

EVERYONE'S BACKYARD

VOL. 31 No.3 FALL 2013

RESIDENTS CELEBRATE HISTORIC CLEAN AIR VICTORY



TRAPPED BY DESIGN: A TALE OF TWO CITIES



The Journal of the Grassroots Environmental Movement

www.chej.org

Center for Health, Environment & Justice

CHEJ BOARD OF DIRECTORS

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

SUMMER 2013 INTERNS

Jose Aguayo	Andrew Morris
Sarah Brown	Alina O'Donnell
Mariam Capon	Samuel Rauschenfels
Mara Lookabaugh	Shaina Schaffer
Samantha Kahn	Samantha Stahl (NYC Office)

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



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

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

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



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

On the Cover:

*Residents in Ohio, New York, and
Maryland rally to oppose hydraulic
fracturing (fracking).*

EVACUATION, THEN WHAT?

Thirty-five years ago my former neighborhood, Love Canal in Niagara Falls, NY, was fighting for evacuation from the 20,000 tons of toxic chemicals buried in the center of our community. Today, after years of struggle, families in Mossville, LA won a huge victory when they learned that they can move out of their contaminated neighborhood with the chemical giant Sasol paying the costs. Sasol wants to purchase the homes because it wants to expand its plant which already covers three square miles.

Much like my former neighborhood in New York, people are sick with cancer, respiratory disease and other illnesses. But Sasol does not acknowledge any health problems. They are saying only that they want to expand and need more land.

In over 32 years of work at CHEJ we've watched and assisted dozens of neighborhoods asking for relocation benefits. Communities in polluted areas are sick and fearful of not only the chemicals but of uprooting their families to buy another home in a safe area with limited funds.

Communities that are evacuated are often low wealth neighborhoods. Most often, these are places, like Mossville, where the people settled first and the industry came afterwards, expanding their operations over time. I am happy that the folks in Mossville finally have the option to move, but one thing I have understood through my own experience and from other communities I've work with, there are huge costs associated with relocation that go beyond the cost of a new home.

These costs include the impact on the environment. Once neighborhood leaders move out, there is no "watch dog" to keep the industry that caused the pollution in check and, as a result, business continues as usual. The industry also doesn't need to spend money cleaning up their contamination because the human health risks have been "removed." And more often than not the polluting industry avoids paying for medical expenses to treat diseases that result from exposures.

Although Occidental Petroleum, the responsible party at Love Canal, was found guilty of negligence by the New York State Supreme Court, they only paid for the cost of containment and monitoring, not for removal of the 20,000 tons of chemicals sitting in the middle of the neighborhood. Today, the canal is leaking again and people living outside of the evacuation zone are complaining of illnesses and toxics in their neighborhood.

The costs to families in these neighborhoods are real in both dollars and social impacts. Where will they ever find a home on the little money they receive for their contaminated house? What happens to their children who are in high school and can't graduate with their class? Who will watch out for the elderly who people in the community respected and kept an eye on? The list goes on. While there is real reason to celebrate, we should never think it's over when folks receive a check.

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.

BY SHAINA SCHAFFER

RESIDENTS CELEBRATE HISTORIC CLEAN AIR VICTORY



Photo By CAC/WNY

Several of the 53 smokestacks in Tonawanda, NY.

The Clean Air Coalition of Western New York and residents of the town of Tonawanda, NY secured a historic victory this year when a judge ruled that the Tonawanda Coke company violated numerous federal laws. The ruling may bring tens of millions of dollars to the community for environmental projects. It took several years of strategic planning, grassroots organizing and campaigning to achieve this historic victory.

Tonawanda is an industrialized town located just north of the city of Buffalo. It has the highest concentration of air-regulated facilities in the state. Within just a two-mile area there are 53 air-regulated facilities including a coal-fired power plant, the Tonawanda Coke plant, 3M and DuPont chemical plants, two petroleum distribution terminals, as well as landfills, two major highways and a bridge. The community is overburdened by harmful pollution.

Jackie James-Creedon was born and raised in Tonawanda and had become accustomed to the constant smell from the air pollution. When Jackie was diagnosed with fibromyalgia, she began to think that growing up in this polluted community might have contributed to her illness. She spoke with other community members and realized that many of her neighbors were just as sick and some were even sicker. Residents suspected that their health problems and the neighborhood stink were linked to the numerous industrial facilities in town. One resident said that every morning she could smell the fumes from factories near her house, "It just hit you in the face and you couldn't breathe. It was so strong."

Together the residents decided to investigate the situation and evaluate if their air was responsible for their poor

health. Clearly something was affecting them and the question "Why are we so sick" needed to be answered. A handful of community members, working with the Citizens' Environmental Coalition, decided to start the first Tonawanda "Bucket Brigade" to collect air samples and test what was in their air.

The result of their testing was shocking. The group discovered their air contained extremely high levels of benzene. Armed with this discovery, the group reached out to the state Department of Environmental Conservation (DEC). They also formed the Clean Air Coalition of Western New York (CAC), a grassroots, membership based, environmental health and justice organization dedicated to protecting the right of residents to live in a healthy environment. CAC gained support in a variety of ways including going door-to-door, meeting with elected officials, doing media outreach, publishing reports, and holding rallies. They also worked to create a democratic organization that would keep the community involved in the process of improving the environmental health of Tonawanda.

