

Everyone's Backyard

Citizens Clearinghouse for Hazardous Waste, Inc.

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Tremendous! Over 150 groups in 32 states participated in Justice Day. Below, a worker fighting for workers' compensation justice attends the Justice Day rally held in Richmond, Virginia. At right, a Colorado University student participates at a rally in Boulder to protest the Syntax pharmaceutical company.

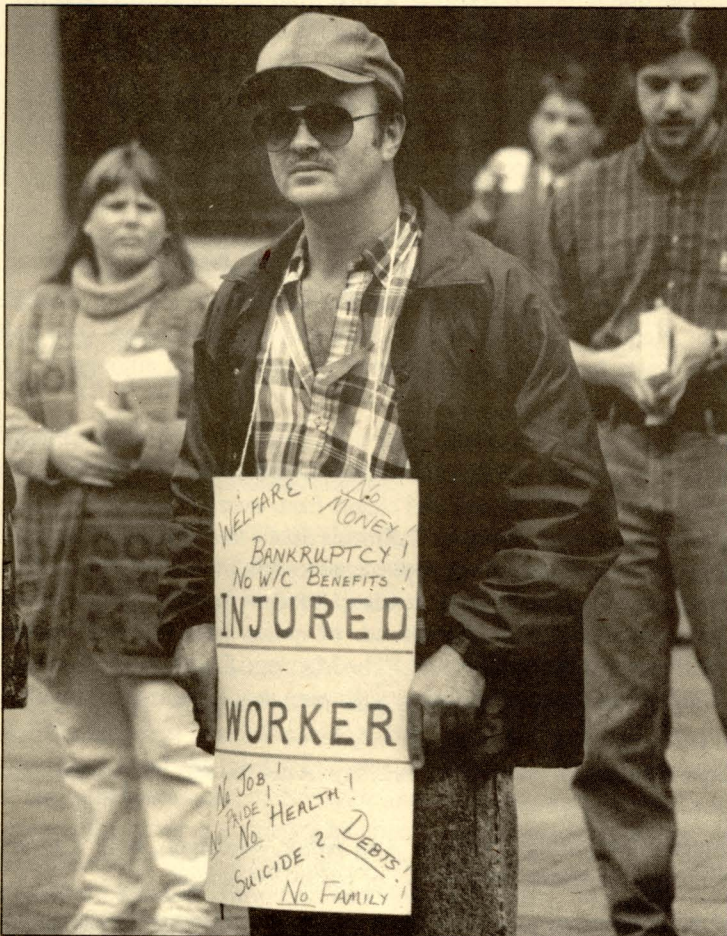


Photo By John Gayusky/CCHW

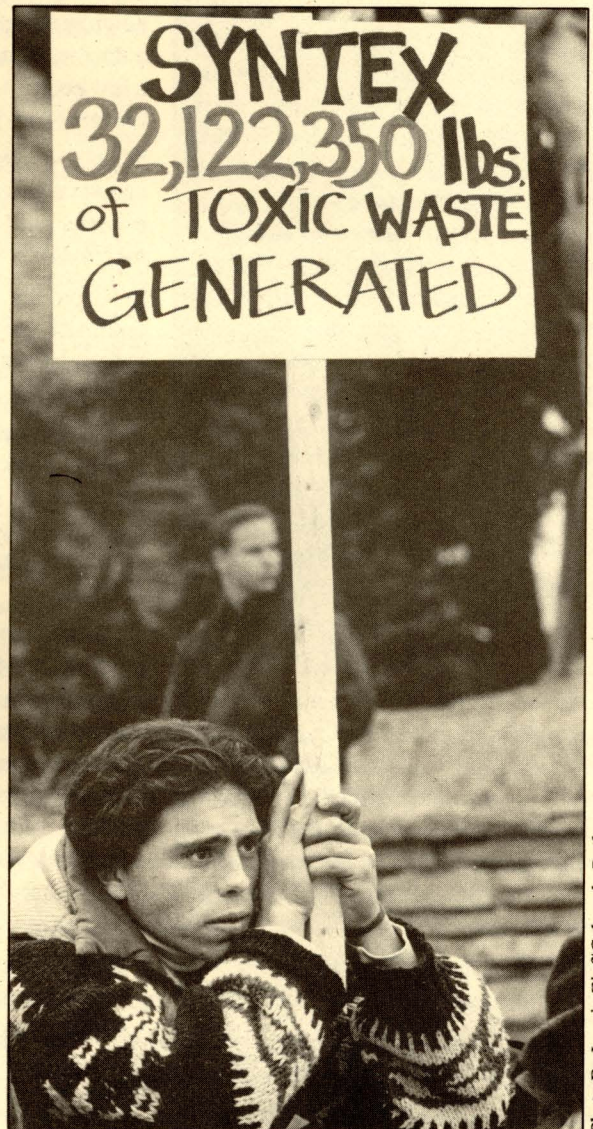


Photo By Lourie Zipt/Colorado Daily

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Who We Are

CCHW is a twelve-year-old Environmental Justice Center working with over 7000 local grassroots groups. We were formed to help people win cleanup of hazardous waste landfills and stop the siting of new ones. Over the years, our work has grown to include people dealing with everything from chemical plants, to radioactive waste, medical waste, recycling and countless other issues. Our mission is to help people build strong community-based organizations. We provide organizing and technical assistance through our 60+ manuals and handbooks, over the phone and through site visits from our organizers. This journal is compiled with the help of hundreds of local contacts who send us clippings and other information about what is happening in their area. We could use your help too. Write us for more information.

We, the people...

"No Justice...No Peace..." was the chant led by an eight year old boy on Justice Day, February 21, 1994. In front of 100 activists this young child led a chant borrowed from his brothers and sisters in the civil rights movement; a movement he is only now learning about. Even at eight, this young man perceives imbalance and injustice. *He lent his voice to fight for justice.*

Mattie Lee from Quitman County, Georgia, and member of Citizens In Action For Clean Air and Water, sees the issue with clarity and speaks directly. "We are citizens fighting for our rights. We are opposed to a bio-medical waste incinerator being built in our neighborhood. I am not scared at all; we will fight for our neighborhood. We don't have a doctor, a hospital or morgue or anything. Why do we have to accept an incinerator for a few people to prosper? It was said they would put it out here on us because we were poor, unlearned and stupid. We will show them how stupid we are."

"Get it out of here," were the shouts of a 16 year old in Thermal, California. He demonstrated against a sewage sludge dump located less than a mile from his home. This was his first experience at a rally, but as he proudly announced, not his last. *We, the people, spoke out for Justice.*

In Richmond, Virginia, union leaders, an injured workers coalition, coal field, incinerator, dumpsite and gay rights activists all stood together at the capitol, to send a clear message to their legislators that they want justice. *Their voices blended together and gained strength from one another.*

At the Kentucky state capitol in Frankfort, leaders drew together the voices of state citizens seeking justice and relief. Kentucky's burden is 40 medical waste and hazardous waste incinerators, cement kiln, and other industrial waste incineration sites, proposed and existing in the state. Kentucky is the target of chemical weapons waste—700 million pounds of hazardous waste from munitions planned for incineration amongst its green foothills.

As a nationwide day of action, the first Justice Day was more successful than we believed possible. On this day, local groups working on diverse issues came together to demand that

our present day leaders deliver one of the founding promises of the U.S.—justice. Shouts and chants from over 150 groups in 32 states came together to show those in power that they can no longer keep us divided. From the quiet California desert to southern Virginia towns muffled by snow, leaders stood in solidarity to speak out about issues of justice. Over 400 people came together in unity in the California desert, in an effort to protect their lands from dumps, incinerators and nuclear waste disposal facilities. Leaders from Badger, Fort McCoy and the ELF Project braved the Wisconsin winter to rally and educate the public on a multitude of issues including military toxics. Compromised academic freedom was the message behind the street theater production entitled, "The Marriage From Hell." The marriage was between the University of Wisconsin and the military's \$12 million in defense contracts, poisoning academic freedom within the University. *People united to create one voice for justice.*

St. Stephan's United Church of Christ, Newark, New Jersey, dedicated Sunday services to Justice Day. After the service, people marched through the streets to pray for justice; hold vigil for justice.

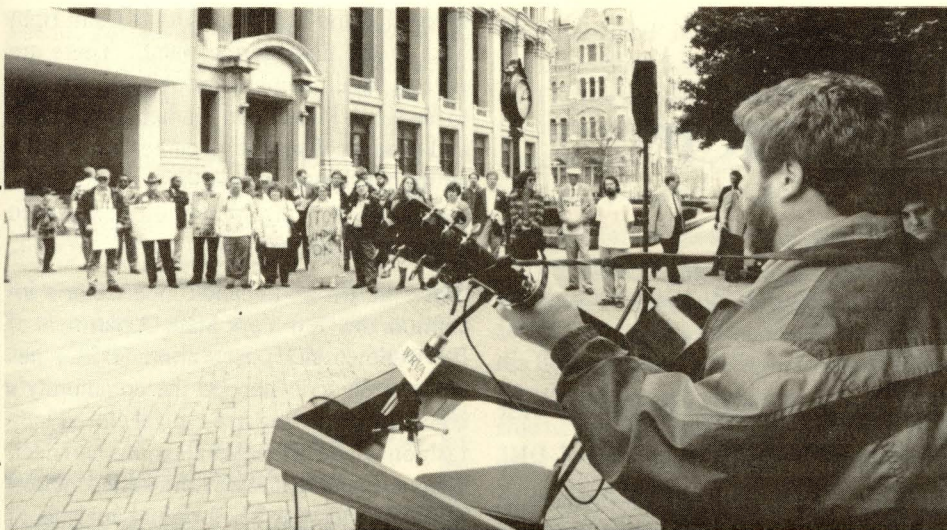
Even our friends in law practices got involved. The Trial Lawyers for Public Justice in Ann Arbor, Michigan, held a forum on environmental justice. The Ecology Center of Ann Arbor co-sponsored the event. *Another set of voices for justice.*

With the Rocky Mountains at their side, about 50 people marched in the streets of Boulder, Colorado, demanding action on nagging toxic waste problems. The Syntex pharmaceutical manufacturing plant owners are asking for an expansion. Residents are asking them to clean up their plant before any expansion is considered.

Activists in the East Liverpool, Ohio area felt so strongly that Justice Day should be an annual event that the buttons they created for their local action said, "the **first** Justice Day." East Liverpool activists were joined by many others from the tri-state area who are fighting



Photo courtesy of The Eufaula, Alabama Tribune



Singing For Justice. Roy Wade, president of the Martinsville chapter of the Amalgamated Textile and Clothing Workers Union, sang at a podium outside the General Assembly Building in Richmond, Virginia. Over 100 activists gathered to participate in the Justice Day rally.

sludge, fly ash, and industrial facility sites. Liberty and justice for all of West Virginia, Pennsylvania and Ohio is their goal.

The East Liverpool activists were not alone in asking CCHW to make Justice Day an annual event. They found the activity to be helpful and effective in building bridges between groups that they normally wouldn't

From the California desert to southern Virginia towns muffled by snow, leaders stood in solidarity to speak out about issues of justice.

ask to join their activities. Their collective sentiments were stated well by one leader who said, "Justice Day is the next logical step after Earth Day."

Justice Day was a success. CCHW's goal was to create an opportunity for leaders from different social issues to join together and speak out about the injustices that they face. Our goal was to counter the divide and conquer tactics of our opponents. Our opponents deliberately work to keep us apart by race, gender, class and issues. But, we know that all of these issues are connected in our communities and need to be seen and addressed as the root of our problems. When we stand together in our local communities,

work together and show respect for one another, we can create a powerful force that can result in lasting social change.

As Ella Baker, an organizer in the civil rights movement, once said, "My basic sense of it has always been to get people to understand that in the long run they themselves are the only protection they have...people have to be made to understand that they cannot look for salvation anywhere but in themselves."

Grassroots activists participating in Justice Day know that justice begins and ends with themselves—their active, collective participation. It was exciting to watch the building of unity when a gay rights activist shook hands with a person from the coal fields; while environmentalists stood shoulder to shoulder with organized labor leaders. In another area the NAACP joined with white families fighting against sludge dumping in communities they share. Prison and housing activists linked arms with marchers fighting an incinerator. *We, the people, fight for the lives of our communities.*

There is little doubt that those in power felt a shiver run down their spine when they watched the friendships form and the sometimes divergent voices of groups draw together. They never thought these forces would be joined. No doubt they woke up in the middle of the night in a sweat hoping everyone would go back to their own private issues once Justice Day was over. *Our voices are those they'll hear in the night.*

But, the fight for justice can only extend from Justice Day if our voices continue to be heard. Leaders must think forward in time towards other opportunities beyond the single, galvanizing issues that first brought them together. Once you've felt the power of speaking out, how can you stay silent? One single day, Justice Day, showed us we share common ground; that we can, if we stand together, take back our communities, our rights and build a better world for our children. *We, the people, build justice, one community at a time.*

Barbara Sullivan

Welcome New Staff Members

CCHW is proud to announce the arrival of two new staff members to the CCHW team. Our new Director of Finance and Administration is Barbara Sullivan. Long time CCHW members may remember Barbara from her role as CCHW administrator and research assistant in the mid 80's. For the past few years, Barbara has resided in Georgia where she was the program coordinator for the Toxic Communications & Assistance Project (T-CAP) at Albany State College. Prior to her work at T-CAP, Barbara worked to implement the Student Environmental Awareness Project (SEAP).

Our other new arrival is Charlotte Brody who has taken the position of CCHW Organizing Director. Charlotte comes from a long history of commitment to social change. She has worked to help Viet Nam Vets at the People's House in Tennessee, has worked with disabled cotton textile workers and helped found the Brown Lung Association in Roanoke and Charlotte, North Carolina. Most recently, Charlotte worked for Planned Parenthood of the Southern Piedmont and Carolina Mountains.

Welcome!

Strength in Diversity

Struggle for Survival in the South Bronx

By Nina Laboy, Member of the Bronx Clean Air Coalition and the Northeast/Puerto Rico Environmental Justice Network

The South Bronx Clean Air Coalition began with the fight against a medical waste incinerator built in our community without our knowledge. This incinerator is the creation of Resource Management Technologies (REMTECH), a subsidiary of Montenay and sponsored by Bronx Lebanon Hospital (a local conglomerate).

Starting in the summer of 1991, mothers, grandmothers, youth, clergy, civil rights advocates, environmental justice activists from our community; the Riverdale Clean Air Committee, the Mosholu Woodlawn Community Improvement Association; the National Congress for Puerto Rican Rights and the South Bronx Clean Air Coalition have been turning the heads of New York City's politicians and regulators, non-stop. These major groups formed the Bronx Clean Air Coalition, the first grassroots environmental justice coalition in New York City. Membership includes over 60 community based organizations and hundreds of individuals—including parents, cultural organizations, senior citizens, medical technicians, housing advocates, tenants, engineers, teachers, taxi drivers and librarians. All of us involved in this ongoing struggle to close the medical waste incinerator have become environmental justice experts in what seems like a flash of lightening—we had to. Through our "Saturday Outreach" program, rallies, health fairs, voter registration drives and numerous marches, the Bronx Clean Air Coalition has been able to educate hundreds of people on the environmental concerns of the community. These efforts have paid off, as the Bronx Clean Air Coalition and its supporters represent an incredibly diverse network of concerned citizens. From rich to poor, from blue collar to white

collar, the collective efforts of all of these people has made the Bronx Clean Air Coalition a force to be reckoned with.

