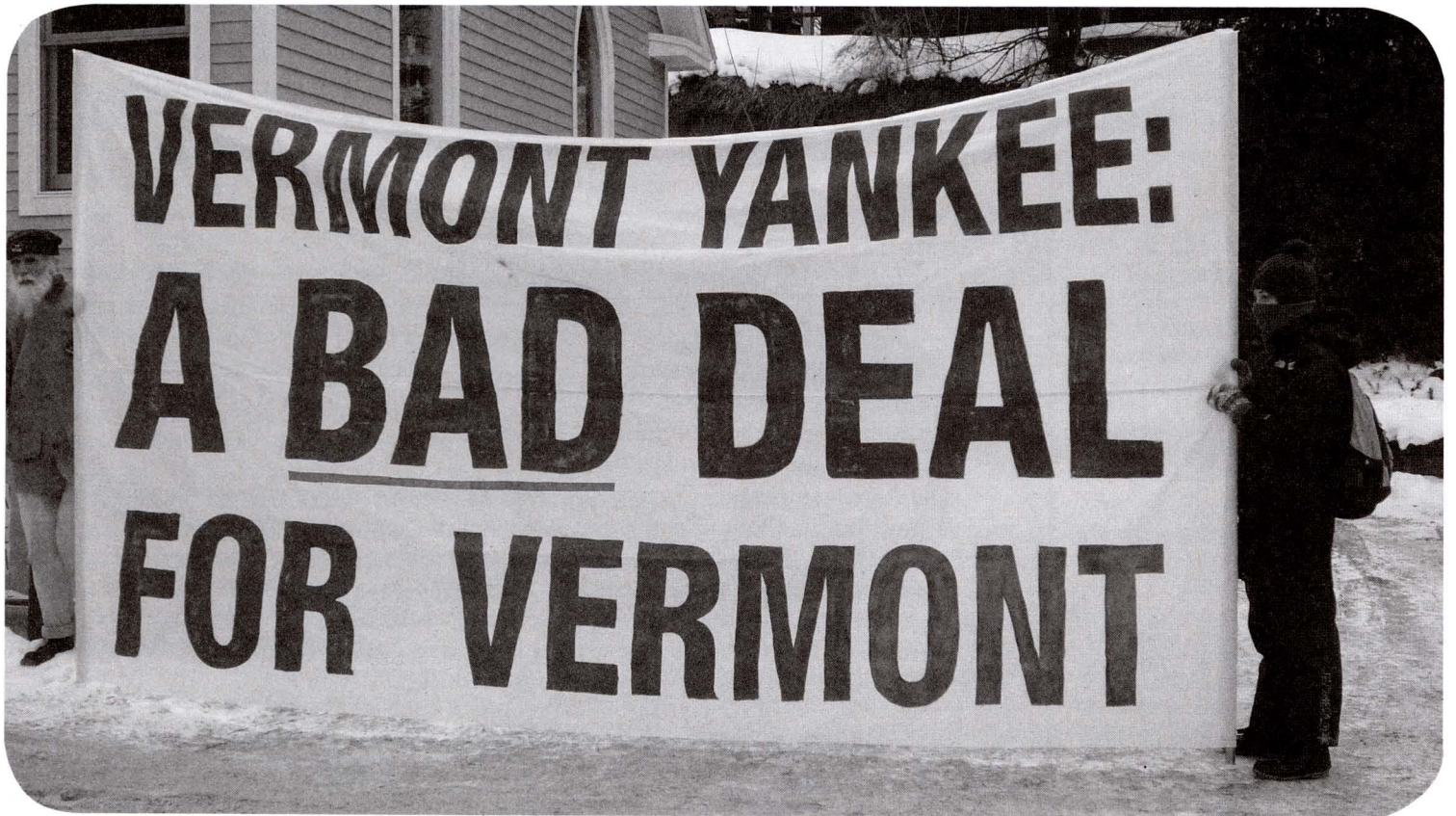


# EVERYONE'S BACKYARD

VOL. 28 No.2 SUMMER 2010

## NUCLEAR VICTORY IN VERMONT



### YEAR ONE: OBAMA'S RECORD ON ENVIRONMENTAL HEALTH



The Journal of the Grassroots Environmental Movement

[www.chej.org](http://www.chej.org)

Center for Health, Environment & Justice

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### On the Cover:

Message to State Senators who prepare to vote on whether to renew operating license for Vermont Yankee nuclear power plant.

Photo by Paki Weiland

## WHERE'S THE MILLION DOLLARS?

It was December 3, 1981 when Armand Hammer, CEO of Occidental Petroleum, announced his offer to pay \$1 million to anyone who could find a cure for cancer. He was head of then-President Ronald Reagan's prestigious Cancer Panel. I attended that meeting in Washington, DC and politely asked for the prize money for CHEJ's work. I explained that his company's toxic waste which was dumped in the ground at Love Canal and is still being released into the air and water at other locations was responsible for a large number of environmentally-caused cancers. And if he stopped this pollution, we would have a cure for many of the cancers that are occurring in people who live near these sites. Armand Hammer's response was to ask that the sergeant of arms remove me from the room. He mumbled something about me not contributing to the scientific conversation in the room.

This is what I thought of when I read the recent report from the same President's Cancer Panel (though the members are different) that made the exact same points I made 29 years ago. I was stunned (and ecstatic) to read that this panel was very concerned about the link between chemical exposures in the environment and cancer. The report is especially powerful and meaningful to the groups that CHEJ works with because it affirms what leaders have been saying for years: exposure to environmental chemicals can cause cancer.

