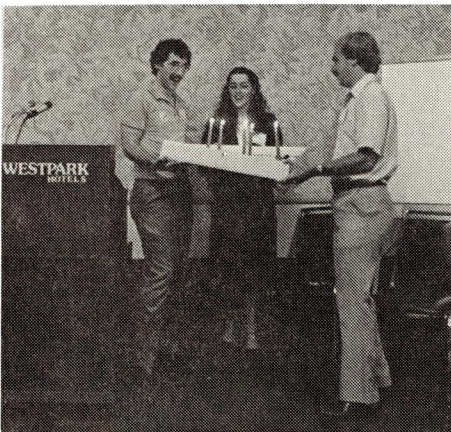


# Everyone's Backyard

CITIZEN'S CLEARINGHOUSE FOR HAZARDOUS WASTE, INC.

Vol. 4 No. 3 — Summer, 1986



It was a birthday party!...Lois Gibbs, Steve Lester and Kevin Kelly blow out candles on CCHW 5th birthday cake.

They came by van, bus and car, by plane and train.; many had to beg and borrow. But come they did, over 400 strong, to the First National Grassroots Convention on Toxics, (May 31-June 1 in Arlington, Virginia) the highlight of CCHW's Fifth Anniversary celebration. Nearly every state in the Union was represented, as well as Puerto Rico, Canada, Taiwan and Germany.

Disappointment turned quickly into victory—delegates were upset to learn that invited keynote, EPA Administrator Lee Thomas decided to skip the Convention to spend more time with his family and sent Superfund chief J. Winston Porter in his place. Adjusting quickly to this change, the Convention delegates pressed Porter hard and won major concessions, such as an agreement that Porter would come to sites and meet with residents and that the agency would

## First National Grassroots Convention ...Five Years of Progress ...Five-Year Plan for the Future

stop resisting Congress' intention to allow citizens groups to get \$50,000 per Superfund site to hire their own experts.

Despite this, the delegates weren't through with EPA or Lee Thomas. Determined to "leave their mark on Washington," delegate leaders organized a late afternoon march on EPA so that the Convention could leave Lee Thomas the message that "Sorry we missed you, Lee, but we're not letting you off the hook!" Over 250 delegates—just about everybody who was physically able to make the march—got on the Washington subway system



And, won major concessions on community funding for experts and Superfund decision-making.



It produced results...J. Winston Porter, EPA Superfund chief, takes the heat from the more than 400 delegates...

and marched the half-mile to EPA headquarters. Under the watchful eye of rooftop SWAT teams, they plastered the EPA building with their group and site names, as well as demands, observed a moment of silence for the dead and sick victims of toxic exposure and held a well-covered news conference. All of this took place after a long day, filled with workshops. All through the rest of the night, delegates met both in informal meetings and caucus sessions, celebrating their participation in this historic, first gathering of leaders from all across the length and breadth of the grassroots toxics movement.

On the second, final day of the Convention, delegates got down to business and began drafting the Five-Year Plan of Action for the Movement. Working first in small group

See CONVENTION, page 2

CONVENTION, *from page 1*

Resolutions Committees, delegates worked to develop goals and objectives for the Movement but, more importantly, began drafting "Action Steps," following the advice of Convention Master-of-Ceremonies Tim Sampson that goals without actions are just words.

This Plan of Action is now presented to *you* for your comments, ideas, additions and ratification before we put it into final form and broadcast it as the democratically-adopted "People's Platform" of the Grassroots Movement against Toxics. Please look over the Plan of Action carefully and send us your responses.

One of the closing highlights of the Convention was the Awards luncheon where 98 grassroots leaders from around the country were presented with Distinguished Leadership Awards honoring them and their organizations for their victories and efforts to advance the Grassroots Movement. Consumer Advocate **Ralph Nader** gave a rousing keynote address commending the delegates for representing the *real* environmental movement and challenging them to fight even harder. Dr. Barry Commoner sent a special greeting where he sharply criticized the traditional environmental movement for taking the "soft path" of "negotiation, of compromising with the corporations about how much pollution is acceptable." Commoner commended CCHW because it has "pioneered the hard political path" and the grassroot delegation leaders: "For you, the front line of battle against chemical polluters is not in Washington but in your own communities. For you, the issues are clear-cut and not to be compromised!"

## News Briefs

### In Brief . . .

Dr. J. Winston Porter, head of Superfund for EPA, told the Convention delegates he would come out to meet with residents at Superfund sites. Apparently, he's real serious and, according to our sources, he called a staff meeting at EPA to look at open times in his schedule. He also sent word to us that he's now ready to take the names of groups at

Dr. Barry Commoner, one of the founders of the environmental movement, was given a Special Achievement Award at the convention. This is his message to the delegates:

## "Hard Path vs. The Soft Path"

June 1, 1986

I greatly appreciate this honor. I appreciate it most because it comes from the grassroots environmental movement—the real battleground of the fight for environmental quality.

In recent years the seriousness of environmental issues has been blurred and their origin confused. The facts tell us that pollution is caused by corporate decisions—decisions that are designed to maximize their profits. The chemical companies decided to put their wastes into toxic dumps and underground water supplies, because that's the cheapest thing to do with them. The companies that build power plants, with orders for new plants dwindling, are looking for profits by building trash-burning incinerators—otherwise known as dioxin factories.

This fundamental fact confronts the environmental movement with two possible paths. We all know about the "hard path" and the "soft path" in environmental technology; there is in fact a "hard path" and a "soft path" in environmental politics. The soft path is the easy one; it accepts the private corporate governance of productive decisions and seeks only to regulate their environmental impact. (And free to do so, the corporation have invariably chosen the "hard" environmentally hazardous technologies.) In environmental politics the hard path is the difficult one; it confronts the real source of environmental degradation—the decisions that determine the choice of productive technologies—and debate who should govern them. Only this hard political path can open the technological choice to the soft environmental path.

