

EVERYONE'S BACKYARD

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Superfund: In the Eye of the Storm



Making The Case for Environmental Justice in Ohio



The Journal of the Grassroots Environmental Movement

www.chej.org

Center for Health, Environment & Justice

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On the Cover:

Damage caused by Hurricane
Katrina, cover of Superfund:
In the Eye of the Storm

THANK YOU PETER MONTAGUE

Has anyone noticed? There's a huge void in our movement. Peter Montague, who has been working in the grassroots environmental justice movement for decades is retiring. Peter filled a critical need in the movement by contributing his intellect, passion for people and fierce dislike for the abuse of power whether it be a corporation, a government entity or a person. I will greatly miss his easy to understand descriptions of policy, issues and trends shared through *Rachel's Democracy & Health News* and more recently *Rachel's Precaution Reporter*. Although there will be no new editions of *Rachel's Democracy & Health News*, the Precaution Reporter will be continued by the Science & Environmental Health Network. The archives of both newsletters will remain as valuable reference material.

Peter began his work long before my involvement at Love Canal. In 1971 Peter was involved in nuclear and radioactive waste issues while teaching in Albuquerque, NM. Peter then moved to New Jersey where he published one of the first scientific reports on the effectiveness of landfills while at Princeton University. He was the first to show that all landfills leak. This was an exciting report that became a valuable resource for community leaders in their efforts to beat back new landfills.

Many in the movement don't know that the publishing of this report on leaking landfills led Peter to find out how far corporate influence can reach. After the publication of his report on landfills, Princeton moved Peter from a teaching position to trouble shooting computers and software. Peter started *Rachel's Hazardous Waste News* (the original name) while still living in New Jersey.

I can remember traveling around the country with Peter from community to community. His soft spoken but powerful presentations and conversations helped thousands of communities understand complicated technical issues that galvanized their efforts to stop serious environmental health threats and force stronger cleanups. We'll miss reading Peter's newsletter and we'll really miss seeing him in the streets, explaining incredibly complicated science or policy in a gentle and understandable way. Thank you Peter for helping to move the grassroots movement forward. We couldn't have reached this place in time without you, a place where protection from toxic chemicals is becoming an integral part of our society!

For a Healthy Environment,
Lois Marie Gibbs

ABOUT CHEJ

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

By ANNE RABE, CHEJ's BE SAFE CAMPAIGN COORDINATOR

SUPERFUND: IN THE EYE OF THE STORM

CORPORATE BAILOUTS & CLIMATE CHANGE BURDEN SUPERFUND



photo by Edward Lorenz

Members of Pine River Superfund Citizen Task Force and Alma College students gathered on March 19th in support of Superfund polluter pays fees and showed they are "shovel ready" and want a prompt cleanup of the Velsicol Chemical Superfund site in Michigan.

A new study sheds light on the growing connections between global climate change, corporate bankruptcies and the crisis of the Federal Superfund toxic waste cleanup program. *Superfund: In the Eye of the Storm*, released by the Center for Health, Environment & Justice (CHEJ) reveals how climate change-related extreme weather conditions, like hurricanes, tornadoes and flooding, are damaging Superfund sites and increasing costs. The program's solvency also threatens to buckle under corporate bankruptcy loopholes that have not been closed in almost thirty years.

CHEJ's report found Superfund sites were impacted by Hurricanes Ike in 2008, Katrina and Rita in 2005, tornadoes in Oklahoma and Iowa in 2008 and related flooding in Iowa, Kansas, and Missouri in 2008. From 2004 through 2008 alone, 56 Superfund sites were impacted by hurricanes in the Gulf Coast region.

"The strong winds of hurricanes and tornadoes can cause significant damage such as disrupting contaminated soils and moving waste barrels long distances. Flooding can dislodge buried waste and spread contamination in soil. Refinancing the financially ailing Superfund becomes even more critical when you realize the vulnerability of Gulf Coast communities facing another hurricane that can spread toxic waste from Superfund sites," says CHEJ Science Director Stephen Lester.

CHEJ's report also found another threat to Superfund is the eye of the economic storm—corporate bankruptcies—which allow polluting companies to avoid the costs of

cleaning up their site by declaring bankruptcy. This unfair burden on Superfund is due in part to the Environmental Protection Agency's irresponsible inaction. When the Superfund law passed in 1980, it required EPA to create financial assurance regulations so polluters could not evade cleanup costs by declaring bankruptcy. Nearly thirty years later, a federal court has ordered EPA to issue the regulations and close the bankruptcy loophole.

Unfortunately, the ruling comes too late as some larger polluters have already taken advantage of the loophole. Recently, ASARCO filed for Chapter 11 reorganization, starting a process that could result in the largest, most environmentally significant bankruptcy in America's history. The company has 94 Superfund sites in 21 states. Senator Maria Cantwell, (D-WA), concerned about the company's copper smelter site in Tacoma WA, said "Corporate polluters are using bankruptcy and other corporate gimmicks to get out of their environmental cleanup obligations. Corporate polluters are contaminating our backyards and water, and then sticking us with the mess and the cleanup bill."