Here are some highlights from the report:

- The true burden of environmentally induced cancers has been grossly underestimated.
- It is not known exactly what percentage of all cancers either are initiated or promoted by an environmental trigger. Some exposures can occur as a single acute episode, but most often, individual or multiple harmful exposures take place over a period of weeks, months, years or a lifetime.
- Exposures happen in mixtures, not in isolation.
- Children are especially vulnerable.
- The American people – even before they are born – are bombarded continually with myriad combinations of dangerous exposures, babies are born “pre-polluted.”

The report concludes that the increasing number of known or suspected environmental carcinogens compels us to action to protect public health, even though we may currently lack irrefutable proof of harm. The Cancer Panel is recommending that we take steps to Be Safe and to avoid needless exposures to toxic chemicals.

I never thought I'd see such a report come from this committee. Once again the grassroots leaders from places like Woburn, MA, Clyde, OH, Love Canal, NY, Triana, AL and so many other sites are vindicated. Now if we could only figure out how to get the million dollar prize for CHEJ's work.

Lois Marie Gibbs,  
Executive Director

## 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 DEBORAH KATZ, EXECUTIVE DIRECTOR, CITIZENS AWARENESS NETWORK

## NUCLEAR VICTORY IN VERMONT

Residents in the tri-state region of Vermont, Massachusetts, and New Hampshire celebrated a major victory when the Vermont Senate overwhelmingly voted not to renew the operating license for the Vermont Yankee nuclear power plant located in Vernon, Vermont. This historic and courageous vote capped a successful campaign that strategically targeted the renewal of the operating license which was in the hands of the state, not the Nuclear Regulatory Commission (NRC) that typically holds this authority. This article highlights some of the keys steps in achieving this significant victory.

### A Shift in Strategy

During the 1990's the Citizens Awareness Network (CAN) was instrumental in closing three nuclear reactors in New England - Yankee Rowe (Rowe, MA), Connecticut Yankee (Haddam Neck, CT), and Millstone Unit 1 (Waterford, CT). In response to our success, the NRC re-wrote their regulations undermining our ability to succeed in closing other reactors. After years of fighting the NRC, but without tangible success, CAN decided to re-evaluate its work. We engaged in a series of strategy sessions to address our progress in closing nuclear reactors in New England and New York. We realized that it was futile to focus on the NRC; that just educating people on how terrible nuclear power was resulted in disempowerment and despair; and that being right about the problems of nuclear power wasn't enough. We needed to provide alternatives and a vision of a better world, a world worth fighting for.

### Approval of Operating Permit

We decided to focus on the relicensing of Vermont Yankee, a 38-year-old reactor with a poor track record that had been taken over by Entergy, a Louisiana corporation. Vermont is unique in that it requires state approval for a reactor to continue to operate. So, we organized a summit with groups from Massachusetts and Vermont and we agreed to work together to empower the Vermont legislature to decide the reactor's future by voting not to renew its license in 2012.

We formed a coalition which later became Safe Power Vermont and drafted legislation, Act 160 that passed unanimously in 2006. This law gave the Vermont legislature the power to decide Vermont Yankee's future, and because of how it was written, it was veto-proof! This was important since Vermont's Governor Jim Douglas was an obstacle to creating a green energy future by repeatedly vetoing legislation to make Entergy accountable, and by rejecting energy replacement strategies. In addition, the legislation was designed to avoid pre-emption by the NRC by focusing on reliability and economics and not safety.



*Residents protest at Vermont Yankee headquarters in Brattleboro, Vermont.*

To increase our potential for success, we formed a sister organization, Vermont Citizens Action Network, a 501(c)4 organization, and hired a lobbyist to represent the people's interests including people in Massachusetts and New Hampshire who were more affected by Vermont Yankee than many Vermonters. Although people who lived out of state could not directly affect the vote, we needed to make clear that Vermont's rejection of Vermont Yankee affected the energy future of New England since the plant sold most of its power out of state. Closing this reactor would create an energy revolution in which other New England states would have to also choose sustainable energy, conservation and efficiency to replace the energy provided by Vermont Yankee.

It was imperative then that residents in the abutting states as well as Vermonters participate in the democratic process. It was also important to frame the debate on our terms - focusing on choice and opportunity - that we can choose a renewable, energy efficient future for our children and ourselves.

### Grassroots Organizing Plays Critical Role

Safe Power Vermont took the lead in developing a grassroots organizing campaign that included door-knocking in priority districts, phone-banking, organized educational house parties and events, writing letters to the editor, contacting friends and family on both sides of the border, and meeting with legislators to take a stand for sustainable energy and closure. From 2007 to 2009, legislation passed both Vermont houses focused on Entergy's decommissioning accountability and an independent analysis of reliability issues at the reactor. The Governor vetoed every decommissioning bill, but the reliability study became law and it uncovered many instances of delayed/deferred maintenance and systemic mismanagement.

Entergy responded with a well-funded disinformation campaign. There were letters to the editor, "news" articles

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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.*

## **CHEJ Launches PVC-Free Schools Campaign at Universities in New York**

This past April, CHEJ went on a 10-day statewide speaking tour of colleges across New York to educate, organize, and mobilize for PVC-free universities. We visited college campuses with our 25-foot inflatable ducky, Betty the Be Safe Duck. At each school, Lois Gibbs spoke on Love Canal, the poisoning of environmental justice communities across the PVC lifecycle, and how students can take action at their schools. The students we talked to and met, from Stony Brook (Long Island) to Albany to Buffalo were outraged that universities are buying PVC flooring and other products using their tuition money.

Want to see how the tour went?

