

Moms Take on Asphalt Plant



The Campaign Against BPA



The Journal of the Grassroots Environmental Movement

www.chej.org

Center for Health, Environment & Justice

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On the Cover:

Children delivering a "message in a bottle" to legislators in support of banning BPA in California.

Photo by: Breast Cancer Fund

ADVANCING OUR GOALS AND WINNING

It has certainly been an interesting and challenging year. Despite the bad economy and the lack of funds for organizations, there is much to feel good about.

At a national level, we've made great strides during Obama's first year in office. The administration has said they will support the reauthorization of the Polluter Pays Fees in Superfund. It won't happen until 2011, but there is a plan, something we haven't seen from the White House in a long time.

Draft school siting guidelines will be out early next year. These guidelines are critically important, as school board members are not trained in toxicology and too often believe the "experts" who say that building a school on toxic soil is safe.

Those who have been with CHEJ for a long time will be glad to know that dioxin regulations are finally moving forward. By December 31st a draft cleanup guideline for dioxin will be defined and sent out for public comment. A final interim guideline will be announced in June! It's been over 20 years since CHEJ raised the issue of regulations around dioxin, one of the most toxic chemicals on this planet that can be found everywhere.

Work on chemical reform is also moving forward by revamping the Toxic Substance Control Act (TSCA) with new legislation around the Kid Safe Chemical Act. This still has a ways to go, but the fact that the issue is gaining momentum means a lot.

The Agency for Toxic Substance and Disease Registry is redefining its mission to be more responsive to today's needs. Over 300 people attended a meeting in Washington D.C. to take part in the first conversations about how to change the agency.

Lastly, climate change legislation is no longer being stalled and the debate about whether the planet is in crisis has quieted to a whisper. There is now vibrant conversation about how to reduce our impact and address the coming crisis of global climate change in a proactive way.

At the state level, there is also huge change. Thirteen states have recently passed precautionary-based policy reforms (CA, CT, FL, GA, IL, ME, MN, NJ, NM, NY, OR, and WA). In New York, for example, a Pollution Prevention Institute was established that will help businesses and communities move toward safer workplaces, products and communities.

Yes, it's been a good year and I want to thank everyone for their support that allows CHEJ to invest time and resources into helping make these advances possible. Thousands of groups and leaders wrote letters to corporations, and elected representatives, and educated the public about these and other problems and the need for solutions. With very limited resources, the grassroots environmental movement is winning.

For a Healthy Environment,
Lois Marie Gibbs

ABOUT CHEJ

CHEJ mentors a movement building healthier communities by empowering people to prevent harm caused by chemical and toxic threats. We accomplish our work through programs focusing on different types of environmental health threats. CHEJ also works with communities to empower groups by providing the tools, direction, and encouragement they need to advocate for human health, to prevent harm and to work towards environmental integrity. Following her successful effort to prevent further harm for families living in contaminated Love Canal, Lois Gibbs founded CHEJ to continue the journey. To date, CHEJ has assisted over 10,000 groups nationwide. Details on CHEJ's efforts to help families and communities prevent harm can be found at <http://www.chej.org>.

BY SHERI CHLEBOWSKI, PRESIDENT, MOMS FOR CLEAN AIR

MOMS TAKE ON ASPHALT PLANT

On December 7th, 2008 a message on the Petaluma (CA) Mothers' Club email board read: "Threats to Shollenberger Park: Help needed."

After reading the alarming email regarding a proposed asphalt plant project, several "Moms" showed up at the City Council meeting to learn more. We learned that the project had been in progress for a few years but had somehow escaped any public involvement and that project approval was near. The proposed location is outside the Petaluma city limits in Sonoma County, just north of San Francisco, CA, but within the city's Urban Growth Boundary that requires city/county coordination.

We listened to a chemist, a park specialist, and others during public comment, as they educated our City Council, urging they take a stand against the project. For the first time, the Council voted unanimously to send a letter to the County Board urging them to vote no on the project.

The proposed location is on the Petaluma River, directly across from Shollenberger Park, one of the premier bird sanctuaries in North America. This river is at the heart of our city's recreation and entertainment. The park welcomes over 400 visitors each day with educational field trips for roughly 1,000 schoolchildren yearly. People use the trails to walk, run and bike. River activities include kayaking, rowing, and sail-boating. There's also a holiday lighted boat parade preceded by Santa's Riverboat arrival, with river-front dining and shopping.

The park was recently expanded by a state of the art waste water treatment plant and wildlife area with 30-acres of constructed polishing wetlands. This doubled the park trails and wildlife and added even more low-cost recreational amenities for our community. The asphalt plant will jeopardize this area as well. This was a 21-year, several million dollar project.

