

Senate Committee on Environment and Public Works
Protecting Taxpayers and Ensuring Accountability: Faster Superfund Cleanups for Healthier Communities

Testimony by
Lois Marie Gibbs
Executive Director
Center for Health, Environment & Justice
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I want to thank the members of the Senate Committee on Environment and Public Works for inviting me to speak about a program that is very near and dear to me. My name is Lois Gibbs and I am the Executive Director of the Center for Health, Environment & Justice a national organization that for 33 years has worked with over 12,000 grassroots groups faced with an environmental health threats. I was also a resident and community leader at Love Canal in Niagara Falls, NY.

As I began to prepare my testimony for this afternoon, it occurred to me that some 30 odd years ago I sat at a similar table and spoke to a Congressional Committee about the need for funding a program designed to assess and cleanup of hazardous waste sites. My community at Love Canal was in part the impetus for creating the Superfund program after 20,000 tons of chemicals buried in the middle of my neighborhood leaked into surrounding homes, yards and schools. I spoke about the health problems in our neighborhood and how my daughter and son were home sick with liver, urinary and central nervous system diseases.

Another speaker at that hearing was Jim McCarthy from Jackson Township, New Jersey. With tears running down his face, Jim shared his story. He explained that the water his family used every day was contaminated. Jim then told the committee how his 9 year old daughter died from a kidney disease that he believed was the result of her drinking and bathing in that contaminated water.

It is tragic that now more three decades later, while hundreds of American communities face similar health threats to what I faced at Love Canal, I have been asked once again to speak to the need for an adequate Superfund program. Over the past thirty years, Superfund has had its successes and failures. I believe there were many more successes than failures when the program was adequately funded and the polluter pay fees were in place. Let me give you one example.

The Milltown Reservoir Superfund site is part of the largest Superfund complex in the western U.S. Situated in the Clark Fork River Basin in Montana, the complex stretches from the headwaters of the Clark Fork River at Warm Springs 125 river miles northwest to the Milltown Dam just east of Missoula.

The site was listed in 1983 when arsenic contamination was found in the groundwater around the reservoir and dam. Contamination resulted from a massive flood in 1908 which washed millions of tons of copper mine wastes into the river, ultimately ending up in the reservoir behind the dam. For over 70 years the Clark Fork River was used as a dumping ground for waste from one of the largest copper mining ventures in the U.S.

In August of 2005, after 22 years of Superfund site investigations and development of cleanup plans, an agreement was reached with EPA, the state of Montana, the responsible party (BP/Arco) and the dam's owner to remove the contaminated tailings from the reservoir, remove the dam and restore the river to a free flowing state. It took two years to remove and transport the contaminated reservoir tailing to a disposal site and it took an additional two years to remove the dam.

Today the Milltown site is Montana's newest state park. The floodplain has been restored with a naturally meandering river. The park includes 500 acres of restored river bottom and pine forest bluffs. It contains walking trails, picnic shelters and river access points. People can now hike, fish, float and watch wildlife in this restored area.

There is no question about the need for the Superfund program, and the need to have reliable adequate funding in place to protect the American people and their communities. One recent study found a 20-25% increase in birth defects for mothers who lived near a Superfund site when they compared birth outcomes before and after a site was cleaned up (Currie, J., M. Greenstone, and E. Moretti, "Superfund Cleanups and Infant Health." *American Economic Review*, 101(3): 435-41, 2011). At Love Canal 56% of our children were born with birth defects. A few years ago, the NY State Department of Health released a follow up study of former residents and found that Love Canal children (now adults) were experiencing a 50% rate of birth defects in their children. Superfund health impacts don't end when exposures are eliminated they move sometimes to the next generation. This is frightening and yet another reason to adequately and quickly cleanup sites that are environmental health threats.

Let me give you some idea what it's like to live in a Superfund community. Often it is the citizens of this great country and the health damages they suffer that gets lost in the discussion of resource allocations and control of federal programs. Living in a Superfund community where there has been limited abatement and no clear commitment for whether the area will ever be livable again is a nightmare.