- Photos from the tour: <http://www.facebook.com/CHEJfans?v=photos>
- Video from the tour: [http://www.facebook.com/CHEJfans?v=app\\_2392950137](http://www.facebook.com/CHEJfans?v=app_2392950137)

Want to bring the PVC-free schools campaign to your campus/university this fall? Get in touch with [mike@chej.org](mailto:mike@chej.org) or 212-964-3680.

## **National Call for Justice at Superfund Sites**

This year marks the 30th Anniversary of the Federal Superfund toxic site cleanup program. It is also the beginning of a new administration at the Environmental Protection Agency (EPA) with EPA Administrator Lisa Jackson committing to address environmental injustices. CHEJ is working with grassroots groups across the country to urge the federal agency to correct environmental injustices at toxic sites that occurred under the Bush-era EPA. Over 110 organizations have sent letters to EPA asking the agency to take action at some of the nation's worst sites, including the Bunker Hill mining site in Kellogg, ID, the Asarco lead smelter

site in El Paso, TX, and the Onondaga Lake site in Casella, NY. In all these cases, EPA did not meet the intent of the Federal Superfund law which prioritizes permanent cleanup remedies and treatment technologies, and instead selected cheap, unsafe "cleanup" methods. CHEJ will be working to spur EPA's attention on other toxic sites, such as the Industrial Excess Landfill in Uniontown, OH where more than 780,000 tons of toxic waste are buried. For more information or to get involved, contact [anne@chej.org](mailto:anne@chej.org).

## **CHEJ's Brand New Toolkit & Guide to Action for Student Activists**

The PVC (polyvinyl chloride or vinyl) plastics industry is one of the most polluting and environmentally destructive industries in the world. Colleges annually spend millions of dollars in purchasing products, some of which are made out of PVC. Universities have a direct connection to an industry that's polluting environmental justice communities at every stage of its lifecycle. The good news is there are plenty of safer alternatives out there, and students have the power to help shift the market away from PVC, the poison plastic, and build a safer future free of toxic chemicals.

**CHEJ has put together a new toolkit to arm students with information, resources, and strategies to launch and implement a winning PVC-free schools campaign on their campuses.**

### **The toolkit includes:**

- Strategic tips for launching and running an effective campaign;
- The top ten reasons for your school to go PVC-free;
- A sample PVC-free university procurement policy, resolutions, and more!

**Get involved and download the toolkit today: [www.chej.org/pvcfreeuniversity](http://www.chej.org/pvcfreeuniversity) Contact us if you'd like postcards promoting the toolkit or if you want copies to pass out!**

BY MOIRA BULLOCH, CHEJ'S COMMUNICATIONS DIRECTOR

## YEAR ONE: OBAMA'S RECORD ON ENVIRONMENTAL HEALTH

On November 5, 2008, many in the environmental health movement were feeling exhilarated as we celebrated the election of Barack Obama. Surely this president would make a huge difference and our campaigns would finally get some traction.

But sixteen months later, frustration with the president is evident everywhere. The recent mining accident in West Virginia and the oil spill in the Gulf of Mexico have highlighted the President's problematic energy plan. Other environmental priorities have languished while Washington's focus is elsewhere.

Many of us have placed so many of our hopes onto the shoulders of President Obama that it can be difficult to accept that his election was not the magic bullet to solve all our problems. There has been change in Washington since November, 2008; but it has not been enough. The opportunities to win on our issues will stall if we do not continue to pressure Obama and his key appointees.

### First, a look at progress that has been made

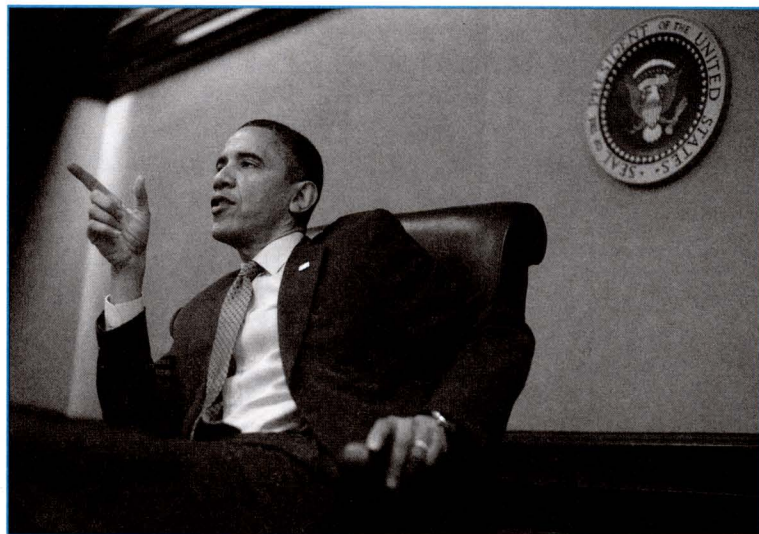
#### Environmental Justice

President Obama has appointed officials who are sympathetic to the needs of communities and families. Environmental Protection Agency (EPA) Administrator Lisa Jackson has explicitly named environmental justice as one of her top priorities. She is focusing the agency's efforts on addressing the health and environmental burdens faced by communities disproportionately impacted by pollution. EPA announced that it would assess the impact of its hazardous waste rule on disadvantaged communities which will be used to inform EPA's ongoing effort to strengthen the consideration of environmental justice in policymaking.

Awareness of environmental justice issues is also seeping into other parts of the President's agenda. The healthcare reform bill that Mr. Obama signed in March included a provision to immediately expand Medicare coverage to certain victims of environmental health hazards. Sen. Max Baucus (D-MT) wrote this provision to help a community that CHEJ has worked with: the families in the asbestos-ravaged mining town of Libby, Montana.

