

NETWORK NEWS

Wisconsin is First State to Reach Regulatory Innovation Agreement with US EPA; PPA is Concerned Agreement's Environmental Provisions are too Weak

Wisconsin's Department of Natural Resources has reached agreement with US EPA on a regulatory innovation plan - the first state plan in the nation to be approved. The agencies tout the agreement as one that will grant companies a measure of regulatory flexibility while ensuring better environmental performance and increased public participation. According to US EPA, Wisconsin's plan conformed sufficiently to the US EPA and Environmental Council of States agreement from April of last year which laid out a broad framework of principles that are meant to shape such agreements between the Federal government and the states.

However, PPA staff and member groups are watching Wisconsin's precedent setting agreement. They are concerned that its principles of superior environmental performance and public participation are too weak. They point out that Wisconsin's agreement is closely based on the original EPA/ECOS agreement and a Wisconsin statute, which many view as problematic and vague. This could ultimately hamper the effectiveness of pilot projects undertaken with businesses in Wisconsin.

To help guide the states in the development of their own regulatory reinvention plans, PPA has released a set of recommended basic principles to US EPA officials and all state agency heads in the region, centered around superior environmental performance and meaningful public participation. PPA is working to ensure that these recommendations will influence regulatory agreements between US EPA and other states in the Great Lakes region and across the country. For more information, contact Kevin Mills, EDF, at kevin_mills@edf.org or 202/387-3500 or Caryl Terrell, Sierra Club, at cterrell@execpc.com or (608) 256-0565. A copy of Wisconsin's agreement is available at <http://www.dnr.state.wi.us/org/caer/cea/iso/ecpp/ecpp.htm> or by calling Lynda Wiese, WDNR, at 608/267-3215.

Vagueness Continues to Plague Environmental Profiles of Auto Facility, PPA Member Groups Tell States and Industry

PPA member groups in the Great Lakes region, lead by the Ecology Center of Ann Arbor and others, are working to strengthen a joint state agency and auto industry pilot project providing "environmental profiles" of auto facilities to neighboring communities. Community Environmental Awareness Project

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(CEAP) organizers, including the states of Michigan, Illinois, Wisconsin, and the "Big Three" automakers, claim these profiles will help communities understand the environmental performance of these facilities.

Launched by Michigan's Department of Environmental Quality (MDEQ) in 1997, CEAP profiles include information on plants and their products, outlines of plant environmental programs and the regulations they must adhere to, environmental performance and compliance data, and agency and plant contact information to help users get more information. Recently, project organizers hosted a series of focus group and stakeholder meetings attended by environmentalists, health officials, emergency management personnel, and local community leaders.

At these meetings, organizers unveiled a pilot CEAP profile for Daimler-Chrysler's Sterling Heights Assembly Plant in Sterling Heights, Michigan and sought input from participants on their content and format. While project organizers claim CEAP will provide communities with information that is "useful" and "meaningful," what focus group attendees saw were profiles that were vague, technical, and lacking the contextual information citizens need to really understand the impact these facilities have on their communities. For example, participants pointed out that the profiles lacked background information on ecological and health problems common to the region, or information on environmental and health impacts of each facility's emissions. The Ecology Center's Charles Griffith brought along examples of community maps and TRI emissions reports from EDF's Scorecard (<http://www.scorecard.org>) and US EPA's Sector Facility Index Project (<http://www.epa.gov/oeca/sfi>) as examples of the types of information CEAP profiles could provide that would be more meaningful to users. He also urged them to provide information that will allow users to judge how facilities perform

The Pollution Prevention Alliance (PPA) joins the Environmental Defense Fund (EDF) with regional, state, tribal, and community-based activists working to promote pollution prevention and sustainable communities in the Great Lakes region. PPA is supported by the C.S. Mott Foundation and The Joyce Foundation.

