

Everyone's Backyard

CITIZEN'S CLEARING HOUSE FOR HAZARDOUS WASTES, INC.

Vol. 2 No. 2 — Spring, 1984



Five Years After the Flood, Our Fight Goes On. . . by PENNY NEWMAN

In March of 1978, the small rural community of Glen Avon, California became aware of the real danger they were in from the Stringfellow Acid Pits, an abandoned hazardous waste disposal site. A hypothetical event suddenly became a reality. 800,000 gallons of cancer-causing chemicals were released from the pits to flow into the community.

The nightmare began when heavy rains caused the 25 acres of open lagoons elevated in a canyon above the community to fill up and overflow. The main dam holding back the 32 million gallons of chemicals began to break. To relieve pressure on that dam, a local government agency decided to release the

chemicals into the community. It "forgot" to alert the people in the community.

The run-off traveled through a natural dirt wash and cut across yards, pastures, and public roads. For five days, the children played in the washes.

School officials at the Glen Avon Elementary School, located $\frac{3}{4}$ of a mile directly below the site, became aware of the situation. Instead of closing the school, they elected to establish an evacuation program. The staff was called into a meeting and told, "If you hear one bell, get the students down to the buses to be taken out of the area. If you hear

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. . . And After Five Years, We're All Still Fighting

by LOIS GIBBS

Five years ago in another lifetime I was a housewife, a homemaker and mother. My life was simple, uneventful and sheltered. I believed in the American dream and the American way. Elected officials were doing their jobs well and protecting my interest (although I had no idea what my interests were outside of my family). My taxes were being spent to build schools, roads and helping the less fortunate.

The few laws I ever heard discussed were, to my mind, good. I had no idea they were compromised. I read about protests and huge legal suits by "radicals" who could never be pleased no matter what was done, and people who were trying to make a quick buck.

That was five years ago, when I trusted government, industry and institutions who said they cared. I have learned quite a bit since then, not because I wanted to, but because I was forced to. I learned by doing, using the "seat of my pants," not through a book or from a teacher. I made a lot of mistakes before I achieved my victories. In the hope of shortening the "learning through floundering around" process for others, I've tried to put down on paper the lessons I've learned.

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FIGHT *continued from page 1*

two bells, it will be too late, the dam will have broken, get the kids on the desks and hope for the best." The teachers were instructed not to tell the parents, because we "don't want to panic the public."

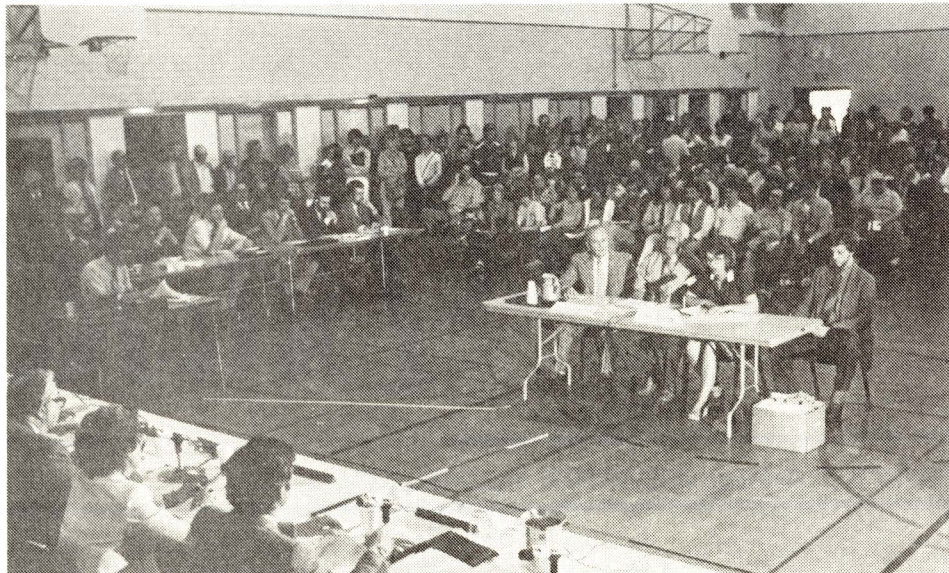
For five days, parents sent their children off to school, unaware of the danger to their health and lives.

