

Rachel's Environment & Health News

#122 - What We Must Do -- Part 15: Crooks Lose Contract To Haul Waste For City Of Chicago

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The nation's largest waste hauler, Waste Management, Inc. (WMI), has lost its contract to collect trash for the City of Chicago because a local ordinance prohibits that city from doing business with companies whose officials have been convicted of bribery or bid rigging. Executives of a subsidiary of WMI, Ohio Waste Systems, pleaded guilty to bid rigging in federal court in Toledo and were convicted in late 1987; as a result, the City of Chicago notified WMI in early 1989 that Chicago's trash contracts would be given to other firms for three years. At the end of the three years, WMI can try to regain Chicago's trash hauling business again. The Chicago ordinance does not affect contracts that WMI has with private companies, only those with the city.

State legislatures have even more power than local governments to pass this kind of law. In Florida, the 1988 legislature considered a bill that would have prevented a company from winning state, county or municipal contracts with public agencies if company officials were convicted of, or pleaded "no contest" to, crimes such as bid rigging, bribery, fraud, price fixing, or racketeering. (Pleading no contest, or *nolo contendere*, is a way of saying to the judge, "I am not admitting guilt, but I am not going to fight the charges against me.") The Florida bill died in committee; it was modeled on a similar law that Florida has on its books already, preventing state or local contracts with road builders convicted of crimes.

Ralph Nader has long urged Congress to pass a federal law changing the way all corporations gain a license to do business in America. Although many people don't know it, doing business is not a right, it is a privilege. Today, corporations gain the privilege of doing business by becoming "chartered" in one of the 50 states. Once chartered, a company can do business in all other states as well.

In principal, a company that breaks the law could lose its charter and be driven out of business entirely. Unfortunately, states almost never revoke a corporate charter because states compete with each other to gain corporate charters. Why? Corporations pay taxes to the state that charters them. The states compete with each other to gain the most corporate charters, and thus the most tax. For this reason, states typically take a "hands off" approach to corporate control. (The state with the least controls and the lowest taxes tends to get the most corporations seeking a charter--which is why the large majority of Americans firms are chartered in Delaware today.)

Ralph Nader favors FEDERAL chartering of corporations. Under such a plan, there would be only one place to get a corporate charter--from Uncle Sam--and if corporations didn't play by the rules, they could lose the privilege of doing business in America. Congress has never been very enthusiastic about the Nader plan.

But even without state or federal action, grass roots citizens can pass local laws preventing crooks from getting lucrative local contracts. Losing a contract hurts Waste Management--or any other large firm--far beyond the dollar loss. It damages their credibility, and reduces their momentum. Such laws are an easy way for us to curb the excesses of our adversaries.

--Peter Montague

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951 NEW FEDERAL REPORTS DESCRIBE HAZARDS AT EVERY SUPERFUND SITE

Anyone concerned about a Superfund site will want to know about a series of reports completed recently by the Agency for Toxic Substances and Disease Registry (ATSDR). The ATSDR has issued 951 "health assessments"--one each for every site on the federal Superfund list. These reports are free (see list of contact people below), and they have many uses.

An ATSDR "health assessment" looks at the chemicals known to

exist at the site; it looks at the human populations near the site; and it looks at possible pathways by which humans might come into contact with the chemicals.

We have seen a few ATSDR health assessments and they look surprisingly useful. At the very least, they will provide you with additional ammunition to use in your local fight. The ones we have seen use strong language to describe the hazards that people may encounter on a Superfund site. You can use this strong language to prod the EPA (U.S. Environmental Protection Agency), or your state agency, into action. You can use the strong language to press for funds to move humans away from the danger. Or you can use the strong language to get your local newspapers and TV people interested in your site.

Even if you don't have a particular Superfund site you're worried about, you can gather a few of these reports and use them to make the general point that hazardous chemicals loose in the environment cause problems, so hazardous chemicals must be brought under strict control.

ATSDR is part of the national Centers for Disease Control (CDC) in Atlanta, Georgia. ATSDR has 10 offices around the country with two people in each office; you should contact your nearest office to get free copies of the Health Assessments that interest you. Here is the list of ATSDR contact people, many of whom are housed in your regional EPA office:

Region I: Marilyn DiSirio [phone: (617) 573-5719] and Louise House [phone: (617) 573-5726], EPA Regional Office, HSL-CAN 3, John F. Kennedy Building, Boston, MA 02203;

Region II: William Q. Nelson [phone: (212) 264-7662] or Denise Johnson [same phone], EPA Region II, Rm. 737, 26 Federal Plaza, New York, NY 10007.

Region III: Charles J. Walters [phone: (215) 597-7291] or Lynn Catherine Wilder [phone: (215) 597-2711], EPA Region III, Hazardous Waste Management Division, 841 Chestnut Building, Philadelphia, PA 19107.

Region IV: Chuck Pietrosewicz [phone: (404) 347-3931] or S. Cody Jackson [same phone], EPA Region IV, Waste Management Division, 345 Courtland St., NE, Atlanta, GA 30365.

Region V: Louise Fabinski [phone: (312) 353-8228] or Denise Jordan- Izaguirre [phone: (312) 353-8231], EPA Region V, Emergency and Remedial Branch 5HR, 230 South Dearborn, Chicago, IL 60604.

Region VI: Carl Hickam [phone: (214) 655-6725] or George Pettigrew [phone: (214) 655-2246], EPA Region VI, Office of Health Response, Allied Bank Tower at Fountain Plaza, 1445 Ross Ave., Dallas, TX 75202.

Region VII: Daniel Harper [phone: (913) 236-2856] or David Parker [same phone], EPA Region VII, Waste Management Branch, 726 Minnesota Ave., Kansas City, KS 66101.

Region VIII: Michael McGeehin [phone: (303) 294-7147], or Tamara Kicera [phone: (303) 294-7146], Region VIII, 8HWM-SR, Suite 500, 999 18th St., Denver, CO 80202.

Region IX: Donald Hawkins [phone: (415) 974-0563], or Gwen Eng [phone: (415) 974-0564], EPA Region IX, Toxic Waste Management Division, 215 Fremont St., San Francisco, CA 94105.

Region X: Joel Mulder [phone: (206) 442-2711], or Greg Thomas [phone: (206) 442-2113], EPA Region X (M/S HW113), 1200 6th Ave., Seattle, WA 98101.

Or order the report you want from: Steve Von Allmen, Health

Assessment Coordination Activity Office, ATSDR, Chamblee Complex, 1600 Clifton Road, NE, Atlanta, GA 30333; phone: (404) 488-4605.

--Peter Montague

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Descriptor terms: atsd; superfund; studies; statistics; health assessments; health studies; cdc; wmi; il; chicago, il; bid rigging; bribery; fraud; price fixing; ralph nader; federal chartering of corporations; corporate charters;