While costs are on the rise, Superfund's financial crisis has been clear since polluter pays fees lapsed in 1995, notes CHEJ Executive Director Lois Gibbs. This caused the program's bankruptcy in 2003 when taxpayers started picking up the bill at approximately \$1.2 billion per year. The lack of polluter pays fees and the dependency on taxpayer revenues has led to a funding shortfall and under the Bush Administration, there was more than a 50% decrease in the pace of site cleanups.

President Moves to Restore Polluter Pays Fees

"There is only one solution—Congress must reinstate the polluter pays fees," says Gibbs. "Given the poor economic climate, it is unfair to expect the American taxpayers to pay for 100% of the annual costs of this program."

The good news is that President Barack Obama recommended restoring Superfund fees in his budget proposal. Congress is also moving on the long overdue reinstatement with a bill by Representative Earl Blumenauer (D-OR), titled HR 564, and legislation will soon be introduced by Senator Frank Lautenberg (D-NJ).

"The time to act is now. The country cannot afford to continue bailing out polluters while the list of unfunded sites grows. Congress should restore the polluter pays fees and enable Superfund to move forward and respond to new toxic threats. The core principle of the Superfund program is that polluters, not taxpayers, should pay to clean up these deadly toxic waste sites," notes Gibbs. Gibbs was a leader of the successful community fight to relocate over 800 families away from

Continued on page 10



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.

PVC Flooring, Asthma and Autism – Is There A Connection?

The scientific community is abuzz over a first of its kind study published in the journal *Neurotoxicology* that found a statistically significant correlation between Autism Spectrum Disorder (ASD) and polyvinyl chloride (PVC or vinyl) flooring. The study found that children who live in homes with vinyl floors, which can emit phthalates, are twice as likely to be diagnosed with autism.

This is the first study to link PVC flooring with autism spectrum disorder, and adds to a growing body of scientific evidence linking phthalates in PVC flooring with asthma and other respiratory problems in children and adults:

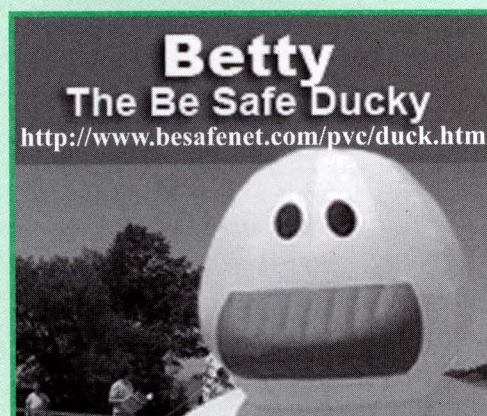
- A study found an association between concentrations of phthalates in indoor dust and wheezing among preschool children. The presence of PVC flooring in the child's bedroom was the strongest predictor of respiratory ailments.
- A study of 10,851 children found the presence of floor moisture and PVC significantly increased the risk of asthma.
- A study among personnel in four hospitals found asthma symptoms were more common in the two buildings with signs of phthalate degradation in PVC flooring.
- A study of workers in an office building found they were diagnosed with adult-onset asthma at a rate of about 16 times higher than expected. The researchers identified PVC flooring as the source of chemical exposure linked to this condition.
- A study of adults working in rooms with plastic wall covering materials were more than twice as likely to develop asthma.

The new study focused on vinyl flooring in the home but children are routinely exposed to this toxic material in their schools as well. An average of one out of every 13 school-age

children has asthma. In fact, asthma is a leading cause of school absenteeism: 14.7 million school days are missed each year due to asthma.

Get Involved! Help Prevent Toxic Flooring From Entering Our Nation's Schools

CHEJ is launching a new campaign to eradicate the use of toxic vinyl flooring in our nation's schools. To get involved, contact us: mike@chej.org / 212-964-3680.



CHEJ's Newest Resource: Media & Messaging for Grassroots Groups

Do you want to have effective media coverage of your next event? Do you need to develop a good message and publicity campaign on your local issue? Check out CHEJ's new **Media and Messaging Tool Kit** at www.chej.org.

The Tool Kit includes a series of fact sheets on how to craft compelling messages, organize strategic media events from start to finish, and get good coverage for your issue! If your group is a member of CHEJ, our expert staff can also help you develop a media plan for your next action. Call CHEJ at 518-732-4538 or email at annerabe@msn.com.

BY LOIS GIBBS, CHEJ EXECUTIVE DIRECTOR AND RON DAVIS, CHEJ ORGANIZER

MAKING THE CASE FOR ENVIRONMENTAL JUSTICE IN OHIO

My child has cancer and no one can tell me why. Nor can we find out why 1 in 3 of the children in my county has cancer. What will it take to get someone to answer these questions? Who should I be asking?

