

Citizens

Environmental
Coalition

TOXICS IN YOUR COMMUNITY

NEWSLETTER

Summer 2004

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CEC's 2004 Legislative Victories

By Kathleen Curtis, Executive Director

Brominated Flame Retardant Ban

Toxic Fire Retardants Persist and Bioaccumulate

Scientists and advocates are increasingly concerned with a set of chemicals previously assumed safe: brominated flame retardants, especially polybrominated diphenyl ethers (PBDEs). PBDEs are widely used in televisions, stereos, computers, hair dryers, toasters, draperies, and upholstery fabrics. The three most common BDEs are penta-, octa- and deca-BDE, referring to the number of bromine molecules they contain: five, eight, and ten, respectively. These toxic flame retardants are rapidly accumulating in our bodies and environment, and have been increasingly linked to serious health problems.

They are found nearly everywhere scientists look for them, up and down the food chain. The level of PBDEs in people's bodies is doubling every 2.5 years.¹ American women's breast milk and breast tissue contain the highest levels found in people anywhere in the world. Studies have linked PBDE exposure to disrupted brain

development, which can permanently impair learning and movement, and cause delayed onset of puberty in males and females, impaired development of reproductive organs, decreased sperm count, lowered thyroid hormone levels, and thyroid and pancreatic cancers.²

Safer Alternatives to PBDEs are Available

The bromine industry claims there are no alternatives to deca-BDE, but companies have already redesigned products to eliminate the need for brominated chemical additives. For example, Apple is replacing the plastic exterior casings on its new laptops with metal to negate the need for flame retardants and Toshiba now uses an inherently flame resistant plastic for casings of electronics. Many companies have achieved safer flame retardant features in their products by finding safer chemical substitutes. For example, IBM mandates its suppliers not use PBDEs and NEC plans to phase out all BFR use by 2011.

The bromine industry also claims that deca-BDE is safe, because its molecules are too large to be taken up into the body. However, these flame retardants have a tendency to "debrominate," or shed bromine molecules over time, into the more readily assimilated octa- and penta-BDE.

Senator Marcellino, Senate Environmental Conservation Committee Chair introduced and Assemblymember Thomas DiNapoli, Assembly Environmental Conservation Committee Chair, sponsored a bill phasing out all three PBDEs. After intensive bromine industry lobbying, the Senate abruptly withdrew their bill, and reintroduced one in which all mention of deca-BDE was stripped. This legislation was dead in the water, since the revised bill had no support in the Assembly, which still supported a full phase out. Citi-

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¹ "Body of Evidence: New Science in the Debate over Toxic Flame Retardants and our Health", Environment California, February 2004.

² Ibid.

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☞ **CEC Mission Statement** ☞

Citizens' Environmental Coalition is a statewide grassroots environmental organization working to eliminate pollution in New York State through our Community Assistance Program, Publication Clearinghouse and State-wide Advocacy Campaigns. Our mission is to:

- ☞ Create safe, healthy communities, schools and workplaces through pollution prevention;
- ☞ Empower, educate and assist people concerned about environmental problems;
- ☞ Strengthen the connection from the grassroots to the statehouse and build effective coalitions;
- ☞ Promote democratic, grassroots advocacy to restore New York's environment; and
- ☞ Promote corporate accountability and non-violent social justice values.

Wish List

Van
Sofa
Mini Fridge
Recycled Copy Paper
Biodegradable Cleaning Supplies

Special Request

The Albany Office recently replaced our fax machine. If programming electronics is child's play to you or someone in your family, then we really need your help. Our new fax is great but without the 100 numbers programmed into it, it's no time saver.

Volunteers Appreciated

Want to help the environment?
Have free time on your hands?
We would love your help!

- **activate members**
- **design publications**
- **write newsletter articles**



In Albany? Call Jen (518) 462-5527
In Buffalo? Call Mike (716) 885-6848.

Next Newsletter Deadline: December 2004
Please send us your news & cartoons!

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zens' Environmental Coalition's collaboration with our national network enabled us to convince policymakers of the need to revise the bill to include deca-BDE.

Broad Support for a PBDE Ban

The State Legislature passed a bill which will phase out penta- and octa-BDE by January 1, 2006 and create a task force to evaluate the ready availability of safer, cost- and performance effective alternatives to deca-BDE, to report back to the legislature by December 31st, 2005. The bill went to Governor Pataki on August 5th, and he has since signed it into law. CEC applauds NY's government for taking this action, for which we strongly advocated.

The task force will consist of thirteen members, seven of whom are appointed by the governor: the Commissioner of Environmental Conservation, the Commissioner of Health, the Secretary of State, and four others. Senator Bruno and Speaker Silver will each appoint three task force members. The ten at large members of the task force should include: two representatives of organizations whose prime function is the enhancement of the environmental quality of the state; two representatives from the brominated flame retardant manufacturing industry; two representatives with expertise in the area of environmental health from academic institutions; two representatives from industries that manufacture products that use flame retardants and two health care professionals with expertise in the area of environmental health.

CEC will continue to provide relevant information to task force members, to ensure that the process results in a timely, democratic, unbiased report back to the legislature. For more information about toxic flame retardants, contact CEC at (518) 462-5527.

Plastic Pipe Restriction

PVC - the Poison Plastic

PVC is the worst plastic from an environmental health perspective, posing major hazards in its manufacture, product life and disposal.



Dioxin (the most potent carcinogen known), ethylene dichloride and vinyl chloride are unavoidably created in production of PVC and can cause severe health problems, including cancer, endocrine disruption, endometriosis, birth defects, and many more problems. As a persistent bioaccumulative toxin (PBT), dioxin does not break down rapidly and travels around the globe, accumulating in fatty tissue and concentrating as it goes up the food chain. Most poignantly, dioxins concentrate in breast milk to the point that human infants now receive high doses, orders of magnitude greater than those of the average adult. PVC is useless without the addition of a plethora of toxic chemical stabilizers - such as lead, cadmium and organotins - and

phthalate plasticizers, which may leach, flake or outgas from PVC over time, raising risks of asthma, lead poisoning and cancer.



Safer Alternatives to PVC are Available

Architectural firms, governments and major corporations all over the world are phasing out the use of PVC and choosing safer alternatives. Major corporations such as Nike, Mattel, Lego, GM, Volkswagen and Honda have begun the switch to alternative materials. An increasing number of major building projects, from the U.S. EPA headquarters in Washington, DC to the Pentagon Renovation Project to the 2000 Olympic village in Sydney, Australia, have vastly reduced or completely eliminated use of PVC. More government agencies are eliminating it from wiring, flooring and other applications, including the US Navy, Air Force and NASA.

One safer alternative, polyethylene plastic pipe, is also restricted within the bill. However, virtually all plastic pipe used in construction is made from PVC, and the limitation on PVC's use is where the bill will have the greatest positive impact.