The South Bronx is at times referred to as the poorest congressional district in the United States. A distinction we are not anxious to embrace, but it is recorded that over 50 percent of the residents of South Bronx live 125 percent below the poverty level. In the last three years, our city sanitation services have been cut by almost half. We no longer have street cleaners. The local municipal hospital, while fighting cutbacks and looming privatization, has had to create an addition to the emergency unit just to handle the increased number of patients with respiratory illnesses. Our community has one of the highest rates of infant mortality, persons with compromised immune systems, lead poisoning and asthma. But this comes as no surprise, because in our immediate community there are over 65 waste transfer stations transporting asbestos, lead piping, construction debris, medical waste, sludge and many other toxins to places all over the U.S.

Like a line of dominoes stretching out as far as the eye can see, the South Bronx is littered with numerous polluting facilities. There is a sewage de-watering plant next to a sludge treatment plant next to the recently opened New York Fertilizer Company/Wheelabrator sludge pelletization plant. A floating prison barge with capacity for 1500 prisoners is

moored at the bottom of Hunts Point right next to the de-watering plant. There are several small incinerators. All are adjacent to the Hunts Point Food Market, a large meat and produce distribution center serving the entire Northeast. Within the last two years, over 2,800 low income families have been relocated to this area. Who cares? We do.

Since the Bronx-Lebanon incinerator's inception, the New York State Department of Environmental Conservation (DEC) has deliberately side-stepped the community's concerns, operating in a typical closed loop fashion where critical evaluations and decisions are made by those with a vested interest in the incinerator. The original analysis of incinerator emissions, from which the decision was made to grant an operating permit, were conducted by Konheim and Ketchum, a consulting firm paid by the Bronx-Lebanon hospital and the incinerator's developer. Yet with all of this, the DEC has claimed objectivity in their decisionmaking and has continued to assure the community that the incinerator will pose no environmental impact or added health risk. To date, the DEC has ignored the communities' demands to conduct a full environmental impact study.

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The REMTECH medical waste incinerator opened up the community to politicians and crooks who have used the guise of "economic development" to sell death to our community. Most recently, REMTECH has filed in U.S. Bankruptcy Court for a Chapter 11 reorganization. They contend in their application that the medical waste incinerator will become profitable if it can become a cogeneration plant. The Bronx Clean Air Coalition has filed numerous affidavits that make a stack three feet tall, opposing the reorganization on the grounds of fraud and damage to the environment. The Coalition has been networking with groups in Long

Island, upstate New York, Pennsylvania, New Jersey and Florida who have fought and continue to fight against the same group of businessmen involved in REMTECH, Montenay and South Side Carting. Their "state of the art" facility in the South Bronx continues to have breakdowns and has been cited with 86 air emission violations, though it has not been fined once. Local residents have experienced a rise in respiratory ailments in themselves and their children and

...we have brought the issue of environmental racism and injustice to the forefront of this City.

are complaining about putrid smells. The chapter 11 hearings have been postponed continuously since last fall. In the meantime, REMTECH doesn't have to pay its bills, including payments on the 1.5 million in tax free bonds received from the city.

Staying power...staying power...stay in power...stay in power...

"Power does not give up anything without a struggle" —Frederick Douglass

Why is it that these phrases continue to come to mind? Especially at night when I am trying to help create new strategies for our particular struggles in South Bronx. I'm tired, my friends are tired, all of us are tired. Tired of struggling against the same groups of people who keep turning up when we get to the crux of different issues that affect lives in our community. The same regulators, the same urban "planners," the same public officials, the same "developers," the same crooks, the same mobsters, the same bankers, the same racists.

All of us in the struggle in the South Bronx are poor. Even our "professionals" are poor. It's kind of like we've been relegated to a box with no way out. But we never cease to amaze ourselves, and more importantly those we struggle against, with just how much staying power we have.

In many ways we have had a most successful year. Together, with groups like the Voter Participation Projects of the Community Service Society, the Northeast/Puerto Rico

Environmental Justice Network, the Network for a Sustainable New York (SUSNET), CAFE, and the New York City Environmental Justice Alliance, we have brought the issue of environmental racism and injustice to the forefront in this City.

For us it has meant not only continuing the fight to close the medical waste incinerator, but also actively opposing privatization of about 100 acres covering the southern tip of the Bronx by the State Department of Transportation; demanding community stewardship of the land, and being recognized at the table; opposing a proposed filtration plant in the center of our borough; pressuring for the inclusion of sustainable development and affordable housing in the local development of Melrose Commons; building greater community voter registration; participating in citywide coalition litigation against the current municipal lead abatement protocols; planning a Youth Lead Prevention Project; creating the first environmental justice library in the Bronx; fighting city budget cuts of all kinds (particularly in education and health); planning a local summit on sustainable development for the fall; and, continuing to reach out and meet with more people from our own community and communities all over the country. But it doesn't stop there. As most of you who struggle for justice, we are raising our families, earning a living, praying, playing as often as we can and educating ourselves.

What makes us—communities of color, the

indigenous and the poor—develop the persistence to resist the destruction of ourselves, our families and our environment? For me and many of the women I know, it is the promise of generations to come and their

Our community has one of the highest rates of infant mortality, persons with compromised immune systems, lead poisoning and asthma. ...in our immediate community there are over 65 waste transfer stations transporting asbestos, lead piping, construction debris, medical waste, sludge...

survival. Staying Power...Staying Power...It is up to us to save ourselves and our families. The struggle will continue until the incinerator is permanently shut down.

Nina Laboy is Director of the Voter Participation Projects of the Community Service Society of New York, a founder and steering committee member of the Bronx Clean Air Coalition and the Northeast/Puerto Rico Environmental Justice Network. She is on the Executive Committee of the National Congress for Puerto Rican Rights-New York City Chapter and is also mother of four and grandmother of four. ♦



Native Americans Fight Back

Dumping in the Desert

By Marina Ortega, CCHW Local Leadership Apprentice, and John Gayusky, CCHW Research/Organizing Associate

Toxic racism is alive and well in the California desert. Long considered a wasteland of scrub brush, sand dunes, and a sparse population, the southern desert region has been the target for numerous garbage dump schemes, a nuclear waste dump, and other waste disposal plans in recent years. It should come as no surprise that Native American communities in the desert have been the focal point of efforts by unscrupulous dumpers looking for poison-for-profit opportunities.

CCHW has learned of the plans to dump on southern California Indians through the work of Marina Ortega, our Local Leadership Apprentice on the Santa Ysabel Reservation. As a CCHW Apprentice, and through her own organization, the California Indians for Cultural and Environmental Protection (CICEP), Marina has worked closely with tribal members on at least three reservations, helping them with their efforts to ward off toxins being disposed of on their land.

The latest assault on Native Americans centers around sludge from the City of San Diego. The city has contracted with dumpers whose final destination for the sludge has been the reservation of the Torres-Martinez band of Cahuilla Indians. And new proposals are afloat to bring more San Diego sludge to the Cahuilla reservation.

Cahuilla Reservation

The Cahuilla Reservation is located on 18,000 acres in Riverside County, near the small desert community of Anza. The reservation has about 127 adult members who are governed by the custom and tradition of the Cahuilla elders.

It's become apparent that Indian land has been singled out for disposal of San Diego City sewage sludge. With dumping halted on the Torres-Martinez reservation after

creating a 500,000 ton sludge mountain, Cahuilla was next in line.

Tribal members first contacted Marina Ortega and CICEP about the San Diego sewage sludge dump proposal. They wanted information on sludge, NEPA (the National Environmental Policy Act, which is Federal environmental law) and to plan for an upcoming "scoping" public meeting.

Cahuilla members voiced their concerns about the proposed sludge dump, and told of an existing facility on the reservation, a "hydrocarbon contaminated soil remediation project," and other types of unknown dumping going on late at night and during regular business hours. These projects are the property of two companies headed by tribal members: the Candelaria Environmental Co. contaminated soil facility, and the Shrecka Co. sludge proposal. These tribal members are acting in conjunction with non-Indian business partners, Chuck and Jerry Perrault.

"From 100 to 200 trucks are coming in per day, dumping contaminated soil, and we don't know where it is coming from," said tribal Chairwoman Rose Ann Hamilton. She added that some truck drivers have told tribal members that some of the waste came from San Diego.

A pattern of exploitation soon became obvious. Sensing an easy way to make big bucks, non-Indian dumpers were zeroing in on these southern California tribes hoping to

exploit tribal customs and sovereignty to dump at will. Cahuilla tribal custom and traditions allow inherited lands, held in trust for the tribe, to be developed by individuals, provided the development is not a detriment to other land owners or other tribes. Yet even though the contaminated soil facility was rejected three times, twice in court and once by tribal vote, the directives were ignored and the facility continues to operate. Now, according to tribal Chairperson Rose Ann Hamilton, dumpers and the City of San Diego exploited these customs by going behind the tribe's back and meeting with the Bureau of Indian Affairs (BIA) and members of the band to try and strike a deal allowing the sludge to be dumped.

NEPA requires a scoping, or public involvement, process for any environmental project that involves the federal government. Sludge proponents at Cahuilla tried to evade this process in order to quickly win approval before tribal members could learn the details of the project. This time tribal members uncovered the dumper's deception. They revealed the dumpers plan to use the

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"scoping" meeting as a source of documentation in the final Environmental Assessment for the sludge project, as a way to meet the requirements for public participation, or scoping, without the public being aware that this was the purpose of the meetings. The project had been in the review process for two years and, with technical review from the BIA, had reached the final review stage. The rest of the process would likely be granted a waiver under tribal sovereignty, and the project given a green light.

Tribal members acted quickly to expose this scam public meeting, writing to the BIA

Con't on the next page

with their concerns and dis-inviting the agency. Tribal members controlled the meeting, asked San Diego sludge reps to leave, and forced cancellation of the other "scoping" meeting.

A new twist in the sludge proposal revealed an old face associated with toxic dumping

"If I was a hazardous waste facility operator I would go to the Indians and say, 'Here's a million bucks, let me operate a facility' "

—David Takashima, chief of staff for Assemblyman Steve Peace D-Chula Vista

and scandal. At an informational community meeting on Feb 18, Candelaria Environmental Co. showed up in force with security workers, in an attempt to intimidate anti-dump residents. They also brought along a rep from the "third party independent testing" consultant, Petro Purge, whose president happens to be Rita Lavelle. While head of the Superfund program in the Reagan EPA, Lavelle was convicted of perjury and obstructing a congressional investigation and spent time in federal prison in the early 1980's.

Undeterred by the dumpers attempt at intimidation, tribal members have directed the Chairperson to take whatever action necessary to stop the dumping, close the dump and look for cleanup methods. They reaffirmed a 1991 resolution prohibiting the Candelaria contaminated soil facility from operating, and sent notice to BIA offices in Riverside, Sacramento, and Washington, DC.

Tribal members from the two San Diego sludge targeted reservations, Cahuilla and Torres-Martinez, exposed the "dirty deal" between Shrecka and the City of San Diego in front of city hall with a protest and press conference. Chairpersons from both tribes were among the speakers demanding that San Diego end their toxic, racist pursuits to dump on Indian lands. City officials claim San Diego has since backed off pursuing a sludge dump on Cahuilla land. "We don't want to be dumped on anywhere," Chairperson Hamilton said. "We want the city to stop

the dirty deals behind our backs."

Torres-Martinez Reservation

Members of the reservation of the Torres-Martinez band of Cahuilla Indians are living with the toxic legacy of a project similar to the proposal tribal members on the Cahuilla reservation are working to stop. Located east of Palm Springs, the 28,000 acre reservation served for three years as a dumping ground for San Diego city sewage sludge. The dump serves as a textbook example of environmental racism—not only is the dump on Native American land, it is adjacent to a predominantly Latino community. The result—a 5-story tall mountain containing about 500,000 tons of toxic sludge.

The sludge mountain grew out of a contract between San Diego and Chino Corona Farms, and called for sludge to be composted on a designated part of the Torres-Martinez reservation. The contract required Chino Corona to post a \$2 million bond, and placed all liability on the company. But the sludge never reached its intended destination; instead it was stockpiled into the current toxic mountain.

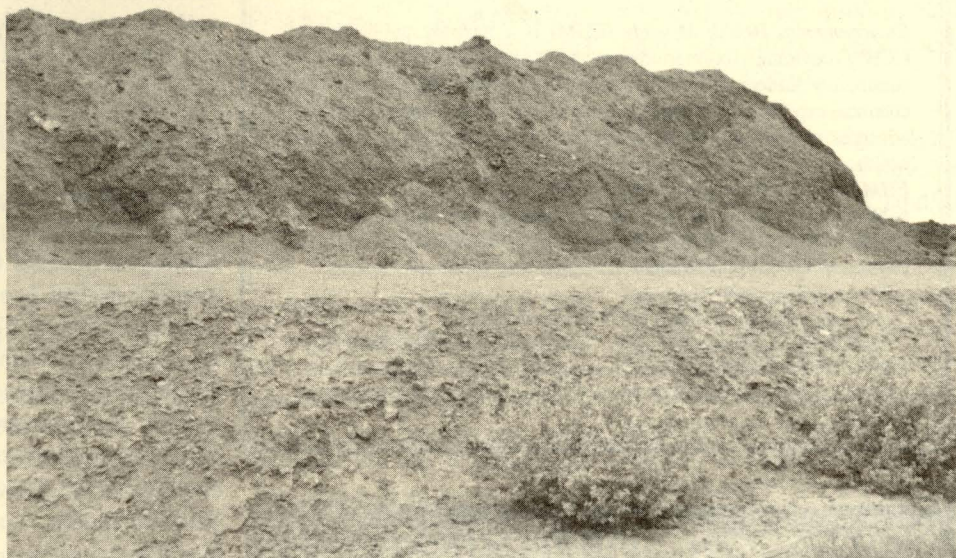
San Diego eventually canceled its contract upon learning, after nearly 3 years, that the sludge was not being composted. And they washed their hands of any responsibility for cleanup, claiming Chino Corona was "fully liable."

Yet what remains for nearby residents is a mountain of toxic sludge carrying a possible \$14 million cleanup bill, dust and odor problems, and heavy metal and nitrate ground water contamination. Adding insult to injury already heaped upon tribal members is the fact that, according to Chairwoman Mary Belardo, Chino Corona continues to dump sludge from other areas at the site, despite the fact the company has filed for bankruptcy.

Speaking with other Cahuilla band members at the San Diego City Hall press conference, Belardo declared that "we have a major problem with the city of San Diego. They've left us with a pile five stories high. All the tribe wants is for the mountain to be gone."