When the people in the community finally found out what frightened them almost as much as the chemicals was the fact that the very governmental agencies people look to protect them were the ones responsible for exposing the community to this danger. That their government deliberately withheld information from the people most directly affected by the situation added to the anger, frustration, and disillusionment that led to the formation of Concerned Neighbors in Action (CNA). That community group vowed that never again would others make decisions about their lives without the community's knowledge and involvement.

A lot has happened since then. CNA succeeded in forcing the state to spend over \$6 million to stabilize the site; to fund a health study; to monitor drinking water on a continuing basis; to recognize Stringfellow as the top priority for cleanup; and to form an advisory committee with community representatives to make decisions about the site. We have forced EPA to allocate \$12 million to find a safe, permanent solution to the site and got EPA to provide \$25,000 in Superfund money for a technical advisor for the community.

CNA was the only community group to provide testimony against Rita Lavelle during her confirmation hearings as EPA Assistant Administrator, citing her obvious conflict of interest and industry-oriented attitude. We provided information to various Congressional committees investigating the political manipulations of Superfund money. Their testimonies ultimately led to the ousting of Ann Gorsuch-Burford and Rita Lavelle.

So how does a small community of 5,000 have such an impact? We are



Over 800 residents tell it to a Joint Congressional hearing held near the Stringfellow site after pressure from CNA. Penny Newman (at table, center) presents testimony.

not super-people or especially talented. We simply learned some important lessons: we learned that by combining our energies and efforts, we have a great deal of power. That power can make change possible.

We learned that the press is a helpful, sympathetic vehicle for getting problems publicized. If concerns are presented clearly and the information is accurate, the press will get your story out and stay with you. Once the problems are public, officials can't ignore them.

CNA has learned to use every opportunity to demonstrate how events affect people on a personal level. When the EPA scandal seemed to be focusing only on the paper shredding and the people doing the damage, we arranged to have a joint Congressional-Legislative hearing in our community to show how those political games were affecting children and families by allowing contamination to continue. It worked wonders! The hearing got national coverage and focused attention away from Washington and back to the community where the damage was actually occurring.

CNA has also learned that nothing will happen to improve the situation unless the community *makes* it happen. You have to target the people that can take the desired action and make them take a public stand. One of the most effective tools CNA has used is an "accountability agreement." Specific demands are written in such

a way as to require a "yes" or "no" answer, such as: "I will provide testing of the water on a monthly basis." If the official answers yes, you've got what you wanted. If the answer is no, the press is right there to publicize the irresponsible bureau. Either way, you've put the official on the spot and can proceed to your next target. This works especially well with elected officials who hate to be put on the spot in front of voters; because it's in writing, they're committed to following through.

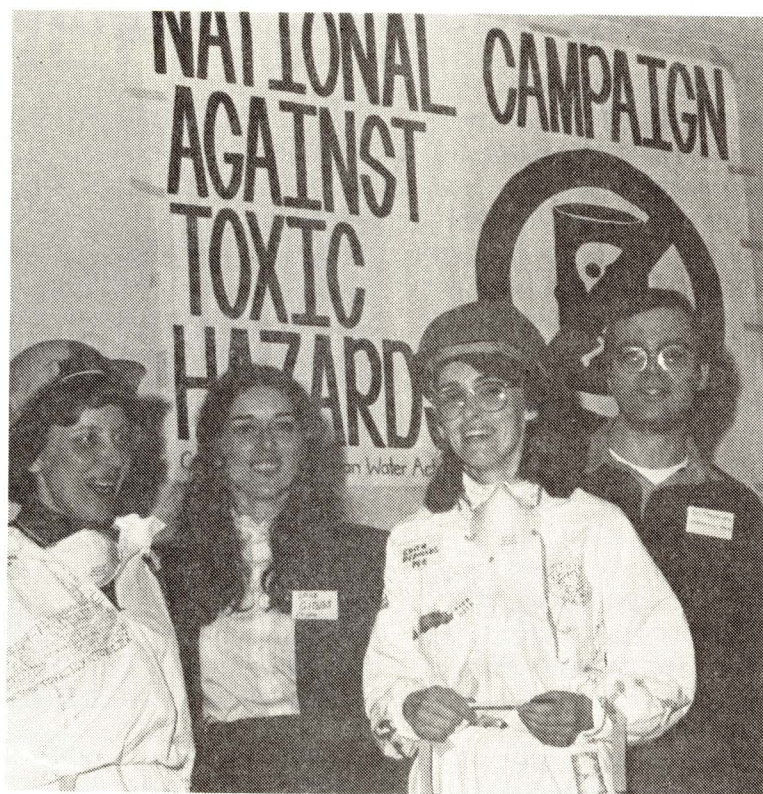
CNA has learned other lessons as well. There is no law that says one must sit quietly and politely by while officials make decisions about your life. It's okay to yell when your family's lives are at stake. We've learned to have confidence in ourselves. Experts, politicians and government employees don't know everything. It comes down to simple common sense. Community people know their towns better than anyone else. With a little homework, and help from others like CCHW, you'll know what is right for your community.