Broad Support for a PVC Pipe Restriction

The NY Assembly and Senate have recently passed legislation restricting the use of toxic PVC pipes in NYS, improving on a similar piece of legislation which sunsets this year. The bill was widely supported by labor advocates, firefighters, tenant's rights groups, and environmental health activists, including CEC. Because so much PVC is used in construction and household items, accidental building fires have become increasingly dangerous for firefighters and building occupants. PVC products release toxic hydrogen chloride gas when heated, which becomes

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*** Call and Write Governor Pataki! ***

Please take a few minutes today, email and call Governor Pataki at (518) 474-8390 and www.state.ny.us/governor/form.htm. Please leave a message asking him to sign A. 11660 / S. 7577, which would restrict the use of dangerous PVC piping in major building projects. PVC is the worst plastic from an environmental health perspective, posing major hazards in its manufacture, product life and disposal.

Please email ceckathy@igc.org or call us at (518) 462-5527 and let us know you took action.

Grassroots Updates

Cleanup Continues in Brockport

Residents Environmentally Acting for Change (REACH) is happy to report that the final Brockport cleanup and pipe removal started this July, including a half-mile of storm-sewer piping contaminated with Polychlorinated Biphenyls (PCBs). Over the past few years, thousands of pounds of contaminated soils from 3M and General Electric have been removed due to REACH's persistent organizing. Congratulations REACH!

EPA Orders DEC to Rewrite Air Permit for Sewage Company



In the South Bronx, where one out of four residents has asthma, the neighborhood is forced to contend with the nausea-inducing odors and pollution from the New York Organic Fertilizer Company (NYOFCo), a Synagro subsidiary that turns most of NYC's sewage sludge into fertilizer. Pressure from the **Sustainable South Bronx** calling for the DEC to, "clean it up or shut it down" has resulted in the DEC issuing violations of NYOFCo's air, solid waste, and water permits. In addition, the EPA recently granted the community's petition saying that the current Title V Air Permit is not strict enough with regard to mercury, Hazardous Air Pollutants, sulfur dioxide, and particulate matter emissions. EPA has ordered DEC to re-write the permit.

Cancer Action Petitions US FDA to Label Dioxin Contaminated Food

Cancer Action (CA) is meeting with county government personnel across New York State to discuss county health department provision of information on certain pollutant risk factors: dioxin, arsenic and internal combustion engine exhaust. CA has also petitioned the US Food and Drug Administration for rulemaking to require the labeling of animal fat foods for dioxin content. Concurrent with this petitioning initiative, CA is advocating for the introduction of a state policy that would mandate dioxin labeling for foods marketed in New York.

Corinth Residents Defeat a Proposed Giant Incinerator to Burn NYC's Waste

On June 24th, the Town Board of Corinth in Saratoga County unanimously voted against a proposed trash incinerator that, if built, would have been one of the world's largest (3,700 tons-per-day). American Ref-Fuel proposed to burn 1.1 million tons a year of New York City's waste at

International Paper's former mill site. American Ref-Fuel offered Corinth \$3 to \$6 million in annual taxes, \$1 million per year in host community benefits, and a new fire station. The Town Supervisor, initially favorable to the proposal, told residents he would reconsider if they collected 3,000 signatures on a petition against the incinerator. On June 22nd, the town hosted a 3-hour debate on the issue at Corinth's High School, attended by 330 residents with Paul Connett presenting arguments against incineration. At the June 24th Town Board meeting, residents presented over 3,400 signatures of residents who opposed the incinerator, and the proposal lost all support from Corinth's elected officials. Since then, American Ref-Fuel has rescinded their offer. The issue affects us all, as Am Ref-Fuel is scouring upstate areas for an incinerator location. For more information, contact Louise Kirkpatrick of **Citizens for Safe and Responsible Industry** at (518) 654-2001.

Erie County Pesticide Neighbor Notification Law Fight Re-ignites

Groups in Erie County are pushing the County to permanently renew the Pesticide Neighbor Notification law this fall. This local law provides county residents with advance notification before toxic pesticides are sprayed near their homes. Groups are working together on a postcard drive to show support for the law. For more information, call **NYPIRG** at (716) 568-1039.

Farmersville Landfill Battle Heats Up

This spring, hundreds of Cattaraugus County residents attended DEC hearings to oppose the proposed Farmersville Landfill. Following the public hearings, the DEC held two Issues Conferences in late April. **Concerned Citizens of Cattaraugus County** and a coalition of local municipalities showed that the Integrated Waste Systems' (IWS) plans for a 3,000 ton-per-day landfill are insufficient to achieve basic environmental protections. Particular attention was focused on control of toxic air emissions and discharge of massive volumes of water (some of it polluted) from proposed groundwater extraction systems and stormwater collection. Such volumes could flood the Carpenter Brook, draw down or pollute neighboring wells, and destroy a downstream trout spawning area, home to nearly all of Ischua Creek's brown trout population. On July 9, these concerns led administrative law judge Casutto to order (IWS to prepare new





studies and to provide interveners with an opportunity to respond and supplement their petitions prior to the next session of the issues conference. A follow-up round of issues conferences, previously scheduled to reconvene on July 20th were cancelled due

to the lack of water-related permits. DEC staff determined the IWS proposal will require an individual water discharge permit and a wetlands permit. Since two new required permits have yet to be drafted, therefore no one has yet reviewed them, the judge ordered the cancellation.

Residents Attend DEC Hazardous Waste Facility Siting Hearing

On May 6th, over 1,000 residents of Western New York turned out for a DEC hazardous waste facility siting hearing in Lewiston, mostly residents opposed to the expansion of the Chemical Waste Management (CWM) hazardous waste landfill. **Residents for Responsible Government (RRG)** were very proud of all of the community members and policymakers who turned out for this important hearing, which practically turned into a rally for environmental justice. On June 22nd, the DEC failed to show up to a town hall meeting organized by RRG, to discuss RRG's concerns regarding the CWM hazardous waste landfill and Manhattan Project era radioactive waste. RRG responded by traveling to the DEC's offices the following week requesting an opportunity to meet with the DEC Regional Director, public, and media. The DEC refused to meet with RRG. RRG members are gearing up for the permitting process for the expansion of CWM, as well as other activities over the course of the next year.

NYC Childhood Lead Poisoning Prevention Act Takes Effect

The **New York City Coalition to End Lead Poisoning (NYCCELP)** looks forward to implementation of the new Childhood Lead Poisoning Prevention Act, which takes effect August 2, 2004. NYCCELP appreciates the support that the CEC has given over the years. It took twenty years to get this law passed. Members of Make the Road by Walking, Sierra Club, Northern Manhattan Improvement Corporation, and Met Council testified to the City health department in July on the need for proper regulations to implement the law. Those regulations have been adopted. Although slumlords are trying to overturn the law in court, the coalition is optimistic that the children will prevail, and that they will see major progress in the long-time struggle to protect children from the brain-damaging effects of toxic lead.

