

## Rachel's Environment & Health News #763 -- Back in New Jersey February 20, 2003

We moved back to New Jersey six months ago, and it's great to be back. The move interfered with our publishing schedule a bit, but we'll soon get caught up.

To my way of thinking, Turnpike Exit 9 is a little slice of heaven. New Jersey is the Garden State, where activists grow like flowers. It's a state where you see tee shirts proclaiming, "Union and proud of it!" -- and because of those unions, wages in New Jersey exceed the national average. As a result, many people have some breathing room to worry about their neighborhoods and their children's health, and even to get nosy about their government. (Yes, folks, unions are essential to the success of every democracy. Unions are also the foundation-stone of public health: inequality is our biggest killer disease by far,[1] and labor unions are our best defense against inequality. When unions grow weak, the corporados roll you on the ground and have their way with you. Take a look around. But I digress.)

New Jersey is a state with a growing Environmental Justice Alliance, a statewide Environmental Federation with 80 organizational members, and a Work Environment Council with 60 organizational members where labor, community, and environmental activists develop strategies together. See <http://www.njwec.org>. To top it off, New Jersey sports a unique information service that keeps everyone informed: Garden State Environews reprints essentially every environmental story that appears in any of the state's newspapers, day after day, week after week. What phenomenal commitment, and what a phenomenal resource! See <http://www.gsenet.org>. Now we just need a similar service for labor news, to get more traffic flowing across the labor-environment bridge.

But of course there's a reason for all this energy, activism and commitment. Everyone in New Jersey lives within 10 miles of a toxic dump.[2] There are at least 12,648 active contaminated sites in the state, and more are being created as we speak.[3] Yes, there's real trouble here. Two reports released recently revealed that the streams and the tap water in much of New Jersey are contaminated with toxic metals, pesticides, antibiotics, flame retardants, deodorants, artificial colors, caffeine, benzene, pain killers, perfumes and fragrances, fuel additives like MTBE, anti-depressants, blood-pressure medicines, birth control pills, insulin, sunscreen, gasoline, and hormones that were injected into cows but soon leaked into the nearest stream.[4] A low-level toxic brew indeed. Drink up!

A lot has changed since we left New Jersey in 1990 to go to work for Greenpeace -- a stint that lasted only 2 years but took us away from New Jersey for 12. Unfortunately, one thing hasn't changed -- New Jersey (like the 49 other states) is still bogged down in a "risk assessment" mentality.

Until that risk assessment mentality changes, New Jersey will never be able to protect its environment or its communities, it will never be able to achieve environmental justice, and it will continue to sicken and kill its workforce at an appalling rate. Worse, state government will pretend to champion justice and public health while doing the exact opposite, thus eroding

people's trust in government and eventually in each other. When trust erodes and we find ourselves "bowling alone," the corporados cannot be held in check.[5] That's why risk-based thinking is the corporations' best friend.

How does a "risk assessment mentality" manifest itself? Let me count the ways.

For instance: When university scientists released their shocking report listing 600 industrial chemicals in the state's waters, a reporter wanted to know what it all meant. The chief research scientist answered the question this way: "The question is, 'Is this something the body deals with at low levels, metabolizes, and there's no problem? Or is this something that accumulates in the body? To be honest, we are just starting to deal with that question.'" In other words, what it all means is "scientific uncertainty" but trust us, we can "deal with that question" eventually. Until then, sit tight.

