

# EVERYONE'S BACKYARD

Vol. 23 No. 3 Fall 2005



A Local Regulatory Victory  
Louisville, KY Residents Celebrate

Protests Propel People Power  
Fighting Mountain Top Removal In West Virginia

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

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**Cover Photo:** Rubbertown  
Emergency Action (REACT)  
members protest in Louisville, KY

# Framing The Debate

I thought it would be helpful to share with you a winning frame that was used to stop intentional dosing of infants and children to pesticides. This proposal was brought to the American people by the pesticide industry and their lobbyists.

Intentional dosing of children with pesticides is an example of a local issue that provided the opportunity to have a national conversation around human rights, ethics and moral values, corporate power, environmental chemicals and public health.

The EPA, with some funding from industry, wanted to expose children in Florida to pesticides as part of a study called CHEERS. The pesticides industry was looking for data on children exposed to pesticides to avoid new requirements of the Food Quality Protection Act that go into effect in August 2006.

Historically, the way this issue would have been debated (and the way this debate began) was to provide the toxicological reasons why children would be harmed if exposed to pesticides. If that strategy had been taken, the result would likely have been a different study, perhaps with more safeguards, but a study on children nonetheless.

## Re-Framing the Debate

Instead, CHEJ focused on a values-based message - We don't use children, especially lower income children, to test known toxic chemicals. We knew the public already understood the dangers of pesticides, and generally believes that corporations have too much power, influence and money, so it was easy to make the case that they were the only ones who benefited.

The campaign focused on federal legislators because this was an EPA study.

## Beginning a Nationwide Conversation

A letter was circulated to provide support for legislators in the House and Senate to pass an amendment to stop all such studies on pregnant women, infants and children. The frame around moral and ethical values attracted a wide range of organizations to support the amendment. Almost every religious institution signed or wrote letters of support as well as cultural groups like the National Hispanic Environmental Council and advocacy groups on birth defects, breast cancer, endometriosis and learning disabilities, farm workers, the Southern Poverty Law Center, and environmental groups.

This amendment created serious political problems for the Republicans who realized they could not vote to allow experiments on children.

Barbara Boxer (D-CA) introduced an amendment as a "Creation Care" initiative. Every woman Democrat and Republican voted yes, except for Senator Elizabeth Dole. The amendment passed by a 60-37 vote.

It was because we took this issue out of the traditional frames of environment, pesticides and policy, and argued it on strictly moral grounds that we won. The coalition effort was built from the ground up with simple understandable steps that individuals and organizations could take.

For a healthy environment,  
Lois Marie Gibbs

## ABOUT CHEJ

The Center for Health, Environment and Justice is a nonprofit, tax-exempt organization that provides organizing and technical assistance to grassroots community organizations nationwide. The center was founded in 1981 by Lois Gibbs, who together with her neighbors won the relocation of more than 900 families from their neighborhood after it was contaminated by chemicals leaking from the Love Canal landfill in Niagara Falls, NY.

The center's mission is to help people build democratic, community-based organizations to address public health and environmental threats. We believe strongly that the best way to solve local problems is from the bottom up, when the people directly affected speak for themselves and have a meaningful role, as equals, in any and all decisions that affect their lives, homes and family. Our focus and resources are devoted to helping local community based organizations form, grow, and become effective in achieving their goals.

# A Local Victory In Louisville, KY

by Denny Larson

Jonathan Tinsley knew first hand about the toxic chemicals in the air of the industrial section of western Louisville known as “Rubbertown.” In the summer of 2003, Jonathan was exposed to a toxic cloud outside his home, located about a half-mile away from the factories that have long been blamed for Louisville’s pollution problems. “This whole area was covered,” Tinsley said, standing outside his old home. “You could hardly see anything in front of you.” Within seconds of breathing in the chemicals, Tinsley suffered a major heart attack. “Physically, my life is tough now. I won’t have a normal life again.”

Although area residents, like Tinsley, have suffered for decades from exposure to the toxic emissions coming from the Rubbertown plants, they have a lot to celebrate today. On June 21, 2005, an historic victory was achieved by local community groups, including Rubbertown Emergency Action (REACT) and the Justice Resource Center, when the Louisville Air Pollution Control Board voted to pass one of the strongest air toxics regulations in the nation. This new policy sets standards for industrial emissions that are tougher than state and federal standards. The Air Board voted 7-0 to approve the toxic air plan amidst a roar of applause from supporters in the audience at Memorial Auditorium in Louisville.

The plan, called Strategic Toxics Air Regulation (STAR), is among the most stringent in the nation and goes further than state and federal law in requiring industries to reduce their total toxics load being dumped into nearby communities. Not surprisingly, big business and their cronies cried like Chicken Little that the sky would fall, if they were asked to clean up their mess. And the battle is not over. Conservative forces in the Kentucky legislature have announced they will push a bill to kill the STAR program and hinted about lawsuit threats. Despite this, community groups are optimistic that with the strong support they won from the Metro Council, the Mayor and the Air Board, they can sustain their hard fought victory and serve as a beacon of hope for other communities.

“I’m totally thrilled about the STAR program,” said Jonathan Tinsley, now a board member of REACT. “It is a long time overdue.”

## The Struggle Against Rubbertown’s Toxic Air

The battle to convince the Louisville Air Board was long and arduous. One voice stood out among many. Rev. Louis Coleman brought a sustained energy to the decades of complaints about odors and health problems from Rubbertown’s industries. He successfully fought for the dismantling of the former Ashland Oil refinery on South Western Parkway near Chickasaw Park in the 1970’s. For 15 years, Coleman and the Justice Resource Center called for community attention to pollution in western Louisville and Jefferson County, especially in the Rubbertown area. Staging protests and using other bullhorn tactics, Coleman has become Louisville’s loudest environmentalist.