In response to pressure from CAC, the DEC began a year-long community air quality monitoring study in July 2007. Air monitors measured the concentration of 56 chemicals in the air. Benzene levels were found to be 75 times greater than the state's Annual Guideline Concentration which is based on a 1-in-1-million cancer risk. The annual average concentration for six air toxics chemicals each exceeded DEC's health-based annual guideline concentration. Tonawanda Coke, a foundry coke plant, was found to be the predominant source of the benzene emissions.



Photo By CAC/WNY

Residents rally against Tonawanda Coke.

Continued on page 10

TRAPPED BY DESIGN: A TALE OF TWO CITIES

At first glance it may not be clear that Corpus Christi, Texas and Detroit, Michigan have much in common. The two cities may be on opposite ends of the country, but they share a similar history that has led to many of the same struggles that come from being an environmental justice community.

Corpus Christi, Texas: “Refinery Row” is home to primarily low income, Afro-American and Hispanic communities located uncomfortably close to a large collection of industrial companies including many refineries. The problem is the air and ground pollution caused by these industries. Incidents such as groundwater contamination, lead contamination in soil, accidents and explosions at the plants, and various toxic clouds have provoked little or no action by city officials on both sides of the political spectrum. The residents of Refinery Row have formed organizations such as Citizens for Environmental Justice and People Against Contaminated Environments in order to change their living conditions.

Southwest Detroit, Michigan: 48217 “Michigan’s Most Polluted ZIP Code” is home to roughly 9,750 people, predominantly low-income people about half are people of color. Many residents have either owned their houses for many years or have inherited their homes from parents and relatives. This zip code has many seniors living below poverty on fixed incomes. Most of them could not move out if they wanted to due to financial constraints and low property values. They are breathing by-products from the surrounding polluting industries that release toxins into the air and leach into the soil, and subsequently are dumped into the water. It should come as no surprise that residents in Zip Code 48217 suffer a wide range of serious health problems. To that end, residents have formed Detroiters Working for Environmental Justice and Southwest Detroit Environmental Vision to address the living conditions of their neighborhood.

CHEJ has worked with groups in both communities and we’ve heard remarkably similar explanations for why these communities are each suffering a disproportionate share of pollution and poverty. It started 40-60 years ago when African American, Latino and Asian populations sought to purchase property. In both cities, there were development plans that designated where someone who was non-white could purchase land and build their homes. Not surprisingly the part of the city designated for non-white populations was the least desirable land. These designated areas were also made available to commercial and industrial development and routes for high volume transit lines for trucks, trains, highways and more.

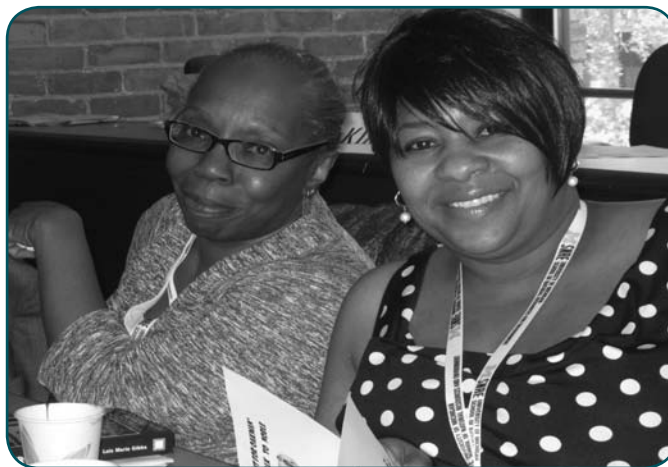


Photo By Lois Gibbs

Detroit community leaders Rhonda Johnson (on left) and Donele Wilkins.

As the cities grew, so too did the industries that were located there. In Corpus Christie, the residents refer to this area as “refinery row.” Homes are located on one side of the street and refineries on the other. In Detroit’s southwest side, residents call their neighborhoods “sacrifice zones.” Both communities have similar pressing problems. Both have high levels of chemicals in the air and in the soil. Citizens speak of air quality problems and the rancid odors that permeate their homes and cause nausea, headaches and dry heaves. Both communities formed multiple grassroots groups to address the pollution and the environmental problems.

Suzie Canales, a resident of Corpus Christi and co-founder of Citizens for Environmental Justice (and a CHEJ Board member) talked of race zoning in the city back in 1942 that forced people of color to live in and around old dumpsites. In Detroit, we learned of the use of eminent domain and public subsidies to facilitate private redevelopment that systematically impacted the residential segregation, the labor markets and housing outcomes.

In decades past, urban planning specifically kept people segregated according to their race. Now, more subtle approaches achieved the same effect through informal means or through control of land use such as by traditional zoning. For example, zoning ordinances would exclude low-income multi-family housing from well-to-do suburbs.

