

EVERYONE'S BACKYARD

Vol. 23 No. 4 Winter 2005



Superfund in Crisis A Call to Make the Polluters Pay

In the Aftermath of Katrina Reviving the Gulf Coast

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

Gidget Goes To Washington

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Cover Photo:

25 years of the Superfund program

Almost 25 years ago, I had a vision of building an organization that would focus directly on helping local groups faced with environmental chemical problems like what I faced in my former neighborhood in Love Canal, New York. So, as a single mother with two small children, I loaded a rental truck with all my stuff and moved to just outside Washington, D.C.

I knew there was a need for an organization that focused on environmental chemicals and public health impacts. When organizing around the Love Canal disaster, I found a huge gap in helper organizations. I also understood, for the first time in my life, the tremendous power that people have to create systemic change. One thought that drove my willingness to risk everything and move was: if a working class neighborhood like ours could bring the President of the United States to our door step to provide the assistance we needed, then the possibilities of what other neighborhood groups, just like us, working together could achieve are endless. It's funny that as I write about this, I'm realizing that I still believe it's possible, maybe even more so.

In founding CHEJ, we were committed to not becoming another "inside the Beltway" group, but rather an organization that took direction and priorities from grassroots leaders across the country. We wanted to provide people with the tools to define their own goals, strategies that work within their cultural environment and the confidence leaders need to speak for themselves. After all, if Lois Gibbs, a high school graduate could do it, so can everyone else. There was also a conscious decision not to build a CHEJ empire, but rather to give away power and build a strong connected web of grassroots groups that can create the change needed from the bottom up. In this way, if something happened to CHEJ, there would be many skilled community based leaders, linked together, who would carry on the efforts.

Looking back now, I realize that the core decisions made in our early years were right and they built the foundation for a powerful movement of people. In April 2006, CHEJ will celebrate our 25th anniversary. We've learned an awful lot from our members, leaders and helpers over the years. Together we have accomplished more than I thought was possible. As we move forward together, let us not forget the lessons of Love Canal and 25 years of hard work. The possibilities are endless when groups link together to create change.

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.

America's Safety Net in Crisis

Superfund after 25 years

by Anne Rabe, CHEJ Be SAFE Coordinator

The federal Superfund program is 25 years old this year and to help “celebrate” its birthday, community groups across the country called for the restoration of the key element of the program - the polluter pays fees - to refuel the ailing program. In 42 states, groups released CHEJ's new report, *America's Safety Net in Crisis*, on the federal toxic waste cleanup program featuring Superfund site profiles in every state in the country.

Groups held “Chicken Tax” actions, delivering buckets of fried chicken to U.S. Senators who voted against polluter pays fees. Why? Because the tax on polluters that paid for the cleanup of abandoned toxic sites expired, leaving the U.S. taxpayers, rather than corporate polluters, to fund the Superfund program. The action clarified what the real costs are for industry and highlighted the issue of fairness. If the polluter pays corporate tax is reinstated, companies would merely be paying \$12 for every \$10,000 in profits – the price of a bucket of chicken. For instance, Jackie Elliott of Citizens Leading for Environmental Action & Responsibility (CLEAR) and Jodie Hayes of Pickens County for a Clean Environment delivered chicken and letters to Senators John Sununu (R-NH) and Lindsey Graham (R-SC) and urged them to change their “No” vote on industry fees.

Participating groups received great media coverage, including a “Superfund Super Mess” front page article in the *Texarkana Gazette*, an “Underfunding Superfund” editorial in NY's *Poughkeepsie Journal*, a “Toxic Legacy” series in the *NJ Record*, a “Superfund Pollution Cleanup Turns 25 Years Old” article in MI's *Saginaw News* and a “Sununu Pressured to Restore Polluter Tax” article in NH's *Eagle Times*. Nationally, *USA Today*, CNN, AP and others did articles as well.

Lucille Campbell of Neodesha Environmental Awareness Team received the prize for creativity. Lucille works on Kansas's Neodesha Refinery site and notes, “It is alarming how many people have died of cancer...As a result of the pollution, water lines are eaten away in many sections and sewer lines have been damaged.”

She sent a letter and chicken-decorated items to Senators Sam Brownback (R) and Pat Roberts (R) stating, “I realize Congressional actions can possibly be affected by one's feelings, such as lack of information, misguided acts, desire to distance oneself, or feeling the issue is ‘too hot to handle.’ Therefore, I am enclosing a *chicken gift*. There is a *potholder*, in case it is too hot to handle. If [there's] anything ‘dirty’ about the actions that occurred, there is a *cloth* to wash away any negative residue. Then, of course if the action of washing your hands of the whole affair happened there is a *towel* on which to dry your hands. Hopefully, none of these apply to you and the items can just be used to remind you of nature's creations and our responsibilities to care for and nurture our world and its inhabitants. I hope and



Rhett Lawrence of Oregon State Public Interest Research Group (OSPIRG) at a Superfund site in Portland Harbor. OSPIRG has worked for years to revive polluter pays fees.

pray that if you have the opportunity to vote again you will reconsider and vote YES!!!”