Confronted by the powerful opposition of the corporate polluters, the environmental movement has split in

two. The national environmental organizations, in their Washington offices, have taken the soft path of negotiation, compromising with the corporations about how much pollution is acceptable. The people living in the polluted communities have taken the hard path of confrontation, demanding not that the dumping of hazardous waste be slowed down, but stopped; not that dioxin-producing incinerators be equipped with unworkable emission controls, but that they should be abandoned. The national organizations deal with the environmental disease by negotiating about the kind of "bandaid" to apply to it; the community groups deal with the disease by trying to prevent it.

The Citizen's Clearinghouse for Hazardous Wastes has pioneered the hard political path. For you, the front line of the battle against chemical polluters is not in Washington but in your own communities. For you, the issues are clear-cut and not to be compromised: A waste management company decides to build a trash-burning incinerator, but the community, fearful of the health effects, doesn't want it. A chemical company keeps dumping toxic wastes in a leaky lagoon, but the community wants the practice stopped and the lagoon cleaned up. In these battles the corporations are on one side and the people of the community on the other. The people directly challenge the corporation's exclusive power to make the decisions that threaten the community's health.

I am happy to accept this honor, for I join with you in taking the hard political path, the only path that leads to a healthy environment and a just society.

Barry Commoner  
CBNS  
Flushing, NY

Superfund sites to begin lining up the meetings, provided these referrals come through CCHW. We'll be glad to help you work on this, so call either Lois Gibbs or Will Collette at

CCHW, 703/276-7070. **ADVICE:** **don't** rush into this half-cocked. You should (a) have talked this through with leadership in your group, (b) ...More→

IN BRIEF, from page 2

have a good *reason* why you want the visit and (c) have a good *plan* for what you want to happen during the visit. We'll be on call for you to use to deal with these key points.

\*\*\*\*\*

The CCHW Fifth Anniversary Poster Contest for children generated some terrific artwork to decorate the Convention Hall! Thank you to all the children and their parents! *HOWEVER*, just about all of the posters were grabbed and taken back before we could get the names and addresses of the children. **PARENTS:** please send us the children's names so that we can thank them and send them their Honorable Mention letter. Further, representatives of the *EPA Staff Union*, NFFE Local 2050, came to the Convention, loved the kids' posters and would like to hang them in the *halls at EPA*. Send us the posters back, folks, *and*, all of you out there, **SEND US MORE** children's posters. What better way to inspire our friends at EPA than to have the children's art right there in their building!?!

\*\*\*\*\*

Winners of the Children's Poster Contest (and recipients of a \$25 prize):

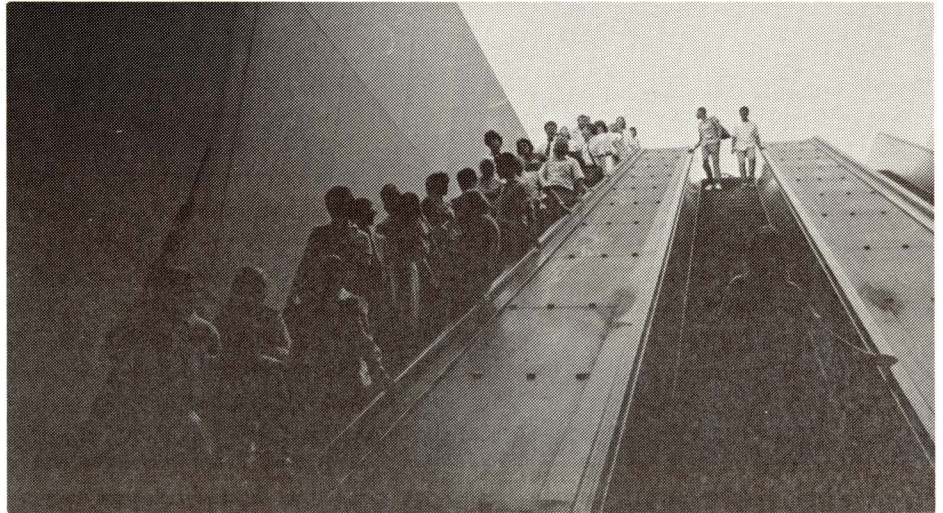
K-Grade 4: Bryan Borello, Uniontown, OH for "Put It Back the Way It Was!"; 5th-8th: Diana Ferree, Yukon, PA, for "How We Dispose of Toxic Waste Today Will Reflect on the Children of Tomorrow;" 9th-12th: Kathy Gerry, Lincoln, ME, for "Maine's Future Is On the Line!"

\*\*\*\*\*

CCHW has been awarded Second Prize in a national journalism contest sponsored by Sigma Delta Chi, the journalists' society. The Contest, "The Ten Most Censored Stories of 1985," recognizes important public issues that received little or no coverage in the major media. CCHW's story, written by Will Collette, "How the Pentagon Dumps On All of Us", dealt with the growing threat of environmental hazards at military installations and defense contractors. It's a little known fact that virtually *every* military installation poses some sort of environmental and health threat. The Pentagon's latest inventory lists over 3,000 toxic waste sites!