Another practice used to control who could live where is described by historical scholar Yale Rabin. It’s called *expulsive zoning*. This refers to the practice of superimposing incompatible zoning (allowing commercial and industrial zoning in areas zoned residential) on communities of color

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

The **Butte Environmental Council** (BEC) hosted a Public Forum on Dioxin in Oroville at the end of July to discuss options for testing dioxin and taking action. An audience of 45 folks included residents, employees from The CA Health Collaborative, the Butte County Air Quality Management District and Environmental Health, and leaders in the Faith community in south Oroville. A short clip was shown of the documentary film "Trashed" that described the release of dioxins from incinerators, as well as a short video featuring Dr. Linda Birnbaum, director of the National Institute of Environmental Health Sciences, talking about the health impacts of dioxin. The audience eagerly grabbed up thirty donated copies of CHEJ's book *Dying from Dioxin* as a reference and blueprint for action. After the films, BEC staff talked with community members about options for testing, listened to their concerns and discussed priorities and strategies.

In Memoriam of Barbara Brenner (1951-2013): We were deeply saddened to hear of the recent passing of **Barbara Brenner**. Brenner was a long time supporter of the fight against environmentally related cancer. She was diagnosed with breast cancer at age 41 and later developed amyotrophic lateral sclerosis. After her breast cancer diagnosis, Brenner who was a lawyer and activist joined the board of the **Breast Cancer Action** (BCA). A year later she became the executive director of the organization, which grew a national reputation under her leadership. BCA became the first organization to refuse funding from corporations that profit from cancer, or contribute to it by polluting the environment. Barbara Brenner will be greatly missed.

Florida



Residents rally against Big Fertilizer in Rockledge, FL.

Save Our Aquifer, the **Space Coast Progressive Alliance**, the **Sierra Club** and others celebrated when the Rockledge City Council voted to keep strong the fertilizer ordinance that it passed earlier this year. The

council rejected opening the ordinance to exemptions for large fertilizer companies who lobbied to weaken the ordinance by giving them a free pass to fertilize whenever they want. The groups took their message to council meetings and held a large rally the day of the vote with over 100 people urging the legislators to say "NO" to Big Fertilizer and stick by the ordinance. The rally included a special guest appearance by the Creature from the Black Lagoon and an 11-foot long array of photos of dead manatees killed by toxic algae over the past months (see photo). The ordinance was passed largely to protect the Indian River Lagoon where waste fertilizer runoff gets into the lagoon and impacts manatees and pelicans that are dying in alarmingly high numbers due to the growth of red-colored algae that feeds on the fertilizer and displaces other endemic plants.

Louisiana

Mossville Environmental Action Now (MEAN) and the residents of Mossville have been calling for relocation ever since the 1990's when an unacceptable amount of ethylene dichloride was discovered polluting their groundwater. Mossville is the home to more PVC plants than anywhere else in the US. Some residents will finally get the opportunity to leave when Sasol, one of the vinyl companies who is building a new petrochemical plant, announced plans to fund a relocation of Mossville residents interested in moving from their homes and from the pollution. The company plans to expand their operations to cover over 3 square miles. Congratulations to the residents of Mossville for this huge victory! MEAN is working with Sasol on the Voluntary Property Purchase Program. Dorothy Felix, President of MEAN commented, "We have been advocating for relocation for years and know that the only way the plan can work is to meet the needs of Mossville residents, who suffer from industrial pollution that make us sick and ruin the value of our homes."

Massachusetts

Congratulations to **Concerned Citizens of Franklin County** (CCFC) along with residents of Greenfield who opposed a plan by Pioneer Renewable Energy to build a 47 MW biomass facility that would have burned 600,000 tons of wood a year. When the company failed to file an application to amend the special permit by July 16th, the special permit became annulled and the proposed biomass project dead. A legal agreement had been reached earlier this year that allowed the developer to finalize his plans with the town with an amended

permit; if the amended permit was not submitted to the Greenfield Planning Board by the deadline, the permit would be annulled. The company's decision was no doubt aided by passage of state regulations in August last year that placed stricter standards for biomass power generators to receive state subsidies. This was a long and grueling fight for CCFC and the residents of Greenfield who deserved enormous credit for standing its ground and refusing to back down.

Michigan

The suspicious activities of a newly formed "non-profit" corporation, the Northern Michigan Geologic Repository Association based in Marquette County, are being questioned by local residents and organizations. **Keweenaw Bay Indian Community** tribal members, **Concerned Citizens of Big Bay**, and **Save the Wild UP** are calling for the Department of Justice to investigate the creation of this so-called non-profit organization which consists of Rio Tinto (a large mining corporation) executives and local government officials, and was created at the same time that the planning and construction of the local Eagle Rock mine took place. Poor regulation and other questionable practices have prompted the request for this investigation. The groups with other concerned citizens held a demonstration near the Michigan Department of Environmental Quality Upper Peninsula office outside Marquette with signs calling for the investigation (see photo below).



Residents in the Upper Peninsula, MI call for investigation.