The *PPA Newsletter* is published quarterly by EDF's PPA staff. Readers are encouraged to submit material for publication. We reserve the right to edit all submissions for length and clarity. Please send all submittals to:

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This issue of the *PPA Newsletter* is printed on Domtar: unbleached, 100% post-consumer recycled paper. Available from New York Recycled Paper at 212/645-2300.

as compared to others in the region. While CEAP organizers accepted some stakeholder recommendations, most others were rejected as "too complex."

CEAP's Sterling Heights Assembly Plant profile is finished and organizers are beginning work on several others in Michigan, Wisconsin, and Illinois. Additional focus groups and stakeholder meetings will be held in these state in the coming months. The Ecology Center and other groups affiliated with PPA will continue to monitor the development of CEAP profiles and work to make them more useful to the public. For information, contact Charles Griffith, Ecology Center of Ann Arbor, at 313/663-2400.

EPA to Increase Reporting of PBTs; PPA Urges Stricter Requirements

In a move that will significantly increase the emissions reporting of such dangerous toxic chemicals as mercury, dioxin, and PCBs, US EPA is taking public comments on a draft rule to close reporting loopholes that have allowed industry to hide these emissions from the public for years. However, PPA staff and many environmentalists believe that while the new reporting requirements are a step in the right direction, they are unnecessarily vague and will continue to allow significant PBT releases to go unreported.

US EPA's draft rule would reduce reporting threshold under the Toxics Release Inventory (TRI) for certain persistent, bioaccumulative chemicals (PBTs). PBTs are highly toxic chemicals that do not break down, bioaccumulating, or building up, in the environment and affecting the health of people and wildlife. PBTs are linked to many serious health problems, including reproductive disorders and cancer.

US EPA's draft rule would require companies that manufacture, process, or use as little as 100 and 10 pounds of PBTs, depending on the

substance, to report these emissions to the public. Reporting thresholds for PBTs are currently set at 25,000 and 10,000 pounds. "These new reporting requirements will open up a new universe of information that will be very valuable to society," said PPA engineer Lois Epstein.

However, in comments soon to be sent to US EPA on the draft rule, PPA highlights significant weaknesses that would allow industry to continue releasing dangerous levels of PBTs without reporting them to the public. In its comments, PPA suggests lowering reporting threshold even further, to 10 and 1 pound, as well as strengthening definitions and criteria for determining what substances are persistent or bioaccumulative. For example, while the draft rule currently bases reporting on substances that are both persistent *AND* bioaccumulative, PPA recommends reporting of substances that are *EITHER* persistent *OR* bioaccumulative. The weakness of the current rule would allow many dangerous substances, such as arsenic and nickel, to go unreported because they are not both persistent *AND* bioaccumulative.

This announcement comes on the heels of other US EPA right-to-know actions on mercury emissions. Beginning January 1st, the agency began requiring coal fired power plants to begin reporting mercury emissions to the public for the first time ever. Recent reports have shown these power plants to be the single largest source of mercury pollution in the US. US EPA will make this data available to the public beginning in 1999.

US EPA recently extended the public comment period for its draft rule through April 7. For information or sample rule comments, contact Ben Smith, EDF, at benjamin_smith@edf.org or 202/387-3500.

New EDF Report: Y2K is an Environmental Threat, and Opportunity

The Y2K computer bug threatens many of the safety systems meant to prevent chemical

accidents and ensure the safety of our drinking water, according to a new report authored by PPA Engineer Lois Epstein. These safety threats are very likely unless businesses and governments act to correct the Y2K problem that threatens computer systems across the globe.

The report, released December 30th, outlined many potential problems that threaten many of the computer systems which protect the environment and human health. Y2K computer failures could affect technologies that sample emissions, treat waste, and detect leaks, indicates the report. The problems could also effect security alarms that notify emergency officials and the public about chemical accidents and spills.

The report recommends that governments and businesses large and small work to aggressively solve their Y2K computer problems. They should also assess potential environmental and health impacts of Y2K safety system failures and make contingency plans in case failures occur. Governments and regulators should make Y2K compliance a condition of permitting.