#### Children's Health

EPA is working in many ways to confront the environmental challenges our children face. Some examples of EPA's efforts include expanding children's environmental health research; developing indicators on children's environmental health; establishing environmental policies that consider the well-being and unique vulnerabilities of children; expanding educational efforts in partnership with health professionals to identify, prevent, and reduce environmental health



threats to children; and communicating information of children's environmental health to the public.

#### Dioxin Soil Contamination

EPA is currently in the process of revising soil cleanup standards for dioxin, one of the worst carcinogens known to man. For the past twenty-five years, the EPA has been mired in a battle to regulate dioxin while members of the chemical industry have lobbied to stall all efforts.

Administrator Jackson has taken a strong stance in demanding tougher cleanup standards even before the EPA has released its final dioxin health assessment report. When EPA's proposed draft cleanup guidelines were based only on non-cancer risks, activists and unions joined with CHEJ to send a strong message to EPA during the public comment period. Over 2,000 individuals, 145 environmental and consumer groups and 30 labor unions joined CHEJ in demanding a cancer-protective standard for dioxin in residential and commercial areas.

### Where the fight continues

#### Superfund

This year marks the 30th anniversary of the federal Superfund program and the fund is bankrupt. It has been fifteen years since polluters contributed to the fund used to clean up abandoned contaminated sites and taxpayers are now paying \$1.2 billion per year to clean up after industry. Mr. Obama has publicly stated that he wants to see the Polluters Pay fees reinstated, and Sen. Frank Lautenberg (D-N.J.) has introduced a bill to do so. But this bill will languish without pressure from activists and impacted communities.

#### Chemical Policy Reform

Momentum is gathering to strengthen the 1976 Toxic Substances Control Act, the government's primary mechanism for banning

*Continued on page 10*

# 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.*

## Alabama

**Alabama First** based in Birmingham is working with **Friends of Perry County** (FPC) about 80 miles south to help them get organized to address the disposal of tons of waste coal ash that is being dumped into the Arrowhead Landfill located in the middle of their community. Seven years ago, FPC failed to stop the landfill from opening and now they are being targeted again as four million tons of toxic coal ash are being shipped in from Kingston, Tennessee, the site of a massive sludge spill that occurred in December 2008 on property owned by the Tennessee Valley Authority. The ash, which is contaminated with toxic metals such as arsenic, lead, and mercury, is stored as close as 100 feet from some homes before it's moved into the landfill. Residents are complaining about odors, surface water runoff and dust dispersion.

## California

Residents in Kettleman City, including **El Pueblo Para El Aire y Agua Limpio/People for Clean Air and Water**, are blaming the improper disposal of PCBs, a chemical known to cause cancer and reproductive problems, for the numerous birth defects that have occurred in their community since 2007. An investigation by the USEPA found that Waste Management had improperly disposed of PCBs at its Kettleman City landfill, the largest hazardous waste landfill in the west. EPA also acknowledged that the agency had failed to enforce numerous citations issued to the company over the past five years for improper treatment and disposal of waste including PCBs. "If the citizens of Kettleman City had done this, they'd be locked up in San Quentin," said Bradley Angel of **Greenaction**, who have been supporting El Pueblo's efforts. EPA's investigation follows a request from Governor Arnold Schwarzenegger to evaluate the causes of the abnormal rate of birth defects in this San Joaquin Valley farming community.

## Delaware

Residents in Newport celebrated the decision by BASF to abandon plans to build a biomass incinerator. Protests by local residents made it clear that this proposal was not in the best interests of the community. Allan Muller of **Delaware**

**Green** put it this way, "The death of the Newport burner scheme is an important step. Hopefully it will help Delaware refocus on the many opportunities in zero waste, efficiency, solar, wind, and other truly sustainable energy options. Hopefully the Markell administration will come to its senses and stop supporting burners."

## Florida

Congratulations to **Floridians Against Incinerators in Disguise** and other local residents who helped convince the Greta city council that the proposed Adage biomass incinerator poses many health and environmental risks and leaves many questions unanswered. The Mayor decided that the people were right and that they would go no further with the project until "the citizens of Greta are provided reasonable assurances that the proposed Adage project will not jeopardize the health and safety of the residents of the community." Adage responded by announcing it was withdrawing its air permit application and suspending all work on the proposed plant.

## Louisiana

Congratulations to the residents of Mossville who won a landmark decision to have an international human rights commission hear their case of environmental racism against the United States. The Inter-American Commission on Human Rights of the Organization of American States (OAS) has agreed to determine if actions taken by the U.S. government were a violation of human rights. The suit was filed by **Advocates for Environmental Human Rights** (AEHR) on behalf of the residents of Mossville. "I am grateful that the commission decided to take our human rights case," said Dorothy Felix, Vice-President of **Mossville Environmental Action Now**. "We believe that environmental protection should not be based on the color of our skin. Our government can and must do better to protect our human rights." AEHR is hopeful that the decision by OAS will be a foundation for protecting this and other vulnerable communities in the future.

## Maryland

CHEJ's Betty the Be Safe Duck, a 25-foot tall inflated ducky, made a guest appearance at a rally held by the **Safer Chemicals, Healthy Families** coalition outside the chemical industry's annual GlobalChem conference in Baltimore. The purpose of the rally

was to bring attention to improvements the coalition is fighting for in the federal Toxics Substances Control Act (TSCA) which is the target of reform legislation in Congress. TSCA is the primary federal law used to ban toxic chemicals and restrict their use in consumer products. The coalition also pointed out differences in the changes they seek in TSCA versus those sought by the chemical industry. For more information, see [www.saferchemicals.org](http://www.saferchemicals.org).