The San Jacinto River Coalition formed to address the dioxin contamination posed by the San Jacinto Waste Pits, a 20 acre abandoned tract of land along the banks of the San Jacinto River just east of the city of Houston, TX. For more than 20 years the U.S. Environmental Protection Agency (EPA), using its authority under the federal Superfund program, studied how to cleanup this site and decided that it wants to simply cover the pits rather than remove the contaminated soil and sediment. Why? Because any other alternative will cost much more and the agency claims it doesn't have the money. The community group opposes this option and is arguing that the impact of hurricanes and climate on the river and the pits calls for a complete solution not a temporary cap and cover alternative. Toxic sludge waste from nearby pulp and paper mills was dumped at this site for years and is now leaching into the river. A large portion of the site is continually underwater from the river causing dioxin contaminated sediment to leach into and contaminate the river water. This has been a major issue for the community because many low wealth families fish the river and use their catch as a source of food. Dioxin levels as high as 46,000 parts per trillion (ppt) have been found in the waste pit area. EPA used a threshold level of 1,000 ppt of dioxin in soil to evacuate the entire town of Times Beach, MO in 1983. Dioxin is one of the most potent carcinogens ever tested and has been associated with a wide range of adverse health problems including reproductive, developmental, immunological, and endocrine effects in both animals and humans.

For over 10 years residents in Springfield, OH have been working with EPA Region 5 along with town officials and other stakeholders to come up with a mutually agreed upon plan to clean up the Tremont Barrel Superfund site. This site is known to contain at least 51,000 drums of hazardous and non-hazardous waste, as well as some 300,000 gallons of bulk liquid waste. It also sits above a sole source aquifer from which 82,000 people get their water. At the eleventh hour, the responsible party (Chemical Waste Management) stepped in and offered to pay for a smaller less costly cleanup which would include leaving the barrels in place and placing a clay cap over the top. EPA immediately agreed to this offer despite years of planning, communications and agreement among the community and stakeholders (other than the responsible party). Why did they do this? Because EPA gets a responsible party to pay for the inadequate cleanup, because it doesn't have enough funds to support the proper protective cleanup and later charge the responsible parties. The community is outraged at this last minute change of plan.

For more than two years the Bridgeton landfill in St. Louis County, Missouri has been on fire. Efforts to control the fire have failed and the surrounding community is concerned that things will get much worse because this landfill is immediately adjacent to the West Lake Superfund site where 8,000 tons of highly radioactive waste is buried. Residents concerned about the impact of these sites including the odors from the fire on their health have formed the group

Concerned Citizens Against Toxic Waste. A major concern raised by the residents is the potential for the fire to reach the radioactive waste and to add uranium and other radionuclides to the gases being released by the fire.

In 2008, the EPA decided to leave the radioactive waste in place, but now after more than 2 years of an uncontrolled fire creeping closer and closer to the site and with growing pressure from the community which has argued all along that the radioactive waste should be removed, the agency is reconsidering. EPA has stubbornly argued that it would cost too much to remove the highly radioactive waste and it would be better to leave it in place. Better for whom? The community wants it out. Perhaps it helps that this position is backed by four members of Missouri's congressional delegation including its two senators. EPA's efforts to hide its process for deciding and defending its position to leave the waste in place was the subject of a recent article in the Wall Street Journal (March 9, 2014).

In addition to adverse health problems, everyone who lives near a Superfund suffers from the "Superfund stigma," its impact on property values. The homes of hard working Americans are essentially worthless. They can't sell them; they can't improve them; they can't abandon them; and they don't feel safe living in them.

No bank will give families a loan against their homes. So families cannot fix the roof, improve their property or even use the equity from their home to send their children to college. Property values drop.

Consequently, the neighborhood begins to spiral downward. Soon the homes will deteriorate and so will the neighborhood. No one will move in, no one can move out and economic development comes to a screeching halt.

These are not people looking for a free ride, or a hand-out; they are hard working, church going American families; they are victimized by no fault of their own.

This is not the way our country should treat its citizens. For over 30 years I have urged, begged and pleaded with Congress to take care of the innocent families who have fallen victim to corporate negligence and carelessness. Please remember the people, their dreams, and their hopes for their families to be able to reach their potential. Restore the polluter pay fees so that there is a reliable source of funding to provide the necessary cleanup to protect innocent American families from the worst toxic wastes in America.

Thank you for your time and attention. I'd be happy to answer any questions you may have.

Lois Marie Gibbs
Executive Director
Center for Health, Environment & Justice
P.O. Box 6806, Falls Church, VA 22046
703-237-2249

Tremont Barrel Fill, Springfield, Ohio



Waste buried in 1996



Clean up began in 2009. Now EPA is altering cleaned up plan to be less.