IBM Buyouts Sought in Endicott

Numerous Endicott residents are ready to move away from their neighborhood that's been polluted by a chemical spill at the former IBM Corp. One resident estimated her house's value has dropped by \$50,000 since chemical fumes were discovered seeping into village properties almost two years ago. IBM and lawyers representing some residents and property owners are trying to settle claims against the company for pollution-related property-value losses or illnesses without going to court. The DEC has identified IBM as responsible for the pollution that affects a 300-acre area south of the company's former Endicott plant. The company has agreed to clean up the spill and has paid to fit 480 properties with ventilation systems that remove fumes from the underground pollution. For more information, see: www.rage-ny.org/.



Toxic Tour in Cohoes

With CEC's help, **Citizens Halting Risks of Norlite's Industrial Contaminants (CHRONIC)** hosted a Toxic Tour of the neighborhood surrounding Norlite's hazardous waste incinerators in Cohoes. This proved to be a great way to raise awareness of the smoke, dust, noise, truck traffic and smells we endure on a daily basis. Stories appeared on Channel 9 and in four local papers. About 40 people attended including press, concerned citizens and local politicians. Assemblyman Robert Prentiss, Colonie Town Board members Christine Benedict and Shawn Morse, Albany County Legislators, and a representative from Senator Neil Breslin's office were all in attendance. Although invited, no officials from the City of Cohoes were present.

Norlite's Resource Conservation and Recovery Act (RCRA) permit is up for renewal early this fall. The DEC maintains a growing list of citizens, more than 200 thanks to CHRONIC, whom Norlite had to inform that it took them three stack tests to get their dioxin levels within 75% of the required standards. Meanwhile, the community is breathing their "mistakes". CHRONIC hopes that, with their efforts and an anticipated recommendation from the Agency for Toxic Substance and Disease Registry, DEC will require ambient air monitoring boxes around Norlite to determine what is in the air the community is breathing and how harmful Norlite's burning of toxic waste is.



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Building Green without Going in the Red:

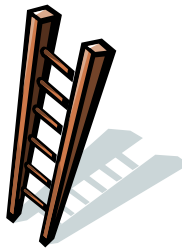
CEC's New Household Guide to Healthy, Affordable Building Materials

By Roberta Chase, Associate Director

CEC is releasing our new guide, "Building Green Without Going in the Red." The guide is designed to empower and inspire people who are looking to make changes in their homes – whether it's a minor change such as painting one room, more major additions or renovations, or building a new home – to use safer, healthier materials to protect their family and the environment.

The guide presents information about the problems with conventional materials, like polyvinyl chloride (PVC or vinyl) siding and flooring, or formaldehyde found in wood products like plywood subflooring or medium density fiberboard used for cabinets and furniture. We then go through the house, building it from the ground up, to discussing better building materials that are available, and presenting charts showing where to find these products.

For example, vinyl siding is often touted as a long-lasting, affordable and safe building material. In fact, this kind of siding is vulnerable to cracks, can be pulled off by high winds, will melt when exposed to any kind of heat, and



while it doesn't need to –and can't easily – be painted, color choices are limited and tend to fade over time. This is all on top of extreme environmental and public health harm caused by PVC's production, use and disposal. From its creation from the highly cancer-causing vinyl chloride monomer, to its potential to harm residents, neighbors and firefighters as it creates hydrochloric acid in the smoke

from an accidental house fire, to its release of dioxin when incinerated or burned in any way, vinyl is the wrong choice for a healthy building material.



The great news is that there are options that live up to the promises made by vinyl manufacturers – low maintenance and long-term durability – but don't have the deadly flaws of vinyl. For example, several companies now make fiber-cement planks, which can be cut like wood but can come from the factory already painted and don't require (but accept, if you decide you want a change) repainting for many years. It doesn't rot like wood, is very fire resistant, and stands up to impacts like balls hitting the house or high winds.

It's exciting to realize just how many different healthier products are available, and more are emerging every day – some are priced similarly to conventional materials, and some cost more, but the market for green building products is expanding rapidly.

If you would like a copy of "Building Green without Going in the Red", call our Albany office at (518) 462-5527 or email Jen at cectoxic@igc.org or download a copy from www.cectoxic.org. You can help support a market shift towards safer, healthier, and affordable building products by using this guide to make decisions as you redecorate, renovate or build your home.



And the Winner is...New York's 2004 Dirty Dozen

This fall CEC is holding our second annual Dirty Dozen Awards highlighting NYS companies or government agencies that most undermine the spirit of environmental protection. Last years awards were quite a success! Past "winners" include Diaz Chemical Company, which had a decades-long history of poisoning the Holley community. Diaz subsequently ceased their production of toxic chemicals at their violation-plagued facility. The Town of Cheektowaga, which illegally halted their curbside recycling program, reinstated it within a year of its cancellation after receiving last year's award.

