

Putting the Heat on Polluters

Increasingly, frustrated citizens are banding together to keep their neighborhoods free of chemical contamination

By Susan Q. Stranahan

For more than a decade, the front line in the environmental protection battle was centered in the nation's capital. The mammoth task of cleaning up America's water and air, preserving its resources and protecting its citizens from the hazards of modern-day life, was directed from the halls of Congress and from the agencies created during the 1970s to make the nation a cleaner, safer place to live. State and local governments generally relied on the federal government to take the lead in developing and implementing cleanup programs.

In the past few years, however, much of that has changed. As the pace of federal activity has been slowed by budget cuts, manpower shortages and bureaucratic red tape, the level of local and state action has increased in response. This shift is particularly true with regard to toxic-substance pollution.

Unlike many other environmental problems, the threat posed by chemical wastes is perceived to be immediate and tightening. Once a neighborhood or community discovers that its groundwater supplies have been contaminated, or that an industry has polluted a nearby stream, organizing the families at risk is easy. "Interest and fear," says one veteran of a successful community mobilization effort, "are two forces that unite people."

Persistence paid off for Jacksonville, Florida, resident Yvonne Woodman. When a landfill leaked poisons into her area's water supplies, she organized her neighbors and asked local officials for help. More than a year later, after finally taking her plight to the nation's capital, she succeeded. The result: a new water system for the neighborhood.



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showed up, the low man on the totem pole in the health department. He told us that if the fish aren't rolling belly up in the pond on the landfill site, we don't have a problem."

The more the homeowners struggled to find answers, the more difficulties they encountered. Throughout the ordeal, however, Woodman and the Jacksonville Heights Concerned Citizens Against Water Contamination maintained a positive attitude. "We are intelligent enough to realize that beating our fists is not going to change what has happened," she explains.

In the summer of 1984, Woodman met with EPA administrator William Ruckelshaus to explain the neighborhood's plight. The meeting was a bit unsettling. "He called us concerned citizens," she says. "We call us victims." Early in 1985, however, the EPA agreed to spend \$100,000 of federal Superfund money to provide public waterlines to those residents in the neighborhood who had not already been connected to the city water system. The agency also agreed to develop a plan to clean up the Hipps Road landfill.

TED SMITH had been dealing with labor problems in his law practice in San Jose, California. His wife, Amanda Hawes, had an active legal practice handling worker compensation cases. Like many residents of California's Silicon Valley, they initially believed that the booming computer and semiconductor industry concentrated there was far preferable to the smokestack industries of many other American cities. But as Hawes began handling more and more injury claims of employees in that industry, she and her husband began to realize that this so-called "clean" industry wasn't all that clean.

WHEN YVONNE WOODMAN and her husband purchased property on Hipps Road in a semi-rural area of Jacksonville, Florida, in 1970, they knew it had once been part of a landfill used by the U.S. Navy. But they had been assured that only solid wastes had been buried there. That didn't prove to be the case; hazardous chemicals leaking from the site had seeped into the neighborhood's wells. Ultimately, at least 25 different chemicals were discovered by experts who tested the groundwater.

In April of 1985, county health officials posted a notice of water contamination in the neighborhood and residents organized to obtain some answers. "We called representatives from the Navy and everyone we thought might have a role in the solution," recalls Woodman. "Only one man



"We are intelligent enough to realize that beating our fists and pointing fingers is not going to change what has happened"

Then, late in 1981, the Fairchild Camera and Instrument Corporation reported that a suspected cancer-causing chemical had leaked out of a waste storage tank. A short time later, a well that supplied drinking water to 16,000 families in South San Jose was closed when dangerous levels of the chemical were measured there.

The discovery prompted state and industry officials to undertake a search for additional leaks. That survey identified toxic chemicals in the soil and water at 95 other Silicon Valley sites.

In response, Smith and Hawes joined with other residents of the area to form the Silicon Valley Toxics Coalition. One of its first targets was a proposed piece of chemical safety legislation for Silicon Valley communities. It contained a provision that criminalized public disclosure of what chemicals were stored at each plant. Smith labeled it an "anti-right-to-know bill."