These are some of the questions that came up during a series of community forums and Town Hall meetings that were held across the state of Ohio over the past two years. The purpose of the meetings was to give people an opportunity to participate in civic matters that directly affect them and to demonstrate that everyday people can effect real change. "It's not rocket science," says CHEJ's Lois Gibbs.

CHEJ is working in collaboration with local and state leaders from the environmental, faith-based, social justice, and the civil rights community that include the Buckeye Environmental Network, the Ohio NAACP, and the Ohio Environmental Council to develop a statewide Environmental Justice Policy from the ground up. This effort has led to a draft environmental justice policy paper.

Why Ohio and why environmental justice? CHEJ has been working with the families in East Liverpool, OH for over 20 years. In the early 1980's, a company known as WTI/Von Roll proposed building a hazardous waste incinerator in this small poor community. A local grassroots group, Save Our County, formed to fight the facility. The group lost the first round of the fight and the incinerator was built and began operating in 1995.

Since starting operation, the incinerator facility has violated the law, suffered explosions, accidental releases, and other serious incidents that have placed the surrounding low-income community at grave risk. In fact, since its first days of operation, there have been documented problems in every quarter of operation.

In March of 2005 the incinerator was up for a permit renewal. Save Our County testified to the problems over the life of the facility and asked that the permit renewal not be granted. They also asked that the permit renewal not be granted because the facility is located near a school which is in violation of a new state law that did not exist at the time when the permit was first issued. The incinerator could not be built where



Speaker testifies before panel of community peers and audience at Environmental Justice Town Hall meeting in Cleveland.

it is located now so close to an elementary school. Save Our County did everything right. They lobbied their legislators, held protests too numerous to count, traveled to Washington D.C., and fought as hard as they could to stop the renewal. The group even went to court in September, 2007 to testify against Von Roll.

Unfortunately, on November 6, 2008 the State of Ohio Environmental Review and Appeals Commission ruled against Save Our County and in favor of Von Roll. The

community refuses to give in however, and their attorney has agreed to continue with the case on a "pro bono" basis and to file an appeal in Franklin County Court.

The impact of this case goes far beyond winning or losing. If Save Our County had to pay legal fees, the cost would have exceeded \$250,000. This case demonstrates the need for a policy in Ohio which would provide tools to everyday citizens, especially those of low-resources, to have a voice in decisions that directly affect their communities.

The development of an environmental justice policy was an energizing process. People were excited and some were shocked that they were being asked to help write policy for the state. One woman said, "You want me, a farmer, to help you write policy? I have no experience or think I've ever even read a single state policy." She and others in attendance at the meetings quickly discovered that they knew exactly what they wanted in an Environmental Justice Policy. "Gee this isn't so hard. It's just listing the things we've been asking for from the state for years."

It was exciting for CHEJ staff to hear people talk with each other about their communities issues and to identify common problems. One woman who was working to stop a huge corporate farm from poisoning their family's farmland found commonality with people from a community that was fighting a polluter who was discharging toxic chemicals into their residential neighborhood. A man from the NAACP remarked that environmental justice issues mirror civil rights issues and he was excited about learning from and connecting with a room full of people.

At each of the public forums, there were over 70 and in some cases 90 people who attended. After six of these meetings, the elements for a policy identified from each

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ACTION LINE

Action Line is the heart of Everyone's Backyard. This is where we tell the stories of grassroots groups that reflect their creative energy and accomplishments. It is also a way to share strategies, actions, and industry trends. Although we do not always mention our role, CHEJ is providing organizing and technical assistance to many of these groups. For other stories, we draw on a large network of contacts and organizations that we have developed during more than 25 years of operation. We welcome and encourage contributions.

California

Activists near Petaluma have contacted CHEJ seeking help to stop the construction of a Dutra asphalt producing and recycling plant at Haystack Landing, at the southern end of Petaluma. Dutra already owns the land and runs a rock quarry on it. Although opposition is mounting within the community, the site is just outside Petaluma City Limits, so the county will determine the fate of the plant. The County Supervisors are expected to approve Dutra's plan. The proposed plant will be less than a mile from the McNear Landing and Riverview housing developments. It will also be within a couple hundred feet and across the river from Shollenberger Park, a highly popular site for outdoor activities. **Friends of Shollenberger Park and Clean Air** formed to protect the natural beauty of the park from the pollution expected from the asphalt plant.



photo from www.safehealthyct.org/

Coalition for a Safe & Healthy Connecticut's No More BPA Rally.

Connecticut

Congratulations to the **Coalition for a Safe & Healthy Connecticut**, a coalition of grassroots groups from across the state who helped convince state legislators who voted to ban the sale, manufacture or distribution of infant formula and baby food in containers made with Bisphenol-A. "I am proud to be a part of a bill where Connecticut leads the way in providing our residents with protections from Bisphenol A. I hope we can be an example for other states and for federal legislation," said State Representative Beth Bye (D, West Hartford) in a press statement released by the coalition. The bill now goes to the Governor for final approval.