Our problems in Glen Avon aren't over yet. The site is still not cleaned up, and the ground water is now being threatened. But we know the solution will come if we persist. It's not easy to continue with the struggle, but we know we have no choice. If we don't speak up for ourselves, no one will. □

LOIS *continued from page 1*

1. A hazardous waste fight takes a long time to win, and even when you win, you may lose. Too many times I and others have thought this fight will be easy and short. We were always wrong. Environmental problems even don't have quick easy solutions. When a community "wins" a cleanup of the site and/ or evacuation of the community, they may still lose in the future, losing their health to cancer, suffering financial losses or finding the site (now "contained") is leaking all over again. Love Canal and Times Beach were major victories for the people involved. But the Love Canal evaluation took over two years, and the future health and well being of both populations look risky.
2. Entering this new world of "activism" is scary. You have to talk to, even confront, high-level politicians, professionals, and experts. All my life, I had been taught to respect these people and believe they knew what's best. However, at Love Canal it became painfully apparent to me that even the experts could be wrong. And the politicians are our employees. With my new perspective, it was possible for me to confront the Governors of several states and even the President of the United States, at first with a pain in the pit of my stomach, but eventually with ease.
I also had to learn that it was o.k. to carry signs, protest, and hold rallies. I was afraid that my neighbors would not support me, my mother would hate me and that the world would think I was a crazy person. My fears dissolved when people enthusiastically expressed their support.
I also feared losing and feared the future. It was not until others asked me for advice that I realized that what to do next was simple. Do what you feel is right. Fit the future to the individual community's situation.
3. The only one who is going to look out for you, is you. Neither industry nor government is going to clean up your backyard because

- you or they are nice people. There are a lot of nice people in this country with a lot of problems.
4. But, even if you look out for your own interests, if you're alone, you'll lose. One or two people caring about a problem and working to resolve it will, in most cases, not get far. For example, when I alone called public officials, they dismissed me as an emotional woman. When I had hundreds of people supporting me, the in response was: Let's sit down and talk. People across the nation have had the same experience. CCHW's files prove that it is *effective* community organizing that has won fights around hazardous wastes problems and the siting of new facilities.
 5. Community organizing is a necessity because hazardous waste fights cannot be won using only science and law. Too many people (at one time, myself included) think that if science can *prove* that a site is contaminating an area or that public health is being jeopardized, "someone" will do "something". However, I learned that the scientists do not have all



The fight goes on. Naugatuck, Conn. leaders Mary Lou Sharon and Edie Reynolds, in homemade moonsuits flank Lois Gibbs at the kick-off rally of the National Campaign Against Toxic Hazards, sponsored by Clean Water Action and Citizens Action in New Hampshire, February 4th.

- the answers, and that, for every scientist I could hire, the opposing party hired ten. Lawsuits are time-consuming, expensive and often work against community organizing.
6. I used to believe that just having laws and regulations on the books would be enough to protect me. Then I learned you can have wonderful laws on the books, but you still have to get them enforced. Looking at Superfund, two years after its passage into law, only 6 of the 500 or more worst sites in the country have received any cleanup and those were the result of public pressure by the local people.

My story is not unique. Hundreds of other women continue to share similar experiences. For an inspiring example of what I mean see Penny Newmann's article entitled "Five Years after the Flood, Our Fight Goes On." □

organize!



Organizing Toolbox: Infighting

by WILL COLLETTE

From the day your group starts until it ceases to exist, you'll have to deal with in-fighting. It may range from simple disagreements over tactics to explosive divisions that lead to "splinter" groups.

- Differences of opinion.
- Factions within the group.
- Splinter Groups.