Twenty-five years ago, Congress responded to New York's Love Canal toxic disaster by creating the Superfund program to ensure that the nation's worst toxic waste dumps are cleaned up. CHEJ's report found the once-robust toxic waste cleanup program is now in crisis.

Since its creation in 1980, Superfund has cleaned up 936 sites protecting hundreds of communities. EPA has secured over \$22 billion from polluters who have funded approximately 70% of the site cleanups. The remaining 30% of sites are cleaned up with Superfund monies, previously funded by polluter pays fees.

Since polluter pays fees expired, the burden on taxpayers to support the Superfund Trust Fund has increased by 300%. “This unfair situation has occurred since the Bush Administration made a policy decision to give polluters a free ride and pass the bill on to taxpayers,” noted Lois Gibbs, CHEJ Executive Director. It is the first and only administration to oppose the reinstatement of polluter pays fees. When the fees expired in 1995, Superfund had a surplus of \$3.8 billion—but in 2003 all industry fee monies were spent, shifting the burden totally to taxpayers who now provide \$1.2 billion every year to clean up abandoned sites.

In recent years, Superfund funding has decreased by \$600 million annually. Consequently, cleanups have slowed to a crawl with an approximate 67% reduction in annual site cleanups—from 88 sites in 1997 to just 29 sites in 2005 (as of 9/28/05). The report featured *Site Profiles* with updates by community leaders that put a human face on Superfund and described the

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BE SAFE CAMPAIGN

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

Victory! Wal-Mart Phasing out PVC Packaging!

"We're replacing PVC packaging for our private brands with alternatives that are more sustainable and recyclable within the next two years..."

- Lee Scott, CEO of Wal-Mart, October 27, 2005.

Believe it or not, the world's #1 retailer has committed to phasing out PVC packaging in their private brands! Since early this spring, CHEJ'S BE SAFE and PVC campaigns have been in conversation with Wal-Mart's environmental consultant to get the corporation to phase out PVC. Greenpeace, Clean Production Action, and others have participated in this effort as well. CHEJ worked with a coalition of groups, including Corporate Ethics International, to recommend a PVC phase-out and other sustainable environmental actions to Wal-Mart.

This October 27th, Wal-Mart announced that it will phase out PVC. While this announcement only addresses Wal-Mart's private label brands, it is a notable first step in addressing their use and sale of PVC and other toxic products! There are, of course, still many outstanding issues that Wal-Mart needs to address, such as concerns raised by labor advocates. We will continue to work on these issues.

Want to be Part Of This Winning Campaign? Get Involved!

This winter, CHEJ's PVC campaign will develop a plan of action to leverage this new PVC victory to influence Wal-Mart and other major big box retailers (such as Target and Costco) to phase out the use of PVC in their products and packaging.

Contact CHEJ's PVC campaign coordinator, Mike Schade, at mike@besafenet.com or 212-964-3680 to find out how you can get involved in the next phase of our winning campaign.

The Growing PVC Phase Out Trend

Every year, more and more companies are announcing policies to phase out the use of PVC plastic in their products. Over the past year, Wal-Mart, Microsoft, Johnson & Johnson, Shaw Carpets, Firestone Building Products, Big Toys, Steelcase, and Honest Teas all made commitments to phase out PVC plastic in their products or packaging. The European Parliament recently voted to permanently ban the use of toxic phthalates in PVC toys. These policies can have a significant impact on the PVC market. For example, Milliken Carpet eliminated PVC from their products nearly 20 years ago. Today this represents more than 757 million pounds of PVC removed from the production cycle and ultimately from incinerators and landfills.

National Conference on Precaution June 9 – 11, 2006 in Baltimore, Maryland

Come to the first national grassroots conference on precaution. Find out how groups across America are applying the precautionary approach on toxic, nuclear and other environmental hazards by asking, "how can we prevent harm?" instead of "what level of harm is acceptable?"

This national event will bring together groups working on toxic and nuclear pollution, conservation, environmental justice, disease prevention, health, worker safety and health, green purchasing, precautionary business practices and more to build a broader movement to protect our health and environment!

The conference includes workshops on:

- Model policies and successful campaigns from Europe, Canada and the U.S. at national, state and local levels;
- Effective precautionary strategies such as safe alternatives assessments and full-cost accounting on the "hidden costs" of pollution;
- Building a broader movement for precaution and countering industry opposition;
- Cross-fertilization sessions with diverse environmental and health groups; and
- Skills trainings on organizing, advocacy, messaging and media campaigns.

More than 50 groups are working with CHEJ to plan this event. If you are interested in getting involved or want an invitation, please contact CHEJ BE SAFE Coordinator Anne Rabe at 518-732-4538 or annerabe@msn.com.

After Katrina

Rebuilding the Gulf Coast



Building a PVC-free house in the 9th Ward of New Orleans, sponsored by Greenpeace, the New Orleans Area Habitat for Humanity and the Healthy Building Network.

