

EVERYONE'S BACKYARD

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COMMUNITY ACTION RESPONSIBLE FOR MAJOR REDUCTION IN DIOXIN AIR EMISSIONS

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

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How Change Happens

Many people are talking about *Death of Environmentalism, What's the Matter With Kansas?*, and how we might build a progressive movement for change. CHEJ's Board and staff are also reflecting on these publications and the present political climate and asking, "How does change happen?" and "Does CHEJ's work add value toward achieving systemic change?"

CHEJ has dedicated itself to broadening the base and strengthening the skills of grassroots organizations. In reflecting on this experience, we've concluded that change happens by organizing — one family at a time, one church at a time, one school at a time, and one neighborhood at a time. Change will not result from powerful full-page ads, or by using just the right words in your message, or by getting the right people elected.

Lasting change comes from civic engagement. It's achieved by building power where people are, listening to their concerns, linking leaders to issues that matter to them, and by moving organizations from their local fights to a larger, strategic vision of long-term systemic change. This includes raising popular consciousness about fundamental problems in the current system, providing a positive, unifying vision, and building a sense of empowerment.

The issues in our network are varied, as is class, race and geographic representation. What we share in common is the desire for achieving justice, preventing harm to human health, the economy, and the environment, and preserving the American promise for our children.

We have developed models for winning at the local and state levels that fit into this larger strategy to impact a broader agenda and goal. Leaders in our network have demonstrated how to accomplish things that are out of reach of groups taking only a policy or regulatory approach to change. The article on dioxin in this issue is a prime example of this.

Change happens by working to build our strengths, increase our reach, connect leaders around common values, and teach everyday Americans the skills they need to succeed.

ABOUT CHEJ

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

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

COMMUNITY ACTION RESPONSIBLE FOR MAJOR REDUCTION IN DIOXIN AIR EMISSIONS

When CHEJ's BE SAFE Campaign released its report *PVC: Bad News Comes In 3's* this past December, the chlorine and vinyl industry kept telling journalists:

"PVC is not a problem—especially not a dioxin problem—because the background levels of dioxin are decreasing while PVC production and use is increasing."

But, PVC is a problem. There is no question that it's a real and present danger. However, according to the U.S. Environmental Protection Agency (USEPA), dioxin levels - namely dioxin air emissions - have gone down in recent years. When we sat down to try and figure this out, we stumbled across what turns out to be an enormous victory for grassroots activism in this country.

The major reason why dioxin air emissions have gone down in the past 10 plus years is because **grassroots community groups were responsible for shutting down many of the largest dioxin sources – garbage and medical waste incinerators!**

The environmental health movement did what government would not do—we dramatically reduced the presence of a significant cancer-causing chemical, dioxin, in the environment. This victory developed slowly and quietly over the past 15 to 20 years and was achieved not by passing a law or a policy that we'll have to defend over the next several decades, but through local community action focused on removing the sources of pollution.

The impact of these activities goes well beyond what statewide or national regulation could have achieved. This nationwide reduction in dioxin emissions will have the practical effect of protecting human health in ways that government has been unwilling to bring about due to their acquiescence to the chemical industry.

HERE ARE THE FACTS:

We reviewed the raw data made available by the USEPA in their Inventory of Sources of Dioxin in the United States. The total dioxin air emissions fell from 13,995 grams dioxin TEQ in 1987 to 3,252 grams TEQ in 1995. This is a difference of 10,743 grams TEQ and a reduction of 77%. When we broke down the 10,743 gram reduction in dioxin emissions, we found the following: 7,627 grams resulted from municipal waste incinerators and 2,102 grams from medical waste incinerators. Together, the reduction in dioxin air emissions from these two sources alone accounted for over 90% of the total reduction in dioxin air emissions during this time period (see Table).

Reduction in Dioxin Air Emissions Between 1987 and 1995

	Dioxin grams TEQ
Total reduction from all sources	10,743
Reduction from municipal waste incinerators	7,627
Reduction from medical waste incinerators	2,102
Sub-Total	9,727
Subtotal as percentage of total	91%

When we further examined the USEPA data base, we discovered that in 1987 there were 113 operating garbage incinerators in the U.S. and that 54 of them were the worst generators of dioxin - incinerators with a hot-side electrostatic precipitator (ESP). In 1995, there were 130 garbage incinerators, 12 of them with hot-side ESPs. We then compared the two years, and found that 49 of these hot-side ESP incinerators had shut down and that they contributed 7,452 grams of dioxin TEQ to the total dioxin air emissions. These 49 incinerators contributed 84% of the total amount of dioxin generated by garbage incinerators and 53% of the total air emissions released by all sources in 1987. It's easy to see why the USEPA refers to incinerators with hot-side ESPs as "dioxin factories."

More importantly, by shutting down these 49 incinerators, most of the largest sources of dioxin air emissions were eliminated. **These 49 incinerators alone accounted for 69% of the total decrease in dioxin air emissions between 1987 and 1995 (7,452 of 10,743 gms TEQ).** The total reduction in dioxin emissions for all municipal waste incinerators between 1987 and 1995 was 7,627 grams TEQ (see Table).

The statistics for medical waste incinerators are not so well documented. The USEPA data base does not list individual medical waste incinerators and how much each contributed to total dioxin air emissions. Instead, they estimated the total number of incinerators operating in each reference year and estimated how much dioxin each generated generically.