Why Does In-Fighting Happen?

- One of the most common reasons is that people aren't necessarily going to like each other, no matter how strong their common interests may be.
- Another common cause of in-fighting is the power play. Many members of a community organization have had little or no experience in dealing with power. For some people, their first taste of power can be very intoxicating and they want more, and will do almost anything to get it. Other people feel that they increase their own personal power by taking it away from someone else.
- Boredom and frustration also cause in-fighting. When the group is not actively dealing with the issue, or has suffered some set-backs, members may find it easier to start attacking each other than to deal with the original common enemy. This happens a lot when the weather is bad or the group finds itself between phases of a campaign.
- Scapegoating also causes a lot of pain, especially when things go wrong. Trying to pin the blame on someone else is a lot easier than accepting personal or collective responsibility.
- Poor planning and lack of focus are common structural causes of in-fighting. For example, if your goals are not clear or are not shared in common by the members, there will almost always be in-fighting of the worst kind over the purposes of the organization and how it should carry on its work. Another example of poor plan-



Courtesy Marilyn Shapiro

OUCH (York, PA) leader *Stacy Marsh* offers this advice: "Turn the energy that could be used for in-fighting to dealing with the issue at hand. Find a niche for each person to accomplish something within the group that furthers the cause."

ning is to make bad judgements over who should be recruited into the group. If you try to recruit everyone and keep them all happy, you may find yourself paralyzed as you try to arrive at "consensus" positions that won't offend anybody.

What Can You Do About It When It Happens?

- You can try to ignore in-fighting, especially when it's minor, and let people find their own levels. This approach means that you concede that people will probably always fight and that your job as leader doesn't include holding people's hands. Of course, you should use some sensitivity and judgement to know the difference between minor and serious problems I consider a problem to be serious when it blocks a group from doing what it has to do.
- You can try the "touchy-feely" approach of raising up internal disputes for group discussion and forcing people to focus on what they are doing, why they are doing it and what they could do to resolve it. I believe that this approach works best when

you deal with problems early, before they reach the point when the group discussion turns bloody because people have very deep-seated feelings.

- You can try to mediate differences between the "trouble-makers," by taking them aside and playing "referee" while they work out their differences. You should also decide how important the people are who are fighting and whether their value to the group is such that it's worth your time and energy to get involved in this way. If the dispute involves other key leaders, this approach may well be worth the risks and costs involved.
- Have clear rules of operation. For instance, if your group normally conducts meetings with a set agenda and a stated purpose, you as a leader could gently but firmly get things back on track by reminding the in-fighters that "The purpose of this meeting is to plan for next week's public hearing." For members involved in power plays, clear rules would allow you, as a leader, to enforce proper rules of behavior.

LEGAL CORNER

by RONALD SIMON

Q. We've gotten some advice that we should incorporate our group so we can raise money and protect our leadership. Should we do it? Should we hire a lawyer to do it for us?

A. When citizens join together it is generally a good idea to give the group a structure and a name. By sitting down and doing this, the people in the group work through their goals and how they plan to attain them. In the process of doing this, people often decide to incorporate. In order to have a group and use a name, it is not necessary to incorporate. However, there are a number of advantages in incorporation. Consider the benefits and liabilities before you make your decision.

The first reason for incorporation involves money and taxes. Organizations that take in money have to pay taxes on their income unless these organizations have been granted a tax exempt status by the Internal Revenue Service (IRS). Many groups raise money from foundations or charitable donations. Many foundations are not allowed to make grants to groups that don't have a tax-

exempt status. Similarly, individuals can take a tax deduction for a charitable donation only if the group is tax exempt.

Incorporation, non-profit status, and tax exemption are separate questions. First, the organization must incorporate choosing to be for or non-profit, then the group can seek tax exempt status from IRS (generally sought under section 501 (c) (3) of the Internal Revenue Code). The Clearinghouse has information on both of these application processes. Although there are a variety of legal questions involved, lawyers usually can just fill out standard forms to do the incorporations and seek tax exempt status:

A second aspect of your question is whether incorporation protects the group and its leadership. If someone decides to harass the group or sue the members for libel or slander, members can be sued even though the group is incorporated.

An advantage of incorporation is that the by-laws about how the group will be governed are legally adopted rules. Therefore, the future control of the group is set out in rules (how officers are

elected and policies are made) and these can only be changed by following specific procedures.