When Hurricane Katrina hit the Gulf Coast and the levees broke, flooding large portions of New Orleans, most of us watched with horror. Floodwaters filled the streets, and winds destroyed property, toppling trees and utility lines. Innocent people died, and thousands were left without water, food or shelter.

For many of us in the grassroots environmental health network, the government's response, as shocking as it was, did not come as a surprise. Over the past 20 years, CHEJ and others in the network have worked with Gulf Coast families whose lives were at risk from another threat – environmental chemical exposures. Families living next to refineries, chemical plants, landfills and deep-well injection systems have routinely been ignored, dismissed, abandoned and left sick from pollution with no access to health care.

Herbert Rigmaiden, a lifelong Louisiana resident, told the U.S. Congress his story almost 20 years ago. "First the hogs died, then the cattle, then my family. The company told us not to drink the water, but what were we going to drink? What were we going to give our animals to drink?"

CHEJ helped Herbert and hundreds of other families throughout the Gulf Coast fight to get the contamination in their neighborhoods cleaned up. In some instances, whole neighborhoods were evacuated, and in a few places, corporations were stopped from building new polluting facilities. But in many other instances, African Americans, Latinos and low-income white families were poisoned by pollution sanctioned by the government.

As Americans, we often think of ourselves as a "caring society," but are we really? Would a caring, moral society allow for the systematic destruction of communities of color or economic disadvantage? Just think about some of the past year's events in the Gulf Coast *before* the hurricanes hit:

- * Continuous multiple releases of toxic contaminants occurred in the Gulf that no one in a position of power did anything to stop;
- * Children were forced to attend a new school built on a Superfund site in New Orleans;
- * Residents in several cities along the Gulf reported increases in disease, cancer and miscarriages that they believe are related to toxic chemical exposures, but which no one would investigate;
- * Several teams of engineers, scientists, and city planners warned that the levees were not stable. Politicians tried to heed these warnings, and asked the federal government for funds to secure the levees; but those funds were cut from the budget.

Not enough?

- * While people are still horrified by the mismanagement of the Katrina disaster, particularly the blatant disregard for people of color and the poor, the EPA's Office of

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ACTION LINE

ALABAMA

The **Southwest Area Parents Association (SAPA)** in Birmingham is protesting the siting of the new Wenonah High School across the street from the largest gasoline storage facility in the state and at what Rev. Franklin Tate, the group's President, calls the "most dangerous intersection in Alabama." Pointing to an accident between a gasoline tanker car and a freight train that occurred last summer at the very intersection where the school will be built, the group is arguing that the proposed site is no place for a school. The site is also immediately adjacent to a railroad track and junkyard. The accident resulted in a spill that contaminated a portion of the proposed school property. When Public Information Officer of Birmingham Fire and Rescue, Captain C.W. Mardis, was asked at the site of the accident if he knew the new school was proposed for the same site, the Captain responded, "I know gas tanks is industry; and schools is education, and I don't think they mix." Despite these concerns, the School Board has begun constructing the school. SAPA held a press conference at the proposed site on December 6th to bring attention to the school's plan and try to stop it. The press conference was part of CHEJ's national release of its new report on siting schools on contaminated property.

CALIFORNIA

Wildlife wins out over landfill! **Citizens for the Chuckwalla Valley (CCV)** in Desert Center were elated when a federal judge struck down a land exchange deal that would have allowed the nation's largest landfill to be built near the Joshua Tree National Park. The judge ruled that the U.S. Bureau of Land Management (BLM) had failed to consider all of the potential environmental consequences of permitting the landfill on the 3,481 acres that the federal agency had traded to Ontario-based Kaiser Ventures. Key issues were the lack of consideration for various species of wildlife and the desert ecosystem. The proposed landfill would have accepted as much as 20,000 tons of garbage a day from Los Angeles County, delivered mostly by rail. The judge left it up to BLM to decide whether to try and work out a new deal or look for a new landfill site. Donna Charpiet, who fought the landfill for 17 years, said the project was wrong "and there's just not a right way to do a wrong thing."

Teachers in Compton are beginning to organize around a neighboring petroleum-recycling factory. A persistent chemical smell drifts through the school each day. When teachers approached the industry two years ago, public relations representatives argued that the factory was a "non-toxic" operation. In fact, they are the nation's largest petroleum recycler and handle hazardous waste. Teachers are organizing to gather information on the corporate operations, and setting goals, such as decreasing hazardous emissions during school hours.

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

FLORIDA

Taylor Residents United for the Environment (TRUE), located in Perry, are fuming over the shabby treatment they've received from the Taylor County Commission about the proposed 800-megawatt coal-fired power plant in their county. Fed up with being cut out of decision-making talks and forced to voice their concerns AFTER Commission meetings, TRUE and other concerned citizens held a rally at the County Administration Building to protest their treatment as "second class citizens." County citizens have vowed to stop the plant, citing health concerns about mercury emissions, train traffic, outsourcing of jobs, and land depreciation, amongst others. "This is by no means representation of the people, and it in no way seeks to provide for public interest, public safety or public welfare," said TRUE member, Erika Hall.

