

Everyone's Backyard

CITIZEN'S CLEARINGHOUSE FOR HAZARDOUS WASTE, INC.

Vol. 4 No. 4 — Winter, 1986

Places We've Been in 1986...



The second-largest relocation (320 families) took place in Humacao, Puerto Rico during 1986. The entire Ciudad Christiana neighborhood had to be relocated due to mercury contamination. We visited with them to help them plan next steps to win health screening for their children and a fair relocation plan.

The Search for a National Physick

by Sharon Drain

EDITOR'S NOTE: Residents of almost 20 states were kept in suspense over the Department of Energy's expected announcement of sites for high-level radioactive waste dumps. DOE was supposed to name one site in the West as the choice in "Round #1" and another site in the East during "Round #2." When the eastern states being considered in Round 2 were announced, there was so much public outcry that the Reagan Administration found it

politically expedient to simply cancel Round #2, in the futile hope that this would help the Republican Party save its control of the Senate in the November election. However, that still left three states—Washington, Nevada and Texas (specifically Deaf Smith County in the Panhandle)—with the decision hanging over their heads. This is the story of what it's like to be sitting in the middle of the nuclear waste bulls-eye.

Residents of 47 states breathed a collective sigh of relief when the Department of Energy decided to postpone "indefinitely" choosing second-round sites for a high-level nuclear waste dump. However, Texans are hoppin' mad—and we're joined by knowledgeable people in Washington State and Nevada.

Since none of the electricity generated in Texas comes from nuclear sources, Texans do not feel it is their responsibility to unconspicuously commercial nuclear power plants located, primarily, east of the Mississippi River.

To provide the powerful, well-funded nuclear industry a place to put its waste, DOE launched a new civil war which pits East against West. Whether by ingenious political design or incredible stupidity, DOE's civil war has now been joined by the Nuclear Waste Task Force which represents over 150,000 Texans. As one Texas Panhandle farmer put it, "Easterners get the nuclear power; we get the shaft."

On the heels of their May 28 announcement, DOE released a report specifying a salt dome in Richton, Mississippi, as the safest and best-suited geological site. Deaf Smith County, Texas, was rated "acceptable." But that ain't good enough. DOE plans to store 70,000 metric tons of the most dangerous substance known to man, nuclear waste, underneath America's largest source of fresh water in a county which leads the nation in the production of agricultural products.

See SEARCH, page 6

A Message from Lois

Dear Friends,

For the past five years, I've worked with communities all across the country. At first, like most of you, I worked as a volunteer, giving up my family time to establish an organization that would help people fight to keep out or clean up the poisons in their environment. I am proud to report many of the local groups we helped have succeeded in protecting their communities.

This didn't happen by chance. People fought hard to win their victories. My staff and I traveled to hundreds of sites to speak at rallies, to provide organizing assistance, technical information and interpretation. Everyone working together made these victories happen.

Think back for a moment on how you felt when you first learned of your issue and problem. Remember how frightened, frustrated and angry you were? Well, every day CCHW receives calls for help from people in that same position. It is our responsibility to help them—yours and mine. CCHW was there when you reached out for help—we need to be there now for others.

For this reason, I'm asking you to give whatever you can to support our efforts. People across the country need our help as we once needed help, and that can only happen if you are willing to make it happen. Please fill out the form and join CCHW as a winning member. If you are already a member, give a contribution towards one of our other projects. Together we can make this movement grow.

Sincerely,
Lois Marie Gibbs
Executive Director

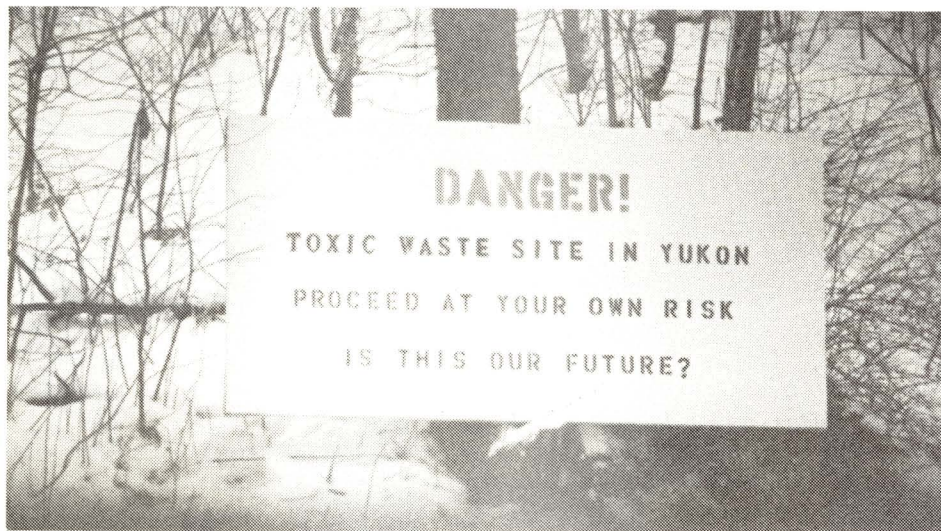
organize!



