that precaution is a tool to go upstream to the sources of pollution in order to prevent harm before it happens. They organized the passage of landmark precautionary-based laws for the city and county of San Francisco and city of Berkeley, and are now working on a citywide Precautionary Purchasing Ordinance.

The Oregon Center for Environmental Health led the initiative to pass a Portland city and Multnomah County resolution requiring a precautionary Toxics Reduction Strategy, and is now on a government task force utilizing alternatives assessments to reduce and eliminate toxic chemicals (see *Everyone's Backyard*, Winter 2004). In Eugene, the Oregon Toxics Alliance has advocated for the nation's most comprehensive municipal toxics right-to-know law, noting that such reporting provides the backbone to precautionary action as pollution assessments uncover threats to human health that need to be addressed. ☺

For More Information: Contact Anne Rabe, CHEJ's BE SAFE Campaign Coordinator, at 518-732-4538, annerabe@msn.com. Many of the policies described in this article will be available at BE SAFE's Precautionary Policy Clearinghouse this summer at www.besafenet.com.

THE JOB ISN'T FINISHED AT GROUND ZERO

By Suzanne Mattei

The people who live or work in areas affected by toxic pollution from the September 11th World Trade Center attack need an effective program to test buildings for lingering contamination and to get these areas cleaned up. The toxic dust left behind by the “WTC cloud” contained asbestos, lead, cadmium, mercury, polycyclic aromatic hydrocarbons and silica as well as respiratory hazards such as fibrous glass and pulverized concrete. Most of the buildings in the affected areas were never properly cleaned. It is likely that toxic dust still remains trapped in the heating and ventilation systems of some buildings. It may be hiding in ceiling plenums, bookshelves, and other nooks and crannies of apartments and workspaces. It is also likely to reside among fibers of carpets or soft furniture in some residential and commercial spaces. Unfortunately, the federal Environmental Protection Agency’s proposed testing plan is so weak that it is likely to result in yet another cover-up of the pollution hazards at Ground Zero. If the gaping flaws in this plan are not corrected, New Yorkers will remain at risk of exposure, and a terrible precedent will be set for future government response to national disasters.

The Environmental Protection Agency (EPA) first came under fire for its public safety assurances about 9/11 pollution when *New York Daily News* columnist Juan Gonzalez published testing data on September 28, 2001 that had been obtained by attorney Joel Kupferman of the New York Environmental Law and Justice Project. This was followed nearly two years later by a scathing report from the EPA Inspector General revealing that the EPA did not have proper evidence on which to issue its safety assurances, and that the White House Council on Environmental Quality had eliminated precautionary language from EPA draft press releases. In August 2004, the Sierra Club issued its report, *Pollution and Deception at Ground Zero*, which documented how the federal cover-up of hazards continued long after it became clear that people were actually becoming ill and even permanently disabled by exposure to 9/11 pollution. The Sierra Club report also raised the serious concern that new federal homeland security and disaster response plans have incorporated the public health failures at Ground Zero as policy for future national disasters.

Even before any of this documentation had been revealed, community activists and occupational safety and health experts had begun efforts to advocate for community and worker safety. Playing the leading role in these efforts today are 9/11 Environmental Action, a residents and parents community organization, that was formed in April 2002, and the New York Committee for Occupational Safety and Health (NYCOSH). 9/11 Environmental Action developed a broad network of tenant groups, community associations and environmental organizations to work in unity with labor unions to advocate for a proper testing and cleanup program.



9/11 Environmental Action and others protest outside EPA Office in NYC calling for a comprehensive cleanup of indoor WTC contamination on the first anniversary of the agency’s announcement that the “air” is safe to breathe, Sept. 2002.

Photo courtesy of 9/11 Environmental Action

Now called the World Trade Center Community-Labor Coalition, its members include the Communication Workers of America District One, the Sierra Club, District Council 37, a member of the American Federation of State, County, and Municipal Employees (AFSCME), the World Trade Center Residents Coalition, the Transport Workers Union Local 100, and many others. In the meantime, NYCOSH spearheaded an effort by scientists, occupational safety and health experts, and other researchers to produce a document for how to carry out a proper testing and cleanup program based on the Precautionary Principle. This document, known as “The Gold Standard,” has since been published in *New Solutions: A Journal of Environmental and Occupational Health Policy* (Vol. 14, No. 3, 2004).

In addition, New York Congressional Representative Jerrold Nadler, whose district includes Ground Zero, has been a major voice in advocating for a full and proper cleanup of 9/11 pollution. His staff has provided significant assistance to the community in analyzing the contamination and cleanup issues.