Concerned parents and teachers in Key Biscayne are getting organized to prevent city workers from laying asphalt during pre-school recess hours. The construction which has been ongoing for several months is being conducted in close proximity to children using the playground. Possible health effects from exposure to asphalt fumes include headache, skin rash, sensitization, fatigue, reduced appetite, throat and eye irritation, cough, and skin cancer. With no construction deadline in place, parents are organizing to get a formal deadline for construction, and to have future construction take place after the elementary school and pre-school hours of operation and on weekends.

Close to 500 St. Lucie residents came out in force and by a unanimous vote, the county commission struck down Florida Power & Light Company's (FPL) bid to build a coal-fired generating plant in southwestern St. Lucie County. Citing concerns about mercury and other toxic emissions, owners of 62% of the land within 500 feet of the proposed site of the plant signed a petition opposing construction of the facility - a high enough percentage to require four (of five) commission votes instead of the usual three to approve the project. In an effort to buy its way out of a "super-majority" vote, FPL offered one landowner \$13.6 million for their 800-acre farm. The landowner did not accept the bribe. "This technology is not what the community wants," said Commissioner Doug Coward. Congratulations to St. Lucie for standing up to FPL!

GEORGIA

Vindication for **Glynn Environmental Coalition (GEC)**! The EPA Office of Inspector General (OIG) released a report on the Hercules 009 Landfill Superfund Site in Brunswick that concluded that the method EPA has been using to analyze for the pesticide toxaphene in groundwater is inadequate. According to the OIG, since

toxaphene degrades over time, the breakdown products, which may also be toxic, need to be measured as well as toxaphene in order to define the true risks to residents. GEC has been arguing for over 13 years that the EPA testing is biased and does not protect human health. The OIG's report recommended that EPA use testing methods that measure both toxaphene and its breakdown products. For GEC and other concerned citizens, the release of the report is the culmination of a 10-year effort to expose the poison cover-up in Glynn County. The group's first priority will be to retest the elementary school that abuts the Hercules site, then retest the neighborhoods surrounding the Hercules Plant where toxaphene was manufactured.

With placards in hand and chants in their throats, about 50 people, including members of **CleanAirAthens** and **Students for Environmental Awareness** marched on the Nakanishi Manufacturing Corporation plant in Athens to protest air pollution from Georgia's largest emitter of trichloroethylene (TCE). Nakanishi emitted more than 111,000 pounds of TCE in 2003, nearly doubling their output from a decade earlier. TCE is believed to cause cancer and birth defects. Nakanishi has recently requested a permit renewal from the state.

ILLINOIS

After years of battles in and out of court, **The Good Neighbor Committee** of South Cook County is celebrating a victory over the Texas-based oil giant Velerio who was ordered to pay

Westerners for Responsible Mining

In a creative action to illustrate the need to reform the outdated 1872 Mining Law, **Westerners for Responsible Mining** formed their own mining company and staked 50 claims of land in six Western states. Paying minimal fees for each mining right, the sarcastically titled company, "Mine, All Mine - the Citizen's Mining Company," demonstrated the ease with which national treasures, such as Montana's Cabinet Mountains Wilderness, could be purchased for mining purposes.

The 1872 Mining Law was intended, in part, to encourage settlement of the West. With the West long since settled, the outdated law now provides a convenient loophole for mining companies to purchase valued land cheaply, with no royalties paid to taxpayers. Legislation proposed to reform the law is more protective of public lands and beneficial to taxpayers. "Staking the claims protects the wildlands and watersheds...and proves the current system basically hands out public land and public resources for next to nothing," said Bonnie Gestring of Westerners for Responsible Mining of their innovative action.

ACTION LINE

\$120 million to the neighbors of this community for pollution violations. The class action lawsuit is a huge win for the community which stood up to the refinery which changed hands several times and was closed in 2001. "I'm not afraid of the big, bad oil man," said Joan Silke, Chair of the Committee. Silke received significant pushback from some community members for attacking the local "golden goose." Silke offered sound advice for others fighting industry pollution, "Stand your ground and don't give up, the truth will come out. You don't have anything to lose and everything to gain." Valero intends to appeal the decision.

LOUISIANA

Three Louisiana groups released an "audit" of the air sampling data collected by the USEPA and Louisiana Department of Environmental Quality in the New Orleans area since Hurricane Katrina. **St. Bernard Citizens for Environmental Quality**, the **Louisiana Bucket Brigade**, and the **Refinery Reform Campaign** initiated the audit after EPA and DEQ consistently mischaracterized their results, downplaying the contamination levels. In one instance, the agencies called a benzene reading "slightly elevated" when, in fact, it was more than 40 times the state standard. "The purpose of this review is to inform the public of the hazards as well as to force the EPA and the DEQ to do their job: protect the public from environmental harm," said the Refinery Reform Campaign in their November media advisory.