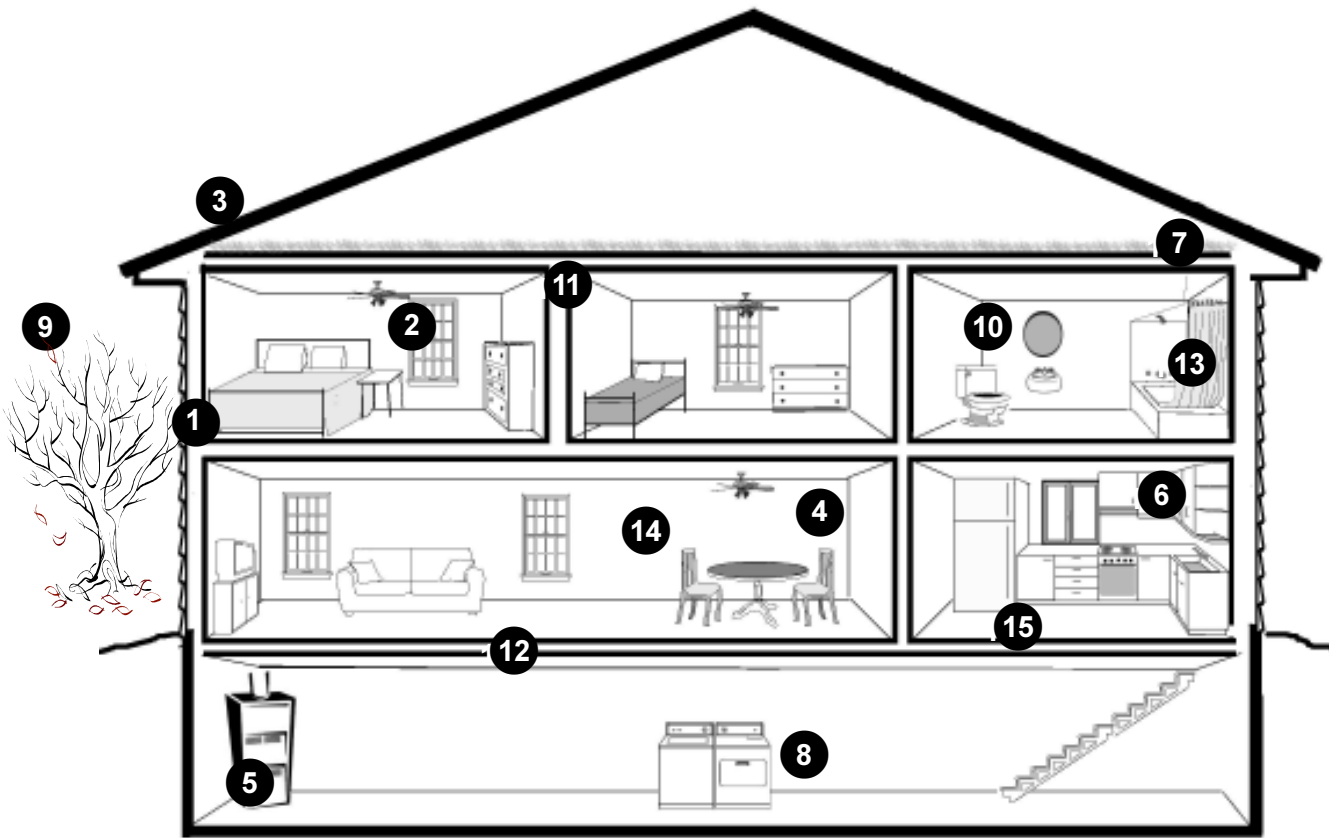


Winners are selected from nominees submitted by communities or organizations across the state. Given the success of 2003's Dirty Dozen Awards, we strongly encourage you to submit a nomination. To nominate your local bad actor, call (518) 462-5527. Nomination forms are available at CEC's website, www.cectoxic.org. We must receive all nominations by **September 30th 2004**. All "winners" will be revealed in November press events at the sites. Submit your nomination, exposing NY's worst 12 polluters this year. Then let's see how many will change their ways as a result of our collective organizing efforts.

Top 15 No- or Low-Cost Green Building Strategies

1. Orient building to maximize natural daylighting
2. Place windows to provide good natural ventilation
3. Select a light-colored "Cool Roof"
4. Install whole-house fans or ceiling fans to reduce or eliminate air conditioning.
5. Provide combined-hydronic heating (hot water heater and hot-water baseboard or radiant heating combined)
6. Install fluorescent lights with electronic ballasts
7. Install high R-value insulation
8. Select Energy Star appliances
9. Design water-efficient landscapes using native plants
10. Install water-efficient toilets and fixtures
11. Use engineered wood for headers, joists, and sheathing
12. Use recycled-content insulation, drywall, and carpet
13. Choose polyethylene pipe instead of PVC for plumbing
14. Use low- or no-VOC paint
15. Use formaldehyde-free or fully sealed materials for subflooring, cabinets and counters

(revised from Global Green USA's TOP 20 No or Low-Cost Green Building Strategies at www.globalgreen.org/programs/20ways.html, with input from Bruce Hampton, AIA LEED, of Elton + Hampton Architects)



Volunteers Needed across NY for CEC's Household Dust Campaign Call today!

During the week of September 27th, Citizens' Environmental Coalition will set off to clean 10 homes across NY. CEC is asking for volunteers to have their homes vacuum cleaned so that we can collect dust samples, which will be sent to independent laboratories for analysis. We will be looking for chemicals that have been identified as some of the most dangerous around in their potential for long-term health and environmental impacts. We plan to release the results in January 2005.

Governments already know that chemicals are out of control – we all now carry as many as 300 industrial chemicals in our bodies that our great grandparents did not

have in theirs. Many of these chemicals make their way into our bodies not from factory chimneys, but in everyday products - detergents, electrical goods, furniture, even clothes, shampoo and makeup.



Environmental and public health organizations working in six states are launching a coordinated project to demonstrate the presence of high-risk chemicals commonly used in household products.

If you are interested in participating in this project and having your home dusted for chemicals, contact us at cecsmike@choiceonemail.com or at (716) 885-6848.

Spanning PVC's Lifecycle

CEC Expands Fight Against Toxic Chemicals in Western New York

By Mike Schade, WNY Director

Over the past year, CEC has led a growing coalition of environmental, community, and labor organizations protesting the siting of a CertainTeed PVC fabrication plant on the Lake Erie waterfront in Buffalo, due to significant public health and environmental consequences of PVC production, fabrication, use and disposal.

Delegation of Environmental Health Activists Travel to Cancer Alley

CertainTeed's vinyl is produced right outside of Mossville, Louisiana, a low-income African American community overburdened with toxic pollution. Since late 2003, CEC has been working with environmental allies Advocates for Environmental Human Rights (AEHR) and Mossville Environmental Action Now (MEAN) to conduct reciprocal visits between New York and Louisiana. We have built an alliance between activists from a PVC production community (Mossville, LA) and a PVC fabrication community (Buffalo, NY).

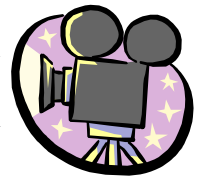
On Thursday, April 1, environmental health activists from CEC, Learning Sustainability Campaign, and the Toxic Waste / Lupus Coalition flew to New Orleans and joined Greenpeace USA and the Healthy Building Network at their Habitat for Humanity home construction site in New Orleans. This community home build featured low cost, safer and available vinyl-free building materials. On Friday, MEAN led the delegation on a "tour" of the industrial property and affected community, and held a news conference with delegates which generated significant local print, TV, and radio coverage. LA and NY activists unveiled a coalition letter to CertainTeed, expressing concerns about CertainTeed's impacts on Mossville and proposed Buffalo PVC fabrication plant, and requested a meeting with the company. The delegation attended a community health meeting on Saturday, where they presented members of the Mossville community with a large greeting card signed by Buffalo residents, expressing their solidarity with the residents of Mossville. Overall, this first delegation was very successful, resulting in significant media coverage and awareness about Mossville and Buffalo environmental concerns and the development of an alliance between Mossville and Buffalo residents.

Over 200 People Attend Standing Room Only Blue Vinyl Screening

On Friday April 16th, CEC, the UB Green Office, NYPIRG and a coalition of 20 organizations and academic departments organized four separate screenings of Blue

Vinyl in Buffalo, featuring a special appearance by Peabody Award-winning filmmaker and Blue Vinyl Co-Director Judith

Helfand. These screenings were organized to educate the public about the hazards of PVC and CertainTeed's proposed PVC fabrication plant. The screenings were held for members of the Buffalo City Council, architects, labor leaders, and the general public. The highlight was Friday night's standing room only community screening, which packed the theater with about 230 people. The theater was so crowded we turned away over 30 people. Attendees met the filmmaker and asked questions, shared resources, signed letters to the Mayor and CertainTeed, and laid the groundwork for a larger public conversation on the hazards of the PVC lifecycle.