In response to the concerns raised by these organizations, Senators Hillary Clinton and Joseph Lieberman successfully advocated for the EPA to establish an Expert Technical Review Panel to assess the unmet needs for environmental health and safety related to Ground Zero pollution. A community resident, Catherine McVay Hughes, was designated to serve as a liaison to this Panel, and NYCOSH industrial hygienist David Newman was appointed as a Panel member.

Based on concerns raised by panel members, elected officials and the public, EPA finally agreed to develop a new testing and cleanup program for buildings affected by 9/11 pollution. On the

Continued on bottom of page 11

ACTION LINE

CALIFORNIA

CHEJ is pleased to report a major victory for environmental justice and the precautionary principle! For the first time ever, the California Environmental Protection Agency (CALEPA) has agreed to use cumulative impacts assessment and a precautionary approach to guide their work. Congratulations to CALEPA for no longer operating under the question of "How much harm can we tolerate", but instead asking, "How much harm can we prevent". In addition, **Environmental Health Coalition's** Diane Takvorian was unanimously elected to serve as Co-Chair of CALEPA's Environmental Justice Advisory Committee.

◆ **Citizens' League for Environmental Action NOW (CLEAN)** has petitioned the state to set up a community advisory group (CAG) to oversee the cleanup of toxic substances from 530 acres of San Francisco's Baylands. The CAG would act as a liaison between Universal Paragon Corporation, who wants to develop the property, and the community. "I am concerned about the safety of the workers and residents. When they (Universal Paragon Corporation) go out and do the digging, filling and testing, people [need to be informed.]" said Dana Dillworth of CLEAN.

◆ The Emery Unified School District in Emeryville passed the first statewide comprehensive Green Schools Resolution in May. The resolution commits the district to transforming Emeryville schools into healthier places to learn and work. Based on the work of the **Green Schools Initiative**, and their recent report, "The Little Green Schoolhouse," this resolution provides a framework for transforming schools based on the Precautionary Principle, which advocates a policy of anticipatory action to prevent harm. EUSD Board President Forest Gee stated, "We already have ideas for our first steps: gardens at each school tended by science class students; buying recycled office and paper supplies; getting toxics out of our cleaners and garden chemicals; and doing an energy audit." The success of this resolution is expected to inspire the passing of similar resolutions in several other school districts over the next few months. Congratulations to everyone who is involved with this progressive and landmark project! Access "The Little Green School House" report and other tools for passing a resolution in your school at www.greenschools.net.

CONNECTICUT

Residents from a predominantly African-American community in Hamden, whose homes sit atop a toxic waste landfill, traveled to Clayton, MO to attend the Olin Corporation's Annual Shareholders' Meeting to demand cleanup of contamination caused by the company. Accompanied by members of the **Toxics Action Center**, the residents shared their personal accounts of how Olin's contamination has affected their lives. The giant aerospace, chemical and ammunition manufacturer, who has notoriously failed to clean up waste sites and address legal complaints in a timely manner, attempted to blame the Connecticut Department of Environmental Protection for the slow pace

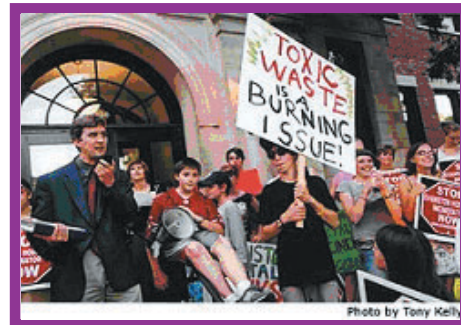
of the cleanup. Nevertheless, the company's executives promised the residents that they would look into their concerns, and committed to get back to them within a month with more specific information about their cleanup plans.

GEORGIA

The **North East Georgia Children's Environmental Health Coalition** has been organizing since November 2004 to stop CertainTeed Fiberglass Insulation Manufacturing Company from expanding. The group is concerned that toxic air emissions released by the company will dramatically increase, posing even more serious health risks to their community. The group hosts monthly meetings, inviting national scientists and health professionals to share information and continues to organize their community to encourage the Georgia Environmental Protection Department and local government to stop the permit.

ILLINOIS

No Burn Evanston continues to celebrate as another hospital agreed to stop burning medical waste. Last September, Governor Rod Blagojevich called on the 11 Illinois hospitals that were still burning trash and medical waste to voluntarily stop the practice. Since then, 7 incinerators have shut down, with four still holding out. "There are newer, safer ways to dispose of medical waste, so there's absolutely no justification for continuing to threaten the health of residents in nearby communities," said Blagojevich. Congratulations to No Burn Evanston for getting state officials on their side and making a change! More info at www.noburnevanston.com.