Returning New Orleans residents must wear protective masks to avoid dangerous air contaminants.

MASSACHUSETTS

Distrust of EPA is growing by the barrel! The **Housatonic River Initiative** and other environmental groups are calling for an intense investigation into PCB contamination in Pittsfield. The recent discovery of about sixty 55-gallon drums of toxic liquid, some of which had already leaked out, just 50 feet from a residential neighborhood, has many residents and environmentalists fed up with GE and the EPA. The barrels were discovered on a site that was tested several years ago by EPA, and was being excavated in preparation for capping. EPA says the discovery of the new contamination will require no further testing, and that GE has

submitted their cleanup plan to address the toxic barrels. The community continues to push for a comprehensive evaluation of the contamination! CHEJ's Lois Gibbs attended a community meeting to address this new finding.

MICHIGAN

Ann Arbor's **Ecology Center** is gathering signatures to alert Michigan lawmakers of the ongoing problem of dioxin contamination in Midland and its surrounding watershed allegedly caused by Dow Chemical's dumping of toxic waste byproducts into the water. Rather than taking immediate action to cleanup their toxic mess, Dow is conducting extensive studies to determine if and how humans are absorbing dioxins. This approach is not proactive enough for some. "They're dragging their feet [on the cleanup]," said Ecology Center Environmental Health Project Director, Tracey Easthope. In a symbolic form of protest, each signature will be delivered to the Governor on a paper fish, making the link between contamination and the ongoing harm to Midland's ecosystem. In a related story, a group of Midland residents along the Tittabawassee River floodplain have filed a class action lawsuit against Dow for dioxin contamination of their backyards.

NEW MEXICO

The **New Mexico Environment and Health Coalition (EHC)** has helped spur the formation of the NM Precautionary Principle Task Force. The Task Force will identify and recommend steps state agencies can take to reduce significant exposures to toxins in the workplace. EHC sees the formation of the Task Force as an important first step and is hoping to expand the Task Force's mandate. In the meanwhile, the coalition plans on educating various target groups about the value of implementing the recommendations. Go get'em New Mexico!

NEW YORK

Citizens for Safe and Responsible Industry (CSRI) hit the ground running when they learned about Philmet Capital Group's plan to build a gasification plant in their village of Corinth. Philmet wants to "gasify" pellets made from construction and demolition waste, tires and other undefined waste and claims there will be no emissions! Sound too good to be true? CSRI thinks so. They were suspicious early on when the company failed to provide any written information about the plan. When they called CHEJ, we advised them to ask the hard questions and to get the data to back up their answers. If there are no emissions, where's the data to prove it? If the plant's so safe, they should have no trouble providing the public with simple answers to their questions. CSRI is feeling confident that they can stop this plan since they stopped another plan proposed for the same site in 2004. That plan, by American Ref-Fuel, was to build the nation's largest trash incinerator, to burn trash from New York City.

Congratulations to the **Clean Air Coalition (CAC)** and **Citizens' Environmental Coalition (CEC)**, whose organizing prompted the NY Department of Environmental Conservation to agree to install ambient air-monitors in Tonawanda, an area overburdened by air pollution from a cluster of chemical plants. The CAC, with the help of CEC and **Global Community Monitor**, started a Bucket Brigade air-monitoring group last year, whose samples documented elevated levels of benzene and carbon disulfide near a petrochemical tank farm, coke plant, and 3M chemical plant. These air-monitoring results generated a lot of attention and the groups hope the new air monitors will document the noxious pollution coming from these chemical facilities.

The **Citizens' Environmental Coalition, Environmental Advocates, NYPIRG, NYC Environmental Justice Alliance** and **Sierra Club** are protesting New York State's draft soil cleanup standards for Brownfield and Superfund sites. The state has proposed a bizarre array of 12 different standards, such as commercial cleanups that do not protect groundwater or ecological resources, and restricted residential standards where community gardens are not allowed. The coalition is calling for improved standards that will protect children, drinking water, fish and wildlife and for a law that requires all cleanups to protect sensitive populations, water, fish and wildlife.

OHIO

The Blanchard Township **PEARLS (Protectors of Everyone's American Rural Life Style)** of Hardin County are celebrating a major victory! After 5 years of fighting a proposed stone quarry, a District Court of Appeals has recently upheld a County Common Pleas court ruling in favor of the Township, blocking the proposed quarry. "This proves that prayers and perseverance can pay off! Right can win out over might," said founder and Chair of PEARLS, Theresa Allen. Though PEARLS expects National Lime & Stone to appeal to the Ohio Supreme Court, the group has no intention of disbanding anytime soon, and is prepared to continue exercising their citizen's rights in defense of rural lifestyles and local authority.