More Places We've Been in 1986...



In Harford County, MD, we helped rally the Dublin-Scarborough Improvement Assn. to block expansion of the county's leaking municipal dump.

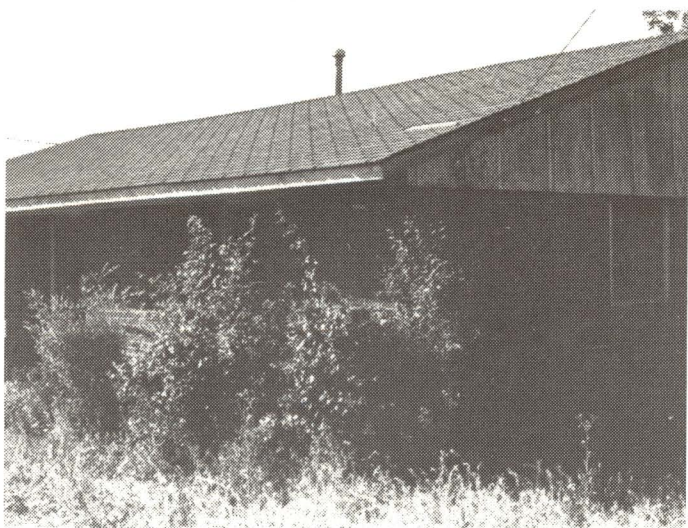


We helped Concerned Residents of the Yough (CRY) in Yukon, PA, fight the expansion of Mill Services, Inc.'s toxic waste site.



We helped the New Jersey Grassroots Environmental Organization (GREO) build a stronger statewide federation through a series of leadership conferences.

Toxic Ghost Towns...



Savannah Place, in Richmond County, Georgia, where low-income residents were ordered out by police because of explosive gas.



Ciudad Christiana, in Humacao, PR, the main suspect—E.R. Squibb; plant is in the background.

Disasters Waiting to Happen

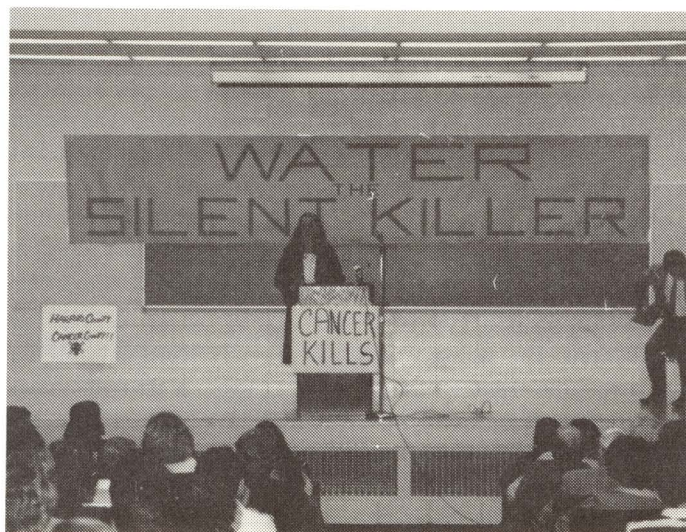


At Waste Management/Danis Corp. in Tremond City, Ohio.



Plant discharges in mid-day in Augusta, GA—Shown: Columbia Nitrogen, Inc.

And Fighting Back!!!!...