KENTUCKY

Kentuckians for the Commonwealth (KFTC) and two other grassroots organizations filed a lawsuit against the Army Corps of Engineers for failing to hold up their end of the bargain when evaluating mountaintop removal mining permits. The groups say that the Corps' indiscriminate and repeated use of NWP 21, a "general" permit authorization, violates the federal Clean Water Act, and that permits should only be issued on a case-by-case basis after careful scientific review and public comment. "Last July, a federal judge decided that it was illegal for the Corps to use NWP 21 as a rubber stamp for approving valley fills in southern West Virginia. If it's illegal in West

The Goldman Environmental Prize

was presented to six environmental heroes from each of the six inhabited continental regions this past April. The Prize is awarded annually to six individuals who have demonstrated outstanding achievement in grassroots environmental initiatives. The winners receive \$125,000 and a bronze statue, as well as worldwide visibility for the issue they champion. Past winners include CHEJ's own Lois Gibbs, who was the North American recipient in the award's introductory year, 1990. This year's winners are Isidro Baldenegro Lopez (Chihuahua, Mexico), Kaisha Atakhanova (Karaganda, Kazakhstan), Chavannes Jean-Baptiste (Papay, Haiti), Stephanie Roth (Rosia Montana, Romania), Corneille Ewango (Epulu, Democratic Republic of Congo), and Father Jose Andres Tamayo Cortez (Olancho, Honduras). For further information, contact www.goldmanprize.org.

Virginia it should also be illegal in Kentucky," said **Trial Lawyers for Public Justice's** Environmental Enforcement Director, Jim Hecker, co-council for KFTC.

LOUISIANA

Congratulations to **St. Bernard Parish Citizens** and to the **Louisiana Bucket Brigade** for their efforts in getting the state to require oil giant ExxonMobil to pay for monitors that will be installed around its refinery in Chalmette to measure air emissions. ExxonMobil had previously refused to install any air monitors despite evidence collected by the Bucket Brigade which repeatedly found carcinogens leaked from the facility. The state's order does not require the same state-of-the-art monitoring system that the group has been using, but the groups plan to continue to press for better air monitoring, said Anne Rolfe of LBB, "and for now, we are celebrating David's victory over Goliath."

◆ **Warning:** Photographing an oil refinery from a public sidewalk could cost you your job. Community Liaison Officer for the Louisiana Attorney General's Office, Willie Fontenot, escorted a group of New Hampshire master's students and professors on a tour of "the Chemical Corridor", or "Cancer Alley," for their class entitled Environmental Justice in the Mississippi Delta. During the tour, a student photographed a home positioned in the looming shadow of the ExxonMobil refinery from a public sidewalk, prompting off-duty sheriffs and full-time ExxonMobil security to detain the group. The sheriff's office filed a formal complaint against Mr. Fontenot. Fontenot ultimately was forced to retire over the incident, or risk being fired. A co-instructor for the course said the incident offered a first-hand glimpse of the way corporations repress communities trying to defend their health. Willie hopes to make the best of his early retirement by devoting his extra time to helping local community efforts.

ACTION LINE

MASSACHUSETTS

The **Toxics Action Center** launched a campaign this spring calling on TruGreen ChemLawn, one of the country's largest lawn care companies, to take immediate steps to protect the health and safety of children, families, and the environment. TAC is asking TruGreen ChemLawn to phase out the use of pesticides; disclose all ingredients in their pesticide products, including inert ingredients; offer a comprehensive organic lawn-care program that does not use pesticides or synthetic fertilizers; and stop using children to market its products. TAC is asking people to go online at www.refusetousechemlawn.org and pledge to refuse to use ChemLawn and choose a lawn care program that is pesticide free and safe for our children, our pets and our environment.

◆ **Wasted Away** is trying to stop a middle school from being built on a site contaminated with PCB's, lead, barium and other toxins. Local activists and city officials attended a meeting at the New Bedford Free Library to voice their opposition to the project. "I still don't feel comfortable with this site. It's a concern, and I want to make sure that safety is first," said City Councilor-at-large, Brian K. Gomes. City officials who support the project claim that removing all of the contaminated soil at the site would be too costly and unnecessary, given that the DEP and EPA are monitoring all site activity.

MICHIGAN

Members of the **Tittabawasee River Watch** and other local residents protested outside the annual shareholders meeting of the Dow Chemical Company in Midland (see photo). The group wanted the people who have invested in



Dow Chemical, the largest chemical manufacturer in the U.S., to better understand their plight. TRW and several other groups in the area have been fighting to get Dow to clean up dioxin contamination in the Tittabawasee River and on property along the river that was flooded. Dow stubbornly refuses to acknowledge that dioxin poses any threat to residents living in the area.