According to the USEPA, there were over 2,600 fewer medical waste incinerators operating in 1995 compared to 1987. In this case, it's not clear whether these incinerators shut down or whether the initial estimate in 1987 was inaccurate. In either event, the reduction

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Precautionary Policy Clearinghouse Launched

A growing number of state and local governments are taking precautionary action to *prevent* environmental hazards and pollution. BE SAFE is launching a Precautionary Policy Clearinghouse to assist people, groups and government officials in promoting precaution-based laws by providing model policies.

Precautionary action is guided by the following principles. 1) Heed early warnings and take action to prevent harm. 2) Put safety first and study the potential for harm before using a chemical or technology. 3) Exercise democracy with citizen input and place the highest priority on protecting health and the environment when making decisions. 4) Choose the safest solutions after an evaluation of all the alternatives.

Due in part to the lack of action on the federal level, some states and local governments are responding to communities and organizations by heeding warnings and passing laws phasing out harmful chemicals and promoting sustainable green purchasing and pollution prevention. And, marketplace campaigns are effectively pressuring companies to stop using toxic chemicals. Here are a few examples.

Heed Warnings and Ban Harmful Chemicals

Maine banned the sale of arsenic-treated wood, and New York prohibits its use in playgrounds where children can be exposed. California, Hawaii, Maine, New York and Washington have banned the use of two harmful brominated flame retardants (BFR) in consumer products. Mercury is being purged from products with ten states banning mercury thermometers and approximately 50 mercury product bills pending in over 20 state legislatures. Minnesota's ban resulted in a 90% reduction in mercury use in products in the last 10 years.

New Hampshire adopted a first-in-the-nation strategy to reduce cancer-causing *dioxin* emissions by 50%. San Francisco and Boston have passed dioxin-free purchasing requirements. Washington's environmental agency and legislature are implementing a Governor's Executive Order to phase out the use of *persistent bioaccumulative toxic chemicals (PBTs)*, a group of especially harmful chemicals, by 2025.

Many states and schools have adopted Integrated Pest Management (IPM) programs or pesticide bans that eliminate or reduce *toxic pesticide* use. The Los Angeles (CA) Unified School District adopted the nation's first IPM policy based on the precautionary principle.

Put Safety First Policies

Policies requiring a precautionary approach on environmental issues are being instituted. In California, San Francisco adopted

the nation's first city and countywide Precautionary Principle Ordinance, and recently, Marin County and the city of Berkeley passed precautionary ordinances. In Oregon, the city of Portland and Multnomah County passed a toxic use reduction Precautionary Policy.

Safe Solutions Marketplace Campaigns

Marketplace campaigns activate consumers to exercise their choice for safer solutions and convince industries to phase out dangerous chemicals. The Healthy Building Network is working with architects, builders and companies to halt the use of arsenic-treated wood and PVC materials. Fifteen electronic recycling firms agreed to follow the Computer Take Back Campaign's Pledge of True Stewardship, such as preventing hazardous waste from being incinerated.

The Clean Car Campaign is working to phase out toxic materials in cars. Volvo, Nissan, Toyota and GM are all phasing out PVC to varying degrees. The Health Care Without Harm campaign is working to phase out contaminants in health care products, and hundreds of hospitals and retailers have switched to mercury-free products. The Safe Cosmetics Campaign is urging companies to pledge to use only ingredients not known or suspected of causing cancer or birth defects, and over 30 businesses have endorsed it. In the near future, BE SAFE will launch a PVC Consumer Campaign to promote company PVC phase-outs and educate Americans about safer alternatives to this "poison plastic." (See sidebar on Microsoft victory.)

The Precautionary Policy Clearinghouse at www.besafenet.com will be launched this spring with precautionary-based laws, ordinances and industry agreements to help groups promote precautionary action on environmental hazards. Check out the clearinghouse and see what policies could be advanced in your region and help to "make a thousand flowers bloom." ☺

Microsoft Phases out PVC-the Poison Plastic

Microsoft is phasing out polyvinyl chloride (PVC) packaging of its computer software products. The company took action in response to a December 2004 request by CHEJ and 20 state groups in the BE SAFE network. The coalition sent Microsoft a new national report, *PVC: Bad News Comes in Threes. The Poison Plastic, Health Hazards & the Looming Waste Crisis*, and asked them to stop using PVC. Microsoft is negotiating with retailers and hopes to phase out PVC packaging this year. Johnson & Johnson was also contacted and has agreed to phase out PVC in their primary packaging. The PVC report was successfully released by groups in 20 states and received substantial media coverage. To view this comprehensive report, go to www.besafenet.com

Fourteen Year “Waste War” Ends in Victory for North Carolina Community

By David Mickey and Tom Brown

Local newspapers called it a war and it lasted fourteen years. Between July 1990 when it started and October 2004 when victory was celebrated, Waste Management, Inc., and Neighbors for Environmental Safety Today (NEST) fought seven pitched battles in front of planning boards and county commissioners across two counties.

Hundreds of community volunteers joined the effort. Before it ended, new laws would be passed and the new town of Oak Ridge was incorporated. But it was the final score that really counted:

NEST 7 - Waste Management 0

NEST is a chapter of the Blue Ridge Environmental Defense League (BREDL). It was founded in July 1990 with twelve members as a grassroots organization in response to Waste Management (WMI) opening a huge landfill in Forsyth County on the Guilford County line. Prior to June 1990, the town of Kernersville, in Forsyth County, operated a small unlined landfill across the road from the proposed site of a new landfill. Kernersville discovered, at that time, that their landfill was sitting on a bed of solid rock. Therefore, they were about to run out of landfill space. Waste Management proposed to solve Kernersville’s garbage problems.