Missouri

Missouri Coalition for the Environment (MCE), **Washington University Environmental Law Clinic** and local residents of an East St. Louis neighborhood listened with mixed emotions to the announcement that the USEPA had reached an agreement with the owners of the Carter Carburetor site to pay \$30 million to clean up the site. Most were happy that the site will finally be cleaned up, but many were frustrated that it took so long. The contaminated site contains enormous levels of PCBs, as high as 270,000 parts per million (ppm), sat abandoned in the middle of this neighborhood for more than 30 years. Working with MCE and local residents, CHEJ provided an in-depth analysis of the initial cleanup plan proposed over two years ago. At the time, the company wanted to use an *in-place* thermal desorption process to treat the soil. CHEJ opposed this

Photo from Sierracubfloridians.org

Photo © Sally Weisman and Courtesy Save the Wild UP. unless otherwise indicated

ACTION LINE

plan because PCBs and other volatile chemicals in the soil would simply be driven from the soil into the air exposing neighboring residents. Community opposition helped kill this initial proposal which is not part of the final plan. Instead, the PCBs will be removed and disposed of at another site. CHEJ remains concerned about protecting the neighboring residents during the cleanup which is likely to take over four years.

New Hampshire

Congratulations to **Work on Waste (WOW)** and the



Photo By Jennifer Hanck

The Wheelabrator Technologies Inc. plant in Claremont, N.H..

community of Claremont who received an unexpected but very welcome announcement on July 31st that Wheelabrator will close its incinerator on September 30th later this year. WOW and others have fought for years to shut down the plant. CHEJ has supported these efforts all these years. About 30 residents including leaders from WOW have an appeal pending before the state Department of Environmental Services challenging a proposed five-year operating permit for the plant. The incinerator has been running for nearly 27 years, and burns close to 200 tons of waste per day. Wheelabrator cited financial reasons for shutting down the incinerator. Longtime opponents of the incinerator like Bill Gallagher, who was once arrested for refusing to leave a waste district meeting, and Katie Lajoi were thrilled to hear the news. The residents of Claremont and Sullivan County have worked incredibly hard for this change.

New Jersey

Residents in Roxbury Township formed the **Roxbury Environmental Action Coalition (REACT)** to address foul odors coming from the Fenimore Landfill. The odor is a rotten-egg smell that has been traced to hydrogen sulfide emitted from decaying construction waste mostly wet gypsum wallboard. The landfill shut down in 1979 but the state approved a project to reopen the landfill in 2011 to accept construction waste. The waste was to cap the landfill and level the ground as part of a unique project to build solar panels on the site. So far, there are no signs of the solar farm and some say

as much as a million tons of construction waste has been dumped at the site. People are reporting migraine headaches, respiratory problems and burning eyes. Air quality monitors installed to measure hydrogen sulfide exceeded the 30 parts per billion (ppb) limit at least 26 times in June alone. Levels over 700 ppb have been reported. When efforts to shut down the landfill failed, the state took over the landfill after legislators passed a law at the end of June that enabled the state to close reopened landfills that fail to meet state requirements. REACT continues to fight to stop the odors.

New York

In early June the **Rockland County** Board of Legislators voted unanimously to prohibit the sale, application and disposal of waste products in the county from natural gas drilling operations. Rockland is following in the footsteps of other NY counties such as Westchester, Putnam, Nassau, Suffolk, Orange and Ulster that have enacted legislation to protect their water supplies. Local groups are now pushing for County Executive Scott Vanderhoef to sign the legislation immediately.

Former students and their parents of **Bronx New School**, an elementary school that operated between 1993-2011, demand better health monitoring. The school was closed in June of 2011 due to levels of trichloroethylene (TCE) in the air in the building that were 10 times the state safety limit. The TCE in the building is likely due to its past uses as a lamp factory and an auto garage. At least two lawsuits from staff members are pending, and parents of ex-students are waiting to hear back on their demand for more health monitoring.

Residents living along Eighteenmile Creek in the City of **Lockport** were surprised to learn that the federal government is strongly considering whether to permanently relocate the families living in about a half-dozen homes contaminated by the flooding of the creek. The decision follows a heated meeting last month when more than 75 residents jammed a public forum and heard EPA officials discount residents' pleas for relocation. Residents renewed their demands for relocation when more than 5 inches of rain on June 28 caused the creek to overflow onto adjoining homes carrying a toxic stew of PCBs, heavy metals and other hazardous chemical.

North Carolina

The **Blue Ridges Environmental Defense League (BREDL)**, **NC WARN** and other groups opposing Duke Energy Carolinas request to increase electric rates protested outside a hearing in Raleigh held by the NC Utilities Commission on the rate increase. The protest included street theater that featured BREDL Executive Director Lou Zeller playing the role of Duke Energy's "Monopoly Man" who wound up going to

jail when the crowd (the NC taxpayers) recognized the cozy relationship between the Straw Man Sheriff (NC Utilities Commission) and Duke Energy's Monopoly Man. The action delighted the media and activists alike. Public hearings were held in cities around the state from May 21 to July 2 2013.



Photo courtesy BREDL

Street theater protest against high electric rates in Raleigh, NC..

BREDL and various **BREDL chapters** in NC launched a campaign to alert the public of a brewing property rights issue. North Carolina is deciding whether to allow what's called "Forced Pooling" which would compel a non-consenting landowner into a mineral rights lease whether s/he wants to or not. This is a technique used by oil and gas development companies to cost effectively drill and collect natural gas or oil by using hydraulic fracturing (fracking). So if an oil or gas company wants to drill in an area, it can apply to a state authority to force property owners into involuntary pooling. If passed, it will allow these companies to dictate what people can do with their property. It could force people to give up their mineral rights when someone else wants them. This is a serious threat to landowner rights. Alerts ran in various publications and were shared across the internet and opposition is building statewide.