MONTANA

The **Montana Environmental Information Center** and local residents are shaking their heads at the US EPA's proposed cleanup plan for the Butte Priority Soils Superfund site in Butte. The proposed plan does not include removal of toxic waste from the site, but instead would use a cap, fences and other physical controls to contain the waste, a method that even the EPA admits is problematic and not permanent. The community had overwhelmingly rejected this

waste-in-place (i.e. threat in place) solution at an earlier public meeting. The EPA's decision to move forward with this plan is being characterized as the "Pandora's box approach to toxic remediation."

NEW JERSEY

Congratulations to **Citizens for Clean Water** for getting the Hopewell Precision Area contaminated site in Hopewell Junction added to the federal Superfund List. The EPA found volatile organic compounds (VOCs) at 50 times the federal drinking water standard at the site and took emergency action by installing drinking water treatment systems at 37 homes and air ventilation systems at 42 homes. "This listing ensures that this site will continue to get the attention it needs," said EPA Regional Administrator Kathleen Callahan. Getting a site added to the Superfund list is no small task.

NEW YORK

Congratulations to **Stop Polluting Orleans County (SPOC)** in Albion who were victorious in stopping a Waste Management landfill proposed along the banks of the Erie Canal. The state Supreme Court dismissed the company's lawsuit filed against the town that decided two years ago to deny all landfill permits. Town Supervisor Gene Christopher said the landfill would be "an unforgivable scar on our landscape." Waste Management had proposed opening a new landfill and expanding the old Orleans Landfill, which closed in the 1990s when its owner was charged with accepting too much trash and falsifying business records. "We are really pleased with this. It's been a long time coming," said Pat Wood of SPOC.

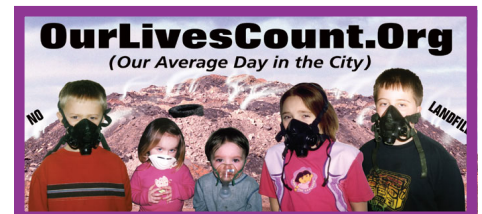
◆ **CHEJ, Nuclear Information & Resource Service, Citizens' Environmental Coalition** and the **Coalition on West Valley Nuclear Wastes** submitted an alternative plan to address contamination at the federal West Valley nuclear waste site located south of Buffalo. The groups are asking government to conduct a full-cost accounting of exhuming the highly radioactive waste buried at the site and then compare this cost to the cost of cleanup and perpetual maintenance of the waste. A full-cost accounting of these options will help determine which option would best prevent harm and protect drinking water and provide the information needed for the impacted communities and government to make an informed decision. It will also take into consideration that the highly radioactive waste will remain extremely hazardous for over ten thousand years while the glacial till in the area will erode into the Great Lakes Basin in merely hundreds of years.

◆ The NYS Breast Cancer Advocacy Day "Prevention IS the Cure: Advocates Make a Difference" press conference was held with Assemblyman Thomas DiNapoli, Senator Carl Marcellino, **NYS Breast Cancer Network, Citizens' Environmental Coalition, NYPIRG, CHEJ** and others to announce the introduction of two Senate and Assembly precautionary bills. The Public Health Protection Act would require

state and local agencies to take a precautionary approach when making decisions that may impact public health or the environment. The Safe and Sustainable Procurement Act would require state agencies to buy safe and sustainable products and services. "It is imperative that we act now to protect public health and our environment," Senate Environmental Committee Chair Marcellino noted. "These measures represent a small but crucial first step in creating a stronger, safer, and healthier environment not only for ourselves but also for future generations."

OHIO

Our Lives Count in Warren Township took their protests to another level when they placed a billboard ad showing five children wearing gas masks overlooking U.S. Route 422 heading towards Warren (see photo). OLC has been fighting to shut down a construction and demolition waste landfill that had been repeatedly cited for permit violations. More than 800 complaints were filed over the past 3 years, including reports of sulfur odors and spontaneous fires. The billboard evidently helped bring attention to their issue, as the facility has been shut down since January, and no permit expansion has been granted. The site is expected to become a Superfund site by the end of the summer. More info at www.ourlivescount.org.



◆ In the wake of the Texas City oil refinery disaster in March that killed 15 people and injured more than 100, **Ohio Citizen Action** held a rally and delivered a letter to Sunoco's East Toledo refinery's plant manager that raised concerns that arose from the BP refinery catastrophe. One of the issues raised in the letter was the inadequacy of the refinery's evacuation plan in the event of a major accident like the one that occurred at the Texas City refinery. Neighboring residents who participated in the rally also raised concerns about the long-term health risks that result from exposures to toxic substances released daily by the refinery. "The EPA proved it was harmful for us, so why isn't something being done for us?" said local resident Sara Jackson. The plant manager has yet to comment on the letter or the issues raised by the residents.