### STAR: Strategic Toxics Air Regulation

- Applies to about 170 companies that emit the most air emissions.
- Focuses on 37 chemicals, including butadiene, chloroprene and arsenic.
- By April 2006, companies must begin reporting air emissions data and determine whether their emissions exceed the health risk goal of 1 additional cancer case among 1 million people.
- Companies that do not meet the health risk goal, must show that they are using the best available technology to lower emissions as much as possible.
- State-of-the-art air monitoring equipment must be used.
- Calls for air districts to address toxic emissions from non-industrial sources, such as automobiles, trucks, and the city’s two airports.

## National Experts Join the Campaign

More recently, Coleman recruited national experts to help in the campaign against toxic air. Dr. Mark Mitchell of the Connecticut Coalition for Environmental Justice and the former public health director for the city of Hartford started evaluating health concerns and assisting in the campaign.

Another expert, Wilma Subra, found that the West Jefferson County Community Task Force had been gathering air monitoring data for years, but essentially kept it a secret. Subra fought the group for this data and started to produce reports for the community. She was shocked to find that levels of toxic air contaminants had been increasing since the monitoring started. The reports proved that widespread areas were impacted by toxic air pollutants, that elevated levels of many toxics were documented at each of the monitoring stations, and that exceedances of the benchmark standards were continuing. Subra hammered the agencies with her reports saying that based on their own data, “the health of the community of Louisville depends upon implementation of a toxic air control program.”

Subra’s reports soon attracted the attention of her colleagues. The Justice Resource Center recruited the Global Community Monitor, to train residents to take their own air samples. They called the effort “Louisville’s Bucket Brigade - Rubbertown’s Environmental Crime Watch.” Members of the brigade, known as “sniffers,” reported on odors in the air by using “samplers” who searched the Rubbertown industrial area to find the source of an odor. Once the guilty factory was found, the samplers used their bucket to take an air sample that was used to identify what toxic chemicals were present in the air.

*Continued on page 11*



# BE SAFE CAMPAIGN

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

## Precautionary Policy Clearinghouse Launched

**T**his October, BE SAFE's website will feature a clearinghouse of precautionary policies, including municipal resolutions, state laws, company policies, federal laws and international policies that protect health and the environment and prevent harm. Go to [www.besafenet.com](http://www.besafenet.com) to access these policies and review reports and articles that describe how they are being implemented.

Find out how precaution is being applied to corporate research, purchasing, environmental planning, pesticides and toxic chemicals, such as arsenic and mercury. For instance, the clearinghouse features a number of precedent-setting corporate and governmental policies aimed at phasing out PVC consumer products and building materials. These include the Maine Burn Barrel Ban Law, Oakland CA Dioxin Resolution, Consumer Product Safety Commission PVC Teething Toys Withdrawal Policy, and Buffalo PBT-Free Purchasing Policy.

## National Conference on Precaution Planned for Spring 2006

**N**ext Spring, in collaboration with a host of other organizations, CHEJ is planning a National Conference on Precaution. This national event will bring together groups working on toxic and nuclear pollution, conservation, biodiversity, environmental justice, disease prevention, health, worker safety, green purchasing, precautionary business practices and more to build a broader movement to protect our health and environment!

Learn about an exciting array of precautionary policies and campaigns. Strategize with hundreds of groups advocating for precautionary action on a wide range of environmental health issues.

Conference sessions will include workshops on:

- \* Model policies and successful campaigns from Europe, Canada and U.S local, state and national government and industry;
- \* Effective precautionary strategies including safe alternatives assessments and full-cost accounting;
- \* Building a broader movement for precaution and countering industry opposition;
- \* Cross-fertilization meetings to collaborate with groups working on diverse environmental issues; and
- \* Skills trainings on organizing, advocacy, messaging and media campaigns.

A coalition of 50 groups is working with CHEJ's BE SAFE Initiative to plan the event, scheduled for May or June 2006. If you are interested in helping plan the conference or want to receive an invitation, please contact BE SAFE Coordinator, Anne Rabe, at 518-732-4538 or [annerabe@msn.com](mailto:annerabe@msn.com). Look for further mailings and announcements about this important and exciting event.

### What Is Precaution?

A precautionary approach shifts the questions we ask about hazards from "what level of harm is acceptable?" to "how can we prevent harm?" The precautionary principle is a powerful unifying idea that positively infuses and embraces what people are doing to prevent environmental hazards and protect public health.

## Get Involved in CHEJ's New PVC Consumer Campaign!

*Help Us Get the Poison Plastic Off Store Shelves*

**O**ver the next year, CHEJ and a growing network of organizations are launching PVC consumer campaigns to encourage major corporations to phase out their use of PVC, the poison plastic. We have already convinced Microsoft and Johnson & Johnson to phase out their use of PVC in their packaging! We want to leverage these victories to build momentum for further corporate commitments in the year to come. We would like you to be part of this successful effort by being part of the campaign and helping to pick the next corporate target. We also plan to launch an educational campaign including a dynamic "flash video" and consumer-friendly fact sheets about the hazards of PVC and the availability of safer alternatives.

**To get involved, e-mail CHEJ's PVC Campaign Coordinator, Mike Schade, at [mike@besafenet.com](mailto:mike@besafenet.com) or give him a call at 212-964-3680. To learn more log onto [www.besafenet.com/pvc.htm](http://www.besafenet.com/pvc.htm).**

### Victory! Georgia County Bans PVC Siding!

In an inspiring David vs. Goliath battle, with CHEJ's help, County Commissioners in Gwinnett County, Georgia (about 30 miles northeast of Atlanta) stood up to the chemical industry and passed an ordinance banning vinyl siding in "conservation subdivisions." Not surprisingly, the chemical industry came out in full force opposing this measure, flying lobbyists into town to give legislators tours of vinyl homes. In response to industry lobbying, CHEJ sent County legislators a letter along with supporting materials urging them to support the ban. **Eco-Action** testified at the County legislative meeting citing safety concerns related to PVC siding and fires. In the end, the commissioners passed the model PVC policy and stood up to massive amounts of pressure from the vinyl industry.

# Protests Propel People Power

by Vivian Stockman

*"Ain't no power like the power of the people,  
'cause the power of the people don't stop!"*

The Radical Cheerleaders led the crowd of over 400 in the reality-verified chant at our July 30th Stop Mountaintop Removal rally in Charleston, West Virginia. Verified because we, the Friends of the Mountains coalition, working with the Mountain Justice Summer campaign, were savoring a victory won via the power organized people generate when they protest; power amplified by groups working in coalition.