The coalition mobilized strong opposition to the plan, and lobbied for a strong chemical disclosure bill, with penalties for falsifying information. It was enacted by all of the municipal governments throughout Santa Clara County.

The group wanted more than that, however. It succeeded in winning passage of a similar bill in the state legislature. It also asked the EPA to place the entire valley on the Superfund cleanup list. Eventually, the EPA added 19 sites to the Superfund cleanup list—an unprecedented concentration of sites in one area.

The matter is far from resolved, however. In conjunction with the Boccardo law firm of San Jose, Amanda Hawes is representing 450 area residents who, at this writing, are suing Fairchild. They contend that the company's negligence in allowing the leak to contaminate water supplies is responsible for the high incidence of miscarriages, birth de-

fects and other problems in the area. "You would hope," says Hawes, "that when people take on somebody who has contaminated their drinking water, it would get a message across to others that they can't continue with a 'business as usual' attitude in dealing with these toxic chemicals."

IT WAS an interstate pollution problem of a different sort that mobilized two National Wildlife Federation affiliates.



FRANK BALTHUS

Two years ago, San Jose, California, attorney Amanda Hawes prepared a map with her neighbors to show the unusually high incidence of miscarriages, birth defects and other problems in Silicon Valley. Potential causes: industrial chemical wastes that seeped into area wells. The most severe health problems are marked by flags; black shows deaths.

More than a year ago, the Great Lakes Natural Resources Center in Michigan, which provides legal and scientific support for NWF activities in that region, began examining water-quality discharge compliance records for major companies located in the eight states that comprise the Great Lakes watershed.

One firm that had compiled a large number of violations was Bronson Plating Company, an electroplating business situated in the southcentral portion

of Michigan. The plant's discharges contained such heavy metals as nickel, copper and chromium. Eventually those discharges flowed into the St. Joseph River, upstream from a multi-million dollar stream fishery restoration project that was sponsored jointly by the states of Michigan and Indiana.

While one division of Michigan's Department of Natural Resources (DNR) was working to help restore salmon and steelhead populations in the St. Joseph, another had failed to penalize Bronson Plating for 70 violations of its discharge permits. "Michigan's DNR just rolled right over on this one," says John B. Eichinger, president of the Michigan United Conservation Club (MUCC), a Federation affiliate.

Bronson officials threatened to move their 100-employee operation into nearby Indiana if Michigan authorities failed to issue a new discharge permit with relaxed pollution standards. At that point, the Indiana Wildlife Federation was notified by its counterpart in Michigan.

"We in the Federation said, 'finc, Bronson, come across the line and we'll tie up the permit process in Indiana and we'll keep you in court for years,'" recounts Dean Jessup, president of the Indiana affiliate. "This kind of conduct by industry is something the environmental community can't put up with. Although jobs and economic growth are important, they have to be within environmental rules."

Bronson elected to remain in Michigan. And as a result of MUCC pressure that ultimately led to passage of a state law dealing with toxic pollution, Bronson was issued a new discharge permit that contains a number of strict mandates. "Business shouldn't be in a position to shop around for places where it can get away with polluting," observes Eichinger. "I think that point has now been made."



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SHORTLY after the federal Superfund law was passed in 1980, some organizations in Minnesota began to call for a similar state program that was more comprehensive. Many Minnesotans were particularly concerned about the federal government's ability to rapidly clean up abandoned dump sites. It was a legitimate concern. Since 1980, only six of the nation's hazardous waste sites—out of some 800 currently listed on the EPA's priority list—have been completely cleaned up (though work has begun on approximately 200 other sites).

One way to ensure clean up, the proponents of a Minnesota law said, was to hold companies liable for personal injuries caused by exposure to the leaking chemicals. (The federal program currently has no such personal liability provisions.) "We see the personal injury provisions as an arm driving the clean up," says Chris Sidford of the Sierra Club, one of several area environmental, sportsmen, labor, citizen and clergy groups that decided to band together in support of the state law. That law, which passed in 1983, was the first of its kind in the United States.