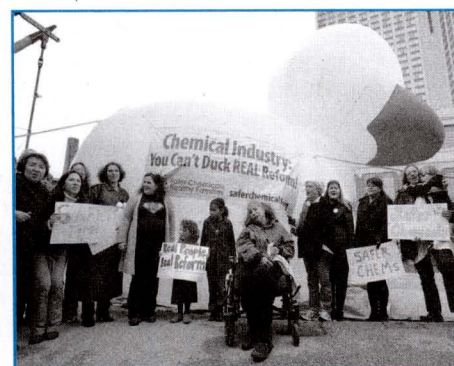


Photo by Algernina Perna

Members of the **Safer Chemicals Healthy Families Coalition** rally with CHEJ's Betty the Be Safe Duck in Baltimore, MD.

## Massachusetts

A press conference, organized by the **Toxics Action Center** (TAC) from Boston, addressed contamination throughout the city of New Bedford and the inadequacy of federal laws to prevent the building of public schools on contaminated sites. Standing before the New Bedford High School that was built on top of the Parker Street dump, TAC's Silvia Broude proclaimed, "We all have the right to live in a toxic-free environment with water that is safe to drink and air that is safe to breath." Tom Derosier, of the local group **Citizens Leading Environmental Action Network** described where they were standing as "Ground Zero," the center of the old dumpsite that is surrounded by two schools, two athletic fields as well as several homes and businesses. The high school, which opened in 1972, has been the subject of numerous complaints of indoor odors and health problems believed to be related to the contamination. The state began responding to these complaints in 2007, but little has been done. Along with the disaster of the 99th Street School that was built on top of the Love Canal landfill in Niagara Falls, NY, the problems at the New Bedford High School have become clear examples of why federal guidance is needed to prevent schools from being built on contaminated sites. In 2008, Congress ordered EPA to write school siting guidelines, but these guidelines have yet to be released.

## Michigan

**Save The Wild U.P.** (SWUP) in Marquette continues

# ACTION LINE

## Need organizing help?

Visit [www.chej.org/assistance](http://www.chej.org/assistance)  
or call 703-237-2249

to protect Lakes Superior and Michigan from the development of a metallic sulfide and uranium "industrial mining complex." Recently Rio Tinto, the proposed mine's operator, skirted a required federal permit for waste water discharge. The EPA's decision on whether Rio needs the permit will determine if construction can begin and if an arrest was illegal—a citizen was unexpectedly jailed for "trespassing" on the public land. (The state leased public land to Rio for 40+ years, but only if all permits were in place.) Newly inspired, the Keweenaw Bay Indian Community (KBIC) now camps on this land to protect their sacred Eagle Rock, where Rio proposes to blast their project's portal. This would be akin to blowing up a church, synagogue, or other place of worship. A federal treaty cedes KBIC rights to the land. SWUP, in coalition with others, is pursuing action to protect their community against environmental injustice and civil liberties violations.

### New Jersey

The **Arthur Kill Watershed Alliance** formed to oppose the construction of an experimental coal and chemical plant proposed for Linden. The PurGen coal project would build a coal power plant that would use new carbon sequestration technology. The plant would heat coal to generate electricity and fertilizer. The resulting carbon dioxide emissions would be piped miles away where they would be buried under the ocean floor. This experimental technology poses serious health and environmental safety concerns including the potential of an accident. PurGen claims the weight of the bedrock will seal in the carbon dioxide, but this is pure speculation since a project of this magnitude and scope has never been attempted. Any leak would release the carbon dioxide which could harm marine life and acidify ocean waters. A leak at the plant could kill hundreds living in the metropolitan NY/NJ area. More than 25 groups in NJ have signed on opposed to this project.

### New York

After 25 years of advocacy, **Community Concerned About NL Industries** is finally getting a health study for the neighborhood exposed to depleted uranium emissions from a closed munitions factory in Colonie, near Albany. The state Department of Health has agreed to test 200 residents and workers for depleted

uranium in their urine. The agency also agreed to work with the group to design a health statistics study to investigate if there are any increases in cancer, birth defects, kidney diseases, auto immune diseases and other illnesses related to the uranium exposure. From 1958 to 1982, NL Industries contaminated the community with depleted uranium, which is toxic as a heavy metal and as a radioactive substance.

Residents and lawmakers in Buffalo are up in arms about the proposed construction of a six-story, 1,200 vehicle parking garage right next to the Marine Drive apartments. Residents are concerned about air and noise pollution, traffic congestion and other potential problems. Hundreds of residents have signed petitions, demanding the ramp be built elsewhere. Developers are confident that a compromise can be worked out.

### North Carolina

**Citizens for a Healthy Environment (CHE)**, the **Blue Ridge Environmental Defense League (BREDL)** and area residents got an Earth Day present from the Mecklenburg Board of County Commissioners who unanimously approved two resolutions requesting that the county adopt new federal air quality permit requirements for medical waste incinerators on an accelerated schedule. The decision followed heavy pressure from CHE and BREDL who packed public hearings and earlier board meetings. If granted, the BMWNC medical waste incinerator in Mathews will have to comply with the new rules two years sooner than required by EPA. This decision will also impact several other pending medical waste permit renewals in the county. CHE's Catherine Mitchell applauded the county commissioners whose decision she said showed "a real concern for the health and safety the people of this county."