Organizing Toolbox: What Works and What Doesn't

by Will Collette

As CCHW wraps up its 5th Anniversary Year, we really *can* look back at five years of progress. As we celebrate the wins (and mourn the few losses), we can also say for sure what works and what doesn't when people say "no" to living with hazardous wastes. We know for sure now that Love Canal was not a "fluke." When Lois Gibbs rallied her neighbors around the demand, "WE WANT OUT!" it was no accident that they won their demand for relocation. They won because they practiced an old-fashioned American tradition called *organizing*. It wasn't lawsuits that got them out. It wasn't new wording to some regulation. It wasn't a law passed by Congress or the New York State Assembly. It wasn't computer networking. It wasn't canvassing and it wasn't fancy fundraising gimmicks—they only raised about \$10,000 during the entire three years of the Love Canal fight. It was "People Power," built through organizing. They figured out who had the power to give them what they wanted and they applied pressure until they got it from them.

In the five years since Love Canal, CCHW has passed along this "Love Canal formula" to over 1,000 grassroots groups. We figured that, if it worked great once, it would work again. But we were nervous too because, after all, how could we know it was a sure thing? Well, after five years, we're pleased to report that groups that put "People Power" first *won* their goals more than 90% of the time. Groups that looked for other ways, like lawsuits or lobbying, *lost* more than half the time, often lost big and sometimes went bankrupt. That's the facts!

Now, "organizing" is a term people throw around a lot. What it means can be simple or it can be made complicated. I'm going to keep it simple to honor the spirit of a recently departed organizer friend, the Reverend Frederick Douglass Kirkpatrick, who always said, "When a thing is complicated, it means some-



Organizing skills can be learned. Here, CCHW conducted Louisiana's first Leadership Development training conference. Out of this, grew a brand-new, grassroots toxics federation, the Louisiana Environmental Action Network (LEAN).

body's either taken the truth out or covered it up."

1. WHAT IS ORGANIZING?

Organizing is bringing people together for a common purpose and for mutual support to get the *power* they need to take control of their lives.

2. HOW DO YOU ORGANIZE?

United Farm Workers leader Caesar Chavez said it best: "First you talk to one person, then another, then another...." And you also listen. You listen for people to tell you what they need, what they want. You don't tell them what you want. Instead, you ask the kinds of questions that help them understand their own needs so they can take action to address those needs. And you don't do for people what they can do for themselves. Organizing is helping people understand their own strengths (and weaknesses) as individuals and more importantly, how powerful they can be if they work together as a group.

3. WHAT DO YOU NEED TO ORGANIZE? *Faith* in people. When a person complains bitterly to me that people in her community are (a) apathetic, (b) stupid, (c) lazy, (d) cowardly or (e) all of the above, the first thing I try to do is to help this

potential leader develop a more positive attitude about people.

It takes *hope*. You've got to believe that you *can* win. It's only a matter of figuring out how. Otherwise, Collette's Corollary applies: "If you think you're going to lose, you will."

It takes *courage*. You will have to do things you never thought you could do (e.g., talk to strangers, speak in front of groups, say rude things to public officials.) I wish I had 50 cents for every time a new leader told me, "Gee, I've never done this kind of thing." Let's face it: none of us took Organizing 101 in high school. You'll also need courage to take on the big guys, the corporate polluters and their pals in government. But history's on our side: Lois Gibbs and 1,000 Love Canal residents made President Jimmy Carter come to them, hat in hand. For the past five years, the grassroots movement against toxics has won big against tough opponents.

4. WHAT ELSE DO YOU NEED?

It takes *fire*: emotion, anger and spirit. It's o.k. to be "emotional," it's acceptable to show your anger, it's even proper to have fun during the fight. Over the past five years, we've

Continued on page 6

LEGAL CORNER

By Ron Simon

Q. We have been told that our drinking water wells are contaminated with chemicals used by a large plant in the neighborhood. We have been told to stop drinking our water. We are very tired of hauling water in.

We want to have the public water supply brought to our house, but things seem to be terribly stalled. The local minicipal government says it does not have the funds to put down the water line. The state government says that it believes the plant's probably the source of the pollution but nothing's been totally proven. The federal government says that it cannot do anything because "Superfund" has not been reauthorized. We feel kicked around like a football.

We have decided that the best way to break this logjam is to file a lawsuit. We can sue both the polluter and all of the government agencies for not doing their job. We're really excited about all of the favorable publicity we can get. What do you think?

A. Let me be blunt: this is a terrible idea.

Suing the government is not a good way to get them to do what you want. In court the government has lots of special defenses: "sovereign immunity," "discretionary function," "exhaustion of administrative remedies," "ripeness," "mootness," "standing," and "lack of jurisdiction," which are not available to private parties. Many judges refer to these as "the usual government defenses." U.S. attorneys and attorneys who defend the state in court call them the "government is always right" defenses.