While toxic sludge and other wastes continue to be dumped on Indian lands in the California desert, agencies who are considered responsible for regulating these activities have passed the buck on these projects. As they have increased the pressure on agencies to halt the dumping, Native American activists have been shown a game of Catch-22 regulatory shuffle from the BIA, to the EPA, to the state of California. At Torres-Martinez, BIA claims it is powerless to enforce federal environmental regulations because an approved lease between the dumper and the land owner doesn't exist. In other words, since the company may be operating illegally, the government can't

Con't on page 18



A 500,000 ton, five-story tall sludge mountain, compliments of San Diego City.

Photo Courtesy of The Desert Sun

A C T I O N L I N E



ALABAMA: Now that the Tuscaloosa Turkey's garbage gobbling, trash burning days are over, a county-wide recycling program is being considered. Residents say that it was the incinerator (Tuscaloosa Turkey) that put on hold any county effort to recycle and now that the Turkey is gone (shut down in November of 1993) it is time for the county to implement a plan. Opponents of the incinerator are strongly urging county officials to convert the ill-fated incinerator into a recycling center. Officials are balking at the idea, saying that the existing incinerator would need a complete overhaul to house such a center. ♦♦ Members of the **Malcom X Grassroots Movement** and hundreds of other supporters gathered in Birmingham on March 4, to begin again a march that

they attempted on Martin Luther King day. One would think that they had been transported back into the violent days of the Civil Rights Movement by the sad events. In January, members of the group tried to march through downtown to City Hall in protest of the current efforts to build a BFI garbage facility in an African American neighborhood. As the marchers were approaching the Birmingham City Hall, a renegade white policeman drove into the march over the authority of a senior black officer already accompanying the march. This set in motion what has become known as the Birmingham Police Riot. Apparently, no officers were disciplined for the event, although Mayor Richard Arrington has stated his assurances that justice will be served.

Correspondent: John Earl, Tuscaloosa.

ARIZONA: Governor Fife Symington has ordered an immediate health study to be done in the Nogales area, south of Tucson. The study has been ordered to examine the high rates of cancer in this small area. These findings were uncovered by a study from 1989-92, by the University of Arizona, in which alarmingly high rates of multiple myeloma, lupus and leukemia were first observed. This newest study will be conducted by the state Department of Health Services.

ARKANSAS: Two El Dorado citizens have won a battle to have the Agency for Toxic Substances and Disease Registry conduct a two-year study to see whether health problems can be linked to identifiable chemical emissions. The agency plans on doing two preliminary studies, prior to the two year study, that will look at rare neurological ailments and brain tumors in the area and the health of people who live near the Great Lakes Chemical Corp. To find out **exactly** what these lucky people in El Dorado have won, please see *ATSDR- Don't Ask, Don't Tell, Don't Pursue* on page 15.

Correspondent: Mardell Smith, El Dorado.

CALIFORNIA: In early February, the U.S. Fish and Wildlife Service designated 6.4 million acres of critical habitat for the threatened Desert Tortoise, including the site of the proposed Ward Valley radioactive waste dump. Environmentalists and Native American tribes have declared this a victory in their battle to protect the California desert from nuclear contamination. This decision by the wild-

life service was due to the unyielding pressure exerted by the **Bay Area Nuclear Waste Coalition, Desert Citizens Against Pollution the Fort Mojave Indian Tribe** and many others. The proposed dump would have taken long-lasting and highly toxic radioactive wastes from nuclear plants,

radiopharmaceuticals and biomedical industries. Congratulations on this tremendous victory!

♦♦ After a lengthy trial, jurors found the state of California liable for \$159,000 to be paid to nine of seventeen plaintiffs who were harmed by the state's mismanagement of toxic waste at the Stringfellow Superfund site.

♦♦ The state EPA has weakened a citizen's right-to-know regulation for the fumigant methyl bromide. Under the state's *Safe Drinking Water and Toxic Enforcement Act of 1986*, the state is required to annually publish a list of chemicals known to cause birth defects, cancer or reproductive toxicity. Methyl Bromide was added to this list in 1993, requiring that farmers using the chemical notify residents within a four mile radius of the fumigant's use. Under the new regulation, notification is now only required when the chemical is used for structural fumigation purposes and not when the fumigant is used for agricultural production. According to the **Pesticide Action Network**, an estimated 95 percent of methyl bromide used in the state in 1992 was for agricultural purposes. ♦♦ The Chevron Chemical Corporation is trying to obtain a permit from the state EPA that will allow them to continue burning toxic waste in their inciner-

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Environmental Health Monthly

Environmental Health Monthly (EHM) is a monthly publication of CCHW providing a forum to educate and inform health professionals and community leaders so that they may better understand the impact of chemical exposures on people's health. Learn about the latest trends and advances in fields such as epidemiology, toxicology and occupational health.

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A C T I O N L I N E



ator in Richmond. The incinerator, which is next to an elementary school, has been operating since 1967 and burns twenty-four hours a day, seven days a week. **West County Toxics Coalition** and **Citizens for a Better Environment** are using the grassroots environmental justice network to the fullest citing the recent victory in Kettleman City, and the 1992 victories in Pittsburg and Martinez, as examples of other communities that successfully stopped proposed incinerators. The rallying cry of this latest campaign to put another incinerator out of work is, "Can we stop the incinerator at Chevron? Yes we can! Other groups have!" ♦♦ What do you do when you run out of land to spread sludge? You inject it under the ground! The Lompoc city council is proposing to purchase 80 acres of land for liquid sludge injection. Although the city council is opening up this latest proposal to public comment, the city is already moving ahead to inject sludge at a previously purchased 25 acre tract. According to a water department supervisor, "Injection of the liquid sludge into the earth to a depth of about 12 inches is an environmentally and economically sound method of disposal. Agricultural use of the land is permitted after injection, although only crops for non-human consumption are allowed for five years after the process is completed." For some background on the dangers of sludge please see *Sewage Sludge and Lead—Not Safe for Land Spreading* on page 18.

Correspondent: Mary Burns, Mira Loma.

CANADA: Hydro-Quebec has

been given the go ahead by the Quebec government for construction of the Ste. Marguerite-3 (SM-3), a \$1.2 billion (yes, BILLION) dam which will be located north of the Gulf of St. Lawrence. Hydro-Quebec has already earned an international reputation for displacing the Chisasibi Cree from their lands to make way for James Bay I and II, the largest single hydroelectric project in North America. In this latest megaproject, Hydro-Quebec will displace hundreds of indigenous Innu that live in the area who will be affected by the dams and flooding caused by SM-3. To protest the project, the **Native Forest Network (NFN)** held a very successful international day of action on Hydro-Quebec's 50th Anniversary, April 14. NFN will continue to fight the proposal with rallies and actions to be held in the U.S., Europe, Australia and Canada. For further information contact Eastern North American NFN, (802) 863-0571 or email: peacejustice@igc.apc.org.

COLORADO: The **Indian Peaks Group** of the Sierra Club co-sponsored a very successful Justice Day rally in Boulder. Participants included the **Colorado University Toxics Group**, **Boulder Community Alliance**, **American Indian Movement** and many other grassroots citizens' groups. Following a lively rally at the University of Colorado Memorial Center, the protesters marched to the Boulder Municipal Building for a news conference regarding Colorado's number one toxic polluter, Syntex Chemicals. ♦♦ The **Land and Water Fund (LAW)**, representing the

Colorado Public Interest Research Group (COPIRG), **Boulder Toxics Education Project** and **BREATHE**, has announced the formation of a new toxic waste enforcement campaign that would target Colorado companies that fail to report on the hazardous materials they use. One of the companies targeted, Southdown, Inc., engages in the processing, treatment and disposal of hazardous wastes. In 1989, it signed an agreement with BFI and Cadence Chemical Resources in which it agreed to employ its cement kilns in resource recovery operations by partially substituting hazardous waste derived fuels (HWDF) for conventional fuels in the cement manufacturing process.

CONNECTICUT: Numerous grassroots groups in New Haven and the surrounding area have joined forces to oppose the reopening of an incinerator that will incinerate sewage sludge. **Don't Waste Connecticut, Cooperative Citizens Monitoring Network, Connecticut Grassroots Environmental Network** and ten other groups have joined in solidarity to protest the reopening of this facility. The facility, which is operated by the Water Pollution Authority, has lain idle for a number of years following a mandatory shutdown due to inability to meet air quality standards. The state EPA and the Bureau of Air Management has issued a permit to modify the incinerator; such modification would allow sewage sludge burning to resume. Two petitions are pending before the Board of Alders (City of New Haven). Groups are asking

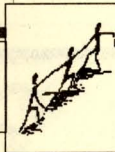
that all work be stopped and public hearings be held to address the significant health and safety risks posed by incineration of sewage sludge.

Correspondent: Len Krimerman, New Haven

DISTRICT OF COLUMBIA: Victory! On February 11th, President Bill Clinton signed an Executive order that requires federal agencies to assure that their environmental policies do not discriminate against the poor and minorities. Said Clinton, "All Americans have a right to be protected from pollution, not just those who can afford to live in the cleanest and safest communities." Clinton ordered all federal agencies to "make environmental justice a part of all that they do" and ordered the creation of an Interagency Working Group on Environmental Justice that will report to the President to ensure that this happens. The signing was held in conjunction with a government sponsored conference on "Health Research and Needs to Ensure Environmental Justice" that was attended by over 1000 participants including many local grassroots activists.

FLORIDA: A federal grand jury has indicted the former director of Escambia County's landfill on charges of contaminating nearby streams. The grand jury charged Charlie Miller with two counts of discharging sewage, chemical waste, garbage and other pollutants into the streams while he was in charge of the Perdido Landfill. If convicted, Miller could face four years in prison and a \$7,500 fine. ♦♦ The American Electric Services Company (A.E.S.) is still con-

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sidering other potential sites for its facility which would store hazardous waste generated by military and other industries. Some of the waste would be mixed to create fuel for industrial use. A.E.S. originally tried to locate on Ellis Road in Jacksonville, but adverse public reaction turned them away. The company has secured the services of the Rust International Inc., a subsidiary of WMX Technologies, to design and construct the facility.

Correspondent: "Crapper John" Austin, Jacksonville.

GEORGIA: In 1993, the state passed law directing environmental officials to publish a publicly accessible list of all reported toxic sites, estimated at 1,200. Now those same officials are proposing a limited list, excluding many of the toxic sites. Under pressure from industry groups that opposed the comprehensive list, the Environmental Protection Division (EPD) and the state Board of Natural Resources is caving in and proposing to "screen" or limit sites on the list. Industry groups fear that a comprehensive list would cause property values to fall around contaminated sites and bring greater potential liability to industries that may be responsible for the toxic pollution.

Correspondent: Carol Williams/Eco-Action, Atlanta.

IDAHO: In a tremendous victory for the **Silver Valley People's Action Coalition**, a series of workshops will be held to teach physicians how to identify and treat ailments associated with lead contamination. Twenty years after linking lead poisoning in Shoshone County children to local mining operations, health officials have decided to

conduct a series of workshops throughout the panhandle and in Spokane.

Correspondent: Barbara Miller, Kellogg.

ILLINOIS: In an effort to educate the public as to an incinerator being proposed for the area, **Williamson County Concerned Citizens** and the **Southern Coalition on Protecting the Environment** of southern Illinois, have erected a billboard warning Marion residents that it is not too late to stop the proposal. The incinerator, which the U.S. EPA has proposed, would be built next to Crab Orchard Lake, next door to a National Wildlife Refuge. The facility would incinerate soil contaminated with PCBs. Photo below: A billboard on Route 13 warns Williamson County residents to stop the proposed incinerator before it's built near Crab Orchard lake. The sign was the creation of several devoted activists who have erected other billboards to advertise environmental concerns.

Correspondent: Loretta Hardy, Chicago.

INDIANA: After many years of debate and lawsuits a controversial incinerator, originally proposed for Bloomington in 1984 to burn PCBs, is being put on hold indefinitely. Due to the unyielding efforts of **The Coalition Opposed to PCB Ash**, **Monroe County Environmental Coalition**, **Indiana Public Interest Research Group**, **People Against the Incinerator**, **Student Environmental Action Coalition** and many other concerned activists, the PCB clean-up plan is being reconsidered so that alternative technologies to incineration can be thoroughly investigated. The incinerator proposed by Westinghouse Electric Corporation, would have

burned PCBs from electrical capacitors built by Westinghouse from the 1950s up until 1977 when Westinghouse phased out PCB use in capacitor manufacturing. Congratulations to all of you!!

Correspondent: Mike Moore, Madison.

LABOR: The **United Electrical, Radio and Machine Workers of America (UE)** has called on the General Electric Company to reinstate ten workers fired for trying to organize a union at GE's Compania Armadora plant in Juarez, Mexico. The firings represent "serious violations of labor and human rights" which have "occurred almost immediately in the wake of NAFTA's passage..." the union charged in a letter to President Clinton requesting that he intervene on behalf of the discharged GE workers. One Compania Armadora worker was fired for hosting a meeting to discuss organizing a union; another for divulging to a MacNeil/Lehrer news team that chemicals banned in the U.S. were being used at the Compania Armadora. Others were fired for alleged insubordi-

nation. ♦♦ Over one hundred people, representing both labor and environmental organizations, gathered at Southern Connecticut State University to participate in a very successful environmental conference. The conference addressed three main issues through workshops and panel discussions: environmental illness and public health, creating jobs and a safe environment and environmental racism.

