

Everyone's Backyard

CITIZEN'S CLEARINGHOUSE FOR HAZARDOUS WASTES, INC.

Vol. 1, No. 3 — Summer 1983



60 people from 10 organizations and 6 states protested ex-Superfund chief Rita Lavelle's refusal to testify before Congress at a CCHW-organized demonstration outside her building. CCHW focused attention on EPA's general failure to give honest answers to the public, and also read demands for action from citizen's groups at Superfund sites across the country.

Caught in a Double Bind

by JUDITH KELLY

When Roger and Elsbeth Fullmer bought some farmland in Illinois to set up a gunshop, a shooters' supply house, and a rifle range, they never dreamed they'd be sued to clean up a toxic waste site. They have become key players in a complicated legal battle between their state, their community, and a hazardous waste processor. "We feel like innocent parties dragged into this," says Roger Fullmer. But in spite of health problems and financial hardship, the Fullmers have taken a strong stand that they hope will protect

their neighbors from further environmental harm.

The previous owners had leased part of the land to Wilmer Brockman, who supposedly operated a garbage-type landfill on it. When the Fullmers bought the land, they "inherited" the lease; Brockman continued his landfill operation. The Fullmers did not want a landfill on their property. For years, they tried, unsuccessfully, to evict Brockman.

Meanwhile, in 1971 the State of Illinois issued permits to Brockman to allow him to dump toxic wastes in

see **DOUBLE BIND**, page 2

1st Leadership Conference Exceeds Expectations

35 local leaders from Ohio, plus 10 from Michigan, Indiana and Illinois learned nuts-and-bolts leadership skills at CCHW's first Leadership Development Conference. The conference was held at the rustic but beautiful setting of Camp Ohio, a 4-H campground in St. Louisville, Ohio, on April 22-24. A total of 22 groups were represented.

Unlike most environmental conferences, local leaders, working through a steering committee, cooked up the training "menu," specifying what topics they wanted covered and how they wanted them addressed. The most notable departure from the usual conference format was the use of lively, participatory methods, including group problem solving and role-playing. There were no "panel of experts" or "talking heads" approaches, as participants drew on each others' ideas and experiences. Members of the Ohio steering committee took on key responsibilities for setting up the conference and seeing to it that the session ran smoothly (our thanks to Linda Osborne, Doug Reed, Mike Badik, Kip Nicholson and the other members of the steering committee). Finally, the conference was financed entirely through conference registrations (\$49.65 each) and donations. Since no government money was used, we could openly deal with important and sensitive organizing and political questions.

Hugh Kaufman, the EPA "whistle-blower", was the featured speaker.

see **OHIO**, page 3

the landfill. It is unclear how Brockman could have legally gotten the permits unless he told the state that he owned the land. In any case, the state never contacted the Fullmers.