Local residents knew of WMI’s proposal, which stated that the proposed Piedmont Landfill would be an extension of the old landfill. They also knew about Kernersville’s plight and thought it was just another small landfill. Only one person spoke out against the proposal. Others thought that nothing bad had ever occurred with the old landfill site and, therefore, no one protested. Waste Management promised that the new Piedmont Landfill would last for 25 to 30 years.

Shortly after the Forsyth County Commissioners approved this site, WMI applied to the State of North Carolina Division of Waste Management for a permit to receive garbage from six southeastern states (NC, SC, VA, TN, WV and KY). The state agency could not understand why no one protested this request, but it was later discovered that no one in the local area knew about it. The state agreed to the permit and the intake of garbage increased dramatically because of the out-of-state waste.

THE LEGISLATURE ACTS

This angered local community leaders. In 1993, Guilford County’s State Senator Bob Shaw sponsored a bill requiring landfill owners to obtain the approval of the local government and to hold public hearings before moving forward with a landfill proposal. This

measure was designed to prevent anything that might be detrimental to the surrounding community from being permitted without the public’s knowledge.

NOT JUST GARBAGE

NEST members and BREDL were aware that Waste Management was dumping much more than household garbage in the Piedmont Landfill. WMI was also dumping what was called “special waste,” that contained toxic substances, even though it was not classified as hazardous. BREDL was concerned that the EPA’s Toxic Characteristic Leaching Procedure (TCLP), which was used to define the toxicity of the waste, was inadequate and did not protect public health. They sought access to the test results and other documents that were used to classify the waste.

These public records turned out to be “voluminous” according to the state regulators and would take months to copy. Piedmont Landfill had 1,000 waste profiles including 250 that were active, meaning that the waste was still being received. Eventually, a summary of the waste profiles was produced instead of approximately 8,000 pages of actual reports. The special waste included everything from a to z, from asbestos to zinc sludge.

Following BREDL’s attempt to get access to these public documents, the state’s Division of Waste Management decided that these special waste profiles would only be available at the landfill location and not through the state’s regulators. This further complicated the community’s ability to learn what toxic materials were being dumped in these landfills.

FILLING UP

By 1997, Waste Management was taking in over 600,000 tons of waste per year and the landfill that the company had promised would last 25 to 30 years was nearly full after only 7 years. Waste Management initiated an effort to expand, either vertically by 100 feet, or horizontally by 300 acres across the Guilford County line. At this point, they had to argue their case in public. Each time, NEST organized a formal response in opposition, and then filled the courthouse halls with people.

With everything at stake, the town of Oak Ridge joined with NEST, in 2003, to hire attorneys and reinforce the community’s effort. Tom Brown, by then the mayor of Oak Ridge, a newly formed town, told *The Northwest Guilford News*, “We will do whatever we can to stop this thing. It could destroy the whole town of Oak Ridge. We’ve got to mobilize civic organizations, churches, developers, real estate agents, and the entire community.”

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ACTION LINE

ALASKA

Congratulations to **Alaska Community Action on Toxics**, the **Chickaloon Village Traditional Council**, **Cook Inlet Keeper**, and the **Military Toxics Project** for their successful lawsuit against the U.S. Department of Defense to stop bombing activities at Eagle River Flats! The discharge of Army munitions was releasing harmful chemicals, heavy metals, and highly explosive and propellant compounds into the flats, posing a toxic safety hazard to local Indigenous subsistence users and nearby residents. "No federal agency should be above the law, especially the laws that protect the public's health and safety," said Tara Thornton, Executive Director of the Military Toxics Project. Provisions of the suit include water quality monitoring, local wildlife protection, and environmental impact studies of the bombing.

◆ Concerned citizens in Alaska are calling on their top state and federal officials to speak out against the Tulsequah Chief Mine, a proposed facility to be positioned in the Canadian reaches of the Taku River Watershed. Alaskans fear that the mine could cause acid mine drainage and other disturbances that would be disastrous for the Taku, a natural fish factory that provides millions of dollars to commercial fishery and sport fishing annually. Alaskans are further troubled by the fact that the proposed mine would be in Canada where environmental rules are less strict than in the U.S. Though Alaska and the U.S. have no veto power over the mine, concerned Alaskans are hoping that U.S. representatives will apply pressure to decision makers in Ottawa.

ARKANSAS

About 2,600 residents and more than 100 prison inmates were evacuated when the Teris hazardous waste incinerator exploded and caught fire in El Dorado in January. The fire, which burned uncontrollably for more than a week, continuously exploded drums of magnesium, and emitted a noticeable air plume. EPA air monitoring in the surrounding community found air quality levels to be safe, but El Dorado residents are skeptical. Mardell Smith, of **Citizens for a Safe Environment**, said that the community is outraged over the incident, and that a class action lawsuit involving some 1,500 people is in the works. The fire kept hundreds of residents out of their homes for days. Its cause is still under investigation.

CALIFORNIA

Lloyd's of London and 15 other insurers have agreed to pay California \$93 million, to settle a dispute over the Stringfellow Hazardous Waste Site in Riverside County. In 1998, the state of California was found liable for negligently designing and operating the site during the 1950's and 1960's, and for not addressing its pollution during the 1970's. However, California had purchased insurance policies from Lloyd's and other insurers to cover potential liability associated with the site. The state plans to use the funds to recover some of the cost for cleaning up the site.

Multinational Monitor Releases List of the Ten Worst Corporations of 2004.