Florida

In March, CHEJ's Lois Gibbs attended a community meeting in **Fort Lauderdale's** Wingate neighborhood. Wingate was built around a known Superfund site and former municipal waste incinerator. This past December, a developer began filing zoning papers to build a charter school just steps away from this toxic land. The community, long known for its environmental justice activity, refused to sit by and let this happen. The community attended zoning board meetings, received media coverage, and most recently met to figure out its next steps, when the developer pulled its plan for the charter school. Lois Gibbs helped out at this last community meeting, speaking about the importance of community organizing and collaboration for a healthier and safer community.

Last December, after years of community organizing, a childcare center was pulled off a public housing development called Scott Carver in Miami due to contamination. The site is in the heart of Miami and was once a local dumpsite that was later used for public housing. **The Miami Workers Center** (MWC) and community members have been appealing to the city to clean up the land and rebuild one section of the housing development that was demolished. CHEJ has been working the MWC to help address the scientific and technical aspects of the contamination at the site.

Kentucky

Community groups in **Kentucky** and **West Virginia** are celebrating a big victory – the EPA has sent letters to the U.S. Army Corps of Engineers expressing serious concerns about the need to reduce the harmful impacts on water quality caused by certain types of coal mining practices, such as mountaintop removal. The letters specifically address two new surface coal mining operations in West Virginia and Kentucky. EPA also intends to review other requests for mining permits. "The two letters reflect EPA's considerable concern regarding the environmental impact these projects would have on fragile habitats and streams," said Administrator Lisa P. Jackson. "I have directed the agency to review other mining permit requests. EPA will use the best science and follow the letter of the law in ensuring we are protecting our environment." Since then, the EPA has rejected three more federal permits

for mountaintop removal coal mining. According to a NY Times story, "the three permits would allow the burial of about 8 miles of streams under blasted rock, blocking downstream water supplies and damaging ecosystems."

Louisiana

The Louisiana Environmental Action Network (LEAN) in Baton Rouge is fighting a proposed NPDES permit that would enable oil and gas companies to discharge "produced" water and other oil and gas waste streams into Louisiana territorial seas without regard to concentrations or cumulative effects of toxic and radioactive substances. Produced waters, which include radioactive waste, toxic waste, drilling mud and oil, is the largest waste stream generated by oil and gas facilities, and has been found to be toxic to aquatic biological communities and hazardous to human health. "We count on LDEQ to protect the public's health and our natural resources," stated Marylee Orr, Executive Director of LEAN. "This proposed permit puts Louisiana's ecosystem, our way of life and our health at risk."

Maryland

Congratulations to **Waste Not! Frederick** and area residents of Frederick County who have successfully defeated one of the last major incinerator proposals in the U.S. The County Commissioners voted 4 to 1 to suspend deliberations on the proposed Wheelabrator incinerator and to focus instead on alternative disposal options. Calling the issue divisive and citing concerns about public opposition, Commissioner President Jan Gardner said they were not prepared to go forward with a contract to build an incinerator. The commissioners cited concerns about the escalating cost of the incinerator which was estimated to be as high as \$615 million, and a lawsuit that had been threatened by the opposing residents. The charged up community is looking forward to helping the county find a better solution to garbage disposal. As one resident said in the local paper, "I guess Wheelabrator can put the party hats away now."

Michigan

Congratulations to residents in **Lansing**, whose efforts defeated a proposal to build an incinerator at Capital Region International Airport. Airport officials, overwhelmed by growing quantities of waste from international flights, came up with the idea to build an incinerator to burn the trash. But the public responded swiftly and decisively, concerned about the threat the incinerator posed to the health of those downwind of the airport. The Clinton County Board of Commissioners supported the community's concerns, deciding in a 4-3 vote to reject the incinerator proposal. This

ACTION LINE

Need organizing help?

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

is yet another powerful testament to the power of grassroots organizing. One community member stated to the County Commissioners that, "This incinerator may be small and insignificant to you, may be small and insignificant to the airport operators, but it is not small and insignificant to the people who live down wind."

Residents in **Benton Harbor** are continuing to organize to address development on a former Superfund site. CHEJ is providing organizing support to help the residents form an organization to address their concerns. Several conference calls with local leaders addressed issues of racism in the community and the need for fundamental organizing including getting started with a basic door-to-door campaign.