The proposed asphalt plant is located within two miles of our quaint downtown and three miles of over 60 schools, dozens of playgrounds, neighborhoods, restaurants and workplaces. The applicant's Environmental Impact Report (EIR) states that the project would cause significant and unavoidable impacts to air quality, noise and aesthetics and that the existing asphalt plants in the region have enough capacity to handle future needs.



photo by David Chlebowski

Some of the Moms for Clean Air on the pier in front of the location of the proposed asphalt plant at Shollenberger Park during a Mayoral walk wearing Moms for Clean Air shirts. From left to right: Heidi Rhymes, Ilka de Gast, Sheri Chlebowski and Julia Luna.

There were a few groups already opposed to the asphalt plant. They were mostly concerned about Shollenberger Park. We felt they had forgotten an asset. They had over looked the mothers in our community. So, we decided to get organized and call ourselves "Moms for Clean Air."

Our first step was to purchase a website and email address. Then we began researching organizations already dedicated

Asphalt: The Rush to Pave

There are nearly 5,000 operating asphalt plants across the country and hundreds of new proposals are popping up everywhere. Perhaps it's because of Obama's economic stimulus bill that targets new construction projects including roads. Or maybe road paving is a priority in your state. Some are selling a new improved "green" asphalt process (an oxymoron for sure) and others a "clean coal alternative." Regardless of the sales pitch, all asphalt plants release toxic air emissions and generate sickening odors and heavy dust. Pollution from these plants includes volatile organic compounds (VOCs) including benzene, toluene and formaldehyde, polycyclic aromatic hydrocarbons (PAHs), particulates, carbon monoxide, nitrogen oxides and sulfur dioxide. Breathing these substances can cause liver damage, respiratory problems including bronchitis, emphysema and asthma, skin rashes, and affect the central nervous system. Several of the VOCs and PAHs are suspected or known to cause cancer.

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BE SAFE Campaign

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

What are the True Costs of Pollution?

What are the real costs of environmental damage? What are the health costs of using chemicals? Check out CHEJ's **Pricing Pollution: True Cost Environmental Toolkit** and see how organizations are uncovering the true costs of using toxic chemicals and hazardous technologies. View Fact Sheets by experts on the powerful tool of precautionary economic analysis.

Kate Davies of Antioch University Seattle describes this new wave of studies which are highlighting the health and related costs of using toxic chemicals in America in *How Much Do Environmental Diseases and Disabilities Cost?* Frank Ackerman of Tufts University describes how free-market theory assumptions fail and how the "true costs" of environmental damage can be investigated in *An Economic Framework for Precaution*. The Toolkit features 16 studies which reveal the real costs of environmental hazards. For instance, a state-funded study found it is much safer and cheaper to dig up the dangerous radioactive waste at NY's West Valley site before it leaks into Lake Erie, rather than leaving it buried for thousands of years. Check it out at CHEJ's BE SAFE Campaign site at www.besafenet.com.

Get Activated with CHEJ's New PVC-Free Schools Campaign

CHEJ is kicking off a brand new PVC-free schools campaign this year, to encourage schools to ditch the poison plastic in favor of safer alternatives. We need your help to make it a success!

We've created a series of new PVC-free schools fact-sheets to help educate parents, students and decision-makers on the dangers of PVC plastic:

- PVC, the Poison Plastic – Unhealthy for Our Nation's Children and Schools
- Our Health and PVC – What's the Connection?
- PVC and Toxic Cleaning Products
- Top Ten Reasons Your School Should Go PVC-Free
- PVC & Environmental Justice
- PVC Policies Around the World

Get yours today and help spread the word by downloading them at <http://www.besafenet.com/pvc>.



Get Involved! Take Action for Healthy PVC-Free Schools

Safer and cost-effective alternatives are already available for virtually every PVC product in our nation's schools. **Here's how you can help today:**

- **Encourage your school** to renovate or build their school with PVC-free building materials such as PVC-free linoleum flooring and "TPO" roofing.
- **Encourage your school district, county or state** to adopt a healthy PVC-free policy to avoid the use of PVC building materials and office supplies in favor of safer cost-effective alternatives.
- **Educate parents, teachers and students! Organize a screening of Blue Vinyl and Sam Suds** for your PTA, teacher's union, or concerned students.
- **Encourage organizations**, such as PTAs, teacher's unions, and parenting groups, to endorse the campaign or pass a resolution.
- **Go Back to school PVC-free!** When buying your back-to-school supplies, shop for PVC-free products.

Get involved today! If you're interested in getting involved, or for more information, contact CHEJ at mike@chej.org or at 212-964-3680.

BY MIKE SCHADE, CHEJ'S PVC CAMPAIGN COORDINATOR

THE PERFECT STORM – THE CAMPAIGN AGAINST BPA

LESSONS LEARNED ABOUT SUCCESSFUL STRATEGIES

Over the past two years, it has been nearly impossible to pick up a newspaper or turn on the TV without hearing about the toxic chemical bisphenol A (BPA) in baby bottles and water bottles. Some of the biggest Fortune 500 companies in the world pledged to phase out BPA in products. Canada declared BPA was “toxic” and moved to ban BPA in baby bottles. A number of U.S. cities and states passed legislation banning BPA and an entire “BPA-free” market was born.