This year's top ten shockingly horrible offenders are Abbott Laboratories, American International Group, Coca-Cola, Dow Chemical, GlaxoSmithKline, Hardee's, Merck, McWane, Rigg's Bank, and Wal-Mart. If you're wondering why such obvious "evildoers" as ExxonMobil, Philip Morris, and General Electric didn't make the cut, it's because Multinational Monitor does not select corporations who were on the previous year's list. Monitor editor Robert Weissman said that it's becoming increasingly difficult to choose the ten worst. From Abbott Laboratories' inflation of AIDS medication prices, to Dow Chemical's refusal to help cancer-ridden victims of Bhopal, to Hardee's heart-stopping, 2,000+ calorie, "Monster Thickburger" meal, this year's selections have truly earned their place on the list!

COLORADO

A Nuclear Weapons Plant turned Wildlife Refuge?! The Rocky Flats National Wildlife Refuge may soon open in Jefferson County at a site once occupied by the Rocky Flats Nuclear Weapons Plant. A bill is set to pass the state legislature that will require visitors to the Refuge to be informed of the inherent risks of visiting the park. Pamphlets and/or audio presentations will be placed at all park entrances highlighting that, in addition to rare wildlife, park patrons will also be exposed to plutonium and other radioactive and hazardous materials during their visit. Also included in the "Informed Consent Public Advisory" is a brief history of the U.S. Department of Energy's use of plutonium at the site, and a quick tutorial in ionizing radiation. Happy wildlife watching Colorado!

DISTRICT OF COLUMBIA

The DC City Council passed emergency legislation banning the shipment of hazardous chemicals through downtown Washington. This measure was taken to reduce the risk of a potentially devastating terrorist attack: the intentional release of highly toxic chemicals in a population center. The act bans the shipment of certain categories of ultra-hazardous materials, such as chlorine, within a 2.2-mile radius of the U.S. Capitol. Congratulations to Rick Hind of **Greenpeace** and activist Fred Millar for their contributions to this victory.

FLORIDA

Panther Parents Against Pollution, a concerned parent group at Brown Barge Middle School in Pensacola, have begun to reinvigorate their fight for school relocation. In January, two parents and a former student of Brown Barge

were interviewed on their local Cox cable program, "It's Not Easy Being Green," about the contamination at their local magnet school. They did an excellent job of laying out the details of contamination and its subsequent health effects, the difficulties parents face in choosing between a one-of-a-kind education at the model magnet school, and facing potential illnesses from chemical exposures. The school is located across the street from the Escambia/Agrico Superfund site, the home of Mt. Dioxin, that was so contaminated by dioxin and other toxic chemicals that over 350 families were evacuated. Keep up the fight, Panther Parents!

KENTUCKY

Congratulations are in order again (see *EBY* Winter 2003) to members of **Coalition for Health Concern** (CHC). After several legal efforts to stay in operation, the Liquid Waste Disposal (LWD) hazardous waste incinerator in Calvert City has closed its doors forever. The Kentucky Department of Environmental Protection had ordered the facility closed in October, 2003, but LWD's owner filed for bankruptcy, sold the incinerator to K & B Capital LLC, who transferred its interests to Bluegrass Incineration LLC, and filed for a permit to operate so that it could emerge from bankruptcy. Fortunately, the permit was never issued and after 30 years of operating, the incinerator has been permanently shut down. What remains now is the dismantling of the incinerator and the cleanup of the site. Cleanup costs have been estimated in the millions and it's likely that taxpayers will have to foot the bill. Tom Fitzgerald, an attorney with the **Kentucky Resources Council**, described it this way, "LWD leaves a regrettable legacy of serial (regulatory) failures and contamination." Corinne Whitehead, President of CHC, adds, "The truth is, the LWD operation can never be cleaned up." Although problems remain, CHC and other community activists have achieved great success in ensuring that hazardous wastes are no longer burned at this site. Congratulations!

LOUISIANA

In the spirit of the civil rights Freedom Ride, a coalition of groups including **Advocates for Environmental Human Rights** in New Orleans is organizing the National Toxics Tour, a coast-to-coast journey that will bear witness to the environmental injustices inflicted on diverse communities, and the farmers, workers, and individuals suffering and dying from health effects associated with toxic pollution. The Tour seeks to bring together grassroots community activists, social justice advocates, medical professionals, policymakers, and others aboard buses that make stops for daylong visits in communities where groups have organized in defense of a healthy environment. The goal of the National Toxics Tour is to deliver resources to health-affected groups, strengthen grassroots community organizations, and create a stronger political base for environmental justice and healthy communities. For more information contact mharde-aehr@cox.net.

ACTION LINE

MICHIGAN

The **Hamtramck Environmental Action Team (HEAT)**, which led a coalition of organizations in a long grassroots campaign, celebrated a major victory when the last medical waste incinerator in Michigan shut down! Those most affected by the incinerator were lower income communities and communities of color. "The Michigan Department of Environmental Waste Quality should be applauded for breaking the trend of environmental racism and supporting environmental justice," said Brad van Guilder of the **Ecology Center**. "The folks in these areas are already overburdened with pollution." **Sierra Club, Ecology Center, Arab Community Center for Economic and Social Services, and Community Action Against Asthma** were all part of the coalition that opposed the incinerator.