The Department of Environmental Protection (DEP) had just revoked a recently-granted permit for Massey Energy to build a second coal silo near a school. If the people had not protested, the permit would have been a done deal.

For over a year, the Whitesville, W.Va-based Coal River Mountain Watch has been working to bring attention to problems surrounding Marsh Fork Elementary School. They've been aided in this effort by members of Friends of the Mountains (FOM), which includes the Huntington, WV-based Ohio Valley Environmental Coalition (OVEC), the West Virginia Highlands Conservancy and other groups seeking an end to mountaintop removal coal mining. FOM groups meet monthly to update each other on our work and to plan ways we can work together. Coal River Mountain Watch and OVEC also work together on the Sludge Safety Project (see [www.sludgesafety.org](http://www.sludgesafety.org)).

Mountain Justice Summer (MJS) modelled on the Mississippi and Redwood Summers programs, was conceived of by Katúah Earth First!, which didn't want to sit back and watch as mountaintop removal encroaches into Tennessee. After initial multi-state meetings, Mountain Justice Summer evolved into a loose coalition of individuals and groups from across Appalachia and beyond, all of whom share the common goal of ending mountaintop removal. The campaign is meant to be something that any group or individual can support in whatever way they feel comfortable, as long as there is no violence or property destruction.

During the summer, stepped-up organizing efforts, protests and actions in Kentucky, Tennessee (including the first ever take-over of a mountain to lock out the mountaintop removers), Pennsylvania, Virginia and West Virginia have elevated the issue of mountaintop removal both regionally and nationally—and given us this most recent victory over the Massey Energy facility near the Marsh Fork Elementary school.

The Goals Coal (a Massey subsidiary) coal preparation plant sits a few hundred yards from the school. A coal storage silo associated with the plant is just a few hundred feet away, towering above the school. Uphill, about 300 yards away, is a coal sludge impoundment and above that, a mountaintop removal site. This operation dozes and blasts away the verdant forest and underlying rock to get at thin seams of coal.

To prepare that coal for market, the "prep" plant uses water and a host of chemicals (over 60 chemicals can be used) that have made some of the workers very ill. Some have died. At other plants, workers have filed a class action lawsuit against the manufacturers of the chemicals. The liquid waste leftover from the prep-process is pumped uphill, and stored behind an earthen dam that holds back a deep lake of black "goo" in what is called a coal sludge impoundment. Not only does the sludge contain the chemicals used in processing the coal, it also contains the heavy metals naturally present in coal, such as mercury and arsenic. In West Virginia and Kentucky, similar dams and prep plants frequently leak blackwater into streams, sometimes catastrophically.

Parents, grandparents, neighbors and others are concerned about Marsh Fork for several reasons. Coal River Mountain Watch (CRMW) has found that many of the kids attending the school complain of headaches and breathing problems that subside once they are away from the school. Coal dust coats the school's playground. Some in the community believe an inordinate number of former teachers and school kids have contracted cancer. This dust also gets into the school's air intake system; coal dust causes black lung disease. Chemicals from the prep plant likely leak into the river which flows between the plant and the school.

And then there's the dam. Federal inspection reports have shown that it is leaking, though mine safety officials say that's normal and there's no cause for concern. But a former worker, who is almost incapacitated because of chemical poisoning, says a portion of the dam is weak and constructed illegally. He knows, because he helped build it. Residents are concerned that the blasting at the mountaintop removal operation could weaken the impoundment. If the dam were to fail, a tidal wave of sludge would surge downhill, directly onto the school, which has about 270 students.



*Continued on page 10*

# ACTION LINE

## ALASKA

Congratulations to the **Alaska Community Action on Toxics** who succeeded in getting the state legislature to pass by a 17-2 vote a bill that requires public notice when pesticides are applied in parks, public sports fields, government buildings, or common use areas around apartment buildings. The bill also shifts the burden of funding the state's pesticide program from the state's general fund to fees paid by chemical companies.

◆ Good news for Alaskans who enjoy clean water and fresh fish. Redfern Resources Corporation has been forced to put their proposed Tulsequah Chief mine on hold due to lack of financing. Redfern seeks to redevelop and expand current operations at the current Tulsequah Chief mine, just northeast of Juneau. The delay may present the opportunity to create an international watershed protection plan for the Taku River – a waterway fished for chinook, coho and sockeye salmon by Juneau gillnetters and trollers. Alaskan Representative Beth Kerttula said she would look into the renewed possibility of an international accord to protect the Taku after learning of the valuable time window, saying that the mines present “such a danger to the fisheries.”

## ARIZONA

Workers at the second worst toxic chemical emitter in Arizona, Asarco's Hayden Smelter, are teaming up with environmentalists and community leaders to turn knowledge about the company's poor labor and environmental behavior into action on social, economic and health problems faced by residents and workers. “The purpose [of the alliance] is to work together in the Copper Basin communities to assure our families, and especially our children, are safe from environmental hazards,” said Terry Bonds, Steelworkers District 12 Director. One of the nation's worst and oldest polluters, Asarco is taking a “we were here first” stance with regard to community outrage over the plant's pollution. The newly formed alliance has set their minds to showing Asarco that this is not the way things work when public health is at stake.

## CALIFORNIA

Oil refinery neighbors, **Communities for a Better Environment, West County Toxics Coalition, the National Refinery Reform Campaign** and trade unions celebrated this July after they won the nation's first flare control regulation from the San Francisco Bay Area regional air-quality control board. This victory comes after 20 years of demanding action to reduce flares from oil refineries. Refinery neighbors teamed up with unions and environmental groups to demand the new regulation be strengthened beyond what the air agency staff recommended. The groups won an order from the Air Board to review improvements to the new rule to better control sulfur gases during flaring and require full public hearings on the refinery plans to reduce flaring.