Organizers, campaigners and scientists created a “perfect storm” of campaigning activity – pulling together a diverse mix of strategies and tactics that resulted in huge victories for public health. Throughout this effort, there was a strategic emphasis to connect local, state, federal and international policy fights with corporate campaigns around BPA. In this article, we take a step back and highlight some of the many successful tactics used in this campaign.

Campaign Framing – BPA Harms Children’s Health

A key reason the campaign has been successful has been the framing around children’s health. Infants and young children are uniquely vulnerable to the synthetic sex hormone BPA leaching from baby bottles and other contaminated products. Campaigners have highlighted how this is an unnecessary risk to our children’s health –and that safer, cost-effective alternatives are readily available. This message strongly resonated with the public and mobilized concerned parents, particularly moms.

Cross-Border Organizing – Leveraging Campaigns in Canada

CHEJ and many groups worked closely with our partners at Environmental Defence in Canada, who led a national campaign to ban BPA in Canada. Groups in the U.S. and Canada communicated regularly and identified opportunities to collaborate. Groups in the U.S. also worked to strategically leverage actions in Canada, especially when Health Canada declared BPA “toxic.” Groups in the U.S. posed the question - if BPA was declared “toxic” in Canada, why is it considered safe here in the U.S.?

Product Testing – BPA Contaminated Baby Bottles

Product testing has been an extremely powerful tactic to highlight consumer exposure and pressure manufacturers

and retailers to phase out BPA-contaminated baby bottles and highlight the need for state and federal policy reform. Collaborating with partners in Canada and around the U.S., CHEJ co-authored in 2008 *Baby’s Toxic Bottle*, a product testing study investigating BPA leaching from baby bottles. CHEJ and allies strategically targeted baby bottles sold by the biggest manufacturers and retailers in the U.S., and invited groups in states with campaigns to purchase the bottles to be tested.

Environmental Defence released a similar report in Canada. Both reports generated substantial media coverage and helped convince the biggest manufacturers and retailers to phase out BPA-contaminated baby bottles.

Chemical Body Burden Testing - Is It In Us?

The testing of toxic chemicals in people’s bodies was another powerful tool. Testing by the Centers for Disease Control revealed nearly 93% of Americans age 6 and up have BPA in their body. This finding prompted the release of *Is It In Us?*, a study of the BPA levels in 35 people in seven states where groups were running campaigns. The study sampled a diverse grouping of individuals (such as a commercial fisherman in Alaska, a Naval Veteran from Illinois, or a stay-at-home mom from Minnesota). Another more recent report, *Hazardous Chemicals In Health Care*, tested doctors and nurses for BPA.

Shareholder Resolutions & Report Card

Shareholders who are part of the Investor Environmental Health Network, a collaborative of socially responsible investors and religious institutional investors, were among the first organizations to work on BPA. They called on Whole Foods Market to remove products containing BPA and Whole Foods agreed to remove baby bottles and related products that contained BPA making them the first major U.S. retailer to do so. Green Century Capital Management and As You Sow Foundation asked 20 publicly-traded companies what actions they are taking to respond to concerns regarding BPA and published their findings in a scorecard report, *Seeking Safer Packaging*, which ranked the companies on their responses.

Message in a Bottle - “Please Make Me BPA-free”

In 2009, a coalition of California groups organized a “Message in a Bottle” press conference, rally and lobby day – a terrific model event. Parents, children and infants wore t-shirts that read, “Please Make Me BPA-free” while doctors, celebrities and experts spoke at the press conference. Moms were prominent at the rally pushing their babies in strollers, a powerful visual

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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.

Arizona

Residents in Phoenix are getting organized to oppose a plan by a sand and gravel operator to build an asphalt production plant without filing for a permit. The company has asked the community to allow them to operate for 8 years in exchange for an agreement to pull out at that time. The community has said no and is pressuring the planning and zoning board to shut them down immediately. CHEJ is providing organizing assistance to the residents.

California

In August, injured workers held a press conference at the Los Angeles Press Club to speak out about their injuries and struggle for healthcare and justice at the Downey toxic dump site. Workers argued that the developer did not properly clean up the site which caused workers from the Downey Studios, Dreamworks Studio and the Downey Kaiser Hospital Complex to become seriously sickened by the dangerous chemicals at the site. These workers included members of **IATSE Local 44**, **LIUNA 724** and **SEIU UHW** as well as other unions.

A troubled scrap metal/aluminum casting facility in West Oakland, Custom Alloy Scrap Sales was sued this September for massive violations of water pollution laws by **Global Community Monitor (GCM)**. An investigation of official records on file with the Regional Water Quality Board by an environmental law firm working with GCM uncovered the violations and a lack of enforcement.