MINNESOTA

Congratulations to the **Southeastern Minnesotans for Environmental Protection (SEMEP)** for succeeding in their efforts to get an Environmental Impact Statement ordered prior to the siting of a tire-burning plant in their community. **Citizens Against Pollution, the Sierra Club, and the Southern Minnesota Action Committee** were among the organizations that spoke out against the tire-burning plant at a well-attended Citizens Board meeting where the vote to order the EIS passed unanimously. The Citizens Board made a rare decision to order the EIS, despite a recommendation against it by the Minnesota Pollution Control Agency. SEMEP is hoping the EIS will highlight many of the concerns they have been raising about the hazards of the tire burner. SEMEP sponsored a visit by CHEJ's Lois Gibbs at one of the key public meetings leading up to this decision.

MISSOURI

Concerned Citizens of Plate County and representatives of a metropolitan air quality forum voiced their opposition to a plan to build a second coal-fired power plant near Iatan, a small town along the Missouri River, in a recent meeting with the St. Joseph News-Press editorial board. Citizens are concerned about mercury and carbon-dioxide emissions that could lead to reduced lung capacity and other health problems. Plate County residents are also concerned that the company would have to build a landfill to contain the ash generated by burning the coal.

MONTANA

Residents of Montana achieved a significant victory when they voted down an initiative to bring back open-pit, cyanide-leach mining to the state. The initiative was defeated by a whopping 58% of the votes, despite a \$3 million campaign by the former, and potential future open-pit, cyanide-leach miner, Canyon Resources. Opponents of the initiative, such as the **Montana Environmental Information Center (MEIC)** and its allies, drove home the

point that open-pit, cyanide-leach mines have always left behind polluted water, damaged private property, and contamination for taxpayers to clean up. Ultimately, Canyon's extensive campaign was not enough to mask its track record, or the harmful consequences of open-pit, cyanide-leach mining. Congratulations to MEIC and all those who helped achieve this victory.

NEW YORK

Ten families in Holley who were forced to live in hotels and apartments for the last three years as a result of the release of 80 gallons of 2-chloro-6-fluorophenol, toluene, and other chemicals in their neighborhood by the Diaz Chemical plant are finally being permanently relocated by the USEPA. Concerned citizens still living in Holley are calling on the EPA to release all their testing data for locations in and around the community so that they can be aware of the present dangers. "We all have a right to know what we are living in every day," said DIAZ DANGERS News writer Andrew Saul.

◆ The **Coalition on West Valley Nuclear Wastes, the Citizens Environmental Coalition, the Nuclear Information and Resource Service and CHEJ's BE SAFE** campaign are opposing a fast-tracked bill proposed by the NYS Energy & Research Authority to transfer the West Valley nuclear dump to the federal Department of Energy. This move would result in a loss of state authority and could potentially reduce public participation and cleanup requirements. The groups are requesting a comment period before any decision is made and are urging the state to consider other options. The West Valley site, located 30 miles south of Buffalo, is a large radioactive waste dump that has been undergoing remediation for decades.

◆ General Electric Company recently went to Washington D.C. to urge the federal government to toss out part of the landmark Superfund environmental law, calling it "unconstitutional". GE claims that companies are treated unfairly under the law, arguing that they are not given a chance to defend themselves in court before being issued mammoth penalties for suspected pollution. It is easy to see why GE has chosen to fight this battle: Between 1946 and 1977, the company dumped more than a million pounds of carcinogenic PCBs into the Hudson River, and is now responsible for cleaning up a 197-mile stretch of the river that has been declared a Superfund site. The cost of clean up is estimated at \$500 million. The **Scenic Hudson** charged that the lawsuit is a tactic to delay cleanup, and an attempt to weaken the nation's environmental laws.

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NORTH CAROLINA

NC WARN kicked off a long-term campaign to come to grips with global warming through a statewide strategy of cutting electricity consumption. They plan to use a mix of science and activism to create the public demand necessary to persuade businesses, institutions and the news media to be vigilant regarding global warming and its effects. The organization will team up with long-time community allies as well as faith-based and environmental groups to raise awareness and impact policy makers. NC WARN is hoping to engage people locally in this truly global campaign.

OHIO (Cover Photo)

The notorious Columbus garbage incinerator that once burned trash to generate electricity has finally met its end. Three smokestacks, 270 feet tall, were toppled in less than 30 seconds by carefully placed explosives. The conveyor belt and the smaller buildings on the site will be leveled to prepare the site for the Grossman Group, a recycler that plans to use the site's remaining building to separate paper from garbage. The city-financed facility closed in 1994 due to overwhelming community opposition, financial constraints and its inability to meet pollution regulations. The destruction of the plant removes a painful reminder of what people on the South Side of Columbus went through in dealing with the facility's various problems. Teresa Mills of the **Buckeye Environmental Network**, and long-time opponent of the facility, was quite emotional as she witnessed the demolition of the smokestacks. "I cried like a baby," said Mills, "I didn't expect that at all. I realized that I'll never have to fight that building again."

◆ The Warren Hills construction and demolition landfill has shut down for fear that it would be found out of compliance with environmental guidelines and be denied its 2005 license. Although the landfill has been operating under a consent decree since 2003, it has been releasing a hydrogen sulfide, or "rotten egg" odor into the community for some time, prompting involvement by the USEPA Superfund program. "I hope the USEPA and the Ohio EPA will move quickly toward a resolution" said Debra Roth, leader of **Our Lives Count**. No money has yet been committed for clean up.