Montana

Victims of asbestos exposure in **Libby** have had their legal rights as crime victims restored, three weeks after they were deprived by a U.S. district judge. W.R. Grace operated the Zonolite Mountain vermiculite mine in Libby for four decades. More than 400 people in the town have died subsequently from asbestos-related diseases and many more are sick. Not only did W.R. Grace knowingly conceal that its workers were being exposed to asbestos, but it also failed to provide showers or changing facilities to prevent asbestos fibers from traveling home with miners and infecting their homes and families. To seek some measure of justice for one of the most insidious environmental crimes in recent American history, the U.S. Justice Department indicted W.R. Grace executives on criminal charges, and planned to have 34 victims testify against the company. In February, Judge Donald Malloy shockingly decreed that the Libby witnesses were not "crime victims" and would not be allowed to appear in court or even attend the proceedings. Fortunately, the government quickly appealed Malloy's conclusion, and the Ninth Circuit Court of Appeals reversed his decision in March.

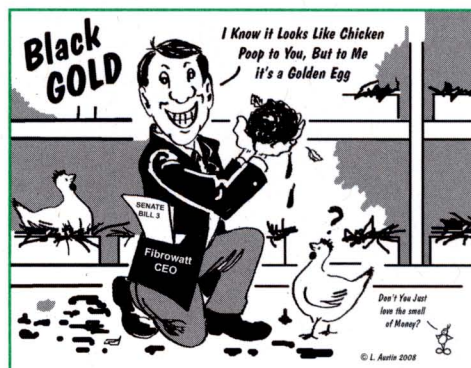
New Jersey

The efforts of residents in **Ringwood** were validated when a Superfund official publicly admitted that the EPA "blew it" by failing to ensure the proper cleanup of Ford's former industrial dumping sites in their community. Walter Mugdan confessed that the EPA had failed to compel Ford Motor Company to complete a proper cleanup before it deleted the site from Superfund's National Priorities List in 1994. While Mugdan's admission reassured audience members that the EPA is committed to finishing remediation of the site, no words can undo the harm done to residents of the polluted areas, who have suffered adverse health

effects while the EPA refused to acknowledge a problem. Rabbi Joel Mosbacher, of the group **New Jersey Together**, spoke to this effect: "For 26 years, Ford has failed to accept responsibility... They've been allowed to do endless studies and spin while an entire generation has grown to adulthood on this site."

New York

Preserving Our Environment (POE) in Saratoga Springs is organizing to stop the construction of a 91-lot residential development which will adversely impact the environmental quality of the existing neighborhood and threaten endangered species. POE is looking to review the Final Environmental Impact Statement. The group is questioning the adequacy of the air, water drainage and noise and vibration parts of the study and preparing for a major meeting in April. CHEJ will continue working with the group to help them with organizing.



North Carolina

CHEJ's Science Director Stephen Lester spoke about the dangers of waste incinerators to residents in Surry and Montgomery counties where the English company Fibrowatt is proposing to build chicken litter waste incinerators. Attendees from Surry County were fired up after the meeting and agreed to get together a week later to organize a local community group to address the proposed plan. The meeting in Montgomery County was attended by 4 of 5 County Commissioners and by the mayor of Bristol which is located near the proposed site. Local organizers from the **Blue Ridge Environmental Defense League (BREDL)** are hoping to also form a local community group in Montgomery County to oppose the proposed incinerator which Fibrowatt representatives insist is a "solid waste facility" and not an incinerator. The meetings were sponsored by CHEJ and BREDL.

Ohio

CHEJ has joined with the **Sierra Club** and other Ohio based groups in Cleveland to oppose a

variance requested by FirstEnergy Generation to discharge more mercury from its Lake Shore coal plant into Lake Erie. The groups organized a big push over Earth Day and got more than 600 signed postcards sent to the OEPA Director. The company has requested permission from the Ohio EPA to exceed science-based limits on mercury and copper levels in the plant's wastewater discharge. The facility, which opened in 1962, is in 'High Priority Violation' status for the Clean Air Act and has been in non-compliance for the past 12 consecutive quarters.

Pennsylvania

The local **Sierra Club** and **Organizations United for the Environment (OUE)** have joined efforts with the **Norry Neighbors** in Northumberland to get action to ensure that a public park built over a landfill is safe. CHEJ's Science Director reviewed the preliminary results of testing conducted by USEPA at the site concluding that "there is substantial contamination present at the site" and that additional testing is needed, especially given the multiple uses of the land as a public park. The groups are asking the EPA to conduct additional testing to ensure that the park is safe. CHEJ is continuing to provide organizing support.

Rhode Island

Clean Water Action was joined by the director of the state's Department of Environmental Management and the recycling coordinator for the state's Resource Recovery Corp. calling for the state legislature to reject a project that would generate electricity by gasifying garbage at the state's Central Landfill in Johnson. All three groups feel that the proposed project would stifle recycling efforts and "preclude other options for resolving the state's garbage problems." Although the state has a ban on incinerators, proponents of the project insist that the gasifying plant is not an incinerator. Opponents want the project killed so that the state can develop a comprehensive plan to handle its garbage.