Ohio

Over 250 citizens gathered in **Warren** to protest the disposal of fracking waste in injection wells in Ohio. The protest was followed by a prayer service at an injection well. Ralliers learned that almost 8 billion gallons of oil and gas liquid waste has been injected into Ohio soils since 1978 much of it coming from out-of-state. The protest was organized by a coalition of groups including CHEJ.

Citizens from Frackfree Mahoning in Youngstown have gathered enough signatures to place a citizens rights base ban (to give local control) on fracking on the November ballot. Residents in **Athens** have also collected enough signatures to place a similar initiative on the ballot in November.

ACTION LINE

Need organizing help?

Visit www.chej.org/assistance
or call 703-237-2249

Oregon

Portland residents organized by **Neighbors for Clean Air** went to the Oregon State Capitol to ask for support for HB 3492, a bill that expands the Toxics Use Reduction Program to include Hazardous Air Pollutants. In a state where the oldest and dirtiest facilities are allowed to continue operations without modernizing pollution control technologies, this is a much needed piece of legislation to protect the health of everyone. One hundred sixteen Oregon schools were ranked in the worst 10% nationally for exposure to industrial air toxins – evidence that this kind of movement towards greener technologies must happen sooner rather than later.

Pennsylvania

Activists from Pennsylvania, Ohio, New York and West Virginia participated in a Grassroots Summit on hydraulic shale gas extraction (fracking) held at the McKeever Environmental Learning Center in Sandy Lake. The training was sponsored by the **Mountain Watershed Association** for grassroots community and environmental advocates and citizens to come together for organizing and rejuvenation. Featured speakers included CHEJ's Lois Gibbs, Simona Perry, founder of Community Awareness and Solutions for Empowerment and Elliot Adams, former president of Veterans for Peace. Lois's workshop focused on developing your message including reaching hard-to-reach community members by shaping your message to be relevant to a wider audience. About 40 activists attended the training.

Rhode Island

CHEJ's Executive Director Lois Gibbs traveled to Providence to support efforts by the **Environmental**



CHEJ's Lois Gibbs with Scott Slater who sponsored school siting bill in RI.

Photo By Bill White, Capital Television

Justice League of Rhode Island, Clean Water Action, the Environment Council of Rhode Island, the Childhood Lead Action Project and others to protest against legislation that would weaken a law prohibiting school construction where toxic vapors could pose a danger. The original school siting law which was enacted just last year was one of the toughest in the US. Under this existing law, contaminants whose fumes could penetrate a school would need to be removed. But if the law is amended, it would permit the use of engineered solutions that the groups oppose as unreliable and costly to maintain for taxpayers.

Tennessee

Residents in Maury County have been complaining to the state that some people are getting sick from drinking the water in Mt Pleasant. With the help of **Statewide Organizing for Community Empowerment (SOCM)**, the residents voiced their concerns at a public meeting. The residents were shocked however when a state official repeatedly told them that complaining about the poor water quality could be considered "an act of terrorism." He warned them that "You need to make sure that when you make water quality complaints you have a basis ... because federally, if there's no water quality issues, that (the complaint) can be considered under Homeland Security, an act of terrorism." These outrageous comments are being investigated by the Tennessee Department of Environment and Conservation and the state representative who organized the meeting and who echoed the resident's outrage, "I thought it was out of context. That did not apply to anything that we were discussing at the meeting."

Utah

Close to 100 residents of the Foxboro section of North Salt Lake City gathered in protest outside the Stericycle medical waste incinerator demanding that the plant be shut down. The protest followed the disclosure by the state Department of Environmental Quality that Stericycle had manipulated emission tests and falsified data to appear to meet state emissions standards. **Greenaction** which helped organize the protest has been suspicious of the facility for years. One of the protesters, Dr. Brian Moench, President of **Utah Physicians for a Healthy Environment**, stated, "We hope the company sees that there's public pressure and a demand for this place to be shut down." Residents are circulating a petition asking the company to shut down or move.

Virginia

Friends of the Shenandoah and residents of the Shenandoah Valley are working hard to support a proposal from the United States Forest Service to ban horizontal natural gas drilling and modern day fracking in the George Washington Forest. Oil and gas companies, as well as the governor are working

to block the ban, but residents and environmental activists are not backing down. If the ban is enacted, it will be the first ban on US government owned forests. Opponents of fracking in this area argue that 247,000 residents would have their drinking water affected, as well as residents of areas further downstream. So far, the forest service has responded to over 53,000 public comments on the proposed ban! **Friends of the Shenandoah** continues to advocate for the ban in hopes of protecting the national forest, the water supply, and residents who would be affected by horizontal drilling and fracking in this forest.

West Virginia



Photo By Eco-Watch News Service

Residents rally to end mountaintop removal mining in Appalachia.