PENNSYLVANIA

Chemical giant Occidental Chemical Corporation is closing its OxyChem PVC processing plant in Pottstown and exiting the vinyl specialty resins business entirely. A primary emitter of the cancer causing chemical vinyl chloride, the Pottstown plant had been cited for 13 major violations in 2001 by the USEPA. The **Alliance for a Clean Environment (ACE)** had repeatedly clashed with Occidental, but they have also urged the company to pursue safer alternatives to the PVC products it produced. ACE president Lewis

ACTION LINE

Cuthbert is quoted as saying, "While ACE is relieved that Oxy will no longer poison our air with vinyl chloride and other harmful chemicals, we never wanted Occidental's employees to lose their jobs." OxyChem's plant manager maintains that the decision to close was strictly economic. ACE is optimistic about their future. Said Cuthbert, "ACE believes cleaner, safer air will attract new residents and non-polluting businesses. ACE believes revitalization will be aided by Oxy's closing and that property values may even rise."

◆ Clearfield County residents are in an uproar over a proposed landfill that could bring 5,000 tons of garbage a day to Boggs Township. With another proposed landfill in Centre County's Rush Township, many Pennsylvania residents could find their homes sandwiched between two huge landfills less than 20 miles apart. PA Waste LLC has offered to pay the municipality \$2 for every ton of garbage dumped in the landfill, allowing Boggs to double its annual budget in just 40 days. But many area residents are more concerned with what else the landfill could bring, such as groundwater contamination, deteriorating streams, and plummeting property values. PA Waste LLC awaits a landfill permit from the state Department of Environmental Protection, who must first conduct a thorough investigation to determine the landfill's environmental impacts.

SOUTH CAROLINA

Pickens County Council members sent a letter to state and federal regulators, including the Governor and the U.S. Secretary of the Interior, expressing their desire to be involved in the cleanup process of contaminated lands in the heart of Pickens County. Feeling that the USEPA has left them out of the loop, Pickens County residents are fearful that their lack of input in the cleanup process will leave them unhappy in the end. "What we're really concerned with is that after the cleanup is supposed to be finished, the people of Pickens County are the ones that are going to suffer," said Pickens County Water and Conservation District member Larry Dyck.

TEXAS

Congratulations to **Citizens for a Creosote-Free Community**, who successfully stopped the siting of the AmeriTracks wood treatment plant in Texarkana. The community had had enough with two creosote contaminated Superfund sites in the area. Texarkana residents joined together to avoid the possibility of a third. Residents got their message across to AmeriTracks chairman Warren Nelson by picketing outside of the Texarkana Chamber of Commerce office and holding a town hall meeting attended by hundreds to protest the plant. Nelson cited community opposition as the reason why the company decided not to go through with the land purchase. "The reason why I think it's highly unlikely we'll end up at that site is that we don't want to fight the people." He went on to say, "clearly a lot of people didn't want us in South State Line."

◆ Several hundred students at the University of Texas at El Paso (UTEP) took part in "The Asarco Awareness Concert," a rally and march to stop Asarco from re-establishing smelter operations in El Paso. The event won the backing of the university, whose officials said that they preferred to see the Asarco smelter remain closed. Despite Asarco's claim that the soil and air at UTEP are safe and require no further testing, the university is not in support of the renewal of Asarco's permit. "The university is not actively supporting the renewal of the permit," said Richard Adauto, assistant to the president at UTEP. "Much like everybody else in this area – I don't know for how many years the plant's been closed – but we would prefer it stay that way."

VIRGINIA

The concerned parents group, **Protect Schools**, has been educating PTA's, school boards, and parents across Northern Virginia about the potential risks to children's health posed by cell phone towers. In January, they achieved their first victory at Sandburg Middle School, where a cell tower application was withdrawn by Sprint due to community and parent opposition. In early January, the Fairfax County Council of PTAs passed a resolution expressing concerns about potential health, learning, and behavioral impacts and the legal liability of placing cell towers and wireless transmission antennas at schools. Additionally, the Fairfax County Federation of Teachers, a local teachers union, expressed concern that some school boards acted without seeking sufficient public input. Both of these public statements of concern will help Protect Schools in their fight to protect children. At least seven other schools are slated to make a decision on cell phone tower contracts by the end of February. To get involved, contact www.protectschools.org.

◆ The **Crozet Community Association** in Albemarle County is getting organized to address contamination found in their community. Noticing that people were getting sick who live in two subdivisions, Gray Rock and Orchard Acres, residents discovered that their homes are built on an old orchard that was heavily sprayed with pesticides. One subdivision was built on top of the building site where the pesticides were mixed. Private testing found elevated levels of lead and arsenic in the soil. The Virginia Department of Environmental Quality conducted a "windshield survey" of the site (they drove by the site) and determined that no further investigation was warranted. Residents were concerned over this simplistic evaluation and are requesting further testing. The USEPA came in and they labeled the area an "emerging" Superfund site. CHEJ has offered to review the test data collected by EPA as the community continues to get organized.



Photo by Barbara Sullivan/CHEJ

◆ There's growing opposition to the first proposed nuclear plants in this country in 30 years. A coalition of groups is organizing against Dominion Power's proposal to build 2 more nuclear power plants on Lake Anna (there are 2 operating nuclear plants there now). The coalition includes the **Peoples Alliance for Clean Energy**, **Blue Ridge Environmental Defense League**, **Public Citizen**, **Nuclear Information and Resource Service** and **Sierra Club**. Dozens of people, including CHEJ's Executive Director Lois Gibbs, spoke out at a rally and Nuclear Regulatory Commission hearing on February 17th in Mineral, VA. The North Anna fight is the first of its kind in 30 years. The outcome of this fight could determine our country's energy future for the next century.