LOUISIANA: Due to the courageous efforts of **Calcasieu League for Environmental Action (CLEAN)**, Browning-Ferris Inc. must apply for a new permit if it wants to move hazardous wastes from its other operations to the BFI/CECOS Willow Springs facility. The Willow Springs facility is an injection well for toxic wastes from oil fields and the petrochemical industry. The judge who denied the permit modification has also stated that the state Dept. of Natural Resources cannot issue anymore injection well permits to BFI/CECOS until the company undergoes a new permitting process, including pub-

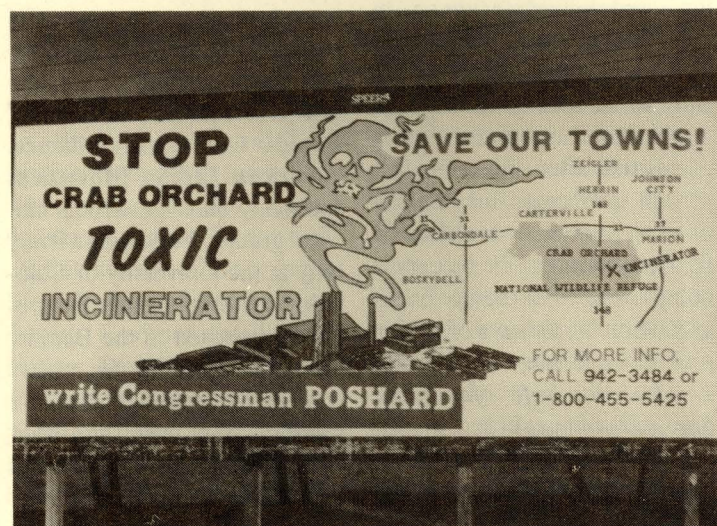
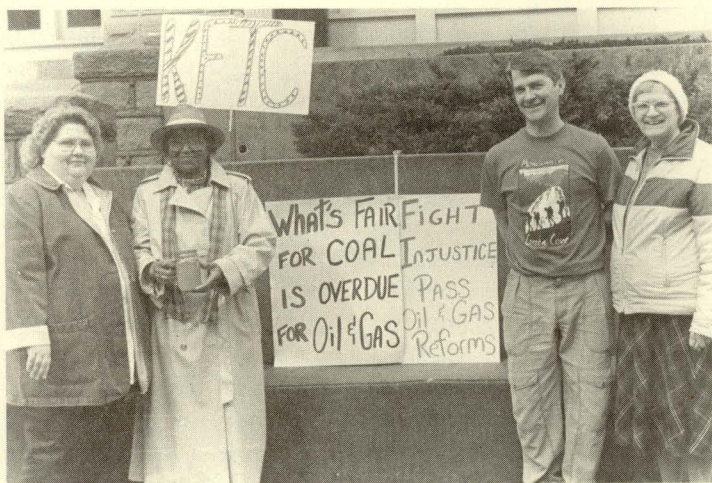
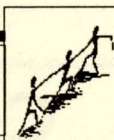


Photo By Brian Wetzstein/The Daily Egyptian

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Activists gathered for a Justice Day rally at the Kentucky state capitol in Frankfort, to seek justice and relief from the many polluting facilities across the state.

lication of legal notices and public hearings. ♦♦ Due to the public's strong opposition towards Chemical Waste Management Inc. (CWMI), Calcasieu Parish Planning Commission voted down CWMI's request to have property rezoned from agricultural land to hazardous industrial. CWMI was requesting that the land that it was to acquire be rezoned in order to accommodate their plans to build a landfill. ♦♦ The U.S. EPA has proposed regulations that would shut down the Marine Shale Processors hazardous waste facility near Morgan City. The company burns hazardous waste from across the U.S. and foreign countries in what it calls a "recycling operation." However, EPA said the company does not qualify for an industrial/furnace permit, as a recycler, and actually operates a hazardous waste incinerator. According to the EPA even if the company did qualify for a permit they wouldn't be issued one because of their "history of non-compliance with environmental permits and regulations." ♦♦

One of the largest fines for hazardous waste violations in the state has been issued by the state's Dept. of Environmental Quality to Laidlaw Environmental Services, Inc. Laidlaw, who operates a hazardous waste blending facility near Crowley, is being fined over \$1 million for hazardous waste violations committed over the past few years. The Canadian-owned Laidlaw has an incredible record of spills, leaks, fires, lawsuits and criminal fines all across the U.S. and Canada.

Correspondents: Mitchell Bond, Baton Rouge; Mary Lee Orr/LEAN, Baton Rouge.

MAINE: A Maine People's Alliance (MPA) report says that nine of the state's ten largest producers of toxic chemicals are not submitting plans to the EPA, as required by law, concerning their pollution prevention plan. In its report, *Poisons in Our Neighborhood*, MPA states that Maine manufacturers generated 105.6 million pounds of toxic waste in 1991. Top polluters included S.D. Warren, Nichols Portland, NRG Barriers, Inc., National Semiconductor, Saco

Defense, Bath Iron Works, Sabre Yachts, GTE Control Devices and Deering Ice Cream Corp.

♦♦ Citizens in the city of Brewer have beaten back a proposal by Browning-Ferris Industries to spread sludge on local farm fields. BFI cited "unrealistic conditions placed on the sludge-spreading license by the Dept. of Environmental Protection" as the reason for backing off. BFI will haul the sludge from Brewer to fields elsewhere in the state. BFI has been spreading their sludge in Knox, Dixmont, Troy and Plymouth and is hoping to acquire permits to spread in Swanville and Etna. ♦♦ Georgia-Pacific will pay a \$365,000 fine for air-quality violations at the company's eastern Maine paper mill in Woodland. ♦♦ Over fifty activists from the **Mount Blue Coalition** took over the first floor of Maine's Parks and Recreation Dept. in Augusta. The Coalition, protesting the timber cutting in Mount Blue State Park, held the first floor for 8 hours until authorities arrested twelve of the activists and forced the others from the building. One month earlier, the Mount Blue Coalition blockaded entrances and occupied the roof of United Timber offices, home of Timberland Inc., the company currently logging areas of Mount Blue State Park.

Correspondent: John Dieffenbacher-Krall, Bangor.

MARYLAND: Bethesda residents are claiming victory following the decision by the National Institutes of Health to close down their medical-waste incinerator. The **North Bethesda Congress of Citizens' Associations** have been fighting the agency over its practice of burning hazardous waste, including some

low-level radioactive material, so close to residential homes. According to a NIH spokesperson, the incinerator will be shut down for up to two years while alternatives to incineration are being considered. ♦♦ Residents located in southern Harford County and the southeastern area of Baltimore County are in shock after learning that nearby Carroll Island and Graces Quarters were once used for U.S. army open-air experiments. Between 1950 and 1972, the government conducted experiments with hundreds of pounds of nerve agents, blistering agents, vomiting agents and other "incapacitating agents." Over 5,000 families live within a two-mile radius of the two sites. Residents are worried that the sites have contaminated the groundwater and that crabs and fish caught around the testing sites are unsafe to eat. So far, the Army and state regulators have been unable to assess the extent of contamination. ♦♦ A hotly protested plan to process sewage sludge near Gumboro has been abandoned due to the unyielding efforts of Gumboro-area residents. United Soils Inc. of Princess Anne, Maryland, wanted to create a combination mulch-fertilizer from sludge from municipal sewer plants. United Soils still intends to process the sludge in Delaware, according to the company's lawyer.

Correspondent: Carolyn Cohen, Baltimore.

MASSACHUSETTS: It's official. The EPA will not use incineration as a means to burn the PCBs dredged from the Acushnet River in New Bedford. Although, because of "procedural reasons," the EPA could not just say incineration was off the books (probably because they would be

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admitting that the citizens were right). EPA officials stated that they are working to find another way to rid the Superfund site of PCBs. ♦♦ The EPA is moving closer to a plan which would put Walpole out of the picture to accommodate a sludge landfill. Now EPA is leaning towards a plan which would send the sewage sludge to East Carbondale, Utah instead. Under the new plan, the Walpole site would remain in the hands of the state Water Resources Authority, allowing the authority to develop the landfill should all other options fail.

Correspondents: Brian Pearson, Fall River; Matt Wilson/MCCHW, Boston.

MICHIGAN: The **Citizens Action Committee** is continuing to fight an incinerator proposed by Decker Energy and their new found partner Wheelabrator, a subsidiary of WMX Technologies. Although the majority of the residents oppose the proposal, the Charlotte City Council has ignored this opposition. Currently, Decker Energy/Wheelabrator have taken their fight to the papers buying up ad space to sell their facility. They've even circulated a four page flyer door-to-door that proposes to show how Decker/Wheelabrator are "good neighbors." The flyer reads, "In over a decade of operation in communities across the nation Decker Energy International and Wheelabrator Environmental Systems have proven themselves to be good neighbors. In addition to bringing jobs and added tax revenue to the over twenty host communities where plants are in operation, both Decker and Wheelabrator actively support a number of community and char-

itable projects." Perhaps the citizens in Charlotte should ask residents of Claremont, New Hampshire, and Bridgeport, Connecticut, what good neighbors Wheelabrator has been for them. ♦♦ In an effort to leave their tainted reputation behind them, Envotech has changed its name to The Environmental Quality Company. This will be the third time this company has changed its name. Prior to 1989, when they had proposed to build an incinerator in Augusta, Maine, the company was known as Augusta Development Company. According to a spokesperson for **Michigan Citizens Against Toxic Substances (MCATS)**, "Most companies find name recognition an asset. It's common practice for waste industry corporations to shed names on a regular basis—a snake does that too." Well said!!

Correspondent: Verna Courtemanche, Swartz Creek; C.J. Eicholtz, Milan.

MISSOURI: Residents and members of the group **Citizens to Save Our Environment** continue to fight against ICI Explosives, that proposes to build an incinerator east of Joplin. The citizens are demanding that the construction and permitting process stop until a valid health profile is done to access the current health of individuals within a five mile radius of the site. Apparently the current profile done by ICI did not address all potential routes of exposure—direct and indirect. The EPA has "strongly requested" that ICI Explosives seek an independent consultant to prepare a complete, site-specific risk assessment for its hazardous waste incinerator. ♦♦ The **Times Beach Action Group (TBAG)**, a coalition of

concerned citizens and dioxin victims, will be holding a protest to demand that the EPA scrap its plan to build an incinerator to burn the dioxin poisoned soil at Times Beach. TBAG is also demanding that victims of Times Beach be compensated; a congressional investigation be done to look at EPA and its unethical relationship with the chemical waste industry; and, that President Clinton keep his promise to support a moratorium on the construction of hazardous waste incinerators.

Correspondent: Kathleen McCartney, Glenwood.

MONTANA: Activists in the Missoula area are celebrating the news that the EPA will begin working with Atlantic Richfield Company (ARCO) to produce the information necessary to present a full remedial investigation to the Milltown and Missoula community. For the last year the EPA, with the support of ARCO, has advocated a deferral at the Milltown Superfund site once the remedial investigation was completed. Members of the community argued that before any deferral could be considered, the community must have confidence that the fate and transport of arsenic in the groundwater at Milltown is understood and presents no risk to the community.

Correspondent: Ted Lange, Billings.

NATIVE AMERICANS: "Don't dump on Indian land" was the chant as more than thirty Native Americans descended upon City Hall to charge the city of San Diego with using, or seeking to use, Southern California Native American lands as the dumping ground for city sewage residues—sludge. City officials

denied that they were targeting or sending any sludge to Native American lands. This directly contradicts the fact that there is a five story tall, 500,000 ton mound of sludge on the 28,000 acre reservation of the Torres Martinez band of Cahuilla Indians. The sludge heap stems from San Diego's contract with Chino Corona Farms, which city officials say has been canceled. Apparently sludge or polluted soil is also a problem on the Cahuilla Reservation where 100 to 200 trucks a day roll in to dump their sludge loads. According to CCHW's Local Leadership Apprentice Marina Ortega, the demonstration at City Hall was to "let the city of San Diego know that we are tired of being targeted to take their waste." For more information on San Diego dumping see *Dumping in the Desert* page 6.

Correspondent: Lance Hughes/NACE.

NEBRASKA: Rancher Lowell Fisher is the recipient of the prestigious Giraffe Award, an award given to those who stick their necks out for the common good. Lowell along with 27 other neighbors formed the **Save Boyd County Association (SBCA)** to force the governor to get Boyd County's consent in order to okay the siting of a five state radioactive waste dump. Governor Orr had promised to get local consent prior to giving the go ahead on the dump, but then ignored her promise even after the township voted to reject the dump, not once, but twice. Fisher and others made the dump a major campaign issue and voted Orr out of office. Currently, SBCA is fighting to keep the dump from being built anywhere in Nebraska.

Correspondent: Jack Zeider, Columbus.



Keep Poisons Out Of Our Foods

Save the Delaney Clause

CCHW has launched a campaign to specifically target toxic contamination of food. The **Protect Our Children - Save Delaney Campaign** has been designed to preserve the Delaney Clause and pass new legislation to protect raw produce. The Delaney Clause, a law passed in 1958, prevents the Food and Drug Administration from allowing cancer-causing chemicals in processed foods.

Carol Browner, the Administrator of the U.S. Environmental Protection Agency wants to abolish this law because she feels that Delaney is too hard to enforce. Carol Browner wants to put poison in our food! She believes that allowing the use of a chemical that will cause one cancer death per million people per food product is an acceptable risk. The National Academy of Science (NAS) is critical of the EPA's approach, pointing out that children in particular will be adversely affected since they are not little adults and EPA's "one-size-fits-all" approach to risk assessment will put children at risk.

CCHW has designed the **Protect Our Children - Save Delaney Campaign** after our historic McToxic's campaign, that forced McDonald's to stop the use of foam packaging. This time our corporate target is Dole Foods. Dole Foods has stated in a letter to CCHW that they support abolishing the Delaney Clause and using instead the one-in-a-million cancer risk strategy. Dole has a miserable record both overseas and at home. A Honduran government investigation of pineapple plantations in 1992, found Dole workers with skin rashes, eye problems, headaches, dizziness and nausea. Pregnant women, women breast-feeding their babies and children as young as eight were found working in the pesticide-laden fields. In May 1993, over 150 women filed a federal sex-discrimination suit in Los Angeles against Dole and two of its California citrus-packing plants. The suit alleges sex discrimination in job classifications, hiring, work assignments and promotions. Dole's record of exposing workers and their families to dangerous chemicals shows a real disregard for public health and safety. Their discrimination against women is outrageous, especially because it is most often women who buy their products. Finally, their position that it is acceptable to deliberately expose people - children - to cancer-causing chemicals in processed foods is repulsive.



Besides Dole Foods, we need to put serious pressure on Congress, since Congress is the only government body with the authority to abolish Delaney. We need your help and support in getting the word out and letting people know what is happening and how they can get involved.

Here are some steps you can take:

- ❖ Write a letter to EPA and your elected representatives asking them to stand with you to protect the Delaney Clause.
- ❖ Write a letter to the editor to educate your community and ask that they write or call their elected officials demanding the preservation of Delaney.
- ❖ Call Dole's 800 number (1-800-232-8888) and let them know how you feel. It won't cost you anything, it's their dime. Write Dole a letter - public opinion means a great deal to such companies.
- ❖ Ask your School Board to pass a resolution in support of Delaney to protect the children who eat mostly processed foods in school lunches.
- ❖ Ask your local supermarket to provide you with a letter or resolution stating that they support Delaney and want to provide their customers with the safest foods possible.
- ❖ Send copies of the resolutions, letters or news articles to EPA, your elected representatives and to CCHW so that we can pass them on to other groups.

To find out about other ways you can get involved write CCHW for our full campaign kit (\$5.00). Wear your opinion on your shirt with one of our two buttons - "Safe Foods, Healthy Children, Save Delaney" or "DOLE - Damages Our Lives health & Environment." Buttons are \$1.00 each.

Publication List

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"Our community organized and fought a proposed toxic waste incinerator, ash landfill and solvent recovery system two years ago. We successfully stopped the state from condemning privately owned, productive farm land. When I got involved one of the first pieces of literature I received was a copy of How To Deal With A Proposed Facility. That booklet and many other CCHW materials proved to be invaluable in our successful effort."