PENNSYLVANIA

Friends and Residents of St. Thomas (FROST) has been organizing to stop St. Thomas Development, Inc from opening a lime quarry about 1,000 feet from the only elementary school in St. Thomas Township. About 150 people showed up at a Department of Environmental Protection (DEP) hearing in February to oppose

ACTION LINE

the 89.5 acre quarry. FROST feels that the site is unsuitable for a quarry, not only because of its proximity to the school, but also because of groundwater problems, caves and sinkholes in the limestone formation. The group is also concerned about noise from blasting, depletion of groundwater supplies, discharge of contaminated waste water, dust and fumes that would be generated at the site, and increased truck traffic. After the meeting, a mannequin representing the DEP was tarred and feathered in the parking lot.

◆ **Congratulations to Nocobalt-4-food** and all those who passed on irradiated food! Due to public opposition and general disinterest in irradiated food, CFC, a subsidiary of the Clemens Family Corporation of Hatfield, is shutting down and packing up their food irradiator at their Milford Square warehouse. "It became unprofitable because the market is not there," said Philip Stein, co-founder of Nocobalt-4-food. He was also "thrilled on so many levels" by the CFC's decision. CFC's irradiator used gamma rays from Cobalt-60, a radioactive form of the element cobalt to prevent the spread of food-borne illness. The Nuclear Regulatory Commission (NRC) will oversee the removal and disposal of CFC's cobalt rods, and will inspect the site for any residual contamination.

RHODE ISLAND

Congratulations to **Concerned Citizens of North Smithfield** for halting a school from being built on a contaminated site! When citizens caught wind of a proposal to build a new school near a local Superfund site, they informed the community, organized and halted the plan in its tracks.

TEXAS

The **Corpus Christi Bucket Brigade**, a project of **Citizens for Environmental Justice**, is demanding higher air quality standards and better industry accountability in the state. Suzie Canales, chairwoman of CFEJ, is fighting for communities of color and low-income that continue to bear the disproportionate load of environmental burden and health problems from industry pollution. Canales believes industry pollution has caused two of her family members to die, and three of her sisters to need hysterectomies. Together with other environmental groups, Canales has set up real-time air monitors to detect high levels of toxic chemicals in an effort to expand the community's right to know.

◆ **Calhoun County Resource Watch** brought together commercial fishermen, oystermen, shrimpers, and seafood dealers to discuss their options following a December 2004 settlement between several federal and state (TX) agencies and Alcoa, Inc. The settlement, that resulted from mercury contamination in Lavaca Bay caused by Alcoa, failed to address the economic and health impacts of the cleanup of the contamination on local businesses and families. High levels of mercury have been detected in oysters, finfish, and crabs in and around Lavaca Bay dating back to the early 1970's. Calhoun residents are trying to determine how much mercury is still present in the Bay.

"... we need to know the true amount of mercury lost, how dangerous it is, and who has been impacted by this. I am really concerned that we haven't got the complete picture and this is not acceptable," said environmental lawyer Jim Blackburn.

UTAH

Healthy Environment Alliance of Utah (HEAL) breathed a sigh of relief when the Utah State Legislature passed a bill that prohibits the disposal of high level radioactive waste in the state. The decision brings victory to all those who have fought Envirocare's proposal to use Utah as a radioactive waste dump. "It's a testament to what the public can do if we get involved and hold decision makers accountable. It's been a long, intense, hard fought effort, but we are starting to show the rest of the country that Utah will not willingly open its doors to the nation's nuclear waste," wrote Jason Groenewold of HEAL.

VERMONT

People for Less Pollution in Middlebury have been organizing to stop International Paper from burning tires at their facility in Ticonderoga, NY. The wind carries the plant's air emissions across Lake Champlain to Middlebury. The group is arguing that IP should install an electrostatic precipitator to control air emissions, but IP claims that the 8 million dollar price tag is too steep. The group has responded by holding bake sales to raise money to help pay for the precipitator and plans to hold a week long series of events in the fall. The group has invited CHEJ's Executive Director, Lois Gibbs, to help lead these events. CHEJ has been providing information about tire burners and basic organizing advice.

VIRGINIA

Good news and bad news for Berkley residents: The good news is that Stericycle is shutting down its medical-waste incinerator; the bad news is that they are turning it into a medical-waste transfer station. The incinerator was the cause of public outrage in 2002, when it began burning material from anthrax cleanups in New York, New Jersey, and Washington DC, without informing the community. Residents of this industrial town near Norfolk are fed up with toxic pollution and heavy trafficking of medical-waste in their neighborhood. "Not in our back yard anymore!" said Pamela Rodgers, president of Berkley's civic league. Rodgers planned to "pack the house" at the next Norfolk City Council meeting to protest the proposed transfer station.

