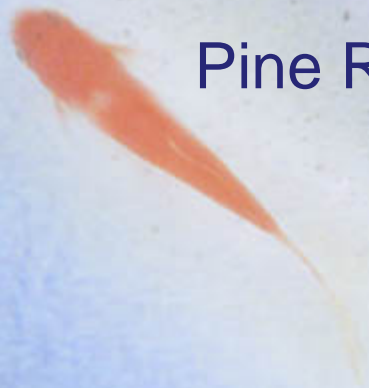


Empowering a Community

**Reversing Environmental Health Policy
Mistakes in Michigan**

**Pine River Superfund Citizen Task Force
City of St. Louis, MI**



Who We Are and Where Are We From?

What's Our History?

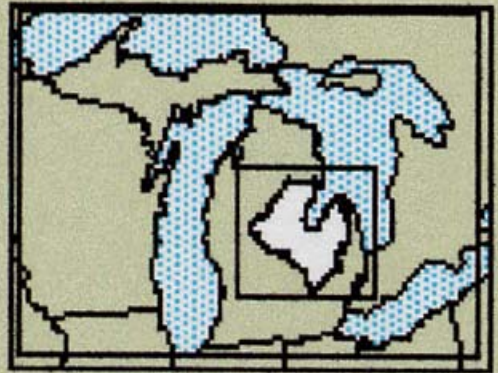
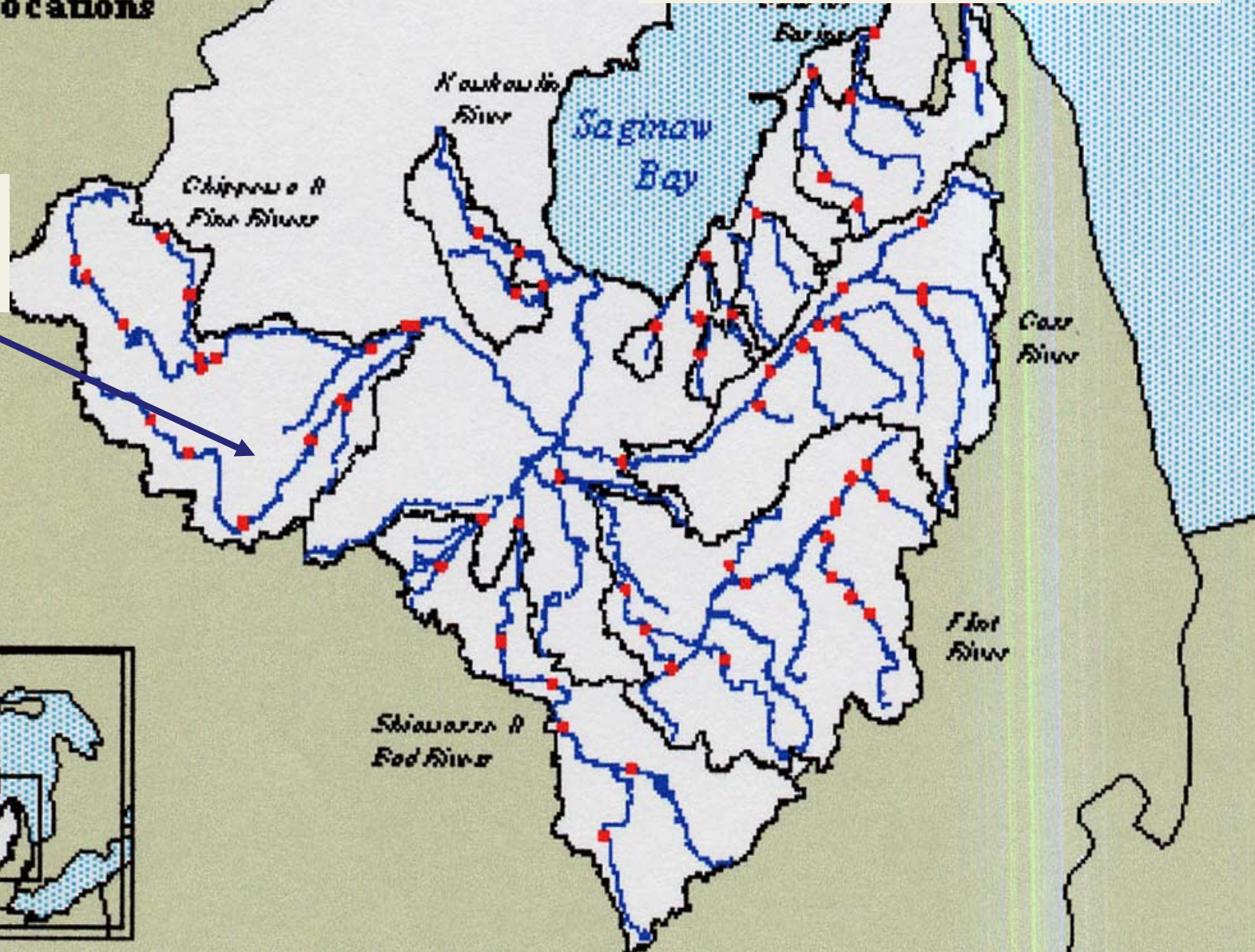
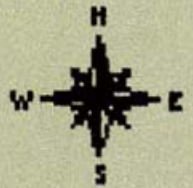
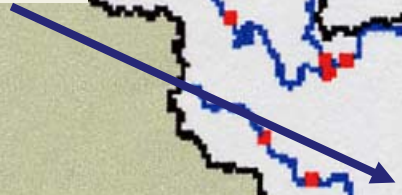