### Ohio



*Winners from Columbus in the Ohioans for Health, Environment and Justice Short-Video contest gather with State Representatives Dan Stewart and Tracy Heard after the video premier. See <http://www.ohioej.org/> to view videos.*

Photo courtesy of Dave Beckwith

Residents of Wooster continue to complain about the repugnant odor that is coming from the waste treatment plant run by Enviroclean. The people are up in arms about this odor that extends for miles past the plant and smells like rotten eggs. Although city officials have been pressured to shut down the plant, they have refused to close the facility because of Enviroclean's positive economic influence. Recently the city stated the odor was in violation of the prescribed zoning permit and corrections were needed to sustain the permit. The city told the owner that the city would no longer tolerate this irritant permeating the area and agitating its residents. The city intends to ensure that the necessary improvements are made. Many believe the problem would have been dealt with sooner had Wooster's "finer" neighborhoods been affected.

### Oregon

**Neighbors for Clean Air (NCA)** in Portland are trying to decide if they want to invite the Agency for Toxic Substances and Disease Registry (ATSDR) into their community to do a health study. They are concerned about the impact of air emissions from 536 petroleum storage tanks on the health of the people living in the adjoining neighborhood. CHEJ has advised the group to "be careful what you ask for" and shared with them numerous examples of ATSDR conducting health studies that are inconclusive by design. NCA is trying to define their goal for the study. Next, they plan to evaluate any study proposed by ATSDR to see if it meets this goal and how it would help them advance their goals as an organization. CHEJ continues to provide organizing and technical support.

### Pennsylvania

**Community Activists Against Rail Road Transgressions (CAARRT)** formed to stop Norfolk Southern (NS) from expanding a railroad switching yard to within hundreds of yards of residential neighborhoods in Lancaster. Initially, the rail company proposed redeveloping its own property, but Franklin and Marshall College, located nearby, agreed to secure funding to move the rail yard into the residential neighborhood so they could build an athletic complex on land owned by NS. The revised project is estimated to cost \$46 million, but funding negotiated by the college and local politicians would give NS access to \$32 million in federal and state tax dollars. Further complicating matters is the presence of a closed municipal waste landfill, a portion of which would have to be dug up as part of the new plan. CAARRT has been frustrated by a lack of information, little transparency, and poor public involvement. They are also angry that public dollars are going to subsidize this development, which will place their community at risk. CAARRT is trying to rally public opposition and is calling on the rail company to find an alternative site.

# ACTION LINE

## South Carolina

Congratulations to **Serious Chester County Residents Against Pollution, SC Sierra Club, League of Women Voters, Upstate Forever, Conservation Voters, Wildlife Federation, Coastal Conservation League** and other groups who contributed to efforts to stop Covanta Energy from building a waste-to-energy (WTE) incinerator in Chester County. The incinerator giant wanted to build a 1,500 ton per day (tpd) plant but needed to change a state law that limits incinerators to 600 tpd. Covanta had hoped to pass a bill that would have removed the 600 tpd restriction and exempt WTE plants from typical incinerator regulations. But, much to their disappointment, the proposed bill was tabled, effectively killing the bill. Major issues were concerns over air emissions, taking out of state garbage, and the potential for creating bidding wars over available capacity at local landfills. The coalition of groups worked hard to disseminate information about incinerators to lawmakers, wrote letters to local papers, and made many calls to elected officials resulting in the dead bill. Covanta may try to reintroduce the bill next year, though some feel this is unlikely.

## Texas

The **Texas PTA** passed a resolution this past February at its statewide convention demanding safe school siting policies throughout the state. Last year, the **Clean Schools Initiative (CSI)**, a group started in response to an alarming proposal to build an elementary school on an old chemical facility, introduced a bill into the state legislature that would require school districts in the state to conduct an environmental assessment of a proposed school site and provide meaningful public participation in the process to acquire land for a new school. Although the bill failed to pass that session, perseverance by the parents and faculty led to the passage of the PTA resolution. Cyndi O'Rourke, from CSI, spoke at the PTA convention about the need for legislation to protect children at schools, "We were fortunate that our schools took the necessary steps to remediate. I do fear for schools in areas with low parent involvement or districts that may not have the money to do proper remediation."

The finalized steps to cleaning up a large number of properties that the American Smelting and Refining Company (ASARCO) have polluted are nearly in place. Groups such as the **Sierra Club (El Paso Chapter)** and the **Texas Trial Lawyers Association** have been pressuring the EPA to expand the cleanup to cover as many as 20 states including the flagship smelter in El Paso. ASARCO, which had filed for bankruptcy in 2005, hoping to sidestep enormous cleanup costs, settled with the Justice Department for \$1.79 billion in one of the

largest environmental bankruptcies in U.S. history. These funds will pay for cleanup at 80 sites in 20 states and will begin at the smelter in El Paso where ASARCO had fueled the city's economy for the past 20 years. At one time, the smelter was convincingly portrayed as a glorious industry, but now it is being recognized for the hazardous pollutants it has released. The site was shut down in 1999, but recent efforts to renew the permit were strongly opposed. The EPA denied this request and the process for cleanup is underway.

## Virginia

Residents in **Bealeton** are getting organized to address the land application of waste water sewage sludge that has been going on for years in the county. People are getting tired of foul odors and are concerned about contaminant runoff onto their property, which is mostly farmland. Residents are also concerned about the number of people who are sick with cancer in areas that are being sprayed and wonder whether there's a connection to the sludge. Now the county wants to allow sewage sludge to be spread on more than 4,000 acres of wetlands and people are getting fed up.

## Washington

Congratulations to the **Washington Toxics Coalition** and other groups who helped convince state legislators to approve a statewide ban on the chemical bisphenol A (BPA) found in plastic baby bottles and other containers. The measure also bans food and drink containers made with BPA if they're intended for children under age 3. If signed into law by Governor Chris Gregoire, the ban on children's containers would go into effect July 1, 2011. The ban on sports bottles would take effect July 1, 2012. Wisconsin passed a similar law earlier this year. Connecticut and Minnesota passed similar laws last year.