For businesses working to solve Y2K problems, opportunities exist to significantly improve accident prevention and safety measures, and prevent pollution, regardless of the Y2K threat. Such improvements could include the reduction in the use of dangerous chemicals and software and computer upgrades that increase the efficiency of their operations. The report is available at <http://www.edf.org/pubs/newsreleases/1998/dec/j%5Fy2ktable.html>, or by contacting Lois Epstein at lois_epstein@edf.org or 202/387-3500.

Activists to Participate in Clean Production Network Meeting in Detroit

Activists from around the country interested in the linkage between clean manufacturing and environmental justice will meet for the second Workshop on Clean Production and Clean

Products. This meeting is sponsored by the University-Public Interest Partnership for Clean Production, a network uniting PPA staff, member groups, and activists with universities and technical experts committed to launching a national campaign to promote cleaner industrial production around the country.

The meeting, to be held May 1-2 in Detroit, will help network participants learn about key clean production technologies and concepts. It is also an opportunity for the group to develop strategies for expanding the network and to build an effective, national campaign to promote cleaner production and products.

The workshop will be held immediately before the Presidents Council for Sustainable Development's National Town Meeting for a Sustainable America. This provides the Clean Production Network with a unique opportunity to spotlight cleaner production's important role in promoting environmental justice and sustainability. For information or to attend, contact Joel Tickner, Lowell Center for Sustainable Production at Joel_Tickner@student.uml.edu, or 978/582-3371.

GREAT LAKES REGIONAL NEWS

EPA Succumbs to Political Pressure; Dismisses EJ Complaint Against Proposed Michigan Steel Mill

Civil rights and environmental leaders in Michigan were disappointed by US EPA's dismissal of an environmental justice complaint against a proposed \$175 million steel mill in Flint, Michigan. US EPA's ruling, delivered October 30th by Ann Goode, Director of the Office of Civil Rights, filed under Title VI of the Civil Rights Act, essentially allows the plant's construction to proceed in a low-income, minority community already dealing with serious environment and health problems.

The complaint, filed by the directors of the St. Francis Prayer Center, claimed that lead, ozone, and VOC emissions from the proposed plant would adversely impact the surrounding community's predominantly low income, African American residents. They also claimed that the Michigan Department of Environmental Quality's (MDEQ) original permit review process failed to adequately involve the public and was highly discriminatory.

The Michigan Environmental Justice Coalition, a network of Michigan civil rights and environmental leaders, was appalled by US EPA's decision. They fault US EPA's dismissal of their complaint as hasty and based on bad information. They point out that the decision, which came less than six months after the complaint was filed, was rushed through the system because of political pressure to not appear "anti-business." Even an MDEQ source, who supports the decision to drop the complaint, believes US EPA didn't follow all investigative procedures outlined in its own Title VI guidance (*Inside EPA*, November 6, 1998). Environmentalists also claim that US EPA used faulty demographic data that distorted the racial composition of the community surrounding the plant and undercounted its minority residents. According to the Michigan Environmental Justice Coalition, US EPA's data came from a study cosponsored by the *Detroit News*, a newspaper known for its biased reporting hostile to environmental justice. Environmentalists pointed to a recent University of Michigan demographic study concluding that the community surrounding the plant was indeed largely low income and minority.

Meanwhile, the Michigan Environmental Justice Coalition is watching progress on another Title VI complaint in the same community. This complaint was filed against the proposed Genesee Power Station, which neighbors the Select Steel site. US EPA has been reviewing this environmental justice complaint since 1992 and

many expect a decision by as early as the spring. But while sources say that US EPA may actually support the Title VI complaint in this case and reject MDEQ's original permit to build the power station, "It's only a rumor," says a skeptical Quita Sullivan of the Sugar Law Center, a coalition partner. For more information, contact Quita Sullivan, Sugar Law Center, at 313/962-6540.