WEST VIRGINIA (COVER PHOTO)

Mountain Justice Summer, a project of the **Coal River Mountain Watch**, got into gear with two events in May. The first was a rally with over 60 people at the Marsh Fork Elementary School in Sundial to protest Massey Energy's coal preparation facility located next to the school. Massey's permit is up for renewal and they want to expand their facility which already includes a coal loading silo that is 150 feet from the school and a toxic waste storage area. Several residents attempting to deliver a letter of



demands to the company were arrested for trespassing. Their demands include shutting down the facility and withdrawing their request to expand. "Our communities and children have been the sacrificial lambs long enough ..." said Debbie Jarrells, whose granddaughter attends the school. It's time for us parents, grandparents and the community to change that." A week later 16 more parents and grandparents were arrested in a second attempt to deliver the list of demands to the company. Mountain Justice Summer is a call to action to preserve the cultural and natural heritage of the Appalachia coal fields by ending mountain top removal mining, steep slope strip mining and other forms of surface mining for coal.

WISCONSIN

The **Clean Water Action Council** of Northeast Wisconsin reports that the U.S. Army is seeking an exemption to a federal law that prohibits burning of wastes containing more than 50 parts per million (ppm) of PCB's. The Army would like to burn at least 100 abandoned buildings at the old Badger Ammunition Plant. Paint in these buildings has been found to contain PCB concentrations as high as 22,000 ppm, or 400 times EPA's maximum burning limit! Local residents are concerned about the consequences of burning these "toxic buildings" because much of Wisconsin's poultry, livestock, fishing and dairy businesses are located downwind of the Army site. Last summer, more than 60 groups including CHEJ signed a petition opposing this burn.

INTERNATIONAL/GREECE

Playing hooky for a good reason! Students on the island of Lesbos took a stand against a cell phone tower built near their schools, and won. With support from their parents, some 500 students insisted that they would not return to school unless the mast, which was disguised as a solar panel, was removed completely. Dangers of cell phone tower radiation prompted parents and students to demand that the schools take precautionary action to remove the potential health risk. The Lesbos prefecture ultimately revoked the right for the mast to operate. Taking their fight a step farther, the island's parents' association filed a lawsuit demanding a probe into the circumstances under which a license was granted to erect the tower. ☺

Email us today at info@chej.org to start receiving EBY electronically



Childproofing Our Communities: A Campaign to Reduce Risks Children Face at School

Green Flag Workshops Go on the Road

Summer is here, but the 2005-2006 school year is just around the corner! Now is the time to contact us if you have ever thought about bringing the Green Flag Program to your school. Join the growing movement of students, parents, and teachers advocating for healthy learning environments by setting an example of what a model environmentally healthy school can look like.

Don't know much about children's environmental health, how to get the right people on your side, or how to get started? Then give us a call! This summer, the Green Flag Program will be on the road, helping school leaders get ready to kick off Green Flags in the Fall. We can help you host a workshop geared to small groups of teachers, parents and key stakeholders. The day-long workshop will engage participants in discussions around children's health issues in the school environment and current issues in their communities around school environmental health. They will learn about trends and model schools across the country and how to use the Green Flag Program as a tool for educating and for change. The workshop participants will also begin to strategize how to move forward collectively.

Whether you are a partner of Green Flags and thinking of moving on to another project area, want to work with other schools in your area to start building local environmental momentum, or have not even begun the program, consider inviting us to help you accomplish your goals! We have a limited travel budget, so workshops will be arranged on a first come, first served basis. To schedule a Green Flag Workshop, e-mail CHEJ at: sgonzalez@chej.org. Include your name, city and state, dates of interest for a workshop, and a phone number and e-mail where you can be reached.



Level 1 Green Flag Award presented to Keene Elementary School (Newark, DE).

Earth Day 2005 was a special day for many of our Green Flag Schools, who were able to highlight their ongoing work as proof of their commitment to honoring *earth day, every day.* ☘

CHEERS

On April 7th, Senators Barbara Boxer (D-CA), and Jim Nelson (D-FL) confronted EPA Administrator nominee Steve Johnson at his confirmation hearing about his advocacy of CHEERS, a deliberate exposure study designed by EPA to expose young children to toxic pesticides and household chemicals. The Senators used letters of opposition signed by over 80,000 individuals and groups circulated by health and environmental groups to highlight tremendous moral outrage over testing chemicals on children. On April 8th, faced with losing his confirmation, Johnson cancelled the study. Following on the heels of this victory, CHEJ worked with House staff to draft a bill to place a one-year moratorium on human testing experiments involving pesticides, especially those on children. On May 19th, this bill, submitted as an amendment to the Interior and Environment 2006 Appropriations Bill, passed in the House. It now goes to the Senate for approval where the chances of passage are considered "optimistic."