Next Steps

Unfortunately, the construction of CertainTeed's PVC plant is moving forward. This controversial deal was done by the time we learned of it, because it was negotiated behind closed doors with no public involvement, meetings or hearings, despite the fact that CertainTeed received millions of dollars in taxpayer subsidies. However, this has been a tremendous opportunity for us to educate the public, media, and policymakers regarding the dangers PVC and toxic chemicals pose to the environment and human health. We are planning another delegation from Louisiana to WNY to generate greater awareness about the chemical industry's impact on Mossville, raise awareness about PVC and generate support for safer alternatives, and build support for a Western New York toxic-free purchasing policy.

Take Action

Please call Buffalo Mayor Anthony Masiello at (716) 851-4841 or email him at amasiello@city-buffalo.com and let him know CertainTeed's PVC fabrication plant is not suitable for the Buffalo waterfront.

The Tale of the Troublesome Toy

Editor's note: If you're concerned about using or disposing of something that will pollute the environment, send it back. The following letter is how one concerned mother took action by returning a hazardous toy to the manufacturer. Folks can employ this creative tactic as a great organizing tool to inspire cleaner products, especially for our children. If you discover a product, especially a child's toy, is toxic, send it back to the manufacturer. Ask for them to reply with their plans to phase out the use of toxic chemicals or unrecycleable packaging. It's easy and fun, and a very few of us can make a big difference.

Michael Johnston
President & CEO
Hedstrom Corporation

Dear Mr. Johnston,

I am returning the "Bob the Builder Playhouse" that my son received for his fourth birthday. It is not broken or damaged, but it is unsafe. As a parent, it is my responsibility to protect my child's health. The playhouse is made of vinyl, or polyvinylchloride (PVC). In the directions, Step 1 recommends you "allow the Play House shell to air out 2-3 days before using to allow any noticeable odors to dissipate." How can a child be expected to avoid a playhouse in the backyard for three days?

The "noticeable odors" are caused by the release into the air of vinyl chloride. According to the U.S. Agency for Toxic Substances and Disease Registry (ATSDR), "vinyl chloride is readily absorbed through the lungs,"¹ "appears to be rapidly and completely absorbed following inhalation," and the "distribution of vinyl chloride in the body is rapid and widespread."² In addition, young children "may be unusually susceptible to the toxic effects of vinyl chloride,"³ a known human carcinogen.⁴ Other health effects include neurological, reproductive, developmental, genotoxic, immunological and other systemic effects.⁵ Vinyl chloride will off-gas from PVC products for at least a few months.⁶

PVC is brittle, and to make it soft, plasticizers are added. Unlike vinyl chloride, these chemicals off-gas more slowly, over a period of years.⁷ Despite my multiple phone calls and emails, your company did not provide information on which plasticizers, or phthalates, are used in this product. Many Western European countries (e.g., Austria, Sweden, Norway, France, Denmark, Finland, and Greece) have banned soft PVC toys or phthalates in toys for young children,⁸ largely because of the health risks associated with phthalates. In 1999, European Union governments unanimously passed an emergency ban on some soft PVC baby toys.⁹ While these bans focused on chewable toys, airborne phthalates in dust have been linked to respiratory illnesses in children.¹⁰ Recent studies have linked phthalates to premature breast development in girls¹¹ and problems with reproductive development in boys.¹² They are implicated in disrupting the body's endocrine system, even at very low levels, especially when a developing fetus is exposed to them.¹³ There are no warning labels on this product to suggest pregnant women avoid it.

One example of a phthalate is di(2-ethylhexyl)phthalate (DEHP). The U.S. Consumer Products Safety Commission (CPSC) has called on U.S. manufacturers to voluntarily phase-out toys containing DEHP.¹⁴ The CPSC's Chronic Hazard Advisory Panel on DEHP Report states, "is reasonable to regard DEHP as presenting a potential carcinogenic risk to humans."¹⁵



I do not have space here to fully list all the potential health effects of phthalates or vinyl chloride. Indeed, many questions regarding the safety of these chemicals remain unanswered, especially with regard to small children and fetuses, because it is unethical to experiment on children. Yet exposing our children to these toys is indeed just that—an experiment with their health and safety.

Please keep me informed as to your progress in ceasing to manufacture or sell toys that expose our children to potential and unnecessary health risks, in keeping with your mission, "where safety, fun, innovation, and quality are our passion."

Thank you,

Sarah Howard

¹ Agency for Toxic Substances and Disease Registry (ATSDR). 1997. *Toxicological Profile for vinyl chloride*. Atlanta, GA: U.S. Department of Health and Human Services, Public Health Service. Chapter 2, "Health Effects," p. 70.

² Ibid., ATSDR, p. 139.

³ Ibid. p. 121.

⁴ Ibid. p. 92.

⁵ Ibid. p. 129.

⁶ Ball State University, Dept. of Natural Resources and Environmental Management, *Indoor Environment Notebook*.

⁷ Ibid.

⁸ Greenpeace International, "Government Actions on Phthalates in PVC Toys."

⁹ Michael Mann, Reuters News Service, BBC Report "EU approves ban on some softened PVC baby toys," December 2, 1999.

¹⁰ Ball State University, Dept. of Natural Resources and Environmental Management, *Indoor Environment Notebook*.

¹¹ Raloff, Janet, "Girls may face risks from phthalates," *Science News*, Vol. 158, No. 11, Sept. 9, 2000, p. 165.

¹² Raloff, Janet, "Ingredients of common plastics may harm boys as they develop," *Science News*, Vol. 158, No. 10, Sept. 2, 2000, p. 152.

¹³ Colburn, Dr. Theo et. al., *Our Stolen Future*, Penguin Books, 1997, pp. 223-4.

¹⁴ *Our Stolen Future* website, www.ourstolenfuture.org/NewScience/oncompounds/phthalates/phthalates.htm.

¹⁵ Chronic Hazard Advisory Panel on DEHP Report Part I, p. 5. www.epsc.gov/LIBRARY/FOIA/Foia00/os/dehp1.pdf.

Waste – Whose “Responsibility” is it, anyway?

By Kathleen Curtis, Executive Director

With landfill space dwindling, in an increasingly disposable society, we are stuck with more and more unrecyclable waste every day. We wash and sort our packaging, separating it at the curb, only to see it all thrown into a single truck at the end of the day. Of the seven types of plastic, only numbers one and two achieve anything but minimal percentages of recycling. For example, the plastics industry reports that a maximum of 0.3 percent of PVC (#3) bottles were recycled in 2001, the last year that data were compiled. There are currently no PVC bottle recycling facilities operating in the U.S. (For more on the failure of PVC recycling, check out www.grn.org/pvc)

Much of this waste is hardly inert; its harm extends far beyond merely taking up space. For example, PVC pollutes across its entire lifecycle, releasing vinyl chloride and dioxin (both cancer-causing agents) when manufactured and hydrogen chloride and dioxin when burnt in backyard barrels or municipal incinerators. Electronic- or “e”-waste (computers, cellular phones, etc.) releases heavy metals and toxic flame retardants when landfilled or incinerated, and is often discarded while still functional due to the rapidity with which it becomes obsolete.