Email us today at [info@chej.org](mailto:info@chej.org) to start receiving EBY electronically

◆ Congratulations to the **Bay Area Working Group on the Precautionary Principle** and countless allies who participated in a three year collaborative effort leading to the San Francisco Board of Supervisors approving by a unanimous vote of 11-0 a “Precautionary Purchasing Ordinance” that applies the precautionary principle to the City's annual \$600 million purchasing budget. This decision signals the City and County of San Francisco's intent to take seriously the challenge of implementing the nation's first precautionary principle ordinance – adopted in June of 2003 – that called on government officials to adopt the precautionary principle as a framework for municipal decision-making. For a copy of this ordinance, see CHEJ's precautionary policy clearinghouse website at [www.besafenet.com/policies.htm](http://www.besafenet.com/policies.htm).

## FLORIDA

Members of **Citizens Organized for Environmental Justice** and other concerned community members recently attended a community meeting to listen to a proposed plan to clean up decades' worth of municipal incinerator ash contamination in their Northwest Jacksonville neighborhood. Some residents are saying that environmental racism is pushing talks about relocating the families out of the conversation. “Our civil rights have been violated and it is only fair that we be relocated and moved to higher ground,” said Nellie Tunsill, who has lived in the area for more than 50 years. Dozens of fed up residents recently picketed outside of a Head Start center that sits on top of a site once used to burn solid waste. Community demonstrations continue in the effort to remove children from harm.

◆ Victory for Florida tomato farmers after a three-year fight! The Taco Bell Corporation, a division of Yum! Brands, has agreed to work with the **Coalition of Immokalee Workers (CIW)** to address the wages and working conditions of farm workers in the Florida tomato industry. For three years, CIW boycotted the fast food leader, demanding an additional penny per pound of tomatoes picked and an improvement in working conditions in the state's tomato fields. The organization sponsored annual multiple-day marches on Yum! Brands headquarters in Irvine, CA, attracting media support for their issue. Finally, Taco Bell has agreed to fund the penny-per-pound wage increase, and pledged to “play a leadership role” within the fast food industry to address human rights violations and poor working conditions among Florida tomato farm workers. Congratulations CIW!

## GEORGIA

**Residents of the Arco Neighborhood** next to the LCP Chemicals Superfund site waited 8 years for the EPA to uphold its promise to conduct testing for contaminants. Now that the results are in, the EPA is withholding the data from the community's technical advisor, stating that “Responsible Parties” of the LCP Superfund site must first review the data before it is made available to others. Arco Neighborhood residents say their technical advisor does not

need the interpretations of others to evaluate the data. Even more disturbing to the residents are EPA's plans to release the data just two weeks prior to their public meeting. Two weeks is not enough time for the group's technical advisor to review the data, produce a report, distribute information, and conduct a community meeting to discuss the results in preparation for the EPA's meeting.

## ILLINOIS

Chicago residents are praising the City Council's decision to place a 20-year moratorium on new landfills. The decision reflects a recommendation from the council's environmental protection committee, and blocks a Waste Management proposal to transform an existing landfill on the city's southeast side into a 200-acre park. The proposed plan would have required five more years of trash dumping at the site to level the terrain for the park. While some residents were excited about the idea of a “Gateway Park,” the majority of residents were more excited by an end to dumping in their neighborhood. “I'm happy for the people who live here,” said Aaron Rosinski, Executive Director of the **Southeast Environmental Task Force**, which opposes the landfill. “I'm happy for the residents, that they can finally get out from the stigma of being in the city's armpit.”

## KENTUCKY

**Coalition for Health Concern** has identified relatively high levels of radioactivity off site around the Paducah Gaseous Diffusion Plant. Working with Russian physicist, Dr. Sergei Pashenko, CHC collected samples that are being analyzed in a lab at the University of Novosibirsk in Siberia. CHC is participating in the “Citizens Monitoring Project 2003” sponsored by the Institute for Social Action and Renewal in Eurasia (ISAR). This project includes testing out a new citizen's guide for monitoring radioactivity that aids groups in identifying radioactive hot spots in communities. For a copy of this “how-to” guide, see [www.isar.org](http://www.isar.org).

## LOUISIANA

Mossville residents secured a major victory recently when a federal court threw out the USEPA's “woefully inadequate” emissions standard for polyvinyl chloride (PVC) facilities. This rule did not require any reduction in the toxic emissions from these plants. In response to a lawsuit filed by **Earthjustice** on behalf of **Mossville Environmental Action Now (MEAN)** and the **Sierra Club**, the court ruled that the EPA's emissions standard for PVC facilities failed to meet Clean Air Act requirements. CHEJ has joined a broad coalition of environmental justice, conservation, and public health groups that sent a letter urging EPA to propose strong rules that will significantly reduce toxic emissions from PVC facilities and to hold meetings in communities where these facilities are located. “This is a chance for EPA to involve all of us who are forced to breathe this dirty air, and draft a rule that really does something to protect our health,” said Edgar Mouton, President of MEAN.

# ACTION LINE

## MAINE

Landmark Polluter Pay legislation passes in Maine! The new law will raise \$2.5 million from the paint industry over the next five years to fund lead poisoning prevention programs. Though lead paint was officially outlawed in 1978, lead poisoning persists due to the presence of lead in older buildings. "It is about time that manufacturers who imported this problem into Maine contribute to efforts to prevent more kids and workers from being poisoned," said Mike Belliveau, Executive Director of the **Environmental Health Strategy Center**. Sandra Cort of the Learning Disabilities Association praised Maine's legislature: "These new lead poisoning prevention laws are great steps in the right direction to ensure that parents can be informed and protect the neurological health of their children. Hats off to the Legislature and the Governor."

## MASSACHUSETTS

A Massachusetts coalition of over 140 scientific, environmental, health and labor groups recently praised a state legislative decision to take the first major step to prevent harm to public health from toxic chemicals. The decision allocates funding for research on safer alternatives to 5 of the worst toxic chemicals found in common household products and workplaces in the Commonwealth, including lead and formaldehyde. "Through their actions today, legislative leaders are taking important initial steps to better protect our health from toxic chemicals with links to asthma, learning disabilities, and reproductive disorders," said Lee Ketelsen of **Clean Water Action** of the July decision. Congratulations to the state of Massachusetts on incorporating the Precautionary Principle into state law.