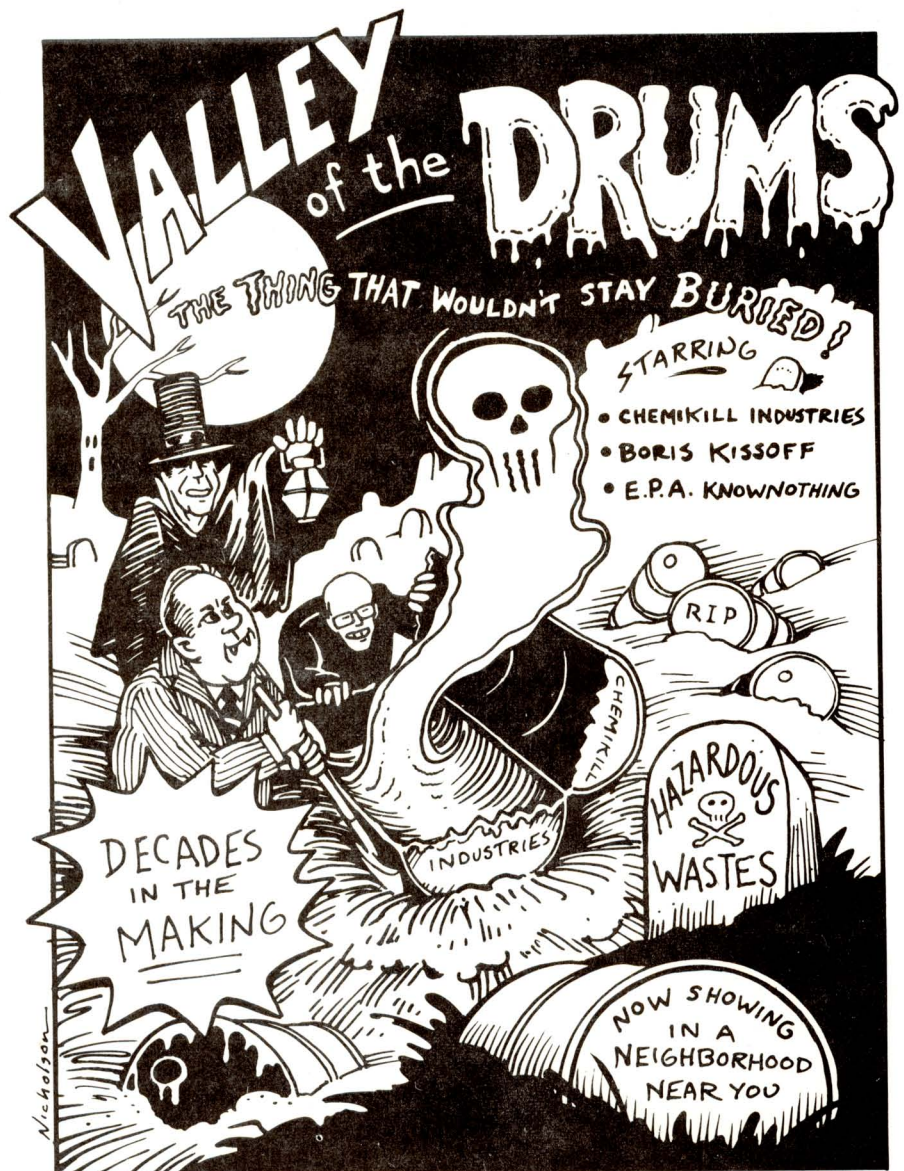
Years of dumping continued. In 1977 the Fullmers noticed that their farm animals had begun to bear deformed young. At first they thought that their "three-legged ducks" were simply freaks of nature. But then they both developed a series of kidney and bladder problems. After prolonged, unsuccessful treatments, their doctor realized that they were living next to a dumpsite. Testing of their water revealed that their two wells were contaminated with arsenic, mercury, and lead. When the Fullmers stopped drinking their water, their health improved.

At first the Fullmers were the only people in the area affected by the contamination. However, in the late 1970's, Wilmer Brockman had sold his lease to Pioneer Processing, who tried to expand and develop a larger hazardous waste site next to the Fullmer's property.

Then community activists became concerned and began a series of legal battles to stop the expansion. Since the citizens were not given notice, they were able to hold up the company's plans. When the state investigated, they decided to take action by suing Brockman and Pioneer Processing — and Roger and Elsbeth Fullmer, since they are the legal owners of the property! Caught in the middle, the Fullmers are being sued over the very dump that poisoned them!

What are the options? They could sell out and leave. But who would want to buy a contaminated farm? The only likely customer is Pioneer Processing; buying the farm would give them private access to the proposed site.

The local community group, Residents Against a Polluted Environment (R.A.P.E.), has halted the proposed Pioneer facility for over two years through their litigation. They have also worked with the LaSalle County Board on ordinances that would prohibit Pioneer Processing from using the public roads to get to their dumpsite. One way Pioneer could proceed with the expansion and get around the county law is by gaining private access to the proposed site. And that private access would run right through the Fullmer's property.



Estimates are that Pioneer can make \$1 million a week *net* once their operation starts. That's big money, so they can afford to offer a lot to get what they need to start. One man who came out to see the Fullmers casually offered them over \$1.5 million for the land during the course of a five-minute conversation. The Fullmers would like to see a grand jury investigation of the whole case, but so far the State of Illinois has taken no action.