Level 1 Green Flag Award ceremony, Broadneck Elementary School (Arnold, MD).

School Siting

Continued from page 3

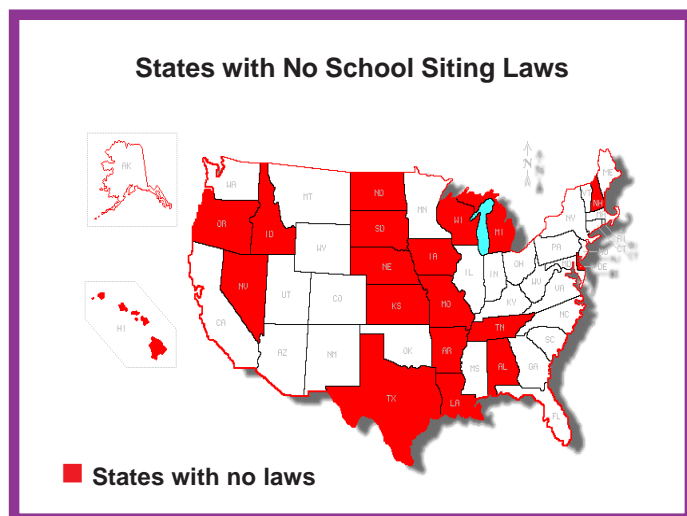
In Smithfield, Rhode Island, concerned citizens recently won their fight before it started. According to a local activist, “Our town leadership apparently was trying to pull a fast one on the public at large by having us vote to approve a \$30M school bond without telling us where they plan[ne]d to build the school. Word leaked out, and rightly so, that the plan was to locate it near a major Superfund site in the area.” The site has been removed from the list of possible sites, due to intense community opposition and pressure.

In Detroit, Michigan, parents of students at the New Beard Elementary School (now the Roberto Clemente Learning Academy) won an environmental justice lawsuit settlement in October 2004, a major victory in safeguarding their children and holding the Detroit Public School system accountable for the school’s safety for the lifetime of the site. The legal settlement secures parents’ rights to sue the district if the engineered site remediation fails at any point in the lifetime of school operation.

THE BIG PICTURE

Amazingly, it is 2005, and there is still no federal and very little state legislation that prohibits a school from being built on or near a known hazardous waste site.

A recent school siting survey, conducted by Rhode Island Legal Services, found that 19 states have no laws that define criteria a potential school site must meet (see figure below). Only eight states in the entire country have siting guidelines that direct districts to evaluate site contamination. This often vaguely worded criterion rarely provides school districts with the tools necessary to select, evaluate, and either eliminate from consideration, or if absolutely necessary, remediate a contaminated site. Consequently, districts often select and build on sites where they are ignorant of the existence and extent of contamination.



The few siting laws that actually touch on the issues of chemical contamination are largely ineffective because they are poorly implemented, may not adequately evaluate the site, offer no strict guidance for when to eliminate a site from consideration, set few, if any, clean up strategies or standards, rarely include public participation, and have no mechanism for enforcing the guidance set forth.

Building a Local Base of Precautionary Actions

Federal policy addressing school siting as it relates to hazardous sites may take years to implement, and may fall short of adequately addressing state or locally specific issues such as the type of contamination, soil, weather patterns, or property density. It is up to local communities to educate school and elected officials, and create change in their own backyards. Communities can prevent harm before it happens, by passing local policies to prevent schools from being sited on or near hazardous sites.

These are three steps you can take to prevent a potential school siting disaster from happening in your community:

1. Call the school board and ask where and when schools are planned for construction within the next five years in your school district. You can make this inquiry at the local school board, county or city offices or your state department of education.
2. Take the model legislation presented in Creating Safe Learning Zones (accessed at www.childproofing.org or by calling 703-237-2249) to your local decision making body, usually the school board for your district, and ask them to officially adopt the policies.
3. Engage others, such as the teacher’s union and the maintenance staff. Host a community briefing to educate others about school siting issues, and to engage the public in a process that can lead to taking action. Present the idea of passing a protective, local school siting policy as the positive, precautionary and trend-setting move that it is!

In continuing the work we started in 2002, CPOC and CHEJ are developing school siting guidelines for the “worst case scenario” that a school district might face. When no uncontaminated site is available, how can a district be sure that the site can be made safe? We posed the complex question of how to eliminate all chemical exposure routes to a small group engineers. They have helped us develop guidelines for assessing, cleaning up and monitoring these kinds of sites, which we will release in the Fall of 2005. Keep a lookout!