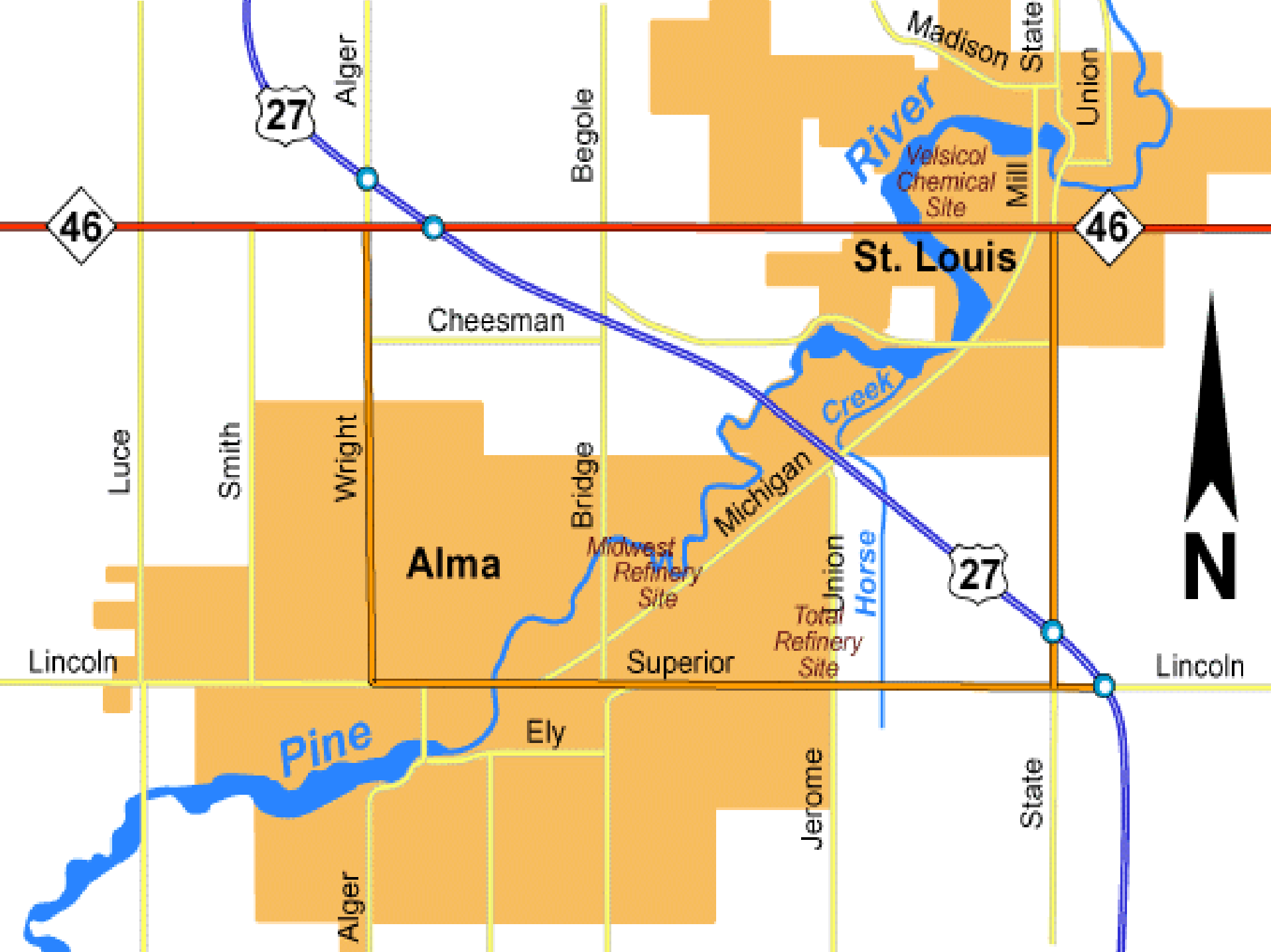
Saginaw Basin

Watersheds and
Station Locations

Pine River is part of
Saginaw River Drainage
Basin

Pine River
Watershed





We Are Not Alone

- Problems of Citizens and Experts
- Myth of Lack of Awareness
- Long before “Silent Spring”
- Recent environmental laws are not necessarily on our side unless you fight

The Source of Our Problem

*Never forget it started with the company's
irresponsibility.*

Michigan Chemical (and Velsicol)

- Founded: 1935
 - Immediately communities protested environmental impact
 - Largest DDT producer 1944-58; also salts, fire retardants, rare earths, etc. etc.
- Bought by Velsicol in 1963
- Dumped tons of DDT and other hazardous substances in watershed
- Operated until 1978

Michigan Chemical's DDT shipped world wide







Brief History of Velsicol

- Founded in 1931 by Joe Regenstein
- Julius Hyman, Joe's cousin, patented 4 of "dirty dozen" & manufactured DDT
- Responsible for Mississippi River fish kills, mercury contamination in NJ, etc.
- Threatened to sue if *Silent Spring* published

The PBB Accident

- 1973 Michigan Chemical accidentally shipped tons of PBB instead of cattle feed supplement
- Food chain in upper Midwest contaminated with PBB
- Farmers, workers, state and feds sue
- Velsicol agrees to close plant & leave state
- Plant Site and two other of the company's sites in town become Superfund sites in 1983
 - Supposedly all sites contained by 1986

Farmer shooting his "PBB" cattle



Current Hazardous Sites Related to Velsicol in Watershed

1. Former plant site
2. Former “burn pit” [Golf Course site]
3. Former county landfill [another Superfund site]
4. Breckenridge radioactive waste site
5. Smith farm multi-plant dump site

‘Non-Velsicol’ Hazardous Sites in Watershed

1. Former refineries [owned by Total Petroleum until 1999]
2. Former auto parts plating [at closure in 2005 called Oxford Automotive]
3. Smith Farm [included Velsicol dumping]
4. CAFO run-off

DDT, PBB, Radioactive Waste, NAPL, VOCs, SVOCs

DDT, PBB, NAPL, SVOCs Metals

DDT, PBB, Metals, ?