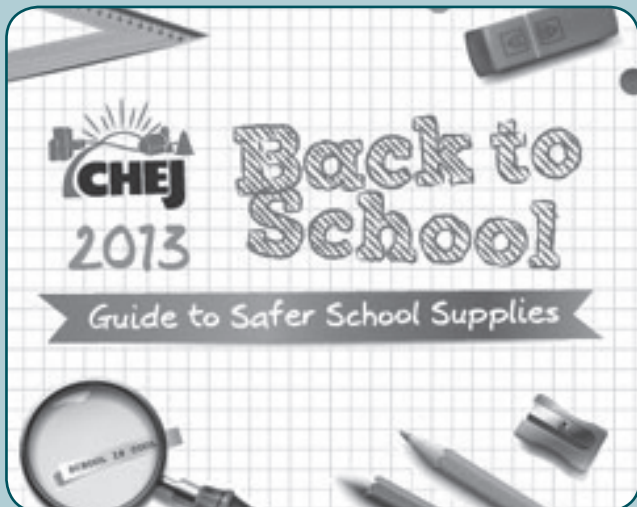
Dozens of **Appalachian** residents as well as citizens from all over the United States headed to Washington DC on May 8th to rally at EPA headquarters and address the issues of mountaintop removal mining. This destructive form of strip mining has destroyed over 500 mountains in Appalachia, as well as burying and poisoning more than 2,000 miles of streams. To address the issue of water contamination, the protestors brought hundreds of gallons of toxic water from their homes to the rally in front of the EPA. We commend the participants of the rally for standing up and supporting their communities, working to end mountaintop removal mining, and the deadly affects it has on the people who live in Appalachia.

Working in collaboration with the **Ohio Valley Environmental Coalition** and the **Coal River Mountain Watch**, CHEJ commissioned the National Commission on the Health Impacts of Mountaintop Removal (MTR) Mining to review scientific studies on the impacts of mountaintop removal coal mining on human health. The Commission, a group of independent physicians and scientists, released recommendations for actions necessary to ensure the health and safety of the residents impacted by MTR mining. Recommendations included a moratorium on mountaintop removal mining until health studies have been done that provide a clearer understanding of the associations between adverse health impacts, notably adverse reproductive outcomes, and MTR mining. The review and the Commission's statement are available online at www.chej.org/mtopreport.



PROGRAM HIGHLIGHTS

CHEJ's Annual Back-to-School Guide to PVC-free School Supplies is Out!



CHEJ has released our 6th Annual *Back to School Guide to PVC-free School Supplies*, a listing of safer PVC-free school supplies for children and families. Testing commissioned by CHEJ in 2012 uncovered high levels of toxic phthalates in many popular vinyl school supplies, like backpacks and lunchboxes. These harmful chemicals have been banned in toys, but are common in school products. You can download our new 2013 guide, and even a wallet-sized version for shopping on the go, at www.chej.org/backtoschool2013.

Here are a few tips for avoiding some of the most common school supplies made out of the poison plastic.

Art Supplies

- Avoid PVC in smocks by looking for fabric ones. Avoid modeling clays made of PVC (polymer clays such as Fimo and Sculpey).

Backpacks

- Avoid backpacks with shiny plastic designs as they often contain PVC that often include phthalates.



Lunchboxes and Food-Wrap

- Use cloth lunch bags. Many plastic lunch boxes are made of or are lined with PVC and may contain phthalates or lead. Look for lunchboxes labeled "PVC-free."
- Use PVC-free butcher paper, waxed paper, parchment paper, low density polyethylene (LDPE) or cellulose bags for food-wrap.

Notebooks

- Avoid notebooks with metal spirals encased in colored plastic as it usually contains PVC, and plastic-coated notebooks.

Paperclips

- Stick to the plain metal paperclips. Colored paper clips are usually coated with PVC.

Three-Ring Binders

- Use cardboard, fabric-covered, or polypropylene binders. Most 3-ring binders are made of PVC and often contain phthalates. Look for binders labeled "PVC-free."





PROGRAM HIGHLIGHTS

New Resources to Promote Safer Products in Government Purchasing



Let's face it, government agencies and schools buy lots of stuff. Computers. Office supplies. Flooring. Tons and tons of stuff! Lots of these products are often filled with all sorts of toxic chemicals and materials, like vinyl plastic, phthalates and flame retardants. But what if we could change that? What if we could harness the power of government spending to promote safer products that don't contain these harmful chemicals? What if government agencies could use their purchasing power to help transform the marketplace away from poisonous chemicals?

To do just that, CHEJ is pleased to announce the release of a brand new fact-pack to assist government agencies in purchasing safer products. The Fact Sheets include: 1) Toxic Chemicals in Products & Building Materials Commonly Purchased by NY Schools; 2) New York & National Environmentally Preferable Purchasing and Building Policies to Promote Safer Products; 3) Green Purchasing for Safer Products; and 4) Tools & Resources for Government and School Purchasers to Identify and Specify Safer Products and Building Materials.

Help us spread the word! Visit www.chej.org/greenpurchasing to download the fact-pack, and share them with purchasers/staff in your community to help transform the marketplace!