General Reading

1. Love Canal: My Story

By Lois Gibbs. The inside story on the LCHA's successful organizing for the buy out of 900 families from Love Canal. We've all learned a lot from this fight. **Hardbound edition. List: \$12.95, Your Price: \$9.95.**

7. Love Canal: A Chronology of Events that Shaped a Movement

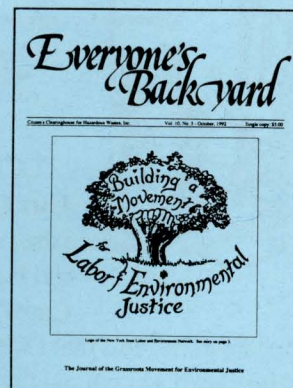
The Grassroots Movement for Environmental Justice began at Love Canal. Find out how, in the words of those who were there. Includes great health effects/pollutant charts and maps that could be a model for your community. pp. 86, \$9.95

59. Environmental Justice Songbook

Over 80 songs by grassroots activists. Bring music into your fight for environmental justice. pp. 60, \$9.95

Everyone's Backyard

Bi-monthly journal of the Movement For Environmental Justice. Published by CCHW, includes legal, scientific, organizing and general information about the grassroots environmental movement. Subscription \$25.00 year.



"Everyone's Backyard offers the latest on community victories—how they organized and how they won—written by community activists from all over the country. Each exciting issue is packed with cutting edge information that will keep you up to date on what's happening in the Environmental Justice Movement!"



Organizing

2. Fight to Win: A Leader's Manual

How to start a group keep it going, research opponents, organize your community, carry out effective action, raise funds and win! pp. 59, \$7.50

33. How to Deal with a Proposed Facility

Called "the bible" by some activists this is our best tactical manual on how to STOP a bad facility from locating in your community. **3rd edition** pp. 35, \$6.95

54. The Polluters "Secret" Plan... and How You Can Mess It Up!

Unveils industry and government tricks to overcome community opposition and provides advice on how to fight back and win! pp. 36, **Community Groups \$6.95, all others: \$199.95**

43. How to Deal with Trouble The truth about legal and physical threats, "spies" and many other nightmares grassroots leaders have. pp. 43, \$7.95

65. How to Win In Public Hearings

By Itzhak E. Kornfeld, Wilma Subra and Will Collette. Practical advice on how to either beat the polluters at their own game, or, if that fails, how to take over hearings. **\$6.95 for citizen activists /\$199.95 for all others.**

26. 200+ Questions about New Sites

A helpful list of questions you should ask polluters and govt. agencies that will help point out weaknesses in their proposed projects. pp. 8, \$3.00

6. Research Guide for Leaders

How to research opponents, investigate polluters and combine research with effective tactics. **2nd edition** pp. 18, \$3.50

52. How to Raise & Manage Money

Gives you practical advice on developing budgets, holding fundraising events, and applying for grants. pp. 54, \$6.50

35. Media Means

Gives you solid tips on writing effective news releases and public service announcements, and on maintaining good relations with the media. pp. 42, \$7.50

57. Using Your Right-To-Know:

Dealing With Operating Facilities

How to find out about the toxic chemicals stored or discharged in your community, and how to take action with your new information. pp. 71+, \$9.95

47. Solid Waste Action Guidebook

What is solid wastes? The pros and cons of dumps, incinerators, and recycling. How other groups have organized to fight and win against bad proposals. pp. 58, 8.98

29. Transportation: Danger on the Road Helps you assess hazards from toxic transport through your community with practical advice on how to protect your community. pp. 40, \$7.95

58. Empowering Ourselves: Women and Toxics Organizing

Covers dealing with stress, balancing being a mother and organizer, maintaining your marriage, and much more. This is a collection of material by many women with diverse backgrounds who gathered at a CCHW Roundtable. pp. 60, \$9.95

11. User's Guide to Experts

Answers common questions and gives proven techniques to get your money's worth. pp. 31, \$5.75

19. Best of Organizing Toolbox: 1981 to Present

Reprints of our column offering organizing tips. Includes door-knocking meetings negotiations, burn-out, opponents counter-attacks, cleaning up dumps, experts, politicians group diversity and much much more. pp. 64, \$10.00

50. Making it Happen: How to Put on a Leadership Development Conference

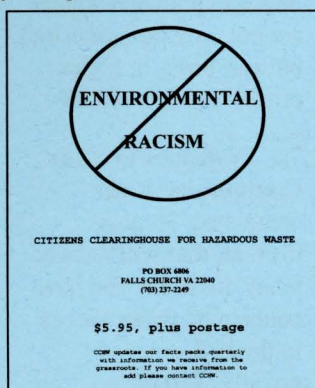
What to do and what not to do when planning and carrying out training events for grassroots toxics leaders. pp. 28, \$5.00

Fact Packs

News Clips and great information from our files which we've put together for your use. Only \$3.00 each (except where noted):

P014. Risk Assessments: A Community Perspective

- n. Community Stress
- p. Women and Burn-Out
- w. Environmental Racism \$5.95
- x. Do Waste Sites Create Jobs?
- ee. Waste Site Effects on Property Values
- af. SLAPP Back Fact Pack
- eco. Sustainable Economic Development \$5.95

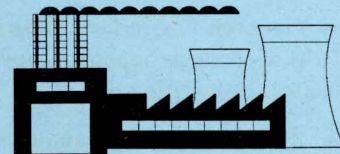


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"Race proved to be the most significant among variables tested in association with the location of commercial hazardous waste facilities. This represented a consistent national pattern."

.....

Science, Technologies and Waste



.....
"Science can be a powerful tool for community groups, but only if they recognize what it can tell them, what it can't and only if they learn how to use the information and not just collect it."
.....

9. Common Questions About Health Effects How we are exposed to toxics, what chemicals do to us, and facts vs. myths. pp. 25, \$6.95

10. Community Health Surveys Complete handbook on around environmental health studies. Includes step by step discussion of how to do studies and includes adult and child health questionnaires. pp. 35, \$10

25. Center for Disease Control: Coverup, Deceit and Confusion How the Federal health agency - CDC and ATSDR - sets up studies to coverup community health problems. Includes specific examples. pp. 25, \$4.95

60. Environmental Health Monthly Monthly publication that reprints detailed studies/articles on health effects caused by various chemical exposures. Help educate your community physician or your group by subscribing to this valuable monthly. **Community Groups** \$15.00 **Health Professionals** \$35.00

14msw. Solid Waste Incineration: The Rush to Burn Deals with technological marvels like the "Miami Monster" and the serious problems of mass burn trash incineration. **2nd edition** pp. 64, \$9.95

32. Recycling: The Answer to Our Garbage Problem Say no to landfills & incineration! Use this book to learn why and how your community can recycle instead. pp. 96+, \$9.95

28. Reduction of Hazardous Waste: The Only Serious Option "Well, what do we do with it?" Helps you

learn methods available NOW to polluters which are not only pollution-free, but can bring in higher profits. pp. 51+, \$8.98

70. Pesticides in Your Community A just completed, 30 page manual, that will answer many questions you have concerning pesticide use in the U.S. pp. 30+, \$10.00

53. Massburn Status Report New UPDATED version. A printout from CCHW's computer database with the latest information on incinerators. Includes a list of problems at incinerators by company. pp. 30+, **Community Groups** \$7.50/\$99.99 everyone else.

34. Advanced Technologies This manual details the best "cutting edge" technologies for dealing with waste as well as site cleanup. pp. 54+, \$8.95

14hz. Hazardous Waste Incineration: The Burning Issue The problems and pitfalls of conventional hazardous waste incineration. **2nd edition** pp. 105, \$8.95

27. Land Disposal: Dinosaur of Disposal Methods Provides facts, case studies and arguments to show the dangers of land disposing of waste. The "State of The Art" is only the most recent idea. pp. 65+, \$9.00

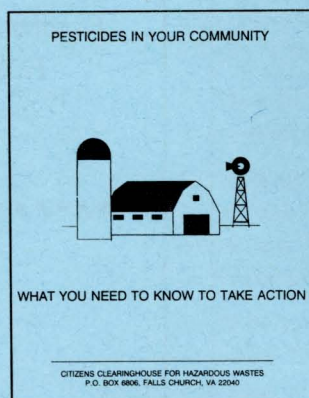
8tt. Land Farming Sludge A compilation of newsclips, articles and scientific papers on what's in sludge and how communities are dealing with this issue. New EXPANDED version. \$5.95

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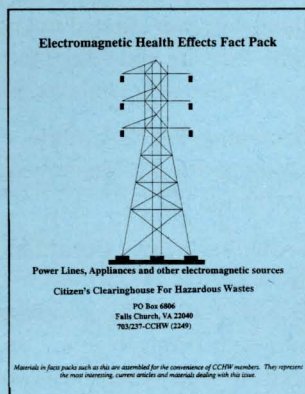
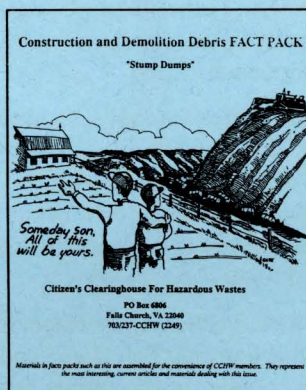
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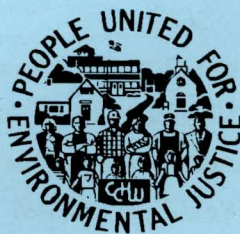
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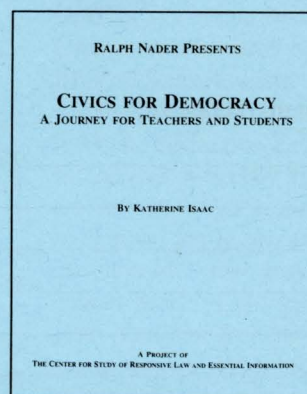


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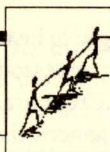
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A C T I O N L I N E



NEW HAMPSHIRE: The ongoing saga between the New Hampshire-Vermont Solid Waste Project and Wheelabrator will soon have an international audience. Cable News Network (CNN) is highlighting the troubles in Claremont to be aired on their "Earth Matters" program. CCN is focusing, "on the common sense question of what happens in a community where the more they recycle and reduce waste the more it costs."

Correspondent: Katie LaJoie/WOW, Claremont.

NEW JERSEY: Eight activists were handcuffed and taken away by police for blocking the entrance to the regional garbage incinerator in Rahway. The protestors, members of **Concerned Citizens of Union County**, have been fighting an Ogden Martin incinerator for several years. This latest protest was in response to the county's plan to begin operation of the incinerator without proper mercury monitoring devices. See *Burned Up Over Incineration in Rahway*, page 19. ♦♦ Essex County Executive Thomas D'Alessio was found guilty of conspiring with his campaign treasurer to extort a \$59,000 bribe from Attwoods Incorporated and its subsidiary, Vesta Technology Ltd. The former county Democratic chairman and three time sheriff was convicted of twelve offenses and could face four to seven years in prison. ♦♦ The **Grassroots Environmental Organization** (GREGO) has obtained copies of New Jersey Department of Environmental Protection and Energy (DEPE) internal memos, discussing the DEPE's anticipated response to recent findings on the presence of mercury

in New Jersey's environment. The memos discuss the need for a public relations campaign to "seize the offensive on the mercury issue." The memo from Assistant Commissioner Sinding to DEPE Commissioner Shinn outlines a four-part plan designed to "pre-empt, or at least blunt, this anticipated attack, and isolate those who are plainly manipulating the mercury issue to further their own agendas." Commissioner Shinn has come under increased public criticism regarding his continued disregard for public health and the environment. An example of this blatant disregard for the public's wellbeing can be found in Shinn's outrageous comments concerning the abnormally high levels of mercury in fish living in 32 of 55 waterways tested by the DEPE: "Perhaps pregnant women should refrain from eating fish for several weeks while the DEPE reviews the study... Only people particularly susceptible to mercury poisoning should not eat the fish... Many of the fish in those waterways are not consumed... **I had a dream about this [the mercury levels in the lakes] I thought that one of the biggest violators we have is really God, through the volcanoes and the gases that come up through the ocean and about forty to sixty five percent of this mercury is his [God] problem and I don't know how to deal with this problem.**" Environmental groups have demanded a statewide warning about mercury in freshwater fish since early February when a survey of 58 lakes found mercury contamination in over half of the fish sampled.

Correspondents: Madelyn Hoffman/GREGO, Bloomfield; Cynthia Ortiz, Hackensack;

Gary Wonderlin, Pennsauken.

NEW YORK: In a major victory for **Arbor Hill Concerned Citizens and Save Pine Bush**, the state-owned trash incinerator in Albany will be closed. The ANSWERS incinerator, which is sited in a low-income minority neighborhood in downtown Albany has been operating for twelve years, burning 400-600 tons of garbage a day. The incinerator was designed by Energy Answers Corporation and is owned by the state. This sudden announcement came in the wake of two large emissions of soot and ash that settled over much of eastern Albany, including the Governor's mansion. ♦♦ The **Citizens Environmental Coalition** and other environmental advocates are demanding that capitol region manufacturers cut their toxic emissions in half. In a report by the New York Public Interest Research Group, it was found that these manufacturers released 8.8 million pounds of toxic waste in 1991. General Electric Company in Waterford was the top polluter in 1991, followed by BASF Corp. and Sterling Health-Phiso Operation in Rensselaer; Owens/Corning Fiberglass and General Electric in Bethlehem; Bell Packaging Products Group in Saratoga Springs; Schenectady Chemicals Inc. in Rotterdam; Nashua Corp. in Watervliet; General Foods Corp. in Saratoga Springs; and Insulating Materials Inc. in Rotterdam. Groups are arguing that current allowable limits, giving manufacturers a license to pollute, are way too high. ♦♦ Akzo Salt Inc., has suspended operations at its mine in Retsof, Livingston County, after an inspection found damage appar-

ently caused by a mild earthquake. Safety crews found that a ceiling collapsed in an area near the earthquake's epicenter and that more than 50,000 gallons of water were leaking into the mine every hour. This may bring to a screeching halt, attempts by Akzo to use the mines as a dumping ground for toxic incinerator ash.

OHIO: In a memo sent to EPA Director Carol Browner, U.S. EPA official William Sanjour declared that the Columbus Solid Waste Reduction Facility, an incinerator owned by the city of Columbus, is the "highest dioxin emitter" in the country and is the probable cause of dozens of cancer deaths in the area every year. Sanjour drew his conclusions from a 1992 study that showed dioxin emission at the plant ranging as high as 17,892 nanograms per cubic meter of air. That is more than 500 times what is allowed at the controversial WTI hazardous waste incinerator in East Liverpool. ♦♦ Seven Cleveland activists are continuing to wage battle against the Osterland Company asphalt plant even though the company has attempted to silence them with a SLAPP suit (Strategic Lawsuits Against Public Participation). Known as the North Tremont Seven, the activists are being sued for \$750,000 each for their continued participation in efforts to get the asphalt company moved away from residential property. The lawsuit is claiming that the group knowingly made false and defamatory statements in letters to public officials, in public meetings and in leaflets.