Florida

Save Our Aquifer (SOA) continues its effort to stop the town of Rockledge from injecting reclaimed waste water 500 feet underground into the aquifer that provides the town with its drinking water. SOA complained to the Brevard County State Attorney's Office that Rockledge officials violated two provisions of the state's Sunshine Law by meeting individually with consulting engineers to discuss the aquifer storage and recovery project and by keeping emails and some files related to the project in separate computers that are not available for public review. Town officials deny any wrongdoing but SOA continues to pressure them. The group is

concerned that their drinking water will become contaminated by the treated wastewater.

Stephen Foster Neighborhood Protection Group organized a protest rally at the front gate of the Cabot-Koppers Superfund site in Gainesville in October. The group was protesting the proposed cleanup plan at the 40-year-old wood treating site released by EPA last August. Testing of the aquifer beneath the site found naphthalene, a component of creosote used to treat wood at the site, in excess of state standards. The drinking water supply for Alachua County, which draws its water from



photo from The Gainesville Sun

Residents in Gainesville, FL protest outside Cabot Koppers Superfund site.

this aquifer, is located only 2-1/2 miles from the Koppers site. Soil on the site has arsenic and dioxins at levels that exceed state standards. Residents are unhappy the cleanup plan which they feel is woefully inadequate does not address the spread of this contamination to nearby homes.

Georgia

The Rev. Joseph Lowery's **Georgia Coalition for the People's Agenda** joined a coalition of environmental groups, ranging from the **Georgia Wildlife Federation** to the **National Parks Conservation Association**, in filing an appeal this August seeking to stop the siting of Georgia's first new coal-fired power plant in more than 20 years. "It's a very critical problem," said Lowery, in an Associated Press story. Lowery, an icon of the 1960s civil rights movement who received the Medal of Freedom from President Barack Obama, went on to say, "And it seems to me that for one reason or another, these projects always find their

way into poor communities. We want answers to that as well."

Indiana

Concerned Citizens of Scott County (CCSC) in Scottsburg formed to stop a biomass plant from being built less than a half-mile from an elementary school. The group is concerned about air emissions and the cost of building the plant. The air permit application submitted by Liberty Green estimates that the facility would release 245 tons of nitrogen oxide and 226 tons of carbon monoxide annually, plus more than 11 tons of hazardous air pollutants. CCSC is collecting petitions, sending letters to elected leaders and state agencies opposing the facility, and researching the track record of the owners and how similar the emissions from this plant are to those from a waste incinerator. They are networking with a group in nearby Crawford County where the same company is proposing a similar plant.

Louisiana

David Prince, Environmental Justice Leader, Dies in Tragic House Fire

CHEJ was deeply saddened to learn of the death of David Prince, a leader and advocate for environmental justice and human rights, who, along with his wife, battled pollution from PVC chemical plants in Mossville. Tragically, Mr. Prince died on August 11th from a fire that destroyed his home as a result of an inadequate number of fire hydrants in Mossville, a community surrounded by fourteen hazardous industrial facilities, several of which routinely report accidental releases of flammable materials. Mr. Prince traveled abroad to advocate for an international environmental human rights treaty and confronted companies and governmental agencies for the environmental damage to his beloved community of Mossville. **Advocates for Environmental Human Rights** is accepting donations on behalf of the David Prince Memorial Fund, which is dedicated to continuing the advocacy work by **Mossville Environmental Action Now**. For more information visit <http://www.humanrights.org/>.

Maine

The **Natural Resources Council of Maine (NRCM)** continues to monitor the development of a large-scale wind energy proposal for Moosehead Lake in Greenville. NRCM opposes the construction of wind mills in conservation regions and the effect clearing will have on scenic values. The Council has sent several recommendations and proposals to the developers on how to best address these concerns. The developer responding to public pressure has revised and redrafted many parts of its proposal.

ACTION LINE

Need organizing help?

Visit www.chej.org/assistance
or call 703-237-2249 x17.

Massachusetts

Residents in New Bedford filed a court injunction to stop plans by the city to destroy several homes adjacent to the Keith Middle School that was built on contaminated soil. The property around these homes is contaminated with high levels of PCBs and other contaminants. **Citizens Leading Environmental Network** (CLEAN) and homeowners living next to these homes are concerned that the cleanup will spread the contamination to their homes and are demanding that EPA provide a comprehensive cleanup plan that addresses the entire neighborhood before any homes are demolished. CHEJ is providing organizing support to CLEAN and the local residents.

Michigan

Save the Wild Upper Peninsula (SWUP) in Marquette is opposing plans to mine areas of the Upper Peninsula for sulfide ores and other resources. They are struggling to build support for their efforts as public sentiment strongly favors any development that offers the promise of jobs. The impact of a worsening economy, especially in Michigan, has created a major challenge for the group. SWUP is committed to finding a solution that preserves the natural beauty of the UP and provides jobs. CHEJ is providing organizing support to the organization.