\*\*\*\*\*

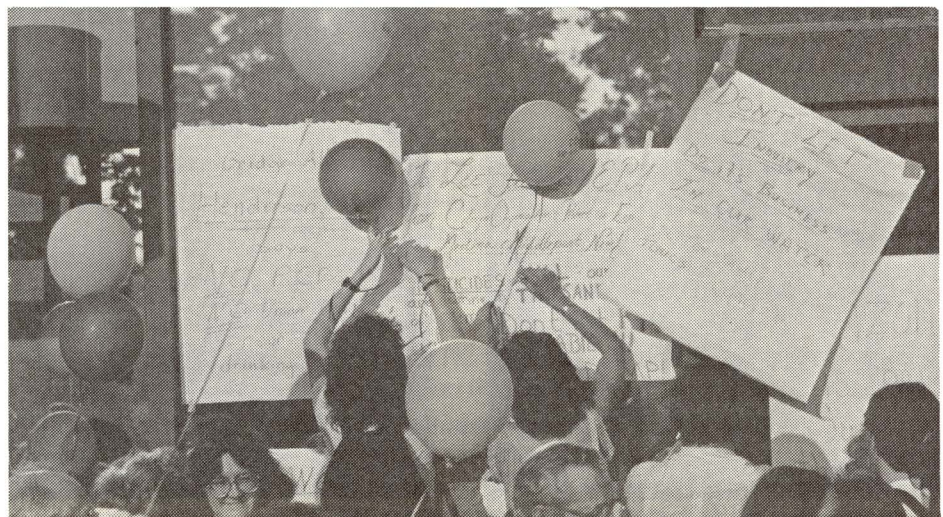
Despite Porter's concessions, delegates want Lee Thomas and EPA to get their message. So...



They organized Washington's first demonstration by mass transit. Delegates piled on D.C.'s subway system to launch their march on EPA...



Rallied in front of EPA, singing and chanting, "No More Thomas' Promises"...



and then plastered demands on the building (some are *still* there) and observed a moment of silence for the victims of corporate polluters and government inaction.



Delegates had to choose among two dozen workshops, offered four times, on disposal methods and alternatives.



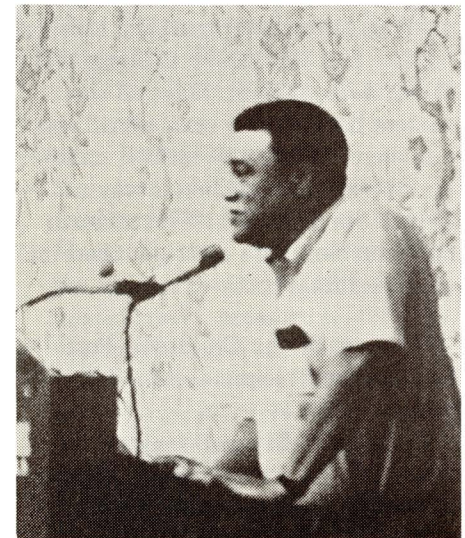
Bethsaida Rivera, who led the fight that won the 3rd largest evacuation—the entire Ciudad Cristiana neighborhood in Humacao, Puerto Rico, receives her award.



**Ralph Nader** encouraged delegates to continue fighting.



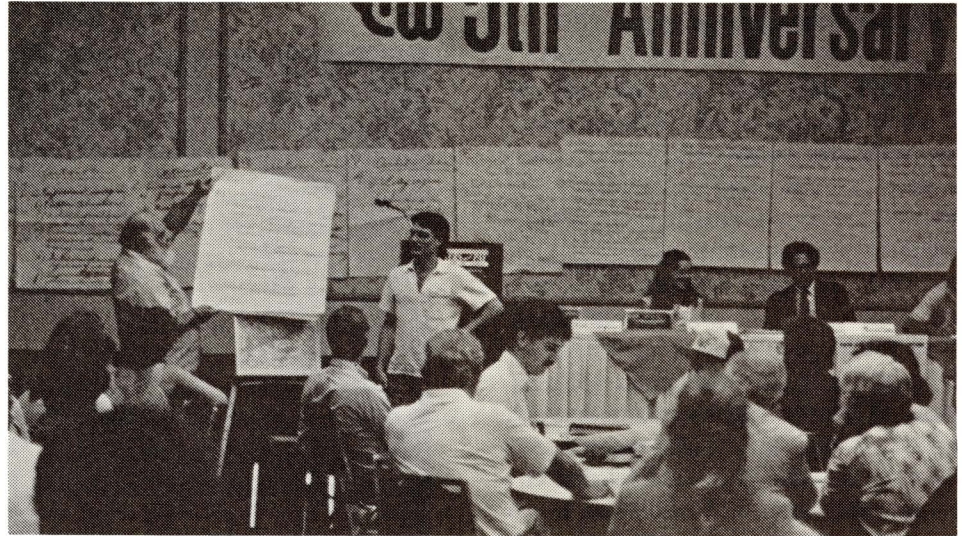
Cathy Hinds of Maine presents Lois Gibbs with *HER* award from the convention delegates.



Heard action strategies from other delegates. At the podium: Alonso Spencer, head of *Save Our County*, East Liverpool, OH.



**JUBILATION!** Cora Tucker of Halifax, VA receives her leadership award from Lois for decades of struggle for civil rights and environmental justice.



And spent hard hours in Resolutions Committees, drafting the Five-Year Plan of Action.

# The Five-Year Plan of Action

This is the Five-Year Plan of Action that was presented before the First National Grassroots Convention on Toxics by the resolutions committees comprised of Convention delegates. It was adopted by the Convention as a whole and now goes before you. We look at this Plan of Action as a living, evolving work to which we all must contribute. We ask you to look it over, to discuss it with your group, to add to, adapt, endorse, but most importantly, to *act* on. After you've thought about it and talked with your group, let us know what you think! We present this Plan to you just as it was presented to the Convention. We'll leave it in this form for a few months so that all of you can take the chance of assuming ownership and leaving your own mark upon it. In the spirit of the Convention and in the spirit which has made this Grassroots Movement strong, we hope that this Plan of Action will become *your* plan of action, not just CCHW's or any one, single group.