A disadvantage of incorporation is that the group must fill out forms and documentation which consume time and money. In addition, making the rules of the organization formal may limit flexibility. If you can't answer questions about how the group should be governed, you can't incorporate and wouldn't want to adopt a particular structure and set of rules.

My advice is to get information and forms about incorporation and tax exemption and review them and think about the questions that are raised for your group. After you've thought through these issues, a lawyer could be useful in answering further questions. The most important question, and one only you and the other members of your groups can answer, is "Why do we want to incorporate?" □

Ron Simon is special counsel to the Citizens' Clearinghouse for Hazardous Waste. He is on the faculty of American University Law School and represents citizens around the country exposed to hazardous chemicals. He represents workers who are exposed to chemicals in the workplace. He is also counsel to the White Lung Association (asbestos victims).

IN-FIGHTING continued from page 4

Examples: "Look, John, we have a rule in this group that only the Executive Committee can make statements to the media on behalf of the group." Or, "Bill, if you don't think Jim is doing a good job as a treasurer; why don't you run against him in the elections next month?"

- The best response to a splinter group is to try to make a peace with them that acknowledges your differences. If you try to fight them, or denounce them publically, you serve no one's interests except your opposition. "Agree to disagree," if you can. It doesn't hurt to make conciliatory gestures, like asking to

work together on things where you still share a common interest.

What Can You Do to Prevent It?

- As I've already mentioned, having a clear focus, statement of purpose and a good plan is all-important. You can prevent the problem of splinter groups by thinking through whom you need to recruit in order to win — don't try to recruit the whole county if all you need is your neighborhood.
- Set up your organization with a clear but democratic structure and with reasonable rules for procedure and behavior.
- Develop good leadership skills in yourself, encourage them in

others and work toward building new leaders. The most important job a good leader has is to share leadership with others. Tin-horn dictators deserve all the in-fighting they cause. Involve others in decisions. Work to develop the utmost participation. Share duties and responsibilities. Help other people work out their differences by acting and working together on projects and committees.

- Finally, keep at it and stay busy. When people are working on issues, they have less time to hassle each other over personal problems. Keep it lively and fun. That'll keep morale up and prevent people from being at each other's throats. □

WATER *continued from page 8*

party responsible for the contamination to do it. Which option is best depends on your individual circumstances. Mostly, it depends on who *can* give you what you want: a reliable test with believable results.

If you test the water yourself, you run into a credibility problem: your *opponents* can say you "spiked" the sample with cleaning fluids or other chemicals to "prove" that the contamination exists.

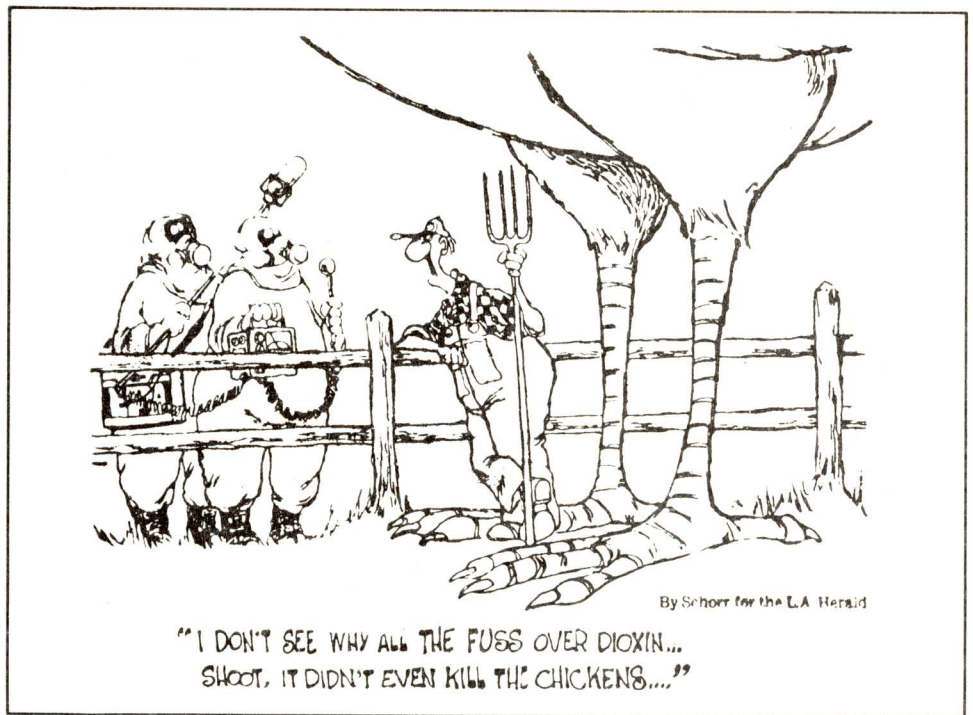
The only way to overcome the credibility gap is to have someone else test the water for you, but this can cost big bucks. Also, if you don't know what to specifically test for, then the testing costs go up and up. Try to contact someone at a local university or college that has a chemistry laboratory. Striking up a relationship with someone in the local chemistry department could yield first-rate results with minimal financial expense. Pressuring the responsible party is good but only if you can identify who's responsible.