"When it passed, business said they'd have victims at the courtroom door, that they'd be put out of business," recalls ody Thomas of the Minnesota Clean Water Action Project, another group that had lobbied for the legislation. "That hasn't happened at all. What has happened is that we've cleaned up toxic dump sites in Minneapolis four times faster than the federal program. In about a year of operation, we've cleaned up 17 sites."

The law is in jeopardy, however, and here is a chance that it may be repealed. Opponents argue that it has created an anti-business climate in the state, a claim supporters of the measure dispute. But those advocates also concede that a strong federal Superfund, which

includes a personal injury compensation program, might ultimately be preferable to a state one.

THE MINNESOTA case and the Silicon Valley's right-to-know legislation are part of the growing trend toward "patchwork regulation," a phenomenon that worries industry and some environmentalists.

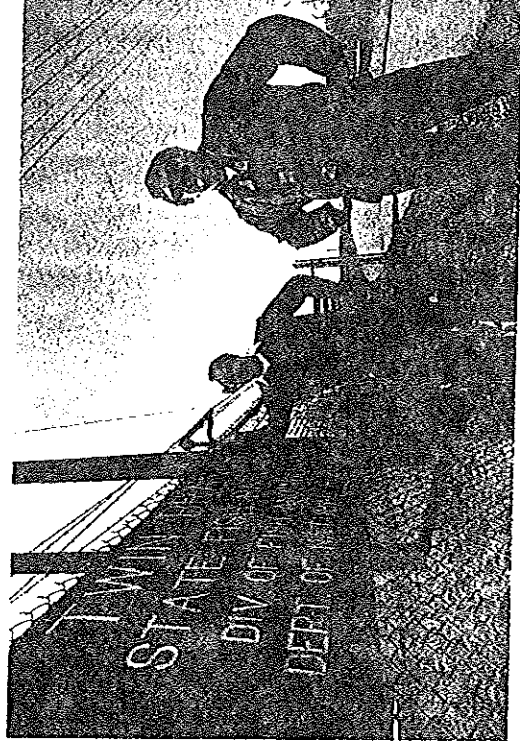
Geraldine Cox, vice-president and technical director of the Chemical

Industry Institute in Washington, D.C., believes that local initiatives are important. The reason: among other things, they help strengthen the case for strong federal programs even among industries that otherwise would oppose an aggressive federal effort.

Ken Kamlet, director of the National Wildlife Federation's toxics and pollution program, agrees that there is some appeal to regulating potential polluters at the lowest level of government—the level closest and most accountable to the people. But that, he notes, can "cut both ways." Local officials may be reluctant to enact stringent regulations for fear of losing a major employer and source of tax revenue. Federal authorities presumably are less susceptible to such local pressures.

In addition, Kamlet explains, the environmental problems confronting the nation today are extremely complex, particularly when they involve toxic substances about which so little is known. The expertise necessary to detect, analyze and study the effects of these chemicals far exceeds what many cities or even states could ever develop.

Local lobbying for increased protection and regulation will undoubtedly continue as more and more families become threatened by toxic chemicals and frustrated with existing remedies. But regardless of whether the corrective action comes from Congress or city hall, one fact has become crystal clear to people who have attempted to rid their communities of chemical contamination. "Politicians won't work for you if they don't know what you want," says Yvonne Woodman. "We all must understand that government can't run without us." □



To prevent a Michigan company from dumping heavy metals in the St. Joseph River, the presidents of two National Wildlife Federation affiliates pooled their efforts. Eventually, John Eichinger of Michigan (left) and Dean Jessup of Indiana succeeded in stopping the firm's illegal discharges, and in protecting a new fish hatchery on the St. Joseph.

Manufacturers' Association, labels the trend "a disaster." "It is important," she says, "that we do have uniform national standards." If large companies are subject to a variety of regulations set by cities, counties and states, Cox adds, the cost of doing business will increase and the cost of the governmental bureaucracy needed to administer those rules also will rise. Some people disagree with her.

John McCormick, a specialist on toxic substances for the Environmental Pol-

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