In addition to the existence of these defenses (and the multiplicity of agencies and regulatory schemes which have their own interconnections and loopholes), the government has staffs of paid lawyers and bureaucrats who can respond to your lawsuit without

putting out any out-of-pocket cash. A more cynical old-timer once chastised me during heated litigation against the government that I was the only lawyer in the room not getting paid by a green government check.

So litigation against the government can be even slower than the typical slow pace of litigation. If you want to get the government to do something fast, the last thing you want to do is sue the government. Litigation just ties you up in technicalities and slows you down.

The best way to win your battle with government agencies is through the political process. The government is much more vulnerable to the political pressure you can generate as citizens than it is to legal pressure.

I suggest you come up with a plan for what you want the government to do for you and a strategy to force the government to do it. You want to put the government agencies under so much pressure that it will be easier for them to do what you want than to continue to take the heat that you generate when they resist your demands.

I have spoken to many hundreds of citizens in your situation. Most are disappointed and dismayed that the government has not taken care of them as it should have. They feel frustrated because their initial efforts to put on pressure have not met with immediate success. When I tell citizens groups that they need to exert political pressure, they almost always respond that they have tried it and it has failed. I generally retort that they need to try harder. They are tempted to abandon their struggle and turn it over to the lawyers and court.

I can't tell you how many people have come back to me after I advocated continuing political pressure instead of turning to litigation to tell me political pressure finally worked. They thanked me

for my encouragement (even though sometimes it was hard advice to hear since it meant lots of work) because it turned out to be effective. The record is almost perfect. People who have escalated political pressure have won. People who have litigated have lost.

Remember that even if you win in court, all you get is a court order that the government must follow the law. Since the government is supposed to follow the law in the first place, you have won precious little. Many people believe that once they have a court order, that the government will have to obey the law right away; this is hardly the case. Once the court has told the agency to follow the law, you're back to the same political process of making them follow the court order on schedule.

Rather than sue the government, use the political process to force the government to take action against the polluter and to lay the groundwork for your initiatives against the polluter. All the legal and technical objections the government gives will disappear if you create enough pressure.

Some people have told me that the government has even encouraged them to file lawsuits. But once a lawsuit is filed, the government officials who are supposed to be helping you have the best excuse of all: "We can't do anything because it's litigation." A lawsuit may make headlines for one day, but lawsuits can be the greatest excuse in the world for everyone to do nothing—and that's the worst possible thing for you.

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

ORGANIZING TOOLBOX, *from page 4*

seen groups fizzle that became dominated by people who wanted to turn this battle into an intellectual exercise. They let the group's work become drudgery and then complained to us that people were apathetic. Instead, take joy in your work. You're not only making a better life for yourself and your family but you really are changing the world by not letting anybody push you around in your small part of it. It takes *imagination* and an open mind to others' ideas. It takes *work*, but there's a trick to that: if you think you're doing too much work, it may be because you haven't figured out how to get others to do it. Are you asking people to do things they like to do, know how to do, feel comfortable doing? Are you asking them in the right way? People will work if they feel it's worthwhile and within their abilities. You'll just have to experiment with different ways to motivate people.

While you're at it, take a look at your group's structure. If it's shaped like a pyramid, with the leader at the top and an inside clique controlling everything, it's hard to get anyone else to feel "ownership" of the organization. Better change the structure of your group.

It takes *action*. Unless you are actively *doing* something that challenges the dumpers and their government pals, then what are you all about? If they were nice reasonable people, easily persuaded by the facts, you wouldn't have a problem. They're not. All they understand is power. And power comes mainly from two sources: money or people. Which do you have?

5. WHAT YOU DON'T NEED.

Do you need to be incorporated? No. Do you need a lawyer? Probably not. Do you need lots of money? Nope. Do you need fancy technology? No again. Do you need special training in organizing? Not really. Do you have to bring in some professional or expert to help you? Not really.