Cincinnati Activists Push Big Polluter to the Table

Fed up by years of noxious odors and chemical emissions from a Cincinnati Specialties' plant in Cincinnati's Mill Creek Valley region, community residents have begun working with Ohio Citizen Action's Cincinnati office and other local environmental organizations in a campaign to force the company to become a "good neighbor." The Cincinnati Specialties plant, which manufactures flavorings, saccharin, and rust-proof coatings, has a long history of community complaints about odors, sewer violations, and incomplete permits. According to EDF's Scorecard (<http://www.scorecard.org>), Cincinnati Specialties is the fourth largest Toxic Release Inventory polluter in Hamilton County (Cincinnati).

The campaign to get Cincinnati Specialties to clean up its act began 10 years ago when residents from surrounding neighborhoods tried to engage plant management in serious discussions about its pollution. The company resisted. Ohio Citizen Action then began working with neighborhood residents and other local environmental groups, forming the Coalition for Safer Neighborhoods. The coalition held a press conference and initiated a canvassing campaign that generated over 8,000 citizen letters to company president James McKenna urging the company to take action to reduce its pollution. The attention the coalition's efforts brought to Cincinnati Specialties' pollution problems had an impact. Coalition

members were invited to tour the Cincinnati Specialties facility and, in December of 1998, to gather for a first-ever face-to-face meeting with McKenna himself.

This meeting gave Cincinnati's concerned residents and environmental community an opportunity to directly press company management to take more aggressive steps to solve the myriad of pollution problems attributed to the plant. Coalition members urged the company to eliminate the production and release of harmful chemicals into the neighborhood's air and sewers, reduce the storage of dangerous chemicals onsite, and eliminate the noxious odors that have plagued the neighborhood for years. They also urged company representatives to participate in a formal citizen task force set up by the coalition to ensure the company is adequately addressing community concerns.

So far, Cincinnati Specialties has been cooperative, agreeing to continue the dialogue with the coalition and work with them on improving its environmental performance. The Coalition for Safer Neighborhoods will continue to press its case with Cincinnati Specialties, but will also begin looking to press other polluters in Cincinnati into becoming "good neighbors" as well. For more information, contact Rachael Belz, Ohio Citizen Action, at rbelz@ohiocitizen.org or 513/221-2100.

Take Action on Cincinnati Specialties

EDF's Scorecard shows that Cincinnati Specialties is the fourth largest source of TRI chemical releases in Hamilton County, Ohio, releasing 150,000 pounds of TRI chemicals to the environment. Get pollution data on Cincinnati Specialties from Scorecard's Pollution Locator at <http://www.scorecard.org/env-releases/> and send the company a free fax urging them to reduce its pollution.

NATIONAL NEWS

Nation's First "Right-to-Act" Law Takes Effect in New Jersey County Plagued by Chemical Accidents

In Passaic County, New Jersey, a law assisting residents living near industrial plants to push neighboring facilities to reduce chemical hazards, was passed by county officials in September of 1998. The law allows neighbors and employees of industrial facilities to petition the County Health Officer to form Neighborhood Hazard Prevention Advisory Committees (NHPACs). These committees will meet and discuss potential chemical hazards posed by individual industrial facilities and make hazard reduction recommendations to facility management.

NHPACs will be established to work with individual facilities. The committees themselves can appoint their own members and can be made up of residents, employees, management, and local officials. However, "most importantly," says Rick Engler, of the New Jersey Work Environment Council, "it is the first law in the country that gives citizens the legal right to conduct on-site surveys of plants." Engler helped draft the law. NHPACs can conduct these surveys accompanied by independent technical experts. While NHPACs do not have legal authority to force companies to actually act on their recommendations, supporters hope that companies will cooperate with the committees and take seriously their recommendations to reduce the chemical hazards they pose to the communities.

"The interest in this 'right-to-act' law from around the country has been overwhelming," said Engler. He has received countless calls and letters from groups and activists around the country interested in replicating this precedent setting law in their own communities. While the law was supposed to be implemented by January 1st, implementation is delayed while the specific

rules are drafted. For more information, contact Rick Engler at rickengler@aol.com or 609/695-7100.