Ohio Citizen Action (OCA) is working on a campaign to get the Teflon chemicals out of food packaging. Research has shown that food packaging is likely to be a primary vehicle by which dangerous chemicals, such as ammonium perfluorooctanoate (also known as C8), enter the human body. In testimony against DuPont, a former DuPont chemical engineer said that packaging products manufactured by the company such as french-fry boxes, microwave popcorn bags and pet food containers could contain unsafe amounts of C8, and that the company has known about the problem since 2002. Members of OCA sent over 5,800 personal letters and petitions to DuPont urging them to get Teflon out of food packaging products. Find out more about the campaign at www.ohiocitizen.org.

ACTION LINE

OKLAHOMA

The **LEAD Agency** in Vinita is wondering what the results of a pilot study of 32 children mean for the future of the children living near the Tar Creek Superfund site. Hair samples of the children were analyzed for four heavy metals: arsenic, manganese, cadmium, and lead. The children were also given a battery of developmental tests that included problem-solving, visual, spatial, verbal, and memory tests. The study, conducted by researchers from Harvard Uni-



Tar Creek Superfund site, Oklahoma.

versity, found that verbal learning was reduced in children who had been exposed to both arsenic and manganese, determined by hair measurements. The Tar Creek site is extensively contaminated with heavy metals caused by lead and zinc mining that took place nearly 100 years ago. Rebecca Jim, head of LEAD is advocating for a more in-depth follow-up study, "We are breaking new ground with this study. We know the metals are here, but we don't know what they are doing to us and our kids. We need to find that out."

PENNSYLVANIA

Citizen's group holds industry accountable for violating Clean Air Act! **The Community Labor Refinery Tracking Committee (CLRTC)** and Sunoco, Inc. filed a settlement agreement in federal court to resolve litigation against Sunoco and its Philadelphia refinery. Under the settlement, Sunoco must install millions of dollars worth of emission-reducing equipment, pay up to \$130,000 for CLRTC's purchase and operation of sophisticated air monitoring equipment, and send heavily detailed "root cause analysis" reports about flaring incidents to CLRTC. The air monitoring equipment and "root cause analysis" reports will allow CLRTC to keep a close watch on high concentrations of sulfur compounds and hazardous air pollutants from the refinery. "[We] have achieved some real gains for the community through this citizen suit and its settlement," said Michael D. Fiorentino, Esq., CLRTC's lead attorney.

RHODE ISLAND

The verdict is in, and the People win! In a landmark ruling, the City of Providence and the

state Department of Environmental Management were found in violation of the state's contaminated site cleanup law when they constructed an elementary school and middle school on top of the former City Dump in 1999. The violations included failing to consider "issues of environmental equity for low income and racial minority populations" when approving the cleanup plan for the school, and failing to "develop and implement a process to ensure community involvement throughout the investigation and remediation of [the] contaminated [school] sites." This has been a long battle for concerned parents, neighbors, and the public housing tenant association who have waited six years for this decision. CHEJ extends special congratulations to friend and colleague Steven Fischbach, the community lawyer who committedly represented the People in this case.

SOUTH CAROLINA

Organizing efforts are underway in Spartanburg to fight a proposed 1,152-acre landfill on the banks of the Enoree River that concerned citizens fear could turn the county into a dumping ground for other states, contaminate the community, and reduce the county's potential for growth. The **Regional Enoree Society for the Conservation of the Upstate Environment (RESCUE)** is asking citizens to oppose this plan by aiding committees in public awareness, signing petitions, contributing money to RESCUE, and attending County Council meetings to represent the concerns of the community. The landfill would receive most of its garbage from neighboring North Carolina, with approximately 85% of the total waste coming from out of state and out of County sources.

TEXAS

Congratulations to Suzie Canales, this year's recipient of the Latina of Excellence Award from the Congressional Hispanic Caucus Institute. Canales returned to her native Corpus Christi after her sister's death from breast cancer. She soon discovered an undeniable relationship between the high mortality and cancer rates of her sister's neighborhood and the air pollution released from nearby refineries. Recognizing the fact that low-income communities and communities of color are disproportionately affected by environmental hazards for a host of factors dating back to race-zoning restrictions, Canales formed **Citizens for Environmental Justice (CFEJ)** to campaign for cleaner refineries and health programs for people in those communities. CHEJ congratulates Suzie Canales on her Award, and for her contributions to the fight for environmental justice.

VIRGINIA

The Crozet Community Association continues to struggle to get EPA to clean up soil contaminated with lead arsenate from orchard

spraying in years past. The one-time orchard area near Charlottesville has been turned into subdivisions with private homes. Arsenic levels as high as 260 parts per million (ppm) and lead as high as 1,700 ppm have been found on private property. After months of effort, the group has finally convinced EPA to clean up individual property that is contaminated. In keeping with the agency's general insensitivity, they began the cleanup without notifying the residents and without giving them any sort of Health and Safety Plan or guidelines. This might not normally be necessary, but it was critical to people who woke up one morning to find construction workers in moon suits putting up fences in their backyards!