Your last option is pressuring the government.

What Do You Look For?

This depends on what is causing the problem. Where are the contaminants coming from? If it's a landfill, you need to find out what's been buried; if it's a gasoline station, then you look for oil and gasoline constituents; if it's a local factory or manufacturing plant, you'll need to find out what is made there. However, in most cases, you won't know what the source is, or, as is the case with most landfills, even what the wastes are. So now what?

Government agencies, with limited experience in the area of hazardous wastes, and with limited resources tend to look for "traditional pollution parameters," including pH, specific conductance, turbidity, chlorides, and a list of metals. EPA has set drinking standards for 10 metals, 6 persistent pesticides, and several other parameters, and has recently proposed standards for 9 organic substances (for a list of these substances, or more information, contact CCHW).



These traditional parameters, however, do not reflect the diversity of potential environmental pollutants that could be leaching out of a land disposal site into your drinking water.

In addition, these indicators of general water quality can have seasonal changes in concentration that are unrelated to leachate migration. If these "traditional pollution parameters" are the only measures used to evaluate your water, "evidence" of contamination (with exception to the metals) is unlikely to be found. These measures were originally designed to test only for problems stemming from sanitary landfills or from bacteria and were intended only to set minimum standards for public drinking water systems. They were never intended as limits for acceptable environmental contamination.

So what else do you want your tester to look for? EPA suggests looking at general "screening" compounds that are indicators of contamination: total halogenated organics (TOX), total organic carbon (TOC), pH and specific conductivity. These measures, however, are too general to serve as an early warning of threats to public health or the environment.

This is because this approach ignores the fact that chemicals hazardous to human health can migrate selectively into drinking water at con-

centrations far less than what the indicator parameters can detect. For example, while the concentration of total organics may not be very high in a sample, if a specific organic, such as benzene or toluene, make up a significant portion of the sample, there would be a substantial health risk one which would be overlooked.

Furthermore, the "sensitivity" of the tests to measure TOX or TOC is not very high when compared to individual specific chemicals. In fact, testing for TOX and TOC requires 1000 times more contamination than looking for specific chemicals because of the high detection limits of these indicators.

The best approach maybe to "look for priority pollutants." Although all toxic chemicals are not on this list, most of the "bad actors" are, and testing for the priority pollutants may be the most comprehensive and practical method for determining what is in your water.

Deciding what to test for and how to do it is not a simple task. Ideally, you want to get the most information for the least cost. The trick is knowing what to look for and how and where to look. You can't find contamination in a water table 10 feet below the surface if your sampler probe only goes down five feet. *If you need help in deciding what tests to request, or in interpreting test data, contact CCHW.* □

"Rita Come Out Come Out"

On February 12th some people wondered where our Rita Lavelle protest would go . . . well she's been convicted of perjury and will be put behind bars! Congratulations to those people who helped put Rita behind bars. CCHW would like to extend a special thank you to this roster of groups who participated in the Washington demonstration, which demanded Rita come out and tell the truth about her activities.

This months Certificate of Success goes to . . .