Last August, Citizens to Fight the North Mountain Site in Berkeley County, WV shocked everybody, including themselves, by winning their fight to block a proposed industrial

waste landfill. In only 3½ weeks, they forced Governor Arch Moore to come to their town and were so united and tough that he killed the proposal four days later. They won by sticking to fundamentals. They got nearly everybody involved by making sure there was a meaningful role for everybody, including the school children. They knocked on doors, put up yard signs, passed petitions, held protests, got the clergy involved, raised their own money, did their own



What it's all about: Lois introduces the next generation toxic fighter, her new son Ryan at the First National Grassroots Convention on Toxics, May 31-June 1.

research and held the Governor *personally* responsible, since he had the power to give them what they wanted. Berkeley County is a poor, rural community, and the dumper thought the fix was in. The local media was hostile to the group. But with imagination and determination, they worked around every problem. The crowning moment came at the meeting with the Governor. The school children were brought to meet him, handing him petitions from each school and asking the Governor to do the right thing. The senior class president told Arch Moore, "All the adults are telling us to say 'no' to drugs; we're asking *you* to say 'no' to chemical poisons."

The citizens won. They didn't need a lawsuit or an act of the legislature. They didn't even have to spend the few thousand dollars they had collected.

They changed their lives forever! They joined the hundreds of others in the Grassroots Movement who've won concrete, decisive victories over the past five years: PEON in Mississippi, CACTUS in North Carolina, STOP-IT in Massachusetts, SADD in California, HALT in Tennessee, AWARE in Louisiana, RAGE and CLOSE in New York, to name only a few in the "Honor Roll" of victorious groups.

Talk to us. The most satisfaction I've gotten over the past five years at CCHW is in talking to grassroots leaders about how to win, what works and what doesn't. Whether you're just starting out or are an old veteran, all of us at CCHW are committed to helping you win. When you win, we all win.✧

SEARCH, *continued from page 1*

That is not a script for a doomsday movie, it's a fact. It is also a fact that DOE's failure rate is over 50 percent at **low-level** waste sites. In other words, more than half the time they screw up.

Four major employers in the Texas Panhandle announced they will relocate or shut down operations if for no other reason than psychological contamination of the site is built. No one can blame Holly Sugar, Fito-Lay, Richardson Seed Company or Arrowhead Mills for feeling the need to pull out. Who wants to eat Fritos made from corn grown over the only high-level nuclear waste dump in the United States?

One suspicion is that DOE added the second-round sites as a political ploy to meet the requirements of the Nuclear Waste Policy Act, with every intention of dropping them later. If so, the governmental agency is breaking the law and inviting lawsuits. By way of explanation, Ben Rusche, director of the Office of Civilian Waste Management, claimed waste production was lower than projected.

However, DOE officials estimated that 100,000 metric tons of radioactive waste will exist by the turn of the century, so second-round sites probably got a stay of execution, not a pardon. DOE also just got \$45.7

See SEARCH, top page 7

SEARCH, from page 6

million of taxpayers money to study the non-existent sites.

Serious Texans Against Nuclear Dumping (STAND, Inc.) and People Opposed to Wasted Energy Repository (POWER, Inc.) want a complete reevaluation of **all** possible geological sites in the United States based on science and safety, not under-the-table political chicanery.

DOE's dump must be safe and secure for a mind-boggling 300 generations. We don't trust DOE to protect our clean air, pure water and fertile land for 10,000 years minimum. No one should trust DOE to never have an accident as they haul 16 truckloads or 2 trainloads cross country on major routes every day for 30 years.

The whole issue is not just the problem of a few Texas farmers who will get their land confiscated. (The Nevada and Washington sites are federally owned and already contaminated.) It is a national issue that puts Americans at risk, both east and west of the Mississippi River.

Anyone who eats should not want nuclear waste stored in Deaf Smith County. It will be stored beneath the aquifer providing drinking and irrigation water to parts of eight states known as the "Breadbasket of the World."

By DOE's own admission, the Texas Panhandle is not the safest site. It would be a shame to let the government turn Deaf Smith County into Death Smith County.

For further information, contact STAND, Inc., 6231 I-40 West #205, Amarillo, TX 79106 (806) 352-1662.☆

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

Lois Marie Gibbs, Executive Director
EDITORIAL BOARD: Will Collette, Lois Gibbs, Stephen Lester, Sybil Petersen, Iris Rothman, Ron Simon, Barbara Sullivan.

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

CCHW

P.O. Box 926, Arlington, VA 22216
703/276-7070.