So the Fullmers wait for their trial. They buy bottled water from town. Elsbeth Fullmer still has skin and kidney problems.

Scott Stewart, executive director of R.A.P.E., believes that the landfill expansion will be stopped when the case is judged on its own merits. But he is concerned that the unsealed site on the Fullmer's property may cause further environmental damage to the surrounding area.

Stewart explains that the community has supported the Fullmers. "They want this mess cleaned up as much as anyone else. They have been very helpful. Yes, some people are questioning them, 'If you owned the property, how could you let this happen?' But the Fullmers certainly had nothing to do with the actual dumping. Their wells are contaminated, and they have both been very ill."

The ordeal of the Fullmers will continue throughout the long trial. They want to set the situation straight, and are standing firm. If they'd wanted to take the money and run, they could have easily sold out. But their farm is not for sale. "You could come in and lay \$50 million in cash on the country, and it's simply not for sale," Fullmer says. The Fullmers will not sell their neighbors down the river. He hopes that, if he and his neighbors stand together, they can all save their property and their lives from toxic wastes. □

LEGAL CORNER

By Lewis M. Milford and Ronald Simon

QUESTION: A waste company has taken options on nearly 1,500 acres of land in this rural county in west Tennessee and plans to file for permits to bury toxic wastes. County people have formed a volunteer group to prevent this, but we fear that we do not have the resources to fight state and federal regulations, to fight the waste industry and its lobbyists, or to beat down the industries and stockholders who create the waste and want to take the cheapest way out of its disposal. What can we do?

— We're fearful, Tennessee

Answer: Citizens in various locations around the country have been successful in preventing the location of new hazardous waste facilities in their communities. Successful citizen efforts have been fought both in the legal system and in the political system.

New hazardous waste sites are governed by the Resource Conservation and Recovery Act 42 U.S.C. 6901, —

commonly known as RCRA (pronounced RICK' RA).

Under RCRA, the federal government controls part of the application that is needed for a new facility. States have the option of taking over a large part of the application process if they implement a state regulatory program and have the program approved by the Environmental Protection Agency in Washington. In addition, many local or county governments pass laws regulating hazardous wastes.

In order to be successful, it is necessary for the community to be active on all levels. If the state or county does not have a regulatory program, you should work to have them adopt policies. This is a way to get allies. If the state or county adopts policies, they can then get experts to review the application and to determine both whether it is adequate and whether it has any flaws.

Another important step is to do research about the company making the proposal. Many of the larger companies own and operate other

facilities and if you can show problems with these it would be a very effective argument.

In working with your community, you should be able to find many allies. Hazardous waste facilities do not employ many people and are not industries that will bring wealth to your community. People in businesses such as farms and food processors are often threatened by potential chemical contamination.

Other people who have been in your position have been successful. The key step is to get your neighbors together and start to work.

If you want to read about the law involving the siting of facilities, we suggest A. Dan Tarlock's article in the fall, 1981 issue of the *UCLA Journal of Environmental Law and Policy*, titled "Anywhere But Here: An Introduction to State Control of Hazardous-Waste Facility Location."

Lewis Milford and Ron Simon represent citizens exposed to toxic chemicals and are lawyers on the faculty of The American University Law School in Washington, D.C.

OHIO from page 1

Steven Lester, CCHW's Science Advisor, led a series of workshops on technical and scientific subjects, aided by Ron Simon, CCHW's Legal Advisor, and Kathy Neumann of the Environmental Defense Fund. The series of organizing sessions, which included how to recruit members and keep people involved, power structure analysis, strategy and tactics, using the media, and grassroots fundraising were led by Lois Gibbs, Dave Beckwith, director of the East Toledo Community Organization, and Will Collette.

Bob Cheeks, member of SOCC (Lisbon, Ohio), called the approach "provocative" and felt that it presented "very useful and pragmatic methods."

Paul Bryan, from the Citizens Action Coalition of Indiana, rated the conference "right up there in the top ten."

Cate Poe, director of ACORN (Columbus, OH) said "it was the best use of a conference format for organizing I've ever seen."