## GOALS FOR THE GRASSROOTS MOVEMENT RESOLUTIONS COMMITTEE

### GOALS:

1. **Make toxics a priority public issue**
2. **Corporate and government accountability**
3. **Stop pollution, promote prevention**
4. **Broaden movement, include *all* environmental hazards BUT**
5. **Maintain local control and autonomy**

### Objectives and Strategies:

1. Communication:
  - a. computer network;
  - b. journal;
  - c. directory, national resource book;
  - d. national cable show;
  - e. exchange mailing lists and newsletters.
2. Education:
  - a. develop curriculum;
  - b. local newsletters
  - c. adopt a school or church or youth organization, etc. speakers bureau;
  - d. educate professionals.
3. Political Action:
  - a. hold an annual national convention; COMMENT FROM THE FLOOR: annual convention is too much, grassroots movement is built at home so every five years is fine.
  - b. push for exponential growth;
  - c. target politicians (expand "dishonor roll," fact sheets, share information);
  - d. fight for local ordinances;
  - e. raise toxics issue locally;
  - f. get local media coverage;
  - g. do a "national day of action" (e.g., "Drums Across America");
  - h. mount corporate campaigns;
  - i. do local actions on polluters; try to get indictments;
  - j. achieve "zero pollution growth" by [date];
  - k. put out an EPA Report Card;
  - l. health clinics;
  - m. produce action packets.
4. Education:
  - a. each person should bring others to next Convention;
  - b. link to other groups (coalitions, alliances)
  - c. get local support for CCHW;
  - d. work to build a sense of *hope*;
  - e. testing facility;
  - f. regional meetings;

- g. begin stress project;
- h. coordinating committee.

### LAND DISPOSAL RESOLUTIONS COMMITTEE:

1. **No land disposal of materials harmful to life:**
  - Ban underground injection;
  - Form a landfill fighters' network.
2. **Enforce, strengthen and fund laws and regulations:**
  - Expand definition of hazardous materials;
  - Prevent inter-state transport of hazardous materials;
  - Hold all companies, parent companies and persons responsible for their actions.
3. **Demand appropriate siting of disposal facilities for "non-hazardous" materials:**
  - Require adequate pre-investigation of proposed sites;
  - Require adequate public participation programs;
  - Require local citizens' approval;
  - Require public disclosure of company management background and materials to be disposed.
4. **Demand prompt and thorough cleanup and compensation for existing toxic messes:**
  - Close all existing land disposal sites;
  - Demand adequate long-term monitoring of closed sites;
  - Destroy, rather than contain, on-site when appropriate;
  - Don't allow any development on a closed land disposal site.

### INCINERATION RESOLUTIONS COMMITTEE

1. **Ban all incineration within 5 years:**
  - Call for a Congressional investigation;
  - Conduct public educational;
  - Mobilize scientific and health community;
  - Create financial incentives for responsible waste management;
  - In the interim, stricter regulations for incinerators; COMMENTS: should include waste stream regulations of *all* emissions, including ash; in addition, regulate operating conditions; encourage local ordinances and control.
  - Implement recommendations of the National Science Advisory Board.  
COMMENTS: several Convention delegates asked that these be detailed.
2. **Establish national coalition [on incineration].**
  - Link up the existing groups;
  - Hold meeting in Bloomington, IN on July 12-13, 1986; for information: contact INPIRG, 406 N. Fess, Bloomington, IN 47401, 812/335-7575;
  - Out-reach to communities at proposed and existing sites.

### 3. Establish comprehensive waste management plan.

- Identify and develop a national planning structure;
- Obtain scientific assistance for defining the scope;
- Involve relevant groups in implementing the plan.

COMMENTS: should include a research and development for alternatives, including an immediate increase in *use* of alternatives, plus structured participation of citizens groups, governments and industries in planning process. Waste plan should be comprehensive, including all types of waste; emphasize source reduction and recycling; Long-term vs. short-term planning should be emphasized; emphasize use of non-toxic substances to substitute for toxics currently used.

### 4. Generators will have the economic responsibility.

- Lobby Congress [specific action plan deferred until after Bloomington meeting].

#### SOURCE REDUCTION AND ALTERNATIVE TECHNOLOGIES RESOLUTIONS COMMITTEE

#### 1. Mandatory recycling and source reduction throughout the country:

- Require recycling and source reduction before new treatment or disposal facilities are built;
- Outlaw packaging materials that can't be recycled;
- Promote waste exchanges;
- Change budget priorities: give equal amounts of money to recycling and source reduction programs as hazardous waste and garbage incineration,
- Provide tax incentives to recycle/reduce wastes;
- Identify and use existing laws or work for new legislation;
- Educate and promote community participation.

#### 2. Toxic materials that harm the environment will not be produced:

- Go after generators, impose mandatory penalties—fines and jail sentences;
- Use corporate fines for cleanup in the same region;
- Strong victims' compensation law;
- Use right-to-know laws to obtain information about chemicals and processes;
- Education and community participation.

#### 3. No permits granted to companies that pollute:

- Gather information about companies and share with other groups;
- Publicize information about interlocking directorships to expose conflicts of interests;
- Education and community participation.

#### 4. One Community's solution should not be another community's problem:

- Ban imports/exports of bad technology to or from other states or countries;
- On-site decontamination;
- Education and community participation.

#### CLEANUP/"SOMEWHERE ELSE, USA" RESOLUTIONS COMMITTEE

#### 1. Develop national standards:

- We will set standards of "how clean is clean" at local level and share with other grassroots groups; another way of putting this is "How *unclean* are we willing to accept?"

- Pressure public officials to adopt these standards;
- Set national standards for "how clean is clean" at *zero* level and a time table with fixed schedules;  
COMMENT: standards should not be so rigid that they can't be improved upon by organizing and negotiation.,
- Stop the concept of "acceptable risks?"

#### 2. Stop moving around waste on the "Toxic Merry-Go-Round:"

- On-site containment and monitoring until technology can be found for treatment. Storage only above ground.

COMMENT: leaving toxics in high seismic areas is wrong. Other situations could call for waste to be removed somewhere else, balancing in place the danger of leaving the waste in place and the hazards of removal and impact on the place to which wastes are moved.

- Restoration and reclamation.
- Educate ourselves and others about on-site cleanup as an alternative;
- Develop a strong grassroots network;
- Block removal.

#### 3. Control of clean-up by local citizens:

- Demand direct citizen representation in *all* decision-making;
- Train ourselves to be active participants in all testing decisions;
- Monitoring procedures;
- Work for independent resources, including government money, to hire "experts" as needed.