## NEW YORK

**Concerned Citizens of Cattaraugus County** are calling on the community to take a stand against a proposed dump in Farmersville by simply legislating it out of existence. Pointing to three open positions on the county board to be filled this coming November, CCCC is looking for three courageous individuals to run for office, get elected, and vote to rescind the Farmersville landfill law. The proposed dump promises to lower taxes and place extra money in the town coffers for the next few years. However, CCCC asks, "Is it worth the serious health effects that the population will be exposed to?" Municipalities that contract with dump companies share full liability for problems created by the dump. Concerned citizens are hoping to avoid risks to public health and economic disasters in Farmersville.

◆ **The Resident Action Group of Endicott (RAGE)** is partnering with other upstate groups in an effort to gather 6,000 – 10,000 signatures in support of a letter urging the EPA to adopt strictest standards in their toxicity assessment of TCE (trichloroethylene). "We must urge the USEPA to make their assessment on a "Health-Based" standard rather than a "Dollar-Based" compromise," writes the group in their online

petition. RAGE cites strong business manufacturer lobbies and the US military as the two groups pushing for more lenient guidelines with respect to permissible levels of TCE in ambient and indoor air. To sign on to RAGE's online petition, visit <http://www.rage-ny.org/> and click "Sign Our Online Petition".

◆ **The Hickory Woods Residents for a Clean Environment** are one step closer to achieving relocation, as the City of Buffalo is preparing a \$1.5 million buyout offer so residents can move out of the contaminated neighborhood. This comes more than 4 years after Buffalo Mayor Masiello pledged to relocate and make whole the families of Hickory Woods. The City has made previous relocation offers, however this time, funding is in place to pay for the relocation. CHEJ has provided organizing and technical assistance to the Hickory Woods residents over the years and CHEJ's Executive Director Lois Gibbs has spoken at Hickory Woods rallies and press events.

◆ **El Puente** have reinvigorated their 20 year old campaign to shut down Radiac, a hazardous and radioactive waste storage facility in Brooklyn. El Puente and community groups such as **Neighbors Against Garbage** recently mobilized over 400 people to speak out at a public hearing in opposition to Radiac's request for a renewal permit. United under the slogan, "Ban NYC's Dirty Bomb," hundreds of community members (including students who attend a school one block away) marched to the hearing from El Puente's neighborhood center chanting and carrying signs. El Puente has gained the support of several policymakers including the local City Council member and Congresswoman.

◆ **The Toxic Waste / Lupus Coalition** in Buffalo celebrated a major victory this summer after the Erie County Legislature restored funding for the childhood lead poisoning testing program. The County originally canceled the program due to budgetary problems, despite the fact that Buffalo has the highest rates of childhood lead poisoning in NY. The TWLC organized a news conference to highlight the problem, and got local and statewide organizations to sign onto a letter to protest the budget cut. The TWLC also organized over 50 community residents to attend and testify at a public meeting about the proposed cleanup plan of the 858 E. Ferry Superfund site.

## NORTH CAROLINA

**NC WARN** is leading the charge against two power giants proposing construction of nuclear reactors for the first time in 30 years. One of the proposed reactors would be on the site of the Shearon Harris plant, one of the most dangerous nuclear power plants in the country due to its reactor and waste pools. NC WARN is assisting citizens near existing and proposed reactor sites as they organize to defeat these proposals. "We are at a critical juncture in the state's energy future: the revival of nuclear power would steer our state away from a safe,



Photo: Hickory Woods Residents for a Clean Environment's media event.

sustainable energy future", wrote NC WARN in their summer newsletter. To sign NC WARN's petition for a smart energy future, visit [www.ncwarn.org](http://www.ncwarn.org).

## OHIO

One person was air lifted to Pittsburgh and two others suffered injury after an explosion at the Waste Technologies Industries (WTI) Plant in East Liverpool on August 11<sup>th</sup>. According to WTI, a single drum exploded as it was placed into the incinerator — blowing a hole through the wall of the building. The blast blew out siding, insulation and other debris injuring a worker who was outside at the time. WTI, one of the world's largest commercial hazardous waste incinerators, has been the target of **Save Our County** who has been fighting for years to shut down the incinerator. Hazmat crews were called to the scene, but as we went to press, no official word had been issued on the cause the explosion.

◆ **The Decatur Community Association** in Cutler is partnering with the University of Pennsylvania School of Medicine and Grand Central Family Medicine in Parkersburg, WV to conduct a study of C8 levels in blood of residents in four communities across the Ohio River from a Dupont plant where C8 is used in the manufacture of Teflon, a nonstick coating on cookware. The study found the levels of C8 to be 60 to 80 times higher than typically found in the general population. C8 is used in the production of non-stick cookware, and has been shown to cause tumors in lab animals. However its effects on humans are largely unknown. The chemical has contaminated local drinking water wells.

## OREGON

**Oregon Citizens for Safe Drinking Water (OCSDW)** in Lake Oswego is working with other safe water organizations across the country to support a coalition of 11 EPA unions who wrote Congress asking for an immediate moratorium on water fluoridation, banning the practice until a full Congressional hearing is held to assess the possible effects of fluoridation. The coalition also wants EPA Administrator Stephen Johnson to direct the Office of Water to set the maximum contaminant level goal for fluoride at zero, based on the likelihood that it is a carcinogen. Many studies have shown that fluoridation is harmful,

# ACTION LINE

including one that found pre-adolescent boys who drink fluoridated water are at a seven-fold higher risk of an often-fatal bone cancer. OCSDW is urging citizens to call their federal representatives to echo the request for a moratorium and hearing.