## West Virginia

Congratulations to **Coal River Mountain Watch (CRMW)** and to the residents of the Coal River Valley, who finally got some good news. In the wake of the mining disaster that killed 29 miners, Governor Joe Manchin announced that there are now sufficient funds to build a new school



to replace the Marsh Fork Elementary School in Sundial, located in the shadow of Massey Energy Company's coal sludge processing plant. The key factor was a donation of \$2.5 million from the Annenberg Foundation. "It was a victory won by little kids collecting pennies all across the country, by hundreds of people – it was a victory for everyone – but especially the kids at Marsh Fork," said Julia Bonds with CRMW. The group had collected \$10,400 to help pay for the relocation of the school which will cost \$8.6 million. Planning for the new school will begin immediately and is expected to open in 12 to 18 months. As another activist said, the "powers that be were no match against dedicated and persistent people. When the history of the movement against mountaintop removal is written, the victory at Marsh Fork will be remembered as a key moment."

## CANADA

**Protect Christina Lake (PCL)** and nearly 400 people attending a meeting of the Area Planning Commission (APC) in Christina Lake, British Columbia burst into cheers and applause when the spokesman for Aquilini Renewable Energy announced it was withdrawing its plan to construct a hazardous waste disposal facility. The primary reason: overwhelming community opposition. PLC was quite pleased with the outcome which was not expected. They had encouraged people to attend the meeting thinking they needed to pressure APC to reject the proposal. Instead, Aquilini appears headed to another community that will welcome its presence. PCL asked the commission to consider adopting a policy that would prevent industrial development similar to that proposed by Aquilini from being considered in the future. The director of the APC agreed to direct her staff to research the possibility of doing this given the strong sentiments of the community. ♦





A CAMPAIGN TO REDUCE THREATS TO CHILDREN'S HEALTH

# Child Proofing Our Communities

## Locating Schools in Safe Places

CHEJ's state campaigns in Ohio and New York are working to protect school children and teachers from having schools located on or near contaminated sites or toxic facilities. CHEJ recently developed a Safe School Site Selection legislative proposal in New York to close a serious loophole in state policy. It requires schools to conduct environmental testing on properties before building a new school, and ensures the location is well away from toxic waste sites, incinerators and chemical plants. If school property is polluted, the state environmental agency would require cleaning the site to child-protective standards. The policy is based on CHEJ's national model School Siting Policy which is being considered by the U.S. Environmental Protection Agency (EPA) as they create voluntary siting guidance.

In Ohio, CHEJ's Ohio Greening Schools Inside and Out project is focusing on five counties in the state. These counties rank high in toxic air emissions on the EPA's Toxic Release Inventory (TRI) and also had schools that ranked in the top 25% worst nationally for air according to the USA Today's article, the "Smoke Stack Effect." In Ohio, school siting has been controlled since 2007 by the Ohio Schools Facilities Commission that requires all schools funded by the commission to meet the silver or gold LEED for Schools standard established by the U.S. Green Building Council. Under this standard, schools cannot be built on a landfill. This standard also requires schools to conduct a Phase I assessment followed by a Phase II, depending on whether there is historical evidence of contamination at the proposed school site.

## Go PVC-Free this Back-to-School Shopping Season!

Many children's school supplies (such as lunchboxes, backpacks, notebooks, binders) are often made out of polyvinyl chloride (PVC or vinyl)—a toxic plastic that is dangerous to our health from production and use to disposal. For tips on how to avoid PVC in some of the most common school supplies made out of PVC, or for a copy of CHEJ's Back-to-School Guide to PVC-Free School Supplies, see <http://besafenet.com/pvc/safe.htm> or contact CHEJ at 703-237-2249 x 21.

## Welcome New Staff



**Robin Miller** has recently joined CHEJ's Childproofing Our Communities Campaign. She has been a social justice activist for many years and worked with several environmental, peace, and justice organizations in Minnesota and Central New York before founding the Justice Through Peace Initiative in Oswego County, NY in 2002. Robin is a recent graduate of Meredith College in Raleigh, NC.



**Reed Dunlea** is CHEJ's new Green Schools Campaign Organizer. Reed previously worked as a Project Coordinator for NYPIRG at Queens College. As a student, he founded and led several grassroots organizations including Averill Park Students Against War, the Vassar Green Party, and the Vassar Kick Coke Campaign. He has also worked with labor and religious organizations. Reed graduated from Vassar College.

harmful chemicals or limiting their use in consumer products. EPA Administrator Jackson said, "Many are turning to government for assurance that chemicals have been assessed using the best available science, and that unacceptable risks haven't been ignored. Right now, we are failing to get this job done." A large number of national, state and local groups are working to win chemical policy reform. Current drafts show significant gains: references to the Precautionary Principle; shifting the burden of proof to chemical manufacturers, and minimum safety standards – but more work is needed to push this legislation through.

### Guidelines for Building Schools on Safe Land

Shortly after Obama's election, *USA Today* with the assistance of CHEJ released a shocking investigative report on air pollution around the nation's schools. EPA Administrator Jackson took action, monitoring the air in sixty-two of the most contaminated schools. The agency is also developing school siting guidelines that it plans to release for public comment this fall. CHEJ has had a seat at the table, but even so, adequate guidelines will be a struggle. CHEJ was out-voted when we pushed to ensure that schools, like the one at Love Canal, NY, are not built on landfills, or other contaminated sites. Government is convinced that it can safely construct a school on land that has been "properly" cleaned up using engineering controls. When these guidelines are released, it will take substantial work by community

activists to ensure that the guidelines are fully protective of the students, teachers, and workers.