ADDITION: violators' fines should be split with the community.

#### REGULATION AND ENFORCEMENT RESOLUTIONS COMMITTEE

#### 1. Develop a national toxics strategy:

- Form a national steering committee to develop strategy;
- Create a "Shame List" of the worst regulatory loopholes;
- Carry out a "National Loophole Day" with local actions on guilty parties.

#### 2. We require Industry to provide, and EPA to disseminate, to us the location, amount, identity, use and fate of toxics:

- Local:
  - a. serve polluters with "citizens' arrests"
  - b. demand attorneys' general to enforce the law
  - c. get funds for us to educate and enforce
- National Right-to-Know law:
  - a. CCHW should carry out a roundtable to develop such a law.

#### 3. Assign through legislation all protection, enforcement and cleanup costs to industry, not the public:

- Local:
  - a. penalty revenues go to damaged parties
  - b. permit costs should cover enforcement
- Federal:
  - a. penalty to exceed profit; establish mandatory, minimum fines.

- b. penalty should not be passed on to the public, nor should it be tax-deductible.
- c. Freight, waste and transport tax.

**ACTION STEPS:**

- Form national steering committee to organize “True Cost Day” with local hits;
- Deliver bills to polluters and members of Congress to enforce it;
- Double Dip [???

**4. Enact and enforce a strong national cleanup program [Superfund]:**

- Short-term: we will lobby Congress to support Superfund renewal and hold them accountable during the elections:
  - a. Super Sample Day: deliver samples from sites to elected officials
  - b. Black Ribbon ceremony: ribbons around sites with names of victims; hit on elected official: his/her non-support holds them hostage.
  - c. Balloon release: release balloons with messages saying, “you’re signing our death warrants.”
  - d. Pledge Day: get elected officials to sign pledges of support for renewal and promise to take a leadership role in renewal effort.
- Long-term: we will monitor, participate and challenge each proposed cleanup and insist on permanent measures:
  - a. organize community to participate in hearing processes (testimonies, comments, etc.);
  - b. organize watchdog group to collect and review all site data and establish community “Toxics Corner” in local library;
  - c. residents demonstrate dangers of proposed clean-ups (e.g., bubble-making machine to demonstrate dangers of proposed soil aeration);
  - d. organize regional meetings with EPA and make specific site demands and expect a timely response to those demands from EPA.

- Strengthen enforcement of existing laws;
- Rebuild our access to the courts to force corporate responsibility and victims’ rights;
- Document employee exposures with health community—MSDS, etc.

**3. We must unite and not divide workers and communities exposed in different ways to the same problem.**

- Strengthen state and federal protections from chemical exposures;
- Coordinate EPA/OSHA regulations as well as state and federal laws;
- Community right-to-know *with* workers;
- Work to develop alliances among communities, workers and environmentalists;
- Build organization, door-to-door;
- Fund for chemical education and action; tax on corporations;
- Create model citizen taskforces [EPA/OSHA/State???] [Labor/citizen]

**1. GOAL: Polluters must pay.**

- Write/call corporations: flood them with complaints;
- Boycott polluter’s consumer goods;
- March/protest in front of polluter’s headquarters;
- Pass amendments to Superfund on victims’ compensation.

**2. GOAL: Improve and expand laws and rules governing “cradle-to-grave” of products, by-products and end products that pollute.**

- Pressure local, state and federal officials;
- Educate community, by way of leaflets, video and public meetings.

**3. GOAL: Create cross-regional network on corporate behavior:**

- Computerize local group information;
- Establish central data base for network members.

ADDITIONAL RECOMMENDATION FROM PLENARY: investigate Armand Hammer [head of Occidental Petroleum/Hooker Chemical]

**WORKPLACE EXPOSURE, PLANT EMISSIONS AND ‘JOBS VS ENVIRONMENT’ RESOLUTIONS**

**1. We must demand the rights to both jobs and health.**

- Amend OSHA to cover excluded workers;
- Protect workers who come to community meetings and speak out as well as “whistle-blowers;”
- State and federal “runaway shops” laws;
- Challenge corporate blackmail with facts;
- Support stronger, more democratic unions;
- Promote safe industries, job-intensive, which would create new and more secure jobs.
- Develop more resources, re: chemical effects, training of doctors, worker testing, science advisory committees and school curriculae.

**2. We must take action on our right to know (e.g., educating the public, doctors, etc.)**

- Educate and organize workers and communities affected;
- Expand right-to-know laws: stronger federal and state;

**TOXIC NUCLEAR WASTE RESOLUTIONS COMMITTEE**

BECAUSE the land disposal of low-level nuclear waste currently done and now proposed for high-level waste is not a proven, safe and reliable method of protecting life, the food chain and the environment and

BECAUSE federal law is presently designed to unfairly force high-level and low-level dumps in potentially unsafe and inappropriate areas, through an undemocratic, scientifically unsound and overtly political decision making process and

BECAUSE no proven, safe and reliable method of permanent isolation or decontamination of these wastes is presently available and

BECAUSE the intrusion of these waste materials into the environment and food chain, either through contamination of ground water aquifers, incineration or dillution and dispersion represents a direct, immediate and unacceptable hazard to the lives and health of the people:

Citizens groups, wherever possible and politically feasible, and by all means, shall oppose and block the generation of these wastes in all their forms. In order to safeguard the public health and safety, and to derail the operations of the industries which result in the production of these wastes, groups shall resolutely oppose the implementation of present disposal, transportation and handling methods and technology in all its forms.