WASHINGTON

The Olympic Environmental Council is pleased that the state Department of Ecology finally seems serious about enforcing deadlines set to begin the cleanup of the former Rayonier pulp mill, located off Port Angeles Harbor. The mill, which operated from the 1930's until its closure in 1997, converted wood to pulp. The waste water generated at the plant was discharged directly into the harbor. Contaminants identified include dioxins/furans, PCBs, heavy metals, such as mercury, arsenic, manganese and lead, and polynuclear aromatic hydrocarbons (PAHs). Ecology has ordered Rayonier to immediately begin the cleanup of the site or risk Ecology taking over the cleanup and charging Rayonier "triple damages" (recovering three times the cost of the cleanup). OEC is crediting the change in direction at Ecology to its new director and is hopeful that this time Ecology will follow through.

WISCONSIN

Citizens for **Safe Water Around Badger (CSWAB)** are keeping close watch on wells in the rural neighborhoods surrounding the Badger Army Ammunition Plant. The Wisconsin Department of Natural Resources (WDNR) assured residents that their wells were free of the explosive dinitrotoluene (DNT), causing many families to resume using their well water for cooking and drinking. But Dr. Jerry Eykholt, an environmental engineer hired by the Badger Restoration Advisory Board to monitor cleanup activities at the closing base, believes that many of the wells may still contain levels of DNT in excess of safe drinking water standards. "Until the Army has restored groundwater quality, it is clear that nearby residential wells remain vulnerable," said Laura Olah, Executive Director of CSWAB. CSWAB vows to work to "assure that drinking water supplies are free of military toxins now and in the future."

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



Child Proofing Our Communities: A Campaign to Reduce Threats to Children's Health

Building Safe Schools: Invisible Threats, Visible Actions

**Child Proofing Our Communities Finds 45 States
Lack Protective School Siting Regulations**

How many schools will be built in your community in the next five years? Will they be built on clean and safe property?

A newly released CPOC report, *Building Safe Schools: Invisible Threats, Visible Actions* helps you answer these questions and provides tools to prevent dangerous siting decisions. Learn about your local laws in the state-by-state section; read case studies of contaminated schools and grassroots organizing, and use the Model School Siting Legislation to pass protective school siting policies in your district.

Download the report at www.childproofing.org, and contact us for organizing assistance.

BUILDING SAFE SCHOOLS:

Invisible Threats, Visible Actions



A Report of the
Child Proofing Our Communities Campaign
and the Center For Health, Environment & Justice

Green Flag Conference Calls

2006 School Year Calendar

January 3
Creative Learning
Projects for Green Flag
Teams

April 4
Recycling with the
Experts

February 7
IPM from A to Z

May 2
Creating a District-Wide
Green Flag Network

March 7
Passing Safer and
Healthier Policies in
Your School

June 6
Green Flag Show and
Tell

*RSVP to childproofing@chej.org to receive
the call-in number and access code!*

Green Flag conference calls are a great way to introduce yourself to the Green Flag Network, share ideas and resources, receive direct advice from the Green Flag Staff and others working on the program, and hear from expert guest speakers in Green Flag's four issue areas. Join us for a conference call on the first Tuesday of each month at 3:30 pm EST, 12:30 pm PST. Topics featured this past year included:

- Welcome Back Green Flag Teams
- Non-Toxic Products: What's Out There
- PVC: The Poison Plastic

Cut out this calendar to keep track of upcoming dates and times.

Child Proofing Our Communities

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

Katrina

Continued from page 5

Environmental Justice proposed a new policy that would actually drop race and income as major factors in identifying and helping communities disproportionately harmed by pollution.

- * Several Congressional representatives are trying to roll back environmental regulations in the Gulf, allowing more pollution in an already saturated environment.
- * The government is allowing families from the Gulf to go back to their property without providing them with proper safety equipment or training to avoid further risks and contamination.
- * EPA is assuring everyone that the toxic waste from several Superfund sites washed over by the floodwaters “never moved,” even though entire buildings and vehicles were moved by the floodwaters.

The list goes on. But the point is clear – the injustice of sacrificing the most vulnerable remains a stain on the American soul.

If nothing is done, the public will lose interest and the stories of the people of the Gulf region will not be heard. We must not let the media, the public or the government move on blindly to the next crisis. Now there is a window of opportunity for change; calls for action are coming from many fronts. We need to join now with those who are proposing systemic change while the images of innocent families suffering in the Gulf region are still on the minds of the public. If we act now, we can build a better New Orleans and Gulf Coast.

Many families who comprise the heart, soul and culture of the Gulf Coast want to return home but cannot. Their homes are gone; there are no schools for their children; and they have no money. Despite the challenge it presents, the people who make up the core of this region must be included in the decisions about the future of their homeland. As the plans for rebuilding are shaped, local people need an equal voice in the decisions about housing, transportation, schools, green spaces and industrial complexes. By having community voices at the table, many of the disparities of the past may be avoided.