Correspondent: Robert Castro, Cleveland.

OREGON: Following a victo-

rious struggle to beat back a soil incinerator, grassroots activists from Wolf Creek are now developing ordinances that will prevent the siting of such facilities in the future. The ordinances they hope to pass are: prohibit the importation of toxic waste from outside our county; prohibit the issuance of permits to build new toxic waste incinerators; require that all toxic waste be dealt with at the site where it is created by state-of-the-art techniques, like bioremediation; and require that any change in the above be made **only by a vote of the public.**

PENNSYLVANIA: In a dramatic victory for the **Red Rose Alliance** citizens group, EnviroSAFE Services announced that it was ending its thirteen year fight to create a hazardous waste dump. EnviroSAFE was seeking permission to build a ninety-two acre treatment and disposal facility on the site of the Narvon Clay Mine in northeastern Lancaster, in the heart of Amish country. With the withdrawal of the EnviroSAFE application, the only application for a commercial hazardous waste facility in the state that remains active at this time is USPCI's hazardous waste incinerator in Union County. ♦♦ Because of the unrelenting pressure from **Citizens for a Healthy Environment** and many other activists, the Wayne Township Board of Supervisors has finally voiced their opposition to the construction of the proposed soil incinerator by Walport Construction. Apparently, in attempting to gain a permit, Walport continues to submit incomplete information which inadequately addresses the many concerns of Wayne Township residents.

Correspondents: Penny Bailey, Spring Grove; John Hummel, Kennerdell; Paula Winne, Ambridge.

SOUTH CAROLINA: Residents of Edgemoor and members of the **Edgemoor Community Action Association (ECCA)** are breathing a sigh of relief over the news that Mid-Atlantic Rubber Processors, Inc. will not open a tire recycling facility in the community. Mid-Atlantic had purchased an abandoned school site from the Chester County school board in January for \$65,000. But, apparently the public opposition to Mid-Atlantic's plan was too great and now Mid-Atlantic is trying to sell the property. ECCA is attempting to raise the money to buy the school property to turn it into a community center.

SOUTH DAKOTA: Victory again to Lawrence County citizens! Through the organizing efforts of **ACTion for the Environment** and other local residents, Minerva's attempts to gain a permit for their mining operations was thwarted. Lawrence County's five commissioners voted against granting Minerva a local conditional use permit.

TEXAS: Three regional environmental groups—**Save Sierra Blanca**, the **Water Information Network**, and the **International Environmental Alliance of the Bravo**—hosted a conference in Sierra Blanca to show West Texas residents that a united front was imperative to combat the proposal to site a nuclear waste dump in Sierra Blanca. "If enough people get involved and resist, any unwanted project can be defeated." The proposal is to site a low-level nuclear waste dump in Sierra Blanca that would accept waste from Maine and Vermont, two states that recently voted to not dispose of their own nuclear waste in-state. ♦♦ Congratulations to Kim Phillips who was recently elected to head the En-

vironmental Committee of the state PTA.

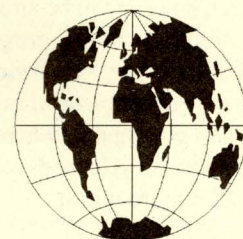
Correspondent: Gary Oliver, Marfa.

VIRGINIA: Blacksburg area citizens are continuing to fight Virginia Tech's plans to build a new coal-fired boiler that would supplement the energy-production of five boilers already in place. Citizens are requesting that Tech consider a cleaner natural gas boiler, instead of the coal-fired boiler which would burn 5.5 tons of coal per hour. The university's main coal boiler is almost 40 years old and is exempt from the 1990 *Clean Air Act* standards. ♦♦ **Concerned Citizens for a Cleaner Environment** and other residents living near the Kim-Stan landfill in Allegheny County were hoping that the smelly nightmare in their backyard would get cleaned up, but the state has decided otherwise. A House of Delegates budget committee has denied the \$9.6 million request which would have been used to permanently cap the Kim-Stan landfill, build a leachate treatment plant and monitor the site. Instead, the committee has set aside \$250,000 to study the potential public health threats and to determine cleanup costs at the roughly 2,000 abandoned dumps around the state. The Allegheny County landfill was built in 1972. In 1988, new owners bought the dump and started accepting truckloads of trash from the Northeast. In 1989 the state closed the dump after a fish kill alerted officials and residents to extensive environmental contamination. Nothing has been done with the landfill since that time.

Correspondents: Ellis Goddard, Charlottesville; Barbara McEwen, Goode.

WEST VIRGINIA: Dozens of citizens came together for the third annual Southern Appalachian Labor school's **Environ-**

mental Health Conference held at Oak Hill. Subjects included health and safety in coal mines, the dangers of disposing of toxic waste in abandoned mines, black lung legislation, health care reform and a proposal to build a co-composting facility in Fayette County. The conference was funded in part by CCHW's migrant program.



AROUND THE WORLD: In a recently released report, Greenpeace exposed the green myth of car battery "recycling" after visiting lead acid battery smelters in South East Asia and Latin America and discovering factories that were poisoning workers and villagers and contaminating food and water resources. Greenpeace reports that a flood of waste batteries from heavily industrialized countries like the U.K., U.S. and Australia are being exported to developing countries to be reprocessed.

Correspondent: Greenpeace Toxics Campaign, Netherlands.

In Memory

Patsy Oliver, a leader from Carver Terrace Concerned Citizens in Texarkana, Texas, passed away. Patsy was a caring leader who worked tirelessly trying to obtain relief from the chemical nightmare in her backyard. Patsy helped to successfully evacuate Carver Terrace residents from their toxic neighborhood. She will be greatly missed by all.

Promises, Promises

ATSDR...Don't Ask...Don't Tell...Don't Pursue

By Stephen Lester, CCHW Science Director

ATSDR was established in 1980 to address health problems at Superfund sites. It is a division of the Centers for Disease Control (CDC). Originally CDC was responsible for assessing health problems in communities affected by toxic chemicals. Throughout the 1980's, ATSDR and CDC were interchangeably involved in assessing health problems in communities. They shared the same administrator, resources, personnel, financial and political constraints and approaches to addressing health problems. During this time, except in a few isolated instances, CDC and ATSDR failed to find any health problems in any of the communities they evaluated, including some of the worst toxic waste sites in the country: Love Canal and Times Beach, Missouri.

The Agency for Toxic Substances and Disease Registry (ATSDR) is responsible for evaluating the health effects of contaminated sites. Often local community groups welcome ATSDR with open arms, hoping that they will come in and provide definitive answers about health risks. The community will be given assurances and promises, but in almost all cases, the last thing they'll receive is straight answers to their questions. Many communities have great expectations for ATSDR when told that the agency would visit to "study" their community. Most of those communities have been terribly disappointed by the inaction of the agency. They have found out the hard way, like the residents in Kellogg, Idaho, that ATSDR promises are often false promises.

ATSDR has probably spent as much time in Kellogg, the home of an abandoned lead smelter and a 21-mile Superfund site, as anywhere in the country. They've held numerous meetings, provided a nurse practitioner and sponsored various workshops, including one for local physicians. Even

Barry Johnson, the head of the agency has visited. Various studies in Kellogg have found significant problems—dangerous levels of lead in the blood of area children; 88 percent of residential yards have lead levels greater than 1,000 ppm (normal is around 10 ppm); the highest death rates in the state; and health symptoms consistent with lead poisoning in both children and adults. Despite all this, ATSDR refuses to do what the community has been asking for years: set up a local clinic where residents can go for testing and treatment. Instead, ATSDR wants to set up a registry of people who were exposed to high levels of lead due to an accident that occurred twenty years ago. While the community is happy to see this effort, they also feel that ATSDR is doing this because it is "non-threatening" and avoids the more critical decision of setting up a clinic.

For six years, the community has been asking ATSDR to recommend to EPA that money be set aside as part of the cleanup settlement between the polluter and EPA to be used to fund a local lead health clinic in

the community. But Johnson says that ATSDR does not have the legislative authority to make such a recommendation (this may be the first time that someone needed legislative authority to make a recommendation). According to Johnson, a lead health clinic would not provide "any additional benefits to residents beyond those currently available from the local medical community" and that the community doesn't need a clinic because the "local physicians are versed in the environmental contamination problems of the area and have received up-to-date medical information addressing health issues."

These same physicians have not found any health problems in the community in over 30 years, and continue to tell the residents that everything's okay. In a letter to Johnson, Barbara Miller, a local resident and member of the Silver Valley People's Action Coalition, wrote "local doctors have down played, ignored and misinformed local people either out of ignorance or collusion. Without the correct testing procedures and comprehensive pro-health intervention, our loved ones will continue to suffer and die because of toxic poisons that exist here." And yet there is still no action by ATSDR. Still no recommendation. According to Barbara, "ATSDR has been a huge disappointment ... we've worked with them patiently for years, gone to their meetings, met with them face to face and told them what we want and what we need—they continue to ignore our needs."

ATSDR's response to health problems in communities has never been responsible. The agency was created in 1980 as part of the Superfund law, but did nothing until 1986 when Congress set specific deadlines for the agency to complete "health assessments" at all Superfund sites. Around the same time, several Congressional oversight committees began investigations which eventually led to a 1991 General Accounting Office (GAO) report. GAO concluded that many ATSDR health assessments were "incomplete and of questionable value" because ATSDR failed to fully evaluate health risks. GAO also found that 80 percent of all the health assessments conducted at that time were of "poor or uneven quality" and that many were "seriously deficient as public health analyses." Unfortunately, the victims of this deficiency are the communities that

Con't on page 16

ATSDR con't from page 15

never receive data confirming or denying that contamination poses a health risk.

These findings were consistent with a report released by the National Academy of Sciences that same year which concluded that it was not possible to tell the difference between dumps that pose real threats to human health and those that do not. Another report released in 1992 by the National Toxics Campaign charged ATSDR with toxic malpractice and concluded that ATSDR health studies and assessments were "inconclusive by design." ATSDR's response to these criticisms was to accept responsibility for having made mistakes and to claim that they were "turning over a new leaf."

At first things did seem different. ATSDR released a health advisory in Caldwell County, North Carolina, confirming that residents living downwind from the Caldwell Systems hazardous waste incinerator had a higher than average number of nervous systems and respiratory system disorders. This was the first time a federal agency had acknowledged a link between health problems and exposure to toxic chemicals. Similar health advisories were released for sites in Niagara Falls, New York, and the Kellogg site.

At CCHW, we were skeptical, but felt it appropriate to give the agency a chance to prove itself. We facilitated two meetings between ATSDR and community leaders. At the first meeting, people identified their needs—relocation/evacuation, compensation for health damages, medical care, and health screening and diagnostic testing. They also identified problems they had with the agency, raised questions about their health problems and made recommendations on how the agency could change to be more responsive to community needs. The second meeting attempted looked at how well the agency was progressing towards meeting these needs, but little was accomplished and most of the issues raised at these meetings remain unresolved.

Now four years later, we see a new image for the agency but the same inadequate responses and inaction in meeting community needs. Instead of listening to people, ATSDR seems to put it's energy into finding ways to "ap-

pear" as though they are listening. An example of this can be seen in the ATSDR's creation of Community Advisory Panels (CAPs). CAPs are set up supposedly to facilitate communication between the agency and the community. Sounds great, right? The trouble is that these CAPs include everyone—Chamber of Commerce, local businessmen, and others—who are not directly affected by the contaminated site. For example, in Calvert City, Kentucky, ATSDR sent out a mailing to solicit "votes" for who should sit on the CAP. Forty votes came in for Bonnie Riley, the wife of Joe Frank Riley, a partner of LWD, the hazardous waste incinerator that the local community was fighting to close down. By including people like Bonnie Riley on the CAP, ATSDR sets up a dynamic where people argue among themselves while the agency avoids being the focus of the community's anger.

Another major issue with ATSDR is their "health assessments." When ATSDR does a health assessment, they only look at available and existing environmental data which is often generated as part of a cleanup plan and **not** for the purpose of evaluating health risks. The agency then makes a judgement about the health risks posed by the levels of contamination found during the testing, calling it a "health assessment," even though health problems were never evaluated. CCHW has repeatedly asked ATSDR to use a more accurate term, such as hazard or exposure assessment, to describe what they do. But ATSDR has said they cannot, placing the blame on Congress who said they must do "health assessments," but did not define HOW these assessments should be done. This gives ATSDR the freedom to conduct what are really hazard or exposure assessments yet call them health assessments. ATSDR also told us that a true health assessment would take too long and cost too much. In fact, it is rare for ATSDR to actually evaluate anybody's health. In some instances they have looked at death rates, but this is only done as a token measure to appease the intense criticism the agency has come under for not looking at health problems.

Today we continue to see many of the same investigation strategies that ATSDR and CDC has been using for years—investigating health problems with scientific methods

that are highly questionable and inappropriate. They consistently ask the wrong questions, use inappropriate comparison groups, dilute exposed populations with unexposed populations, eliminate exposed people from their studies and use other ill-conceived scientific methods to evaluate health problems in communities. In the end, they find no health problems because they used methods destined to fail from the beginning and because their studies are often "inconclusive by design."

They exclude the critical questions (those that are crucial to determining correlation between adverse health affects and exposure) which would greatly effect the outcome of the study. This method of exclusion is not only misleading, it gives communities false hope for their long-term health. "Don't ask, don't tell and don't pursue," appears to be the strategy on which ATSDR operates. In doing so, ATSDR avoids the hard issues of what happens when people are exposed to toxic chemicals from contaminated sites.

In an upcoming issue of *Everyone's Backyard*, we will address what communities **should** expect if ATSDR comes to town.

For more information:

Report on a Meeting between ATSDR and Community Representatives / June 30, 1990, Washington, DC. Summary 5 pages; full report 16 pages. Available for \$3.00 from CCHW.

Superfund: Public Health Assessments Incomplete and of Questionable Value / U.S Government General Accounting Office (GAO/RCED-91-178), Report to the Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives, August, 1991. Available from GAO P.O. Box 6015, Gaithersburg, MD 20877 (202) 275-6241.

Inconclusive by Design / Environmental Health Network and National Toxics Campaign Fund, May, 1992. Available from EHN, P.O. Box 16267, Great Bridge, VA 23328-6267 (804) 424-1162.

Environmental Epidemiology, Public Health and Hazardous Wastes / National Academy of Sciences, National Research Council, Committee on Environmental Epidemiology, 1991. Available from the National Academy Press, 2101 Constitution Ave, NW, PO Box 285, Washington, DC 20055 (800) 624-6242.