## PENNSYLVANIA

Keystone state citizens are uniting against mercury pollution from coal-fired power plants. **PennFuture**, joined by representatives from health care, sporting, women's rights, faith-based, children's advocacy and conservation organizations, sent a letter to Department of Environmental Protection (DEP) Secretary Kathleen McGinty urging her to disregard a letter sent to her by two Pennsylvania Senators and one Pennsylvania Representative that asked the DEP to do nothing about the growing problem. **Penn Environment**, another advocacy group, gathered 10,000 citizen comments urging the state's governor to require 90 percent mercury reductions from all the state's coal-fired power plants. Sierra Club's Pennsylvania Chapter has canvassed neighborhoods and found thousands more ready to move forward with strong mercury regulation. The people want to see standards that put public health before industry profit.

## SOUTH CAROLINA

More than 130 residents in Enoree came out to a public meeting to express their outrage at a plan by Waste Management, Inc (WMI) to build a new regional landfill in the county. People were especially angry to learn that the decision on whether to issue the permit for the landfill will be made by the state Department of Health and Environmental Control (DHEC), and not by the County Council. This change in procedure resulted from a recent decision by the South Carolina Supreme Court. WMI currently operates the Palmetto landfill which is near capacity and would be replaced by the new landfill. Another sore point for the community was the fact that most of the waste going to Palmetto comes from outside the county with about 45% coming from out of state. As one person commented at the meeting, "The problem is when we have a company coming in wanting to make megabucks by bringing in trash from out of state." Residents vowed to organize and fight Waste Management's plan.

## TENNESSEE

Members of **Save Our Cumberland Mountains (SOCM)** traveled to the Nashville Farm Bureau office to draw attention to the fact that the Farm Bureau's opposition to the proposed forestry and aerial spraying legislation does not reflect the opinions of many of its members, or the vast majority of Tennesseans. SOCM held a press conference outside of the Farm Bureau's office, garnering radio, TV, and newspaper media coverage. "The Farm Bureau, by opposing these bills, is representing large corporate farms and the timber companies, not the majority of their members in rural areas," said SOCM member, Mike Crews. "They need to remember that small farmers have children who

breathe that air too." The press conference was part of the organization's annual "Lobby Day," in which they talk to legislators and conduct trainings.

◆Last June, while protesting at a National Coal Corporation shareholders meeting in Knoxville, three activists with **Mountain Justice Summer** were arrested and charged with aggravated assault, incitement to riot, burglary and disruption of a meeting or procession. The group prides itself on its style of nonviolent civil disobedience, and calls the charges "trumped up." After news of the arrests circulated in the community, the \$46,000 bail was posted. A preliminary hearing was held on July 12<sup>th</sup> in which two witnesses for the prosecution perjured themselves according to Michael Edge of Mountain Justice Summer. Another hearing is set for sometime in September, but the defendants remain confident that the charges will be dismissed. Go to [www.mountainjusticesummer.org](http://www.mountainjusticesummer.org) for more information. (NOTE: great photos available on website)

## TEXAS

**Get the Lead Out**, a coalition that include the Sierra Club and many local residents, came out in force to oppose the renewal of an air quality permit for the Asarco smelting plant in El Paso. Asarco maintains that their emissions are safe, but opponents cite numerous health problems experienced by neighboring residents, who are seeing high blood-lead levels, arsenic poisoning and respiratory problems, which they attribute to the plant. The USEPA has said that the Asarco smelter is the likely source of arsenic and lead contamination at hundreds of properties in the area. State Sen. Eliot Shapleigh (D-El Paso) spoke out against the renewal saying it was not in the best interest of El Paso. Forty local businesses also oppose the permit renewal.

## UTAH

A majority of people in Utah oppose renewed nuclear weapons testing, but that is exactly what Congressman Chris Cannon (R-UT) is supporting. After the Bush administration released a \$25 million request to ready the Nevada Test Site, Cannon officially announced his support for nuclear weapons testing. Groups like the **Downwinders Opposed to Nuclear Testing (DONT)** and the **Healthy Environment Alliance of Utah (HEAL Utah)** actively demonstrated against Cannon's position with a joint presentation of a mock gift certificate for a free hearing aid so that the "voices of [his] constituents never again fall on deaf ears." On July 1<sup>st</sup>, Sens. Bob Bennett and Orrin Hatch voted to keep \$4 million of funding for development of smaller nukes known as "bunker busters."

Has your group won a victory lately?  
Send it in to be published in EBY.



## In Memoriam:

Marvin Legator, a colleague, friend and advocate for justice passed away this past summer. Marvin pioneered ways for community activists to document health problems in communities while at the University of Texas Medical Branch. He authored the *Health Detective's Handbook*, a "how-to" guide for activists on how to do a health study in 1985, updated it eight years later and then developed the Symptom Survey that he felt better met community needs. Marvin was a tireless champion for individuals and communities that were affected by exposures to toxic chemicals. He assisted many communities and often provided expert testimony in lawsuits against polluters. The environmental health and environmental justice communities will miss him. Marvin was trained in microbial genetics and toxicology. He died at the age of 79.

## VIRGINIA

The **Piedmont Environmental Council** and several other statewide groups joined with the National Parks Conservation Association to petition the Virginia Department of Environmental Quality to adopt tougher regulations for mercury emissions than those implemented earlier this year by the USEPA. Mercury emissions have been particularly devastating to the Southeast, where coal-fired power plants are dominant, and environmental conditions favor the formation of toxic methylmercury. "The petition argued that the EPA rule is "an ineffective and lax cap-and-trade program that fails to recognize mercury as an air toxin that cannot be regulated in the same manner as a conventional pollutant."

## WISCONSIN

**Citizens for Safe Water Around Badger (CSWAB)** are calling attention to groundwater contamination discovered at the Badger Army Ammunition Plant. At a meeting of the Badger Restoration Advisory Board (RAB), Army consultants reported that trichloroethylene (TCE), a cancer-causing solvent, has been consistently detected since 2002 in a groundwater monitoring well located some 2,500 feet south of Badger's main entrance. TCE was found at levels that exceed safe standards. The RAB which includes a representative from CSWAB passed a resolution asking the Wisconsin Department of Natural Resources to "take steps to assure that nearby private drinking water wells are identified and tested for TCE and any other contaminants of concern to assure that drinking water and groundwater are clean and free from any contaminants." A response from WDNR is pending.