Minnesota

Residents of northern Minnesota are organizing to protect their lakes, rivers, and streams from plans by the PolyMet mining company to mine copper and nickel. The mining operation would generate air emissions and large amounts of acid drainage runoff that would seriously impact surface and groundwater. The residents are educating the public about the risks of this and other proposed sulfide mining operations in order to protect their water and other natural resources.

New Jersey

Citizens for Clean Pompton Lakes (CCPL) formed last year when they learned that over 400 homes in their neighborhood were built on top of groundwater contaminated with volatile organic compounds including trichloroethylene (TCE). The source of the contamination is a nearby DuPont plant that manufactured explosives and used TCE as an industrial solvent. Although DuPont has begun

installing vapor mitigation systems to remove volatile chemicals from inside the homes, many residents are unhappy with how these systems are being installed and feel that many will not work properly. CCPL is looking at strategies to hold DuPont accountable.

New Mexico

Drilling Mora County Concerned Citizens (DMCCC) is concerned that the proposed drilling for oil and gas in Mora County will adversely impact the water, land, air, health, and culture of Northern New Mexico. The county is one of the last vestiges of Northern New Mexico Hispanic culture. The overwhelming majority of more than 300 people who packed a special meeting last summer told their county commission that they oppose the drilling plan. Many who testified spoke of their concern that the drilling would take from them their “wealth,” meaning the beauty and natural resources of the county, their clean drinking water, land, air, health and peace of mind. DMCCC continues to hold educational meetings and is encouraged by their progress and success in addressing people’s concerns about the oil and gas development.

New York

Members of the **Clean Air Coalition of Western New York** are on a roll in their fight for clean air against the benzene-belching Tonawanda Coke plant. The group held a spirited rally in October outside the plant attended by 75 concerned community members, leaders, and policymakers. The group got the attention of the *Buffalo News*, who wrote a strongly worded op-ed in their favor, as well as numerous articles including a front-page story. The group also met with the state Department of Environmental Conservation and plans to travel to Washington, DC to meet with EPA Administrator Lisa Jackson.

Cancer Action NY and **NYPIRG** celebrated a major victory in October as New York approved a state policy to ban open waste burning. The groups fought for more than a decade to stop the burning of trash in outdoor burn barrels. “New York’s new regulations to address toxic pollution from burn barrels is a breath of fresh air for New Yorkers across the state, from Long Island to Niagara Falls,” said Mike Schade, CHEJ’s PVC Campaign Coordinator. “Open burning of solid waste, which contains PVC plastic, is a major source of dioxin air emissions and dioxin-laden ash, as well as other dangerous pollutants. Dioxins can cause cancer, and exposure has been linked to learning disabilities, birth defects, endometriosis and diabetes.”

About 300 homes in Hopewell Junction have been affected by groundwater contaminated with volatile organic compounds (VOCs) including



photo from www.cacwny.org

The CACWNY rally for clean air at the gates of Tonawanda Coke.

trichloroethane (TCA) and trichloroethylene (TCE) and subsequent vapor intrusion resulting from dumping of toxic waste by Hopewell Precision, a manufacturer of sheet metals. EPA has finally agreed to install air filters and vents to reduce the level of VOCs in the homes and to spend \$12 million on a biological remediation process to reduce VOCs in the groundwater. The **Hopewell Junction Residents for Safe Water** are glad that something is finally being done, but frustrated that it will likely take 20 to 30 years to clean up the aquifer.

Ohio

The **Mansfield Unit of the NAACP** is investigating a possible Environmental Justice violation and is helping local residents organize to stop the Buckeye Industrial Mining Co. from strip mining next to the Clearview Golf Course, the only golf course in the United States that is designed, built, owned, and operated by an African-American. This course is designated as a National Historic Landmark site. The coal company applied for a zoning variance which requires a minimum 500 ft. buffer for strip mines from adjacent property and settled for a distance of 370 feet. Organizers are concerned that air emissions and surface water runoff from the mining operation will severely impact the golf course and the surrounding neighborhood. The NAACP and local residents are building support to oppose the issuing of the final permit by the state.

Oklahoma

The city of **Picher** closed its doors on September 1st and is fast becoming a ghost town of the Wild West. Located in the center of the 40 square mile Tar Creek Superfund site, the Lead-Impacted Communities Relocation Assistance Trust is overseeing the fair-value purchase of over 650 homes in Picher. The Tar Creek Superfund site not only is responsible for decades of lead poisoning of the area’s children, but the community is at high risk of caving into the abandoned mines beneath it, not to mention the countless environmental problems the mines have left behind. Only about 50 families remain in Picher.