- Lowell's Fare Share, Boston, MA
- P.U.R.E., York, PA
- Hawkins Point Improvement Association, MD
- Citizens Against Lowry Landfill, Denver, CO
- Concerned Neighbors In Action, Riverside, CA
- Virginia Action, Arlington, VA
- Maryland Waste Coalition, Baltimore, MD
- Restore, Lake Charles, LA
- Clean Water Action Project, Washington, DC
- Milcreek Citizens Against Toxics, Erie, PA
- Bruin Lagoon and Osburn Citizens, Western, PA
- Citizens of Times Beach, Times Beach, MO
- People Action League, Watertown, MI
- People Against Hazardous Land Sites, Wheeler, IN
- Concerned Citizens Against Berlin Ferro, Gaines, MI

Everyone's Backyard is published by the Citizen's Clearinghouse for Hazardous Wastes, Inc. CCHW is a nonprofit, tax-exempt, public interest center which primarily focuses its work on grassroots environmental organizations across the nation.

Lois Marie Gibbs, PRESIDENT

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BAFFLED BY THE TERMS

Priority Pollutants

Of all the tests that can be done to detect water contamination, we recommend looking for "priority pollutants." If you've ever been involved in evaluating monitoring data from a hazardous waste site, you are probably already familiar with the term. The 129 priority pollutants were selected in 1976 by a group of government, industry and environmental scientists as part of a "consent decree" issued by a judge. Three public interest environmental organizations had sued EPA to force the agency to carry out the Clean Water Act of 1972, requiring EPA to set standards for plant discharges in rivers and other waterways. As part of the settlement of this case, the judge ordered EPA to determine and set standards on the pollutants most likely (and thus the priority) to be in the wastewater discharges of industrial plants. This list of 129 chemicals were considered inclusive enough to provide protection of public health and the environment from most wastewater products of a list of 21 industries, considered for regulation under the Clean Water Act.

Eight years later, EPA has established guidelines, or water quality criteria, for 65 of the 129 substances. These criteria were established "for the maximum protection of human health . . . due to exposure through ingestion of contaminated water and contaminated aquatic organisms." Although these criteria are not standards enforceable by law, but rather guidelines established to help evaluate the risks of contaminated water, the scientific

documentation and research involved in determining the criteria is the same as for a legally enforceable standard.

Although this list is fairly extensive, some chemical wastes from *all* industries are not included: formaldehyde, ethylene dibromide (EDB), vinyl bromide, and most pesticides and herbicides.

In general, the priority pollutants consist of 114 organic chemicals, dioxin and 14 metals, including asbestos. The 114 organics are further divided into 4 categories based on the ability of (expensive) analytical (or measuring) instruments to detect them. These categories are acid extractables, base neutrals, pesticides and volatiles. It costs the same to test for one compound in a category as it does to measure *all* the compounds in that same category.

Dioxin, or TCDD is the only exception to the rule. It is very expensive to test for and is considered separately.

The priority pollutants are useful in providing a broad listing of likely constituents of leachate from a waste landfill. This may be helpful when you know little or nothing about what to test for. But it's important to remember, there are many toxic chemicals *not* on this list, and the ones on it were selected *not* for their potential harm to human health, but rather because they were likely to be discharged from the 21 industries regulated under the Clean Water Act.

For a complete listing of the priority pollutants, including water quality criteria established by EPA for 65 of these pollutants, contact CCHW. □

YES!

I want to fight the improper disposal of toxic wastes and help suffering families. Include me as a member of CCHW. Enclosed is my tax-deductible donation.

- | | |
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| <input type="checkbox"/> \$50 for sustaining members* | <input type="checkbox"/> \$100 for corporations/institutions or individual patrons* |
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| <input type="checkbox"/> Other _____ | <input type="checkbox"/> CCHW T-shirt (circle one: S, M, L, XL) |

*Individual donors of \$50 or more receive a free, autographed copy of *Love Canal: My Story* by Lois Marie Gibbs. All members receive CCHW's quarterly newsletter, *Everyone's Backyard*.

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TESTING DRINKING WATER— What Do You Look For?

You believe there may be toxic chemicals in your drinking water. The water tastes funny and your boiled potatoes turn a odd shade of grey. You asked the government to test the water, but they refuse. Now what can you do?

How to get your water tested for chemical contamination is unfortunately becoming an increasingly common problem. How do you go about it? Who should do the testing? What do you look for? Here's some advice, based on our experience.

How Do You Go About Having Your Water Tested? How Should Do the Testing?

You have basically 4 options: Have the water tested yourself; Hire someone to test it for you; Pressure the government to do it; Pressure the

See WATER continued on page 6