Where possible, citizens groups shall act in a spirit of non-cooperation with federal laws regarding nuclear waste disposal and work to oppose and block implementation of these laws, as presently written and;

Citizens groups will insist on the following principles as preconditions to the implementation of any nuclear disposal technologies and processes:

- Full, democratic participation by all potentially affected people;
- Home rule for all potentially affected political jurisdictions and tribes;
- Independent and unbiased scientific peer review of all technologies by non-interested parties;
- Comprehensive classification systems for all types of wastes which addresses the hazardous lifetime of components of the waste system;
- Adequate provision for compensation of loss due to accident, or catastrophic occurrence to all potential victims;

Send your comments, suggestions, adaptations, new ideas, inspired ideas for action and endorsements to: Lois Gibbs, Citizens Clearinghouse for Hazardous Wastes, P.O. Box 926, Arlington, VA 22216.

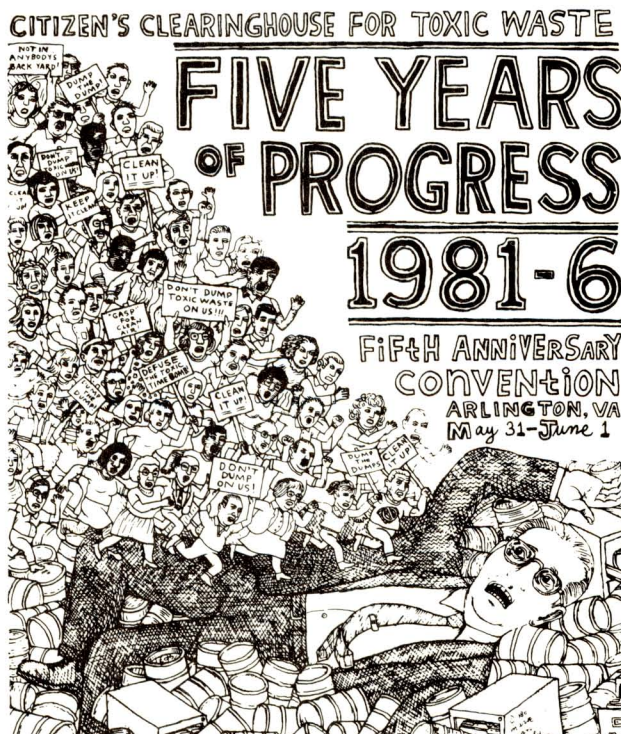
- Isolation of the waste from the environment for the hazardous lifetime of each waste component.

#### ACTION STEPS:

- Do not cooperate with federal laws:
  - block interstate compacts on low-level waste;
  - block dumps for *all* waste;
  - block incineration of low-level waste.
- Insist on local control (including Native American tribes):
  - require referendums on disposal sites;
  - block transport of waste;
  - lobby state and local politicians.
- Insist on independent, unbiased scientific peer review of all nuclear technology
- Push for a comprehensive classification system for nuclear waste that addresses real hazardous lifetime and require source separation.
- Do not advocate disposal techniques until the industry is *gone*.
- Groups in all dump site (and non-dumpsite) states must stand together and defend one another, "all for one, one for all!"

ADDITIONAL RECOMMENDATION FROM PLENARY BODY: end all nuclear weapons testing

## Join the Movement! Become a Member! (Membership Form on page 11)



Mark Stamaty's 5th Anniversary Poster-Print

You can order:

- ✓ **FIFTH ANNIVERSARY COMMEMORATIVE HISTORY**  
Details how the Grassroots Movement Against Toxics came to be, what it's done, where it's going. Names the names of friends and foes and tells the truth about what's *really* happened.  
\$8.55 postpaid

\*\*\*

- ✓ **FIFTH ANNIVERSARY POSTER**  
by Village Voice artist Mark Alan Stamaty.  
Regular edition, \$10 postpaid

\*\*\*

- ✓ **FIFTH ANNIVERSARY POSTER-PRINT**  
Same as regular edition, but on art paper stock and signed and numbered by Mark! Sure to increase in value. Only 100 in total—while they last.

only \$30 postpaid

\*\*\*

Send your order to:  
CCHW, Box 926, Arlington, VA 22216



## WARNING!

**WARNING:** A lobbyist from the National Manufacturers Association, Michael Italiano, has been calling some local toxics leaders to try to recruit them for a lobbying effort on a questionable amendment to Superfund. We're warning you about this because Italiano name-drops folks you might know to gain your confidence. Hugh Kaufman was the name he used on us, but Hugh's got nothing to do with his effort! We've

also gotten reports that he's used our name with others. What he wants you to support is an amendment that would allow challenges to "Records of Decision" for Superfund cleanups. While, on the surface, it sounds fine to give folks the chance to challenge bad cleanup plans, this measure would really mainly serve the interests of polluters, according to CCHW General Counsel Ron Simon. Ron's view is that the polluters would seize

on this chance to stall cleanups by going into court, blocking action on sites by perhaps two years or more. For every citizen or community group that might use this proposed amendment to fight a bad cleanup plan, there'll be a hundred polluters that will use it to obstruct. Please contact us immediately if you have been approached by Italiano or anyone else promoting this amendment!

## LEGAL CORNER

By Ron Simon

*Q. I have learned that our community is one that is being considered as a possible site for hazardous waste disposal. What legal handles exist? How do we get a good environmental lawyer? Can we win?*

A. The Resource Conservation and Recovery Act 42 USC 6921 regulates the disposal of hazardous waste. The law creates a so-called "cradle-to-grave" system to regulate the flow of hazardous materials. Under this statute, the U.S. Environmental Protection Agency has rules which govern the disposal of hazardous waste. States are permitted to take much of this responsibility on themselves—some states have taken the authority while others have allowed it to remain at EPA.

Communities have been very successful at preventing the development of new facilities for the disposal of hazardous waste. I can almost guarantee that a community can prevent a new hazardous waste disposal facility from being sited in their community. However, keeping the facility out is *not* a matter of knowing the correct statute or regulations. You will need to learn about the law—but if you turn over your fight to a lawyer, you may be creating the only scenario in which you can lose.

The siting of new hazardous

waste disposal facilities have been routinely defeated by local communities. These victories have almost always been accomplished through the political process. The courts and scientific experts rarely turn away a proposed facility. Only when the community gets organized and makes itself heard in the political process do the courts and experts respond.