Rebuilding the Gulf, and New Orleans in particular, could begin by thinking about the construction of public schools. Schools represent the “worth” of a community, in that a good healthy school will increase property values. Public schools define a community and provide hope and skills for young people. It is essential that rebuilding include finding a safe school location, cleaning up any contaminated soil on the site, using safe construction materials to build the school, and making sure that the school has the latest technological equipment to educate students and give them the skills to compete in today’s job markets. With green, clean and modern public schools, we can begin to rethink and rebuild cities that offer greater opportunities for young people and their families to grow, prosper and fulfill their dreams.



CHEJ has been exploring the idea of advocating for the rebuilding of public schools in the Gulf. We have looked at whether there are any laws that govern the safe siting of schools in Texas, Louisiana and Mississippi. Not surprisingly, neither Texas nor Louisiana have such laws; there are a few regulations in Mississippi, but they are not well-enforced. This means that a school can be built on top of a Superfund site in either Texas or Louisiana, and one school in New Orleans actually was. Furthermore, there is no requirement to have a buffer zone near industrial areas. This huge regulatory hole essentially allows state and local governments to build schools almost anywhere without regard to the health and safety of the children who attend.

To address these school siting issues, CHEJ has developed a set of guidelines for choosing where to build schools in places like the Gulf Coast region. These guidelines include the results of a survey of the rules and regulations for school siting in all 50 states, a process for evaluating contamination at a candidate site and recommendations for getting a contaminated site cleaned up. Also included is advice on how to clean up “Last Resort” sites, which are contaminated sites (generally in urban areas) where there is no clean, safe land available.

These guidelines provide details on how to clean up a site to make the land as safe as possible for students, faculty and staff. In addition, groups such as Global Green USA have developed criteria for using safe construction materials that safeguard the health of children attending a new or renovated school.

CHEJ has been distributing these guidelines to grassroots and environmental groups in Louisiana and the larger Gulf Coast area, and several of these groups support building safe green schools. But if this effort is to move forward, wider public support and pressure is needed. If you would like to lend your voice to this effort, please visit CHEJ’s website and sign on to the letter requesting that safety guidelines be attached to any reconstruction funding for the Gulf Coast region. Success would mean that thousands of children will be given a fair chance to grow, learn and prosper.

The people of the Gulf Coast have already been through enough.☹

WITH SPECIAL THANKS

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work between August 18, 2005 and November 16, 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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ITG Inc.

Superfund

Continued from page 3

successes and continuing problems of this public health protection program. People living near sites pointed to increasingly slow cleanups due to decreased funds after polluter pays fees expired.

"I started working on this site when my son was five and he recently graduated from college, yet major cleanups have not started," said Kathy Hadley discussing the Clark Fork River/Milltown Reservoir Site in Montana. "When cleanup actions do start next year it is possible that work will continue for at least 10-20 years. Unfortunately, I'll likely be dead before the Clark Fork River is restored."

Chris Borello of Ohio's Concerned Citizens of Lake Township noted that EPA's solution to contaminated groundwater, "monitored natural attenuation – or 'dilution as the solution to pollution'—was chosen in large part due to a lack of funding for Superfund."

The Superfund slowdown has increased toxic exposures and health threats to communities. "The lack of funds in Superfund due to the industry fees not being reauthorized has created a program that's totally impotent," says Penny Newman of California's Center for Community Action & Environmental Justice. "It's disingenuous to pretend a program exists without the funding to address the problems that are still out there. Sites that should



The Concerned Citizens of Lake Township, Uniontown, OH

be on the NPL are not, simply because the agency doesn't want to expand the list."

"Superfund is supposed to be our safety net when toxic emergencies occur," said Gibbs. "Now on its 25th anniversary, it is time for Congress to restore the hazardous waste fees on polluting industries. The core principle is that polluters—not taxpayers—should pay to clean up these toxic waste sites. The ailing Superfund is at its weakest at a time when we need it most to quickly respond to the horrific pollution from toxic and oil waste releases and flooded toxic waste sites resulting from Hurricane Katrina." ☺

CHEJ's
Making the Link
Between Health and Your Environment



Walkathon

Want to spread the word about your issue and raise money for your group?

Join CHEJ's first annual national *Making the Link* Walkathon!

In spring 2006, thousands of walkers across the country will raise awareness about "the link" between environmental contaminants and the rising incidence of serious health problems in America (while raising money for their groups!).

Join us! Sign up to hold a *Making the Link* walk in your area. To learn more, contact us at (703) 237-2249 ext. 24.

Have you made your **New Year's Resolutions?**

Here are a few more!

Resolve to put your time and energy into creating a healthier, more sustainable future.

You can help make a difference by:

- Supporting local efforts to prevent or clean up contamination of our environment.
- Exercising your right to vote. There is a lot at stake in 2006.
- Joining the "Making the Link" Walkathon (see ad at left) this April.
- Using your consumer power to shift manufacturers and retailers to safer, non-polluting materials.
- Helping the Center for Health, Environment and Justice celebrate its 25th anniversary (in 2006) by giving as generously as possible.

For more information about how to take action, call 703-237-2249 or visit www.chej.org.

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