The take-home message was clear: scientists will have to determine the combined effects of all these chemicals on humans and wildlife before we can conclude there's a problem worth solving. We need scientific proof of harm before we can justify action to protect ourselves. That is the essence of a risk-assessment approach, and it is rampant throughout New Jersey (and the 49 other states). It is the main operating principle of the New Jersey Department of Environmental Protection, and even of many well-meaning environmentalists. No wonder New Jersey is a toxic quagmire and getting worse.[6]

Let's examine the university's risk-based approach for a moment. Scientists now know that very low levels of some individual chemicals are biologically active in humans -- especially humans in the womb. Some chemicals interfere with hormones at levels measured in parts per trillion, others in the low parts per billion.[7] Furthermore, a handful of studies have now shown that harmless levels of several individual chemicals can combine together to produce harm.[8] But testing to measure the effects of mixtures of chemicals is extremely expensive and time-consuming -- so testing mixtures will remain a scientific curiosity but will probably never become routine. We'll never be able to determine the precise effects on the offspring of a pregnant woman who drinks (and breathes) a toxic brew of mercury, PCBs, manganese, dry cleaning fluid, benzene, birth control pills and who knows what else. Lastly, if we're drinking (or breathing) these chemicals every day, it doesn't matter if they build up in our bodies or not; even if we excrete all of them every day, we get a fresh new load every day, so our bodies are continuously awash in exotic industrial toxicants. Can this be good for babies? Is this what we want for our babies? Do we really need scientists to answer these questions for us? Ask any Mom.

No, the risk-based approach would study a problem like New Jersey's contaminated waters (and air) for 100 years and still never reach scientific consensus on the nature of the danger. Corporations, of course, love this risk-based approach because it allows them to do their business in our water without ever taking

any responsibility for the dangers they create. They never get called to account or brought up short because the problem always has to be studied further.

A much smarter approach says, "All this crap in our environment is probably not good for babies, or for fish, and we could set specific goals for cleaning our waters and then take real steps to reach our goals. We could measure our progress each year. We could continue to study the harms of individual chemicals and spread that knowledge far and wide so people know exactly how and why their tax dollars are being spent. We do need the best possible scientific information. But delaying action until we have scientific consensus on the hazards posed by combinations of 600 industrial poisons is a recipe for endless trouble." Some would call this "precautionary action." Others would call it common sense. But it is not how the New Jersey Department of Environmental Protection thinks, and frankly many strong environmentalists (and journalists) still don't think this way either.

Here's a recent story from GARDEN STATE ENVIRONEWS Dec. 27, 2002:

"Eleven organizations, including fishing and environmental groups, sent a letter to N.J. Department of Environmental Protection (NJDEP) Commissioner Campbell, urging the state to put public health first when updating PCB consumption advisories for certain saltwater species (striped bass, bluefish, eel, lobster, and blue crabs) caught in N.J. waters. Though the State is moving toward being more protective of human health, there is a debate regarding how protective the advisories should be and how to present the cancer risks to the public.

"The groups recommend the state issue public health advisories based on a 1 in a million cancer risk (a lower risk of getting cancer), and say advisories based on 1 in 100,000 (a moderate risk of getting cancer) is the absolute minimum. The current advisories are based on a 1 in 1000 cancer risk (a higher risk of getting cancer)."

This news story gives the impression that PCBs are the only chemical of concern in N.J. fish, and cancer is the only disease to worry about. However, if anyone takes the time to look, they'll find dozens -- perhaps many dozens -- of industrial poisons in New Jersey fish. The combined effects of those poisons on fish-eaters will never be nailed down to a scientific certainty. At a minimum we know that almost all the fish in New Jersey have mercury in them[9] in addition to PCBs (plus many of the industrial chemicals listed earlier) -- so anyone who eats their catch in New Jersey is playing Russian roulette with cancer, subtle brain damage, reproductive problems, impaired immune systems, and harm to their hormones -- plus the very real danger of passing these problems along to the next generation. Go fishing in New Jersey? Sure, but it's got to be "catch and release." Let's be blunt: Only a fool would eat fish this contaminated. And only a scoundrel would hide these dangers from the public by pretending that the only contaminant of concern is PCBs and the only danger is cancer. This is the risk-based approach at its worst because it doubtless harms some people while pretending to protect them.