We bear the expense of collecting, managing and disposing of waste — including household hazardous waste collection and hazardous waste site cleanup — usually in the form of taxpayer-funded government programs, primarily at the local level. We know enough to make us feel guilty about the waste we’re generating, but reform efforts occur much more slowly than would be necessary to offset this burgeoning condition. So what’s the solution to this well-known, well-documented problem?

Extended Producer Responsibility

Extended Producer Responsibility (EPR), a growing effort which is already in practice to some extent, has the potential to bring us much closer to what would seem like a pie-in-the-sky objective: Zero Waste. CEC supports the concept that manufacturers and distributors should assume responsibility for these costs, thereby internalizing them and reflecting them in product prices. This creates a powerful incentive for manufacturers to reduce such costs by designing products and packaging that are cleaner, safer, more durable, reusable, repairable, and/or easy to disassemble and recycle.

We all have the opportunity to practice an example of EPR every day, through the Returnable Container Act, or the “bottle bill.” You pay a nickel when you buy the beverage, you get a nickel back when you



return it to retailers. According to the NY Department of Environmental Conservation, Since the bottle bill went into effect, redemption rates have been 70-80 percent and litter reduced by 75 percent. Aluminum can recycling is particularly effective, saving 95 percent of the energy used to make cans from aluminum ore. Nationwide, 105,784 cans are recycled every minute, with a recycling rate of better than 50%.



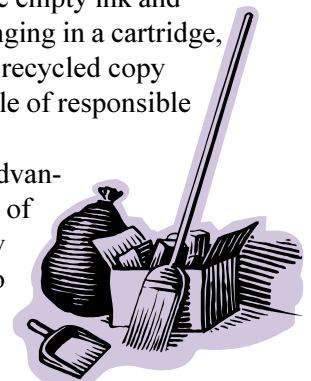
Although no state bottle bill has ever been repealed, the beverage industry’s well-funded campaigns have been successful in stopping new bottle bills or the expansion of existing ones. For example, they have stymied efforts to expand NY’s bottle bill to include non-carbonated beverages, such as iced tea and water, despite the marked increase in consumption of such beverages in the 20 years since its inception.

Taking It All Back

Numerous efforts in the form of legislative advocacy, policy reform, and corporate responsibility are making headway in ME, NY, MA, CA and in localities across the country. But EPR efforts aren’t limited to legislation. Businesses are increasingly getting in on the act. For example, Stonyfield Farms yogurt containers are polypropylene (#5) and are therefore unrecycleable. But if you mail them the empty containers, they will be made into toothbrushes. In exchange for the cost incurred in postage, Stonyfield Farms sends you coupons for their products that more than cover the postage. Between mid-2000 and January 2002 more than 500,000 yogurt cups were used to produce Preserve-brand toothbrushes.

Similarly, computer giant Hewlett-Packard HP rewards you with up to \$50 when you recycle your computer hardware through their recycling service and purchase a new product online at HPShopping. They charge a fee for the service, which they offset by a coupon toward your next hardware purchase. Sharp has implemented a number of end-user recycling initiatives, including a Toner Cartridge Recycling Program for certain copier models. OfficeMax has a special promotion to recycle empty ink and toner cartridges. In return for bringing in a cartridge, they give out a ream of premium recycled copy paper. This is an excellent example of responsible production.

We hope more people take advantage of these and other examples of Extended Producer Responsibility as a solution-oriented approach to closing the loop on products and packaging.



Pass the Bucket!

By Jessie Carrancio,
Environmental Associate



CEC continues to support and empower people concerned about air quality by helping them form and expand Bucket Brigades to monitor air near major industrial polluters. This summer, the Environmental Protection Agency's ECO community intern project provided CEC with a full-time intern to work with three Western New York Bucket Brigade communities: Cheektowaga, Rochester, and Tonawanda.

The Bucket Brigade is a community-based air-monitoring project, which features an easy to use air-sampling device housed inside a 5-gallon plastic bucket. This method was developed by an environmental engineering firm in order to simplify and reduce costs of testing toxic gases in the air. Besides taking samples, the Bucket Brigade incorporates other forms of monitoring such as keeping journals detailing days and times poor air quality occurred, logging subsequent health effects and photographing and videotaping signs of pollution. By compiling these resources, the Bucket Brigade provides sound evidence that industry is polluting fenceline neighborhoods.

In Rochester, members of the Kandid Coalition have organized a Bucket Brigade to monitor the air in the fenceline neighborhoods surrounding Kodak Park. Sampling in late 2003 detected methylene chloride, a probable cancer causing agent, at 10 times above the DEC ambient air annual guideline concentration. Acrylonitrile was detected at 1,000 times above the DEC ambient air annual guideline concentration. Exposure to acrylonitrile harms the central nervous system, lungs, nose and throat, especially among children.

Residents of Tonawanda are subject to chemicals and odors caused by industries along the Niagara River, from facilities storing oil to factories producing sponges. Members of the Toxic Tonawanda Coalition took a sample across from 3M's O-Cel-O Sponge factory, where they detected very strong, nauseating odors. The results are pending, meanwhile Toxic Tonawanda is patrolling their neighborhood.

The Cheektowaga Citizens' Coalition (CCC) is concerned about a limestone quarry, construction and demolition landfill, 2 hazardous waste sites, a junkyard, and an asphalt plant all located in the middle of a residential community known as the "Cheektowaga Toxic Triangle." CCC's first sample, taken near the Buffalo Crushed Stone quarry, detected Hydrogen Sulfide at 72.7 times above the DEC ambient air annual guideline concentration and 5 times above the DEC ambient air short-term guideline concentration. CCC plans future sampling near the quarry and landfills.

Tips for a Healthy Lawn without Unhealthy Chemicals

Mowing – Close, frequent cutting stresses grass. Let it grow! Grass 2 ½ - 3 inches tall shades out weeds and holds soil moisture. Mow when dry, at evening or cool of day. Keep blade sharp. Leave clippings behind to build soil. Scatter or rake up large clumps for compost or mulch.



Fertilizer – Chemical fertilizers add salt to the soil, kill soil-building microorganisms, promote soil compaction, shallow roots, thatch and fungus growth. They create dependence for the next quick fix—turning your lawn into an addict. Grass clippings, compost and manure return needed bacteria and enzymes to the soil along with nutrients. Including clover and other nitrogen-fixing plants in the lawn can make it self-fertilizing.

Pesticides – kill worms and beneficial insects. Weed killers can harm gardens, trees, and shrubs and breed resistant weeds. They also kill nitrogen-fixing, self-fertilizing plants in the lawn and can contaminate garden produce.

Dandelions – Cut out at the root several inches below the ground. Most won't grow back, no matter what the ads tell you. A quick mow prevents re-seeding.

De-Thatch – In late spring or early summer. If you do it too early, it stresses the lawn. Re-seed any bare spots.

Re-seed – Soak seeds overnight to hasten sprouting and growth, which chokes out weeds.