Vinyl Chloride, VOCs, Lead, Mercury, DDT, Chromium

Petroleum Waste, PAHs, PNAs, Metals

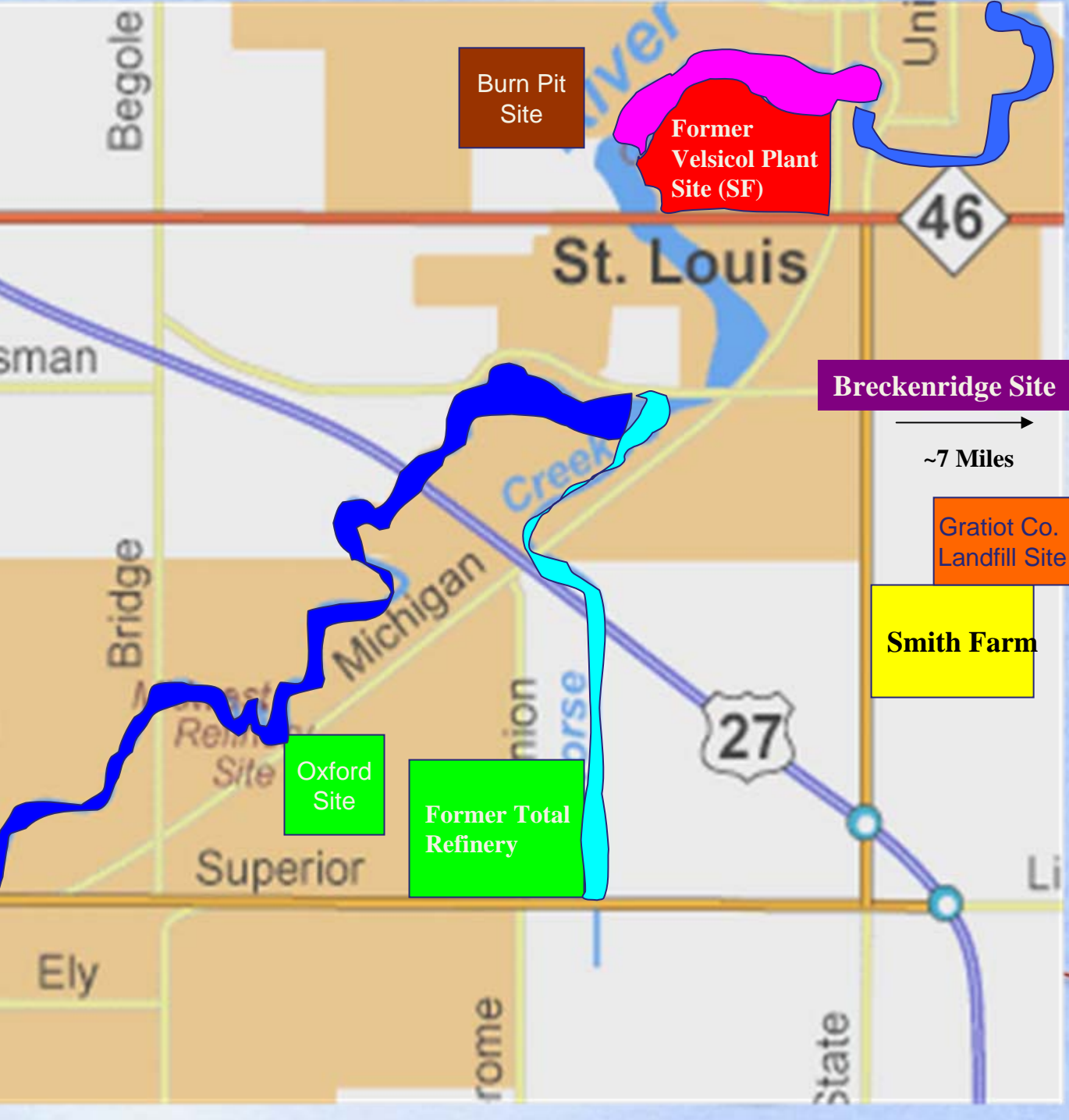
Free product, BTEX, VOCs SVOCs, Metals, MTBE?

Pre-dredging: BTEX, PAHs, PNAs, TPH, Metals

Radioactive Waste

?