ACTION LINE

Oregon

Residents in **Portland** are continuing their efforts to address air emissions from numerous industrial plants located in the northwest section of the city. They are looking into whether the Strategic Toxics Air Regulation (STAR) adopted by the city of Louisville, KY that sets strict air emissions standards can be used as a standard to evaluate Portland's Air Toxics Solution (PATS) program. CHEJ has used its contacts in Louisville to network the communities.

Pennsylvania

The **Norry Neighbors** in Northumberton are continuing to push EPA to expand its testing at the Northumberland landfill. The group has contacted its federal senators and representatives to help pressure EPA who so far has resisted. Limited testing by EPA has found pockets of contamination that EPA says pose no threat to children who use the site. The landfill has been converted into a park and is the site of a major little league baseball tournament every summer. The group is also concerned about a pipe that runs through the landfill that discharges into a branch of the Susquehanna River. Some of the highest levels of contaminants found were in the leachate coming out of this culvert.

South Dakota

The South Dakota Board of Minerals and Environment voted unanimously last summer to grant Hyperion Refining an air quality permit to build an oil refinery and power plant in Union County. The **Sierra Club**, **Save Union County** and **Citizens Opposed to Oil Pollution** joined forces to oppose the proposed plan. During a state hearing, the groups argued that Hyperion had failed to prove its 400,000-barrel-a-day project would meet federal clean air regulations or use the best available technologies. A major concern is the air pollutants that will be released by the plant. The groups cheered a decision by the state to require Hyperion to install additional pollution controls for its hydrocarbon storage tanks at a cost of an additional \$30 million.

Tennessee

Nearly 100 people including the NAACP attended a rally in **Dickson** to call attention to well water contaminated with trichloroethylene leaching from the nearby Dickson landfill. The landfill is 500-2,000 feet from 40 homes occupied mostly by African Americans who drink, bathe and cook in well water. Generations of families have been affected by the chemicals seeping into their groundwater, many of whom have reported high rates of cancer and disease for years. Many consider the Dickson case to be one of the most extreme cases of environmental racism in the United States.

Texas

Residents in Denton are tired of waking up to the sound of gas well drilling right next to their homes and are organizing to get safety measures passed to lessen the potential health and safety risks posed by urban gas well drilling. The residents are trying to build on the lessons learned by the **Fort Worth Citizens Against Neighborhood Drilling** who passed an ordinance against drilling. CHEJ is providing organizing support.

Citizens for Environmental Justice (CEJ) applauded the decision by the Corpus Christi Housing Authority to abandon a proposed housing project because the site was contaminated. The site is contaminated with petroleum hydrocarbons from a prior refinery tank storage area. Groundwater and soil contamination exceeded state screening levels. The contamination was confirmed by testing completed last December but there was no public announcement until CEJ acquired the report and held a press conference in September to release the results. Several weeks later the housing authority announced its decision to abandon the project.

Virginia

The **Southern Environmental Law Center (SELC)** called it an important victory for the health and welfare of Virginians. A Richmond circuit judge ruled that an emissions permit for a controversial \$1.8 billion coal-fired power plant being built by Dominion Virginia Power in Wise County is unlawful. Dominion Power used a loop-hole in the permit process that allowed it to alter its mercury emissions limit if they found that the plant had difficulty meeting the emissions limit after a year in operation. SELC argued that the mercury permit authorized the emissions limit to be set **after** the plant was constructed and that once the plant is built, it would be much harder to retrofit the stack to meet the emissions standard required by the Clean Air Act. The judge agreed.

Washington

Olympians for Public Accountability (OPA) oppose the construction by the Port of Olympia of a Hands on Children's Museum and a neighboring educational center as part of the cleanup of the East Bay Redevelopment site, one of the largest urban-renewal projects in Olympia's history. The problem is that dioxin levels as high as 647 parts per trillion (ppt) as well as other contaminants have been found in the soil. Despite assurances by the state that the site will be properly cleaned up, OPA is not convinced and is continuing to build support to oppose the project.

West Virginia

People Concerned About MIC have achieved an initial victory -- The chemical plant Bayer Cropscience has

agreed to eliminate 80 percent of their methyl isocyanate (MIC) stockpile at their plant in Institute. The company announced the plan just two days before the one-year anniversary of the August 2008 explosion and fire that killed two workers. Despite these reductions, the group is concerned that more MIC will still be stored at this plant than at any other plant in the nation. In 1984, a leak of MIC killed thousands of people who lived near a similar plant in Bhopal, India. After this accident, other companies around the world eliminated large-scale MIC storage except for the Bayer facility in Institute.



photo from www.mountainjusticesummer.org

Volunteers with Mountain Justice Summer gather in front of Marsh Fork Elementary school then march to the gates of Massey Energy.