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

## PROTECTING KIDS BEGINS IN YOUR BACKYARD

Each quarter, you read about communities taking steps to protect the health and safety of their neighbors and families in *Action Line*. In the Child Proofing Our Communities Campaign, we help empower individuals, groups, students, teachers, day care providers and others to prevent harm to children from chemical exposures. Have you checked out our resources lately?

This Back-to-School season, take a moment to check out your child's school or daycare for areas that might need improvement. Begin by asking the questions below. If you find an area that might be of concern or could use improvement, give us a call at the Child Proofing Our Communities Campaign for information, assistance and support.

You can protect your children from exposure to chemicals and toxins. *Take action today!*

### Yes No

**1. Is the school clean, and are carpets, floors, ceilings and air intakes free of water stains and mold?**

**Tips:** Check for unclean areas and mold and water stains on walls, floors and ceilings. Damp areas that do not dry within 24 hours may grow mold.

**2. Do trucks, buses and cars load or idle well away from the school?**

**Tips:** Can you smell exhaust inside the building? Look for the loading and idling areas - they should be far away from outdoor air intakes and windows.

**3. Are school supplies free of toxic substances?**

**Tips:** Some classroom supplies, such as dry erase markers, glues and cleaning products, contain lead, mercury, asbestos, formaldehyde, or solvents. Non-toxic replacements for supplies are available.

**4. Does the school control pests and unwanted weeds without the use of pesticides?**

**Tips:** Ask the facilities manager if pesticides are used and, if so, when, where and for what pests. Are students, staff and parents notified prior to pesticide applications?

Our resources and staff can help you learn about children's environmental health, educate others through workshops, slideshows and written materials, create school environmental clubs, and much more! See [www.childproofing.org](http://www.childproofing.org) and [www.greenflagschools.org](http://www.greenflagschools.org) or call us at (703) 237-2249

## VICTORY!

### Interior-Environment Appropriations Bill, FY 2006

*"Sec 201. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to accept, consider or rely on third-party intentional dosing human toxicity studies for pesticides... Such rule shall not permit the use of pregnant women, infants or children as subjects..."*

Less than a year ago, no one had heard of CHEERS – an EPA study that planned to intentionally expose infants to toxic chemicals. A grassroots network quietly emerged, standing firm and clear under one banner: *"We Do Not Test Pesticides on Children."*

**High school students** in the East Side of Manhattan wrote letters to their legislators, circulated petitions, and made presentations to classmates. **Parents** in Washington, D.C. circulated petitions, began discussions about local pesticide use, and made calls to federal representatives. **Farm workers** in Florida, many of whom are exposed to toxic pesticides on a daily basis, wrote letters, made phone calls and stood with this issue until the end. **Organizations of faith** emphasized that using our littlest ones as guinea pigs is unethical and immoral, and cannot be justified. **Over 80,000** signed a letter to the EPA opposing the CHEERS project!

**The mosaic of groups that worked together – health groups, faith groups, cultural groups, schools, parents and activists –** sent the message to the Bush Administration that it is immoral to test chemicals on babies. And in August, Congress voted to permanently ban the use of pregnant women, infants and children as test subjects in human testing experiments.

**Congratulations on such an incredible win!**

## People Power

Continued from page 5

Over the summer, CRMW led the way, focusing the energy of Mountain Justice Summer volunteers, FOM and Sludge Safety Project members on the situation at Marsh Fork Elementary. They increased door-to-door contact with the school's neighbors and inspired a big turnout for a public hearing on whether the DEP should grant a permit for Massey to construct a second coal storage silo even nearer the school. The groups held two rallies right outside the gates of the coal prep plant. As they attempted to deliver a list of demands to the plant manager, 16 people, including grandmothers of children attending the school, were arrested for trespassing. Some folks even traveled to Massey Energy's headquarters in Richmond, Va. to try to deliver the demands, and two were arrested there. CRMW with MJS also organized three days of marches near the school, as well as a sustainability fair on school grounds. These arrests—which illustrate how desperate people are for change—and the frequency of the events have generated loads of news stories.

All the publicity convinced the governor to meet *twice* with concerned residents. First, he promised us that he would put together a team to investigate the situation at the school and to also investigate the manner in which the DEP is issuing permits. Shortly thereafter, the DEP issued the permit for a second silo! Two days later, Ed Wiley—grandfather to an ill student of Marsh Fork Elementary, and who appeared on the cover of the Summer issue of *Everyone's Backyard*—sat on the steps of the capitol in front of the governor's office and vowed to sit there until the governor came out to talk to him. Finally, the governor came out, met with Ed and renewed his promise to investigate our concerns about the school, especially the leaky sludge dam. The next day, the governor again met with more concerned citizens.

The controversy the people generated prompted a *Charleston Gazette* reporter to scrutinize the plant's permits. The reporter found that the DEP approved coal storage silos (the coal stored is sprayed with chemicals that are used in the prep plant and which end up in the coal sludge impoundment) on land that was not part of the plant's original permit. Somehow, the maps showing the permit boundaries were enlarged over the years.

In July, the DEP first suspended, and then revoked its permit for the second silo after its own investigation. DEP has said it will now review the way all maps on all coal company permits are submitted and examined. When news of the DEP's slack permitting activities broke, the U.S. Office of Surface Mining must have realized it was slipping on its mandated oversight of the DEP. The agency promised to review how the DEP issues permits.

Now, when we approach legislators, they know our concerns are legitimate, well-researched and powerful. The publicity we've generated has also made Massey Energy very nervous. It has launched a series of TV ads criticizing protestors!

The decision to focus our efforts on the sludge impoundment and prep plant near Marsh Fork Elementary has upped the attention on all coal sludge impoundments. The cooperative work of several groups across state lines during Mountain Justice Summer has heightened awareness of the toll mountaintop removal takes on communities and the environment.

An August 2004 study by Jon Agnone, a University of Washington sociology doctoral student, found that "Public opinion alone has little impact on the passage of pro-environmental legislation. Politicians are only responsive to public opinion on the environment when protests direct their attention toward such concerns" (See: [www.scienceblog.com/community/article3704.html](http://www.scienceblog.com/community/article3704.html)).