WISCONSIN

Citizens for Safe Water Around Badger (CSWAB) have released a report challenging an Army proposal to weaken cleanup goals in the closing of the Badger Army Ammunition Plant. The Army stands to save tens of millions of dollars by setting cleanup standards that would leave higher levels of toxins in the environment. "By not evaluating all compounds present at the site, the military has underestimated the risks to the local ecosystem," said CSWAB technical advisor and wildlife toxicologist Dr. Peter deFur. CSWAB is continuing to fight to make sure that the Army adheres to the level of cleanup approved by the Wisconsin Department of Natural Resources and the USEPA.

CANADA/BRITISH COLUMBIA

The **GSX Concerned Citizens Coalition** (GSXCCC) and thousands of Vancouver residents who opposed the Georgia Strait Crossing (GSX) pipeline project are celebrating their victory over BC Hydro, who has decided to pursue "other options" for supplying power to Vancouver Island. Hundreds of people attended days of hearings to voice their opposition to gas-fired plants in their communities, arguing that increasingly expensive, locally polluting and greenhouse-gas-producing natural gas was not a sustainable path for the Island's future. GSXCCC hopes to use this same winning strategy to cancel the proposed Duke Point Power gas plant. Congratulations to all who contributed to this victory! ☺



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

A resounding round of applause goes out to everyone who sent postcards from our last EBY to the EPA! Many wrote letters to the editor as well, expressing their concerns and educating others about the pending EPA/American Chemistry Council (ACC) study known as CHEERS that will test pesticides on children. A CHEJ member wrote to her local paper making it clear that the public must be protected from pesticide exposure, “not exploited and harmed by pesticides and other chemicals already known to the EPA to be highly toxic.”

The CHEERS study is frightening enough, but it is just a drop in the bucket considering what may come: the chemical industry is pushing for more human testing of chemicals, similar to the CHEERS study, arguing that animal tests are not very good in predicting risks for people. And to build public support, the other side has been getting their message out. One editorial, written by a retired journalist and former vice president of both CBS and the Gannett Company, went so far as to brand people as unpatriotic for

challenging the CHEERS study, arguing that it divides us and furthers the agendas of “our enemies.” Remember, this country was founded by people who challenged principles that they did not believe in. We cannot lose sight of our common sense, ethics or morals, or refrain from criticism when an action such as this jeopardizes the health of innocent children and their families.

We have over thirty years of experience that tell us that some pesticides cause severe health effects to both children and adults. The deliberate exposure of innocent children to toxic chemicals is unethical and immoral. Keep up the fight. Send EPA a postcard; write a letter to your local paper; talk to your neighbors about this study.

We are circulating a sign-on letter to the EPA to stop this study and others like it. Sign on today at childproofing.org. With your help, we can stop this unethical and dangerous experiment on our children.



Green Flags On the Move!

As schools across the country adopt the Green Flag School Program, we are seeing that success at one school spurs another, and then another. Want to know what's going on in your area? Here's a sampling.

In Arnold, MD, Broadneck Elementary students and staff started the school's first recycling program. Beginning with paper recycling, students learn why it's important, how it's done, and measure their success with a larger than life thermometer displayed in the cafeteria...In Falls Church, VA, the City Recycling Coordinator is using field trips to waste facilities to support recycling lesson plans. This innovative and enthusiastic coordinator is initiating Green Flags in two elementary schools, hoping to energize environmentally sensitive students who might someday initiate their own environmental clubs in middle and high school...in Newark, DE, students are beginning their own recycling program after being inspired by the success of the nearby Douglass Alternative School...in Jupiter, FL, students learned about indoor air quality problems caused by aerosol products and created a video DVD to educate their school on the issue. They subsequently passed a “No Aerosols” policy at the school and have begun working on a new recycling project...in Westtown, PA, high school students have taken the program by storm, researching four project areas and meeting with the school's



Shaw Middle School in Philadelphia, PA receiving their Green Flag Level 1 Award, at a joint ceremony announcing the initiation of a school and community Integrated Pest Management (IPM) program.

administrators. They decided on their first project area to work on: Non-Toxic Products... and in Philadelphia, PA, students and staff are working closely with their local cooperative extension program on Integrated Pest Management, as well as other project areas!

These are just a few of the programs supported by Green Flags. Contact us to find out about Green Flag activities in your area, or to see how the flexible Green Flag School Program can fit into your school programming. Check out our new, simplified website at www.greenflagschools.org. ☺

DIOXIN VICTORY!

Continued from page 3

in overall air emissions from medical waste incinerators between 1987 and 1995 was 2,102 grams TEQ (see Table).

It is clear that many grassroots groups living near medical waste incinerators organized opposition and were responsible for shutting down many of these incinerators. We also know that new federal regulations went into effect in the early 1990's requiring most medical waste incinerators to install air pollution controls (most of these incinerators had no air pollution controls at all at this time). But rather than install new costly equipment, many small incinerator operators chose to shut down, especially in light of growing public opposition.

Combining the reduction in emissions from shutting down 49 hot-side ESP garbage incinerators, with the net reduction from other garbage incinerators, and the closing of over 2,600 medical waste incinerators accounts for over 90% of the total decrease in dioxin air emissions between 1987 and 1995.

There were other successful efforts to further reduce dioxin air emissions. While community-based groups were successfully shutting down municipal and medical waste incinerators, other groups were fighting to force many pulp and paper companies to stop using chlorine and adopt less harmful bleaching processes.

Since 1995, several states have passed laws banning backyard burning, another major source of dioxin air emissions. Health Care Without Harm, launched by CHEJ in 1996, continues to effect change in the purchasing and waste management practices of specific health related industries, another major source of dioxin emissions when medical waste is burned.