Stacey Gonzalez is the Campaign Coordinator for CHEJ’s Child Proofing Our Communities Campaign and the Green Flag school based program. Steve Fischbach works for Rhode Island Legal Services as its Community Lawyer, providing representation to community groups on a wide range of issues. He has been working with the Childproofing Our Communities Campaign to promote better school siting policies. ☺

WITH SPECIAL THANKS

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work between February 5, 2005 and May 13, 2005. 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.

GUARDIANS' CIRCLE

(Gifts of \$1,000 or more)

Guardian of Justice

Beverly Paigen

Movement Builder

Valerie Holford

PARTNER'S CIRCLE

(Gifts of \$100-999)

Neighborhood Advocates

Michael Drescher

Steven Hill

Family Partners

Gene Greger

Chen-Yu Hu

Sharon Liu

Nancy Sampson

Health Defenders

Rosemary Armstrong

Richard Beamish

John Boyles

Jerry Brown

Barry Zuckerman & Marcy Darnovsky

Suzanne & Walter Deuchler

Leo & Kay Drey

Alisa Eilenberg

Robin Figueroa

Leonard Fremont

William Gibson

Steven Gilbert

Clifford & Marilyn Gracey

Kent Keaton

Sam Kittner

Corinne Lester

Dorothy MacKay

Louise & Michael Malakoff

Gail & William Mattsson

George Morren

Katharine & Kenneth Mountcastle

Pam & Will Mumma

June & Richard Ottinger

Owen Owens

Michael Picker

Julia Rubin

Walter Scott

Peter Sills

Roger & Joan Smith

Lucy Stroock

Stanley & Susan Tomkiel

Robin Wald

In Honor of

Robert Figueroa

In Memoriam

Leon Cooper

Matching Gift

C.R. Bard Foundation

Organizational and Community Group Supporters:

Carolina Concerned Citizens

Community Health & Environment Coalition

Ecoprint

Parents for Nontoxic Alternatives

Pennsylvania Environmental Network

Protect Our Woods

River Rescue

Ground Zero

Continued from page 5

evening of May 10th 2005, the EPA released its latest version of the proposed plan. While important progress has been made, the plan still has fatal flaws that must be corrected in order for it to succeed. In particular, advocates are concerned that the draft plan:

- Fails to resolve the issue of getting access to buildings likely to contain toxic dust — which means that many workers will not be able to get their workplaces tested;
- Allows EPA to clean up toxic contamination only if it meets an unreasonably narrow definition of what constitutes WTC dust — which means that much of the WTC contamination will slip through EPA's fingers;
- Denies cleanup of contamination found behind refrigerators, under beds or in ducts of mechanical ventilation systems and in ceiling plenums — so if the contaminated dust is in the middle of the living room floor, you get a cleanup, but if it's under the bed you don't; and
- Waters down test results by "averaging" results from more contaminated areas with results from less contaminated areas, and they will only test alternate floors — so if floor five has contamination but floor seven does not, floor six may not even get tested.

The last thing that the Ground Zero community needs is more false assurances. We need answers. A plan that is designed to find nothing will not provide us with answers. EPA should take a precautionary approach and clean up contamination wherever it may pose an exposure risk.

Workers and residents will have the opportunity to continue to pressure the EPA to produce an effective testing and cleanup plan, through upcoming meetings of the Expert Panel and through other advocacy efforts. Knowing that these efforts are critical not only for New Yorkers who live or work in the affected areas, but for any future communities affected by toxic national disasters adds strong motivation to this effort. Until our federal government resolves the issues of lingering 9/11 contamination, the job isn't finished at Ground Zero.

Suzanne Mattei is the New York City Executive for the Sierra Club's national field office in Manhattan. She is a public interest environmental attorney and policy analyst who has written in-depth reports on World Trade Center pollution impacts, childhood lead poisoning, waste incineration, volatile organic compounds from dry cleaning facilities and renovation safety hazards in schools. ☺

CHEJ's Making the Walkathon

Many walkathons are held across the country each year to raise funds to find cures for diseases. However, an ounce of prevention - as the saying goes - is worth a pound of cure. In Spring 2006, CHEJ will hold the Making the Link Walkathon to raise awareness about the link between health and our environment, and the preventive steps we can take to win back a clean, healthy world.

CHEJ's walkathon will take place in Northern Virginia. However, our walk is designed to be easily replicated by groups across the country who want to hold their own walks to raise awareness about "the link" (while raising funds for their group!). If you'd like to learn more about holding a walk, join us for one of our walkathon conference calls on Wednesday, July 13th or Tuesday, July 19th at 1pm, EST.

**For more information, or to sign up
for a conference call, contact us at
(703) 237-2249 ext. 24.**



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

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