Bob Brooks, member of COPE (Lexington, OH) noted that it was "more than I expected . . . I was impressed."

Groups of leaders in other states have asked us (you too are invited to ask) about working with CCHW to set up Leadership Development programs in their areas. All it takes to start is a local steering committee willing to take responsibility for starting and following through. For more information, call us at 703/532-6816. □



Ohio leaders stand proud.
page 3

Organizing Toolbox III: Reaction

by WILL COLLETTE

"To each action, there is an equal and opposite reaction."

— Sir Isaac Newton's Third Law of Motion

You've just had your first meeting. Turnout was very good, spirit was high, and it looks as if your organization has a good plan. Naturally, your opposition will now just roll over and die; right?

Wrong! Isaac Newton's law is only partly correct when applied to organizing: The opposition's reaction can be overwhelming and unpredictable. When you develop both long-term strategies and short-term tactics for your group, you must try to calculate how the other side will react. Otherwise, you leave yourself open to being "blind-sided."

Remember this general point: the men and women who represent government or industry and on whom you are pressing your case have probably thought about Action/Reaction too. In fact, if you are dealing with, for example, a company's "Community Relations" representative, you can bet that he or she has received extensive training, studying *your* psychology and *your* reactions. That individual's job is to get the most for the company while giving in as little as possible to you. They often think they've seen it all; after all, they've probably done similar things in other communities — and they really believe you are all probably just a bunch of hysterical amateurs. As long as you keep reminding yourselves of the fundamental fact of the "rep's" attitude, you can turn this smugness to your advantage.

With that in mind, here are some typical "reactions" you're likely to meet:

- **Raising Side Issues.** You want to talk about ground contamination. They respond by complaining about government regulations. The best "side issues" for them to get into are things that you know and they know they have no control over. Your response: stay on point.

- **Agreeing to Something Easy.** Typically, they will look to give you something easy, like a promise that "we'll take that under consideration," or set up a study or advisory committee to look into it, or a promise to give you some information — rather than action or a definite, conditional promise (i.e., "We'll do 'X' if you can get so-and-so to do 'Y'").
- **Divide and Conquer.** As you may already have discovered, any citizen who decides to challenge people in authority is labeled a "radical." They may try to call you or your group "communist," "socialist," or whatever; they know that this causes splits in the group. Other "divide and conquer" tactics include offering one faction a concession to entice them to "sell out." They may also set out several inadequate choices and tell you, "You decide who should get the benefit of the limited resources we have to deal with this problem," or

they may match two citizens' groups against each other, saying that one community will get the dump and it's "up to you to choose." Watch out for attempts to split your group by pitting one neighborhood against another, one race against the other, or one income group against the other. The best way to avoid "divide and conquer" tactics is to discuss very openly in advance and to be united, while being aware of differences between groups.

- **Symbolic Satisfaction.** Public officials know how to smile, nod, and use body language and words to give the impression of agreement, when in reality they have no intention of conceding. People can then leave thinking they've accomplished something until, in later discussion of the overall picture, they realize they got nothing. Get agreements in writing, on the spot, so that everyone knows exactly what has been accomplished.
- **No Money.** How many times have you heard, "Sorry, we just don't have the money to deal with your very worthy problem." As Caesar Chavez said, "Don't tell us what you can't do; tell us what you can do." Be prepared to tackle this one



Courtesy Monument Improvement Association

by analyzing the budget and preparing alternatives in advance.

- **There's Something Wrong With You.** In this category, there are a hundred little put-downs and insults that they will use to try to shake your confidence, split the group, and justify turning you down. Some examples are:
"You don't have all the information we have (and if you did, either you'd agree with us or, if you didn't agree, you just didn't understand it)."
"You're unreasonable and therefore we can't continue this discussion. Come back when you've calmed down." (Which means, when you're ready to give in).
"You're too emotional. How dare you raise your voice or have any feeling for the issue that brought you here?" (Targets don't like to talk to people who have a genuine personal stake in the issue.)
"Who does your organization really represent?" (The routine "slap in the face": "You're nothing but a bunch of radical crazies.")
- **If We Do This For You, We'll Have to Do It For Everybody.** Maybe so; but so what? In this case, ask who else has requested it, or who else needs it.
- **I'm Only One Vote, or I Can't Make the Decision Alone.** This may be true, but again, so what? Here you can ask, "Then what will you do?" or "Who is your superior?"
- **We Need More Information.** Sometimes this is a simple stall. Your opponent is most successful with this excuse when he or she not only gets you to believe it, but also gets you to go running around collecting more information.