A lawyer can tell you the legal steps that need to be followed to get a permit for the facility and a scientist can help you look at the plans for the proposed facility in order to understand its shortcomings. However, a good environmental lawyer will not take the fight out of your hands and into his/her own.

I have heard it suggested that a lawyer is good because the lawyer can speak for the group, give it credibility and get the right things in the record.

I thoroughly disagree with this notion. If there is a public hearing, it is important that the people making the decision hear from the residents who would be effected—not from their lawyers. Facilities have not been stopped by the strength of legal or scientific argument, but rather by the strength of the community opposition. No matter how brilliant a spokesperson, your lawyer will be matched by a high paid lawyer for

the company. If it is a match of lawyers, you stand a good chance of losing since the law allows new facilities to be built. It is your power, voice, and vote as citizens that have kept new facilities from being sited. A lawyer can provide information (as can other experts) but the proven way to win and keep winning is in the political arena. If you get a lawyer, make sure the lawyer understands this.

Even if the site approval is being conducted by the state and/or federal official, do not forget to involve local and county officials on your side. They can pass licensing and zoning requirements that make it difficult to site a new facility. Do not be dissuaded by arguments that these ordinances may be illegal; they are an effective way to express political support and keep the fight in your arena.

Check out CCHW's new manual, "How To Deal With a Proposed Facility" for the nuts-and-bolts tips on how to win! \$5.95, postpaid, from CCHW, Box 926, Arlington, VA 22216. For 4 years, every group that's followed our advice has won!

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Generally, innovative technologies use existing science or engineering in a way that hasn't been tried before. In other words, most new technologies aren't new breakthroughs. Rather, they're innovative *changes in existing processes* or methods. Some new technologies actually don't destroy contaminants. Instead, they improve on separation methods, providing an important pretreatment step that makes it easier to use other technologies.

Innovative technologies are important if they (a) control pollutants not currently controlled; (b) provide control beyond what's available with existing technologies; or (c) increase reliability or cost-effectiveness of the cleanup.

### Classifying Innovative Technologies

Innovative technologies fall into general categories: (a) thermal destruction; (b) chemical treatment; (c) physical treatment; and (d) biological treatment. Some innovative technologies do not fit neatly into these categories—by the very nature of being innovative, they may need a category of their own.

#### *Thermal Destruction Methods.*

Most innovative thermal destruction methods use high temperatures (800°-3,000°F) to break down organic chemicals into simpler, less toxic forms using systems both with oxygen present (incineration) or without oxygen (pyrolysis). Several examples are described below:

- *Plasma Arc Torch.* Developed by Plasma Systems, Inc. of Ontario, Canada and marketed in the US by Westinghouse Corp. Plasma arc destroys liquid waste by passing it through a high voltage electric arc in a chamber that resembles a giant sparkplug. Temperatures that reach 15,000-30,000°C vaporize chemicals in seconds, breaking chemical bonds. As the waste stream cools, elements recombine into harmless gases (hydrogen, hydrogen chloride, carbon monoxide, carbon and methane).
- *Infrared Incineration.* Developed by Shirco Infrared Systems, Dallas, Texas. This system burns wastes in an infrared furnace at

## Questions To Ask About "I.T."

The following is a list of questions you should raise regarding any new technology:

- How does the process work?
- How completely will the process destroy the wastes?
- What waste products, air emissions or residues are produced during the process? How are these in turn disposed of?
- What new products, if any, are produced during the process? If new products are formed, has their toxicity been tested?
- What wastes can be destroyed by the process? What wastes cannot be destroyed?
- What is it that makes this particular technology different (better) than existing available

technologies?

- What is the best and most applicable use(s) of this particular process?
- Has the process been used at waste sites or industrial plants around the country? If so, what were the results?
- How mobile is the process? How easy is it to set up and dismantle the equipment at a specific site?
- What is the stage of development of the process? Is it ready for use at waste sites?
- How does the cost of using this particular process compare with the cost of methods currently used by EPA at Superfund sites?
- What barriers are there to putting this process into use?

500-1,800°F. It destroyed 99.9999996 percent of the dioxin in soil from Times Beach, Missouri.

- *Advanced Electric Reactor.* Developed by Huber Corp. of Borger, Texas. This system heats wastes to 4,000°F by electricity, not combustion. A "blanket" of nitrogen keeps the wastes away from the reactor walls, while thoroughly destroying them. Removal efficiencies are reported to be 99.9999 percent in all cases. This system has been used to destroy dioxin in soil at Times Beach, Missouri.

While innovative thermal destruction methods do offer improvements over conventional incineration methods (such as ways to maintain adequate temperatures and increased mixing and residence times) questions remain about emissions and residues, including how completely the processes will destroy wastes and what by-products will be created.

#### *Chemical Treatment Methods*

change chemicals by destroying their hazardous elements or by producing new compounds that are easier to further treat or dispose of. These methods usually only work when a single chemical is involved (or a few with similar properties). When applied to mixtures of several wastes, side reactions interfere with the

desired reactions, reducing effectiveness. Examples include:

- *Supercritical Water Oxidation.* Developed by MODAR of Natick, Massachusetts. This system uses the unique properties of water heated under pressure to destroy bonds that hold chemicals together. Removal efficiencies range from 99.99-99.9999 percent for dilute liquid chlorinated hydrocarbons.
- *Catalytic Dehalogenation.* Developed by GARD Corp. of Niles, Illinois. Chemical reactions break the bonds holding halogenated (containing chlorine, fluorine or bromine) chemicals together.

*Physical Treatment Methods* use differences in physical properties (particle size, density) to separate waste components without altering chemical structures. Usually, hazardous components of the waste are concentrated while the non-hazardous components are separated as a liquid or solid. Physical methods don't destroy wastes; they change them into forms that are easier to treat further or dispose of. Examples include:

- *Vacuum Extraction.* Developed by Terra Vac, Inc. of Puerto Rico. This system uses pumps to extract chemicals from soil in the region *above* the water table. Extracted chemicals are then treated on-site.