South Carolina

Congratulations to the residents of **North Charleston**, whose elected officials appear poised to take a step in the direction toward sustainable alternatives to waste incineration. In a special meeting on solid waste in late March, the Charleston County Council upheld last year's decision not to renew its contract with Montanay Charleston Resource Recovery—the company that operates the trash incinerator in North Charleston. Community members have dealt with the burden of smoke, ash and noxious odors generated by the incinerator since it first opened in 1989. The council also voted to dramatically improve the

ACTION LINE

county's recycling program, by increasing collection rates from 10% to 40%. Mitch Kessler, a consultant hired by the council, concluded that the county would save \$39 million by shutting the incinerator down and shifting its focus to recycling.

South Dakota

Save Union County, Citizens Against Oil Pollution, Sierra Club and Residents Near Elk Point are getting organized and gearing up to fight a proposal to build a \$10 billion oil refinery in southern Union County. Dallas-based Hyperion is trying to build the refinery on 3,800 acres of farmland north of Elk Point. Each day, the plant would refine 400,000 barrels of crude oil from Canadian tar sand into diesel and gasoline fuel. Save Union County pointed out that the project is shrouded in uncertainty and unanswered technical questions. Although the site has been successfully rezoned, Hyperion still needs to acquire a preconstruction air quality permit before it can move forward with the massive refinery. Opponents turned out in force to the two April public comment hearings before the South Dakota Department of Environment and Natural Resource's Board of Minerals and Environment.

Tennessee

Residents of Harriman, where the Tennessee Valley Authority (TVA) coal ash disaster occurred in December, began gathering independent air quality samples this spring. Members of **United Mountain Defense** and the **Tennessee Coal Ash Survivors Network** received training from the **Global Community Monitor** on conducting an air monitoring program. This air monitoring program was initiated in response to local residents complaints of worsening respiratory problems during the weeks following the disaster. Many residents are accusing the TN Department of Health, TN legislators, and TVA of disregarding their grievances despite evacuation notices from doctors.

Texas

Residents of **Sweetwater** are organizing to stop Tenaska Trailblazer Energy from building a proposed coal burning power plant in nearby Nolan County. The plant is designed to capture 85 to 90% of its carbon dioxide emissions, which will be channeled via pipeline for use in West Texas oil fields, before being sequestered in proposed underground storage. Residents are concerned about the effects of emissions on their health, local ecology and the quality of their groundwater. The local activists, led by an attorney have formed a multi-county coalition to oppose this facility. CHEJ is working with local groups to organize their opposition.

While ASARCO's decision not to reopen its **El**

Paso copper smelter marked a major victory for community members and activists, the struggle to achieve adequate remediation of the ASARCO site is far from over. Citizens of the Paso Del Norte Region have until May 3rd to send comments to the Department of Justice. Activists are urging citizens to utilize the public comment period, in order to ensure the safe and thorough cleanup of the ASARCO site. Citizens are encouraged to request that a public hearing be held in El Paso, to give members of the community an opportunity to express their concerns and suggestions. Community members are also concerned that the money currently allocated for remediation in a legal settlement is not nearly enough to mitigate the environmental damage caused by more than a century of pollution. Activists want to see former ASARCO employees compensated for their medical expenses resulting from their employment at the site, and are requesting that all smokestacks on the ASARCO site be removed to prevent any further occupancy by other smelters.

Virginia

The Blue Ridge Environmental Defense League (BREDL) and residents of Lake Anna secured a major victory when a Virginia circuit court ruled in favor of their appeal. The ruling revoked Dominion-Virginia Power's water quality permit at their North Anna Nuclear Power Plant, which had engaged in unhampered thermal pollution by discharging hot water into Lake Anna. The judge ruled that Lake Anna's water fell under the jurisdiction of the federal Clean Water Act, and that Virginia's Attorney General had erred in supporting the state permit. The court's decision may have a profound impact elsewhere, and BREDL is conducting research to determine how many other power plants will be affected.

Residents in **Roanoke County** contacted CHEJ for help in building a case to oppose an asphalt plant locating in the city of Salem. One of the contacts is a member of the County Board of Supervisors, who will have the final decision if the planning commission approves the re-zoning request. We encouraged the elected official to be proactive and to listen to his constituency who are concerned about air pollution and other impacts associated with the asphalt plant.

West Virginia

People Concerned About MIC are fighting attempts by the German company Bayer to keep critical safety information behind closed doors after a major explosion killed two employees at their CropScience plant in Institute. One of the chemicals stored at the plant is methyl isocyanate (MIC), the same chemical that killed thousands of people in Bhopal, India 25 years ago. The U.S.

Chemical Safety and Hazard Investigation Board (CSB) wants to hold a public hearing to share its findings about what caused the accident; but Bayer is trying to prevent this from happening, citing a federal terrorism law. This is the first time in its 11-year history that a company has tried to prevent the CSB from sharing information with the public.