RESOURCES AVAILABLE

Grants

North American Fund for Environmental Cooperation (NAFEC)

The Commission for Environmental Cooperation (CEC) sponsored grant program seeks to support community-based, multi-stakeholder projects that link environment, economy, and trade, or focus on biodiversity, toxic pollutants and health, or law and policy. Preproposals will be accepted through April 6th. For information, contact CEC at <http://www.cec.org>, NAFEC@ccemtl.org, or 514/350-4357.

Data Center

Data Center is an independent, non-profit research center providing information and research support for activists and grassroots organizations on corporations, corporate behavior, and environmental justice. Data Center has access to numerous databases that track everything from media stories, newsletters, and reports, to enforcement and pollution data. For information, contact Data Center at datacenter@datacenter.org, <http://www.igc.org/datacenter>, or 800/735-3741.

WEB WATCH

Join the Great Lakes Pollution Prevention Alliance Email List!!!

PPA has launched an email list that will improve communication between activists in the Great Lakes region. This list will promote networking among PPA member organizations, allowing them to instantly share information, news releases, event announcements, and more. To join, send your email address to Ben Smith at benjamin_smith@edf.org, or call him at 202/387-3500.

CALENDAR

Catalyzing Environmental Results: Lessons in Advocacy Organization-Business Partnerships

The Alliance for Environmental Innovation (1999); This report outlines how environmental groups and businesses can work together to produce more environmentally friendly goods and services. EDF's Alliance for Environmental Innovation, which produced the report, shares lessons learned in its extensive experience working with businesses to achieve environmental goals. Copies are available at http://www.edfpewalliance.org/kaplan_report.html, or by contacting Elizabeth Fastiggi, EDF, at elizabeth_fastiggi@edf.org or 202/387-3500.

Pesticides and Food: What You and Your Family Need to Know

<http://www.epa.gov/pesticides/food/>

This US EPA website provides information on the danger of pesticides in common food products. Included is information on pesticide residue limits and tips for reducing exposure to these dangerous chemicals on the food we eat. US EPA's website has been criticized for toning down its information on the health impacts of these pesticides and for failing to recommend organically grown produce as a safe alternative.

All You Can Eat

<http://www.foodnews.org>

Environmental Working Group's website goes several steps beyond US EPA's new pesticides site, more directly addressing the health threats we face from pesticides on our food. The site's highlight is a "pesticide calculator" that lets the user calculate pesticide levels on the foods that you and your children commonly eat.

If there are useful resources or websites you would like to see listed in our next newsletter, forward your ideas to Ben Smith, EDF, at benjamin_smith@edf.org.

March 10, 1999 (Novi, MI) - Health Care Pollution Prevention Strategies: Cut Costs, Reduce Waste and Buy Smart, sponsored by Ecology Center of Ann Arbor, Detroiters working for Environmental Justice, and the Michigan Health and Hospital Association. For information, contact Tracy Easthope, Ecology Center, at 734/663-2400 ext. 109 or tracey@ecocenter.org.

May 1-2, 1999 (Detroit, MI) - Public Interest Workshop on Clean Production and Clean Products, sponsored by the University-Public Interest Partnership for Clean Production. For information, contact Joel Tickner at Joel_Tickner@student.uml.edu or 978/582-3371.

May 2-5, 1999 (Detroit, MI) - National Town Meeting on a Sustainable America, sponsored by the President's Council for Sustainable Development. More information is available at <http://www.sustainableamerica.org> or by calling 703/750-6401.

May 15, 1999 (Lansing, MI) - Forum on Community Sustainability, sponsored by Urban Options. Contact Leroy Harvey at leroy@urbanoptions.org or 517/337-0422.

June 18-20, 1999 (Amherst, WI) - Midwest Renewable Energy Fair, sponsored by the Midwest Renewable Energy Association (MREA). For information, contact MREA at mreainfo@wi-net.com or 715/824-5166.

September 15-17, 1999 (Minneapolis-St. Paul, MN) - International Specialty Conference on Mercury in the Environment, sponsored by the Upper Midwest Section of the Air and Waste Management Association. For information, contact Ms. Hensel at 651/602-1072 or melba.hensel@metc.state.mn.us.

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