Here's another example:

At a meeting the other day, I ran into Jane Nogaki, one of New Jersey's most wonderful activists, an environmental and community leader who puts the rest of us to shame with her 25+ years of committed service, and her patient smile as she slips the knife to the corporate polluters. To give but one example of Jane's prowess: Back when Christie Todd Whitman was New Jersey's governor and environmental and worker protections were permanently stalled at the state level, Jane went from town to town and convinced 87 separate communities to adopt a precautionary, least-toxic pesticide ordinance to protect students and staff in their schools. Shortly after Christie Whitman fled New Jersey (leaving \$5 billion in red ink as her legacy) to apply her "voluntary compliance" philosophy as head of U.S. Environmental Protection Agency [EPA], Jane Nogaki's precautionary approach to school pesticides quietly turned into New Jersey state law.

Anyway, Jane says to me, "New York has passed a law banning the use of arsenic in new playground equipment. Don't you think N.J. could use a law like that?" I start to answer when a gentleman standing nearby chimes in. I believe his work is partially funded by the U.S. Department of Agriculture, a lumbering agency in every sense of that word. Immediately he steers the conversation into familiar risk-assessment territory:

Gentleman: "I've been looking at this, and the only place you'd expect to find arsenic is in the soil immediately around the posts holding up the play set. It won't harm anyone there," he says in classic risk-assessor fashion.

Jane, smiling: "Actually, they're finding arsenic all over the play sets, where the children can get it on their hands. Arsenic causes cancer and it's a danger to the children."

Gentleman: "From what I read, it's only freshly-treated lumber that has arsenic on its surface. As play sets age, the arsenic is no longer measurable, so there's little or no hazard," he says, in best risk-assessor style.

"Actually," says Jane, smiling, "I've been reading just the opposite. It's the older play sets that have the most arsenic on the wood." The gentleman goes silent. Jane has nailed him.[10]

I speak for the first time. "This is a risk assessment conversation," I say. "Maybe a precautionary approach would help. A precautionary approach would ask, What are our alternatives? What are the different ways of providing play sets for children?"

Jane smiles broadly. "Yes, there are non-arsenic wood preservatives, there are different kinds of wood that don't need preservatives, there are plastics, and there are metal play sets," she says.

Gentleman: "The exotic woods cost at least 20% more than arsenic-treated yellow pine and they don't have the necessary strength." A lumber guy to the end.

I say, "The play set at my early school could easily be in use today, 50 years later. It was made of sturdy metal."

At that moment the meeting is called to order and our conversation ends. I reflect that the gentleman has been using a risk-based approach to defend the status quo, doing his best to prevent people like Jane and me from asking the most basic precautionary questions: (a) What are our goals for our children

and the quality of our environment? (b) What are our options for getting there? (c) How can we prevent problems before they start? (d) Shouldn't corporations have to test their products before they are allowed to market them?

Those questions are fundamentally different from, "How much arsenic-treated wood is safe for children at play? How much PCB-mercury-Viagara-contaminated fish can a pregnant woman eat without damaging her unborn baby's brain?"

The true answers to the precautionary questions can be known through a process of democratic debate. On the other hand, the true answers to the risk questions are forever unknowable, subject to endless scientific uncertainty. So long as we allow uncertainty to paralyze us while we search for the Holy Grail of scientific consensus, the corporados will rule the day and our children will get sick: cancer, asthma, reduced IQs, attention deficits -- all the things that afflict New Jersey's children now and are getting worse.

It was risk-assessment thinking that created New Jersey as it is today: dangerously contaminated by unaccountable corporate decisions, aided by governments and scientific risk assessors. The best hope of turning things around is starting to think and speak in a precautionary way. We can do this. It is starting to happen. So long as we retain the right of free speech, this surging sea change is something that the Enron-Halliburton-Monsanto gangbangers simply cannot stop.