*See "I.T.", page 11*

"I.T.", from page 10

- **K-20.** Developed by Lopat Industries of Wanamassa, New Jersey. K-20 is primarily a surface sealant which penetrates walls and traps pollutants inside the treated surface. It can be used to "encapsulate" solids.

**Biological Treatments** use either naturally occurring or synthetic (genetically engineered) bacteria to break down or "eat" chemicals. The bacteria may be applied directly on contaminated soil, placed in ponds, lagoons or holding tanks or added to groundwater, depending on the process.

Biological treatment is not new. It has been used on municipal wastewater for many years. Its application to hazardous wastes is new and raises many questions. Factors such as temperature, soil type, strain of bacteria, amount of air and waste present influence the effectiveness of naturally occurring organisms, but these factors can be controlled. With genetically engineered bacteria, many more factors influence effectiveness (such as mutant growth and adaptability to real world conditions), many of which *cannot* be controlled.

Bacterial systems have been developed by many companies including Groundwater Decontamination Systems of Paramus, New Jersey, Detox Industries, Stafford, Texas and FMC Corp of Princeton, New Jersey. Other promising techniques include *White-Rot-Fungus* being developed at Michigan State University and *Microbial Plant Filtration* being developed as part of the space program by NASA.

New technologies offer considerable

promise for the future. While many exist, few have been used at waste sites. EPA plans to start "demonstrating" some of these methods at Superfund sites under test conditions to see how well they work. Those that perform well will be used by EPA at sites. If one is proposed for use in your community, be cautious. Ask questions (see insert), be critical and don't ignore common sense questions about safety or effectiveness just because something is labelled "innovative" or "new."

Innovative technologies are not a cure-all. They will not solve all our hazardous waste problems. At present, many problems and questions (such as the degree of reliability and effectiveness) remain. It will take time to "work out the kinks," overcome barriers and get government and industry to use them. As these technologies develop, however, the disastrous practice of land disposal should end, as should the equally disastrous use of containment methods to "cleanup" waste sites.

More than 40 of these technologies are described in CCHW's publication "Innovative Technologies for Disposal of Hazardous Wastes." This paper also includes minutes from the conference, barriers to the use of new technologies, strategies developed by the participants on how to overcome the barrier and more. Copies are available for \$8.95 from CCHW. Another excellent resource on new technologies is Office of Technology Assessment's (OTA) report on *Superfund Strategies*, available from OTA, US Congress, Congressional and Public Affairs Office, Washington, DC 20510. (202) 226-2115.

## WHAT LOCAL GROUPS CAN DO TO GET "I.T." AT HOME

One strategy suggested at the Conference was for local groups to hold mini-conferences like CCHW's, bringing companies with new technologies to local communities. The Pitman Alcyon Lake Lipari Landfill Community Association (PALLCA), representing residents living near the Lipari Landfill, did just that. Dissatisfied with EPA's proposed cleanup plan (estimated to take 15 years with no guarantees of success), PALLCA invited five companies with technologies that they felt would work at Lipari. Representatives from Groundwater Decontamination Systems, Shirco Infrared Systems, Lopat Industries, Westinghouse Corp. and Terra Vac Inc. gave presentations before community leaders, state and local officials, regional EPA representatives, planning supervisors and other interested people. The meeting was a big success, generating a lot of interest in new alternative technologies that EPA had not considered. PALLCA is hoping to change EPA's mind on the proposed cleanup remedy. Harry Lindsay, the conference organizer, commented, "I think there were a lot of people who were amazed at what they heard. If we continue laying the pressure on, we will win the fight for a safe, clean environment. They will listen to us if they are made to listen." *For more information, contact PALLCA, 150 Lakeside Avenue, Pitman, NJ 08071 (608) 589-7980.*

*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

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# Innovative Technologies — The Future Is NOW

Has EPA told you that their clean-up plan is "proven technology," but that it will take 30 years to do the job? That it's the "best we can do"? That it's the "most cost-effective cleanup remedy"? Well, none of that's so. EPA's cleanups, using mostly containment methods, are destined to fail, sending EPA back to the same communities to clean up the same sites again. Why? Because containment systems aren't "proven technologies" (except "proven" to fail) and because the wastes are still in the ground, slowly working their way out. But this no longer has to be the case. There exist today technologies capable of permanently destroying hazardous wastes.

CCHW found this out first-hand when we held our fifth Roundtable meeting on Innovative Technologies for Destroying Hazardous Wastes. Nine companies gave presentations describing different innovative technologies capable of treating and destroying hazardous wastes right at the waste site. A number of important points were brought out:

- Technologies to permanently destroy and cleanup waste sites exist and are available today.



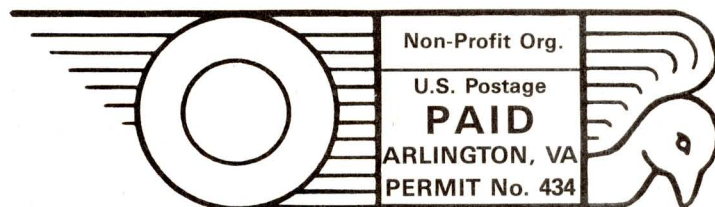
Convention Delegates march on EPA, demanding alternatives—Adrienne Anderson from Denver, Tim Sampson from California, Pattie Frase from Arkansas, Mary Lou Sharon from Connecticut, Zaida Lebron from Puerto Rico

- EPA is a major obstacle to the use of these new technologies.
- Most methods are mobile and can be used to cleanup waste sites or reduce wastes at the plant where they are generated.
- No one technology alone will likely be enough to cleanup a waste site. In most cases, it will take a combination of methods.
- Cost is the biggest single obstacle to use of these technologies.

See INNOVATIVE TECHNOLOGY, page 10



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