PCB Lights Removed From Schools: Victory for NYC Parents

After a two year legal battle, New York City agencies agreed to cut in half its ten-year timeline to remove light fixtures containing toxic PCBs (polychlorinated biphenyl) from more than 750 public schools. The settlement requires the city to remove all PCB light fixtures by the end of 2016. "This settlement is a real victory for New York City parents, students and schools staff as in three and a half years, our schools will finally be free of these toxic light fixtures," said Christina Giorgio, attorney for New York Lawyers for the Public Interest. Congratulations go to NYLPI and New York Communities for Change, representing parents frantic about their children's long-term exposure to the banned chemical. "These lights are leaking en masse," said Giorgio, noting that leaking lights sent nine kids and two adults to the hospital from a Harlem school in May of this year.

Check your Lights for PCBs When Your Children Go Back to School

If your child's school was built before 1979 and the lights have not been upgraded, you should be aware of a newly discovered environmental health hazard - PCBs (polychlorinated biphenyls) are often found in these old light fixtures in schools. PCBs are a family of chemicals that were banned by Congress since they are extremely hazardous. The problem came to light when PCBs were found in light ballasts in old New York City schools. The PCBs were leaking and evaporating into the air and the oily-like substance was coming into contact with objects children touch. Community groups took action and successfully demanded a plan to replace them with energy efficiency lights. CHEJ has a series of fact sheets and a checklist for you to assess your school for this problem, and convince the school to implement cost-effective solutions. Visit chej.org/campaigns/childproofing/projects/pcbs-in-schools/.

In response to the DEC study and ongoing pressure from CAC and outraged community members, the New York State Department of Health (DOH) decide to conduct a health study of the area. DOH found elevated levels of several different cancers as well as pre-term births and heart defects. This study verified the experiences and complaints of numerous residents.

CAC decided to target Tonawanda Coke and led a direct-action campaign to hold the company accountable. Coalition members wrote to, met with and received the support of many elected officials, held a protest at the gates of the company and flooded the phone lines of a government agency that provided public subsidies to the company. The resulting media coverage and public pressure led to dramatic changes.

In December of 2009, the U.S. Department of Justice, the U.S. EPA, DEC and U.S. Coast Guard raided Tonawanda Coke with a federal search warrant and found numerous violations. The plant's Environmental Control Manager was arrested shortly afterwards and was indicted for violating 20 federal laws. In January of 2010, EPA issued three Notices of Violation describing the changes that must be made at the plant. In June 2011, the EPA signed a compliance order with the company that will reduce benzene emissions from the plant by two-thirds.

In federal court, the judge found the company and its environmental manager guilty of violating the Clean Air Act (11 counts) and Resource Conservation and Recovery Act (3 counts). The environmental manager was also found guilty of obstructing justice. The company now faces criminal fines in excess of \$200 million and the environmental manager faces up to 75 years in prison. This victory marked a major landmark for the group.

Immediately after the fines were announced, local officials began jockeying to keep some of the anticipated settlement money in the community. Recognizing the opportunity to influence how some of the anticipated \$50 million targeted for local projects might be spent, CAC began organizing town hall-like meetings to solicit ideas about what people wanted to see done to make the community a better place to live.

CAC organized a general assembly where over a hundred residents brainstormed ideas on how to best spend the money. They organized follow-up meetings to flush out project ideas, create budgets, secure letters of support and create a ballot that residents voted on. The projects that got the most votes were then submitted to the federal government as recommendations from the community on how to spend the settlement money. Proposed projects included community gardens, a neighborhood relocation



Tonawanda residents preparing to collect air samples using a homemade bucket.

and an improvement fund for residents living closest to the plants, as well as a community-based health center.

In addition to CAC's victories at Tonawanda Coke, CHEJ has assisted CAC to successfully convince government agencies to implement a precedent-setting project to reduce overall air emissions in Tonawanda. CHEJ discovered a rarely used EPA provision called the Integrated Urban Air Toxic Strategy. A primary goal of the strategy is to reduce cancer-causing toxic emissions by 75% in areas like Tonawanda that have clusters of polluting industrial facilities. Public pressure convinced EPA to implement this strategy in Tonawanda and the agency began a collaborative project with DEC, the town of Tonawanda, CAC, and CHEJ to develop plans to reduce air emissions and create greener industries by preventing pollution. After many meetings, EPA, DEC, the town of Tonawanda, CAC and the NYS Pollution Prevention Institute signed a Charter agreement in 2011 to implement an EPA E3 Program (Economy, Energy and Environment). The goal of the E3 program is to help manufacturers reduce environmental impacts while fostering economic growth within the regional economy. That program is still being implemented, and residents are hopeful it may lead to further pollution reductions.

The Coalition started out as just a small group of concerned residents and has become more successful than anyone could have ever imagined as a result of their strategic organizing and campaigning. Much has been accomplished within the last few years to improve the health of the Tonawanda community and there is still more to be done. *"Tonawanda is an industrial community with more than its fair share of environmental burdens and related health problems," says Erin Heaney, Executive Director of CAC. "The Clean Air Coalition looks forward to continuing and enhancing its work in the community to solve environmental challenges."*

Shaina Schaffer was an intern this past summer at CHEJ. She is attending the University of Virginia. ♦

With Special Thanks

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work from May 1, 2013 to July 31, 2013. 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!