VOCs, DDT, PBB, SVOCs, Metals



The Public Policy and Public Management Blunders

*Recall these followed the company's
irresponsibility.*

Velsicol's Sweetheart Deal with DOJ / EPA

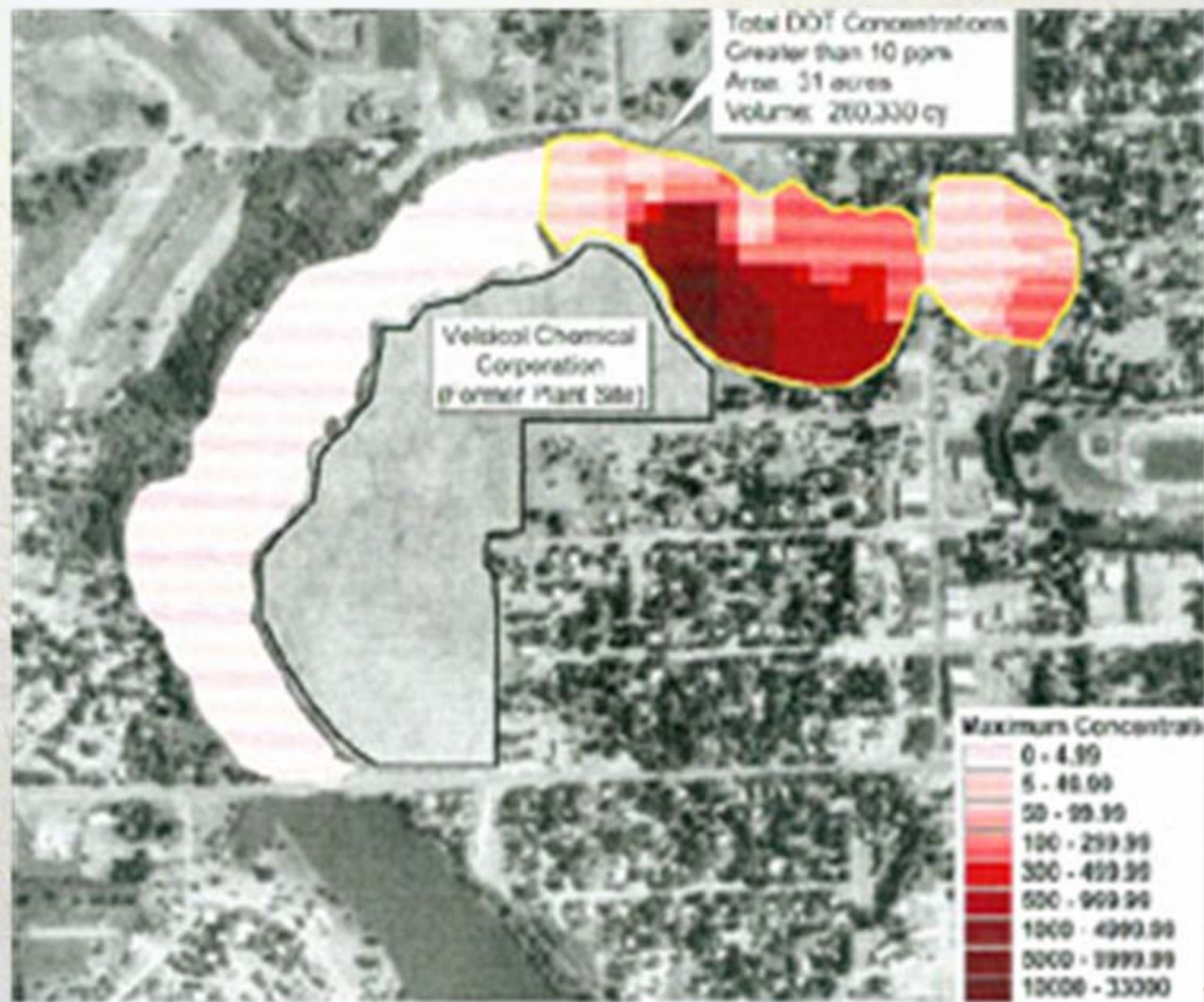
- 1982 Consent Judgment Provisions:
 - Required relatively little monetary penalties
 - Some farmers who lost cattle received money
 - EPA and State of MI received reimbursement for cleanups
 - Released Velsicol of any liability in Pine River
 - Capped and walled former plant site - a hazardous waste site
- Assumption is contaminants will be covered by sediment and rendered non-bioavailable

Health Studies Ignored Community

- 4,000 people exposed to PBB tracked since 1970s
- Those with higher exposures show varied health problems:
 - Higher breast cancer rate
 - Higher rates of digestive system cancers
 - Endocrine disruption – daughters early puberty
- Health researchers drop workers from studies and failed to report back to the community

Natural Attenuation of DDT Failed

- Levels of DDT rose in resident fish of the Pine River between 1986 and 1997
 - Some fish had the highest levels of DDT ever recorded in river fish
 - ATSDR warned containment system questionable
- State & EPA increased sampling of Pine River in mid-1990s
 - Highest levels of DDT ever recorded in river sediment - >38,000 ppm DDT
 - EPA scheduled emergency public meeting on problem
- Hundreds show-up for October 1997 public meeting



- Tumor on fish from Pine River



Reversing the Mistakes

1. Reversing Mistakes – Community Must Defend Rights of Citizens and Role of a CAG

- Incorporate
- Get a TAG and run it yourself
- Find voluntary experts (a local college, retired scientists)
- Insist on no stacking of membership (when officials talk of balanced membership – they mean favoring identified special interests)
- Try to find potentially under represented citizens, such as youth or native Americans

Start of the Pine River Superfund Citizen Task Force

- Formed 1998
- Supported time-critical removal BUT . . .
- Criticized river draw-down
- Confronted special role for Velsicol
- Decided to focus on watershed, not just Superfund site
- Rejected RPM's search for an alternate CAG
- TAG application and self-administration