Things You Can Do to Deal with "Reaction"

1. **CAREFULLY PLAN** any encounter (meeting, action, etc.) you have with officials from the other side. If you're planning a general

BAFFLED by the TERMS

How Toxic is "Toxic"?

Citizen: "I have 30 parts per million (ppm) of PCB's in my drinking water, but I was told that I have nothing to worry about."

Citizen: "They found 10 different chemicals in the air of my home, yet they tell me I shouldn't be concerned because the levels are below OSHA's standards." (The Occupational Safety & Health Administration [OSHA] sets levels for exposures in the workplace for adults, based on exposure during a 40-hour work week.)

Citizen: "Is 15 ppm of a toxic chemical in my drinking water or air really a threat to my family? Is 10 ppm?"

Industry/Government Expert: "Let's look at what levels you're talking about and put them in perspective. Eleven parts per million is equal to an 11 ounce needle in a ton of hay, or to 11 minutes in two years, or to 11 drops of vermouth in 80 fifths of gin."

Looking at 11 ppm in the way that industry and government experts describe it, the levels certainly sound pretty harmless. But let's look at that same level in another way.

One part per million of a substance means that there is one milligram of that substance for every kilogram of water or soil or for every kilogram of body weight. For example, for an adult weighing 130 pounds (or 59 kilograms), a dose of 1 ppm equals 59 milligrams. Consider this in terms of a common aspirin. The average aspirin tablet contains 325 milligrams of active ingredient, so that two tablets would be approximately the equivalent of 11 ppm in a 130 pound adult. This dosage can stop pain and reduce fever. While 11 ppm may seem insignificant in a ton of hay, it could mean a lot in the human body!

Remember, too, that doctors don't (or seldom) recommend that you take even one aspirin every day, and you don't give the same amount to a baby as you would take yourself. More importantly, aspirin is dangerous if you take two as frequently as you would drink a glass of water or take a breath of air, which as the amount of exposure we're talking about in cases of contamination.

So the situation is more complicated than a government or industry expert might want you to believe. Depending on the substance, 11 ppm could be very significant — even dangerous — and certainly not "just a needle in a haystack."

meeting, invite the guest to show up one hour after the meeting starts so that *everyone* in your group can be clear about what the organization wants. If the guest shows up early (as they often do, deliberately), don't let him/her in until the appointed time.

2. **ROLE PLAY** and practice the meeting or negotiation. This can be especially effective if either someone in your group knows the guest or if this is not the first time you've met.

3. **HAVE A CLEAR LIST** of what you want.

4. **POST A LIST** of the things you want on large paper so everyone can see.

5. **SUMMARIZE** what was accomplished at the end of the meeting.

6. **DISCUSS ACTION/REACTION** among leaders in particular, and with the membership as a whole if possible. □

LOVE CANAL *from page 8*

still believes Love Canal was never a problem, except to a few “irresponsible housewives.”

The question of “revitalization” remains as the final chapter in the Love Canal story — a story that stunned and shocked the entire nation, a story which awoke the nation to the fears and horrors of deadly chemicals seeping into homes, causing birth defects, cancer, kidney and liver diseases and other illnesses resulting from exposure to toxic chemicals. An accumulation of certain of these health effects was the basis for two State-ordered evacuations of the community and the stimulus to two emergency declarations by President Carter.

Most of the 1,000 families have left Love Canal, leaving only about 100 families who chose to remain. But now the local governments want to bring “life back to Love Canal” and to forget the past. Well, you might ask, why not, if it’s been cleaned up. The answer is simple: Nothing has been done to clean up 80% of the neighborhood, which was once evacuated, and now is being considered for habitation! Virtually all of the clean up, thus far, has been directed towards containing the deposited wastes and preventing these wastes from spreading farther into the community.