Coal River Mountain Watch, Mountain Justice and residents of the Coal River Valley took a major step forward in addressing their concerns for the health and safety of over 200 children who attend the Marsh Fork Elementary School located less than 500 feet from Massey Energy's coal sludge processing plant in Sundial. After more than 7 years of protest and struggle, the Board of Education has agreed to ask the state for money to build a new school in a safer location. Massey Energy has also agreed to help find a new location for the school. The State School Board still needs to approve the funds for the new school, but local residents are hopeful that they will finally succeed in moving the school.

Canada

Congratulations to **Save Kamloops Coalition (SKC)** following a unanimous vote by the Kamloops City Council in British Columbia to reject a proposed incinerator. The group remains concerned, however, because a new law in the province allows the Minister of the Environment to override any local decision if it feels it's significantly important for the province. SKC joined forces with other groups to form the **Zero Waste BC Network** to oppose a rash of incinerator proposals across the province. The network plans to unite existing environmental, health, community and parent groups to address health and environmental concerns about burning waste and to focus on diverting materials away from incinerators or landfills with "zero waste" strategies including curb-side compost pickup and enhanced recycling programs. ◆



A CAMPAIGN TO REDUCE THREATS TO CHILDREN'S HEALTH

Child Proofing Our Communities



School Siting Day of Action a Huge Success!

On October 14th, over 4,300 people sent letters to public officials including their governor demanding safe school siting in their state. The message was "It's not ok to build schools on top of or near sources of pollution." Thank you for doubling our goal of sending 2,000 letters!

Why is taking action on safe school siting important?

- Safe siting policies will protect the health of children and school staff by reducing exposures to chemicals that can cause cancer, immune system damage, birth defects, learning disabilities, asthma, and other health problems.
- Children are less able to handle toxic chemical exposures. Children breathe more air and eat more per pound of body weight than adults. For example, children absorb about 50% of the lead to which they are exposed, while adults absorb only 10-15%.
- Exercising precaution in the siting of schools will save money in the long term by avoiding exposures that contribute to the decrease in student IQ and the increase in injuries and illnesses among children and employees.

It is because of our collective action that this issue is being talked about and worked on at so many levels in our country. Contact CHEJ for more information and for help in creating safer and healthier communities.

CHEJ's School Siting Toolkit Now Available

There are few state and no federal laws preventing the building of schools on or near sources of pollution. Twenty states have no laws that restrict the siting of schools near environmental hazards. Only 10 states have laws that prohibit this practice outright. Consequently, school districts often select and build on sites where they are unaware of the existence of contamination. This toolkit provides resources that will help your school select a safe site for a new school. It includes sample school district resolutions and policies, sample community presentations, an organizing tip sheet, and a copy of our Model School Siting Legislation. To obtain a copy of the toolkit, visit <http://bit.ly/ssstoolkit>.

EPA Begins Air Testing at Schools

This past March, EPA announced that it would begin testing 63 schools in 22 states for contaminants in air. This testing is part of a \$2.25 million program that began in response to a *USA Today* investigation that identified hundreds of schools where chemicals from nearby industries were found in the air. This is the first time that EPA has routinely monitored the ambient air outside schools. The testing will be done in phases with the first round completed at 15 schools and released in October. The volatile chemical acrolein was found in the air at all 15 schools. The highest level was found at an elementary school in Detroit. EPA plans to continue to release test results as they complete testing at different schools. For more information about the EPA testing program, visit <http://www.epa.gov/schoolair/> or contact CHEJ.

MOMS TAKE ON ASPHALT PLANT, continued from page 3

to environmental issues. We familiarized ourselves with the EIR, the local Air Resources Board and other agencies tied to the project.

We had to raise money to get the word out so we held fundraisers. We held dine-out fundraisers with our favorite restaurants who gave us a portion of the proceeds for a day. We gathered our friends and family and raised enough money to print flyers that included details on the project, health impacts and a notice of the next supervisor vote. Then we walked door-to-door handing them out and talking to people, soliciting everyone we knew to help.

We wrote countless editorials to our local newspapers and sent emails and requests, over and over, to local news stations. With our persistence we received the attention of the green section of our CBS Channel 5 news station who did a segment on moms coming together to defeat the asphalt plant. They show up now at each of the Supervisor votes. We walked with our City Council members in our local parade and were invited to appear on a local radio show hosted by the Mayor of another city. After a relatively short time we gained the support of over 74% of our town!

Another important step was to secure letters of support from a majority of the cities in the county urging the county to respect the relationships of Urban Growth Boundaries. We appeared before the City Councils of other cities and asked for help along side of our own City Council members.

We have learned about the things that affect politics. However, we have faith that with the community and our city officials behind us, our County Supervisors will follow the people, vote in favor of the public interest, and deny the project.



photo by David Chlebowski

Moms for Clean Air celebrate at Velasco's Restaurant in Petaluma during one of several successful dine out fundraisers organized by Moms for Clean Air. From left to right: Ilka de Gast, Heidi Rhymes, Terry Velasco, Sheri Chlebowski, Julia Luna and Cat Canto.