For more information on the site in Kellogg, Idaho, contact Barbara Miller, Silver Valley People's Action Coalition, P.O. Box 362, Kellogg, ID 83837 (208) 784-8891. ♦

CORPORATE CORNER



WMX Technologies, has begun an intensive lobbying effort to convince those that they've identified as part of the "WMX family" to write to their congressional representatives concerning proposed federal legislation. The legislation would allow state governors to ban nearly all imports of out-of-state municipal solid waste, construction and demolition waste, and non-hazardous industrial waste. According to a letter sent by Dean Buntrock, CEO of WMX Technologies, those of the WMX family should write representatives "to oppose unduly restrictive and dangerously short-sighted provisions being advocated by politicians in Pennsylvania, Indiana, Ohio and Michigan." ♦♦ In other news Dean Buntrock and executives of five other incinerator companies, are requesting that the EPA use its powers to push more varieties of waste toward incineration and to crack down on cement kilns that burn hazardous waste. This comes in the wake of a dismal 1993 fourth quarter drop in revenue felt by all operators of commercial hazardous waste incinerators. Among the reasons: Manufacturers have found ways to sharply reduce their toxic waste output, and less-regulated cement kilns have been burning increasing amounts of waste. Apparently, prices for incineration are still on the decline and industry officials are worried that they will have to close their incinerators. Hooray! ♦♦ Other companies feeling the hazardous waste industry's deepening slump include **Safety-Kleen Corporation**, of Elgin, Illinois, a parts-cleaner business, that will be restructuring its operations to avoid services that involve hazardous wastes. ♦♦ **Amoco Pipeline Company** will pay \$1 million to settle a 1990 lawsuit filed by the state of Missouri. The lawsuit was filed against Amoco following an 86,000 gallon oil spill into the Little Turkey Creek and Chariton River. ♦♦ The **Vinyl Institute**, representing the vinyl (polyvinyl chloride, or PVC) industry, has joined the **Chemical Manufacturers Association**, the **Society of the Plastics Industry**, the **Chlorine Chemistry Council** and other chlorine-dependent associations in denouncing the U.S. EPA's proposal for a study that would devise a way

to reduce or completely eliminate the use of chlorine and chlorine-based products. The proposal is part of the agency's recommendations for reauthorization of the *Clean Water Act*. ♦♦ The International Joint Commission on the Great Lakes (IJC), a joint agency of the Canadian and U.S. governments, is urging both governments to phase-out the use of chlorine and chlorine containing compounds as industrial raw materials. The chemical industry, using the familiar jobs and environment debate, is warning that a ban would cost billions of dollars and hundreds of thousands of jobs. ♦♦ Following pressure from the automobile industry the EPA has reversed its recent deadline to stop CFC production by the year 1996. Instead, the EPA has requested that Dupont, the world's largest CFC producer, postpone its plans to end CFC production and actually beef-up production of CFCs in 1995. According to the EPA, increased production of CFCs in 1995 will provide a "bank" (75 million pounds of CFCs) of the chemicals that can be used after production is phased out. The auto industry argued that the CFC phase-out would force consumers to place expensive new equipment in existing cars to enable them to use CFC substitutes for air conditioning. ♦♦ The **Alyeska Pipeline Service** company has agreed to a multimillion dollar settlement of an invasion-of-privacy lawsuit filed by whistleblower Chuck Hamel. The suit stemmed from the elaborate campaign that Alyeska mounted against Hamel and his associates in 1990, after they repeatedly tipped off regulators and Congress about possible environmental wrongdoing along the Trans-Alaska pipeline. ♦♦ **As You Sow**, a San Francisco-based foundation, is suing 43 nail polish manufacturers for failing to label products containing toluene, a toxin linked to birth defects. ♦♦ **Boeing** will pay \$30 million to clean up the 320-acre Queen City Farms Superfund site where Boeing and forty-four other companies dumped liquid toxic waste during the 1950s and 60s. Boeing is assuming financial responsibility for the entire cleanup. ♦♦ A Kentucky circuit court judge has ruled that the Kentucky Natural Resources and

Environmental Protection Cabinet (NREPC) is barred from further dissemination of a background investigations report on **Attwoods Environmental Inc.** The injunction against NREPC will continue until a trial can be held to access the validity of the report. The injunction stems from a lawsuit filed by Attwoods who contends that the report was "full of inaccurate, misleading, false, and defamatory information about Attwoods." The report was written as part of the application process for a landfill Bituminous Resources, in which Attwoods is a partial owner, was proposing to build near Whiteplains in Hopkins County. ♦♦ **Chambers Development Company** has completed the sale of its collection and hauling services in Conway, South Carolina, to **Waste Industries, Inc.** The price tag was \$5 million. ♦♦ **Quaker State Corporation** is being sued by the Justice Department for violating state and federal hazardous waste laws at the company's Newell, West Virginia, oil refinery. The suit alleges that Quaker has been operating several in-ground waste basins without a permit. Meanwhile, the EPA has ordered that Quaker conduct an extensive cleanup of all hazardous waste releases at the facility, specifically the petroleum contamination of the groundwater at the site. ♦♦ On March 17, a federal court decided that **Occidental Chemical Corporation** was not responsible for \$250 million in punitive damage (punishment money) for the tragedy caused by its Hooker Chemical Company at Love Canal. The decision for clean up costs are still pending. The judge did find however, that Occidental failed "to respond adequately to the likelihood of serious harm once it learned that children were playing with and being injured by the waste materials at Love Canal." According to the judge, "Hooker disregarded a threat to public safety and was clearly negligent in failing to warn the Board that chemicals had been dumped in the central section at the proposed site of the school." In other news, **Occidental Chemical Corporation** has agreed to conduct a cleanup of contaminated discharges from its Durez facility in North

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Sewage Sludge and Lead—Not Safe For Land Spreading

By Stanford L. Tackett, Ph.D.

Medical research over recent years has shown that exposure of young children to even tiny traces of lead stunts their growth, lowers their IQ, and permanently damages their nervous system. This recent medical research was not considered by EPA's Sludge Risk Assessment Branch in their deliberations for the new 503 land-spreading regulations. For safety considerations, EPA relied on research conducted twenty or more years ago when medical and scientific researchers believed (incorrectly) that children could absorb small amounts of lead without adverse effects. Most research studies of that day actually included such a statement in their final reports.

All sewage sludge contains elevated concentrations of lead. The sewage treatment process naturally concentrates the small amounts of lead that are present in all wastes. Local sludges usually contain 100 to 500 ppm lead. Even the "clean" sludges contain 60 to 100 ppm of lead. The natural level of lead in unpolluted soil is about 10 ppm.

When the lead concentration increases in the environment due to sludge spreading, or by any other means, people living in the vicinity will absorb some of the lead. The usual methods of absorption are from food and water contamination, and from breathing dust which always contains some of the lead. Young children are especially at risk of ingesting lead from the soil while playing on the ground since dirty fingers and toys always go in the mouth.

EPA readily admits that young children living in the vicinity where sludge is applied **will absorb some lead** from the field. So, in order to be able to declare that sludge is "safe" to spread on the land, the EPA Sludge Risk Assessment Branch has stated that children can absorb up to 10 micrograms of lead per deciliter of blood as an "acceptable risk." The 503 regulations are based on this EPA assumption of "safety." However, this EPA assumption directly contradicts the recent medical research which shows explicitly that young children are affected adversely by even the tiniest trace of lead. **There is NO tolerance level of lead for young children.**

The EPA Drinking Water Division has recognized these newly discovered dangers of lead to young children, and has officially lowered the lead allowed in drinking water to a goal of zero. The Centers for Disease Control has also reviewed the recent medical research on lead and reported that blood-lead levels of 10 micrograms per deciliter lowers a child's IQ by several points. Ironically, it is this same level of 10 micrograms of lead per deciliter that EPA's sludge managers cite as an "acceptable risk" for young children (in the ATSDR article on page 15, residential yards in Kellogg had lead levels greater than 1,000 ppm). The obvious conclusion from EPA's declared "acceptable risk" is that parents of young children in sludged areas can expect a permanent lowering of their children's IQs.

For further information on sludge please see *Land Farming Sludge* #8tt.

Stanford L. Tackett, Professor Emeritus of Chemistry at Indiana University of Pennsylvania, has been studying the EPA's handling of lead in the environment for many years. Currently, Dr. Tackett is providing his expertise to activists who are fighting proposed sludge and low-level radioactive waste dumps near Sierra Blanca, Texas.

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enforce its laws against it.

Indian activists have video tapes from a public meeting that provides hard evidence of the governmental coddling given to the dumping industry—the tapes show BIA officials denying any authority or obligation to stop the dumping, but generously offering assistance for the tribes if they would develop regulations and allow sludge dumping on their land.

What is all too clear is that when the government or corporations want to make money

off indigenous lands and people, they have no qualms about intervening in tribal politics and lands. Yet when it comes to responsibility for cleanup, or regulation, or halting toxic dumping on native lands, these same agencies quickly retreat and cower behind a mock respect for tribal sovereignty, washing their hands of any obligation to prevent further poisoning of Native Americans and their lands.

Postscript

As this issue was being prepared for press, new events at Cahuilla and Torres-Martinez took place with unexpected speed, illustrat-

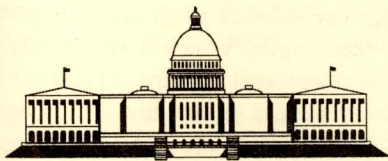
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Tonawanda, New York. The costs which may exceed \$20 million will require Oxy to remove chemicals that have migrated from the plant into sediment of Pettit Cove and the Little Niagara River. ♦♦ In a McSlapp of international proportions, **McDonalds** continues its efforts to suppress free speech by suing two Greenpeace activists in London who were passing out anti-McDonalds leaflets. Known as the McLibel case, defendants Helen Steel and Dave Morris are preparing to defend themselves against this multinational thug. McDonalds has spared no costs in McPublic relations in the hopes of mending the McDamage done by the recent lawsuit. ♦♦ The owner of **Craven Laboratories** and fourteen Craven employess have been sentenced for falsification of pesticide residue tests that are required to register pesticides for use on crops. The defendants, who pleaded guilty late last year for violations of the *Federal Insecticide, Fungicide, and Rodenticide Act* (FIFRA), falsified laboratory notebook entries and manually manipulated scientific equipment to produce false reports. The Craven Lab owner will face five years in prison and a fine of \$50,000.

ing the volatility of tribal politics and the unscrupulous nature of profit-at-all-cost dumpers. On the last weekend in March, poison-for-profit backers at both reservations packed tribal council meetings with their supporters, took over the meetings and forced votes on the sludge issues. At Cahuilla, a new tribal chair was installed, and at Torres-Martinez, anti-dumping and anti-pollution resolutions were overturned. In place, the dumpers passed resolutions opening up the reservation to unlimited amounts of sludge. These votes were forced upon the meetings, ignoring established tribal procedures.

Activists are undeterred and will now refocus their efforts against these recently passed resolutions, the newly established tribal chair and the BIA.





Washington Politics

Superfund is Back: A Brief Update

On September 30, 1994, the money Congress has allocated for the Superfund program will run out. As a result, Congress has begun the process of "re-authorizing" Superfund and now must decide what to do with it. They are asking some basic questions: Is there a need to keep the program operating? If so, how much money should be budgeted and for how long? Do we need to make any changes in the law to improve how it works?

There are many key issues that need to be addressed and it is critically important for community leaders to be heard. No one knows better than the people who are directly affected by Superfund sites what is wrong with the program and what can be done to fix it. Your involvement is critical to ensuring that the needs of the people who are directly affected by these sites are addressed as part of the re-authorization process.

As in the past, CCHW will provide opportunities for community leaders to come together to address the issues of Superfund. We are planning to hold at least one roundtable meeting with community leaders, Congressional staff

and others to address the issues. We'll keep you posted over the next few months on how you can participate in these activities.

The most heated debate revolves around the issue of liability. Industry wants to cut their costs by spreading the liability as widely as possible. Here is a brief description of the current proposals to address the liability issue.

1. **Maintain the Current Liability Status-** Leave the joint and several liability provision that's part of the current law alone, but aggressively enforce it. Many people argue that nothing is wrong with this portion of the law. The problem has been implementation by EPA under the Reagan and Bush administrations. If EPA required immediate cleanup of toxic sites and then went after responsible parties, there would be few problems, especially since EPA can collect "triple" damages from polluters who do not settle their portion of the liability quickly.
2. **Establish a Public Works-type Fund-** This proposal calls for using a tax-fee system to provide a pool of funds to clean up sites and eliminate liability for individual polluters. All polluters would pay equally regardless of how much they contributed to the contamination of a site. Using this plan, funds for cleanup would be available immediately rather than having to wait for the polluters and EPA to argue over who's responsible for what. This plan removes all liability and accountable for dumping/polluting prior to 1986.
3. **Apportioned Liability-** This proposal would

assign a portion of liability to various polluters at a particular site. When either the polluter can't pay (such as when bankrupt) or if a local government has limited funds, then the funds for that portion of the liability would be taken from an "orphan fund" which is based on tax fees and some taxpayer funds. One study by the Environmental Policy Institute said that apportioned liability will cause more, not less legal battles over who pays what.

Other important issues that are part of the Superfund debate include:

- ♦ Increasing the amount of funds available to groups to hire technical experts and to make it easier for groups to apply for Technical Assistance Grants (TAGs);
- ♦ Providing Medical Assistance Grant funds to groups to hire experts to evaluate health impact studies done at Superfund sites;
- ♦ Improving public participation and involvement in the site evaluation and cleanup process;
- ♦ Defining how clean a site should be once cleaned up;
- ♦ Providing job preference in hiring—give local people the first option for jobs cleaning up contaminated sites;
- ♦ Defining future land use of contaminated/Superfund sites.

Contact CCHW for more information on these issues and to find out how you can get involved in the Superfund debates.

Year to Ban the Burn Update

Burned Up Over Incinerators in Rahway

Grassroots activists in Union County, New Jersey, were among the many incinerator groups nationwide who took to the streets on Justice Day to kick off the **Year to Ban the Burn**. On February 21, the **Concerned Citizens of Union County (CCUC)** held a contaminated fish demonstration at the site of a newly constructed Ogden Martin trash incinerator in Rahway. The group's action lampooned the hypocritical inactions of the state of New Jersey, which recently issued a warning against eating fresh water fish from state lakes, due to high mercury levels. At the same time the state is dragging its feet in requiring equipment to remove mercury from the air emissions of the Rahway trash burner.

A diverse, community based organization, CCUC originally organized in 1985 when plans

were first unveiled for the incinerator. Residents of the primarily African-American community where the incinerator was to be built organized their neighbors for a county-wide ballot initiative on the incinerator. Although successful in their neighborhood wards in securing a no-burner vote, across the county residents voted pro-incinerator by a slim margin. From this experience the group has since expanded to include residents from the entire county.

Since then, CCUC has pursued strategies against the burner at many levels of government, in the media, and in the community. Concerned Citizens members attended the Strategy Session to End Incineration put on by CCHW in October 1993, and were key participants in developing the ban the burn plan forged by grassroots activists.

CCUC members have gone to great

lengths of personal commitment in their fight against the Union County utility authority, the county freeholders, the state, and Ogden Martin. For the second time, Concerned Citizens committed civil disobedience in January 1994 at the incinerator site. CCUC members first committed civil disobedience in 1992 right

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Organizing Toolbox

How's Your Group Doing Lately?