--Peter Montague

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[1] See Rachel's #497, #584 and #654 and see Richard Wilkinson, UNHEALTHY SOCIETIES: THE AFFLICTIONS OF INEQUALITY (New York: Routledge, 1997; ISBN: 0415092353); and see the bibliography in D. Raphael, INEQUALITY IS BAD FOR OUR HEARTS: WHY LOW INCOME AND SOCIAL EXCLUSION ARE MAJOR CAUSES OF HEART DISEASE IN CANADA (Toronto: North York Heart Health Network, 2001). And see, for example: Ana V. Diez Roux and others, "Neighborhood of Residence and Incidence of Coronary Heart Disease," NEW ENGLAND JOURNAL OF MEDICINE Vol. 345, No. 2 (July 12, 2001), pgs. 99-106. And: Michael Marmot, "Inequalities in Health," NEW ENGLAND JOURNAL OF MEDICINE Vol. 345, No. 2 (July 12, 2001), pgs. 134-136. And see the extensive bibliographies in the following: M. G. Marmot and Richard G. Wilkinson, editors, SOCIAL DETERMINANTS OF HEALTH (Oxford and New York: Oxford University Press, 1999; ISBN 0192630695); David A. Leon, editor and others, POVERTY, INEQUALITY AND HEALTH: AN INTERNATIONAL PERSPECTIVE (Oxford and New

York: Oxford University Press, 2001; ISBN 0192631969); Norman Daniels and others, IS INEQUALITY BAD FOR OUR HEALTH? (Boston: Beacon Press, 2000; ISBN: 0807004472); Ichiro Kawachi, and others, THE SOCIETY AND POPULATION HEALTH READER: INCOME INEQUALITY AND HEALTH (New York: New Press, 1999; ISBN: 1565845714); Alvin R. Tarlov, editor, THE SOCIETY AND POPULATION HEALTH READER, VOLUME 2: A STATE PERSPECTIVE (New York: New Press, 2000; ISBN 1565845579).

[2] "Greening the Garden State [Editorial]," New York Times Nov. 16, 2002, pg. A16.

[3] Evan van Hook, Assistant Commissioner for Site Remediation, N.J. Department of Environmental Protection, speaking at a "Brownfields Roundtable" held at the Work Environmental Council's Trenton office Jan. 10, 2003. A 1200-page list of New Jersey's active contaminated sites is available at <http://www.nj.gov/dep/srp/kcs-nj/>.

[4] Alex Nussbaum, "NJ Water Contains Traces of Daily Life," Bergen Record March 5, 2003. And see Peter Hall, "Of 923 Private Wells Tested in New Jersey, 84 Percent Fail to Meet Standards," [Easton, Pa.] Express-Times January 26, 2003. And see Chris Gosier, "Water Detectives Search for Poisons," [Parsippany, NJ] Daily Record March 3, 2003. And see "Analyzing the Ignored Environmental Contaminants," Environmental Science and Technology [ES&T] April 1, 2002, pgs. 140A-145A.

[5] Robert D. Putnam, Bowling Alone; The Collapse and Revival of American Community (New York: Simon and Schuster, 2000; ISBN 0-684-83283-6).

[6] Anyone who believes this characterization of the Garden State is inaccurate or unfair needs to read the eight articles on groundwater contamination by Matthew Brown and Jan Barry published in the Bergen Record Sept. 22, 23 and 24, 2002.

[7] See for example Frederick vom Saal and others, "A Physiologically Based Approach to the Study of Bisphenol A and Other Estrogenic Chemicals on the Size of Reproductive Organs, Daily Sperm Production, and Behavior," Toxicology and Industrial Health Vol. 14, Nos. 1 and 2 (1002), pgs. 239-260.

[8] David O. Carpenter and others, "Understanding the Human Health Effects of Chemical Mixtures," Environmental Health Perspectives Vol. 110 Supplement 1 (February, 2002) pgs. 25-42.

[9] Jonathan Schuppe, "Poison-Fish Delays Have DEP on Hook," Newark Star-Ledger August 13, 2002.

[10] See Renee Sharp, Paul Bogart and others, THE POISONWOOD RIVALS (Washington, D.C.: Environmental Working Group, 2001). And see Sean Gray and Jane Houlihan, ALL HANDS ON DECK (Washington, D.C.: Environmental Working Group, 2002). Both available at <http://www.ewg.org/issues/home.php?i=7>.

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