Water – Infrequently, deeply, in evening or morning. Allow grass to dry out thoroughly between waterings.

Test – Soil for Ph, nutrients, and composition to determine its condition.

Choose – the right species. Pick varieties that resist drought, disease, need little mowing or fertilizer, choke out weeds, and are suited to available light and usual traffic. Bluegrass is unsuited to, but an 80/20 mix of fescue and rye grows well in, most areas. Switch manicured to perennial groundcovers in hard to maintain areas. Natural landscaping is attractive, easy to maintain, and supports native wildlife.

Save – At \$75 or more per treatment, chemicals cost you from hundreds to thousands of dollars per year.

Search – for companies that don't use toxic chemicals. They're hard to find but worth it. Otherwise, specify a fertilizer-only program. Be specific, you want NO pesticides or herbicides. Get it in writing.

Cross – the street. Look at your neighbor's lawn and back at your own. Theirs will look worse, and yours better.

Kodak

Millions of Shares Voted in Favor of Kodak Environmental Shareholder Resolution

In May, members of the Kandid Coalition and CEC gathered at Kodak's annual shareholder meeting, urging Kodak shareholders to support a resolution to "Adopt a Non-Toxic Chemicals Policy," which calls on Kodak to develop and implement a plan to phase out emissions of persistent bioaccumulative toxins (PBTs), such as dioxins and mercury. Over 8.6 million shares voted in favor of the resolution, including NYS Comptroller Hevesi's support via the New York State Common Retirement Fund's Kodak shares. Inside the meeting, environmental health activists spoke on behalf of the resolution. Outside, participants dressed in yellow "Kodak Toxic Cleanup Crew" hazmat suits and toxic barrels and wearing masks held an informational picket, distributing flyers to educate investors about Kodak's history of environmental violations, emissions of cancer-causing agents, and recent worker layoffs. They also unveiled a 100+ square foot banner reading: "Kodak - Clean the Air." In addition, Employees Committed for Justice were out in force outside of the meeting raising concerns about discrimination issues at Kodak Park.



Kandid Coalition and CEC Unveil Lawn Signs

In order to raise awareness about strong odors near Kodak, CEC & the Kandid Coalition have printed up lawn signs. Members of the Bucket Brigade are distributing the signs to educate neighbors about the new "Bad Air" phone hotline. The lawn signs read, "Bad Air Days are a Bad Sign - Call the Bad Air Hotline 234-0637." If you live near Kodak and

would like to display a free lawn sign, call CEC at (716) 885-6848. CEC wishes to thank Global Alliance for Incinerator Alternatives for funding printing of the signs.

Kodak Wants to Stop Funding DEC Independent Monitors

This May, Kodak submitted over 200 pages of comments on their hazardous waste permit, even after negotiating this permit with the DEC for over five years. Buried within these comments was a section outlining Kodak's plans to stop paying for two full-time DEC employees who monitor operations at Kodak Park, and are funded by an agreement with Kodak. It is critically important to have independent DEC employees monitoring operations at Kodak Park. The Kandid Coalition and CEC worked hard over the years to defend the on-site DEC monitors. In the past, Kodak has clearly agreed to continue funding these monitors and include such a provision in their hazardous waste permit. Does Kodak think they have no obligation to live up to their word? This is coming on the heels of a hazardous waste hearing when current and former residents of Kodak Park and former Kodak employees testified about Kodak's pollution problems. CEC and numerous citizens across the state also submitted written comments on Kodak's permit.

Take Action!

Call and Write DEC Commissioner Crotty

Please take action and call and write DEC Commissioner Erin Crotty urging the DEC to require Kodak to continue funding these two monitors: (518) 402-8540, ecrotty@gw.dec.state.ny.us.

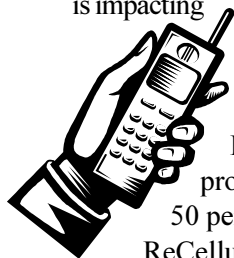
Sources for Reusable Building Materials in New York State

<i>Organization Name</i>	<i>City</i>	<i>Telephone</i>
Association for Resource Conservation	Centerport	(613) 580-7290
Building Preservation Works, LLC	Homer	(607) 749-8889
ERC Community Warehouse, Inc.	Hoosick Falls	(518) 686-7540
Habitat for Humanity of Westchester ReStore	New Rochelle	(914) 829-7586
Historic Home Supply Corp	Troy	(518) 266-0675
Hudson Valley Materials Exchange	New Windsor	(845) 567-1445
Long Island City Business Development Corp.	Long Island City	(718) 786-5300
Mat-Ex Online, www.mat-ex.org	21 Counties	(585) 344-2580
Western/Central NY Materials Exchange		x5464
NY Wa\$teMatch	New York	(212) 442-5219
Significant Elements	Ithaca	(607) 277-3450
Zaborski Emporium	Kingston	(914) 338-6465

Points of Interest

Dealing with the Cell Phone Dilemma

Over one billion wireless handsets are currently in use worldwide, with average life spans for handsets now falling to under 18 months. In the United States alone, 100 million cell phones will be retired in the coming year—a rate more than 25 times higher than in 1990. While many of these phones gather dust in drawers or closets, a large number are sent to landfills, adding to the solid waste problem that is impacting cities and communities everywhere.



Collection and recycling programs, however, are targeting the problem. For example, ReCellular Inc., has kept over 10 million of such products out of America's landfills. Over 50 percent of the cell phones collected by ReCellular are refurbished to near-new

condition or otherwise certified for resale, then packaged and marketed to users in developing nations of the world where new phones are cost-prohibitive. Handsets that cannot be rebuilt are disassembled and recycled. No environmental waste goes to landfills or incinerators, either directly or through intermediaries.

Cell phone collection programs have found their way into virtually every community in the United States. Major companies including Sprint, Verizon Wireless and BestBuy, collect used cell phones at their stores. ReCellular maintains an on-line clearinghouse of locations at which cell phones can be donated. Visit www.recellular.com or www.recyclewirelessphones.com for a list of drop-off locations.

Source: www.greenatworkmag.com

Resources & Publications

New Guide of Environmental Resources

Because New Yorkers are keenly interested in a range of environmental issues, the Attorney General's office has prepared a listing of national, statewide and local government and non-governmental offices and organizations that can provide relevant environmental information and resources. This guide will be helpful when questions arise regarding the environment and your family's health and will assist you in being an informed citizen in your local community. Download a copy of *A Citizens' Guide to Environmental Information in NYS* at www.oag.state.ny.us.

The Hazards of Fishing in NYS

The New York State Department of Health (DOH) recently released *Chemicals in Sportfish & Game*, an advisory on whether you can eat what you catch in NYS. Some of these foods contain chemicals at levels harmful to your health. Long-lasting contaminants, such as PCBs, DDT and cadmium, build up in your body over time. Health problems that may result range from small changes in health to birth defects and cancer. Download a copy at www.health.state.ny.us/nysdoh/fish/fish.htm.