CAG Goals

- Ensure the best cleanup possible
 - Restoration of the Pine River for recreational use
 - Not focus solely on Velsicol plant site
 - Make any remedy permanent = **forever**
 - Permanent \neq 15 or 20 or 30 years!
- Conduct comprehensive health assessment of St. Louis and surrounding region
- Empowering citizens of the community to define the clean-up and health responses

CAG's Must Emphasize Advisory Role

- Monthly public meetings
- Develop good relationships with local government
- Insist on participation in state/EPA planning
 - Created monthly technical meeting attended by EPA and state RPMs but chaired by CAG member
 - Involved in leaking plant site/NAPL issues for years before RI/FS/ROD
 - Involved in drinking water/pCBSA issues for years, including legal consultations with city attorneys etc.

2. Reversing Mistakes – Community Must Insist on Freedom of Information & Transparency

- Failure of research institutions and government to share health data
- EPA's attempt to break up the CAG and include more 'movers and shakers' from special interests
- Polluters, public agencies, and their experts have a record of deceitful communication
 - Governor's letter to community on PBB
 - Refinery and state fail to announce public meeting
 - Failure of EPA to warn community of pCBSA in drinking water **for over 1 year**



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

WILLIAM G. MILLIKEN
GOVERNOR

March 27, 1978

Mr. Arnold Bransdorfer
413 West Washington
St. Louis, Michigan 48880

*County Commissioners
from S.B. Louis*

*Sen Dick Allen,
(R) Alcona*

Dear Annie:

Between you and I, like you I have reservations about the kind of citizen committee that Dick was proposing.

We have learned from past experience that it's awfully easy to frighten the public to a degree which may be unwarranted about toxic chemical problems.

My impression is that Dick has backed off his suggestion, and you should know that my contacts with the DNR indicate that they feel that the County Board of Commissioners is being helpful in resolving this matter.

Thanks for writing.

Sincerely,

Bill

William R. Rusten
Special Assistant to the
Governor

WRR:ec



NATURAL RESOURCES
COMMISSION

JERRY C. BARTON
LARRY DEWYST
PAUL EISELE
JAMES P. HILL
DAVID HULL
JOEY N. SPANO
JORDAN B. TATTER

JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

STEVENS T. MASON BUILDING, PO BOX 30028, LANSING MI 48909-7328

ROLAND HARMES, Director

REPLY TO:
SURFACE WATER QUALITY DIVISION
KNAPP'S CENTER
PO BOX 30273
LANSING MI 48909-1773

April 12, 1995

Mr. Mark J. Mielke
Environmental Chemist
Total Petroleum, Inc.
East Superior Street
Alma, Michigan 48802

Dear Mr. Mielke:

SUBJECT: Permit No. MI0001066, Total Petroleum Inc-Alma

Due to the expressed interest and concerns on your National Pollutant Discharge Elimination System permit, a public meeting is scheduled for 7:00 p.m. on May 16, 1995, at the Alma High School, 1500 North Pine, Alma. We have decided not to public notice this public meeting. Therefore, please inform all those people who would be interested in attending this public meeting. For those who are unable to attend, written comments can be submitted to me at the following address:

Permits Section
Surface Water Quality Division
Michigan Department of Natural Resources
P.O. Box 30273
Lansing, Michigan 48909

Please let me know if you have any questions.

Sincerely,

Alvin Lam
Permits Section
Surface Water Quality Division
517-335-4132

Mark Mielke
463-9664

How would they know?
1,000,000
1,500,000
60,000,000

3. Reversing Mistakes – Community Must Know History

- Chicago and North Western Railway bought Velsicol and Michigan Chemical in 1965
- C & NW became Northwest Industries and bought Fruit of the Loom in 1968
- In debt restructuring, Northwest Industries became Fruit of the Loom in 1985
 - Fruit of the Loom sells Velsicol to management
 - New Velsicol refuses to take seven most contaminated properties (including three sites in St. Louis)
 - Fruit of the Loom creates NWI to own seven Superfund sites
- Fruit of the Loom files for bankruptcy in late 1999

Why This Matters?