Government has credited federal regulations as the reason for the reduction in dioxin emissions. But they have it all wrong. The credit belongs to the many activists and organizations who fought so hard, sometimes for years, to shut down these incinerators. This hard work paid off, not only in terms of reducing local exposures, but in reducing exposures nationwide. It shows how effective groups, working locally, can create serious critical change nationally.

This is an enormous victory for grassroots community groups across the country. So go out and spread the word about this victory, celebrate all your hard work and hand this article to the next journalist who quotes the vinyl or chemical industry's spin. Tell them that yes, levels are going down – but it's because of our work to stop the pollution, not because industry is acting responsibly and cleaning up their act. Congratulations! ☺

The 3 Largest "Dioxin Factories"

You may remember reading stories in *Everyone's Backyard (EBY)* of the victories of the three single largest contributors to dioxin air emissions.



The Arise Foundation in Miami, Florida, struggled for years to shut down the "Miami Monster" in Dade County. This "resource recovery" incinerator was the largest single source of dioxin air emissions in 1987. According to the USEPA, this facility alone released 1,260 grams of dioxin TEQ.



The Citizen's Environmental Coalition (CEC) and the Western New York Council on Occupational Safety & Health worked with CHEJ to close the Niagara Falls, NY garbage incinerator, operated by Occidental Petroleum. This municipal waste incinerator was the second largest dioxin polluter in 1987. It released 924 grams of dioxin TEQ.



The ongoing efforts of the Buckeye Environmental Network (previously the Partridge Area Residents Take Action and Southwest Neighbors Protecting Our Environment) were highlighted in *EBY* just last summer when this Ohio group won another victory to stop a plan to convert the closed Columbus incinerator from reopening as a tire burner. This municipal solid waste incinerator released 840 grams of dioxin TEQ in 1987.

WITH SPECIAL THANKS

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work between November 19, 2004 and February 4, 2005. We wish we had the space to acknowledge each and every one of CHEJ's donors in these pages because all gifts, regardless of size, are very much appreciated.

GUARDIANS' CIRCLE

(Gifts of \$1,000 or more)

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"Green" Hotels Association

Maine People's Alliance

Residents for Responsible Government

Waste Wars

Continued from page 5

The final battle took place on November 6, 2003, in Guilford County, when the commissioners voted 7 to 4 to deny Waste Management's re-zoning request. In 2004, the landfill was closed, capped, and the gates were locked. The town of Oak Ridge hopes to voluntarily annex the landfill expansion property for a park, just to make sure this war is finally over for good.

LESSONS LEARNED AND THINGS TO REMEMBER

Patience and Persistence - Corporations like Waste Management are immortal and they do not give up until economic and political realities force their decision. NEST won a war of endurance by staying together even after they won a victory. They were always ready for the next battle.

Know the Rules, Know the Law, and Know the Facts - Permitting rules are designed to award permits. If the company complies with the rules, the state will grant the permit. Likewise, in a quasi-judicial decision such as re-zoning, the local board must rule in the company's favor if the company meets certain conditions. NEST stopped the landfill from expanding when the Guilford County Commissioners denied the company's final re-zoning appeal. To win, NEST successfully used documents, photographs, experts, and personal testimony from landfill neighbors to demonstrate that the landfill expansion **"would materially endanger the public health or safety if located where proposed."** The facts, credible experts, good attorneys and well-organized presentations were critical to their efforts.

Turnout! Turnout! Turnout! - When there was a public hearing, NEST showed up in force. Television coverage always featured overflow crowds of NEST supporters waiting for the outcome, even when deliberations lasted until 2:30 a.m. Waste Management preferred closed-door negotiations. NEST used numbers to back up their convincing arguments and the commissioners always got the message.

FUTURE FIGHTS

As landfills run out of space in one part of the country, the demand for new dumps in other regions increases. Stopping Waste Management in Guilford County did not slow down the company's proposal for a new landfill near the coast in Columbus County. Other companies have mega-dump proposals for Brunswick, Hyde, and Camden Counties in North Carolina and all would take out of state waste. States are not prepared to safely regulate waste disposal on this scale and federal protections are now in question. Until we move away from an economy that encourages waste, local communities such as Oak Ridge will remain at risk. Neighbors for Environmental Safety Today proved that communities can win, but they must be committed to fight, even if it takes fourteen years.

David Mickey is a community organizer and the Zero Waste Coordinator for the Blue Ridge Environmental Defense League. Tom Brown organized and is chairman of Neighbors for Environmental Safety Today, a chapter of the Blue Ridge Environmental Defense League. He was the first elected mayor of Oak Ridge and now serves on the Oak Ridge Town Council.

Flashback to 1980!

Twenty-five years ago, the federal Superfund program was established to clean up America's hazardous waste sites.



CHEJ's Lois Gibbs (3rd from right) is credited as the "Mother of Superfund".

For 24 years, the Superfund was funded by a tax on polluting corporations. This tax expired in 1995 and the government used funds accumulated from the tax to pay for cleanups. Last year those funds ran out. The government decided not to reinstate the corporate polluter's tax last year, and now we, as taxpayers, shoulder the **entire** cost of cleaning up abandoned toxic waste sites nationwide - a *\$1.27 billion* cost to us last year.

Tax day is coming! Contact CHEJ at 703-237-2249 x24 for a sticker to place on your tax envelope demanding that polluters, not taxpayers, pay to clean up Superfund sites.

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