By John Gayusky, CCHW Research/Organizing Associate

How do you score on these questions?

yes=2 no=0

1. Do you often find that you do all the work in your group?
2. Are you frustrated at seeing the same old faces at meetings?
3. Do you meet every week, and find yourself mystified that more people don't show up?
4. Do you find that it is too much trouble to explain issues to new people?
5. Do new people show up at a meeting, never to be seen again?

no=2 yes=0

6. Has your group gained membership in the past year?
7. Do you have a plan to welcome and involve interested new people in the group?

0-5 healthy 5-10 need a checkup 10-14 see a specialist

If you scored 8 or more points in the above quiz, you may be suffering from the "shrinking group syndrome." This affliction is common in varying degrees to many grassroots groups (not just groups working on environmental issues), yet it doesn't have to be fatal, either to overworked leaders individually, or to the group. A healthy dose of reflection and commitment to focus on your greatest resource—PEOPLE—will pull any group out of the temporary, or perhaps not so temporary, membership doldrums.

Many times we hear leaders lament, "why aren't more people here," "don't they care about (fill in the issue)?" "if I don't do it, it just won't get done." Leaders talk of burn out, stress, apathy, too much to do, or difficulty in organizing for the long haul. Perhaps to a small extent these conditions contribute to the problems facing your group. But are they the root of this condition? Maybe the problem isn't with THEM (the rest of the world). Often it is most beneficial to step back, look inward and reflect on the structure and workings of your group. And to readjust your group's direction, rather than try to change the rest of the world.

The best place to start is to look at your group's structure. This may seem like a

basic issue, one that you might have addressed a long time ago when your group was formed. But have you considered the question lately? How your group is organized—to make decisions, choose leaders, develop strategy, gain new members, welcome new people into the group, get the work done—will go a long way in determining how successful you will be on the issues and as an organization.

Grassroots environmental justice groups exist because people in the community want to act to correct injustices that affect them and their neighbors. We want to take action to change the way things are. A basic issue that we all understand. Yet there are many ways that an individual can work to change things in their community. One can take the legal route and go through the courts; be an advocate and speak for others; or, provide direct aid to those in need. All of these might win on your immediate issue, but they won't ensure that things stay changed in your community. To ensure justice over the long haul requires democracy, whose price, as Thomas Jefferson noted is "...eternal vigilance."

Now, how is a community group going to ensure eternal vigilance and democracy with its local government, let alone keep up with

what the state and feds are doing? Simply put, you need people! Which is why CCHW works with community groups to organize; to build the people power through strong organizations, to fight injustice and win on issues in your community. Organizing a powerful group not only enables you to win on issues now, but creates an entity, the GROUP, that will survive over a long period of time to deal with any injustice you decide to take on.

What does it take to build such an organization? Again, the answer lies to a great degree in how the group is structured. Is it set up to be democratic and accountable (after all, that's usually what you are demanding your government, or a corporate adversary, to be, isn't it?), does it empower people, win on the issues (no one wants to be associated with a loser, right?), celebrate its victories, consciously work on strengthening the organization, and challenge the powers that be?

Everyone has some experience being part of a group, whether formal or informal. Remember what made you want to be part of a particular group? Or conversely, what drives you out of a group that you had joined? For a group to succeed over the long haul, it should answer positively these fundamental questions:

Grassroots environmental justice groups exist because people want to act to correct injustices that affect them and their neighbors.

Is the group democratically run; do group members all have a say in group decisions? Are leaders elected on a regular basis (no one should be ruler for life, or even several years—even our President must step down after two terms)?

Does the group continuously seek out new people to assume leadership tasks and roles?

Are group meetings announced and open to all members; do they have an agenda, are they reasonable in length?

Do leaders constantly look to include a wide

Con't on next page

range of members to do tasks, and hold each other accountable for doing what people say they'll do?

Do you have a plan in place to welcome, educate and include new members in the workings of the group?

If your group can answer affirmatively to most of these questions, you are well on your way to avoiding the shrinking group syn-

ment's success is our diversity among members, this diversity is also a key factor to keep in mind when recruiting people to join your group.

What motivates people to act? Basically, it is when something in their self-interest is threatened, such as, their own health, children's health, house, neighborhood, property values, view from the front porch, traffic in the neighborhood. If a toxic threat is putting one of these things at risk for people, they will be more likely to join your group and act.

So finding out what your neighbor's self-interest is will be a crucial factor in whether you can motivate them to join your group. And how do you find out their self interest? Very easy, you LISTEN to them. Sure we want to unload on them all the facts about why Toxic Inc.'s proposal is bad for the neighborhood, and why you oppose it and think they should too. But people will not act for your reasons, they will only act because of their own. And you'll never learn these unless you stop talking and listen to them. And then convincingly show them that only through their actions, as a part of your group, will the problem be taken care of.

Now you've got 'em. Dozens of (or at least a few) new people are showing up at your

meetings, and joining the group. Now what do you do with 'em? How do you include these newcomers in the group, so they will stay active through the years? If your group structure is set up to be around for the long haul, you'll have committees that address all the workings of the group, from issue details, to fundraising, organizational functions, to, yes, what to do with new members!

Having a plan in place to integrate new folks into the group is the best way to ensure they will have a positive first experience with the group. Your new members will see that you are organized and know what you are doing and are seriously attacking the issues, and that it is a group they will want to remain active in.

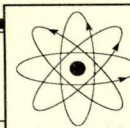
It is so often the tendency in fighting toxic issues to become caught up in the details of parts per million, emission standards and other scientific and regulatory lingo. When this happens it is your organizing, group building, POWER building actions that often get left behind. Yet our best hope for victory, for justice in our communities, is through the power and influence we wield as a GROUP. When you find yourself looking at the symptoms of the shrinking group syndrome, perhaps its time to step back from the issue for a moment and evaluate how your group would rate on the above questions.

Just as a key to our Movement's success is our diversity among members, this diversity is also a key factor to keep in mind when recruiting people to join your group.

drome. Add to these guidelines a plan to bring in, and keep involved, new members, and your group will be making great strides in building itself for the long haul.

Have you ever sat back and thought about why people would want to join your group? Or, once they've joined, what makes them get active and stay involved? A key to consider is that for every person there is probably a somewhat different answer, and probably not the exact same reason you've become involved. Just as a key to our Move-

NUKE NEWS



Plutonium: the new drink of choice for Japan's nuke industry. In a bungled effort to ease the public's reaction to their plan to import thirty tons of plutonium as fuel for power plants, the Japanese nuclear power industry has started a cartoon campaign called "The Story of Plutonium: That Dependable Fellow, Mr. Pluto." The government owned nuclear fuel company PNC distributed an informal video that features a lovable cartoon character, Mr. Pluto, who explains how benign Plutonium is. This is an expensive effort aimed at preparing the Japanese public for the start-up of the plutonium-fueled Monju breeder reactor. "Plutonium," Mr. Pluto tells the public, "is safe enough to drink." Mr. Pluto is then seen shaking the hand of a youngster who is drinking a mug of plutonium-laced soda.

The narration says that if plutonium were ingested, most of it would pass through the body without harm! In reality, the inhalation of 0.0001 grams of plutonium can induce lung cancer. The video seems to be the latest in a continued effort by the Japanese to offset the tremendous criticism that their plutonium program has received over the past several years. Currently, Japan is the only major country actively pursuing plutonium as an energy source. A Washington, D.C. based anti-nuclear organization has challenged the president of PNC, Tadao Ishiwatari, to drink a gram of Plutonium on television—drink up or shut up. ** An internal New York Power Authority (NYPA) newsletter recently distributed to plant personnel at the Authority's Indian Point-3

nuclear reactor, acknowledged that, "The Nuclear Regulatory Commission's view is that we are a risk to ourselves and to those around us...What we've been doing up to this point has not been working." The article was based upon a series of recent mistakes that occurred at the plant including the accidental dumping of radioactive water into the Hudson River. ** After a courageous struggle, activists could no longer block Detroit Edison Company from dumping 532,000 gallons of radioactive waste water into Lake Erie. The radioactive water is from the crippled Fermi nuclear plant. A spokesperson from the Monroe Water Department stated that the "discharges pose no threat whatsoever to water consumers. Drink the water with confidence."

Legal Corner

Fitting Lawyers into Your Plan

By Ron Simon, CCHW Legal Council

Question: We have been living in a community that is heavily contaminated with waste products from a large smelter. Over the years we have sought attention and concern from the community by various activities that got our dilemma into the media. We have found that we got more results from television and newspaper stories than we ever got from writing letters and signing petitions. Our experience teaches us that our government officials are much more responsive when they are made to answer us in public when we have a lot of supporters present so that they can be embarrassed publicly if we don't get the response we want.

Recently we hired an experienced environmental lawyer, who will be challenging some of the permits of the plant. In addition, we've filed a lawsuit to get medical monitoring for our children who have had heavy metal exposures.

At a town meeting we had signs out front and made something of a commotion. We did not let city and county officials cut us off after 15 minutes and move on as they had planned. The local media showed us to be a bit rowdy and our lawyer got upset. The lawyer says that as long as the lawsuit goes on, we should not take these kinds of actions or make any statements in public that are not first cleared by the her.

What would you think of this deal?

Answer: Lawyers are not infrequently concerned about their clients' actions and statements. Undoubtedly, things that you do and say can have an effect on your position in litigation. However, to evaluate this deal you were offered, we need to put the cart before the horse. This means understanding and prioritizing your goals and then assessing the tactics by which you are pursuing these goals.

People fighting contamination have generally had the best success by political action that is not only public but highly visible. I have seen precious few examples where being polite and following the rules and etiquette of the government in order to main-

tain a good reputation had led to success. On the other hand, actions that have gotten people's attention even at the risk of being labelled rude, disruptive and even obnoxious have generally been much more productive. You must remember that you formed your group because you just were not satisfied with going along with the way things were going. You are asking them—government agencies and corporations—to change their behavior in ways that they do not want to change. Your demands probably will cost them both money and aggravation. It is not surprising that they label your actions as rude. If they are not calling you obnoxious, I suspect that you have not yet begun to create serious pressure.

Fighting in the courtrooms and through official government "public hearings" has rarely been as successful as community-based political fights. The legal system greatly favors the polluter. Not only is the law on the side of the polluter, but the formal process puts great weight on data and economic resources. The polluter has a great advantage in both of these areas.

Some struggles have successfully combined both formal litigation or agency proceedings with public actions. Governmental decision-makers, whether in the executive or judicial branch, are aware of and sensitive to public opinion. Keeping your story in the newspapers may help your case in court. There needs to be a combination of in-court and out of court strategies. The things that



happen outside the courtroom could have a negative and/or positive impact. The client and lawyer need to be aware of the implications of their actions.

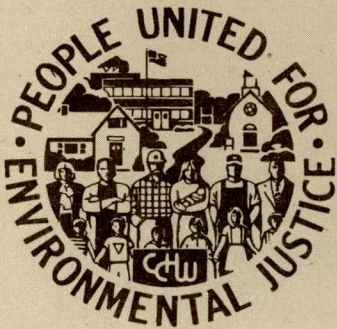
The approach to coordination that you described is too narrow and limited. You do not want your lawyer to have a veto. Instead, the lawyer needs to be aware of your overall goals and how the lawsuit fits into the overall goals. At that point, it is necessary to discuss and think through the implications of each tactic.

Too often, when a client hires the lawyer the only goals that survive are the goals that the lawyer is pursuing. The case becomes the lawyer's case and the things that were your goals, but are not part of the lawsuit, fall by the wayside. Blaming this on the lawyer is too simple. There are many things that you seek that will not be won in the lawsuit. It is your job to pursue them and remind the lawyer of the lawyer's role in the overall plan. If you don't have any plan except to have a lawyer file a lawsuit, you can hardly put all the blame on the lawyer.

For more information please see *User's Guide to Lawyers*, number 12 in the publication insert.

Politics of Health

EMFs Disrupt Human Cells- Researchers at Stanford University have found that weak electromagnetic fields like those emitted from overhead power lines can disrupt synthetic membranes similar to those surrounding human cells. The study adds more fuel to the theory that electromagnetic fields or EMFs pose a significant health threat. Although researchers used a synthetic membrane made up of fat molecules, the model very much displays the same properties of the fat-containing membranes that surround and protect all living cells. The experiment showed that when these synthetic membranes were exposed to varying degrees of electric current the constituents of the membranes were disrupted until they separated. According to Stanford scientist Harden M. McConnell, "if electric fields do in fact disrupt human cell membranes, they might disrupt normal cell behavior—much the way cells do when asbestos fibers pierce their membranes."



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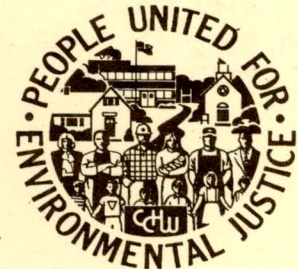
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Rahway Can't from page 19

after construction began on the incinerator. This time the action called attention to the state's broken promise to require mercury controls on air emissions. For CCUC members, if there is to be any burning at all, it should at least be with stringent mercury controls.

CCUC members are prepared to battle government and Ogden until there is no incinerator. "People thought CCUC would go away once construction started," recalled Joanne Eash, CCUC Treasurer, "but we've only grown stronger and more determined. We have nothing to lose if we continue, everything to lose if we quit and let Ogden have its way in Rahway."

Concerned Citizens are attacking the issue from many angles. In addition to mercury emissions from the incinerator, and the mercury contamination problem with fish in New Jersey, CCUC is now addressing increased lead contamination in the community. Presently there is little knowl-

edge of lead levels in children in Rahway, and with the incinerator looming as a significant source of more lead, CCUC is pushing for increased testing in Rahway.

Rahway, and the Concerned Citizens of Union County, is just one community among dozens across the country afflicted by an Ogden Martin incinerator. Throughout the Year to Ban the Burn, these communities will step up their efforts to stop bad incinerator proposals, or shut down problem burners. Concerned Citizens of Union County will be working closely with groups in Montgomery County, Maryland, Mercer County, New Jersey, and New York to counter the incinerator expansion plans of Ogden Martin, during the year to ban the burn.

The *Year to Ban the Burn Update* will be a regular column for all of 1994. Every issue we hope to highlight a group that is struggling to stop an incinerator, existing or proposed. Please keep us up to date on what your group is doing to fight incineration. ♦

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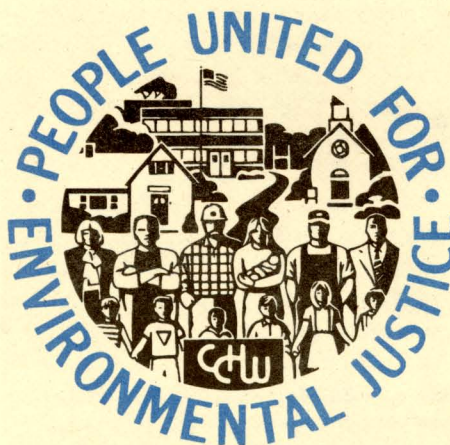
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