In order to evaluate the habitability of Love Canal, two fundamental questions need to be answered: Will the chemicals in the Love Canal continue to escape? And will chemicals that have already escaped into the community continue to advance? Neither of these questions have been answered nor even properly addressed by any level of government.

In May, 1980 President Carter ordered a thorough investigation and evaluation of the environmental contamination levels and the health of the residents. EPA and the Department of Health and Human Services (HHS) assured the residents that they would be provided with “. . . the best information that could be developed on the status of your health and on any environmental risk associated with living in the Love Canal neighborhood.” EPA immediately began an intensive

environmental sampling and monitoring program, the results of which were not released until July, 1982. The health studies, which were to include medical histories, physical examinations, clinical laboratory tests, as well as several selected in-depth studies, were abandoned due to a lack of funding.

These health studies were critical to any evaluation of the impact of the contamination levels on the health of the residents. Without them, the importance of the contamination levels could not properly be made. The federal government clearly recognized this when it included them at the outset. EPA and HHS later abandoned this principle when evaluating results of the environmental testing program.

Because of the abandonment of the health studies and the burning desire of the mayor (and several high ranking EPA officials) to revitalize Love Canal, the Environmental Monitoring Report became the “answer” to everyone’s concerns about the habitability of the area. All eyes became focused on this single study and, as usual, the report was released in a cloud of controversy.

The report has been challenged as “ambiguous”, “scientifically indefensible”, and “politically motivated.” The National Bureau of Standards (NBS), which was empaneled by EPA to review the scientific procedures and methods, refused to endorse the report, pointing out critical flaws and important deficiencies in the methods of data collection, analyses and

evaluation. They added: “NBS cannot comment on the significance of the problems . . . because such an evaluation requires knowledge of health effects and mechanisms of chemical migration and degradation.”

In a separate report, HHS addressed the question of habitability, obtaining comments from eleven expert scientists. In its conclusion, HHS did not make a clear statement of habitability. This is reflected in the comments of the expert review panel. Nine of the eleven members had doubts of differing degree, raising legitimate questions regarding the appropriateness of making *any* statement on habitability based on the EPA report alone. Four of these scientists flatly stated that the area was not habitable; three others were not sure, as they had serious reservations about the adequacy of the data and analyses; and two others qualified their judgments based on assurances that toxic materials would be contained far into the future.

The scientists and experts again failed to back up EPA’s assurances to the residents of Love Canal. Many questions, including the health risks to people living in the Love Canal area, remain unanswered. What is known is that 22,000 tons of chemicals were dumped into Love Canal, that many of these chemicals are deadly poisons, that some migrated through the soil to nearby homes, that many chemicals were found in the air of basements five blocks from the Canal, and that no monitoring program to evaluate the effectiveness of the existing clean up

see LOVE CANAL, page 7

LOVE CANAL
MY STORY
Lois Marie Gibbs
as told to Murray Levine

new!

T-Shirt
Price: \$6.00

Love Canal
Ask Those Who Really Know!
Ask the victims of Love Canal why they need immediate permanent relocation and why some will refuse to leave the contaminated grounds are cut off from the innocent victims of corporate profits.

This book is available for \$9.95 post paid from CCHW, P.O. Box 7097, Arlington, VA 22207. Make checks payable to CCHW. See our publications list for other titles.

LOVE CANAL
Another Product From
HOOKER CHEMICAL

Available in Small, Med., Large and XL
Use coupon on page 7.

LOVE CANAL *from page 6*

has been established. Perhaps most significantly, we also know that many health effects have been observed in the community. Is it any surprise, therefore, that a consensus on the question of habitability has not been reached?

To complicate matters further, it now appears likely the Environmental Monitoring Report may have been "altered" in order to reflect a "politically advantageous position" for the Reagan administration, thus further diminishing the credibility of the report.

Perhaps the question of habitability of Love Canal should be left to common sense and logic. Perhaps, where experts have failed, simplicity can prevail. Would *you* want to buy a home in Love Canal? . . . I know a good real estate agent. □



By Mike Peters for the Dayton Daily News

GEE... A THREE BEDROOM HOUSE FOR ONLY TWO HUNDRED BUCKS... WHAT'S THE CATCH?