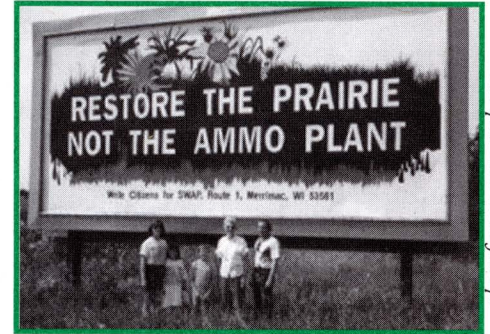


photo from www.cswab.org

Citizens for Safe Water Around Badger petition for the land occupied by Badger Army Ammunition plant to be devoted to ecological restoration.

Wisconsin

Over 80 affected communities and organizations from across the U.S., organized by **Citizens for Safe Water Around Badger** (CSWAB), have joined together to support federal legislation that would require the Department of Defense and the Department of Energy to comply with laws designed to protect human health and the environment. The bill known as the "Military Environmental Responsibility Act," seeks to eliminate military waivers to key environmental laws such as the Clean Air Act, the Endangered Species Act, the Nuclear Waste Policy Act, and the Marine Mammal Protection Act. In a letter to the White House, the groups write: "Unregulated military projects have placed countless communities, workers, soldiers, and families at increased risk for cancer and other deadly diseases from exposure to military toxins – the hidden casualties here at home. Even as we write this letter, contamination caused by munitions production, testing, and disposal is poisoning our drinking water wells, contaminating the air we breathe, destroying our lakes, rivers, and fisheries, and polluting our soils and farmlands." ♦

SUPPORT CHEJ'S IMPORTANT WORK!

To make a donation, contact
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A CAMPAIGN TO REDUCE THREATS TO CHILDREN'S HEALTH

Child Proofing Our Communities

Disney Fails to Cross the Finish Line

Disney World recently released a Healthy Cleaning Policy along with the company's first Corporate Responsibility Report. We think this is a great first step to making sustainable changes in order to eliminate toxic cleaning products. CHEJ was there to cheer them on when it was released.

On March 10, 2009, Renee Blanchard, CHEJ's Disney Go Green Campaign Coordinator, attended Disney World's annual shareholder meeting. While Renee was inside the meeting speaking about the importance of a green cleaning policy and our recommendations to make the newly announced Healthy Cleaning Policy stronger and more comprehensive, activists were outside handing out information to shareholders about the importance of a strong green cleaning policy. They even showed photos of Disney supporters cheering the company on to cross the green cleaning finish line.

Disney World's Healthy Cleaning Policy lacks some really important pieces that we think are needed in order to truly protect the health and safety of guests and employees. Here are some of our recommendations:

Top 5 Ways Disney Can Do Better:

1. Discuss eliminating toxic chemicals holistically and embrace the precautionary principle in its over-arching goals;
2. Guests and potential guests should be able to easily access cleaning product information online and through written materials within Disney's properties;
3. List and set goals to eliminate hazardous chemicals of concern such as reproductive toxins and endocrine disruptors;
4. Provide concrete timelines, regular chemical assessments, and benchmarks that will lead to safer parks and resorts; and



Disney employees discuss how they actually like the idea of eliminating toxic cleaning chemicals.

5. Show preference to independent third party certified products.

Though we are excited to see Disney World change its tune of refusing to release any type of cleaning policy, we are concerned about how much its Healthy Cleaning Policy lacks in details. A company known for big splashes sure went out of its way not to finish the job on this one. We are all left wondering if this policy is just greenwashing. The term greenwashing is becoming more popular as large corporations hope to gain public support and increase their profits by jumping on the "green" bandwagon whether they are truly environmentally sustainable or not.

We are confident that if guests and potential guests reach out to Disney World and discuss their desires for a more comprehensive cleaning policy, they will release one. We are also confident that if guests and potential guests continue to ask for a list of cleaning products and chemicals used at parks and resort, the company will release this information. As advocates for a toxic free future we must continue to pressure this industry giant.

Help encourage Disney World. Call the company today at 407-939-6244 and ask them when they will improve their current policy.

SUPERFUND: IN THE EYE OF THE STORM, continued from page 3



photo from US EPA

A cleanup worker cleans up crude oil spilled from a local refinery in the wake of Hurricane Katrina. The toxic spill inundated an estimated 1,500 to 2,000 homes.

March 19th. Why a pizza? One of the fees, the Corporate Environmental Income Tax, is paid by companies with \$2 million or more in profits. This tax is equal to \$12—the price of a large cheese pizza—on every \$10,000 in profits. The pizzas symbolize and highlight the low cost of corporate Superfund fees.

“We have all been shocked by the creative accounting employed by the likes of Bernie Madoff, but where is the outrage over creative bankruptcies that can allow companies like ASARCO to unload billions of dollars of cleanup costs onto taxpayers? It’s time for EPA to close the bankruptcy loophole and for Congress to reestablish the polluter pays fees to replenish Superfund,” says Anne Rabe, CHEJ Campaign Coordinator.