A Thorough Report on PVC

A report, *Environmental Impacts of Polyvinyl Chloride Building Materials*, presents information on the environmental and health hazards associated with the lifecycle of polyvinyl chloride plastic (PVC, vinyl). Individual chapters on the manufacture, use and disposal of

vinyl products discuss the formation, release, exposure, and health implications of hazardous substances during the manufacture, use, and disposal of vinyl products are considered, as well as energy consumption associated with PVC production. Download a free copy at www.healthybuilding.net/pvc/reports.html.

Toxic Dust Found on Computers

In the first nationwide tests for brominated flame retardants (BFRs) in dust swiped from computers, the Computer Take-Back Campaign and Clean Production Action found these neurotoxic chemicals on each computer sampled. The highest levels found were a form of polybrominated diphenyl ethers (PBDEs) called deca-BDE.

These results indicate that there is exposure to certain BFRs and that computers are likely to be a significant source of deca-BDE exposure in the dust of homes, offices, schools, and businesses. All exposures, no matter how small, are of concern because deca-BDE is a bioaccumulative substance. This means that multiple exposures to low levels of deca-BDE add up over time and build up in the body. There is no safe dose associated with these chemicals. Download a copy of the *Brominated Flame Retardants Report* at www.cleanproduction.org.



Updates continued from page 5

Environmental Groups Stop State Policy to Weaken Monitors

Stop Polluting Orleans County (SPOC) and Citizens' Environmental Coalition (CEC) won an important decision by the Albany County Supreme Court against DEC Commissioner Erin Crotty. The case challenged Crotty's decision last year to allow Waste Management of New York to hire its own monitors at a proposed landfill in Albion, purportedly as a cost-cutting measure. Prior to Crotty's decision, state policy required DEC engineers to serve as on-site environmental monitors.

Documents filed with the SPOC-CEC lawsuit included statements by representatives from PEF/encon, DEC's union, showing that the cost of DEC on-site monitors is entirely paid for by facilities subject to monitoring. SPOC & CEC brought the suit because DEC staff members bring more independence and integrity to the task than industry-selected monitors. "The professional career civil servants, recruited and hired through the merit and fitness principles of the NYS Civil Service system, congratulate CEC, SPOC, their attorneys and supporters for their successful efforts in the courts on behalf of the environment and our fellow citizens," said Wayne Bayer, PEF/encon Executive Board member. "We, the nearly 2,000 members of Division 169 of the Public Employees Federation at DEC, look forward to working cooperatively with you in resisting any efforts that the temporary political appointees in DEC management may make to end run the court and common sense to expand third party monitors," Bayer added.

According to Pat Wood, SPOC President, "This stops Waste Management and other polluters from controlling the way they are monitored. In 1983 SPOC began with a few dedicated neighbors concerned over the environmental hazards associated with a proposed expansion of a landfill in their community. The waters of the quarries were polluted. The NYS Erie Canal was adjacent to the proposed site. In 2004, twenty one years later, we are still together, and going strong." Wood added, "We have fought the good fight against Waste Management, Inc. And it is not over yet. We will never give up. If we had not stood firm in our convictions, the world's largest landfill would be in our community now. Every day without hundreds of trucks on our roads, going past our school campus, is a good day."

The Supreme Court overturned the DEC Commissioner's ruling to allow third party on-site monitoring. As a result of the court's decision, the DEC must either reinstate the old policy or provide notice and an opportunity for public comment before officially changing the policy.

Thanks to attorney Gary Abraham, for representing SPOC & CEC, and all of our friends and allies who helped compile information for the case.

Call for Civil Rights & Environmental Justice in Syracuse

The **Partnership for Onondaga Creek**, a Syracuse neighborhood coalition, is fighting a sewage plant in an African-American neighborhood that will dump 77 million gallons of sewage into the creek. The Partnership and the City of Syracuse call for underground storage as a cleaner, cheaper, and fair alternative, protective of the neighborhood and the creek that runs through the city and empties into Onondaga Lake, the most polluted lake in the nation. The Partnership has filed a "Title VI" Civil Rights Complaint to the EPA charging that both Pataki's DEC and Onondaga County have violated the 1964 Civil Rights Act in their conduct regarding public participation and equity.

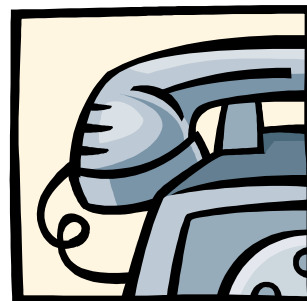
In July, after a ten-hour sit-in, four Partnership members were arrested for declining to leave NY Sen. Hoffmann's office after repeatedly asking her to sign a letter of concern regarding the Civil Rights complaint. Hoffmann takes children on the "Civil Rights Connection" every year to Mississippi as part of a youth education program, but will not recognize or comment on this serious civil rights issue in her own district. On July 29th, five more Partnership members were arrested for remaining on the site of an apartment building to be demolished by the County before construction begins on the sewage plant.

The Partnership plans to continue its peaceful, nonviolent resistance to such environmental racism and asks for your solidarity. Please call or email to support their recent actions and ask these lawmakers to take the Partnership's Civil Rights complaint seriously. Please cc your emails to zdmoore@yahoo.com and send them to your newspaper as a letter to the editor.

NY Governor George Pataki
www.state.ny.us/governor/form.htm
Albany (518) 474-1041

NY Senator Nancy Lorraine Hoffman
hoffmann@senate.state.ny.us
Syracuse: (315) 478-0072

US Senator Hillary Rodham Clinton
senator@clinton.senate.gov
Washington DC: (202) 224-4451

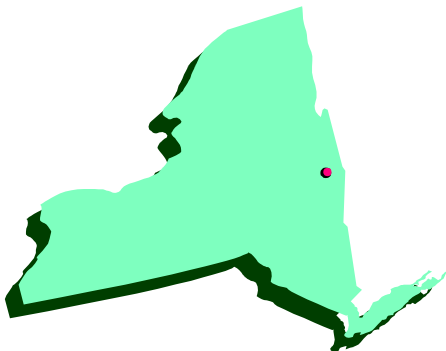


Victories continued from page 3

lethal hydrochloric acid when inhaled. These corrosive gases can spread faster than flames, trapping building occupants before they have a chance to escape. According to fire experts, it is not unusual for people caught in building fires to be killed by toxic PVC fumes long before the flames reach them.

However, Governor Pataki has come under intense pressure from industry to veto the bill. It is being sent to him for his signature, and Governor Pataki needs to hear from YOU, that you support this landmark legislation that would protect New Yorkers from the use of dangerous PVC in major buildings across the state.

Since NY's Plastic Pipe Restriction is the first and only statewide plastic pipe restriction in the nation, roughly 50% of all PVC is used in pipes, and NY is one of the largest single economies in the world, its passage would represent hugely significant progress for a clean and healthy environment.



Want to stay in touch with the grassroots environmental movement?

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