Almost one year to the day, we await the County Board's vote scheduled for December 8, 2009. With honesty, passion and commitment we hope to win this battle for our families and our community.

If you suddenly learn that an asphalt plant is targeted for your neighborhood, you might want to follow the lead of the moms from Petaluma, California and get organized and involved in the process that decides whether a permit will be issued. You have the opportunity to influence the outcome, but you need to get involved and get organized! For more information on asphalt plants, see CHEJ's Fact Pact on Asphalt Plants available at <http://shop.chej.org/default.asp>.

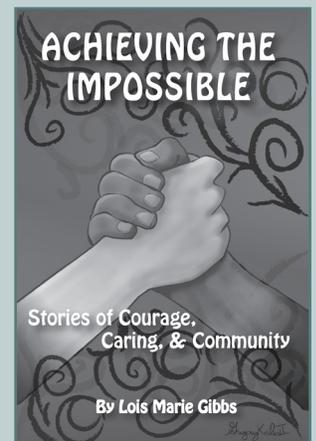
This article was written in collaboration with the entire Moms for Clean Air Board. For more information on Moms for Clean Air, visit www.momsforcleanair.net. ♦

Achieving the Impossible: Stories of Courage, Caring and Community

By Lois Marie Gibbs with contributions from community leaders

Achieving the Impossible is a collection of heart-warming and inspiring short stories about ordinary people who created extraordinary change in their community. The authors share passionate stories about important moments in their lives that helped transform them into leaders who made a difference in their community. Reading their stories "gives you confidence that social change isn't rocket science and ordinary people can achieve important things."

Available from CHEJ for \$19.95 by contacting www.chej.org
or 703-237-2249 ext. 27.



With Special Thanks

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work between August 1, 2009 and October 31, 2009. We wish we had the space to acknowledge each and every one of CHEJ's donors in these pages because all gifts, regardless of size, are very much appreciated. Thank you for your support!

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Public Guardian

(Gifts of \$5,000 or more)
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Finger Lakes Zero Waste
Green Sangha
ISLES, Inc.
Moms for Clean Air
Norry Neighbors

Natural Resources Defense Council of NY
Pro Water
Residents Against Toxic Waste In The South East (RATWISE)
The Nicholson Group/Merrill Lynch



THE PERFECT STORM - THE CAMPAIGN AGAINST BPA, continued from page 5

for TV reporters, photographers, and legislative staff. Moms and children delivered bottles to legislators with letters inside them asking for support for BPA-free legislation (while pulling the bottles around the Capitol hallways in a red wagon).

The Inflatable 20-Foot Baby Bottle

To attract media attention, activists created a giant inflatable 20 foot tall baby bottle following the success of CHEJ's Betty the Be Safe Ducky the previous year. State-based groups shared the bottle and held news conferences outside state capitols across the country, generating widespread media coverage and support.

Investigative Reporters Uncover the Opposition

Investigative reporters at the *Milwaukee Journal Sentinel* and *Washington Post* played a key role in uncovering deceptive tactics used by industry. The newspapers broke an explosive story in 2009 – industry had met in secret at a fancy Washington, DC club to come up with a plan to convince moms that BPA-contaminated products were safe. They even went so far as to declare that a pregnant woman would be the “holy grail” of spokeswomen who could really sway the opinions of young mothers. This story generated widespread media

coverage and outrage, especially from “mommy bloggers.”

Mommy Bloggers Promoting Safer Alternatives

Mommy and consumer bloggers played a critical role in the fight, particularly identifying and promoting safer alternatives to BPA. They've been writing regularly about the issue, including posts on both Twitter and Facebook. Sites such as Soft Landing and Z Recommends developed comprehensive parenting guides to BPA-free baby products, empowering parents to find safer products for their children.

Model Tactics and Strategies We Can Learn From

These combined efforts were one of the biggest threats to the chemical industry in recent years – with lobbyists from the American Chemistry Council frantically flying around the country trying to fight the growing movement. More importantly, the variety of creative strategies and tactics described in this article (including but not limited to cross-border organizing, shareholder activism, and framing issues around children's health) have proven to be model organizing and campaign tactics/strategies many groups can incorporate into their own fights. It will be exciting to see how groups use and build on these strategies and tactics in organizing and campaigning around BPA and other environmental health and justice issues in the years to come. ♦

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The Honor Garden

Where our movement gathers to honor our heroes and loved ones



Is there someone in your group who has gone the extra mile, time and again, to help you reach your goals? As the holidays approach, place a tribute in CHEJ's virtual Honor Garden to say thank you!

There are also places in our garden where you can honor your loved ones or even your beloved animal companion.

With a simple click, notify your group, friends or family about your tribute, and invite them to view or add to it.

All donations made to place tributes will advance CHEJ's work to mentor a movement, empowering people to build healthy communities and prevent harm from environmental threats.

www.chej.org/honor_garden

Thank you for your support!