We know that's true. We proved what a difference the people united can make! \*

*Vivian Stockman is the Project Coordinator for the Ohio Valley Environmental Coalition, based in Huntington, WV. Her work includes organizing, outreach communications, and fundraising. She has written articles on mountaintop removal and the myth of "clean" coal that have appeared in national publications. Vivian received the WV Environmental Council's highest honor, the Mother Jones Award ([www.ohvec.org](http://www.ohvec.org)).*

### CHEJ's Making the Walkathon

Tired of Earth Day celebrations? Want something new and different that directly benefits you?

Consider holding a **Making the Link Walkathon** in your community! In Spring 2006, the Center for Health, Environment and Justice (CHEJ) will hold the National *Making the Link* Walkathon to raise awareness about "the link" between health and our environment, and the steps we can take to win back a clean, healthy world. CHEJ's walkathon will take place in Washington, DC and is designed to be easily replicated by groups across the country who want to hold their own walks to raise awareness about "the link" (while raising funds for their group!). To learn more, attend one of our upcoming conference calls. Contact us at (703) 237-2249 ext. 24 or at [ldraper@chej.org](mailto:ldraper@chej.org).

# WITH SPECIAL THANKS

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work between May 14, 2005 and August 17, 2005. We wish we had the space to acknowledge each and every one of CHEJ's donors in these pages because all gifts, regardless of size, are very much appreciated.

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The Cardoza Tribe

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### Matching Gift

Bearing Point Charitable Foundation

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## REACT

*Continued from page 3*

Residents of Louisville's West End and the surrounding neighborhoods had complained for decades about the smell and about adverse health affects from the air pollution coming from chemical factories located in the Rubbertown industrial area. Now they could add evidence to their complaints. One of their air samples, taken in front of a Rubbertown factory during the training revealed that a toxic chemical was being released at hundreds of times over the safe limit.

### REACT Formed

Local activists also organized the Rubbertown Emergency Action (REACT) to focus and expand the toxics air campaign. One barrier they sought to overcome was a lack of detailed investigative reporting by the city's only newspaper, *The Courier-Journal*. Despite being presented with Subra's reports on the Task Force's official monitoring data, the newspaper steadfastly refused to report on findings throughout 2002 and most of 2003. Finally on October 26, 2003, *The Courier-Journal* published the first in a high profile series, "Toxic Air: Lingering Health Menace." Anxious to cover their tracks, the newspaper wrote: "Since the beginning of the year, *The Courier-Journal* had been investigating the quality of the air that Louisville-area residents breathe. The investigation revealed excessive levels of some toxic air pollutants - and potential increases in cancers and other illnesses."

REACT launched a website [www.reactlouisville.org](http://www.reactlouisville.org), and began recruiting the support of national, state and regional groups. They re-doubled efforts to gather petitions, post cards, hold regular protests and attend every local government meeting to let officials and polluters alike know they weren't going away.

The effort suffered heartbreaking losses including one on April 17, 2004, when one of their most vocal spokespeople, Roosevelt Roberts, died after collapsing at a Louisville meeting about environmental issues earlier in the day. Roosevelt understood that great movements for justice always start by reaching out one at a time to people who suffer from injustice. In his memory, REACT again stepped up their campaign.

Finally, after a series of over 50 hearings and meetings, the Air Board adopted the STAR program on June 21<sup>st</sup> over a raft of objections by industry and their hired gun experts. Perhaps Eboni Cochran of REACT, who lives in a neighborhood affected by toxic air said it best, "We hear from industry about fear versus the technical issues. Fear is a God-given instinct that enables us to protect ourselves from those that are trying to harm us. Industry always says we need to be technical, not emotional. When awakened in the middle of the night by a stepdaughter who can't breathe and is rushed to the hospital because she has been diagnosed with asthma, you have to consider the emotions."

Hopefully the common sense wisdom of people like Eboni Cochran and their instinct to fight to protect their children will guide them through the process of defending their hard fought victory and toward the clean air they deserve to breathe. \*

*Denny Larson is the Director of the Global Community Monitor (GCM) an international human rights and environmental justice group focused on empowering communities to monitor and take action to protect their health from toxic chemical hazards. GCM is active in Louisville, as well as in dozens of U.S. communities and hotspots around the world ([www.gcmmonitor.org](http://www.gcmmonitor.org)).*

## Give to CHEJ Through Your Workplace This Fall!

Help empower communities across the nation to make our world safer and healthier for everyone by designating CHEJ as the recipient of your workplace giving this Fall.

If you're a federal employee, you can designate CHEJ to receive your workplace giving monthly pledge through the Combined Federal Campaign. CHEJ is #0929 in the Campaign booklet.

If you're not a federal employee, CHEJ is a member of Earth Share, a federation that coordinates workplace giving campaigns on behalf of environmental charities. With the ease of Earth Share's payroll deduction campaigns, you can direct your monthly contribution to CHEJ. Ask your human resources department if your office participates in Earth Share!

Call CHEJ at 703-237-2249 ext. 14  
for more details.

**#0929**



**Earth Share**

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

## Hot Off the Press!

### **CHEJ's New Report**

**25<sup>th</sup> Anniversary of Superfund,  
America's Safety Net in Crisis**  
*American Taxpayers Shoulder the Burden  
As Polluter Pays Fees Eliminated*

CHEJ's BE SAFE campaign has compiled a special report for the 25th anniversary of the federal Superfund hazardous waste site cleanup program. The report includes a history of the national program and features Superfund site profiles in each of the 50 states and Puerto Rico. We contacted people in every state to write profiles on their site which demonstrate both the value of the Superfund program, as well as the limitations imposed by the current funding shortfall.

The report was released at media events around the country on September 29th, the day before the 2nd anniversary of Superfund's bankruptcy. The events are a springboard for a renewed call to Congress to reinstate the Polluter Pays taxes that had funded the cleanup of Superfund sites from 1980 until 2003.

**This report is available online at  
[www.besafenet.com/superfund.html](http://www.besafenet.com/superfund.html).**

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