Join the Superfund Polluter Pays Network by contacting CHEJ at annerabe@msn.com or 518-732-4538. To view the report, which also features Superfund Site Profiles in 25 states, go to http://www.besafenet.com/media/docs_media/superfund.pdf. ♦

the Love Canal toxic waste dump in Niagara Falls, NY which led to the creation of Superfund in 1980.

Groups Support “Pizza Tax”

CHEJ and 40 groups in 23 states delivered the report along with a box of pizza to federal policymakers on

Health Agency Comes Under Attack

Recently, Congressional hearings focused on how the federal Agency for Toxic Substances & Disease Registry (ATSDR) has failed to address health problems at Superfund sites. The House Investigations and Oversight Subcommittee heard “examples of jackleg science by ATSDR and their keenness to please industries and government agencies that prefer to minimize public health consequence,” said Chairman Brad Miller (D-NC), who noted these “problems threaten the health and safety of the American public.” Many community leaders also have a tale to tell of ATSDR’s legacy of inaction. Doris Bradshaw, who works on Tennessee’s Memphis Defense Depot site, found that, “ATSDR is not a health agency. They have blinders on when it comes to off-site exposure to waste.” Barbara Miller is deeply concerned that ATSDR has ignored “our low income community situated in a very isolated area with five generations of lead poisoned families,” due to exposure from Idaho’s Bunker Hill Mine and Metallurgical Site. To view the ATSDR Congressional Report, visit <http://science.house.gov/default.aspx>.



CHEJ’s HONOR GARDEN www.chej.org/honor_garden

Would you like to recognize or pay tribute to someone you love, honor, or mourn? Consider adding them to CHEJ’s innovative 3-D virtual Honor Garden, a new gathering place for the grassroots environmental movement to pay tribute to and acknowledge its leaders and fallen heroes.

This is a place where you can share your story; publicly acknowledge the link between environmental contaminants and health; highlight the cause of your honoree’s passing; recognize an elected official who has championed your cause; or honor the founder or leader of your local group for their tireless efforts.

All tributes will remain on this website indefinitely, and will be sent to Tufts University archives where the grassroots movement for environmental health is being documented.

With Special Thanks

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work between February 1, 2009 and April 30, 2009. We wish we had the space to acknowledge each and every one of CHEJ's donors in these pages because all gifts, regardless of size, are very much appreciated. Thank you for your support!

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MAKING THE CASE FOR ENVIRONMENTAL JUSTICE IN OHIO, continued from page 5

meeting were consolidated and presented at a two day retreat where language was clarified and policy elements prioritized. It's too bad that placing CEOs in stockades in front of city hall was thrown out as a possible penalty for bad corporate behavior. Representative Tracy Heard from the Columbus area took the citizen's environmental justice policy and translated it into legislative language. She is planning to introduce the bill in the Ohio General Assembly sometime this session.

It was remarkable how well this process worked to get key elements for a policy from the participants. There are now seven different but connected networks across the state that get together on a regular basis through conference calls to strategize about how to move forward on passing an environmental justice law. The group has identified political targets and the type of pressure needed to pass the bill. This collaborative network is called Ohioans for Health, Environment & Justice (OHEJ).

Building on the momentum of the 2008 Presidential debates and the town hall meeting process, CHEJ together with the OHEJ strategy group held four town hall meetings in 2009 to explain the draft bill, take testimony from local leaders concerning the need for the legislation and to identify particular elements of the bill that they feel are important. A new set of Town Hall meetings are being organized. More information about the work of OHEJ can be found at www.ohej.org.

Frederick Douglass was on point, saying, "If there is no struggle there is no progress. Those who profess to favor ... 'democracy'.... and yet depreciate agitation...want crops without plowing up the ground, they want rain without thunder and lightening. They want the ocean without the awful roar of its many waters.... Power concedes nothing without a demand. It never did and it never will." As so often said by one of our Ohio leaders "the journey continues." ♦

Three Good Reasons You Should Have an Estate Plan:



1. Your family
2. Yourself
3. Your environment



As you plan for the future of your family, we hope you'll also consider the future of CHEJ by including us in your estate planning. Through this simple gesture, you can continue building a healthy, environmentally sustainable future for your descendants long after you are gone.

Empower tomorrow's leaders and realize significant tax benefits through **charitable bequests, retirement plans or IRAs, and insurance policies.**

CHEJ wants to thank you now for your gift to prevent harm to future generations by giving you lifetime recognition as a member of *The Legacy Circle*. **Call Jo A Kim, CHEJ's Membership Manager at 703-237-2249 x 27 or jkim@chej.org** to let us know that your plan is in place and you have no objection to being publicly listed as part of *The Legacy Circle*. You can also find more information at www.chej.org/bequests.htm.

Thank you for your support!

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