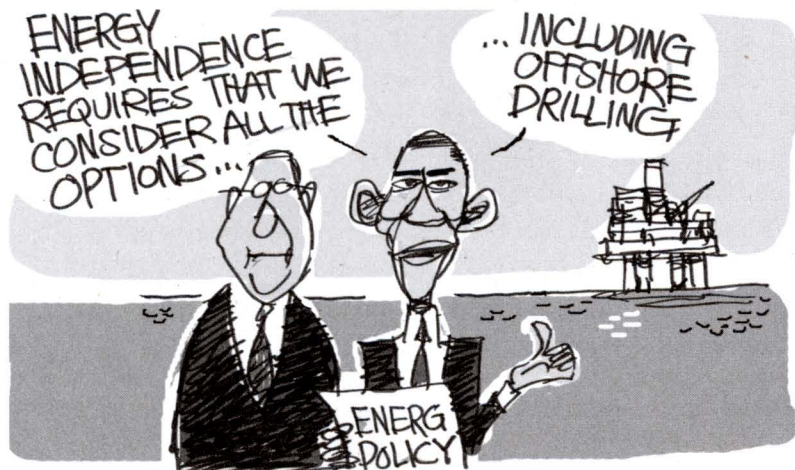
### Radioactive Waste

In 2009, the Obama Administration declared an end to plans to turn Yucca Mountain into a nuclear waste repository. However, the President's position on nuclear waste remains on shaky ground. In January, Mr. Obama announced a plan to support the energy industry's pipe dream of 'Clean Nuclear Energy' and tripled the budget for building new nuclear reactors to \$54 billion. Beyond endangering communities, this plan will divert funds and resources away from renewable sources of energy such as solar and wind.

### Next Steps

The Obama Administration has vastly improved the climate in Washington for those of us committed to fighting for environmental health. But his time in office will not be a panacea without hard work on our part. High-ranking Obama appointees have been clear with CHEJ: they need pressure from grassroots activists to accomplish real reform and to take advantage of the opportunities that now exist.

The election of Barack Obama was only a new beginning, not the end, of the efforts to protect environmental health. Whatever he may do, this is still our fight. We need to create the pressure to allow Obama and his staff to take steps to protect the health of the American people. ♦



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# With Special Thanks

CHEJ would like to acknowledge the following individuals and organizations that made critically important donations to support our work between January 1, 2010 to April 30, 2010. 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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Norry Neighbors  
Ohioans for Health, Environment & Justice (OHEJ)  
Open Minds  
NWDA  
Save the Wild U.P.

## NUCLEAR VICTORY IN VERMONT, continued from page 3

describing the grim consequences of closing Vermont Yankee, which were purposely alarmist and irrational, intended to create fear and insecurity. The mantra was replacing Vermont Yankee would result in increased coal burning, higher electric rates, and sizable job losses. We were able to show that there were green solutions to closure that could bring jobs as well as prosperity. We showed that the state could replace Vermont Yankee's 270 Mega Watts (MW) of power through a diverse energy package. In fact, a 2007 Vermont Department of Public Service study found that increased efficiency alone could replace 250 MW of power consumption by 2015! We also showed that, over time, relying on Vermont Yankee for power will cost more than other more sustainable resources.

## Leaks and Lies

Entergy was immensely helpful by providing a continuous series of problems and accidents i.e. dramatic tower collapses, lost fuel rods, transformer fires, radioactive leaks and endless lies. In consecutive years there was an endless stream of radioactive leaks at the site. There were reports of poisonous radioactive leaks into the groundwater moving towards the Connecticut River. Under oath, Entergy testified that there were no underground pipes, but they were caught in their lies. Entergy refused to shutter the reactor while it searched for the leaks that allowed the contamination

to spread further into the groundwater. In the public's eye, these issues totally undermined Entergy's trustworthiness and reliability. They could not be believed again.

## The Tipping Point

In early February of this year, a bill was introduced in the Vermont Senate to re-license Vermont Yankee. Hundreds and hundreds of Vermonters contacted their Senators and made it clear that it was unacceptable for this corporation and this nuclear reactor to continue to operate. The Senate voted 26 to 4 to deny Entergy the ability to operate after its license expires in 2012. This was a validation of democracy and that the will of the people can triumph over a multi-billion dollar corporation.

Entergy downplays the importance of this historic vote and still expects the Vermont legislature to ignore its years of systemic mismanagement, delayed maintenance and deception and give it another 20-year chance to operate in the state.


We are now at a tipping point. We have won a monumental victory but we are not done. We are at the beginning of the end. We will focus on ensuring that Entergy does not get the opportunity next year to overturn the work of the Vermont Senate. Entergy must know by April 2011 whether it can continue to operate in the state passed 2012. Entergy will not give up and neither can we. We are acting today to change tomorrow. ♦

Deb Katz is a founding member of CAN which is based in western MA. She has traveled the country participating in nuclear waste tours and in 2000, Deb won the Giraffe Award for sticking her neck out to protect Northeast reactor communities.

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A black and white photograph of a hand holding a globe of the Earth. The hand is positioned as if supporting the globe from below. The globe shows the continents and is the central focus of the image.

**If the future of the world were in your hands  
would you take the opportunity to save it?**

Through a charitable bequest in your will or living trust, you can ensure that CHEJ will always be there to mentor communities faced with environmental threats and empower them to prevent harm to their families.

For more information on how you can ensure a legacy for justice by including CHEJ in your estate plan, contact Douglas Stewart in CHEJ's development department at 703-237-2249 ext. 14 or [dstewart@chej.org](mailto:dstewart@chej.org).

**Thank you for your support!**