LESSONS, from page 8

they introduce the concept of "risk" and begin a debate over what's "acceptable." This is perhaps best illustrated when small amounts of chemicals are found in someone's drinking water. The government's response is usually to minimize the results, stating that the levels are very low, within "acceptable" limits. The real issue here is that scientists don't know what happens to people when they are exposed to low levels of a mixture of toxic chemicals, especially when one or several are carcinogens. This uncertainty gets lost in the use of "acceptable" limits, which are more opinion than fact.

A particularly hard lesson for me to learn was that *scientists are not objective* (Lesson #4), that they have their biases just like everybody else. One of the great myths of our society is that science is pure and objective. While this may be true in the lab, it just isn't so when science is applied in social settings. In the lab, scientists have control over their experiments and there's no immediate social impact when they report their results. This control is lost, however, in the real world, where scientists must make judgments and give opinions while under political and economical pressures—just like everybody else. These pressures make decisions very difficult, especially when there are so many uncertainties. Many good scientists have given in to the pressures brought on by controversy and threatened job security.

All this is not to say that science and engineering aren't important or

have no role. They are important "tools" that you need to know how to use (and not just to collect information). The right information used in the right way at the right time can be very powerful (Lesson #5). Learning how to do this is an organizing skill.

Additional important lessons we've learned over the past five years include:

- Experts are not always right
- Experts can't solve your problems
- Residents can quickly become experts themselves, as no one knows more about their community and situation.
- Never let experts speak publicly in place of you. Do your own talking.

Most of us learned these and other lessons the hard way, with frustration, under stress, and by the seat of our pants. Science and scientists are being demystified, and people are recognizing their limits and learning the true value of scientific information.

As we look toward the next five years, I'm optimistic that the lessons learned over the last five will make people less intimidated by science, more knowledgeable on scientific issues, and better able to articulate what they want from science and technology.

These seeds of change have already been sown as communities are advocating for innovative technologies that permanently clean up waste or eliminate it at the source instead of using existing traditional approaches. Science is a powerful tool, but only if *you* know how to use it.☆

YES!

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

- | | |
|---|---|
| <input type="checkbox"/> \$15 regular membership | <input type="checkbox"/> \$25 for citizens' groups or sponsoring individuals |
| <input type="checkbox"/> \$50 for sustaining members* | <input type="checkbox"/> \$100 for corporations/institutions or individual patrons* |
| <input type="checkbox"/> \$500 for lifetime members* | <input type="checkbox"/> \$25 for the newsletter only (non-member) |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> CCHW T-shirt (circle one: S, M, L, XL) |

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

Name _____

Address _____

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

Signature _____

Citizen's Clearinghouse for Hazardous Wastes, Inc.
Post Office Box 926, Arlington, Virginia 22216

Lessons We've Learned

by Stephen Lester

It's always important to step back once in a while and reflect on what you've learned. The single biggest lesson CCHW has learned over the past five years is that *science and technical information alone will not solve problems*. It's a common mistake to think that if you hire the best scientists and engineers and make solid technical arguments, the government decision-makers can be convinced you're right. Those of you who've been there know it just doesn't work that way. When the government finds problems, it's often very reluctant to fully determine the real extent of the problem. If the government documents contamination that threatens people's health, it would have to do something about it: maybe evacuate people and clean up contamination. That costs money the government doesn't want to spend—and might set a precedent establishing cleanup standards or unsafe exposure levels that would force money to be spent elsewhere.

My own experiences at Love Canal made it clear to me that the State wasn't interested in Science. Scientific data and information played a small role in decisions; political and



The *main* lesson we've learned is that most waste issues are 90% political and only 10% technical. Here, LEAN prepared Louisiana's first balloon launch to protest the Rollins Incinerator near Baton Rouge.

economic considerations were far more important.

One reason for the low priority given scientific information (and the second important lesson learned) is: *There are only a few answers to the many scientific questions raised by dump sites*. Scientists actually know very little about the health effects of

exposure to combinations of chemicals at low levels. As a result, when politicians and bureaucrats look for answers, the scientists don't have them.

But often *scientists don't admit they don't know* (Lesson #3). Instead,

See LESSONS, page 7



CITIZEN'S CLEARINGHOUSE FOR HAZARDOUS WASTES, INC.
POST OFFICE BOX 926 ARLINGTON, VIRGINIA 22216
(703) 276-7070



Address Change
Requested

"Please Join!" on your label means you've gotten our newsletters and haven't become a member. It's time you made the commitment. Rising postage and printing costs will force us to drop inactive names from our list. Use the membership sign-up form in this newsletter.