In Our Water: Chemical Wastes at the Movies

Given the crapshoot economics of documentary film-making, you have to fear for the sanity of people like Meg Switzgable. What, after all, possesses a sensible young woman to scrape together thousands of dollars in order to spend months on location in deepest, darkest New Jersey filming the story of one man's dirty water? The answer is simple: she cares about our environment and fellow citizens. When the result of this "madness" is a film like *In Our Water*, the latest addition to the growing list of movies about environmental problems, we can only hope that filmmakers such as Meg continue.

In Our Water examines the fight of

Frank Kaler and his neighbors to guarantee a clean supply of water for their families and their community. After being assured that a landfill operation on the property bordering his own was safe, Kaler soon found that his well water had turned brown, contaminated with a noxious mixture of toxic chemicals migrating from the landfill through the groundwater. Switzgable then paints a disturbing picture of Kaler's frustrating journey from bureaucrat to bureaucrat and politician to politician in search of an alternative water supply--and to no avail. It is to her credit that Switzgable was able to get many of the officials Kaler spoke with on camera

for interviews that are as fuzzy and evasive as they must have been to Kaler. By the end of his trek through local, state, and federal government, he had faced a string of lies, ignorance, buck-passing, and that most effective of ploys, silence.

The Citizens Clearinghouse recently sponsored the opening of *In Our Water* in the Washington, D.C. area, which also featured appearances by both Meg Switzgable and Frank Kaler. The film was well received by both the audience and local film critics. Anyone interested in sponsoring or reviewing the film should call Meg Switzgable at 212/522-5941. □

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

EDITORIAL BOARD: Will Collette, Lois Gibbs, Laurie Hofheimer, Barbara Kollander, Steven Lester, Patricia Logan, Iris Rothman, and Ron Simon.

Copyright by CCHW. Use and reproduction by permission of CCHW only.

CCHW
P.O. Box 7097, Arlington VA 22207.
703/532-6816.

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.

- \$15 regular membership
- \$50 for sustaining members*
- \$500 for lifetime members*
- Other _____
- \$25 for citizens' groups or sponsoring individuals
- \$100 for corporations/institutions or individual patrons*
- \$25 for the newsletter only (non-member)
- 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*.

Name _____

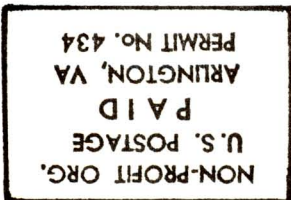
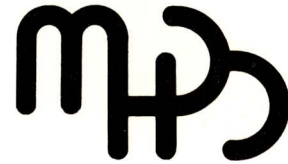
Address _____

Charge my VISA/Mastercard (circle one) # _____ Expiration Date _____

MASTERCARD ONLY: 4-digit Interbank # _____ Signature _____

Citizen's Clearinghouse for Hazardous Wastes, Inc.
Post Office Box 7097, Arlington, Virginia 22207

CITIZEN'S CLEARINGHOUSE FOR HAZARDOUS WASTES, INC.
POST OFFICE BOX 7097, ARLINGTON, VIRGINIA 22207



LOVE CANAL PROBLEMS: If You Can't Solve 'Em, Sell 'Em

The real estate agent nervously showed the young couple the home, a 3-bedroom rancher in an open, quiet neighborhood. "Are you sure it's safe?" asked the young woman. "I'm expecting a baby in 6 months and I don't want anything to happen to him." "Of course, it's safe," said the real estate agent. "Do you think the government would let people move back in here if it weren't?" The young woman wondered, as she looked out across the lawn to the field which was and still is the infamous Love Canal landfill.

This situation is one the Love Canal Revitalization Agency (LCRA) and the federal government want to see; and if the Mayor of Niagara Falls (Chairman of LCRA) has his way, it will occur as early as this summer. "It's long overdue," says Mayor William O'Laughlin! Then again, the mayor

see LOVE CANAL, page 6