- Understanding corporate history:
 - Gives communities common understanding of liability
 - Shows communities how regulatory agencies work with corporations in absence of community participation
 - Gives communities a peek into the legal system related to bankruptcy, corporate structure and regulatory action against PRPs

4. Reversing Mistakes – Community must look for *Ignored-Procedures, Self-Monitoring, & Corruption*

- Delisting the non-listed Golf Course site???
- Velsicol paid universities for “health studies”
- Company consultants developing plans for remediation – Conestoga Rovers
- In-house monitoring of contamination
 - Memphis Environmental (a Velsicol subsidiary)
- Velsicol Consent Judgment - Scandal, Fraud and Imprisonment
 - Velsicol hires former regulators to negotiate with former colleagues in EPA

5. Reversing Mistakes – Community Must be Willing to go to Court

- Look for pro-bono legal help
- If can't get free or affordable legal help, don't be afraid to go to court anyway
- Don't let bankruptcy block claims against polluters
- Don't ignore help from 'environmental agencies' other than EPA

Early Pine River Legal Battles

- CAG wins SEP from Total Refinery
 - Language that allows reopening
- Fruit of the Loom Bankruptcy
 - EPA General Council rules can use TAG money
 - \$42.5 million settlement
 - Court legally recognizes Task Force
- Oxford bankruptcy settlement
 - Funds CAG

Current Pine River Legal Battles

- Drinking water contamination lawsuit – St. Louis sues trustee for Fruit of the Loom and Velsicol with help from Robert Kennedy Jr.
- US Justice Department counter-sues St. Louis on behalf of Velsicol and AIG!!
 - CAG works with city
- CAG pressures Michigan Attorney General to sue Velsicol

6. Reversing Mistakes – Community Must Take-on the Global Health Special Interests

- Fight for community research dollars to go to communities, not only high end medical school research
- Fight the global health consensus when it is wrong & controlled by lobbyists
- Lead doing your own health study and expect [demand!] ATSDR help
- Demand a clinical response at the end of any health research – be patients not guinea pigs!

Learning About Ignored Health Warnings

- Breckenridge cancer cluster blamed on 'bean dust'
- PBB studies never presented to community
- 1988/1993 ATSDR consultations not followed-up
- Early DDT studies ignored by marketing

CAG versus CDC

- NIEHS grant proposal
 - 1999 application and rejection
 - 2001 revised and re-rejected
 - CAG disputes rejection
- Blood Spot Studies
 - Asked Michigan to stop destroying cards
- ATSDR health consultation
 - Conference
 - Test of blood spot process
 - Training of local doctors

Health and Politics: DDT

- CAG learns of pro-DDT lobbying
- Sponsor Eugene Kanega International DDT Conference in March 2008
- Consensus Statement published in
 - *Environmental Health Perspectives*, May 2009
 - *Scientific American* reports on conference

The Eugene Kenaga International DDT Conference

Dr. Chris DeRosa, CDC, listens to Jane
Keon, Task Force Chair



ehp

ehponline.org

**ENVIRONMENTAL
HEALTH
PERSPECTIVES**

**The Pine River Statement:
Human Health Consequences of DDT Use**

**Brenda Eskenazi, Jonathan Chevrier, Lisa Goldman Rosas,
Henry A. Anderson, Maria S. Bornman, Henk Bouwman,
Aimin Chen, Barbara A. Cohn, Christiaan de Jager,
Diane S. Henshel, Felicia Leipzig, John S. Leipzig,
Edward C. Lorenz, Suzanne M. Snedeker, and Darwin Stapleton**

**doi: 10.1289/ehp.11748 (available at <http://dx.doi.org/>)
Online 4 May 2009**



NIEHS

National Institute of
Environmental Health Sciences

National Institutes of Health
U.S. Department of Health and Human Services

**The Good that has come
from an Effective CAG**

Renewed Civic Faith and Commitment to the Environment

- City attitude and atmosphere changed from defeatist/underdog to one of hope
- Positive toward the river
 - Fishing (huge Fish Derby)
 - Canoeing
- EPA/MDEQ recognizes value of local knowledge
- Think locally, Act globally

Search for Safe and Useful Restoration of the Former Plant Site



Burial of Our Tombstone !!



Re-listing and Cleaning the “Burn Pit” as a Real NPL Site

Burn pit “in action” (1960’s?)



Current Health Efforts

- Health survey
 - Former Velsicol workers
 - Long-time St. Louis residents
- Identify any trends and needed responses
 - Cancers
 - Endocrine disruptions
 - Neurological disruptions
 - Birth defects
- Answer lingering concerns of citizens
- Support effort to get PERMANENT clean-up

The End (or the Restoration)

Pine River at Lumberjack Park, Michigan