PARTNERS' CIRCLE

Family Partner

(Gifts of \$250-\$499)

Anne Fischel
Chen-Yu Hu
Murray & Addie Levine
Jim & Betsy Lyons
Kenneth F. & Katharine
Mountcastle
Nancy Sampson

Health Defender

(Gifts of \$100-\$249)

Walter Barbuck
Richard Beamish
James Brantum
Tina Daly
Jane Foster
Robert Hernan
Robert Kennedy
Beverly Kerr
Peter Killeen

William & Agnes Martin

Albert Matheny
Owen Owens
Jerry & Faye Rosenthal
Dennis Santella
Joni Seager
Philip & Alice Shabecoff
Thomas von Geldern & Cynthia
Skrukud
Eric Sorensen
Robert & Pat Tammen

Margaret Weitzmann
Clay & Neva Whybark
J. Wunderlich

(Gifts of \$2,500-\$4,999)
Coalition for the
Environment

ORGANIZATIONAL & COMMUNITY SUPPORTERS

Health Defender
(Gifts of \$100-\$249)
Environmental Stewardship
Concepts
Our Neighborhood Matters
Working Group NoJHL at
PWV

GUARDIANS' CIRCLE

Movement Builder

TRAPPED BY DESIGN: A TALE OF TWO CITIES, continued from page 4

in order to force them out. This led to using minority neighborhoods (no matter how stable) as a dumping ground for locally unwanted land uses. Localities could achieve exclusion by granting inappropriate variances, conditional use permits, or spot zonings in residentially zoned low income minority neighborhoods. In cities like Detroit and Corpus Christi, residential low wealth and neighborhoods of color (often stable living environments for most of their history) were thus externally controlled by the fact that they were zoned commercial or industrial years ago. When residents attempt to seek residential "downzoning" in order to maintain stability the communities are often rebuffed.

It was this historical urban planning and development that designated the segregation of low wealth and people of color to sections of the cities that were undesirable and polluted. It is well past the time for the public to stop pretending that people living in such communities voluntarily made these choices and have the ability to move, be whole and live the American dream.

The result of this history is that entire families are trapped by design and prejudicial practices, not through any fault of their own. They are unable to live in their home or sell it. In some cases, banks won't even give them home improvement loans because of where they live. So if a home has a leaky roof, the owner cannot get a home improvement loan to fix it, even if they have perfect credit because the home has little or no value due to its location. When a homeowner cannot fix his/her roof, the home deteriorates and often reaches the stage in which it no longer is structurally safe.

Families in non-polluted neighborhoods often use the equity in their homes to help put their children through school so

that they can have a better life. Families in Corpus Christi and Detroit cannot do that. Their children are sick; they miss school regularly due to illness; or they have learning and developmental disabilities likely due to chemical exposures. When children struggle in school and parents don't have the means to provide specialized teachers, they become frustrated and drop out of school. This cycle of poverty and pain continues often for generations because of the environment, because of historical segregation not because the schools, teachers or parents fail.

Too often the public after reading an article or watching a news report say, "If they don't want to live next to pollution, they should move." This lack of understanding of the serious victimization of communities is tragic. As Leslie Fields Program Director for Environmental Justice at the Sierra Club said recently, "These communities become the sacrifice zones, they will never be availed of any kind of green, sustainable, clean future. This is where [industries] are forever going to be expanding."

It is past time to right the wrong, whether that is cleaning up the community to a safe place to live, work and play or by providing adequate resources for families to move and begin their lives in a place where they and their children can grow, learn and play.

This tale of two cities has been replicated in virtually every major city in the United States. It is truly the tale of many cities that explains how certain neighborhoods became targets for industrial development and environmental injustice. These two cities continue to face many pressing problems, but with the help of committed residents, brave activists and strong local grassroots organizations, they will continue to push forward in the fight against environmental injustice. ♦

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

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

ADDRESS SERVICE REQUESTED



CHEJ's Leadership Training Academy

CHEJ's **Leadership Training Academy** strengthens the capacity, infrastructure and effectiveness of groups and emerging grassroots leaders by providing training, information and resources. Training is offered in both introductory and advanced phases and includes sessions such as Understanding & Using Social Media: Facebook, Twitter and Blogs, Successful Fundraising and Grant Writing and Conducting a Health Study. The Academy is closely coordinated with CHEJ's core programs and campaigns.

To learn more about the CHEJ **Leadership Training Academy**, make a donation, or schedule a training in your community, please contact CHEJ at 703-237-2249 or chej@chej.org.



Workplace Giving Season is Here!

If your employer participates in the workplace Combined Federal Campaign (CFC) or hosts EarthShare, a national federation that promotes environmental awareness and fundraising through workplace giving, you can make a donation to CHEJ through these workplace campaigns.

You can donate to CHEJ with a one-time donation or through payroll deduction by designating your donation to CFC #10633. If your company doesn't offer this option, call us and we can have someone explain the program to your employer.

Thank you for choosing CHEJ and helping to mentor a movement, empowering people to build healthy communities and preventing harm to human health caused by exposure to environmental threats.



@CHEJ



facebook.com/chejfans



chejtv.org